

*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 /: 01656 643147
Gofynnwch am / Ask for: Andrew Rees

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

Dyddiad/Date: 1 July 2016 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, 7 July 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 3 August 2016 for proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.
4. Approval of Minutes 3 - 12
To receive for approval the minutes of the Special meeting of the Development Control Committee of 4 May 2016 and the minutes of the meeting of the Development Control Committee of 9 June 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 13 - 18

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.

7. Development Control Committee Guidance 19 - 22
8. Officer's Reports
 - (a) P/16/376/RLX - Waterton House, Brocastle Avenue, Waterton Industrial Estate 23 - 32
 - (b) P/16/385/BCB - Land Rear 297 - 311 Erw Hir, Brackla 33 - 42
 - (c) P/16/313/FUL - Land adj Three Horse Shoes Lamb Row, South Cornelly 43 - 58
 - (d) P/15/845/FUL - Land West End of Lansbury Close, Maesteg 59 - 74
 - (e) P/16/284/FUL - Ty Elis, 14 Victoria Avenue, Porthcawl 75 - 82
 - (f) P/16/309/FUL - Industrial Pipework Limited, Heol Ty Gwyn Industrial Estate, Maesteg 83 - 88
9. Appeals 89 - 92
10. Training Log 93 - 94
11. Urgent Items

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

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

Present

Councillor M Thomas – Chairperson

N Clarke	CA Green	DRW Lewis	JE Lewis
HE Morgan	LC Morgan	D Patel	G Thomas
C Westwood			

Officers:

Craig Flower	Planning Support Team Leader
Tony Godsall	Traffic & Transportation Manager
Gary Jones	Head of Democratic Services
Rod Jones	Senior Lawyer
Andrew Mason	Right of Way Manager
Anne-Marie Moon	JBA Consulting
Robert Morgan	Senior Development Control Officer
Jonathan Parsons	Group Manager Development
Andrew Rees	Senior Democratic Services Officer - Committees
Sara Taylor	Land Drainage Engineer
Huw Towns	Carmarthenshire County Council

716. APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members:

Councillor JC Spanswick
Councillor R Williams

717. DECLARATIONS OF INTEREST

None.

718. PUBLIC SPEAKERS

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

<u>Name:</u>	<u>Planning Application No:</u>	<u>Reason for Speaking:</u>
Cllr HJ David	P/16/128/FUL	Objector
Community	P/16/128/FUL	Objector
Councillor D Evans		
Mrs J Adamson	P/16/128/FUL	Objector
Mr W Watson	P/16/128/FUL	Applicant
Chief Executive, Celtic Energy Ltd.		

719. AMENDMENT SHEET

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

721. P/16/128/FUL - FORMER MARGAM SURFACE MINE, FFORDD-Y-GYFRAITH, BRIDGEND - PROPOSED ALTERNATIVE RESTORATION AND AFTERCARE SCHEME IN RESPECT OF THE FORMER MARGAM SURFACE MINE

<u>Code No:</u> P/16/128/FUL	<u>Proposal</u> Proposed alternative restoration and aftercare scheme in respect of the former Margam Surface Mine
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RESOLVED: (1) That the applicant enter into a Section 106 Agreement to secure an acceptable programme of prioritised works and the ring fencing of money within the restoration fund to enable the delivery of this programme and to secure its aftercare;

(2) That the Corporate Director Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, and the Welsh Ministers' indicate that the application is not to be called in and or the holding direction issued is lifted subject to the conditions in the report of the Corporate Director Communities and subject to the following amendments:

Removal of the wording 'Bye-way' from Condition 8.

Additional Condition 46:

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.

The meeting closed at 3.07 pm

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 9 JUNE 2016 AT 2.00 PM

Present

Councillor M Thomas – Chairperson

N Clarke	GW Davies MBE	DRW Lewis	JE Lewis
LC Morgan	D Patel	JC Spanswick	C Westwood
RE Young			

Officers:

Rhodri Davies	Development & Building Control Manager
Craig Flower	Planning Support Team Leader
Mark Galvin	Senior Democratic Services Officer - Committees
Nicola Gandy	Principal Planning Officer
Tony Godsall	Traffic & Transportation Manager
Eilian Jones	Senior Planning Officer
Robert Morgan	Senior Development Control Officer
Jonathan Parsons	Group Manager Development

739. APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members:-

Councillor R Williams
Councillor JH Tildesley
Councillor CA Green – Other Council business
Councillor G Thomas
Councillor P Davies

740. DECLARATIONS OF INTEREST

The following declarations of interest were made:-

Councillor D Patel – P/15/847/FUL – Prejudicial interest in that she was a Board Member of Valleys 2 Coast. Councillor Patel left the meeting whilst this item was being discussed.

Councillor N Clarke – P/16/151/FUL – Personal interest in that she is a Member of Porthcawl Town Council who takes no part in planning matters.

Councillor GW Davies – P/15/624/FUL – Prejudicial interest in that he was known to an objector to the application. P/16/301/FUL – Prejudicial interest in that he is a Member of Maesteg Town Council and an original objector to the application. Councillor Davies left the meeting whilst these items were being discussed. P/15/845/FUL – Personal interest as a Member of Maesteg Town Council who takes no part in planning matters. P/13/808/OUT – Personal interest as a Member of Maesteg Town Council who takes no part in planning matters.

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 9 JUNE 2016

741. SITE VISITS

RESOLVED: That Members agreed to 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.

742. APPROVAL OF MINUTES

RESOLVED: That the Minutes of a meeting of the Development Control Committee dated 12 May 2016, be approved as a true and accurate record.

743. 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>
P Rayment	P/15/847/FUL	Objector
L Shaw	P/15/847/FUL	Applicant
Cllr P James	P/16/137/FUL	Local Member
J Curtis	P/16/137/FUL	Applicant

744. AMENDMENT SHEET

RESOLVED: That the Chairperson accepted 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 Members to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be accommodated.

745. P/15/624/FUL - PLOT 5 STABLE LANE OFF NEW STREET, PANTYGOG, PONTYCYMMER

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/15/624/FUL	3 bedroom 2 storey dwelling (Re-submission of P/14/597/FUL)

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

RESOLVED: (1) That having regard to the following application, the applicant enters 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 by the Local Planning Authority:-

<u>Code No.</u>	<u>Proposal</u>
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DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 9 JUNE 2016

P/15/847/FUL Create 12 Flats comprising 3 x 2 bed flats and 9 x 1 bed flats in one 2 storey building

- (2) That, if Committee is minded to grant consent, 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, subject to the Conditions contained in his report.

Subject to the reference to '10 parking spaces' in the first line of Condition 7 of the report, being amended to "12 parking spaces"

747. P/16/301/FUL - FILCO SUPERMARKET CAR PARK, HERMON ROAD, CAERAU, MAESTEG

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

Code No. Proposal

P/16/301/FUL New build 2 No. semi-detached 2 bed houses inc. alterations to Filco car park size.

Subject to Condition 9 of the report being amended as follows:-

9. No development shall commence until a scheme for the provision of 15 off street parking spaces and an improved access has been submitted to and agreed in writing by the Local Planning Authority. The access and parking area shall be completed in permanent materials with the individual parking 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.

748. P/16/151/FUL - 12 TYTHEGSTON CLOSE, PORTHCAWL

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

Code No. Proposal

P/16/151/FUL Proposed single storey extensions to front and rear and front and rear dormers.

749. P/16/137/FUL - PLOT 116 VILLAGE FARM ROAD, VILLAGE FARM INDUSTRIAL ESTATE, PYLE

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

Code No. Proposal

P/16/130/FUL Demolition of existing office/WC and construct new taxi office

750. P/16/130/FUL - 32 NOLTON STREET, BRIDGEND

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

Code No. Proposal

P/16/130/FUL Demolition of existing office/WC and construct new taxi office

751. P/15/845/FUL - LAND WEST END OF LANSBURY CLOSE, MAESTEG

RESOLVED: That the following application be deferred to allow further negotiation on highway/access matters:-

Code No. Proposal

P/15/845/FUL 12 dwellings and associated works

752. P/16/189/FUL - GATE HOUSE R/O 34 PARK STREET, BRIDGEND

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

Code No. Proposal

P/16/189/FUL Change use into a 1 bedroom dwelling

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

RESOLVED: (1) That having regard to the following application, 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 Local Areas of Play (LAP) and 2 x 400 sq. m of formal Local Equipped Area of Play (LEAP) with a combined total of 4,200 square metres of open space on the site, 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 50th residential unit on the site.

Code No.

Proposal

P/13/808/OUT

Mixed-Use development: 138 dwellings, Public House, restaurants, retail and Employment

- (2) That 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.
- (3) That the Corporate Director – Communities also 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 additional Conditions as contained in the report.

754. P/12/796/FUL – RESIDENTIAL DEVELOPMENT OF 94 DWELLINGS AND OUTLINE APPLICATION FOR INDUSTRIAL/COMMERCIAL USE ON 2.23 HA - LAND AT TY DRAW FARM, PYLE, BRIDGEND

RESOLVED:

That having regard to the report of the Corporate Director – Communities, and for the reasons contained therein, as explained to Members at the meeting by the Principal Planning Officer, the request to vary the S106 Agreement through a Deed of Variation, be approved.

755. DRAFT REVISIONS TO PLANNING POLICY WALES (PPW) CHAPTER 6: THE HISTORIC ENVIRONMENT

The Corporate Director – Communities submitted a report, the purpose of which, was 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 of the report referred) following the Development Control Committee Member Workshop session held on 23 May 2016. 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.

The Group Manager Development referred to the background of the report, and in particular, advised that revisions to Chapter 6 of PPW are required, 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, he advised that the Chapter needed 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 Group Manager Development continued by advising that the Local Planning Authority and Building Conservation Officers, currently refer to advice contained within Chapter 6 of Planning Policy Wales (8th Edition – January 2016) and Welsh Office Circular 61/96: Planning and the historic Environment: Historic Buildings and Conservation Areas.

In terms of the next steps he informed Members that 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

RESOLVED: That Members noted the content of the report, and the LPA's draft response to the WG's Consultation as contained in Appendix 1 to the report.

756. DEVELOPMENT CONTROL SITE VISIT PANEL

The Senior Solicitor presented a report, the purpose of which, was for the 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.

Following consideration of the report by Members, it was

RESOLVED: That the Development Control Committee Site Visit Panel consist of:

- The Committee Chairperson;
- The Committee Vice-Chairperson;
- Councillor D Patel – Third Member;
- Councillor RE Young (Reserve Member)

757. NOMINATION AND APPOINTMENT TO THE RIGHTS OF WAY SUB-COMMITTEE

The Corporate Director – Operational and Partnership Services submitted a report, the purpose of which, was to nominate and appoint Members to the Rights of Way Sub-Committee. In order for the Sub-Committee to be politically balanced, it should comprise of 4 Labour members (including the Chairperson and Vice-Chairperson of the Development Control Committee; 1 Independent/Alliance Member and 1 Independent/Annibynwr Member

Following consideration of the report by Members, it was

RESOLVED: That the Rights of Way Sub-Committee be established of the following Members:-

- Chairperson of the Development Control Committee;
- Vice-Chairperson of the Development Control Committee;
- Councillor D Patel
- Councillor RE Young
- Councillor CA Green; and
- Councillor JH Tildesley

758. APPEALS

NOTED: (1) That the Inspector appointed by the Welsh Ministers to determine the following Appeal directed that it be DISMISSED:-

<u>Code No.</u>	<u>Subject of Appeal</u>
A/16/3141978 (1770)	Create larger balcony 5M x 2.3M: Locks Cottage, Locks Common, Porthcawl. (Appendix A to the report refers)

(2) That the Inspector appointed by the Welsh Ministers to determine the following Appeals directed that it be ALLOWED subject to Conditions:-

<u>Code No.</u>	<u>Subject of Appeal</u>
A/15/3141349 (1771)	Retention of building as built (amendment to P/13/147/FUL) for use as studio dwelling by family member: 133 Cowbridge Road, Bridgend (Appendix B to the report refers)

759. TRAINING LOG

RESOLVED: That the Committee agreed to the planned training sessions for Members, as well as the added future training sessions, detailed in the report of the Corporate Director – Communities, with it noted that an additional session on the subject of Parking Standards be added to the list of future training sessions.

760. P/16/128/FUL – FORMER MARGAM SURFACE MINE FFORDD-Y-GYFRAITH, BRIDGEND

The Chairperson accepted the following item as urgent in accordance with Part 4 of the Council Procedure Rules, due to the very tight deadlines associated with the development and the impending commencement of development works.

The Group Manager Development presented a report, that reminded Members that the above application was reported to a Special meeting of the Development Control Committee on 4 May 2016, whereby Committee were minded to approve the application, subject to the signing of a S106 Agreement and the removal of a holding direction issued by Welsh Government. The holding direction had now been removed and the Agreement had been progressed and was about to be signed.

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 9 JUNE 2016

The purpose of this update report, was to advise Members of a number of necessary minor amendments to the proposed planning conditions attached to the original report. The amendments were necessary, to address typographical/drafting errors and to harmonise the wording with the conditions proposed by Neath Port Talbot CBC in a corresponding application.

The Group Manager then confirmed the conditions approved previously, that required amending to that detailed in the report. These were Condition 7, 9, 18, 26, 27 and 46.

RESOLVED: That the Conditions indicated above, and outlined in the report of the Corporate Director – Communities be amended in place of the respective Conditions previously approved.

The meeting closed at 3.20 pm

DEVELOPMENT CONTROL COMMITTEE

7 JULY 2016

**AMENDMENT SHEET (AS) - circulated by email 6 July 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.

ITEM NO.	PAGE NO.	APP. NO.
8a	17	P/16/376/RLX

The application was subject to a Development Control Committee Full Site Visit which took place on Wednesday 6th July, 2016.

The Community Councillor, the applicant and the agent were also in attendance.

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

ASA

The report includes a list of all the properties from which objections to the application were received. Following the publication of the report it became apparent that a number of on-line objections had been received but due to a failure in the IT system had been registered against the application. Objections were received from the following properties:

Parc Newydd Farm, Pant Glas, Bodafon, The Malthouse, Molchenydd House, 2 Llys Ty Mawr, Ffaur Llweod, 10 Glan-y-Nant, 1 Llys Ty Mawr, Selaw, Awelon and Gwyndy.

Responses have also been received from eight of the original objectors, Llangan Community Council, Cllr Ray Thomas (Ward Member for Treoes) to the Council's letter advising of the changed description of development. All parties maintain their objection to the variation of the original planning and consider that noise from works within the extended factory will affect their living conditions and well-being. Letters have also been received from Jane Hutt (AM), Andrew RT Davies (AM) and Alun Cairns (MP) reiterating the residents' concerns.

The objections are considered in the committee report.

Coychurch Lower Community Council has provided the following revised observations: 'The recommended hours of operation should apply to all vehicles not just delivery vehicles entering the site during these times'.

Condition 4 should be re-worded as follows:

The parking and turning area shall remain available for its designated use in perpetuity.

Reason: In the interests of highway safety

ASA 8b	27	P/16/385/BCB
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A letter of objection has been received from the owner/occupier of 311 Erw Hir expressing concerns in relation to the suitability of the site, the scale of the application, a loss of privacy nuisance and disturbance. These matters are considered in the committee report.

Condition 6 should be re-worded as follows:

The car park facility hereby permitted shall not be open to entry outside the following times:
07:00 - 18:00 hours

Reason: In the interests of residential amenities.

In paragraph 4 on page 31 of the report reference is made to additional screening to the rear of parking bays 17-24. It is however considered that the existing boundary fence safeguards privacy and security to the existing properties

8c

37

P/16/313/FUL

The application was the subject of a Development Control Committee Panel Site Visit which took place on Wednesday 6th July, 2016.

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

ASA

a. The Case Officer's report refers to the application site being approximately 100m away from Gaens quarry. The development therefore falls within the 200m Mineral Buffer Zone, as defined by Policy ENV10 of the Bridgend Local Development Plan (BLDP). However, as a former car park of a public house, which has been subject to previous planning consent for residential development and that the circumstances of the site and quarry have not significantly changed, it is concluded that the proposal would not sterilise the mineral resource and that the level of impact on the future occupiers of the proposed dwellings from the quarrying operations would not be so significant as to warrant refusal of the application. The development, therefore, satisfies Policy ENV10 of the BLDP.

b. Further consideration has been given to the highway implications of the proposed development. Whilst it is acknowledged that construction traffic is likely to be on a short-term and temporary basis, it is recommended that a further condition should be imposed for a Construction Management Plan to be submitted to, and agreed by the Local Planning Authority prior to commencement of development. This plan would manage any localised construction traffic to and from the site, in the interests of highway and pedestrian safety. This imposition of this condition has been supported by the Group Manager Transportation and Engineering (Highways).

Include the following condition:

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

- (i) Provision of a temporary compound for construction materials and plant and parking for contractor's vehicles during the construction of the development;
- (ii) A scheme of temporary traffic management at the site entrance and along Lamb Row;

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

Reason: In the interests of highway/pedestrian safety.

8d

53

P/15/845/FUL

The application was the subject of a Development Control Committee Full Site Visit which took place on Wednesday 6th July, 2016.

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

ASA

a. The application was deferred from June 2016 Committee for further consideration of highway matters. Subsequent discussions have taken place between the Case Officer, the agent and the Highways Authority. This led to the submission of an amended plan concerning highway improvement works along Lansbury Close (Drawing No.101 Rev.P3 refers). The Group Manager Transportation and Engineering (Highways) has no objections to the proposal subject to the rewording of Condition 1 and the inclusion of an additional condition.

i) Amend Condition 1 to state:

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.P3 - General Arrangement [Sheet 2 of 2] (received 5 July 2016)

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.

ii) Include the following Condition:

15. Notwithstanding the requirements of Condition 1 and prior to the commencement of development (including excavation and site levelling works), the proposed carriageway widening and on-street parking bays along Lansbury Close shall be completed in permanent materials, with the parking bays demarcated in permanent materials, in

accordance with the approved layout - Drawing No. 8672/101 Rev P3 (received 5 July 2016).

Reason: In the interests of highway safety.

MARK SHEPHARD
CORPORATE DIRECTOR – COMMUNITIES
7 JULY 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
- 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		

REFERENCE: P/16/376/RLX

APPLICANT: T B D (Uk) Ltd C/O John Matthews Planning & Dev., 47 Anglesey Way, Porthcawl, CF36 3QP

LOCATION: Waterton House Brocastle Avenue Waterton Industrial Estate

PROPOSAL: Relax condition 9 of P/09/937/FUL (operating hours of the site)

RECEIVED: 11 May 2016

SITE INSPECTED: 13 June 2016

APPLICATION/SITE DESCRIPTION

In 2010, planning permission was granted to TB Davies (UK) Ltd to extend an existing industrial unit to provide additional manufacturing floorspace on Brocastle Avenue, Waterton Industrial Estate (P/09/937/FUL refers). The Noise Assessment report that accompanied the aforementioned application indicated that hours of operation would be limited and, in a need to safeguard the amenity of residents but not discourage investment, a condition was imposed which sought to control the operations in and around the extended building with reference to hours of work. Condition 9 of P/09/937/FUL stated:

'No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times:

*Monday-Friday: 07:30 hours to 18:00 hours;
Saturday: 07:30 hours to 12:30 hours;
And not at any times on Sundays, Bank Holidays*

Reason: In the interests of residential amenities'.

In October 2015, the Department received complaints from residents of Treoes regarding noise emanating from operators on Waterton Industrial Estate. Subsequent investigations confirmed that TB Davies (UK) Ltd was carrying out operations outside of the approved hours of use. The breach was brought to the company's attention and initial consideration was given to changes to the operational systems so that no work would be undertaken within the extended building outside the hours controlled by the condition. This proved difficult and has resulted in this application, made under Section 73 of the Town and Country Planning Act, seeking to relax condition 9 and substitute with the following wording:

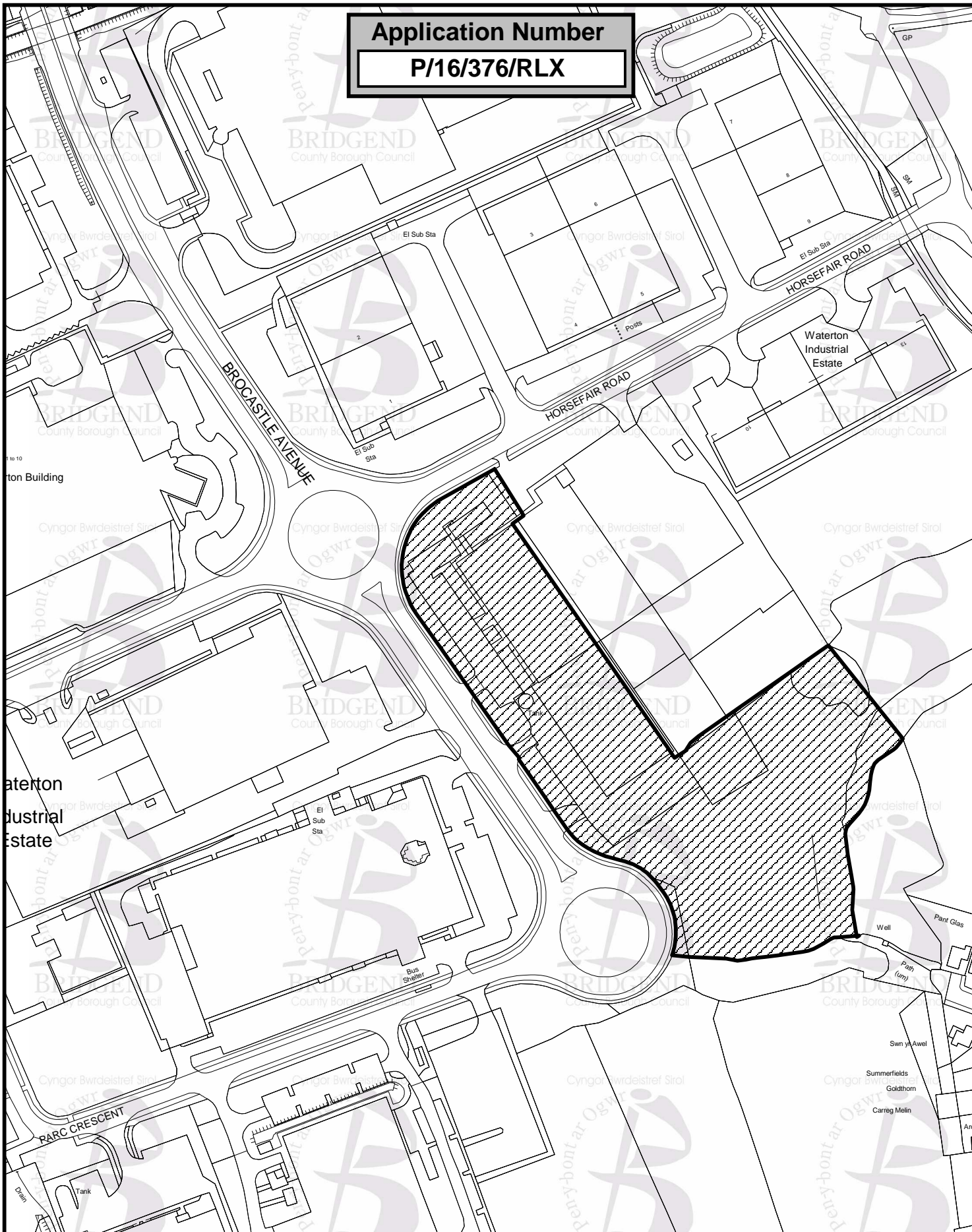
No process shall be carried out, no plant or machinery shall be operated, outside the building (approved under P/09/937/FUL) and no delivery vehicles shall enter or leave the site outside the following times:

*Monday to Friday: 07:30 hours to 18:00 hours
Saturday: 07:30 hours to 14:00 hours
And not at any time on Sundays or Bank/Public Holidays*

Reason: In the interests of residential amenities.

Application Number

P/16/376/RLX



Scale 1:2,500

**Date Issued:
30/06/2016**

**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



Originally, the application sought to remove condition 9 to allow the operation to continue un-controlled but this has been amended as a result of negotiations with the applicant company and their planning representative.

The applicant company have requested that the following information be considered in support of the application:

(i) The Waterton Industrial Estate has long been, and continues to be allocated for employment uses including B2 general industry which by definition is a use for which operational hour restrictions are unjustifiable and,

(ii) It is irrational given that the existing original part of the industrial building is not the subject of an operational hour restriction. Moreover, other neighbouring uses notably the nearby Royal Mail depot which has large vehicles entering and exiting the site, is not the subject of operational hour restrictions.

The supporting statement continues and indicates that the planning condition places 'intolerable constraint on the effective and successful operation of the applicant company's business activities. It is understood that the company's acquisition of the property proceeded on the basis that the existing buildings were not the subject of any operational hour restriction and the estate's general allocation for employment uses including B2 general uses.

RELEVANT HISTORY

P/09/937/FUL: Planning permission was granted for an extension to an existing industrial unit on 14th June 2010.

PUBLICITY

The application has been advertised on site.

Residents of the village of Treoes (Vale of Glamorgan) have been notified of the receipt of the application.

The period allowed for responses to consultations/ publicity has expired.

A letter advising the residents, community councils and Vale of Glamorgan of the change to the description of development have been sent on 27th June 2016.

NEGOTIATIONS

Commenced on 9th June 2016 in response to concerns expressed by residents and the community councils

CONSULTATION RESPONSES

Coychurch Lower Community Council: This site is very close to homes in Treoes, and relaxing the condition increase noise experienced by residents in the village. The restricted operating hours condition should remain.

Head of Street Scene (Highways): No objection.

Group Manager Public Protection: No objection to the relaxation of the planning condition subject to a new condition being re-instated to control the hours of work outside the 'extended' building.

REPRESENTATIONS RECEIVED

Letters of objection have been received from the following properties:

The Croft, Swn Yr Awel, Summerfield, Goldthorn, Carreg Melin, Arosfa, Ty Onnen, Great House, 6 & 16 Yr Efail, The Old Barn, Ty Newydd, Bronhaul, Trelaun, Foxwood, Copperfield, 11 Nant Canna, Stoneybrook, Caeffynnon, Rhoslanog, Clifton House, Gwyndy and 11,14,21 Brookside.

The following is a summary of the objections received:

1. Industry opening 24 hours a day so close to existing properties is unacceptable - daytime working should be maintained. Original planning condition was required to preserve lower noise levels to protect the amenity of residents who have a right to the quiet enjoyment of their homes.
2. The applicant has secured business contracts in the full knowledge of the planning controls
3. To allow this application would set a precedent for other businesses to operate for 24 hours
4. Business could consider re-location elsewhere on Waterton Industrial Estate, where there are vacant units, further away from existing properties
5. Increased disturbance could dissuade people from living in the village and could devalue properties
6. Noise may have an impact on wildlife
7. Previous planning inquiry decision on the adjacent site considered the need to safeguard the living conditions of the Treoes residents and rejected the appeal on that basis.

Representations have also been received from Llangan Community Council who has objected on the basis of public amenity of Treoes residents. The Council are requested to consider proposals contained in the 1996 Secretary of State report re Boundary Changes and the 2001 Inspectorate Report which requires that BCBC give close attention to the siting and design of any development in order to protect the amenities of the nearby village of Treoes. Llangan Community Council request that this application to relax hours is refused and that BCBC take out enforcement action to return TBD (UK) to normal daytime working hours only.

Alun Cairns MP (Vale of Glamorgan), Jane Hutt (AM) and Andrew RT Davies (AM) have also written on behalf of their constituents and have asked that this Council consider maintaining the working hours so that works in the factory can only be undertaken during sociable working hours. All writers maintain that the Treoes residents are entitled to the quiet enjoyment of their homes during evenings and at weekends.

COMMENTS ON REPRESENTATIONS RECEIVED

Whilst the principal objection of the noise affecting the amenity will be considered in the appraisal section, the following comments are provided in response to the other objections received:

Setting a precedent for other businesses to operate for 24 hours:

This application is being considered on its own planning merits having regard to the specific site circumstances and existing planning controls. If the Council are minded to vary the planning condition that control the extended part of the TBD (UK) Ltd operation that would not influence any planning decision that would be made on other premises on the estate.

Business could consider re-location elsewhere on Waterton Industrial Estate,

The re-location of the business is not before this Council.

Increased disturbance could dissuade people from living in the village and could devalue properties

Ensuring that a development does not adversely affect the amenity of neighbouring uses is one of the criteria against which this application is being considered but it does not extend to protection of property values - this is not a material planning consideration.

Noise may have an impact on wildlife

No evidence has been offered as to the direct impact of this business on the local wildlife and as such this is not a basis for rejecting this planning application. The wording of the revised condition which will control operations outside the building will provide safeguards not only to residents but to any ecological interests.

Previous planning inquiry decision on the adjacent site considered the need to safeguard the living conditions of the Treoes residents and rejected the appeal on that basis

The appeal decision relates to an adjacent site but a very different operation which involved the storage and distribution of containers on open land. In the context of the development policies of the time, the Inspector concluded that the operation was having an unacceptable impact on the amenity of the residents of Treoes and dismissed the appeal and upheld the enforcement notice. The manufacturing process undertaken at the TBD (UK) Ltd site principally takes place inside the building but it is acknowledged that the Council does need to control activities outside the building and the revised condition does offer such controls which should be sufficient to reasonably safeguard the amenity of residents.

APPRAISAL

The application is referred to Committee in view of the objections received from the residents of Treoes and the Community Councils.

Section 73 (S73) of the Town and Country Planning Act 1990 relates to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. In this case TBD (UK) Ltd are seeking permission to continue operating from the building and land that were subject of planning application P/09/937/FUL but in accordance with the previously imposed conditions with condition 9 varied as follows:

No process shall be carried out, no plant or machinery shall be operated, outside the building (approved under P/09/937/FUL) and no delivery vehicles shall enter or leave the site outside the following times:

Monday to Friday: 07:30 hours to 18:00 hours

Saturday: 07:30 hours to 14:00 hours

And not at any time on Sundays or Bank/Public Holidays

Reason: In the interests of residential amenities.

On such applications, the Council must only consider the question of the conditions subject to which planning permission should be granted and if they decide planning permission should be granted subject to conditions differing from those previously granted then the S73 application should be granted. If the Council decides that planning permission should be granted subject to the same condition as originally imposed then planning permission should be refused.

National policy requires that all applications for planning permission, including applications made under S73 of the Town and Country Planning Act should be determined in accordance with the adopted development plan for the area, unless material considerations indicate otherwise. Material considerations could include current circumstances, policies in an emerging development plan, and planning policies of the Welsh Government.

The application site is located on Waterton Industrial Estate which is allocated and protected for employment development falling within uses B1, B2 and B8 (as defined by the schedule to the Town and Country Use Classes 1987), (Policy REG1 (8) of the Bridgend Local Development Plan (2013) refers). The supporting text in the development plan indicates that a variety of sites suitable for all types of employment uses of varying size and type have been identified with the policy also seeking to maintain the use of existing sites for employment purposes. National policy requires Local Authorities to place a greater emphasis on the likely economic benefits of a development with the numbers and types of jobs expected to be created or retained on a site, in the determination of any planning application for economic development.

All development is required to create high quality, attractive, sustainable places and Policy SP2 of the Bridgend Local Development Plan identifies 15 criteria which are the starting point for the assessment of all applications. Avoiding or minimising noise, soil and water pollution and safeguarding the amenity of neighbouring uses/occupiers are the relevant criteria for the purposes of this application. Policy ENV7 states that development proposals will only be permitted where it can be demonstrated that it would not cause a new or exacerbate an existing, unacceptable risk of harm to amenity due to...noise pollution. The policy further states that in areas currently subject to the above pollution, any development proposal will need to demonstrate mitigation measures to reduce the risk of harm to local amenity to an unacceptable level.

The main issue in the determination of this application is whether the revised planning condition would result in a business operation that would have an unacceptably harmful impact on the amenity of residents of Treoes through the generation of noise or does the revised condition provide adequate controls to reasonably safeguard the amenity of residents.

There has been a longstanding commitment to develop Waterton Industrial Estate for a range of commercial and industrial uses in various iterations of the development plans over a number of years. The 2009 permission to extend the existing factory and provide an external service yard was considered against the policies of the former Bridgend Unitary Development Plan which allocated the land for B1, B2 and B8 uses subject to the development maintaining or enhancing the environment. The condition which is subject of this application was imposed in the interests of protecting the amenity of residents, the nearest being those living in the village of Treoes which is some 125m due south east of the application site.

The business which manufactures ground support equipment and specialist access solutions for the military and aerospace industry has been carried out from the extended building and site for a number of years apparently without little cause for complaint but this changed toward the end of 2015, possibly as a result of changes in shift patterns to meet new contracts.

From the representations received, residents contend that the current operation is resulting in unacceptable levels of noise and disturbance particularly late at night or in the early hours of the morning. Complaints have been made to this Council and to the Public Protection Section in the Vale of Glamorgan (VOG) who can exercise statutory powers to control noise. Whilst investigations into the complaints have been made by officers of the VOG, it is understood that no formal action has been pursued as any incidences of noise and disturbance have not constituted a statutory noise nuisance. Nevertheless, it is evident that TBD (UK) LTD has been operating outside of the hours specified in the original planning condition.

The implications of noise in the planning process are set out in Planning Policy Wales – Edition 8 – January 2016 and Technical Advice Note 11: Noise (1997). Noise can be a material planning consideration and Councils are required to make a careful assessment of noise levels and in some circumstances, it will be necessary for a technical noise assessment to be provided.

This application has not been accompanied by a noise assessment and therefore a detailed appraisal of the noise levels from the industrial processes has not been provided. On the basis of the original submission which sought to remove the condition and therefore any controls on the hours of work in the building and on site, it may have been difficult to conclude that the business was not having some impact on the amenity of residents, given the level of objection received.

The application as amended, now seeks to vary rather than remove the condition and it is considered, following consultation with the Public Protection Section in this Council and the VOG that the revised condition provides sufficient control and an appropriate balance that will allow the company to continue manufacturing within the original buildings (which are not the subject of any planning restriction in respect of hours of operation) and the '2009 extension' for an extended period, whilst limiting the activities in the external yard and storage area, in the interests of safeguarding the amenity of residents in Treoes. It is understood that the complaints about noise have principally resulted from activities outside the building in the yard where metal has been stored or dropped into containers. Whilst some noise may emanate from within the building, particularly when the large service doors are open, this is not considered so significant in terms of the impact on residents.

The re-worded condition does allow manufacturing to continue inside the building for 24 hours, should that be required by the company but will limit activities outside to the normal working day with some limited working on Saturday morning.

The Council acknowledges that the substance of local views must be considered in the determination of an application and on this case significant objection has been submitted through individual letters, the community councils and local politicians. It is however considered that the revised condition will reasonably safeguard the living conditions and well-being of residents whilst allowing this important local employer to continue the business activities, thus safeguarding the retention of jobs on site.

CONCLUSION

This application is recommended for approval because on the balance of all the policy objectives, it is considered that the development complies with Council and national policy. When considering the application against the relevant planning circular on planning conditions, there are no reasons why the planning condition cannot be varied. Furthermore, the revised condition will reasonably protect the amenities of the occupiers of properties in Treoes.

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 LPA's 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," and 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 (relaxation of a condition) and application site on previously developed land on an industrial estate, 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 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 and * 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 relaxation of the operating hours condition.

RECOMMENDATION

(R53) That permission be GRANTED subject to the following condition(s):-

1. No process shall be carried out, no plant or machinery shall be operated, outside the building (approved under P/09/937/FUL) and no delivery vehicles shall enter or leave the site outside the following times:

Monday to Friday: 07:30 hours to 18:00 hours

Saturday: 07:30 hours to 14:00 hours

And not at any time on Sundays or Bank/Public Holidays

Reason: In the interests of residential amenities.

2. The means of access shall be retained with 6 metre radius kerbing on either side of the entrance with vision splays of 2.4 x 43m to the North which shall be retained as such thereafter.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

4. The parking area shall remain available for its designated use in perpetuity.

Reason: In the interests of highway safety.

5. No external tannoy system shall be installed unless otherwise agreed in writing by the Local Planning Authority. All systems installed as part of the agreed scheme shall thereafter be operated and maintained in accordance with the approved details for as long as the use continues.

Reason: To safeguard the amenities of the occupiers of the nearest residential properties.

6. No external lighting shall be installed without the prior written consent of the Local Planning Authority. All external lighting installed as part of the agreed scheme shall thereafter be operated and maintained in accordance with the approved details for as long as the use continues.

Reason: To ensure the Local Planning Authority has effective control over the development so as to minimise light spillage.

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

This application is recommended for approval because on the balance of all the policy objectives, it is considered that the development complies with Council and national policy. When considering the application against the relevant planning circular on planning conditions, there are no reasons why the planning condition cannot be varied. Furthermore, the revised condition will reasonably protect the amenities of the occupiers of properties in Treoes.

**MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None

REFERENCE: P/16/385/BCB

APPLICANT: Bridgend County Borough Council Civic Offices, Angel Street, Bridgend, CF31 4WB

LOCATION: Land Rear 297-311 Erw Hir Brackla

PROPOSAL: Proposed Park & Ride Facility (Phase 1)

RECEIVED: 19 May 2016

SITE INSPECTED: 26 May 2016

APPLICATION/SITE DESCRIPTION

Planning permission is sought for the first phase of the Brackla Park and Ride Facility which proposes the construction of the car park with associated works which includes the realigned kerb line, access control measures, (swing gate and sunken control plates) and new site drainage arrangements.

The application site is positioned between a line of dense scrub that forms the boundary with the Swansea to Paddington mainline and the rear boundaries, generally defined by 1.8m close boarded fencing, with properties on Erw Hir (no's 297-311). It comprises mainly semi improved natural grassland, with pockets of tall ruderal grasses on the northern part of the site.

It is intended that the Brackla Park and Ride Facility will be delivered in phases with the initial works (car park) funded by developer's contributions previously secured by the Council through S106 Planning Obligations. The future phases of the development which are contained in the Council's Local Transport Plan, Welsh Government's National Transport Finance Plan and the Metro proposals, will include the platforms, bridge and ramped access into Bridgend Industrial Estate.

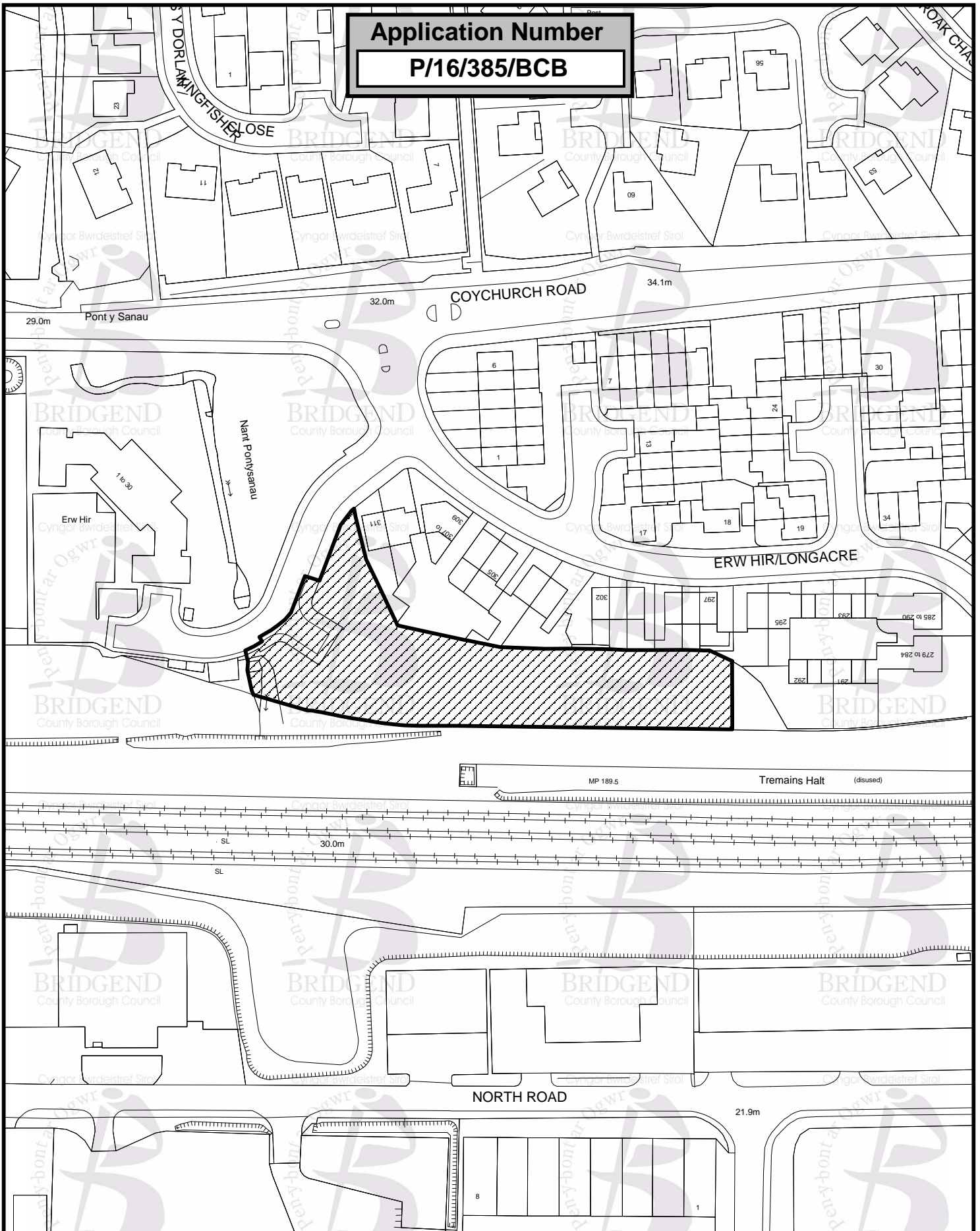
The submitted layout plans proposes 26 parking spaces and turning area, positioned along the northern part of the site, separated from the existing boundary fence with the neighbouring properties by a 1.8m footway which will connect back into the existing highway network at the site entrance. The plans indicate that the existing junction will be modified to create a two-way access into the site with the access controlled by a swinging gate and the egress by 'sunken' traffic control plates to prevent unauthorised access when the swing gate is closed. Full depth road construction will be provided for the first 20m leading to a 'Grass Paving' construction over the parking area. The parking area will have a slight 'fall' away from the existing properties toward the proposed vegetated swale drainage feature.

The associated landscaping plan confirms that the existing scrub/amenity grassland will be retained adjacent to the site entrance with a perennial native wildflower seed mix proposed over the remaining green space.

The application has also been accompanied by a Preliminary Ecological Appraisal (Capita - May 2016).

Application Number

P/16/385/BCB



Scale 1:1,250

Date Issued:
30/06/2016

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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RELEVANT HISTORY

P/02/929/OUT: Outline planning permission was granted for residential development and associated access on land that included the application site on 22nd June 2004. It was subject to a Section 106 Planning Obligation which required, amongst other things for the developer to contribute a sum of £308,000 towards the construction of a footbridge over the main railway line in connection with the proposed Brackla Park and Ride Scheme and towards highway improvements at the junction of Coychurch Road and Heol Simonston

PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the application.

The period allowed for responses to consultations/publicity expired on 16th June 2016.

NEGOTIATIONS

None

REPRESENTATIONS RECEIVED

Letters of objections have been received from the following residents:

296, 298, 300, 303, 306 and 307 Erw Hir

The following is a summary of the objections received:

1. The Council should first seek to extend the option over the land.
2. There is no current requirement for any car parking at this location without full development of the railway station and pedestrian bridge so the development is not in accordance with the Development Plan.
3. The area: the area is totally unsuitable for the proposed development due to the proximity of the resident's rear gardens. There is also the issue of the adverse effect on the current wildlife
4. Parking and a footpath will only offer increased noise, increased pollution and increased dust plus an enormous negative impact on the enjoyment of our gardens.
5. Loss of Privacy: Having a public right of way behind the houses with pedestrians and cars will invade our privacy, incur possible costs for extra window coverings and spoil the current private outlook we currently have and enjoy as part of our lifestyles
6. Nuisance and Disturbance: The proposed Park & Ride will make a huge negative impact with car engine noise, car doors closing, people conversing, maybe drunken outbursts after an evening in the city if the facility is in use later into the evening/night, which will also disturb sleep

7. The car park, if not secured to restrict access, will attract groups of young people in the evening joyriding, using skateboards, congregating to eat, drink and smoke and generally make noise which will spoil the quality of my life and privacy in my home and garden.

8. Extra traffic coming into the estate for the Park and Ride could spill over into the estate restricting parking for ourselves and any visitors we may have.

CONSULTATION RESPONSES

Cllr J Spanswick: I wish to support this application and look forward to the whole Brackla Parks & Ride Scheme becoming a reality and providing many benefits to the local community and the wider area of Bridgend.

Brackla Community Council welcomes any development that enhances the amenities to the residents of Brackla. The provision of 29 car parking spaces is seen as wholly inadequate for the purposes of Park and Ride. The application does not mention any prior discussion with train operators so it is speculation to assume that they would agree to a stop-thus making this a local service only - one that is already sufficiently covered by bus transport. It is also not mentioned whether the bus operators have been consulted on their view if the increased competition for their services. It seems to the community council that this will be very expensive scheme. The members questioned the planning officer and were surprised to learn that no costing has been undertaken either for Phase 1 or Phase 2. What developer would entertain a development application without any idea of the cost of that development? As Phase 1 is wholly dependent on Phase 2, the Council questions why the applications have been split in this fashion.

Head of Street Scene (Land Drainage): No objection subject to conditions.

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

COMMENTS IN RESPONSE TO REPRESENTATIONS RECEIVED

1. An option agreement was made between the original landowner (Clerical Medical now Zurich) and the Council as prospective purchasers/developers of the land. Whilst the 'option' followed on from the original outline planning permission and could be the subject of re-negotiation, this is not material to the determination of this planning application.

2. Paragraph 3.1.2 of Planning Policy Wales – Edition 8 (January 2016) confirms that in line with a presumption in favour of sustainable development, applications for planning permission should be determined in accordance with the adopted development plan for the area unless material considerations indicate otherwise. Under the adopted Bridgend Local Development Plan (2013), the application site is allocated and safeguarded for transportation proposals consisting of a new railway station at Brackla (Policy PLA7 (17) refers) and a new Park and Ride Facility at Brackla (Policy PLA7 (20) refers). Whilst it would be preferable for the projects to be developed together, this not a requirement of the local plan policy. Nor does it prevent their delivery in phases. The proposed development will not prejudice the implementation of the projects referred to above but represents the first phase of the larger scheme which is in accordance with the adopted development plan and wider regional and national objectives to deliver more sustainable travel.

3. The application site boundaries reflect the site's allocation in the Bridgend Local Development Plan and this immediately adjoins the rear gardens of properties on Erw Hir. The car park is an essential element of any Park and Ride Facility with site circumstances dictating that it will be positioned adjacent to existing residential properties. Whilst residents may have enjoyed the relatively peaceful nature of this undeveloped land, it has long been allocated and safeguarded for a park and ride facility, as part of series of improvements to the passenger rail network which included the development of park and ride facilities at Wildmill and Pencoed. Notwithstanding the proximity of Bridgend Station, a new facility at Brackla will enhance the rail infrastructure and services to the public.

The Council's Ecologist has examined the preliminary ecological assessment report and no objection to the recommendations which require further survey work to be undertaken prior to work commencing.

4, 5 and 6. Although the land may have formed a 'natural buffer' between the housing and the railway line, it was never intended for such a use. Site limitations and the need to retain space for bus stops at the front of the proposed station have constrained the parking layout, The existing fencing 1.8m high fencing which currently offers privacy and security to the properties will be retained but there is some opportunity to introduce additional screen fencing to parking bays 17-24 where the existing rear elevations of the existing dwellings (which accommodate habitable room windows) are less than 10m from the proposed footway and parking spaces. This is a matter that is subject of discussion with the applicant department and will be referred to again on the amendment sheet.

The applicant department has also commissioned a noise survey which examines the impact of the proposed road traffic and construction noise on the residents. The report which will be examined by the Council's Public Protection Section, concludes that the introduction of the car park will increase noise levels by 2dB in the day and 2.3dB in the night. The report indicates that anything up to 3dB is generally acceptable from a car park and concludes that the scheme does not raise objections in terms of compliance with the noise regulations. It should be noted that the car park will only be operational between 07:00 hours – 18:00 hours and will be closed and secured outside those times. Furthermore, the car park will not be operational until the remaining phases of the 'Park and Ride' facility are developed.

Construction noise will be managed by a planning condition controlling working times.

No evidence has been offered by the objectors in terms of increased pollution levels nor have any concerns been offered by the Public Protection Section subject to a condition requiring the car parking operating between 07:00 hours - 18:00 hours.

7. Outside the operational hours, the car park will be closed to vehicles. In addition to the swing gate and traffic control plates, fencing around the entrance should prevent vehicles entering. From the submitted plans the footways into the site will be accessible and consideration will be given to the provision of further controls on pedestrian access. In the view of residents, an empty car park would draw in skateboarders and other users to the site. Prior to the site becoming fully operational, it will be necessary to install lighting and possibly CCTV cameras to act as a deterrent to anti-social behaviour. The use of 'Grass Paving' rather than asphalt or tarmac may also dissuade skateboarders from using the site. Whilst the aforementioned measures may not prevent unauthorised access to the car park, they are considered reasonable steps to enable the site to be brought forward in accordance with its local plan allocation without significantly harming the living conditions and well-being of the nearest residents.

8. The 26 spaces are considered adequate to serve this local park and ride facility which is so located to encourage footfall from the nearby Brackla Housing Estate. As part of the further phases there may be an opportunity to provide some additional car parking but it is intended that public transport vehicles will be able to access the facility. Problems of overspill parking would be monitored but it should be noted that a traffic order and yellow lines exist along the sections of road that immediately serve the proposed development.

COMMENTS ON REPRESENTATIONS RECEIVED FROM BRACKLA COMMUNITY COUNCIL

1. The proposed Brackla station is contained in the Welsh Government's National Transport Finance Plan and the Regional Transport Plan. Rail schemes are subject to considerable lead-in times due to a range of practical and operational constraints. The project will be delivered in conjunction with WG, Network Rail and other key industry stakeholders but is critical, due to the time constraint on the land option, to deliver the first phase.

2. The applicant department is confident that the inclusion of the Brackla station in Welsh Government's National Transport Finance Plan, and the Metro proposals suggests that the station will be built and believes it inconceivable that the station would be built without land for park-and-ride and the associated footbridge.

3. The applicant department has indicated that it is premature to have a total cost for the whole scheme. Total cost structure can be broken into two parts: a) cost of land; b) cost of park-and-ride and footbridge. Initial works will be funded by developer contributions and it is expected that future investment will be funded under grants from Welsh Government, Capital City Metro proposals and applicable developer contributions that may become available.

APPRAISAL

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

The application seeks planning consent for the first phase of the Brackla Park and Ride Facility which proposes the construction of the car park (26 spaces) with associated works which includes the realigned kerb line, access control measures, (swing gate and sunken control plates) and new site drainage arrangements.

The main issues relevant to the determination of this application are whether the development complies with the policies of the Bridgend Local Development Plan in relation to the effect of the proposal on the character and amenities of the area and specifically those enjoyed by local residents and the effect of the development on the existing drainage systems, highway network and highway safety generally.

The application site is allocated and safeguarded for transportation proposals consisting of a new railway station at Brackla (Policy PLA7 (17) refers) and a new Park and Ride Facility at Brackla (Policy PLA7 (20) refers) under the adopted Bridgend Local Development Plan (2013). The proposed development is in accordance with its allocation in the Bridgend Local Development (BLDP 2013).

All development should contribute to creating a high quality, attractive sustainable places which enhance the community in which they are located and it has been necessary to evaluate the proposal against the relevant criteria of Policy SP2 which represents the starting point for the assessment of all planning applications. Making a positive contribution towards tackling the causes of climate change and peak oil issues is also an objective of the plan and a development which reflects sustainable transport and access principles whilst improving public transport provision is one means of achieving this objective, (Policies PLA4 and SP3 of the BLDP 2013 refer). Good design will generally have to balance the wider benefits of the development against the more immediate impacts on the local community. Policies SP2, ENV5, ENV6 and ENV7 consider the scale of development, the impact on local character and biodiversity interests, the need to avoid or minimise noise and air pollution, whilst also ensuring that the amenity of adjoining occupiers are not adversely affected. The objections received from residents have been considered in the previous section of this report and whilst the introduction of the use will inevitably have impacts on those residents that immediately adjoin the site, they have to be weighed against the local and national policy objectives to improve opportunities for sustainable travel and less reliance on car-borne journeys. Site constraints have influenced the design but it is considered that through appropriate management (controls over access and hours of operation, CCTV etc.) the impacts on the residents can be minimised. The noise survey that accompanies the application indicates that noise from vehicles using the site should not adversely affect the amenity of residents. It is considered however that any impacts from the development are outweighed by the wider and long term benefits of initiating and safeguarding the Brackla Park and Ride and rail station.

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.

In respect of all other considerations, ranging from site drainage to ecology, it is considered that the submitted plans and documents confirm that biodiversity interests will not be significantly affected and the appropriate measures for the disposal of surface water will be provided.

CONCLUSION

This application is recommended for approval because the development complies with national and Council policy 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 initiate the provision of a facility that will in the long term improve opportunities for sustainable travel.

RECOMMENDATION

(R28) That permission be GRANTED subject to the following condition(s):-

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

GC2461 Site Location Plan
GC2461 Site Clearance
GC/002461 General Arrangements
GC 2461 Earthworks
GC2461 Landscape & Ecology
GC/002461 Site Extents & Limitations of Use
GC002461 Traffic Signs and Road Markings
GC/002461 Fencing and Gates
GC/002461 Drainage

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

2. Construction works shall not take place outside 07:30 hours to 17:30 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason : In the interests of residential amenities.

3. No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul and road water will be dealt with, including future maintenance, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the car park being brought into beneficial use.

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

4. The agreed landscaping works (Drawing: BPR-CAP-00-XX-SK-C-007) 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. Prior to the Brackla Park and Ride Facility being brought into beneficial use, CCTV cameras shall be installed to the car park in accordance with details to be submitted and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interests of crime prevention.

6. The car park facility hereby permitted shall not be open outside the following times:-

07:00 - 18:00 hours

Reason: In the interests of residential amenities.

7. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

This application is recommended for approval because the development complies with national and Council policy 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 initiate the provision of a facility that will in the long term improve opportunities for sustainable travel.

Dwr Cymru Welsh Water has confirmed that the development site is crossed by a 300mm public combined sewer and 150mm emergency overflow with their approximate position being marked on the Statutory Public Sewer Record. Their position shall be accurately located and marked out on site before work commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewers.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

REFERENCE: P/16/313/FUL

APPLICANT: Ms F & A Wickham Three Horse Shoes, Lamb Row, South Cornelly, CF33 4RL

LOCATION: Land Adj Three Horse Shoes, Lamb Row South Cornelly

PROPOSAL: 4 New Dwellings (2 X Semi Detached 2 Bed Dwellings & 2 X Semi Detached 2 Bed Bungalows)

RECEIVED: 22 April 2016

SITE INSPECTED: 10 May 2016

APPLICATION/SITE DESCRIPTION

The application seeks consent to redevelop the car park of a former public house for residential development. The public house has since been converted into residential accommodation.

The proposal would involve the construction of four units within the L-shaped plot, consisting of:

1. A pair of two-storey semi-detached properties, measuring 10m X 8.3m and reaching maximum heights of 5.2m (eaves) and 8m (ridge).
2. A pair of semi-detached dormer bungalows measuring 11.7m x 8.3m and reaching maximum heights of 2.8m (eaves) and 8m (ridge).

RELEVANT HISTORY

P/14/829/FUL - Internal Alterations and Change of Use to House of Multiple Occupancy [Approved with Conditions 02/02/2015]

P/10/699/FUL - 2 No. Dwellings and 1 No. Bungalow [Approved with Conditions 19/11/2010]

P/10/454/FUL - 4 No. Dwellings and 1 No. Bungalow [Refused 02/09/2010]

P/10/113/FUL - Dormer Extensions to Former Public House [Refused 18/12/2009]

P/09/882/FUL - Convert Public House to 1 Dwelling with Media Facilities and Guest Accommodation [Approved with Conditions 18/12/2009]

PUBLICITY

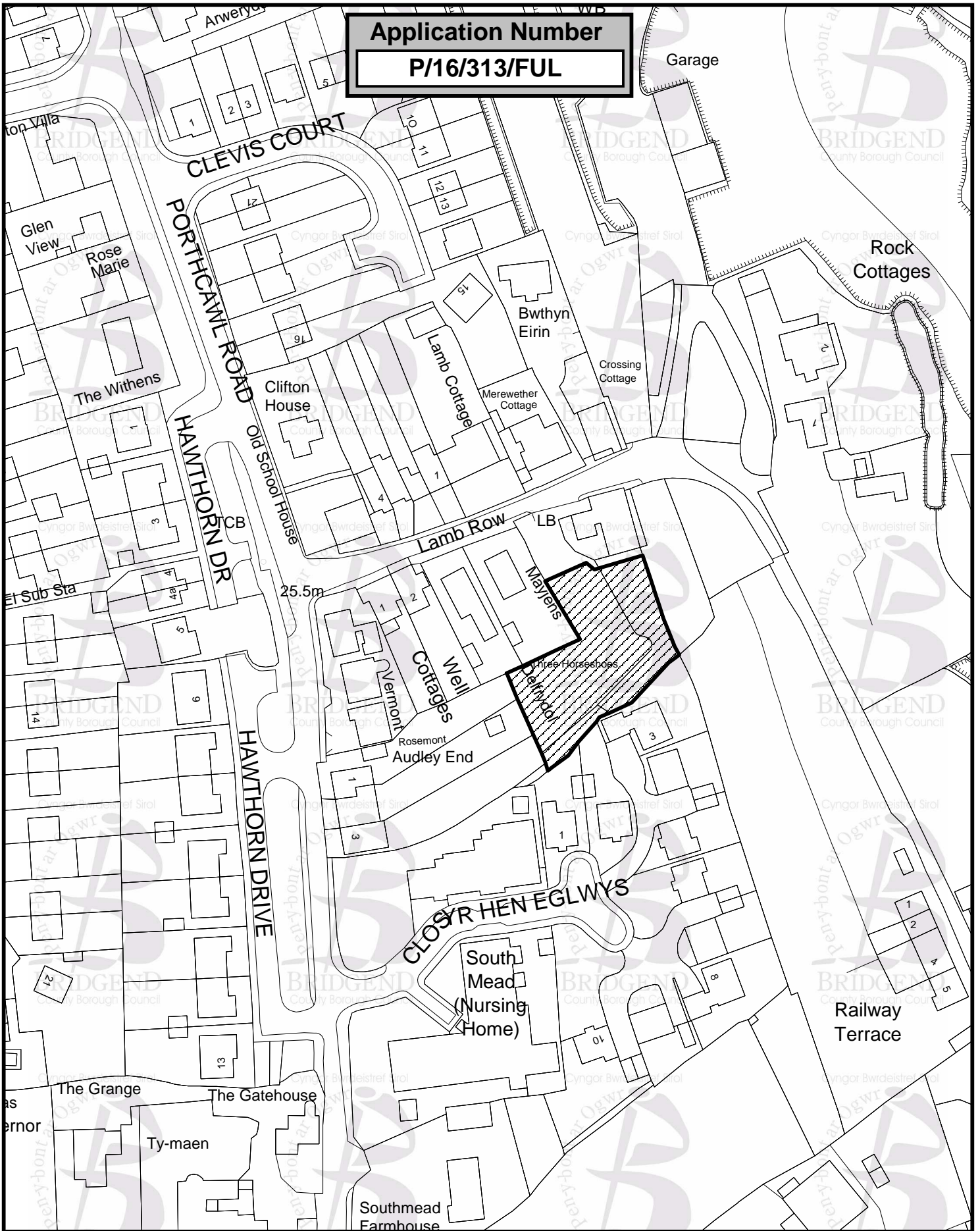
The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 19 May 2016

Application Number

P/16/313/FUL



Scale 1:1,250

Date Issued:
30/06/2016

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

Communities Directorate,
Bridgend County Borough
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O:/Drive/Plandraw/new MI layouts/
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Cyngor Bwrdeistref Sirol



CONSULTATION RESPONSES

Cllr. M. Butcher

- Requests that the application be referred to Committee:

1. Concerns on highway safety
2. Concerns over impact on neighbouring properties, including loss of access

Group Manager Transportation and Engineering (Highways)

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

Land Drainage Section

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

Welsh Water

- No objections to the proposal subject to advisory notes

Ecology

- No objections to the proposal subject to an advisory note

REPRESENTATIONS RECEIVED

Objections have been received from the following:

Cornelly Community Council

Lavender House, Lamb Row

Delfrydol, Lamb Row

Lamb Cottage, Lamb Row

3 Lamb Row

1 Well Cottages, Lamb Row

1, 2 and 3 Porthcawl Road

4 Railway Terrace

7 Hawthorn Drive

1 Rock Cottage

Ty Maen House, Porthcawl Road

Their response have been amalgamated and summarised as follows:

1. Loss of residential amenity and well-being (light, privacy, outlook and dominance)
2. In adequate parking and detrimental to highway safety
3. Overdevelopment
4. Loss of access
5. Loss of view and devaluation of property
6. Loss of an old post box and wall which are heritage features
7. Inadequate water supply and drainage to facilitate the development

COMMENTS ON REPRESENTATIONS RECEIVED

In response to the comments received:

1. Refer to the 'Appraisal' section of the report for a detailed assessment of the impact of the proposal on the residential amenities of all properties which back onto the application site.

2. Refer to the 'Appraisal' section of the report.
3. Refer to the 'Appraisal' section of the report.
4. A number of properties backing onto the site have gates that provide access across the application site. This matter was considered during the determination of the previous applications and it is concluded that it is a private matter between the concerned residents and the landowner of the application site.
5. These are not a material consideration and, as such, cannot be given any significant weight during the determination of this application
6. Presently a stone wall and an old post box are situated at the frontage of the site. The plans indicate that the existing post box would be repositioned onto the reconfigured boundary wall, which would facilitate an improved access into the site, including an area for the storage of domestic waste. The plans, therefore indicate the retention of heritage-related features at the entrance of the site. However, the post box and wall is not subject to any planning control, particularly since they are not listed, are not within a conservation area, nor are they subject to any other planning-related restrictions. As such, this aspect of the scheme is not deemed to be a significant material consideration in the determination of this application.
7. Refer to the 'Appraisal' section of the report.

APPRAISAL

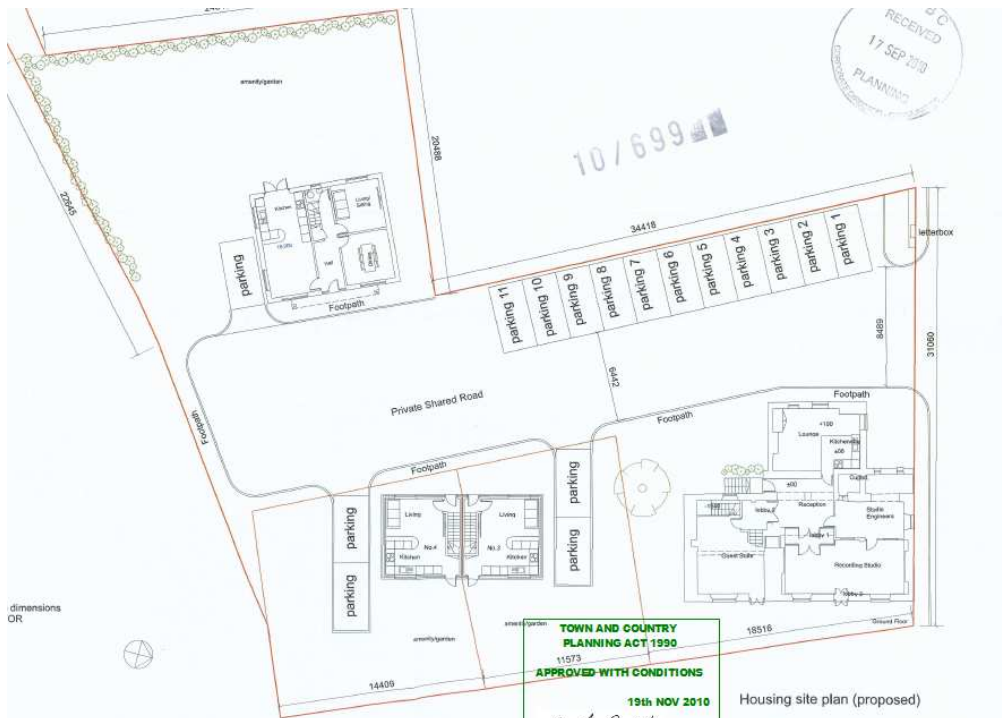
The application is referred to Committee at the request of the local Member and due to objections from the Community Council and several local residents.

The site is subject to previous planning applications for residential development. Of note, are applications P/10/454/FUL and P/10/699/FUL. The former application sought consent for five units and was refused planning permission on the following grounds:

1. The narrow road leading to the site and the discontinuous and narrow segregated pedestrian footways along Lamb Row are unsuitable to serve the proposed residential development contrary to Policy H5 of the Bridgend Unitary Development Plan.
2. The proposed additional use of the substandard access will create increased traffic hazards to the detriment of highway safety contrary to Policy H5 of the Bridgend Unitary Development Plan.
3. In the absence of adequate off street parking facilities, the development would generate additional on street parking along Lamb Row to the detriment of highway safety and the free flow of traffic contrary to Policy H5 of the Bridgend Unitary Development Plan.
4. The proposal constitutes an over development of the site as the proposed layout does not provide sufficient amenity space available for future use of occupiers of this development contrary to Policies EV45 and H5 of the Bridgend Unitary Development Plan.

- The proposed development would, by virtue of its design, siting and orientation be visually obtrusive and generally out of character with existing properties in the area, contrary to Policies EV45 and H5 of the Bridgend Unitary Development Plan.

The scheme was subsequently revised and application P/10/699/FUL sought consent for three units and was approved subject to conditions. The approved layout is shown below:



The circumstances of the site have not significantly changed since the two applications submitted in 2010, however, it is noted that the former Three Horseshoes Public House has had consent to be converted into a house of multiple occupancy (P/14/829/FUL refers).

This scheme has been subject to pre-application advice and was based on the premise of replacing the single bungalow granted under P/10/699/FUL with a larger building, to enable a pair of semi-detached bungalows, whilst re-orientating the pair of two-storey semi-detached properties adjacent to the former public house by approximately 90 degrees, as shown in the submitted site layout plan:



The site is located within the designated settlement boundary of South Cornelly and as such the development of this site for residential purposes could be regarded as 'windfall and small scale housing' since the adopted Bridgend Local Development Plan (BLDP) does not protect the site for an existing or alternative use.

With the principle established, the site is primarily assessed against Policy SP2 of the BLDP which specified the criteria for the design of new development and sustainable place-making. This is supported by the Council's adopted guidelines, including: Design Guide 1: Dwellings and Domestic Scale Buildings (DG1), Supplementary Planning Guidance 2: Householder Development (SPG2) and Supplementary Planning Guidance 17: Parking Standards (SPG17).

The application is supported by number of photomontages from different perspectives, including a design statement which has examined the impact of the development upon the visual amenity of the area and the residential amenities of neighbouring properties. This is supplemented with an in-depth analysis of the size and levels of the site and this data has enabled the agent to undertake a modelling exercise to facilitate the capabilities of the site to accommodate new development. The results of the survey suggested that the previously approved scheme did not fully demonstrate the potential of the site. Furthermore, three-dimensional plans have been submitted which show the relationship of the site with neighbouring properties.

The application seeks consent for 4 dwelling-units and, as such, this does not 'trigger' the need for any planning obligations concerning affordable housing and education requirements. The proposal would not result in a loss of public open space, and given the constraints of the site and the limited number of units proposed in this application, it is

considered that the development would not require a contribution towards open space. It is noted that the site is approximately 150m from public open space at Greenacres.

The houses surrounding the application site are comprised of a mix of house types and materials. The dwellings on Lamb Row and Porthcawl Road are generally older buildings with a variety of styles and materials with some having more recent dormer extensions fitted. As such it is considered that the properties in the locality do not have any architectural, historic or group value. The houses to the south of the site at Clos yr Hen Eglwys are more modern, brick finished dwellings. The converted former public house has been finished in a smooth render.

The photomontages and site-level data has improved the understanding of the development, particularly the relationship of the development with its surroundings and neighbouring properties.

The proposed residential units would have a degree of design merit and would be compatible with the former public house. The dwellings and bungalows would be finished using render and stone-effect quoins and detailing. The roof would be finished in artificial slate and the dormers serving the bungalows in timber. Given the mixture of house-types and external finishes in the immediate locality, it is considered that this proposal would not have such an adverse effect on the visual amenities of the area so as to warrant refusal. The development, therefore, satisfies the visual amenity criteria of Policy SP2 of the BLDP and guidelines within DG1 and SPG2. However, in the absence of details concerning all external finishes, it is considered prudent to impose a condition for such details, including boundary treatments, to be agreed.

With specific regards to the pair of two-storey dwellings, whilst their front elevations would be orientated to face the three-storey bulk of the former public house, the plans demonstrate that the 25-degree zone of the ground floor windows would not be infringed upon. The development, therefore, meets the Council's guidelines with regards to dominance and it would also achieve the recommended guidelines for light (Notes 1 and 2 of SPG2 refers). The side-elevation of the former public house, facing the front elevation of the pair of two-storey dwellings, does not have any habitable room windows, therefore, the development meets Note 6 of SPG2 concerning privacy standards.

Notwithstanding the above, whilst the plans demonstrate that the rear elevation of the western-most dwelling of the pair of two-storey dwellings would achieve the recommended privacy distances with No.3 Clos yr Hen Eglwys (Note 6 of SPG2 refers), the rear elevation of the eastern-most dwelling would only achieve a distance of 8.2m with the rear boundary which backs onto the garden of 3 Clos yr Hen Eglwys. The side elevation of No.3 Clos yr Hen Eglwys facing the application site only has windows on its ground floor only. One window serves a habitable room, however the main source of amenity for this room is from a window located on its rear elevation. Furthermore, since this property is located on a lower level to the application site and in close proximity to the boundary, the existing boundary treatment limits the level of amenity attributed to this window and restricts the ability for unreasonable overlooking from the development into the side-facing windows of No.3.

Notwithstanding the above, whilst boundary treatments would protect ground floor views into No.3, a condition would be required for the large lower pane of Bedroom 1 to be fitted with fixed-pane obscure glass. This would avoid any unreasonable downward overlooking into the grounds of No.3, whilst Bedroom 1 would retain high-level outlook from this window and from a window on its side elevation facing trees to the east of the site.

Subject to this condition and having regard to the levels of the site, the separation distance and the northern position of the pair of two-storey dwellings to No.3 Clos yr Hen Eglwys, it is considered that this aspect of the scheme would not result in any unreasonable loss of amenity to this neighbouring property, particularly with regards to privacy, light, outlook and dominance.

Notwithstanding the above, it is considered necessary to impose a condition for the lower panes of the first-floor windows serving Bedroom 1 and bathroom of the western-most dwelling to be fitted with fixed-pane obscure glass as this would avoid unreasonable overlooking towards the front elevation of the proposed pair of semi-detached bungalows and 'Lavender House'.

The pair of two-storey dwellings would have an adequate amount of outdoor amenity space and, subject to the agreement of boundary treatments, it would be sufficiently usable and private.

With regards to the pair of bungalows, careful consideration has been given to the topography of the land and the relationship of the development with neighbouring properties. The plans are detailed and supplemented with photomontages and shadowing surveys.

Beginning with those properties from Clos yr Hen Eglwys, this aspect of the development would primarily be adjacent to Nos.1-3. These properties are on a lower level to the application site. The nearest part of the pair of bungalows would be adjacent to the garage of No.3 Clos yr Hen Eglwys. The L-shaped orientation of No.3 is such that it tends to 'shield' itself away from the application site. Having regard to the above, it is considered that this aspect of the development would not have any unreasonable effect on their residential amenity.

With regards to Nos.1 and 2 Clos yr Hen Eglwys, the proposed bungalows would back onto their rear boundaries, with the nearest distance being approximately 4m away. Whilst the application site is higher than Nos.1 and 2, the bungalows would be to the north of their rear elevations.

The plan 'Light Protection Sections' provides a detailed examination of the proposed bungalows with the rear elevation of No.2, which is the property that would be impacted the most by the proposed development. However, the plans demonstrate that the development would meet the 21m recommended distance between properties and would not infringe the daylight protection zone nor indicate unreasonable domination (Notes 1, 2 and 6 of SPG2 refers).

Whilst there would be a degree of domination at the upper end rear garden of No.2, this would not be so unreasonable so as to warrant refusal of the scheme, especially since the overall length of the garden is approximately 20m.

No.1 Clos yr Hen Eglwys has constructed a conservatory on its rear elevation, however unlikely No.2, this property would not be directly aligned with the gable end of the proposed bungalow. Furthermore, a distance of approximately 21m would be between the nearest bungalow and the conservatory of No.1. Having regard to this relationship and the assessment concerning the impact on No.2, it is considered that this neighbouring property would not be so adversely affected by the proposal so as to warrant refusal.

Notwithstanding the above, a condition would be required for the only side-facing window (serving a landing), to be fitted with obscure glazing. A condition for the agreement of boundary treatments is also necessary in the interests of visual and residential amenities. Subject to the above, the development would not have such an adverse effect on the amenities of properties at Clos yr Hen Eglwys, particularly with regards to light, privacy, outlook dominance, so as to warrant refusal of the scheme.

The long rear gardens of Nos.1-3 Porthcawl Road backs onto the western boundary of the site. The boundary mainly consists of soft landscaping and the gardens of Nos.1-3 slopes downwards, with the application site being at a higher level. The plans demonstrate that the proposed bungalows would be sited approximately 10m from the rear boundary with Nos.1-3 Porthcawl Road.

Having regard to the distance to boundary, the site levels and the considerable length of the gardens of Nos.1-3, it is considered that the proposed bungalows would not result in any unreasonable loss of amenity to these neighbouring properties, especially with regards to light, outlook, well-being, and dominance (Notes 1, 2 of SPG2 refers).

The privacy of the future occupiers of the proposed bungalows and Nos.1-3 Porthcawl Road could be reasonably safeguarded by the imposition of a condition to agree boundary treatments. Furthermore, the rear-facing windows of the bungalow, including the dormer and velux-type windows would be in-excess of the recommended distances of 10.5m and 21m respectively, thereby, complying with privacy advice contained within Note 6 of SPG2.

The northern boundary of the site which would accommodate the proposed bungalows would be adjacent to the rear gardens of two properties, namely: 'Lavender Cottage' and 'Delfrydol'.

The bulk of the proposed bungalows would be aligned with 'Lavender Cottage' which has two sets of patio doors and has glazed the gable-ends above. The distance between its rear elevation and the gable-end of the nearest proposed bungalow would be approximately 17m. The distance to the upper floor window on the rear elevation of 'Lavender Cottage' would be approximately 21m. Subject to conditions for the only side-facing window (serving a landing), to be fitted with obscure glazing and for the agreement of boundary treatment, it is considered that the privacy of 'Lavender Cottage', 'Delfrydol' and the future occupiers of the bungalow would be reasonably safeguarded.

'Lavender Cottage' and 'Delfrydol' are positioned at a lower level to the application site. Its relationship with the development site and the proposed bungalows have been considered by the submission of a section drawing showing the rear elevation of 'Lavender Cottage' and the proposed bungalows, supplemented by a solar-path survey at various parts of the day and throughout the year.

Based on the evidence submitted, the 25 degree protection zone from the rear of 'Lavender Cottage' would not be infringed upon. It is, therefore considered that the scheme would not unreasonably dominate the outlook from the rear of this neighbouring property and, consequently, satisfies Note 1 of SPG2.

Having regard to the solar-path survey and the 'Light Protection Sections' plan, only a minor degree of overshadowing would occur, mainly to the amenity space. However, this would not be to such a degree so as to warrant refusal of the scheme.

The rear of the property known as 'Delfrydol' would not be directly aligned with the proposed development. Its rear elevation would predominantly back onto the amenity space of one of the proposed bungalows, whereby a condition for the agreement of boundary treatments would safeguard their amenities. Having considered the impact of the development upon 'Lavender Cottage', which has been identified to be the property which is the most affected from Lamb Row, it is considered that there would not be any unreasonable loss of amenity to 'Delfrydol', with specific regard to light, outlook, dominance and privacy.

Whilst, the former Three Horseshoes Public House has been recently converted into a house of multiple occupancy (P/14/829/FUL refers), the development has been designed so that there would be no unreasonable loss of amenity to its occupiers. For example, its southern elevation has a blank wall and the eastern and northern elevations face away from the proposed dwellings. Whilst the western elevation, which has several habitable room windows, would face the access drive into the site, any vehicular or pedestrian movements would not be of such intensity to be deemed unreasonably detrimental to their residential amenity, especially with regards to noise and disturbance. This also applies to the relationship of the site with immediate neighbouring properties since, until recently, the site has been a well-established public house, which would have generated a higher level of noise and disturbance compared to residential uses.

The pair of dormer bungalows would have an adequate amount of outdoor amenity space and, subject to the agreement of boundary treatments, it would be sufficiently usable and private.

Having regard to the redevelopment of the site as a whole, it is deemed that the proposal would not amount to overdevelopment, especially having considered the layout, the spaces between plots, impact on neighbouring properties, the provision of amenity space and the inclusion of parking and turning areas. Notwithstanding the above, whilst the site is capable of accommodating the proposed residential development, it is evident by this assessment that the site is subject to constraints, mainly by the topography of the land and its relationship with neighbouring properties. It is, therefore, considered reasonable to remove certain permitted development rights as this would ensure that amenities of neighbouring properties and the future occupiers of the proposed dwellings and bungalows would be reasonably safeguarded. Subject to the above, it is considered that the scheme satisfies the amenity criteria of Policy SP2 of the BLDP and the guidelines within SPG2.

The site generally consists of a mixture of hard landscaping and overgrown grass areas which defined the parking areas and the former beer garden. There are no trees which have significant public amenity value located within the site. This has also been reinforced by a tree survey conducted by a qualified arborist with the results submitted with the application.

It is acknowledged that there are several trees located to the east which are outside the boundary of the site. The immediate trees have become overgrown and do not have any significant public amenity value. There are protected trees approximately 11m from the site boundaries which have higher public amenity value, however, these are of sufficient distance away from the proposed development not to encounter any significant harm.

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 LPA’s 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 Council's Ecologist has concluded that the site does not contain any significant ecological features and, as such, there are no objections to the proposal. However, invasive species have been identified to be present and an advisory note would be attached to any consent issued, recommending its control and/or eradication. As such, it is considered that, overall, there will be no significant adverse residual impacts on ecology and 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.”

A landscaping plan has been submitted with the application which demonstrates that new planting would be provided within the grounds of the site, supplemented with turf, decking and gravel paths. Whilst this soft landscaping works is considered acceptable, the hard landscaping lacks sufficient detail, especially with regards to the appearance and colours of surfaces, including the access and drive areas. A condition, therefore, would be imposed for all hard surfacing works to be agreed.

The site is approximately 100m away from Gaens quarry and the suitability of the site to accommodate residential development was considered acceptable, in principle, under the previous applications. Since there have been no significant change to the relationship of the site with the quarry since the previous decision, it is considered that this development is acceptable and would and the level of impact from the quarrying operations would not be so significant as to warrant refusal of the application.

A drainage plan has been submitted providing a degree of detailing concerning the means of controlling foul and surface water. This plan has been examined by the Land Drainage Section of the Council who has concluded that the site is capable of accommodating new residential development, however, further drainage details would be required. As such,

there are no objections to the proposal and the submission of full drainage details can be secured by a condition. Welsh Water also has no objections to the proposal subject to a series of advisory notes which would assist the implementation of an effective drainage scheme.

To facilitate the development the proposal would include an area for the storage of domestic waste. This would be located at the immediate entrance to the site, thereby providing direct access to refuse vehicles from Lamb Row. This is considered an effective arrangement, based on good design principles.

However, to create the waste storage area and to improve the access to the site, the boundary wall at the entrance of the site would be altered. Details of the access, waste facility and boundary wall have been provided on the plan titled 'Site Entrance'. The stone wall and waste facility would not have any significant adverse effect on the visual amenities of the area and given that it would be associated with domestic waste for a small number of properties, it would not harm the amenities of neighbouring properties.

The Group Manager Transportation and Engineering (Highways) has considered that transportation and highway safety implications of the application of the proposal and has no objections to the proposal subject to conditions and advisory notes. It is, therefore, considered that the proposal would not have any significant adverse effect on highway/pedestrian safety.

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.

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:

1A - Site Plans (received 24 June 2016)

2 - Semi Detached Dwellings (received 21 April 2016)

3 - Semi Detached Bungalows (received 21 April 2016)

5A - Light Protection Sections (received 27 June 2016)
6 - Site Entrance (received 21 April 2016)

4748-10 Drainage Plan (received 6 May 2016)
4748-11 Pavement & Drainage Construction Details (received 6 May 2016)

Planting Plan [Cardiff Treescapes] (received 22 June 2016)

Arboricultural Method Statements and Specifications for Planting/Soft Landscape scheme [Cardiff Treescapes] (received 22 June 2016)

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

2. Notwithstanding the requirements of Condition 1, no development shall 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 and waste storage facility, 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 plan indicating the material, external appearance and colours of all proposed hard surfaces of the development, hereby approved. The surfacing works shall be carried out in accordance with the agreed plan 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: In the interests of visual amenities.

4. 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 and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.

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

5. 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 and E of the Order, shall be carried out at any time on any of the dwelling-units, hereby approved.

Reason: In the interests of visual and residential amenities.

6. The side-facing, first floor window serving the "Landing" of both dormer bungalows, as shown on drawing "3 - Semi Detached Bungalows" (received 21 April 2016) shall be fitted with obscure glazing to a minimum of level 5 on the Pilkington index of obscurity. The windows shall be fitted prior to the beneficial use of that corresponding dormer bungalow and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

7. The side-facing, first floor window serving the "Bathroom" of the western-most two-storey dwelling, as shown on drawing "2 - Semi Detached Dwellings" (received 21 April 2016) shall be fitted with obscure glazing to a minimum of level 5 on the Pilkington index of obscurity. The window shall be fitted prior to the beneficial use of that dwelling and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

8. The lower pane of the side-facing, first floor window serving "Bedroom 1" of the western-most two-storey dwelling and the lower pane of the rear-facing, first floor window serving "Bedroom 1" of the eastern-most two-storey dwelling, as shown on drawing "3 - Semi Detached Bungalows" (received 21 April 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 the beneficial use of that corresponding dwelling and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities

9. 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 dwellings hereby approved.

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

10. The parking area for the parent property (former Three Horse Shoes) shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout and the parking associated with the proposed dwellings shall be completed in permanent materials in accordance with the approved layout (4748-379-15 drg.no. 1 Rev A) prior to the development being brought into beneficial use and retained thereafter.

Reason: In the interests of highway safety.

11. The proposed means of access shall be laid out as per the approved plan (4748-379-15 drg.no. 6 Rev -) and constructed and retained in permanent materials with the proposed vision splays before the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

- 13.No development shall commence until a scheme for the provision of a suitable back edge of footway delineating the maintainable highway and private drive has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development, hereby approved, is brought into beneficial use.

Reason: In the interests of maintaining correct highway extents.

14. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

- a. This application is recommended for approval because the development complies with Council's policy and guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.
- b. The drainage details required by condition 2 shall include the following details:-
 - Provide exact locations of trial pits in comparison to the proposed soakaway locations
 - Provide calculations in accordance to BRE-Digest 365 for each of the trial pits conducted
- c. The presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be brought to the attention of Public Protection.
- d. Foul and surface water discharges must be drained separately from the site.
- e. No surface water or land drainage run off shall be allowed to connect or discharge, either directly or indirectly, into the public sewage system.
- f. If a connection is required to the public sewage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on Tel.0800 085 3968.
- 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 parking areas and shared private drive, 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 parking areas and shared private drive should not be considered as a first option.

- h. 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.
- i. The applicant/developer is advised that the site contains invasive species. It is an offence to deliberately cause their growth and spread. It is recommended that a scheme is devised for their control and/or eradication prior to the commencement of the development of the site. Further advice can be obtained by contacting the Council's Ecologist on (01656) 643 196.
- j. Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. You should contact the highway maintenance inspector for the area, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.
- k. In the interests of promoting sustainable means of travel to / from the site, the applicant/developer is encouraged provided 2 cycle parking spaces per proposed dwelling.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None

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

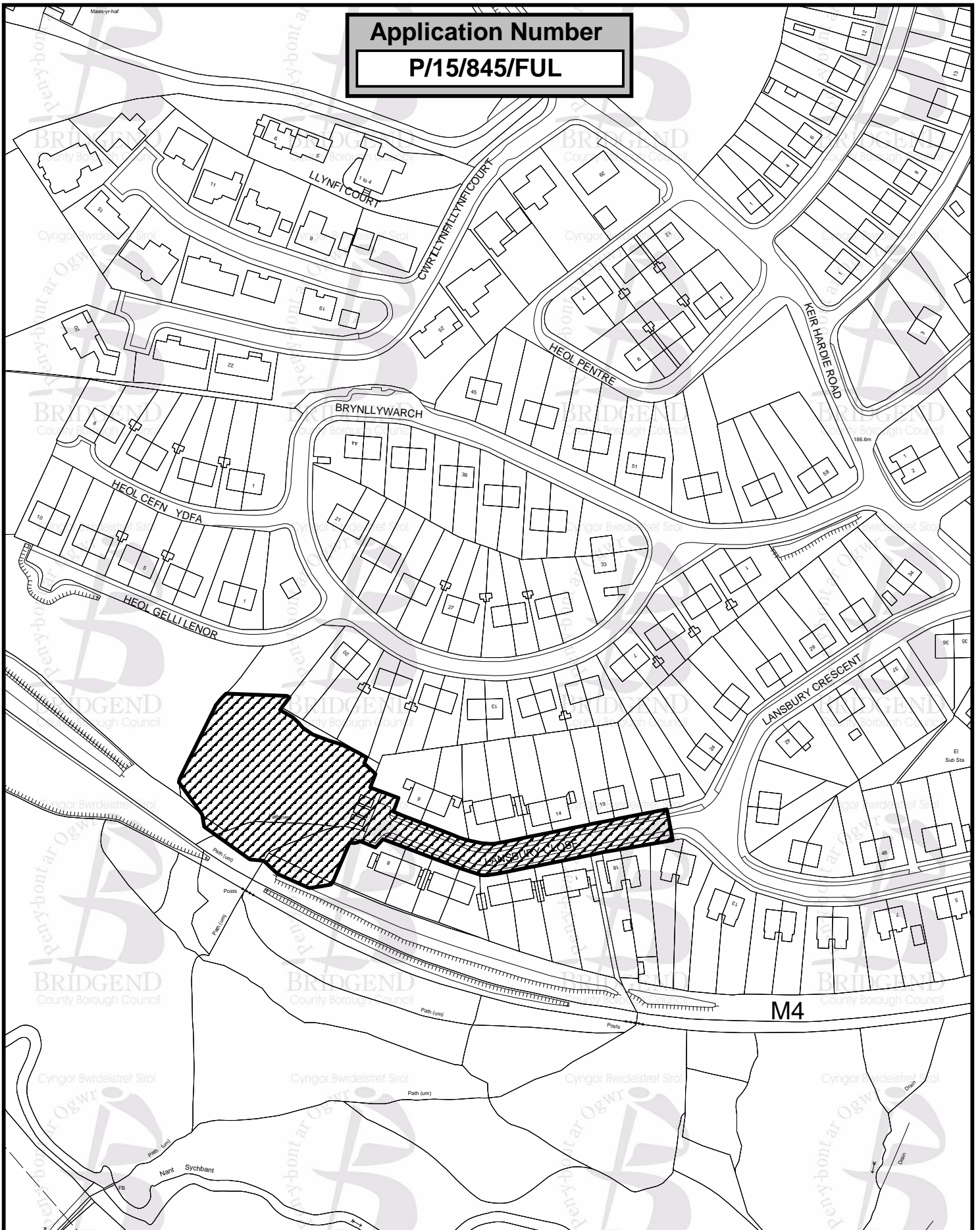
The application has been advertised in the press and on site.

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 Brynlywarch, 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 Brynlywarch and the new supported housing scheme at Heol Gelli Lenor (No.12).

The informal paths within the site provide direct routes to residents on Brynlywarch to the path along the former railway. However, this is across private land owned by the applicant and not by neighbouring properties. Residents from Brynlywarch 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 Brynlywarch. The rear gardens of 17-20 Brynlywarch back onto the northern boundary of the site. The Case Officer had the opportunity to view the site from the curtilage of 18 Brynlywarch. It was noted that the rear gardens of 17-20 Brynlywarch 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 Brynlywarch 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 Brynlywarch. 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 was deferred from June 2016 Committee for further consideration of highway matters. It is also 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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REFERENCE: P/16/284/FUL

APPLICANT: Porthcawl Counselling Service Ty Elis, 14 Victoria Avenue, Porthcawl, CF36 3HG

LOCATION: Ty Elis, 14 Victoria Avenue, Porthcawl

PROPOSAL: Rear Ground Floor Extension, Raise Floor Level of Annex For Disabled Access To 1st Floor & Dormer To Rear.

RECEIVED: 9 May 2016

SITE INSPECTED: 14 July 2015, 23 November 2015 & 29 February 2016.

APPLICATION/SITE DESCRIPTION

The application seeks planning permission to erect a single storey extension, alter the roof of the existing two storey projection and erect a dormer extension to the rear of this terraced property. The development also includes the reconfiguration of the room layout within the property.

The application property is located in a primarily residential street, however the property is not used for residential purposes and is used for counselling and training purposes (P/09/467/FUL refers).

The proposed single storey extension and existing property will accommodate a reception area, admin office, staffroom, 2 x counselling rooms and a toilet at ground floor level. The first floor layout will accommodate 3 x counselling rooms and a training room. The second floor will accommodate a library. The proposed development will result in the addition of one counselling room.

The proposed single storey extension will infill the area to the west of the existing rear projection and extends 5.1m to the rear. The proposed extension will be finished with a pitched roof reaching a maximum height of 4.1m. The existing two storey projection will be altered from a mono-pitched roof to a pitched roof, increasing the height by 0.9metres at the highest point.

The property is a terraced property on Victoria Avenue, Porthcawl. The properties either side of the application site are residential properties. A lane runs along the rear of the property.

RELEVANT HISTORY

P/09/467/FUL - Change of Use from residential to Office use to provide facilities for counselling & training - Approved 31-07-2009

P/12/602/FUL - Change of use of residential garage to staff training room and extend - Approved 26-10-2012

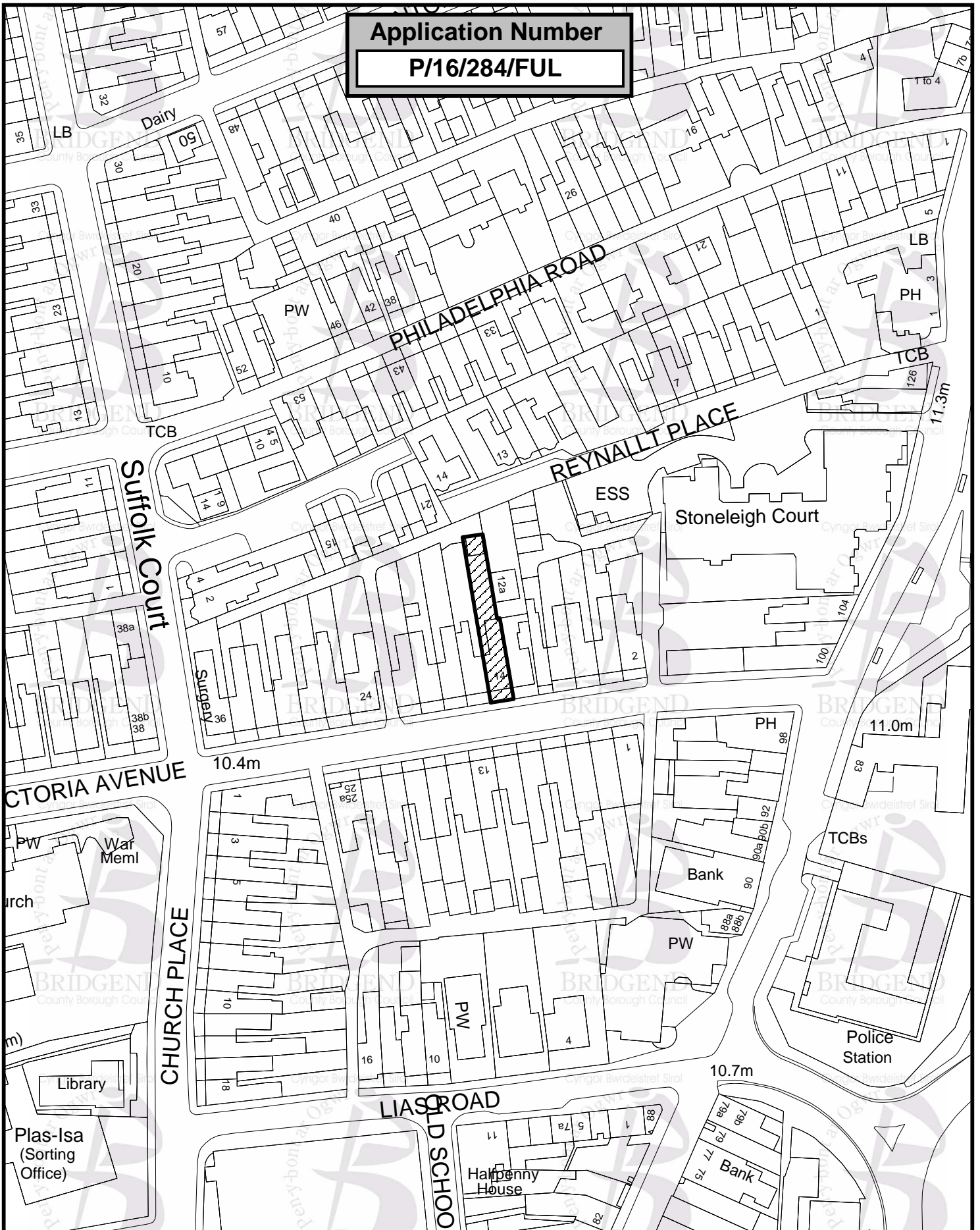
P/15/399/FUL - Two Storey Extension with dormer to rear - Refused 10-03-2016

PUBLICITY

Neighbours have been notified of the receipt of the application.
The period allowed for response to consultations expired on 21 June 2016

Application Number

P/16/284/FUL



Scale 1:1,250

Date Issued:
30/06/2016

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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CONSULTATION RESPONSES

Porthcawl Town Council - Object to the application for the following reason:-

'No off street parking allocated. Loss of visual amenity and residential amenity due to the size of the proposed design and overcrowding. Concern about access for emergency vehicles to the rear of the property.'

Land Drainage Officer - Advised on drainage.

Highways Officer – No highway objection.

REPRESENTATIONS RECEIVED

Councillor Aspey Objects to the proposal.

Objections were received from the following local residents:-

- J & H Simon - 16 Victoria Avenue
- W Forster, I Gwillium & D Chugg - 18 Victoria Avenue
- S Sheppard - 12 Victoria Avenue
- K Edwards - 8 Victoria Avenue
- T & M Brookes - 10 Reynallt Place
- M Joseph - 13 Reynallt Place
- S & A Jones - 14 Reynallt Place

The objections received are summarised as follows:-

- Parking provision and highway safety
- Visual impact
- Impact on residential amenities
- loss of light to properties on Victoria Avenue
- Scale of development
- There are more suitable locations in the town
- Structural safety concerns
- Disruption during construction phase
- Damage to property
- Access by emergency vehicles
- Potential devaluation of property

COMMENTS ON REPRESENTATIONS RECEIVED

The issues of parking provision, residential amenity, visual amenity and overdevelopment of the site are addressed in the 'Appraisal' section of this report.

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

Disruption caused during the construction phase will be for a short term only and is not, therefore, a reason to preclude planning permission.

Reynallt Place is a private lane and any access permitted along the lane for construction purposes is a private matter.

There may be alternative premises available, however, the Local Planning Authority has to consider the scheme as submitted.

Any extension work will have to comply with Building Regulations and any damage to neighbouring property caused during construction is a private matter.

Potential devaluation of property is not a material planning consideration.

APPRAISAL

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

The application seeks planning permission to erect a single storey extension, alter the roof of the existing rear two storey projection and to erect a dormer extension to the rear of this terraced property.

The application is an amendment to a previously refused proposal (P/15/399/FUL refers) for a much larger scheme which consisted of a two storey extension, a single storey extension and a dormer roof extension to the rear. The current application has sought to address the refusal by reducing the scale of the development by removing the two storey element.

The proposed development is assessed against the Bridgend Local Development Plan (LDP) adopted in 2013. Policy SP2 of the LDP is particularly relevant and 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 addition to Policy SP2 of the LDP the formally adopted Supplementary Planning Guidance (SPG) 02 - Householder Development (adopted on 12/12/2008) is also relevant and sets out objectives that define what is likely to be acceptable. Whilst the SPG relates to householder development it is considered that the principles of the SPG are generally relevant to this application.

The application site is a terraced property with residential properties either side of the property, 12 & 16 Victoria Avenue, and a modest residential property is located to the north east of the property, 12A Victoria Avenue. The application property benefits from a large single storey detached structure to the rear of the site which is used as a training room (P/12/602/FUL refers).

In terms of the impact of the development on the adjoining properties, 12 Victoria Avenue, located to the east of the site, has a rear facing habitable room window at first floor level, which may be affected by the proposed altered first floor roof formation. Note 2 of SPG02 states 'No extension should unreasonably overshadow adjoining property.' In order to assess the extent of overshadowing a 45 degree line, indicating the day light protection zone, is drawn from the mid-point of the affected window or 2m in the case of patio doors. The daylight protection zone of the first floor window at No. 12 is not intruded on plan or in elevation, consequently the development is considered not to overshadow No.12 to an unacceptable degree.

In regard to the property at 12A Victoria Avenue the proposed extension is considered not to infringe the daylight protection zone of the south facing windows at No. 12A. Whilst, there is a window which directly faces the application property, this is a secondary window serving a kitchen, consequently, the proposed development is considered not to adversely affect No. 12A to such an extent as to warrant refusal of the scheme.

16 Victoria Avenue, to the west of the site, has a single storey rear projection which serves a kitchen/diner. The kitchen/diner is served by 3 habitable side facing windows and a side facing door, which will directly face the proposed extension. Two of the existing windows, serving the kitchen area, currently directly face the existing two storey projection at the application site and these windows are obscurely glazed. A clear glazed window serving the dining area will directly face the proposed single storey extension, as the extension is single storey only it is not considered to adversely affect the amount of daylight reaching this window to an unacceptable degree.

In respect of the ground floor rear facing window at No.16, Note 2 of SPG02 states that 'No extension should unreasonably overshadow adjoining property.' The daylight protection zone of the ground floor rear window is intruded in elevation and on plan, however the intrusion is marginal and the room is also served by a south facing window on the front elevation of the property. As such, the impact is not considered to be so harmful as to warrant refusal for this reason.

In terms of the scale of the overall development, although the development would leave only a modest area of open space this is considered acceptable to serve a commercial property. If the use of the property were reverted back to residential in the future there is the potential to provide additional amenity space by removing or reducing the training room.

Whilst views of neighbouring properties will be possible from the rear facing windows in the dormer due to the built up nature of the area there is existing mutual overlooking and the development is not considered to exacerbate the existing overlooking situation to an unacceptable degree.

In terms of the impact of the proposed development on the visual amenities of the area, the development is to the rear of the property and, although it will be visible from the rear lane and Reynallt Place, the extension has a similar appearance to that of the existing extension. As such the impact on the visual amenities of the area is considered to be acceptable.

With regard to the impact of the development on parking provision, the extended property would provide one additional counselling room. Given the limited increase in counselling rooms, the availability of on street parking and the close proximity of the site to public car parks and public transport the development is considered to be acceptable in terms of parking provision and highway safety.

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, Notes 1,2,6,8,10,11 & 12 of Supplementary Planning Guidance 02:Householder Development 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:-

Ground Floor Plan (revised) 09:36:04 D (received 9 May 2016)
First Floor Plan (revised) 09:36:05 E (received 9 May 2016)
Roof Floor Plan (revised) 09:36:06 D (received 9 May 2016)
Existing & proposed elevations 09:36:07 C (received 9 May 2016)
Existing & proposed site plans 09:36:08 C (received 9 May 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. The extended premises shall be used as a counselling service with staff training and for no other purpose including any other use in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To ensure the Council retain control over the use of the property.

4. The development hereby permitted shall not operate outside the following times:-

Monday-Friday 09:00-21.00
Saturdays 09:00-13:00
Sundays and Bank Holidays: Closed

Reason: To safeguard the residential amenities of neighbouring properties.

5. No development shall commence until a scheme for the provision of 2 cycle parking stands has been submitted to and agreed in writing by the Local Planning Authority. The scheme as agreed shall be implemented before the development is brought into beneficial use and retained as such in perpetuity.

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

* 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 so significantly harms neighbours' amenities or highway safety as to warrant refusal.
- b) No surface water is allowed to discharge to the public highway.
- c) No land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.
- d) A travel plan should be produced and the applicant is advised to consider the Travel Plan Guide for Developers at the following internet address:
<http://www.bridgend.gov.uk/web/groups/public/documents/manuals/050232.pdf>

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

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REFERENCE: P/16/309/FUL

APPLICANT: Industrial Pipework Ltd Unit 8 Heol Ty Gwyn Industrial Estate, Maesteg CF34 0BQ

LOCATION: Industrial Pipework Ltd, Heol Ty Gwyn Industrial Estate, Maesteg

PROPOSAL: Steel Portal Framed extension to side of Unit

RECEIVED: 27 April 2016

SITE INSPECTED: 13 May 2016

APPLICATION / SITE DESCRIPTION

The application site is located within Heol Ty Gwyn Industrial Estate which is allocated and protected for employment development falling within uses B1, B2 and B8 employment uses by policy REG1(12) of the adopted Bridgend Local Development Plan (LDP).

The application is seeking retrospective consent for a steel portal framed extension to the side of the existing industrial unit.

RELEVANT HISTORY

P/11/356/FUL Consent granted 6 July 2011

RETROSPECTIVE APPLICATION TO CHANGE THE USE OF OPEN LAND TO STORAGE FOR EXISTING INDUSTRIAL UNIT

PUBLICITY

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

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 25 May 2016.

CONSULTATION RESPONSES

Councillor P White has no objections and agrees that this application can be dealt with by officer delegation.

Maesteg Town Council supports the proposal.

The Coal Authority has no objection subject to a condition regarding remedial works.

The Economy and Natural Resources Manager offers no observations.

The Land Drainage Officer has no objection to the proposal.

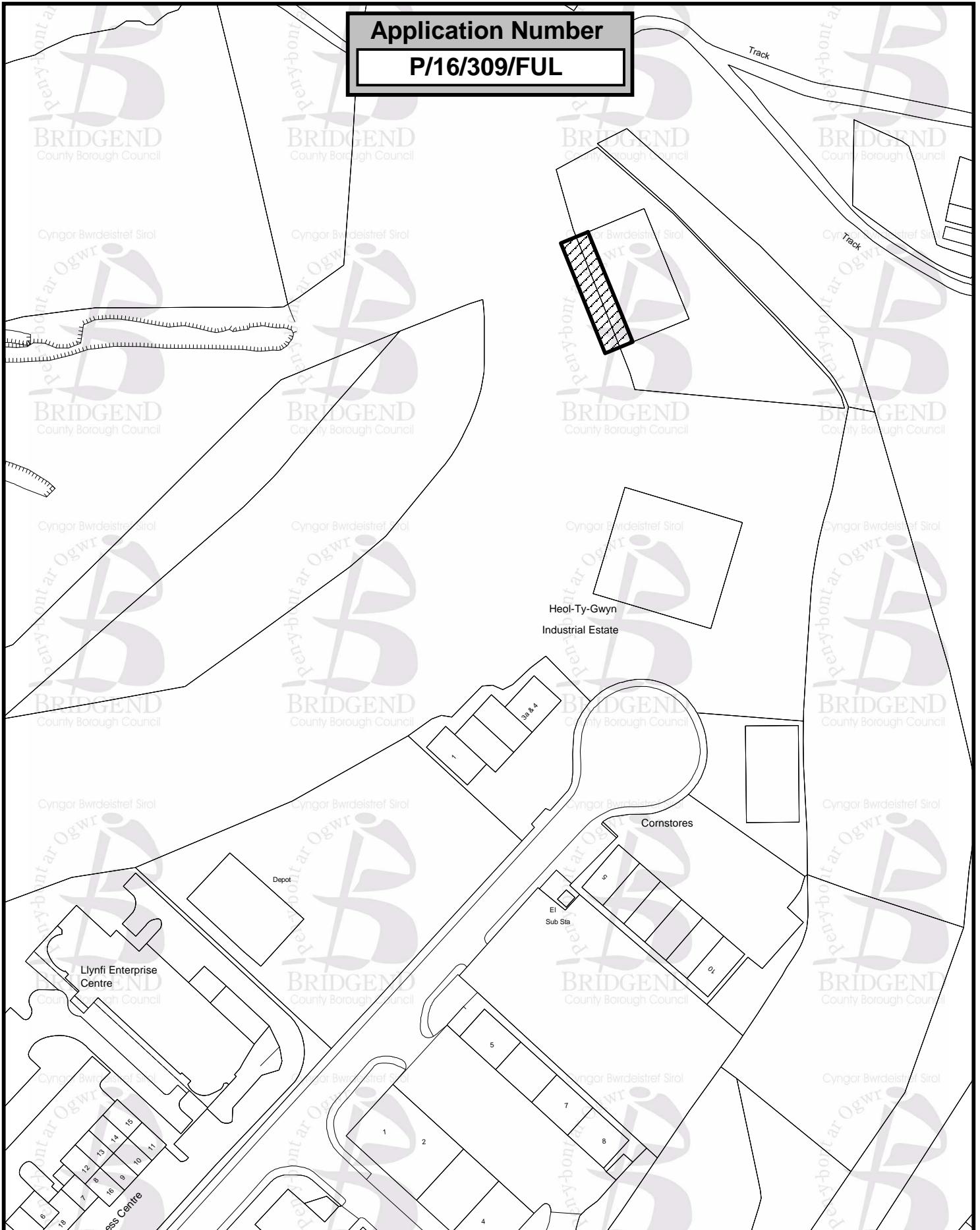
REPRESENTATIONS RECEIVED

Llynfi Coaches MOT Testing Station objects to the development for the following reasons:-

- The building was erected without sufficient footings;
- The surrounding land has been landscaped and is causing water run-off on to our land.

Application Number

P/16/309/FUL



Scale 1:1,250

**Date Issued:
30/06/2016**

**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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COMMENTS ON REPRESENTATIONS RECEIVED

- Footings are a matter for Building Control
- The land Drainage Officer has no objections to the proposal.

APPRAISAL

The application is reported to Committee as a departure to the Local Development Plan (LDP).

The extension is located outside the employment allocation boundary and settlement development boundary, therefore, LDP Policy ENV1, which seeks to protect the countryside from inappropriate development, applies.

In terms of background, when the original permission was granted for the existing industrial unit the application was assessed under the policies of the Unitary Development Plan (UDP) and, at that time, the application site was included within the settlement development boundary.

When the LDP was prepared the area was excluded as part of the settlement boundary review. However, it is considered that the extension to the building would not be so detrimental to the surrounding countryside to justify the refusal of planning permission. As the application is technically outside the employment allocation and settlement development boundary as defined in the LDP this application is required to be assessed as a departure to the LDP, considered by the Development Control Committee and referred onwards to Council.

According to the LDP proposals map the extension has been built in an area identified as a 'secondary coal reserve' where Policy ENV9 of LDP requires that development proposals within mineral safeguarding areas, either permanent or temporary, will need to demonstrate (inter alia) that if permanent development, the mineral can be extracted prior to the development, and/or the mineral is present in such limited quantity or quality to make extraction of no or little value as a finite resource. It is considered unlikely that minerals will be extracted in such close proximity to the existing industrial unit and, in this respect, the applicant has provided the original Report on Site Investigation commissioned by the Welsh Development Agency when the original site was developed. The Report suggests that mudstone, siltstone and sandstone were present in a matrix of grey silty clay above coal seams and the Coal Authority has no objection subject to a condition for remedial works. It is considered, therefore, that Policy ENV9 is satisfied.

The application site is situated at Heol Ty Gwyn Industrial Estate which is allocated for employment uses falling within Classes B1, B2 & B8 of the Use Classes Order by Policy REG1 of the Bridgend Local Development Plan. The proposed development for an industrial unit is considered to be compatible with this policy.

In terms of detail and design the unit will resemble neighbouring premises on the Industrial Estate and it is considered that the proposed development will not adversely impact on the amenities of the area or neighbouring units and thereby will be compatible with Policy SP2 of the LDP.

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.

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 retrospective nature of the application 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.

CONCLUSION

The application can be recommended for approval as it is generally compatible with Development Plan policies relating to employment whilst not so significantly intruding into the countryside as to warrant refusal. The proposal also represents an opportunity for an existing enterprise to expand its operations and create additional jobs.

RECOMMENDATION

(A) That the application be referred to Council as a proposal that is a departure from the Development Plan that the Planning and Development Committee are not disposed to refuse the restoration as the extension to the building is on land for which the original storage use was granted under the Unitary Development Plan and it would not be so detrimental to the surrounding countryside.

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

1. Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 31 and 32 of the 1990 Town and Country Planning Act (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the of the above Act, shall have been deemed to have been implemented on 27 April 2016.

Reason: To comply with Section 73A of the above Act.

2. Within 1 month of the date of this consent a scheme of remedial works to treat any areas of shallow mine workings present beneath the extension shall be submitted to and agreed in writing with the Local Planning Authority. Any remedial works identified shall be implemented within 3 months of the date of this consent.

Reason: To ensure the safety and stability of this development within the Development High Risk Area.

3. The development shall be carried out in accordance with condition 1. above and the approved plans labelled DRAWING: PLAN AND SECTION and DRAWING: ELEVATIONS and date stamped 27 April 2016.

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

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

- a. The application can be recommended for approval as it is generally compatible with Development Plan policies relating to employment whilst not so significantly intruding into the countryside as to warrant refusal. The proposal also represents

an opportunity for an existing enterprise to expand its operations and create additional jobs.

- b. No surface water is allowed to discharge to the public highway
- c. No land drainage run-off will be permitted to discharge, either directly or indirectly, into the public sewerage system.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background papers
None

APPEALS

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

CODE NO.	A/16/3143086 (1773)
APP. NO.	P/15/634/FUL
APPELLANT	MR ANTHONY SMITH
SUBJECT OF APPEAL	NEW DWELLING: LAND BETWEEN 16 & 17 HIGH STREET OGMORE VALE
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

A copy of this appeal decision is attached as APPENDIX A

RECOMMENDATION:

That the report of the Corporate Director Communities be noted.

**MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

See relevant application reference number.

Appendix A



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 26/05/16

gan Janine Townsley LLB (Hons)

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 08/06/16

Appeal Decision

Site visit made on 26/05/16

by Janine Townsley LLB (Hons)

an Inspector appointed by the Welsh Ministers

Date: 08/06/16

Appeal Ref: APP/F6915/A/16/3143086

Site address: Land Between 16 & 17 High Street, Ogmores Vale, Bridgend. CF32 7AD

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Anthony Smith against the decision of Bridgend County Borough Council.
 - The application Ref P/15/634/FUL, dated 28 September 2015, was refused by notice dated 2 December 2015.
 - The development proposed is a new dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The site address provided on the application form is "land between 16 and 17 High Street". The principal elevation of the proposed dwelling would face Corbett Street which runs parallel with and to the rear of High Street. There would be no access to the proposed dwelling from High Street.

Main Issues

3. These are whether the proposed development would provide acceptable living conditions for future occupiers, with regard to the provision of private amenity space and the effect of the proposed dwelling on the living conditions of occupiers of neighbouring properties with particular reference to outlook and privacy.

Reasons

4. The appeal site comprises land to the rear of a former ecclesiastical building which fronted onto High Street. The proposed dwelling would be sited "back to back" with the existing structure on site and would front onto Corbett Street. Nos 16 and 17 High Street are sited either side of the appeal site, and would also be "back to back" with the appeal proposal. There is no objection in principle by the Council to new residential development at this location.
-

5. The Council's concern is that due to the restricted size of the appeal site, the proposal would afford an unacceptably poor standard of residential amenity to future occupants in terms of space, outlook and privacy. The area of the site allocated for garden space exceeds the footprint of the dwelling and whilst the garden space proposed is modestly sized, there is nothing before me to suggest that this area would not be adequate for the purposes ordinarily associated with outdoor amenity space such as sitting outside, drying washing and refuse storage. The topography of the site means the rear space would be uneven, however, this, itself does not mean the garden space would be inadequate.
6. Notwithstanding the adequacy of the size of outdoor amenity space, there are factors which affect the quality of the space available. The properties along High Street are built on substantially higher ground than the appeal site. In a response to this change in levels, the buildings on High Street either side of the appeal site are three storey at the rear. Forming the rear boundary of the site is a retaining wall and a partially completed building fronting High Street. This boundary feature represents an imposing, generally blank wall which would dominate the proposed garden and this, coupled with the three storey elevations of the properties to either side would result in an unacceptably oppressive outlook given the modest size of the garden.
7. Furthermore, there is an existing rear extension to No. 16 High Street which would mean that the proposed garden space would be surrounded on three sides by high walls. These factors together would compromise the quality of the amenity space proposed in terms of the outlook from the garden and would result in future occupants feeling "hemmed in". I acknowledge that the Council has no adopted policy which sets out minimum outdoor amenity standards; however, Supplementary Planning Guidance 02 *Householder Development* which relates to house extensions does provide guidance in relation to garden space. This provides that developments should allow for a reasonable private outdoor area for the enjoyment of present and future households.¹ The proposal fails to accord with this guidance as a result of the poor quality of the space available and for this reason does not represent a high quality design, contrary to criterion 2 of policy SP2 of the Bridgend Local Development Plan 2006-2021 (LDP).
8. Turning to the relationship between the proposed and existing dwellings, No. 17 High Street is in residential use and, from the evidence I note that planning permission² has been granted for the conversion of the first floor of No. 16 to a new residential unit (a flat).
9. Given the restricted depth of the appeal site, the rear elevation of the proposed dwelling would be within 10 metres of the rear site boundary and the rear elevation of the dwellings either side on High Street. No. 17 has windows to the rear at ground, first and second floor levels. The Council asserts that some or all of these windows serve habitable rooms and this is not disputed by the appellant. However, since No. 17 is adjacent to the appeal site, there is no issue of direct overlooking and for this reason the privacy of occupiers from within of No. 17 and the proposed dwelling would not be substantially affected by the proposal. For this reason, the suggested

¹ Paragraph 5.1.1

² P/15/633/FUL

amendment to the internal layout of the first floor of the proposed dwelling to minimise overlooking would not be necessary.

10. In terms of overlooking of the proposed rear garden area, the proximity of the windows on the rear elevation of No. 16 together with the height of those windows relative to the proposed garden, would compromise the privacy of potential users of the amenity space. Thus, the quality of the proposed garden area would be further diminished by this factor, reinforcing my conclusions that the quality of the proposed rear amenity space would be unacceptable. Further, notwithstanding the suggestion put forward to re-arrange the internal first floor room layout, the proximity of the rear first floor windows to the rear garden space of No. 17 would result in a degree of overlooking, which would have an adverse effect on users of the garden area. Thus the proposal would fail to accord with criterion 12 of policy SP2 of the LDP.
11. In relation to No. 16 High Street, I observed that the existing extension has two windows at first floor level. These would overlook the garden space proposed. I acknowledge the appellants position that this is a matter which could be adequately controlled by means of condition since planning permission has been granted which, if implemented would result in the two windows being replaced by a single window serving a bathroom, however, given that I have found the scheme unacceptable for the stated reasons, it has not been necessary for me to consider this option further.

Conclusion

12. For the reasons outlined above I conclude that the appeal should be dismissed.

Janine Townsley

INSPECTOR

TRAINING LOG

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

<u>Facilitator</u>	<u>Subject</u>	<u>Date</u>	<u>Time</u>
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
- Workshop on Parking Standards

Recommendation:

That the report of the Corporate Director Communities be noted.

MARK SHEPHARD CORPORATE DIRECTOR COMMUNITIES

Background Papers

None.

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