

*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: 29 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, 4 August 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 31 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 - 8
To receive for approval the Minutes of the meeting of the Development Control Committee of 7 July 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 9 - 14

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.	<u>Development Control Committee Guidance</u>	15 - 18
8.	<u>Officer's Reports</u>	
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9.	<u>Appeals</u>	57 - 74
10.	<u>Training Log</u>	75 - 76
11.	<u>Off-site Recreation Contributions</u>	77 - 78
12.	<u>Urgent Items</u> To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency	

Yours faithfully

P A Jolley

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 THURSDAY, 7 JULY 2016 AT 2.00 PM

Present

Councillor M Thomas – Chairperson

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

Officers:

Rhodri Davies	Development & Building Control Manager
Craig Flower	Planning Support Team Leader
Tony Godsall	Traffic & Transportation Manager
Eilian Jones	Senior Planning Officer
Rod Jones	Senior Lawyer
Robert Morgan	Senior Development Control Officer
Jonathan Parsons	Group Manager Development
Andrew Rees	Senior Democratic Services Officer - Committees
Philip Thomas	Principal Planning Officer

761. APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members:

Councillor GW Davies MBE
Councillor JE Lewis
Councillor LC Morgan.

762. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor D Patel – P/15/845/FUL – Personal interest in that she is a Board Member of Valleys 2 Coast.

Councillor N Clarke – P/16/284/FUL – Personal interest as a Member of Porthcawl Town Council but takes no part in the consideration of planning matters.

Councillor JC Spanswick – P/16/385/BCB - Personal interest as a Member of Brackla Community Council but takes no part in the consideration of planning matters.

Councillor R Young – P/16/313/FUL – Prejudicial interest as one of the public speakers who is a representative of the group objecting to the application sits with him on another committee. Councillor Young withdrew from the meeting during consideration of this item.

Tony Godsall, Traffic & Transportation Manager – P/16/385/BCB – Declared an interest declared as the Officer who submitted the application and withdrew from the meeting during consideration of the application.

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 7 JULY 2016

763. SITE VISITS

RESOLVED: That the date for site inspections (if any) arising from the meeting or identified in advance of the next meeting of the Committee by the Chairperson was confirmed as Wednesday 3 August 2016.

764. APPROVAL OF MINUTES

RESOLVED: That the Minutes of the Special meeting of the Development Control Committee of 4 May 2016 and the meeting of the Development Control Committee of 9 June 2016, be approved as a true and accurate record.

765. PUBLIC SPEAKERS

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

<u>Name</u>	<u>Planning Application No:</u>	<u>Reason for Speaking</u>
Mrs B Andree	P/16/385/BCB	Objector
Mr K Opoku-Addo	P/16/385/BCB	Applicant
Cllr M Butcher	P/16/313/FUL	Objector
Mr P Vincent	P/16/313/FUL	Objector
Mr M Jones	P/16/313/FUL	Agent

766. 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.

767. P/16/376/RLX - WATERTON HOUSE, BROCASTLE AVENUE, WATERTON INDUSTRIAL ESTATE

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

<u>Code No.</u>	<u>Proposal</u>
P/16/376/RLX	Relax condition 9 of P/09/937/FUL (operating hours of the site)

Subject to Condition 4 being re-worded as follows:

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

Reason: In the interests of highway safety.

768. P/16/385/BCB - LAND REAR 297 - 311 ERW HIR, BRACKLA

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

Code No. Proposal

P/16/385/BCB Proposed Park & Ride Facility (Phase 1)

Subject to Condition 6 being re-worded as follows:

6. 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.

769. P/16/313/FUL - LAND ADJ THREE HORSE SHOES LAMB ROW, SOUTH CORNELLY

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

Code No. Proposal

P/16/313/FUL 4 New Dwellings (2 X Semi Detached 2 Bed Dwellings & 2 X Semi Detached 2 Bed Bungalows)

Subject to the inclusion of additional condition 14 as follows:

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.

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

RESOLVED: (A) That the application be referred to Council as a proposal that is a technical 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 at least £1880 towards children's play provision but this figure is to be reviewed by the Corporate Director Communities prior to the report to Council in view of a decision of the Committee to apply the charge to flatted development in relation to a previous application.
- ii) provide a financial contribution of £1880 towards children's play provision.
- iii) secure two units as affordable housing

(C) That if Council resolve to approve the proposal the conditions in the report of the Corporate Director Communities be included on the consent:

Code No.

Proposal

P/15/845/FUL

12 Dwellings and Associated Works

Subject to Condition 1 being re-worded and the inclusion of additional condition 15 as follows:

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.

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

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 7 JULY 2016

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.

771. P/16/284/FUL - TY ELIS, 14 VICTORIA AVENUE, 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/16/284/FUL Rear Ground Floor Extension, Raise Floor Level of Annex for Disabled Access to 1st Floor & Dormer to Rear

772. P/16/309/FUL - INDUSTRIAL PIPEWORK LIMITED, HEOL TY GWYN INDUSTRIAL ESTATE, MAESTEG

RESOLVED: (A) That the application be referred to Council as a proposal that is a technical departure from the Development Plan that the Development Control 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 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.

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 7 JULY 2016

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

773. APPEALS

RESOLVED: That the Inspector appointed by Welsh Ministers to determine the following Appeal, has directed that the Appeal be DISMISSED.

<u>Code No.</u>	<u>Subject of Appeal</u>
A/16/3143086 (1773)	New Dwelling: Land Between 16 & 17 High Street, Ogmore Vale

774. TRAINING LOG

The Group Manager Development reported on an updated training log.

RESOLVED: That the report of the Corporate Director Communities be noted and that an invitation be extended to all Members of the Council to attend the Local Development Plan review workshop on Thursday 4 August 2016.

775. URGENT ITEMS

There were no urgent items.

The meeting closed at 3.54 pm

DEVELOPMENT CONTROL COMMITTEE

4 AUGUST 2016

**AMENDMENT SHEET (AS) - circulated by email 3 August 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	13	P/16/431/FUL

The application was subject to a Panel Site Visit which took place on Wednesday 3rd August, 2016.

The Ward Members, Cllrs. EM Hughes and G Phillips were also in attendance.

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

8c	27	P/16/379/FUL
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The application was subject to a Panel Site Visit which took place on Wednesday 3rd August, 2016. The site visit also included the existing Caravan Storage site at Bridgend Industrial.

The applicant was also in attendance.

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

Condition 1 is amended to read:

1. The premises shall be used as a Caravan **and Motor Home** Storage Compound with ancillary office accommodation only and for no other purpose including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking **or** re-enacting that order with or without modification.

The Highway Officer's comments are as follows:

It is noted that the proposal seeks to relocate such a facility from Bridgend Industrial Estate which from experience generates low levels and irregular vehicle movements. The submitted TS gives peak visitor numbers of 62 per day at the current site (which accommodates 450 caravans). This occurred during the summer holiday period 2015 and thus indicates total number vehicle movements of 124. The current proposal accommodates 400 caravan spaces which pro rata equates to 110 vehicle movements which generates a vehicle entering or leaving the site approximately every 8 minutes based on a 15 hour day. It should be noted however that the site will effectively operate on a 24 hour basis as it will be flood lit and be accessible to customers via a keypad / access card arrangement.

The proposed site access utilises land allocated in the former UDP for a Highway Improvement Scheme (T14 (9) – A48/A473 Brocastle Link). Whilst the scheme does not form part of the current LDP the Highway Authority would wish to retain the potential for the future provision of the link and it is noted that the developer has set back the eastern site boundary to accommodate the corridor. The development of the highway along the corridor would require the access arrangements to the proposed site to be amended. In providing a revised access arrangement the internal site layout will also need to change in order to facilitate set back of gates and revised vehicle swept paths which will ultimately affect the total number of caravans which could be stored on the site. This is something that you may wish to secure by a Section 106 Planning Obligation however we are mindful that you consider that the provision of the Brocastle link scheme will be the subject of a separate planning application which will provide opportunity and control over any replacement access to this site at that time.

The following highway related conditions should be added to the recommendation:

12. There shall be no gates erected across the access road to the site at any time.

Reason: In the interests of highway safety.

13. The site shall be served by a single vehicular access as proposed at all times.

Reason: In the interests of highway safety.

14. Notwithstanding the submitted drawings, no works shall commence on the site access until engineering details of the road layout, turning area and junction with the Brocastle Avenue / Parc Crescent Roundabout with sections, street lighting, surface water drainage, traffic calming, visibility splays to junctions, forward visibility zones and lane widening to bends and highway retaining structures (embankments or walls) have been submitted to and approved in writing by the Local Planning Authority. The works shall then be implemented in permanent materials in accordance with the approved details before the development is brought into beneficial use.

Reason: In the interests of highway safety.

15. The site shall be laid out in accordance with the submitted plans prior to the site being brought into beneficial use and retained as such thereafter to ensure vehicles can enter and leave the site in a forward gear.

Reason: In the interests of highway safety.

16 Additional Note: The construction of the road along the identified highway corridor on land in the ownership of Welsh Government will result in revised access arrangements being provided to this application site. You should be mindful that the design of an appropriate access will result in the re-configuration of the caravan bays and may result in a reduction in the number of spaces available.

ASA

Mr L C Ham (Rhoslanog) has communicated with the department requesting that his objections to the development are repeated namely, fire hazard due to the high density

parking arrangements, noise levels from the development and heavier traffic through the nearby village (Treoos) and finally security floodlighting affecting the residents living conditions.

These concerns have been included and addressed in the committee report.

8d

41

P/16/270/FUL

The application was subject to a Panel Site Visit which took place on Wednesday 3rd August, 2016.

The Ward Member, Cllr. DK Edwards, a representative from Maesteg Town Council and the applicant and agent were also in attendance.

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

The penultimate sentence in the Application/Site Description section of the report on page 41 should read:

The land was formerly used as grazing land for horses.

8e

49

P/16/128/FUL

An email was received in respect of the above application. The full text of the message is reproduced as follows. The email does not raise any new issues in respect of this development.

Mrs Y Walker
2 The Landings
Pentwyn, Abersdychan
Pontypool
Torfaen NP4 7TL

Andrew Rees, Operational & Partnership Services
Bridgend County Borough Council
Civic Offices
Angel St.,
Bridgend CF31 4W8

30th July 2016

Dear Mr Rees

This email is to confirm my objection and complaint regarding the above Item which is to be discussed under Agenda Item 8e - P/16/128/FUL (Former Margam Surface Mine) at the meeting of the Development Control Committee taking place on Thursday, 4th August 2016 at 2.00 PM.

Although I live further east, I am fully aware of the environmental devastation that has taken place and is currently happening at Ffos y Fran as a result of open-cast mining. I understand that the restoration at the above site(s) is likely to be delayed.

You, as Councillors have a joint and several responsibility for ensuring that no Open-cast mining application should be approved without ensuring that the applicants and their contractors/sub-contractors undertake to restore the site to its former condition prior to any work being commenced or progressed to the next stage - that the companies concerned are legally bound to ensure there are enough funds in place in order for them to adhere to those legally-binding conditions, should those businesses were to become bankrupt at a later date.

A resolution was made at the Planning Committee on 3rd May 2016 that "planning permission should be granted for the above development subject to the removal of the holding direction from the Welsh Government and subject to the listed Conditions and a revised Legal Agreement to secure an acceptable programme of prioritised works and the ring fencing of money within the restoration fund, to enable delivery of this programme and to secure its aftercare".

Subsequent to the above resolution, the Welsh Ministers confirmed by letter dated 18th May 2016 that the application "does not raise planning issues of more than local importance" and accordingly cancelled the HI believe you holding Direction dated 27 April 2016, stating that "it is now for the Council to determine the application as it sees fit". I understand that the applicants wish to seek Members authorisation to amend condition 2 to allow the approved restoration to be completed by 31st July 2018. Meanwhile, the condition of the site is deteriorating rapidly.

I believe that as Councillors representing your community, that you should lobby the WAG and bring pressure to bear on it (through publicity or whatever means necessary) to compel the directors of those companies involved to fulfil their obligations, either by seizing their assets or by imprisonment, if need be.

I believe that you should stand firm, and refuse any further delaying tactics being employed by mining companies to wriggle out of their moral duty to protect our environment. My complaint is that neither the Planners or Councillors have had the courage to stand up against those people who are deliberately destroying the environment.

Yours sincerely
Yvonne Walker

This delay is unacceptable to the community.

MARK SHEPHARD
CORPORATE DIRECTOR – COMMUNITIES
4 AUGUST 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/16/431/FUL

APPLICANT: Mr Jonathan David Riverside View, Waterton Lane, Bridgend, CF31 3YW

LOCATION: Land Adjoining 39 Jubilee Road Bridgend CF31 3BA

PROPOSAL: Two Storey Dwelling

RECEIVED: 31 May 2016

SITE INSPECTED: 21 March 2016

APPLICATION/SITE DESCRIPTION

The application proposes the construction of a detached dwelling on land forming the rear garden of 39 Jubilee Road, Bridgend. The submitted layout plan indicates that a plot measuring 14m wide from the boundary with the neighbouring dwelling to the north west, 12 Jubilee Crescent, is to be created in the existing rear garden. The proposed new dwelling is to be sited 3m away from the boundary with this neighbour and set back 6m from the existing boundary with Jubilee Crescent so that it matches the front building line of the properties on this side of Jubilee Crescent. The dwelling will measure 9.2m wide by 7.5m deep with a hipped roof reaching 8.25m to its ridge. The eastern plot boundary, which separates the new dwelling from the host property, 39 Jubilee Road, is set 1.75m away from the eastern elevation of the proposed new dwelling which provides a rear garden for the host property measuring 8.4m (from the rear wall of the original dwelling) and 5.4m (from the rear wall of the single storey annex).

The accommodation within the proposed new dwelling will comprise a central hallway with living/dining room and kitchen/utility and study arranged on either side on the ground floor with three bedrooms, one of which will have an en-suite and dressing area together with a family bathroom served off the central landing area on the first floor. Two parking spaces are shown on the western side of the proposed dwelling (adjacent to the boundary with 12 Jubilee Crescent) accessed from an existing vehicular crossover. A new double width vehicular crossover is to be created on the eastern side of the proposed dwelling to provide access to two replacement parking spaces to serve the host property, 39 Jubilee Road. The elevational drawings annotated to show that the bottom half of the principal elevation will be finished in facing brick with the upper section and all other elevations finished in render. The roof is to be covered in natural slate with red ridge tiles. A chimney projecting 2.5m above the eaves on the eastern side of the dwelling is also indicated as serving a fire in the ground floor living/dining room. The external finishes of the chimney have not been specified.

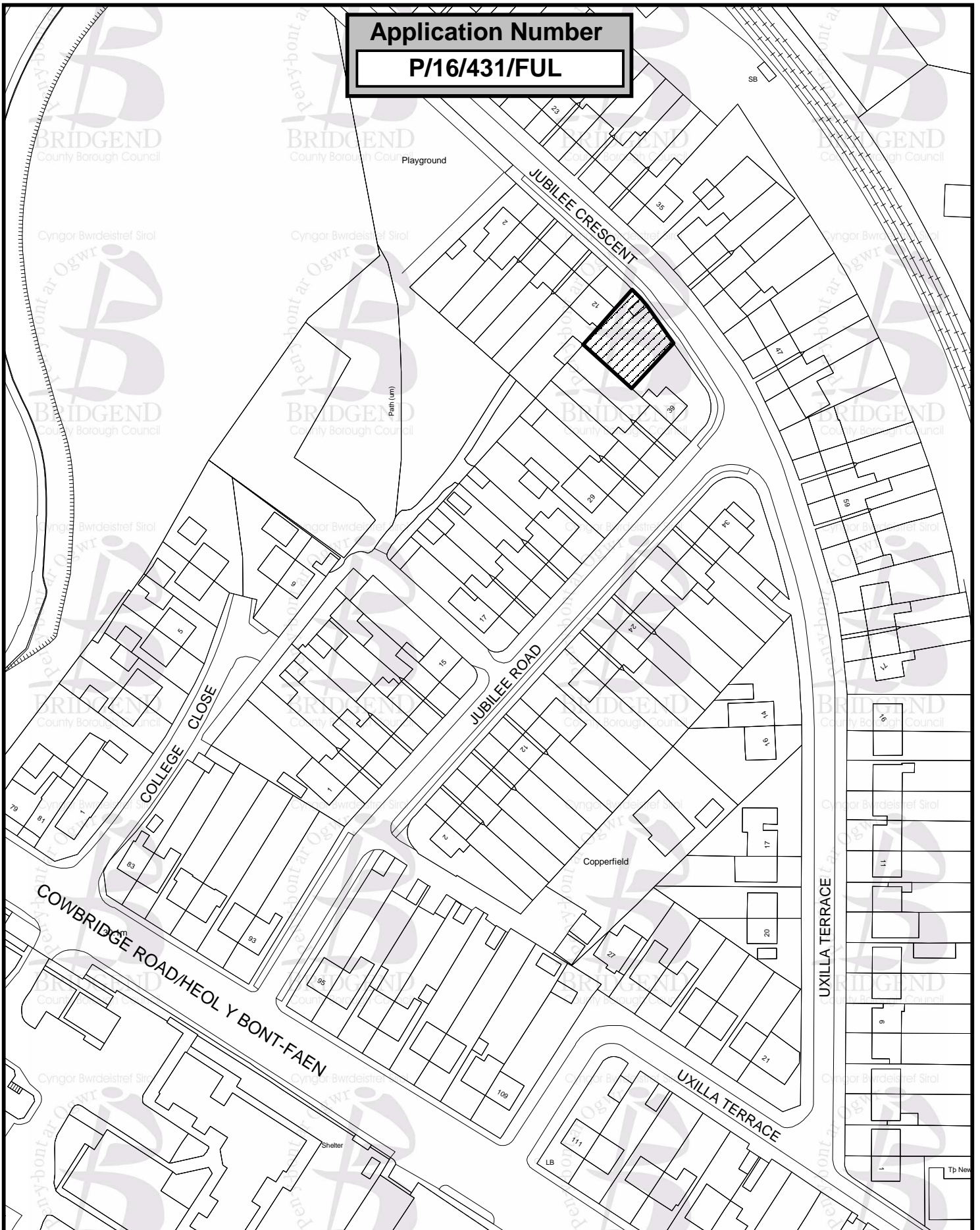
39 Jubilee Road is a corner property located on the eastern side of the junction of Jubilee Road with Jubilee Crescent. The proposed new dwelling is to be sited in the rear garden of the existing property and accessed from Jubilee Crescent. It was noted during the site inspection that the side and rear garden of 39 Jubilee Road was heavily overgrown but it appeared to be reasonably flat and level with surrounding properties.

RELEVANT HISTORY

90/0840 - Dwelling (Application in Outline)	Approved with conditions - 26/07/90
P/93/793/OUT - Erection of Dwelling	Approved with conditions - 27/08/93
P/96/648/RLX - Extend period for reserved matters	Approved with conditions -

Application Number

P/16/431/FUL



Scale 1:1,250

Date Issued:
27/07/2016

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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09/08/96

P/16/193/FUL - New 2 Storey Dwelling - Refused - 25/04/16

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 7th July, 2016

CONSULTATION RESPONSES

Councillor Mrs E M Hughes - There are objections from 39,41 & 12 Jubilee Crescent on the grounds of being a two storey building, location near a busy junction and over-intensification due to lack of open space. A site visit is requested to enable Committee to see the constraints and judge the position of the proposed development.

Bridgend Town Council - No objection.

Head of Street Scene (Highways) - No objection subject to conditions.

Head of Street Scene (Drainage) - No objection subject to condition.

Welsh Water Developer Services - No objection subject to condition.

REPRESENTATIONS RECEIVED

Five letters of objection have been received from local residents

The grounds for objection can be summarised as follows:-

1. Noise, Disturbance & Dust during the construction phase.
2. Increased traffic and parking will exacerbate existing problems.
3. Adverse impact on privacy of immediate neighbour's garden & properties opposite in Jubilee Crescent.
4. Out of character with the area.
5. Devaluation.
6. Drainage issues.
7. Overbearing impact on adjoining properties.
8. Impact on highway safety given proximity to junction.
9. Development has previously been refused.

COMMENTS ON REPRESENTATIONS RECEIVED

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

Noise, Disruption and Dust caused during the construction phase of the development - On the basis that the construction would only be a temporary phase, which is controlled by other legislation, it is considered that these issues are not material to the assessment of the planning merits of the scheme.

Increased Traffic - Whilst the concerns of local residents are noted, it is considered that as the proposed development is a single dwelling, the impact will not be so significant as to warrant refusal of the scheme.

Car Parking - It was noted during the site inspection that currently 39 Jubilee Road benefits from a single parking space accommodated in a garage structure sited close to the boundary with 12 Jubilee Crescent. The submitted plans indicate that two parking spaces are to be provided within the revised curtilage of the host property, which represents an improvement on the current situation. With regard to the proposed new dwelling, although two spaces are shown on the site layout, this is insufficient to meet the Authority's parking standards, which require three spaces for a dwelling of this scale. The site is, however, capable of accommodating the required spaces and therefore an appropriately worded condition can secure such provision.

Overlooking and Loss of Privacy - Concerns have been expressed by the occupiers of the properties on the opposite side of Jubilee Crescent but in view of the distances and the intervening highway, it is considered that the proposed development will not so significantly impact on these neighbours as to warrant refusal.

The occupiers of the properties immediately adjoining the application site at 12 Jubilee Crescent and 37 Jubilee Road have also expressed concern regarding the impact of the proposed development on their privacy. The submitted plans do not include windows in the side elevation of the proposed new dwelling facing into 12 Jubilee Crescent. Further, given that the proposed development will be orientated with its principal elevation facing onto Jubilee Crescent, it is considered that the impact will not exacerbate the existing situation in terms of overlooking of this objector's rear garden.

With regard to the potential impact on the privacy of the rear garden of 37 Jubilee Road, it is noted that the proposed dwelling has been designed with a first floor bedroom window serving bedroom 3 facing into the objector's property. Whilst, the rear elevation of the proposed dwelling is only 4.5m away from the boundary with the objector's garden, the views obtained from this window will be of this rear garden rather than facing windows in the objector's home. Obscure glazing could be considered but, as this window serves a bedroom, such a requirement is not considered appropriate and, on balance, it is considered that this arrangement will not exacerbate the existing situation to such a degree as to warrant refusal of the scheme for this reason.

Out of character with the area - It was noted during the site inspection that the surrounding area is characterised by short terraces of two storey hipped roofed dwellings set in generous plots provided with substantial rear gardens. Whilst the proposed development will be significantly smaller in plot size and will reduce the curtilage of the host dwelling, it is considered that the site layout adequately safeguards the privacy of neighbours, includes off street parking facilities, reasonable levels of private amenity space and, in visual terms, has been designed to reflect the details of the adjoining dwellings in Jubilee Crescent onto which it will face.

Devaluation - This is not a material planning consideration.

Drainage issues - Whilst residents have expressed concern, Dwr Cymru/Welsh Water and the Land Drainage Section are satisfied that a condition requiring a comprehensive and integrated drainage scheme can be imposed to address this issue.

Overbearing Impact - The submitted layout indicates that the eastern (side) elevation of the proposed new dwelling will be located approximately 10m away from the rear elevation of the host dwelling, 39 Jubilee Road, and is off set so that it will not face onto the single storey rear extension to the host property. The Authority's Supplementary Planning Guidance (SPG) 2, although relating to household development, provides

guidance on the assessment of domination and overshadowing, which it is considered can be applied to assess the relationship of the proposed dwelling with the host property. The SPG clarifies that unreasonable domination is an issue only where a main window to a habitable room in an adjacent dwelling will directly overlook a proposed development. In addition, for unreasonable domination to be demonstrable, the development must be either:-

- Higher than a line, perpendicular to the window wall, rising at 25 degrees to the horizontal from the mid point of the affected window(s); or
- Closer than 10.5m to the window.

In this case, the proposed new dwelling only marginally infringes both of these criteria and it is therefore considered that this relationship will not so significantly dominate the host dwelling as to warrant refusal on the grounds of detriment to the residential amenities of its occupiers.

Proximity to junction - Objectors have suggested that the site layout, due to its proximity to the road junction, will be detrimental to highway safety. The Highways Department does not concur with this view.

Precedent - Objectors highlight that an earlier application P/16/193/FUL was refused and consider that this application should also be refused. Each application is assessed on its individual merits and it is considered that the revisions to the design, siting and scale of the proposed dwelling have addressed the reasons for refusal of the earlier submission.

APPRAISAL

The application is referred to Committee to consider the objections raised by local residents, which have been supported by the Ward Member.

The application seeks consent for the construction of a detached two storey dwelling on land currently forming the rear/side garden of 39 Jubilee Road, Bridgend. As indicated earlier in this report in the description of development, the application site is a corner property located adjacent to the junction of Jubilee Road with Jubilee Crescent.

The application site lies within the settlement of Bridgend as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP). Policy COM3 of the LDP permits residential development within settlement boundaries, on windfall and small scale sites or the re-use of vacant or under-utilised land, provided no other LDP Policy protects the building or land for an existing or alternative use. In principle, therefore, the redevelopment of the side/rear garden of the existing property for a dwelling would accord with this Policy.

Assessment of the layout and details for the proposed new dwelling falls to be made against Policy SP2 of the LDP, which requires that all development contributes to creating high quality, attractive, sustainable places, which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment and establishes criteria which development proposals are required to satisfy.

In respect of the proposed new dwelling, it is considered that criteria 1, 2, 3, 4, 6, 12 & 13 would be relevant. For the reasons outlined in the previous section of this report providing comments on representations received, it is considered that the proposed

development is now compatible with the local character, is of an appropriate scale and maximises the development potential of the land thereby meeting criteria 1, 2, 3 & 4.

Criterion 6 requires development proposals to provide satisfactory access to the development itself and linkages outside the site through good walking, cycling, public transport connection. In this case, the application site is located within a long established residential area where, it is considered, the existing connections outside the site are adequate. In terms of access to the site itself, the Highways Department consider that the layout incorporates replacement parking facilities for the host dwelling and although the scheme fails to provide adequate parking spaces for the proposed new dwelling to meet the Authority's standards, this can be satisfactorily addressed by condition.

In criterion 12, the Policy seeks to ensure that the viability and amenity of neighbouring occupiers will not be adversely affected. For the reasons outlined in the previous section of the report, it is considered that the development has been designed so that it does not unreasonably infringe the privacy of its neighbours nor does it result in unreasonable domination or overshadowing of adjoining properties. It is therefore considered that the requirements of the criterion are met. The final criterion requires the provision of appropriate drainage arrangements. The Land Drainage Section has recommended a condition to require a drainage scheme to address this matter.

Whilst determining this application Supplementary Planning Guidance 2 - Householder Development, Policies PLA1, COM3, PLA11 & SP2 of the Bridgend Local Development Plan and Supplementary Planning Guidance 17 - Parking Guidelines were considered.

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," 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 that this is an existing garden area, it is considered that, overall, there will be no significant adverse 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 Well-being 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 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 development.

CONCLUSION

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

RECOMMENDATION

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

1. The development shall be carried out in accordance with the following approved plans and documents: plan numbers JD/B/16/01A, JD/B/16/02A and JD/B/16/03A.

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

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

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

3. Notwithstanding the approved plans, no development shall commence until a scheme for the provision of two off street parking spaces for 39 Jubilee Road has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed parking spaces shall be provided in permanent materials in accordance with the agreed scheme before the commencement of works to construct the new dwelling and be so retained in perpetuity.

Reason : In the interests of highway safety.

4. Notwithstanding the approved plans, no development shall commence until a scheme for the provision of three off street parking spaces within the curtilage of the new dwelling hereby approved has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the three parking spaces shall be provided in permanent materials in accordance with the agreed scheme prior to the development being brought into beneficial use and retained for parking purposes in perpetuity.

Reason : In the interests of highway safety.

5. The proposed means of access to 39 Jubilee Road and the new dwelling, hereby approved, shall be laid out with 1m by 1m pedestrian vision splays in both frontage directions before the development is brought into beneficial use and retained as such thereafter in perpetuity.

Reason : In the interests of highway safety.

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

Reason : In the interests of highway safety.

7. 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.

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

Reason : In the interests of visual and residential amenities.

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

Reason : To ensure the provision of effective drainage facilities and that flood risk is not increased.

10. * 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 highway safety or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.
- (b) Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highways Maintenance Manager. The developer should contact the Highways Maintenance Inspector for the area at Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend on 01656 642541.
- (c) In order to satisfy the drainage condition, it will be necessary for the following supplementary information to be provided:-
- Specialist ground investigation/geotechnical report to confirm acceptability of any proposed infiltration system;
 - Infiltration tests to confirm the acceptability of any proposed infiltration system;
 - Design Calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface water system;
 - A timetable for its implementation;
 - A management & maintenance plan for the lifetime of the system and
 - Drawings showing the arrangement of the foul and surface water drainage systems.
- (d) The observations received from Dwr Cymru/Welsh Water are attached for the developer's information and consideration.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None

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REFERENCE: P/16/440/FUL

APPLICANT: Mr Mike Gregory 94 Coychurch Road,
Pencoed, Bridgend CF35 5NA

LOCATION: 94 Coychurch Road, Pencoed CF35 5NA

PROPOSAL: Demolish existing conservatory & extend existing single storey extension at the rear

RECEIVED: 2 June 2016

SITE INSPECTED: 14 July 2016

APPLICATION/SITE DESCRIPTION

The property is a semi-detached property located on the western side of Coychurch Road, opposite Croesty Primary School.

The proposal involves the removal of the existing conservatory which measures 4.5m x 2.9m with a pitched roof reaching a height of 3.25m (eaves on boundary 2.4m) and its replacement with a kitchen and store room extension measuring 4.5m x 9.1m with a flat roof reaching a height of 3.1m. Three skylights are proposed within the flat roof extension.

External wall finishes are proposed to match the existing dwelling.

RELEVANT HISTORY

P/01/1081/FUL Conservatory Consent granted 1 February 2002

PUBLICITY

Neighbours have been notified of the receipt of the application.
The period allowed for response to consultations/publicity expired on 30 June 2016.

CONSULTATION RESPONSES

Pencoed Town Council offers no response as the applicant is a Town Councillor.

REPRESENTATIONS RECEIVED

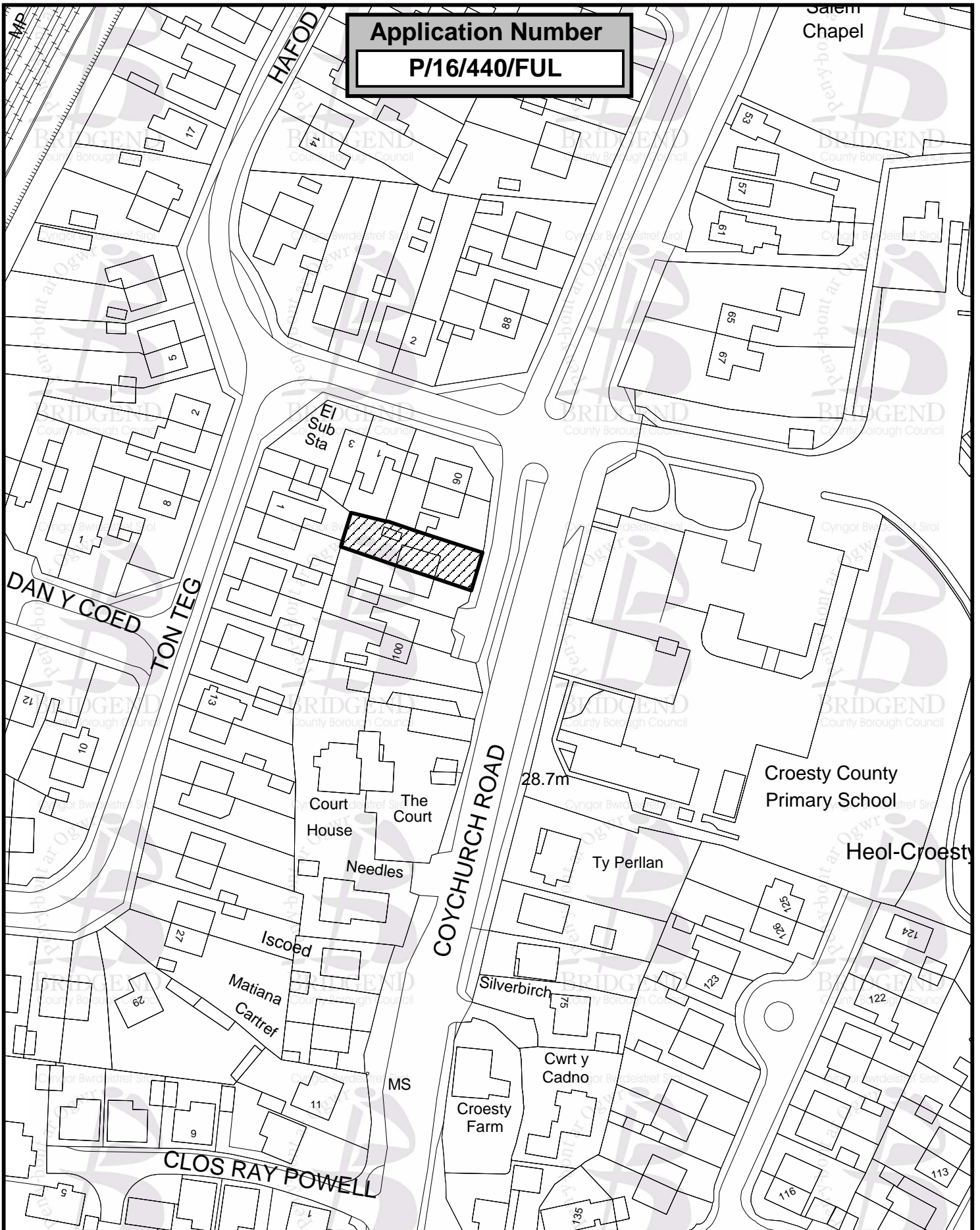
Paul Sealy - 96 Coychurch Road

I strongly object to the proposed extension on the back of 94 Coychurch Road, Pencoed.

I would be losing light from my kitchen window because of the new height of proposed extension, plus the extension is more than 6 metres out from the original house, plus the fact that it will look unsightly and might de-value my house. I am willing for you to view the rear of my property and view from my kitchen anytime. The conservatory is 7.5m from original wall. As it stands, as far as I can see, this should not have had planning in the first place.

Application Number

P/16/440/FUL



MP

Page 30

Scale 1:1,250

Date Issued:
27/07/2016

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
Ffynnon bont ar Ogwr

BRIDGEND
County Borough Council

COMMENTS ON REPRESENTATIONS RECEIVED

The height of the new extension, appearance and possible loss of light will be assessed in the Appraisal section of this report.

The old extension projected 4.5m from the original dwelling and the new extension will also project 4.5m from the original dwelling.

Devaluation of property is not a material planning consideration.

Planning permission was granted for the conservatory in 2002 (P/01/1081/FUL refers) when it was considered that the conservatory did not have a detrimental effect on neighbouring properties and was acceptable.

APPRAISAL

The application is referred to Committee as an objection has been lodged to an application made by a Council Member.

The assessment of this application will consider Policy SP2 of the Local Development Plan and Supplementary Guidance 02: Householder Development.

The proposal involves the removal of the existing conservatory which measures 4.5m x 2.9m with a pitched roof reaching a height of 3.25m (eaves on boundary 2.4m) and its replacement with a kitchen and store room extension measuring 4.5m x 9.1m with a flat roof reaching a height of 3.1m. Three skylights are proposed within the flat roof extension. External wall finishes are proposed to match the existing dwelling. The proposed extension would not project further outwards than the existing single-storey element. Rather, the structure would be made wider, covering the width of the host dwelling and extending further sideways. It would then be finished with a flat roof.

The proposed extension would not be significantly visible from public positions since it would be enclosed by the host property, neighbouring properties and private gardens and it is considered that it would not have any significant adverse effect on the visual amenities of the area.

The tallest part of the structure, which is built up to the boundary with 96 Coychurch Road, will increase in height by 0.7m on the boundary, however, the proposed extension would not project any further outwards than the existing structure. Furthermore, the application is located to the north of 96 Coychurch Road and, as such, light should not be significantly affected. As such, it is considered that the proposed development would not have any significant adverse effect on this neighbouring property.

Whilst the single-storey extension would be widened and brought closer to the other neighbouring property, 92 Coychurch Road, the proposed structure would be significantly screened by boundary treatments. As such, and due to the single-storey scale of the extension, it is considered that the proposed development would not have any significant adverse effect on this property.

Patio doors would be inserted on the rear elevation of the proposed extension. This would allow views into its own garden and there are adequate boundary treatments to ensure that there would not be unreasonable overlooking into the grounds of properties backing onto the site.

There would be an adequate amount of amenity space left to serve the property and the development does not affect the provision of off-street parking.

CONCLUSION

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

RECOMMENDATION

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

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

Job No 004 Rev 004 Proposed Plan
Job No 001 Rev 001 Proposed Elevations

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

* THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION

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

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

REFERENCE: P/16/379/FUL

APPLICANT: Bridgend Storewithus Ltd North Road, Bridgend Industrial Estate, Bridgend, CF31 3TP

LOCATION: Land off Parc Crescent, Waterton Industrial Estate, Bridgend

PROPOSAL: Change use to caravan storage compound inc security fencing, stone surfacing, lighting, access road & office building

RECEIVED: 12 May 2016

SITE INSPECTED: 13 June 2016

APPLICATION/SITE DESCRIPTION

Planning permission is sought to develop this vacant site on Waterton Industrial Estate into a compound to be used for the storage of caravans. The site which is located to the south of the junction of Parc Crescent and Brocastle Avenue, measures approximately 2 hectares and comprises two fields divided by a central hedgerow running between the northern and southern boundaries of the site. It is bounded by the SAS factory development to the west, a farm access and open countryside to the south. To the east lies an open paddock which provides a buffer to the rear gardens of properties in the village of Treoes.

The applicant company, Storewithus Ltd, currently occupies a site on North Road, Bridgend Industrial Estate which provides secure storage for approximately 450 caravans but the company is seeking to re-locate to this vacant site.

The proposed compound will be formed by removing the existing topsoil across the site and the importation of a layer of compacted crush stone to create a permeable surface on which the caravans will be stored. An existing hedgerow that runs through the centre of the site will be removed to accommodate the development and a section of hedgerow and roadside vegetation will be cleared to allow the new site access and turning area to be constructed off the southern side of the existing roundabout. A two way junction with splitter-island will be formed to serve the proposed storage area. The position of the access is off-set from the site frontage to achieve the required level of vision at the new junction. All access works will be constructed under licence over land that is to be retained by Welsh Government as a corridor to accommodate a future highway scheme.

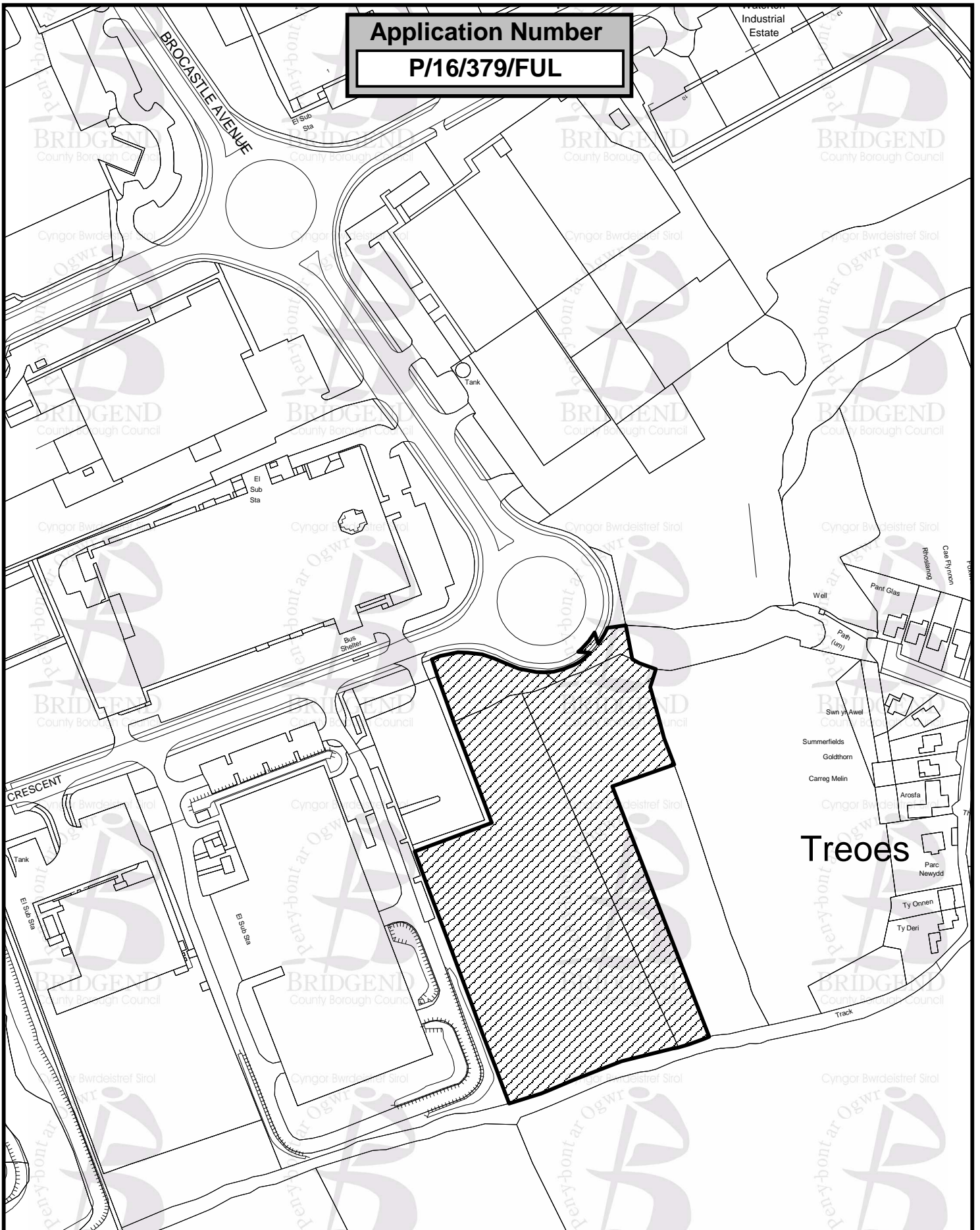
The submitted site layout plan identifies a total of 400 spaces to accommodate caravans of various sizes laid out in a series of bays with internal access roads designed to allow cars and caravans to pass. The compound will be enclosed by a 2.2m high galvanised steel fence with security lighting provided across the site in the form of single and double floodlights on 4.5m high columns. The supporting planning statement confirms that the lighting will be controlled by motion sensors and, therefore, the site will not be permanently illuminated.

The layout plan also includes a 'Fire and Flood Emergency Exit' gate (with emergency release lock) in the security fencing on the southern boundary of the site which the applicant confirms will only be used in such circumstances and by pedestrians. It will not be used by vehicles at any time.

A small timber clad office building will be sited within the compound and will measure 4.5m x 6.9m with a flat roof reaching a height of 2.4m.

Application Number

P/16/379/FUL



Trees



Scale 1:2,500

**Date Issued:
27/07/2016**

**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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The application has been accompanied by the following additional documents:

Transport Statement - Nike Design Ltd

Preliminary Ecological Appraisal - Wildwood Ecology Ltd - April 2016

RELEVANT HISTORY

P/07/719/FUL: Planning permission was granted for a new factory unit including service yard and parking on 13 August 2007.

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.

NEGOTIATIONS

Commenced on 7 June 2016 in response to observations offered by the Group Manager Public Protection in relation to hours of operation and whether users would be permitted to undertake 'maintenance works' on the caravans.

CONSULTATION RESPONSES

Head of Street Scene (Highways): No observations received to date. It is expected that no objections will be offered to the proposed development. Any observations received will be brought to Members consideration on the amendment sheet.

Destination & Countryside Management: I note and welcome the accompanying preliminary ecological appraisal. If you are minded to approve this application, I would recommend that the recommendations included within the appraisal form part of the conditions of approval.

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

Natural Resources Wales: We have significant concerns with the proposed development but these can be addressed by the imposition of planning conditions.

Vale of Glamorgan Council : The Vale of Glamorgan Council has concerns regarding the emergency access to the rear onto the restricted by way and the potential impact upon traffic and highway safety through the settlement of Treoes. It is requested that the application is amended to remove the access or the consent is conditioned to indicate the emergency access is not approved as part of the consent.

Group Manager Public Protection : No objection subject to the proposed lighting not causing a nuisance to the residents of Treoes.

REPRESENTATIONS RECEIVED

Letters of objection have been received from the following properties:

Llangan Community Council, Ty Onnen, Trelaun, Foxwood, Great House, 14, 19 & 21 Brookside, 11 Nant Canna, Bodafon, Copperfield, Rhoslanog, 36 Parc Newydd, Swn yr Awel, Carreg Melin, 16 Yr Efail, Clifton House, Gwyndy, Goldthorn, Parc Newydd Farmhouse, Stoneybrook, The Malthouse, Summerfield, Pant Glas, 10 Glan y Nant,

Ffaur Llewod, Bronhaul, The Old Barn, Molchenydd House, 1 & 2 Llys Ty Mawr, The Croft, Ty Gwyn, The Poplars and Awelon

The following is a summary of the objections received:

1. Site should be retained as a buffer between existing industrial uses and nearby residents
2. Development will create noise and disturbance particularly through the summer months - this will be exacerbated by the use operating for 24 hours - conflict with Human Rights Act.
3. The emergency access connects to the village of Treoes - any additional traffic would be detrimental to the amenity of residents - the applicant does not control all the required land.
4. The floodlighting would be intrusive as the lighting would be visible from properties in the village of Treoes - lighting may also impact species/habitats
5. Devaluation of property
6. Loss of greenspace and hedgerows will result in a loss of habitat with consequential impact on protected species
7. Application should have been accompanied by an Environmental Impact Assessment
8. Development could generate additional traffic through the village - people travelling from the A48 rather than using the M4. The Transport Statement under estimates the level of traffic that will be generated along the estate roads.
9. Problems with on-street parking along Parc Crescent could restrict cars and caravans entering the proposed site
10. The applicant's existing site is a preferable location for the proposed use.
11. The land reserved for the road corridor needs to be secured as it may be illegally occupied.
12. Insufficient information has been provided with regard to site drainage - the introduction of an impermeable surface may cause problem of flooding on adjoining land, Site is also located on a flood zone.
13. Fire risk from the storage of caravans

Alun Cairns MP (Vale of Glamorgan), Andrew RT Davies (AM) and Jane Hutt (AM) have also written on behalf of their constituents and have objected based on a number of the reasons set out above.

COMMENTS ON REPRESENTATIONS RECEIVED

Whilst the principal objections listed above will be considered in the 'Appraisal' section, the following comments are provided in response to the other objections that have been received:

Site should be retained as a buffer between existing industrial uses and nearby residents

This undeveloped land 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) under Policy REG1 98) 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. Whilst any development proposal must be assessed against all policies of the Development Plan there is no specific requirement to retain the land as a buffer.

Development will create noise and disturbance particularly through the summer months - this will be exacerbated by the use operating for 24 hours - conflict with Human Rights Act.

(SEE APPRAISAL)

The emergency access connects to the village of Treoes - any additional traffic would be detrimental to the amenity of residents - the applicant does not control all the required land.

The applicant's agent has provided additional information confirming that the site will be enclosed by a 2.2m high steel palisade type security fence to protect the caravans. There is therefore a minor risk that should a fire or flood prevent occupants accessing the entrance gate, those persons in the compound would be unable to escape. In accordance with the Flood Management Plan for the site, an emergency access will be required. The gate will be for personnel use only and not vehicles. It will be locked and only opened when the alarm system is activated. Escape would then be for pedestrians only onto the adjoining farm track. There is no intention for the access to be used by vehicles and a planning condition could be imposed controlling its use.

The floodlighting would be intrusive as the lighting would be visible from properties in the village of Treoes - lighting may also impact species/habitats

(SEE APPRAISAL)

Devaluation of property

This is not material to the determination of this application.

Loss of greenspace and hedgerows will result in a loss of habitat with consequential impact on protected species

(SEE APPRAISAL)

Application should have been accompanied by an Environmental Impact Assessment (EIA)

The application has been 'screened' and whilst the project is within the scope of the EIA regulations, it is unlikely to have significant environmental effects. Therefore, it is considered that an Environmental Statement is not required in this instance.

Development could generate additional traffic through the village - people travelling from the A48 rather than using the M4. The Transport Statement underestimates the level of traffic that will be generated along the estate roads.

Problems with on-street parking along Parc Crescent could restrict cars and caravans entering the proposed site

(SEE APPRAISAL FOR BOTH)

The land reserved for the road corridor needs to be secured as it may be illegally occupied.

It is for Welsh Government (land owners) to secure the proposed road corridor.

Insufficient information has been provided with regard to site drainage - the introduction of an impermeable surface may cause problem of flooding on adjoining land, Site is also located on a flood zone.

(SEE APPRAISAL FOR BOTH)

Fire risk from the storage of caravans

Fire risk is not a planning consideration and is considered under other legislation (The Regulatory Reform (Fire Safety) Order 2005 refers).

The applicant's existing site is a preferable location for the proposed use.

Storewithus Ltd has operated from their site on Bridgend Industrial Estate for a number of years without any reported problems. The reason to locate to this new site is unknown but is not material to the determination of this application.

APPRAISAL

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. Whilst the Use Class status of the storage of caravans is not defined in the schedule, there would seem to be no impediment to its classification as B8 Storage or Distribution and, as such, the proposed use of land would accord with the allocating policy. 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. 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. Having good road connections within and outside the site, to ensure efficient use; avoiding or minimising noise, soil and water pollution, safeguarding and enhancing biodiversity and green infrastructure, safeguarding the amenity of neighbouring uses/occupiers and incorporating appropriate arrangements for the disposal of foul sewage and surface water are the relevant criteria for the purposes of this application. Policies SP3 (Transport), PLA11, (Car Parking), ENV6 (Nature Conservation) and ENV7 (Natural Resource Protection and Public Health) are also part of the policy framework against which this application must be assessed.

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 plan over a number of years. As the planning history confirms, this site has previously been consented for a new factory, service yard and parking in association with an existing manufacturer operating from the adjacent site (SAS International). Whilst that permission has expired, Welsh Government (landowner) has been seeking to sell the

land for development, with the details of sale suggesting that the land could be used 'for a range of potential uses subject to planning, as per the Bridgend County Borough Council Local Development Plan (2013)'.

Given the policy framework set out above, the principal of developing the land for the proposed use is acceptable. The proposed development must however accord with all other relevant policies and that is considered as follows:

SAFEGUARDING THE AMENITY OF NEIGHBOURING USES/OCCUPIERS (POLICIES SP2/ENV7)

The principal consideration is the relationship of the development site to properties in the village of Treoes which lies approximately 105m due east of the site. Amenity in planning terms covers a range of issues but in this case, based on the objections received, it relates to the development affecting the living conditions of residents in terms of noise and light pollution.

The Design and Access Statement confirms that the use of land will produce some vehicle noise when users park and remove their caravans. It has been indicated that this would mainly take place in the summer months and usually on Fridays and Sundays. Although a noise assessment has not accompanied the application, the applicant's agent contends that the vehicle noise will be well below the level currently produced by HGV trucks using Park Crescent.

Whilst residents believe the use will generate unacceptable levels of noise and disturbance, no evidence has been offered in support of this claim. The Council's Public Protection Section initially offered the view that problems of noise may be experienced by occupiers of nearby residential dwellings from the development and sought additional information as to the noise generation from the site. The agent confirmed that the caravan compound will be open 24 hours per day, 365 days a year. The gated access will only be accessible by staff and customers and servicing of the caravans will not be permitted on site under the user's contract.

The Public Protection Section have considered the additional information and have not expressed any objection in terms of noise. Noise generating activities will relate to the movement of motor vehicles and caravans which will take place approximately 105m from the nearest property. Whilst some movements to and from the site could take place late at night, given this distance and that the direct line of view from the majority of the properties will be obscured by a mature hedgerow, the impact is not likely to be as great as that suggested by residents in their objections. It is unlikely that the noise generated would be significantly above existing levels associated with current activities on the estate and therefore, on the basis of the observations received and evidence before the Council, it would be difficult to refuse this application for the reason put forward by the objectors.

Residents have expressed concern that light spillage from the site will also affect their environment. It is acknowledged that limited information has been provided on the floodlighting and based on the submitted plans, light spillage could occur to the detriment of the residents and local wildlife. There are, however, a number of remedies that could be secured by planning condition which include re-angling or partial shading of the lights, fitting of a passive infra-red sensor or using a lower power lighting. The agent has confirmed that the security lighting will be limited to lights activated by infra-red movement so will only operate when required. The direction of lights will be carefully considered so that, where possible, they are directed into the site and away from residential properties. A lighting scheme could be designed to protect the amenity of residents and wildlife and this will need to be secured by planning condition.

SAFEGUARDING AND ENHANCING BIODIVERSITY AND GREEN INFRASTRUCTURE (POLICIES SP2/ENV6)

The Preliminary Ecological Appraisal that accompanies the application indicates that an area of 'neutral grassland', a section of broad-leaved woodland and a hedge with native species will be compromised to enable the site to be developed. Further survey work will also be necessary with regard to bats (tree inspection), nesting birds (site clearance) and reptiles. The ecological appraisal does, however, recommend that, where possible, woodland and trees should be retained and this aligns with the comments of Natural Resources Wales (NRW) and the Council's own policy (Policy ENV6 of the LDP (2013) refers).

An existing semi-mature hedgerow runs through the centre of the site and represents a significant constraint to development. If retained in its current position it would compromise not only the proposed development but also the development of this allocated land. Translocation is recommended by the applicant's ecological consultant and NRW but at a length of some 190m, alternative locations will be difficult to find, particularly as the applicant does not control land beyond the application site boundaries. To compensate for the loss of this feature, the applicant does propose to plant a new hedgerow inside the existing hedge along the southern boundary.

NRW indicate that whilst the proposed development should not result in detriment to the maintenance of 'Favourable Conservation Status' of an European Protected Species, this will be dependent on the developer undertaking further survey works to trees to establish the potential for roosting bats (prior to development commencing) and the translocation of the hedgerow (opposed to re-planting). An acceptable compromise and one that would address Policy ENV6 would require the partial translocation of the hedgerow from its central position to a new location along the southern boundary of the site. Whilst this may result in the loss/re-configuration of the parking bays on the southern boundary, it would ensure that the development would accord with national and local planning policy. A condition will be imposed requiring the agreement of such a scheme prior to any development commencing. Any removal would need to be carried out under a method statement and direct ecological supervision which, again, could be secured by planning condition

HAVING GOOD ROAD CONNECTIONS WITHIN AND OUTSIDE THE SITE, TO ENSURE EFFICIENT USE (POLICIES SP2/SP3/PLA11)

The Traffic Statement which has accompanied the application has been considered by the Head of Street Scene (Highways) and, although no formal observations have been received to date, it is understood that the existing highway network is able to accommodate the traffic that will be generated by the development. Some concern has been expressed that caravan owners returning their caravans to the site may use the village of Treoes as a 'short-cut' particularly if the journey is being made from the east on the A48. Whilst there can be no guarantees that the route to the village will not be used, more commodious and appropriate routes are available and are more likely to be used.

On-street parking associated with an existing operator on Waterton Industrial Estate does, on occasions, result in parking around the roundabout at the end of Parc Crescent and across the location of the proposed access to the site. This is, however, an existing problem which this development is unlikely to exacerbate or indeed improve. If the new access were obstructed by parked vehicles in the future this would be a matter for the Police.

INCORPORATING APPROPRIATE ARRANGEMENTS FOR THE DISPOSAL OF FOUL SEWAGE AND SURFACE WATER (POLICIES SP2/ENV7)

Although the level of information submitted concerning site drainage is limited, the Council's Land Drainage Engineers have not opposed the development but have recommended the imposition of a pre-commencement planning condition requiring the agreement of a comprehensive drainage scheme dealing with both the disposal of foul and surface water. It is, however, noted from the submitted plans that a permeable rather than an impermeable surface is proposed on site, contrary to the view expressed by a number of objectors. Any drainage scheme agreed for this site should ensure no adverse effect on third party land.

The northern boundary of the site (points of access/egress to site) is located in Zone C2 of the Development Advice Map as defined under Technical Advice Note (TAN) 15. Whilst there is no requirement to provide a Flood Consequence Assessment, it is for the Council to consider the acceptability of the proposed emergency escape/evacuation routes from the site. This will form part of a Flood Emergency Plan which will be required by planning condition.

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," 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"

Subject to compliance with the recommended conditions, 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 Well-being 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 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 development.

The Council acknowledges that the substance of local views must be considered in the determination of an application and, in this case, significant amount of opposition has been received from neighbouring occupiers, the community council and local politicians. It is, however, considered that the proposed development accords with Council policy which seeks to deliver a range of sites for the whole spectrum of B Classes, sui generis uses and other uses that require an industrial location. The development will also accord with all the other relevant policies in the Development Plan but, to ensure that the living conditions of residents are safeguarded, any loss in biodiversity interest is compensated for and that appropriate drainage arrangements are provided on site, a number of planning conditions will need to be imposed on any permission that is granted.

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.

RECOMMENDATION

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

1. The premises shall be used as a Caravan Storage Compound with ancillary office accommodation only and for no other purpose including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification.

Reason: To ensure the affective control over the future use of the site in the interests of highway safety.

2. The development shall be carried out in accordance with the following approved plans and documents: plan numbers 1:001, 002, 003, 004 and 006.

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

3. Notwithstanding the submitted plans, no external lighting shall be installed on site until details of such lighting, including the intensity of illumination and predicted lighting contours have been submitted to and approved in writing by, the Local Planning Authority. The external lighting scheme shall demonstrate that the areas to be lit will not disturb the occupiers of the nearest residential properties or prevent bats using their territory or having access to their breeding sites and resting, places. Any external lighting that is installed shall accord with the details

so approved.

Reason: In the interests of residential amenities and to maintain the favourable conservation status of any protected species on site.

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

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

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

Reason: To ensure safe drainage of the site.

6. The Emergency Access shall only be used by pedestrians in an emergency situation and not as a vehicular access at any time.

Reason: In the interests of highway safety.

7. No use hereby permitted shall commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a Flood Warning and Evacuation Plan (FEP). This Plan shall include the following information: (i) command & control (decision making process and communications to ensure activation of FEP); (ii) training and exercising of personnel on site; (iii) flood warning procedures; (iv) site evacuation procedures and routes; and (v) provision for identified safe refuge.

The FEP shall be reviewed at intervals not exceeding 3 years, and will form part of the Health & Safety at Work Register maintained by the applicant.

Reason: To limit the risk of flooding by ensuring the provision of a satisfactory means of flood management on the site

8. No development shall commence on site until a reptile presence/absence survey undertaken by a competent ecologist has been submitted to and agreed in writing by the Local Planning Authority. If reptiles are present on site, a mitigation/translocation strategy shall be submitted to and agreed in writing by the Local Planning Authority, prior to any works commencing on site. The agreed strategy shall be implemented prior to the site being brought into beneficial use or in accordance with a programme agreed by the Local Planning Authority.

Reason: To promote nature conservation on site.

9. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for bat roosts and active birds' nests immediately before the vegetation is cleared and provided written confirmation that no bats or birds will be harmed and/or that there are appropriate measures in place to protect bats and nesting birds in site. Any such written confirmation should be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of promoting nature conservation.

10. No development shall take place until an Ecological Design Strategy (EDS) addressing the translocation of the central hedgerow on site has been submitted to and agreed in writing by the Local Planning Authority. The EDS shall include the following:
- a) Purpose and conservation objectives for the proposed works.
 - b) Review of site potential, constraints and alternative locations for the translocated hedgerow;
 - c) Detailed designs and/or working methods to achieve stated objectives.
 - d) Extent and location/area of proposed works on appropriate scale maps and plans.
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f) Timetable for implementation of works;
 - g) Persons responsible for implementing works.
 - h) Details of initial aftercare and long-term maintenance.
 - i) Details for monitoring and remedial measures.
 - j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the agreed details and all features shall be retained in that manner thereafter.

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

11. Prior to the commencement of development, an invasive non-native species protocol shall be submitted and approved in writing by the Local Planning Authority detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

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

12. * 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.

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," 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"

Subject to compliance with the recommended conditions, 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 Well-being 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 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 development.

The developer is advised that if dormice, or signs of their presence, and any bat roosts are discovered on site before or during the development, all works must cease until a Natural Resource Wales European Protected Licence has been issued.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background papers
None

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REFERENCE: P/16/270/FUL
APPLICANT: Mrs Karen Donaldson: 7 Celtic Road, Maesteg CF34 0YJ
LOCATION: Land off Heol Faen Maesteg CF34 0JA
PROPOSAL: 2 detached bungalows and detached garages
RECEIVED: 5 April 2016
SITE INSPECTED: 3 May 2016

APPLICATION/SITE DESCRIPTION

The application seeks planning permission to erect 2 detached dormer bungalows on this parcel of land to the rear of Heol Faen, Maesteg.

The proposed dwellings will measure 14m x 12.5m and will be finished with a pitched roof reaching a maximum height of 6m. The proposed dormer bungalows will accommodate a living room, dining room, kitchen, master bedroom, wet room and utility room at ground floor level and 2 x bedrooms, an office and a bathroom at first floor level.

Each proposed bungalow will be served by front and rear areas of amenity space and a double garage. The proposed garages will measure 5.86m x 5.24m and will be finished with a pitched roof reaching a maximum height of 3.5m. Access to the site will be gained via the existing access serving the rear lane off Heol Faen.

The application site is an area of land to the west of the properties on Heol Faen and to the rear of the properties on Bridgend Road. The land was formally used as grazing land for horses. There is a stream which runs along the western boundary of the site.

RELEVANT HISTORY

None

PUBLICITY

The application has been advertised on site.
Neighbours have been notified of the receipt of the application.
The period allowed for response to consultations and publicity expired on 5 May 2016.

CONSULTATION RESPONSES

Maesteg Town Council - Requested that the site be visited by the Development Control Committee for reasons of access and pedestrian safety.

Highways - Requested that conditions be attached to any permission granted.

Countryside Manager - Requested that a condition be attached to any permission granted

Drainage - No objection subject to a condition.

Engineers - Advised on retaining walls.

Application Number

P/16/270/FUL



Scale 1:1,250

Date Issued:
27/07/2016

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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(100023405)

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Cyngor Bwrdeistref Sirol



Natural Resources Wales - Has no objection to the proposal.

Welsh Water/Dwr Cymru - Advised on sewerage.

The Coal Authority - Advised that the site does not lie within a high risk area.

REPRESENTATIONS RECEIVED

Councillor D Edwards and Councillor M Reeves request a site visit be carried out.

Objections and concerns were received from the following local residents:-

A & A Hough - 8 Celtic Road

R & A Jones - 9 Celtic Road

M & E Hughes - 98 Bridgend Road

D Davies - 101 Bridgend Road

The concerns and objections are summarised as follows:-

- Access is unsuitable
- Highway and pedestrian safety
- Impact on Right of Way
- Impact on privacy
- Out of keeping /visual amenities
- Flood risk
- Drainage
- Impact on wildlife
- Loss of green area
- Impact on protected trees to south of the site
- Human Rights Act
- Land ownership query

COMMENTS ON REPRESENTATIONS RECEIVED

The development has been assessed by the Highways department and it is considered acceptable, in terms of highway and pedestrian safety and parking provision, subject to conditions.

There are no formal rights of way crossing the site or adjacent to the site.

The impact on privacy, visual amenities, residential amenities and ecology are addressed in the 'Appraisal' section.

The development has been assessed by the Drainage department and it is considered acceptable in terms of land drainage, subject to a condition.

The development will not result in the loss of a public green space. The site is in private ownership and has not been used for public recreational purposes.

There are no protected trees to the south of the site.

The Local Planning Authority is satisfied that it has considered the Human Rights Act during the assessment of this application. The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process for the Local Planning Authority to

assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed.

The agent has confirmed that the land is within the ownership of the applicant.

APPRAISAL

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

The application seeks planning permission for the erection of two dormer bungalows with double garages on this area of land off Heol Faen.

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

Policy COM3 states:-

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

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

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

The site is mostly visible from Heol Faen, however, given the set-back nature of the proposed dwellings and the dormer bungalow scale of the proposed development, it is considered that the development does not represent a prominent feature within the street-scene. Details and samples of the materials to be used in the external surfaces of the development have been submitted and are considered to be suitable in the street scene.

The development proposes the garages to be located to the front of the dwellings. Whilst, this is not always acceptable in urban design terms, in this instance they are due to the setback nature of the site and the context of the area, where there are several garages located to the eastern and western boundaries. It is considered that there will be no detrimental impact on the street scene.

In addition to the above, it is noted that there are trees located adjacent to the southern boundary of the site and they would provide a pleasant backdrop to the development, when viewed from Heol Faen.

In terms of the impact of the proposed dwellings on residential amenities, the proposed dwellings will be located some 22m from the nearest dwelling house, 6 Celtic Road, and, as such, are considered not to give rise to any overriding concerns in respect of dominance or overshadowing.

In respect of privacy the design and orientation of the dwellings ensure there is in excess of 10.5m between habitable room windows and neighbouring boundaries and in excess of 21m between any facing habitable room windows. Consequently, the development is considered to be acceptable in terms of privacy standards.

In respect of highway safety, the application site is located off a rear lane that already serves a number of garages and rear accesses for Heol Faen and Celtic Road and, as such, this is considered to be a private drive. Two additional dwellings at the start of the private drive are considered acceptable in terms of vehicle movements.

The development proposes 2 parking spaces for each dwelling, which is a deficit of 1 space per dwelling when assessed against Supplementary Planning Guidance 17: Parking Standards. Consequently, a condition is recommended requiring a scheme for 3 parking spaces for each dwelling to be submitted to and agreed in writing by the Local Planning Authority.

The conflict between pedestrians and vehicles accessing rear garages and accesses is an existing situation, however, in order to improve pedestrian access along the front of the site, a condition is recommended requiring dropped kerbs.

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

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

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

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

The site does not contain any trees and, given the land has been used for grazing by horses, it is considered there will be no significant adverse residual impacts on biodiversity. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

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

The well-being goals identified in the Act are:

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

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

Whilst determining this application Policies COM3 & SP2 of the Bridgend Local Development Plan, Notes 1,2,6,8,9,10,11 & 12 of Supplementary Planning Guidance 2 and Supplementary Planning Guidance 17: Parking Standards were considered.

CONCLUSION

This application is recommended for approval because the development for 2 dwellings within the settlement boundary of Maesteg complies with Council policy and guidelines and will not adversely affect privacy, highway safety or visual amenities nor so significantly harm neighbours' amenities as to warrant refusal.

RECOMMENDATION

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 as Proposed Plot farm 1 HRD/1/16 (received 5 April 2016)
 - Ground Floor Plan as Proposed Plot farm 2 HRD/2/16 (received 5 April 2016)
 - First Floor Plan as Proposed Plot 1 HFD/3/16 (received 5 April 2016)
 - First Floor Plan as Proposed Plot 2 HFD/4/16 (received 5 April 2016)
 - Plot 1 Elevations as Proposed HFD/5/16 (received 5 April 2016)
 - Plot 2 Elevations as Proposed HFD/6/16 (received 5 April 2016)
 - Plans & Elevations as Proposed HFD/9/16 (received 5 April 2016)
 - Site Plan as proposed HFD/7/16A (received 27 April 2016)

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

2. No development shall commence until a scheme for the provision of 3 off street parking spaces per dwelling has been submitted to and agreed in writing by the Local Planning Authority. The parking areas shall be implemented in permanent materials before the respective dwelling is brought into beneficial use and retained as such in perpetuity.

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 vision splay areas on the access lane to Heol Faen at any time.

Reason: In the interests of highway safety.

4. Prior to the development being brought into beneficial use a scheme for the provision of 2 dropped kerbs on the footway fronting the site where the footway crosses the land on the western boundary shall be submitted to and agreed in writing by Local Planning Authority. The scheme as agreed shall be implemented in permanent materials prior to any part of the development being brought into beneficial use and, thereafter, retained in perpetuity.

Reason: In the interests of highway and pedestrian safety

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

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

6. Prior to the commencement of development a site clearance method statement shall be submitted to and agreed in writing by the Local Planning Authority. The statement shall include details for the containment, control and removal of invasive non-native species (Japanese Knotweed, Himalayan balsam) on site. The measures shall be implemented as agreed.

Reason: In the interests of biodiversity.

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

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

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

1. This application is recommended for approval because the development for 2 dwellings within the settlement boundary of Maesteg complies with Council policy and guidelines and will not adversely affect privacy, highway safety or visual amenities nor so significantly harm neighbours' amenities as to warrant refusal.
2. In order to satisfy condition 7 the following will be required:-
 - An updated site plan showing existing watercourses, the position of any land drainage, the position of any proposed connections/discharge points to the public sewer and/or the nearby watercourse;
 - Further details of the proposed rain water harvesting system including sizing;
 - Application for a Flood Defence Consent for any proposed outfall arrangement.
3. The developer is urged to consider the advisory information on this application that has been received from consultees and which may be accessed via <http://planning.bridgend.gov.uk/plastandard.aspx>

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None

REFERENCE: P/16/128/FUL

APPLICANT: CELTIC ENERGY LIMITED

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

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

Members will recall that Committee were minded to approve the above development following a special Development Control Committee meeting on the 4th May 2016 subject to the signing of a Section 106 agreement. A subsequent report was brought before the June meeting proposing some slight amendments to a number of planning conditions, which were approved by members.

The previous reports are available to view here:-

<https://democratic.bridgend.gov.uk/mgChooseDocPack.aspx?ID=2586&LLL=0>

<https://democratic.bridgend.gov.uk/documents/b8315/Amendment%20Sheet%2009th-Jun-2016%2014.00%20Development%20Control%20Committee.pdf?T=9&LLL=0>

The current draft conditions stipulate that works should be completed by July 2017 however, since June there have been a number of legal issues associated with the drafting of the Section 106 agreement and there has been some slippage in terms of the completion of the document and no decision notice has been issued. As a consequence the restoration process is almost two months behind the original programme of works and will not be completed within the originally envisaged timescale given the seasonal restrictions affecting some elements of the works.

Also, and perhaps more crucially, the further surveys undertaken as part of the proposed condition have highlighted the presence of Great Crested Newt across large areas of the site. These are a European Protected Species and enjoy a high level of protection. As such a European Protected Species Licence (EPS) to disturb a protected species from the Welsh Government (WG) is required before the works commence. Failure to comply with this requirement or any subsequent harm to the species or its habitat, could result in a criminal prosecution. This would have serious implications for the satisfactory completion of the scheme.

For large areas of the site within Bridgend the advice received from the applicant's Ecologist and NRW in consultation with the Councils' ecologist is that works in these areas will not be possible until the spring of next year after a licence has been granted. These works will also need to progress with extreme care so as not to adversely impact on Great Crested Newts. This will involve further surveys and on-site supervision by a qualified ecologist along with the strict licensing requirements likely to be imposed by WG.

Following a recent site meeting with the applicants, representatives from Natural Resources Wales (NRW) and officers from both Neath Port Talbot (NPT) and Bridgend it was discussed whether any works could be carried out in advance of the licence. It is possible to undertake limited works this year subject to the agreement of a management plan with specific measures to ensure no Great Crested Newts are present. If any are found then works will

need to stop and further advice sought from NRW. These works will be limited to the NPT part of the site and include the construction of the buttress in the west wall as well as the majority of the regrading operations on the west side of the surcharge mound. Members will note the main safety concerns surrounding this site were in relation to the potential collapse of this wall and subsequent risk of flooding. If these works are carried out in 2016 it will leave only the construction of the drainage channel, roads and limited regrading for the following year.

The widespread presence of Great Crested Newts will unfortunately leave little scope for works within the BCBC area during 2016.

The applicant has indicated its intention to apply for a licence as soon as possible to ensure there are no further delays to the works that would be carried out next year.

The previous report indicated that the July 2017 completion date was due to the restriction on access to the site from the landowner after that time and both Councils and the applicant were keen to see the development completed within that deadline. This restriction however will be lifted once the S106 is signed giving access to the site for as long as is necessary to carry out the works associated with the planning permission along with aftercare and extended aftercare. It is therefore no longer considered essential that this deadline is adhered to for this reason.

In view of the circumstances set out above it is clear that certain works will not now be commenced until 2017 and it is considered that there is sufficient justification to extend the end date for the completion of the restoration works by a further year. Whilst the Bridgend element of the scheme will be delayed, this is unavoidable due to the requirements of the licensing regime, which is intended to ensure the protection of Great Crested Newts. The essential safety works to the void area should be able to proceed in line with a detailed management plan.

RECOMMENDATION:-

That condition 2 be amended to read:-

2. The approved restoration shall be completed by 31st July 2018. For a period of five years from the date of completion of restoration the restored area shall be managed in accordance with the approved aftercare scheme. The planning permission shall expire following the complete restoration and aftercare of the site in accordance with the approved restoration and aftercare schemes.

Reason: In order to comply with the timescales outlined in the application and to minimise the duration of disturbance.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background papers

None

APPEALS

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

CODE NO.	A/16/3154174 (1775)
APP. NO.	P/15/631/OUT
APPELLANT	MRS A YOUNG
SUBJECT OF APPEAL	ONE DWELLING: NEXT TO 14 BLUNDELL AVENUE, PORTHCAWL
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reason:

The proposed development, by reason of its location, siting and scale parameters, would result in a cramped form of development that would have a detrimental impact on the privacy and amenities of neighbouring properties and the visual amenities of the wider street scene, contrary to Policy SP2 of the adopted Bridgend Local Development Plan (2013), the principles of Notes 2, 6 and 8 of Supplementary Planning Guidance 2: Householder Development (2008) and advice contained within Technical Advice Note 12: Design (2016) and Planning Policy Wales (2016).

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

CODE NO.	A/15/3135226 (1763)
APP. NO.	P/15/475/FUL
APPELLANT	MR J REED
SUBJECT OF APPEAL	NEW ACCESS FOR NEW DWELLING AND THE LAURELS: THE LAURELS, HEOL PEN Y FAI, PEN Y FAI
PROCEDURE	HEARING
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE ALLOWED SUBJECT TO CONDITIONS.

A copy of this appeal decision is attached as APPENDIX A

The Appellant made an application for costs at the Hearing and the Costs Decision is attached as APPENDIX B

CODE NO. A/15/3141571 (1772)
APP. NO. P/15/475/FUL
APPELLANT MR K HAINES
SUBJECT OF APPEAL ONE DWELLING: GARAGE SITE, LAND TO THE NORTH EAST OF PEMBROKE TERRACE, NANTYMOEL
PROCEDURE HEARING
DECISION LEVEL DELEGATED OFFICER
DECISION **THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.**

A copy of this appeal decision is attached as APPENDIX C

CODE NO. A/16/3145806 (1774)
APP. NO. P/15/493/FUL
APPELLANT MRS BETHAN DALTON-MARSHALL
SUBJECT OF APPEAL PROPOSED EXTENSIONS AND ALTERATIONS – AMENDED SCHEME: FFORCHLAS COTTAGE, CHURCH STREET, PONTYCYMMER
PROCEDURE HEARING
DECISION LEVEL DELEGATED OFFICER
DECISION **THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE ALLOWED SUBJECT TO CONDITIONS.**

A copy of this appeal decision is attached as APPENDIX D

RECOMMENDATION:

That the report of the Corporate Director Communities be noted.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

See relevant application reference number.

APPENDIX A



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 06/07/16
Ymweliad â safle a wnaed ar 06/07/16

**gan Mr A Thickett BA (Hons) BTP
MRTPI Dip RSA**

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 13.07.16

Appeal Decision

Hearing held on 06/07/16
Site visit made on 06/07/16

**by Mr A Thickett BA (Hons) BTP MRTPI
Dip RSA**

an Inspector appointed by the Welsh Ministers
Date: 13.07.16

Appeal Ref: APP/F6915/A/15/3135226

Site address: The Laurels, Heol Pen y Fai, Pen y Fai, Bridgend, CF31 4LS

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Julian Reed against the decision of Bridgend County Borough Council.
 - The application Ref P/15/475/FUL, dated 22 July 2015 was approved on 24 September 2015 and planning permission was granted subject to conditions.
 - The development permitted is a new access for the new dwelling and The Laurels.
 - The conditions in dispute are Nos. 2, 3, 4, 5, 6 & 7.
 - The conditions and reasons are set out in the Schedule at the end of this decision.
-

Decision

1. The appeal is allowed and the planning permission Ref P/15/475/FUL for a new access for the new dwelling and The Laurels at The Laurels, Heol Pen y Fai, Pen y Fai, Bridgend, CF31 4LS granted on 24 September 2015 by Bridgend County Borough Council, is varied by deleting conditions 2, 3, 4, 5 and 6.

Application for costs

2. At the Hearing an application for costs was made by Mr Julian Reed against Bridgend County Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issues are
 - the impact of the removal of condition 2 on the character and appearance of the area; and
 - the effect of the removal of conditions 3, 4, 5, 6 and 7 on highway safety.

Reasons

4. On 27 April 2016 the Council wrote to the appellant noting that all the conditions had been complied with and that the boundary treatment for which approval was required under condition 2 was acceptable. As condition 2 requires the submission of details to be approved before erecting any boundary treatment the Council invited the appellant
-

to do so in order that the condition could be discharged. The appellant did not do this but the Council stated at the Hearing that it had no objection to the condition being removed through this appeal. Not all the wall fronting Heol Eglwys has been removed as required by condition 3. However, the Council is satisfied that the small part that remains will not hinder the visibility of drivers leaving the site and agrees that the condition may be removed. Consequently, conditions 2, 3, 4, 5 and 6 no longer serve any purpose and may be removed without harm to the character and appearance of the area or highway safety.

5. Despite arguing to the contrary in his appeal statement, the appellant accepted at the Hearing that condition 7, which places an ongoing obligation to maintain the visibility splay free from obstruction, is necessary and should be retained. I agree that this condition is necessary in the interests of highway safety.
6. Turning to whether the conditions should have been imposed in the first place, I agree that given the lack of or seemingly conflicting details on the submitted block and location plans, the Council was justified in seeking further information and placing controls on the subsequent works. Stone walls front most of the properties along the street. In the absence of any details on the submitted plans and in order to ensure that the boundary treatment (condition 2) was in keeping with its surroundings, it was reasonable and necessary to require the submission of further details.
7. Whilst it would not have been possible to implement the development permitted under planning permission P/15/475/FUL without removing parts of the wall fronting Heol Eglwys (condition 3), I agree with the Council that plans submitted to support the application are unclear. The location plan is annotated 'existing wall will remain' and it is not clear to what this refers. Further, as stated above not all the wall has been removed and the layout as built is not as shown on the block or location plans. Similarly it is not clear whether the line depicting the boundary between The Laurels and The Willows extends beyond the entrance gates and how that boundary was to be marked (condition 4). A wall or fence in this position could have obstructed the visibility of drivers leaving the site. I consider that conditions 3, 4 and 6 were necessary to ensure that drivers exiting the site have adequate visibility of approaching vehicles and pedestrians and were necessary in the interests of highway safety.
8. The only details relating to the construction of the drives to serve The Willows is an annotation on the block plan; 'drive permeable'. Loose gravel on the footpath or carriageway would be likely to be a hazard to pedestrians and drivers alike. Consequently, I consider that although poorly drafted, the works required by condition 5 were necessary to ensure that the drive was not constructed of loose material that could spill out on to the footpath or carriageway.

Other matters

9. The appellant argues that the Council have not acted consistently with regard to other permissions granted in the area but conditions should be tailored to the development that is permitted and the site specific circumstances of each case. Unlike a new house, the replacement garage at The Vicarage is unlikely to generate additional vehicle movements. Access for the two new dwellings permitted to the north of the site on Heol Eglwys is off a side road. Both developments are, therefore, significantly different from the appeal proposal.

Conclusion

10. Given that the works required by conditions 2, 3, 4, 5 and 6 have been carried out satisfactorily there is no need to retain them and I will allow this appeal. However, for the reasons given above, I consider that condition 7 should remain and that conditions 2, 3, 4, 5 and 6 were necessary and, having regard to the advice in Circular 14/16, were properly imposed.

Anthony Thickett

Inspector

Schedule

2. No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.
Reason: To ensure that the general amenities of the area are protected.
3. The existing boundary wall fronting The Laurels and the new property consented under P/12/656/FUL shall be removed along the frontage of the site with Heol Eglwys and the area fronting the access gates laid out in permanent materials in accordance with the agreed layout prior to the development being brought into beneficial use.
Reason: In the interests of highway safety.
4. Notwithstanding Condition No. 1 and the approved plan the proposed wall along the common boundary of The Laurels and the new property consented under P/12/656/FUL shall not protrude forward (in a northerly direction) beyond the position of the proposed gates.
Reason: In the interests of highway safety.
5. The proposed access drive serving the new property consented under application P/12/656/FUL shall be completed in permanent materials for a distance of no less than 10m from the edge of carriageway in accordance with the details prior to the development being brought into beneficial use.
Reason: In the interests of highway safety.
6. The proposed means of access shall be laid out with vision splays of 2.4m x 43m in both directions before the development is brought into beneficial use and retained as such thereafter in perpetuity.
Reason: In the interests of highway safety.
7. No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.
Reason: In the interests of highway safety.
-

APPEARANCES

FOR THE APPELLANT:

Mr J Reed

Ms N Jones

FOR THE LOCAL PLANNING AUTHORITY:

Mr E Jones Bridgend County Borough Council

Mr R Davies Bridgend County Borough Council

Mr R Morgan Bridgend County Borough Council

Documents submitted to the Hearing

Doc 1: Appellant's letter to Mr Nylor dated 22 October 2015

Doc 2: Appellant's letter to Mr Mephram (Chief Executive, Bridgend County Borough Council) dated 20 December 2015

Doc 3: Council's letter to the appellant dated 24 December 2015

APPENDIX B



Penderfyniad ar y gostau

Gwrandawriad a gynhaliwyd ar 06/07/16
Ymweliad â safle a wnaed ar 06/07/16

**gan Mr A Thickett BA (Hons)
BTP MRTPI Dip RSA**

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 13.07.16

Costs Decision

Hearing held on 06/07/16
Site visit made on 06/07/16

**by Mr A Thickett BA (Hons) BTP MRTPI
Dip RSA**

an Inspector appointed by the Welsh Ministers
Date: 13.07.16

Costs application in relation to Appeal Ref: APP/F6915/A/15/3135226
Site address: The Laurels, Heol Pen y Fai, Pen y Fai, Bridgend, CF31 4LS

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

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Julian Reed for a full award of costs against Bridgend County Borough Council.
 - The hearing was in connection with an appeal against the grant of planning permission for a new access for the new dwelling and The Laurels subject to conditions (Ref P/15/475/FUL).
-

Decision

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

The submissions for Mr Julian Reed

2. The Council deliberately failed to deal with the planning application within the prescribed period, it did not write to agree an extension of time and did not grant planning permission until after the appeal was submitted. The conditions attached to the planning permission were unnecessary. The Council have conceded that there have been no accidents at the site. Further, the Council failed to treat residents in an even handed manner. It is unfair that planning permission was granted for development at The Vicarage without such conditions when it is closer to the bend. Highway safety must be treated fairly and consistently.
 3. This Hearing and the adjourned event in April could have been avoided. A letter was sent to the Council on 22 October 2015 setting out the proposals for the construction of the access, all of which have been accepted at the Hearing. The letter was sent in an attempt to co-operate with the Council and the delay caused by the details not being agreed is unreasonable. No reply was received to that letter and a letter was then sent to the Chief Executive on 20 December resulting in a reply (dated 24 December) stating that the Council had not received the letter of 22 October. A further letter was sent on 3 January 2016.
 4. The Council says that it did not receive the letter of 22 October but it was hand delivered so where did it go? The letter was sent again and if the Council needed
-

details to be clarified it should have asked but it did not. Had it done so the Hearings could have been avoided.

5. Fielding an officer who knew the Inspector appointed to conduct the Hearing on 16 March 2016 was a deliberate attempt by the Council to influence that Inspector. In light of the previous bad faith shown by the Council it was reasonable to object to that Hearing proceeding. Even after that Hearing the Council could have agreed the details and avoided the second Hearing.
6. The Council's failure to respond is unreasonable and the resulting delay has offended the appellant's human rights with regard to the enjoyment of his home and family life. Their actions have led to the unnecessary holding of two Hearings. The appellant has not acted unreasonably but sought to co-operate.

The response by Bridgend County Borough Council

7. The application was submitted on 22 July 2015 and determined on 24 September. The Council acknowledges that this was 8 days after 8 week target but it issued the decision as soon as possible after receipt of comments from the Highway Authority (received 23 September). The appeal was lodged on the same day planning permission was granted.
8. The Council has explained in its statement of case why it considers that the conditions were necessary and why the development at the appeal site differs from that permitted at The Vicarage. The Council has no records of accidents in the proximity of the site but considers that the conditions were justified in the interests of highway safety.
9. The letter of 22 October was addressed to a Mr Nylor. There is no Mr Nylor employed at the Council and the local planning authority did not receive a copy of that letter. The letter of 20 December did not include any of the details/plans required to address the conditions. In the Council's response of 24 December it indicated that it had not received the letter of 22 October and that it was happy to discuss the details required by the conditions and referred to the appeal which the appellant had the opportunity to withdraw. No details were submitted, the appeal was not withdrawn and the Council had no option but to proceed with the appeal.
10. A letter was sent on 25 February 2016 advising the appellant to submit an application to discharge of condition 2 and of the required fee. A second letter was sent on 27 April (after the first Hearing) advising that the conditions had been complied with and included a reminder regarding the method by which condition 2 could formally be discharged.
11. The Council offered to replace the officer known to the Inspector (Mr Davies) at the Hearing on 16 March and indicated that the conditions had been complied with which gave the appellant the opportunity to withdraw. The Council has acted reasonably in all respects and there is no justification for an award of costs. The only unreasonable behaviour has been displayed by the appellant.

Reasons

12. Circular 23/93 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

13. Although I have allowed the appeal and removed all but one of the disputed conditions, I set out in the accompanying appeal decision why I consider that they were necessary and correctly imposed. With regard to any substantive grounds the application, therefore, fails.
14. Turning to procedural matters, the appeal started life as one made against failure to determine but was changed following the issue of the planning permission by the Council. Local Planning Authorities should meet the targets set by Welsh Government for the determination of planning applications and, not being able to do so in this case, the Council should have written to the appellant seeking an extension. It didn't but I do not see how this led the appellant to incur unnecessary expense in this appeal. Further, I consider that it was reasonable to wait for the views of the Highway Authority before determining the application.
15. Although there is no Mr Nylor employed at the Council the appellant's letter of 22 October 2015 included the planning application reference number and it is not unreasonable to expect it to be delivered to the right department. Nonetheless, I have no reason to doubt the Council's submission that the Development Control section did not become aware of the letter until 23 December as a result of the appellant's letter of 20 December to the Chief Executive. A letter was sent to the appellant dated 24 December indicating the Council's willingness to discuss the details required under condition 2 and the other requirements set out in the conditions.
16. Condition 2 requires the submission of a plan indicating the positions, design, materials, type of boundary treatment to be erected and a timetable for implementation. The letter of 22 October did not include a plan and, although it sets out the type of boundary treatment, provides no information regarding its exact position. Nor did the letter set out the exact height of the walls or a timetable. The Council could and should have sought clarification and the submission of a plan but on 27 April 2016 it did write to the appellant informing him that the works he had carried out were satisfactory and inviting the retrospective submission of details to discharge condition 2. Had the appellant done this the Hearing on 6 July could have been avoided. As pointed out by the Council, the appellant was the only party who could withdraw the appeal.
17. There is no evidence to support the allegation that the Mr Davies' attendance in March was an attempt to influence the Inspector. Further, Mr Davies offered to withdraw which indicates to me that his intentions and actions were proper and professional.
18. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Circular 23/93, has not been demonstrated.

Anthony Thickett

Inspector

APPENDIX C

Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 10/05/16
Ymweliad â safle a wnaed ar 10/05/16

**gan Melissa Hall BA (Hons), BTP, MSc,
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 07.07.16

Appeal Decision

Hearing held on 10/05/16
Site visit made on 10/05/16

**by Melissa Hall BA (Hons), BTP, MSc,
MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 07.07.16

Appeal Ref: APP/F6915/A/15/3141571

**Site address: Garage site, land to the north east of Pembroke Terrace,
Nantymoel, Bridgend.**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Kevin Haines against the decision of Bridgend County Borough Council.
 - The application Ref P/15/611/OUT, dated 17 September 2015, was refused by notice dated 2 December 2015.
 - The development proposed is the construction of one dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters reserved for subsequent consideration. I have therefore dealt with the appeal on that basis, treating the site layout plan as indicative.

Main Issue

3. This is the effect of the proposed development on the character and appearance of the surrounding area, with particular regard to policies designed to control the location of new housing development.

Reasons

4. The appeal site comprises a parcel of land which lies to the rear of two rows of traditional terraced houses. There are several detached garages on the land and it is covered, in part, by a tarmac access, concrete hardstanding and hardcore. It is accessed via a steeply sloping adopted lane that runs between Pembroke Terrace and Osborne Terrace.
 5. Its topography is such that it is elevated significantly above the rows of terraced properties, with the hillside to the north and north-east perimeter of the site enclosing
-

a central plateau. The outer lying parts of the site and the steep hillside have a rural verdant quality, which are visible from close and distant views in the surrounding area.

6. The Council confirms that, with the exception of the southern tip of the site, the site lies outside the settlement boundaries as defined in Policy PLA1 of the adopted Bridgend Local Development Plan (LDP). For planning purposes, therefore, and in the context of Policy ENV1, it is for the most part in the open countryside where new residential development is subject to strict control. It is no part of the appellant's case that the proposal is exceptionally justified on the basis of any of the criteria listed in Policy ENV1.
7. However, the appellant states that material considerations outweigh in this case, namely that the proposal represents development of a brownfield site with an ancillary residential use, which is immediately adjacent to and partly within a sustainable settlement with existing access.
8. I accept that the site falls within the definition of 'previously developed land' for the purposes of Planning Policy Wales¹ (PPW). However, PPW also recognises that not all previously developed land is suitable for development.
9. Although the site lies adjacent to the residential curtilages of Pembroke Terrace and Osborne Terrace, I am of the view that it is visually separated from these neighbouring properties given the clear physical boundaries delineating the rear gardens from the land beyond and a considerable change in ground levels between them. Furthermore, the size of the site, its rather irregular form and its less developed nature contrasts greatly with the more formal and regular layout and higher density of the terraces, such that it does not identify closely with this built form.
10. Rather, due to the topography and landform, and its largely verdant appearance, the appeal site relates more closely to the natural landscape qualities of the open countryside surrounding the settlement. Whilst I acknowledge that there are several garages on the site, their modest scale and appearance does not compromise the positive contribution that the site makes overall to the semi-rural character and appearance of its surroundings.
11. In these circumstances, the construction of a dwelling at this location would result in the extension of the residential built form beyond the well established building line set by the terraces into an area largely unspoiled by development. In particular, it would introduce a dwelling and its associated domestic paraphernalia on an elevated site with a semi-rural character, resulting in the erosion of an important landscape feature which acts as a backdrop to the settlement. It would therefore harmfully erode the character of its setting when seen from close and distant views.
12. The indicative site layout plan shows a dwelling with a scale, siting and orientation which differs from that of its closest neighbours. In this context, I also consider that a dwelling such as that proposed would draw attention to its presence and would do little to harmonise with the immediate surrounding built form. This matter further convinces me of the unacceptability of the proposal.

¹ Paragraph 4.9 and Figure 4.4

13. In this context, the proposal would not meet the objectives of Policy ENV1 to prevent inappropriate development in the open countryside or Policy PLA1 to direct new residential development to land within settlement boundaries.
14. I also note that the site lies within the Northern Uplands Special Landscape Area as defined by LDP Policy ENV3, where new development will be expected to retain its character and distinctiveness and where its design would reflect the surrounding built form and assimilates itself into the wider landscape. Based on the Council's oral evidence at the Hearing, I concur that its prominence, views and topography are the characteristics that make this particular landscape special. Seen against the rising, verdant landscape, the siting of a dwelling divorced from the existing residential development would have a harmful effect on the special landscape character of the area. It would thus be contrary to Policy ENV3.
15. I do not dispute that PPW allows for infilling or minor extensions to existing settlements or group of dwellings². However, it also requires that new housing development should not damage an area's character and amenity³. Whilst the site may be in a location close to the existing built form with access to services and facilities, the harm to the character and appearance of the area that I have described would result in the development not meeting the sustainability aims of PPW.
16. I acknowledge that the proposed dwelling would result in the replacement of the existing garages and that the site is currently being used for the parking of vehicles. I also understand that the site previously formed part of a larger garage compound; I am told by the appellant that there were previously 10 garages on the site, including planning permissions dating from 1980, 1985 and 1989 which relate to the erection of garage structures, albeit the majority of the garages have been demolished. It is evident from the aerial photographs and the submissions made by all parties that a large dove cote previously stood in the north-western corner of the site, albeit this has since been demolished too. In my view, the new dwelling would be materially larger than the limited number of garages it replaces and when compared with the existing low profile structures and car parking, would be much more significant. The proposal would thus contrast greatly with the less formal arrangement that currently exist. It would therefore have a greater impact on the character and appearance of its surroundings.
17. It is also evident that work has been undertaken on the site to re-profile the land and create additional areas of hardstanding, which differs from that shown in the aerial photographs submitted by the Council. Be that as it may, this does not erode the semi-rural and largely undeveloped character of the site that I have described.
18. Consequently, I do not find that the material planning considerations in this case outweigh the overall conflict with the development plan.

Other Matters

19. My attention has been drawn to Sunset Drive which is a development of large detached dwellings on elevated land at the edge of Nantymoel. At my site visit, I observed that it lies in close proximity to the appeal site. Although I am not aware of the full facts of this case, the Council tells me that planning permission was originally

² Paragraph 4.7.8

³ Paragraph 9.3.3

granted in 1999 as a site within the settlement boundary and allocated for residential development under the now superseded Unitary Development Plan, which then continued as a housing allocation in the LDP. Hence I find that the circumstances of the case cited differ from that which is before me. Be that as it may, each proposal must be determined on its own merits.

20. I note the dispute between the parties in respect of the fallback position relating to the use of the land for the parking of vehicles; the Council considers that new engineering operations would be required to enable additional cars to park on the land but the appellant states that its use as a garage compound and for the parking of vehicles is existing and that it is lawful. Whether or not planning permission would be required for the intensification of use or operational development is not a matter for me to determine in the context of this appeal made under S78 of the Act. It is open to the appellant to apply for a determination under section 191/192 of the Act to determine this matter. In any event, I find the effect of the proposed dwelling on the character and appearance of the area to be materially different from the use of the site for the parking of vehicles. Consequently, this is not a fallback position that would alter my conclusions in respect of the proposal before me.

Conclusion

21. For the reasons I have given, and having regard to all matters raised, the appeal is dismissed.

Melissa Hall

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr R Hathaway	Planning Consultant
Mr K Haines	Appellant
Ms T Greenslade	Appellant's partner

FOR THE LOCAL PLANNING AUTHORITY:

Mrs E Woolley	Senior Planning Officer
Mrs A Borge	Appeals Officer

INTERESTED PERSONS:

Mr A Jones	Resident
Ms L Jones	Resident
Mr S Jones	Resident
Mr C Laing	Resident
Ms C Henn	Resident
Mr P Henn	Resident
Ms A Flower	Resident
Ms D Fowler	Resident
Mr Baldwin	Resident
Mr Morgan	Resident
Mr Owen	Local Councillor

DOCUMENTS

1. Copy of the Council's notification letter dated 19 April 2016.
2. Copy of the Council's site notice giving notification of the appeal dated 15 April 2016.

APPENDIX D



The Planning Inspectorate Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 19/07/16

Ymweliad â safle a wnaed ar 19/07/16

**gan Paul Selby BEng (Hons) MSc
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 26/07/16

Appeal Decision

Hearing held on 19/07/16

Site visit made on 19/07/16

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 26/07/16

Appeal Ref: APP/F6915/A/16/3145806

Site address: Fforchlas Cottage, Church Street, Pontycymer CF32 8HS

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 Mrs Bethan Dalton-Marshall against the decision of Bridgend County Borough Council.
 - The application Ref P/15/493/FUL, dated 30 July 2015, was refused by notice dated 24 September 2015.
 - The development proposed is described as 'Proposed extensions and alterations to Fforchlas Cottage, Pontycymer, Bridgend, CF32 8HS - Amended Scheme'.
-

Decision

1. The appeal is allowed and planning permission is granted for Proposed extensions and alterations to Fforchlas Cottage, Pontycymer, Bridgend, CF32 8HS - Amended Scheme at Fforchlas Cottage, Pontycymer, Bridgend, CF32 8HS in accordance with the terms of the application, Ref P/15/493/FUL, dated 30 July 2015, subject to the following conditions:
 - 1) The development shall begin not later than five years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001 (Existing Block and Location Plan), 002 (Existing Floor Plans and Sections), 003 (Existing Elevations), 004 (Proposed Block and Location Plan), 005 (Proposed Floor Plans), 006 (Proposed Sections), 007 (Proposed Elevations).
 - 3) Prior to the construction of the extension hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the extension shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
-

Main Issue

2. This is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal relates to a modest, stone-built former farm building that has been converted and extended to form a dwelling. The building lies within a steep sided valley of open grassland and dispersed woodland, designated as part of a Special Landscape Area (SLA) in the Bridgend Local Development Plan (LDP). A larger farmhouse building lies close to the appeal building on lower ground, and other agricultural structures are also in proximity. Public rights of way traverse the hillside on the opposite side of the valley to the south, from which the front and east elevations of the appeal building can be seen.
4. It is proposed to extend the existing one storey element of the dwelling around 3.5 metres eastwards. Whilst the width of the building would be increased, this would be substantially offset in visual terms by the proposed demolition of an existing side extension accommodating a utility/storeroom. The matching materials and similar form of the side extension, in addition to the modest increase in width, would assist in protecting the character and appearance of the original farm building.
5. It is also proposed to replace two rear annexes with a substantial rear extension of similar height to the existing two storey part of the original building and of the same width as the extended dwelling. The volume of the combined extensions would exceed the guidance contained in the Council's adopted Supplementary Planning Guidance (SPG) 02 – Householder Development, which says that extensions to houses in the countryside should not exceed 25% of the floorspace of the original dwelling. Furthermore, the roof form of the rear extension would project above the one storey part of the original building, and its first floor and east elevation would be clearly visible in longer range views, including from the nearby public rights of way.
6. Nevertheless, whilst the size of the rear extension is large and not strictly subordinate to the original building in floorspace terms, it would be located to the rear of the property and set close against the steep hillside, considerably reducing its prominence. When viewed from the rear access lane, its apparent size and bulk would be reduced by being located close to the excavated hillside on land lower than the lane. Furthermore, the form of the proposed rear extension would reflect the rural vernacular of the existing dwelling, both in its overall dimensions and in its modest windows and doors and, in this sense, would represent an improvement to the existing rear annexes, which have a domestic character and appearance unsympathetic to the rural context.
7. The timber cladding and sheet metal roofing proposed in the rear extension would be of a wholly different appearance to the existing, but would assist in visually distinguishing the extension from the original building. At the hearing the appellant indicated that there is a tradition of using timber and sheet metal in rural buildings in the locality, and I saw evidence of this on my site visit. Whilst I accept that there is some element of subjectivity in determining whether or not particular materials are attractive, I am conscious that Planning Policy Wales (PPW) says that architectural tastes should not be imposed arbitrarily and opportunities for innovative design solutions should not be inhibited. I find that the proposed materials are 'subordinate'

to, yet harmonise with, the stone, brick and slate present in the original building, are not inappropriate to the local context, and are acceptable as a result.

8. In terms of the SLA, the existing dwelling is perceived as part of a group of farm buildings together with the adjacent farmhouse and various agricultural structures nearby and, as an example of traditional local rural architecture, it makes a positive contribution to the immediate setting. From the opposite side of the valley the building is viewed against the backdrop of the hillside on which it sits, and is well integrated into the landscape by groups of mature trees. The concrete rendered finish and suburban form of the existing two storey rear annexes are, however, perceptible in long distance views. Whilst the proposed two storey rear extension would be larger than these existing annexes, its form would more sympathetically reflect that of the original building, and the proposed timber cladding and sheet metal roofing would better reflect and assimilate with the character of the landscape, including during the winter months when the screening provided by nearby trees would reduce. The proposed French doors on the east elevation would be visible in public views, but they would be of modest proportions and would not detract from the character of the SLA.
9. Despite the relatively large increase in floorspace, I consider that, due to the specific circumstances of the site and the quality and nature of the design, the extended dwelling would retain the character and appearance of a modest, traditional farm building. Consequently, I conclude that the proposal would accord with the objectives of LDP policies SP2, ENV1 and ENV3 to ensure that extensions to dwellings in the countryside are modest in scale, subordinate to original buildings, reflect local building traditions and materials, and integrate within SLAs. The proposal would also be consistent with the general thrust of the Council's SPG, Planning Policy Wales and Technical Advice Note 12 – Design, which seek to protect the character and appearance of existing dwellings and the countryside.

Other Matters

10. I acknowledge that the proposed accommodation has been designed with the needs of Mrs Dalton-Marshall's family in mind, in that the provision of more generous living accommodation and space for home working would facilitate the family remaining in the house. In this regard I acknowledge the appellant's familial links to the property, that the appellant's family is Welsh speaking and that her two daughters attend a Welsh-medium school in the valley. I saw on my site visit that, although the existing accommodation is relatively modest, it is fairly typical of an old rural cottage and provides acceptable living accommodation. In any case, whilst I have had regard to these matters, I have concluded against the main issue that the proposal would not harm the character or appearance of the area. In reaching my decision I have afforded these personal circumstances little weight.
11. The appellant also submits that the proposed extensions would improve thermal insulation within the dwelling, assist in solving damp issues and allow the property to be heated by locally sourced timber. I do not dispute the appellant's genuine intentions to improve the energy efficiency of the dwelling, but no convincing justification has been put before me that improvements to the property's performance could not be achieved by other means. Whilst I recognise that the replacement of the older side and rear annexes with modern extensions would be likely to improve the thermal insulation of the building as a whole, I have afforded these matters little weight.

Conditions

12. I have had regard to the planning condition suggested by the Council and have considered the necessity of this and other conditions with regard to the advice in Welsh Government (WG) Circular 06-2014 – The Use of Planning Conditions for Development Management.
13. The standard time limit and plans conditions are necessary in the interests of proper planning. In addition, a condition relating to the submission of details or samples of materials to be used in the external surfaces of the dwelling is also necessary in the interests of protecting the character and appearance of the area.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed.

Paul Selby

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Andrew Vaughan-Harries	Appellant's agent
Hilton Marlton	Design Consultant
Bethan Dalton	Appellant / joint owner
Huw Marshall	Joint owner

FOR THE LOCAL PLANNING AUTHORITY:

Elizabeth Woolley	Planning Case Officer
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DOCUMENTS SUBMITTED AT THE HEARING

1. Copy of Drawing No. 007 – Proposed Elevations
2. Letter of support from Cllr Reg Jenkins (County Borough Councillor, Pontycymer Ward)

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>
Susan Jones – <i>BCBC Development Planning Manager</i>	“Local Development Plan review workshop”	4 August 2016	12.45pm
Wayne Crocker – <i>MENCAP</i>	“Changing places”	1 September 2016	12.45pm

Future training sessions

- 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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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO DEVELOPMENT CONTROL COMMITTEE

REPORT OF THE CORPORATE DIRECTOR – COMMUNITIES

Off-site Recreation Contributions

1. Purpose of Report

- 1.1 To advise Development Control Committee Members of the approach to be taken in applying off-site contributions towards flatted developments. The proposal is to expect a contribution towards children's playing spaces from flats with two bedrooms or more.

2. Connection to Corporate Improvement Plan / Other Corporate Priorities

- 2.1 The delivery of the County Borough's statutory planning function has links to the Council's corporate priorities in particular number 1 – supporting a successful economy.

3. Background

- 3.1 Outdoor recreation space comprises 'children's playing space' and 'outdoor sport facilities' (such as playing fields) and the issue of potential off-site contributions from developers to fund all types of outdoor recreational space will be fully addressed as part of the future Recreational Space SPG. The SPG will provide more detail and clarification on the interpretation of Policy COM 11 of the LDP, including whether there should be certain exceptions to providing contributions.
- 3.2 The emerging view is that 'off-site contributions' towards children's playing space, is entirely justified and reasonable from flats that have 2 bedrooms or more on the basis that such developments can reasonably be expected to generate children who are likely to benefit from local children's playing space. However, it is not reasonable to expect such a contribution from one bedroom flats, as these will not generate children. One bedroom flats should therefore be exempt.
- 3.3 This principle is currently applied with respect to the Education Facilities and Residential Development (SPG 16), which also specifically exempts education contributions from bedsits, 1 bedroom dwellings/flats and sheltered or elderly accommodation. This is on the basis that such developments do not generate children who require school places and, as such, a contribution is not justified.
- 3.4 However it is expected that all new housing developments (including 1 bed flats) should contribute to other outdoor sport facilities, such as playing fields and associated facilities as such facilities are used by the general population and not exclusively children.
- 3.5 All of these issues will be fully clarified as part of the forthcoming Recreation Space SPG.
- #### 4. Current Situation
- 4.1 Currently, the Parks and Playing Fields Manager only requests contributions towards children's play spaces for dwellings (£470 per dwelling) and not flats.

5. Next Steps

- 5.1 Where required, the children's play space contribution will be applied to flats of 2 bedrooms or more in line with the Education contribution; Bedsits, 1 bed flats, sheltered or elderly accommodation will remain exempt.
- 5.2 The forthcoming Recreational Space Supplementary Planning Guidance will clarify this situation.

6. Effect upon Policy Framework & Procedure Rules

- 6.1 The change in approach will be incorporated into the forthcoming Recreational Space SPG.

7. Equality Impact Assessment.

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

8. Financial Implications

- 8.1 In future Section 106 Legal Agreements, where required, there will be a contribution towards children's play spaces for residential developments that include flats with 2 or more bedrooms which will increase the monies available to the Parks and Playing Fields Manager to provide, or improve and maintain, existing children's play spaces.

9. Recommendations

- 9.1 That Members of the Development Control Committee:

(1) Note the content of this report on the approach to be taken when applying children's play space contributions to flatted developments.

Mark Shephard
Corporate Director Communities

Contact Officer

Mrs. Susan Jones

Development Planning Manager

Telephone Number: 01656 643169 e-mail: susan.jones@bridgend.gov.uk

Background documents

None