

# Public Document Pack

## Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

### Bridgend County Borough Council



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

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

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



#### **Gwasanaethau Gweithredol a Phartneriaethol / Operational and Partnership Services**

Deialu uniongyrchol / Direct line /:  
Gofynnwch am / Ask for: Andrew Rees

Ein cyf / Our ref:

Eich cyf / Your ref:

**Dyddiad/Date:** Date Not Specified

Dear Councillor,

#### **DEVELOPMENT CONTROL COMMITTEE**

A meeting of the Development Control Committee will be held in the Council Chamber, Civic Offices Angel Street Bridgend CF31 4WB on **Thursday, 24 November 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 21 December 2016 for proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.
4. Approval of Minutes 5 - 12  
To receive for approval the minutes of the Development Control Committee of 27 October 2016.
5. Public Speakers  
To advise Members of the names of the public speakers listed to speak at today's meeting (if any).
6. Amendment Sheet 13 - 16  
That the Chairperson accepts the Development Control Committee Amendment Sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee Report,

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

7.	<u>Development Control Committee Guidance</u>	17 - 20
8.	<u>Officer's Reports</u>	
(a)	P/16/600/FUL - Land at Former Archbishop McGrath School, Heol Yr Ysgol, Tondu	21 - 38
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(d)	P/15/244/OUT - Land at Cefn Road, Cefn Cribwr	71 - 84
(e)	P/16/725/FUL - Oldcastle Junior School Site, South Street, Bridgend	85 - 88
9.	<u>P/13/246/OUT - Variation to terms of S106 on Land at Brackla Industrial Estate, Brackla</u>	89 - 90
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13.	<u>Welsh Government Consultation on Historic Environment Regulations and Best Practice Guidance</u>	133 - 146
14.	<u>Welsh Government Consultation on Technical Advice Note 24: The Historic Environment</u>	147 - 156
15.	<u>Training Log</u>	157 - 158
16.	<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

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

## Officers

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MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 27 OCTOBER 2016 AT 2.00 PM

Present

Councillor M Thomas – Chairperson

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

Officers:

Rhodri Davies	Development & Building Control Manager
Lee Evans	Senior Planning Officer
Craig Flower	Planning Support Team Leader
Julie Jenkins	Team Leader Development Control
Gary Jones	Head of Democratic Services
Rod Jones	Senior Lawyer
Robert Morgan	Senior Development Control Officer
Kevin Mulcahy	Group Manager - Highways Services
Andrew Rees	Senior Democratic Services Officer - Committees
Leigh Tuck	Senior Development Control Officer
Helen Williams	Senior EHO Pollution

821. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor LC Morgan.

822. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor D Patel – P/15/856/FUL – Prejudicial interest as Member of the Board of Valleys to Coast. Councillor Patel withdrew from the meeting during consideration of the application.

Robert Morgan, Senior Development Control Officer – P/16/9/FUL - Prejudicial interest as he knows objectors to the application. Mr Morgan withdrew from the meeting during consideration of the application.

823. 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 23 November 2016.

824. APPROVAL OF MINUTES

RESOLVED: That the Minutes of the meeting of the Development Control Committee of 29 September 2016, be approved as a true and accurate record subject to the word “was” being replaced by the

word "is" in the declarations of interest made by Councillor N Clarke in Minute number 804.

**825. PUBLIC SPEAKERS**

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

<u>Name</u>	<u>Planning Application No:</u>	<u>Reason for Speaking</u>
Mr Ben Denton	P/16/547/FUL	Objector
Mr Alec Robertshaw	P/16/9/FUL	Objector
Councillor CE Smith	P/15/358/OUT	Objector
Mr Ron Richards	P/16/472/FUL	Objector
Mr John Matthews	P/16/472/FUL	Agent

**826. 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.

**827. P/16/547/FUL - PENYBONT FOOTBALL CLUB BRYNTIRION PARK, LLANGEWYDD ROAD, BRIDGEND**

**RESOLVED:** That the following application be deferred for further information to be requested from the applicant on the car and coach parking scheme.

<u>Code No.</u>	<u>Proposal</u>
P/16/547/FUL	Extension & enhancement of existing Penybont Football Club facilities including extension stand to accommodate 518 seats, new turnstile with payment booth, TV gantry, bar cellar extension & amended site access layout.

**828. P/16/9/FUL - BRIDGEND RETAIL PARK OFF COWBRIDGE ROAD BRIDGEND**

**RESOLVED:** That the application be deferred as the Committee is minded to refuse the application on the grounds of the loss of semi-mature trees planted on 'islands' within the existing car park, the impact of the loss of car parking spaces in a car park where the existing provision already falls well below that which would be required by the Council's current car parking standards and the effect the development would have on the viability and attractiveness of Bridgend Town Centre and that detailed reasons for refusal be reported to the next meeting of the Committee for consideration.

<u>Code No.</u>	<u>Proposal</u>
P/16/9/FUL	Two Class A3 (Food and Drink) Units and Associated works

**829. P/15/358/OUT - LAND WEST OF HEOL TY MAEN CEFN GLAS BRIDGEND**

- RESOLVED:**
- (1) That the application enter into a Section 106 Agreement to:
- (i) Provide 20% of the units as affordable housing units in accordance with the Affordable Housing Supplementary Planning Guidance (SPG). The Section 106 Agreement will provide for these units to be transferred to a Registered Social Landlord, with the type of units, location within the site, affordable tenure, transfer price and timescale for delivery to be agreed by the Council.
  - (ii) Provide a financial contribution in accordance with the Educational Facilities Supplementary Planning Guidance (SPG) formula towards the provision of additional primary school places in the schools serving the development; this figure being dependent on the final development mix and numbers with contributions provided on a pro-rata basis.
  - (iii) Provide outdoor recreation space in accordance with Policy COM11 of the Bridgend Local Development Plan with arrangements for future management and maintenance to be agreed in writing by the Council.
  - (iv) Provide a retained grassland area to the west of the site as detailed on plan 5: Compensation Measures attached to the David Clements Ecology, Ecological Assessment for land off Llangewydd Road, Bridgend dated May 2015 and the land shall be managed and maintained in accordance with the Recommendations (Part 6) of the said report.
  - (v) Provide a financial contribution of £72,000 towards enhanced highway facilities on the local highway network including the introduction of the MOVA system at the traffic signal controlled A473/B4622 junction, the upgrading of local bus stops on Barnes Avenue and Llangewydd Road and the implementation of a traffic speed order for Barnes Avenue and Heol Ty Maen.
- (2) That the Corporate Director Communities be granted power to issue a decision notice granting outline consent in respect of this proposal, reserving landscaping, layout, scale and appearance for future consideration, once the applicant has entered into the aforementioned Section 106 Agreement, subject to the conditions contained in the report of the Corporate Director Communities in addition to the standard outline conditions:-

**Code No.**

**Proposal**

**P/15/358/OUT**

**Residential development with vehicular access point from Heol Ty Maen**

**Subject to the amendment of the reason for Condition 11 as follows:**

**11 Reason: In the interests of biodiversity and nature conservation and to satisfy the Council's biodiversity and resilience of ecosystems duty under Section 6 of the Environment (Wales) Act 2016.**

830. P/15/856/FUL - LAND REAR OF 65-66 AEL-Y-BRYN NORTH CORNELLY

- RESOLVED: (1) That the application enter into a Section 106 Agreement to:
- Provide a minimum of (15%) 3 of the units as affordable housing units in accordance with Supplementary Planning Guidance 13 in perpetuity.
- Provide a contribution of £10,810.00 to fund the upgrading of facilities on the public open space in Gibbons Way and Heol Y Parc, North Cornelly.
- Provide £7,000.00 to fund the necessary Road Traffic Order and signage to achieve the 20mph speed restriction.
- (2) That the Corporate Director Communities be GRANTED power to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, subject to the conditions contained in the report of the Corporate Director Communities and the additional conditions set out below;

<u>Code No.</u>	<u>Proposal</u>
P/15/856/FUL	<p>Construction of 23 Dwellings and Associated Works</p> <p>Subject to the addition of Conditions 17 to 20 as follows:-</p> <p>17. No development shall commence until a scheme for permanently stopping up the existing access and reinstating the vehicular access as footway has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being brought into beneficial use.</p> <p>Reason: In the interests of highway safety.</p> <p>18. The proposed means of access shall be laid out as proposed with footways and radius kerbing, constructed and retained in permanent materials as approved in writing by the Local Planning Authority with vision splays of 2.4m x site frontage in both directions before the development is brought into beneficial use and retained as such thereafter.</p> <p>Reason: In the interests of highway safety.</p> <p>19. The access hereby approved shall be at a gradient not steeper than 5% (1 in 20) for the first 10 metres and thereafter not steeper than 8.3% (1 in 12)</p> <p>Reason: In the interests of highway safety.</p> <p>20. No structure, erection or planting exceeding 0.6 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.</p>

Reason: In the interests of highway safety.

831. P/16/472/FUL - LAND OFF HORSEFAIR ROAD WATERTON INDUSTRIAL ESTATE

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

Code No. Proposal

P/16/472/FUL Private car park area and outside storage compounds comprising the provision of hard surfacing (SUDS) & substantial boundary landscaping

Subject to the amendment of Conditions 2 to 5 as follows:

2. Notwithstanding the submitted plans, within 1 month of the date of this decision, a scheme detailing the layout of 150 off-street parking spaces and associated vehicle circulation shall be submitted to the Local Planning Authority for approval. The approved parking area shall be completed within 2 months of the date of this decision in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout and shall thereafter be retained as such in perpetuity.

Reason: In the interests of highway and pedestrian safety.

3. Notwithstanding the submitted plans, within 1 month of the date of this decision, a scheme for the provision of junction improvements from the proposed access road onto Horsefair Road, in the form of substantial physical barriers to separate the two access points and give way white line markings shall be submitted to the Local Planning Authority for approval. The approved junction improvement scheme shall be implemented within 2 months of the date of this decision and shall thereafter be retained as such in perpetuity.

Reason: In the interests of highway and pedestrian safety.

4. Notwithstanding the submitted plans, within 1 month of the date of this decision, a scheme for the provision of safe pedestrian access from the footways along Horsefair Road into the proposed development site, including dropped kerbs at the site entrance and a segregated pedestrian footway through the site into the proposed car park, shall be submitted to the Local Planning Authority for approval. The approved pedestrian access scheme shall be implemented within 2 months of the date of this decision and shall thereafter be retained as such in perpetuity.

Reason: In the interests of highway and pedestrian safety.

5. The overspill CGI car parking area hereby permitted shall not be used outside the following times: 07.00-20.00 hours Mondays-Fridays. At all other times, the car park shall be secured to prevent access outside the permitted hours.

The restoration of Locomotive Cabs hereby permitted shall not take place outside the following times: - 09:00-18:00 hours on any day. At all other times the Locomotive Cabs section shall be secured to prevent access outside the permitted hours.

Access to the steel container site shall not be permitted outside the following times:

07.00-22.00 hours on any day. At all other times, this part of the site shall be secured to prevent access outside the permitted hours.

Reason: In the interests of safeguarding residential amenities.

832. P/16/328/FUL - PLOT 1 REAR OF ARWERYDD PORTHCAWL ROAD 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/16/328/FUL                  Proposed three bed house on already constructed slab with minor elevational changes

Subject to the amendment of Condition 9 and the addition of Conditions 11 and 12 as follows:

9. No development shall commence until a scheme for the provision of a shared private drive of 4.5m wide for 10m reducing to 3.65m with turning facility has been submitted to and approved in writing by the Local Planning Authority. The private drive shall be finished in permanent materials in accordance with the approved scheme before the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of highway safety.

11. No development shall commence until a scheme for the provision of 3 off-street car parking spaces for the proposed dwelling has been submitted to and approved in writing by the Local Planning Authority. The parking areas shall be finished in permanent materials in accordance with the approved scheme before the development is brought into beneficial use and retained as such thereafter

Reason: In the interests of highway safety.

12. The existing entrance gates shall be removed and there shall be no gates fitted to the amended private driveway arrangement approved under condition 9.

Reason: In the interests of highway safety.

**833. APPEALS**

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

<u>Code No.</u>	<u>Subject of Appeals</u>
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A/16/3158271 (1782)	Single Residential Dwelling on Former Storage Site: The Yard, Laleston Road, Cefn Cribbwr
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A/16/3158287 (1783)	Ten Dwellings, Access, Parking, Landscaping and Associated Works: Land South of St Illtyds Road, Bridgend
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A/16/3158287 (1784)	Three Dwellings, Access, Parking, Landscaping and Associated Works: Land South of St Illtyds Road, Bridgend
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C/16/3159263 (1785)	Unauthorised Log Cabin
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**834. BRIDGEND CBC LOCAL PLANNING AUTHORITY - ANNUAL PERFORMANCE REPORT 2015-2016**

The Committee received the report of the Corporate Director Communities on the 2016 Annual Performance Report (APR). The report provided an update on the direction of travel in terms of performance since last year and supplied to the Welsh Government and Wales Data Unit which in turn formed part of the national planning performance framework. The report identified that despite having one of the smallest planning teams in Wales, Bridgend has been one of the top performing planning authorities in Wales. The report also identified that there had been a change in customer satisfaction in that there 48% of respondents thought Bridgend gave good planning advice against a Welsh average of 57%. This compared to Bridgend's performance in 2015 when 74% of respondents thought Bridgend gave good planning advice against a Welsh average of 57%. This was attributed to the introduction of new Development Management Procedures following the Planning (Wales) Act 2015 and the reduction in the number of respondents. The Local Planning Authority's Annual Performance Report for 2015/16 would be formally submitted to the Welsh Government before the deadline of 31 October 2016.

**RESOLVED:** That the Committee noted the content of the report and the Local Planning Authority's Annual Performance Report for 2015/16.

**835. 2016 ANNUAL MONITORING REPORT FOR THE BRIDGEND LOCAL DEVELOPMENT PLAN 2006 - 2021**

The Committee received the report of the Corporate Director Communities on the findings of the Local Development Plan 2016 Annual Monitoring Report (AMR). The aim of the AMR is to assess the extent to which the LDP Strategy and Policies are being achieved. The AMR has two primary roles, firstly to consider whether the policies identified in the monitoring process are being implemented successfully and secondly to consider the plan as a whole against all of the information gathered to determine whether a complete or partial review of the plan is necessary.

The report identified that there was no evidence to suggest there is a need for a full or partial review of the LDP at this time. Whilst the level of growth in some areas is slower than anticipated, evidence collected through the monitoring process clearly suggests that good progress is being made in the delivery of the majority of LDP targets.

The findings of the AMR for 2016 suggest that no full or partial review of the LDP is required at this time and that the actions set out in the AMR which will seek to address under performance are implemented.

RESOLVED: That the Committee noted the report.

836. TRAINING LOG

The Development and Building Control Manager reported on an updated training log. Cllr. Patel requested a future training session on planning application consultation/notification procedures.

RESOLVED: That the report of the Corporate Director Communities be noted.

837. URGENT ITEMS

There were no urgent items.

The meeting closed at 4.56 pm



## **DEVELOPMENT CONTROL COMMITTEE**

**24 NOVEMBER 2016**

**AMENDMENT SHEET**

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

<b>ITEM NO.</b>	<b>PAGE NO.</b>	<b>APP. NO.</b>
<b>8a</b>	<b>17</b>	<b>P/16/600/FUL</b>

A Full Development Control Committee site visit was undertaken on Wednesday 23 November 2016.

The Local Ward Member (who is also on the DC Committee Membership) and two local residents (one of which has registered a request to speak at committee) attended the site visit.

The Highway Officer has requested the condition 16 be amended to read as follows:-

16. Vision splays of 1m x 1m shall be provided for each individual dwelling driveway before the development is brought into beneficial use and no structure, erection or planting exceeding 0.6m in height above the adjacent carriageway level shall be placed within the stipulated vision splay.

Reason: In the interests of pedestrian safety.

The following additional condition shall be added to the report:-

26. Before the Care Home development is brought into beneficial use 2 cycle parking stands shall be provided and retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of promoting Active travel and wellbeing.

<b>8b</b>	<b>35</b>	<b>P/16/606/FUL</b>
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A Full Development Control Committee site visit was undertaken on Wednesday 23 November 2016.

One of the Local Ward Members (who is also on the DC Committee Membership), the agent for the application, a member of Laleston Community Council and a local resident attended the site visit.

<b>8d</b>	<b>67</b>	<b>P/15/244/OUT</b>
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A Full Development Control Committee site visit was undertaken on Wednesday 23 November 2016.

The Local Ward Member apologised for not being able to attend the site visit. The agent for the application attended the site visit.

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**BCBC LPA RESPONSE TO WG CONSULTATION ON  
PROPOSED CHANGES TO HOW ENVIRONMENTAL  
IMPACT ASSESSMENT APPLIES TO TOWN AND  
COUNTRY PLANNING**

In Paragraph 1.1 change "draft" to "formal".

**MARK SHEPHARD  
CORPORATE DIRECTOR – COMMUNITIES  
24 NOVEMBER 2016**

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## **Development Control Committee Guidance**

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

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

### **STANDARD CONDITIONS**

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

#### Time-limits on full permission

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

#### Time-limits on outline permissions

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

#### Variation from standard time-limits

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

### **STANDARD NOTES**

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

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

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

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

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

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

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

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

## **THE SITE INSPECTION PROTOCOL**

The Site Inspection Protocol is as follows:-

### **Purpose**

#### **Fact Finding**

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

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

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

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

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

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

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

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

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

### **Inappropriate Site Visit**

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

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

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

#### **Attendance**

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

### **Officer Advice**

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

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

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

### **Code of Conduct**

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

### **Record Keeping**

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

### **Site Visit Summary**

In summary site visits are: -

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

### **Frequently Used Planning Acronyms**

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



**REFERENCE:** P/16/600/FUL

**APPLICANT:** Linc Cymru Housing Assoc. c/o Richard Hallett, Head Office, 387 Newport Road, Cardiff, CF24 1GG

**LOCATION:** Land at former Archbishop McGrath School Heol yr Ysgol Tondy CF32 9EG

**PROPOSAL:** 15 bedspace care unit & 25 extra care apartments with communal ancillary facilities and 19 no. dwellings served by adopted access road

**RECEIVED:** 4 August 2016

**SITE INSPECTED:** 10 August 2016

## APPLICATION/SITE DESCRIPTION

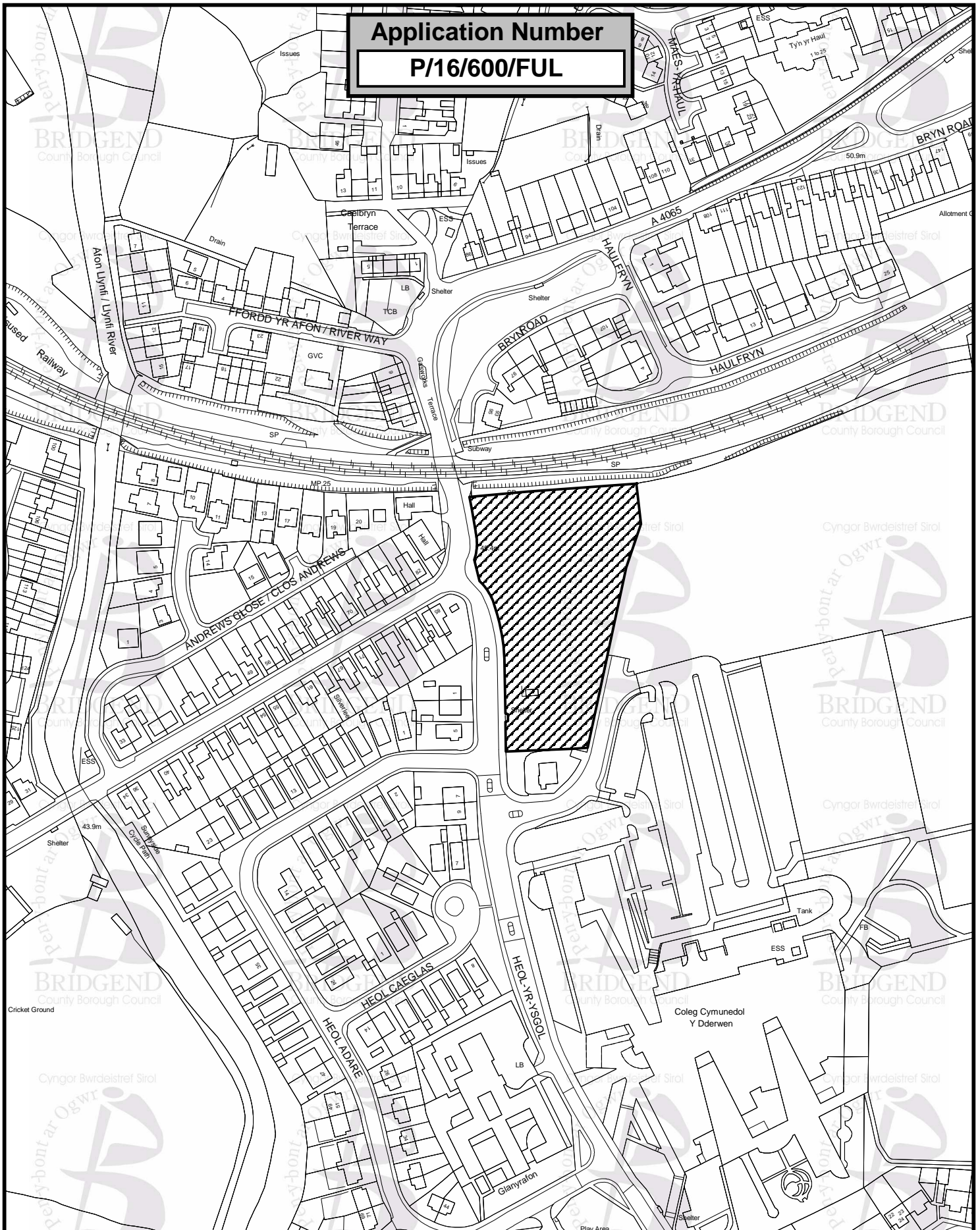
LINC Cymru are seeking full planning permission to erect a Residential Care and Extra Care Facility, together with 19 dwellings on the site of the former Archbishop McGrath Comprehensive School, located adjacent to Heol yr Ysgol and its junction with Bryn Road, the neighbouring school caretaker's bungalow and Coleg Cymunedol Y Dderwen (CCYD) to the south and the Garw Valley railway and supporting vegetated embankment to the north. The land to the east is currently undeveloped but provides the site for the new Brynmenyn Primary School.

The 'Extra Care Facility' will be accommodated in a three storey building with its 'L' shaped footprint, positioned around a landscaped garden. The western elevation facing Heol Yr Ysgol and existing properties opposite will comprise three storey double gables, set back between 2.4 and 4.8m from the site boundary, at a width of 17m and a height of 11.5m to the ridge of the roof (see extract below). The landscaped garden will share the boundary with Heol Yr Ysgol with the southern wing of the care facility being set back some 21m from the western site boundary. Nos 1, 3 and 5 Heol Yr Ysgol, all bungalows, front the development site at a distance of 22.5m when measured on the submitted drawings.



Application Number

P/16/600/FUL



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Scale 1:2,500

Date Issued:  
17/11/2016

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 southern boundary of the site is shared with the school caretaker's bungalow which is set behind an existing 1.8m high boundary fence with windows principally facing Heol-Yr-Ysgol to the west and the college car park to the east. One window, located in the northern elevation facing the care site, serves a bathroom. The southern elevation of the care home will again comprise double gables, one 3 storey, the other 2 reduced to lessen the massing of the building and impact on the existing bungalow. The northern elevation will incorporate the main entrance and will face the proposed car park and the new housing site beyond. The massing of the building is most significant when viewed from the east which bounds the new access road that will serve this development. This elevation will face the road, the access and the car park of CCYD.

Accommodation in the facility will comprise:

- Ground: 15 bedrooms with bathrooms, communal rooms, (two dining rooms and lounge) and ancillary/service rooms including the reception for the Extra Care unit;
- First & second floors: 25 (23 one bed and 2 two bed) Extra Care apartments with ancillary accommodation - all Extra Care apartments are accessed via an 8 person stretcher sized lift.
- Additional external amenity and parking spaces for vehicles, buggies and bicycle

A total of 22 car parking spaces will be provided on the northern side of the facility and will include accessible parking bays adjacent to the entrance. Space has been provided to allow all vehicles to turn within the site.

The external finishes of the building will comprise a mix of reconstructed silver grey stone on the ground floor with a mixture of red/buff brickwork on the elevations above. Slate effect concrete interlocking tiles will be used on the pitched roofs.



The proposed housing will occupy the northern part of the site and will be accessed from Heol Yr Ysgol via the existing junction that serves CCYD and a new section of road that will connect to the development and the recently consented primary school. Nineteen 2 and 3 bedroom units will front new estate roads. All units are two storeys and, in the main, split into semi-detached units. Each unit will be allocated a minimum



of two car parking spaces provided either to the side or front of the units with visitor parking allocated on street. Amended plans have been received incorporating a turning facility at the eastern end of the private drives serving Plots 9-19.

A bicycle/pedestrian access to the primary school will be provided along the section of road fronting the aforementioned units and the provision of a defensible area has been incorporated in the design comprising a 900mm high painted metal railing fence and pedestrian gates. This arrangement will allow residents to personalise the frontage to the units with either hard landscaping or the opportunity to provide plants and shrubs. The opportunity has also been taken to include an area of landscaping to the left of the site access bell mouth and a native species tree proposed to the eastern section of the pedestrian/cycle way.

Each house unit is provided with a rear private garden, enclosed with 1.8m close boarded fencing except for those properties that will back-onto the junction of Bryn Road and Heol-Yr-Ysgol. In this location a more substantial boundary will be provided consisting of a solid brick wall with a minimum 325mm square brick pier and capping with vertical board fencing located between piers.

External finishes for the housing is similar to the 'Extra Care Facility' but more restrained. The pallet will be multi brick and reconstructed stone to the front facade with dark blue/black brick to the rear. Windows are to be grey uPVC with grey Upvc fascias and barge boards (see extract below)



Vehicular site access to both sites will be provided from the north east via a shared access road with the adjacent school. The Extra Care & Housing schemes are required to integrate with the access road proposed by the new Brynmenyn Primary School which is intended to be constructed during the same period as the extra care/housing. Both projects in tandem will connect with the spur road constructed to access CCYD's car and bus parking area. An upgraded highway junction with Heol-Yr-Ysgol and Bryn Road is proposed as part of the area wide development.

A Traffic Impact Assessment by Jubb Consultancy has informed the assessment of this application and the recent permission for the primary school.

A series of reports including a Site Investigation Report, Coal Mining Assessment, a Flood Risk Assessment & Drainage Strategy and Japanese Knotweed Management Plan & Method Statement have accompanied the application.

## **RELEVANT HISTORY**

P/16/578/BCB - New primary school with capacity for 420 plus 60 nursery places - Conditional Consent - 30<sup>th</sup> September 2016.

## **PUBLICITY**

The application has been advertised on site and in the local press. Neighbours have been notified of the receipt of the application. The period allowed for response to consultations/publicity has expired.

## **CONSULTATION RESPONSES**

Group Manager Public Protection: No objection subject to conditions.

Welsh Water Developer Services: No objection subject to the imposition of conditions and advisory notes to ensure no detriment to existing residents, the environment and to Dwr Cymru Welsh Water's Assets.

Natural Resources Wales: No objection subject to conditions.

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

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

## **REPRESENTATIONS RECEIVED**

Letters of objection have been received from the occupiers of the following properties:

5 Heol yr Ysgol (Speaker); 7 Heol yr Ysgol (Speaker); 9 Heol yr Ysgol (Speaker); 6 Heol Cae Glas; 4 Penybryn Road; 83 Bryn Road;

A letter has also been received from Chris Elmore MP on behalf of the occupier of 4A Haul Fryn who is concerned that the new school and housing will exacerbate problems of parking associated with the community hall.

The following is a summary of the objections received:

1. Existing traffic levels are unacceptable - additional traffic will exacerbate existing problems and roads are unable to accommodate the additional Bryn Road junction cannot accommodate additional traffic.
2. The road layout for the new development does not accord with the standards - no turning heads have been provided to allow service vehicles to turn - hazard given that it will be the route to the school.
3. Insufficient parking provision within the development.
4. View from houses will be altered by the position and size of the new building.
5. Residents have already had to endure significant disruption, dust, noise and dirt during the construction of Coleg Cymunedol Yr Dderwen. This will be exacerbated during the construction phase.
6. No decision should be made on this application until layout for the new school has been considered.
7. The biodiversity interests in the site and adjoining land will be compromised by the development.

## COMMENTS ON REPRESENTATIONS RECEIVED

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

1. A Traffic Impact Assessment has accompanied the application and considers the impact of this development and the new primary school on the immediate and wider highway network. The Council's independent highway consultant has reviewed the report and recommended changes to the network. Subject to improvements being made to a number of junctions including Heol Yr Ysgol/Bryn Road, the network can accommodate the additional traffic that will be generated. The application site boundary has been amended to provide space for the junction improvements. It is understood that the works will be undertaken as part of the contract for the construction of the new primary school. Whilst it is acknowledged that the A4065 is already a busy route, on the evidence submitted, an objection on the basis of traffic generation impacting highway safety would not be sustainable.

2. Objectors have highlighted deficiencies in the proposed internal road layout serving the new housing and a lack of turning facilities. A revised plan has however been received, incorporating such a facility at the eastern end of the private drive. Although the highway design accords with the Council's standards, movements to and from the parking spaces will be constrained but not to such an extent as to be unsafe to users of the highway. Driveways on a number of properties will cross the 'school route' but this is not an uncommon arrangement and vision for road users will be more than adequate. The changes to the scheme address this objection.

3. Car parking provision for the extra care facility meets the Council's guidelines. It has, however, been necessary to revise the layout to incorporate additional spaces for a number of the new housing units to address this concern that was also highlighted by the Head of Street Scene (Highways).

4. Apart from the traffic and highway safety concerns, the impact of the new three storey care facilities on the properties opposite (1, 3 and 5 Heol Yr Ysgol) is perhaps the most challenging issues on the assessment of this application, a matter that was brought to the architect's attention as part of the pre-application discussions. A Site Investigation Report has identified a possible mine shaft which has determined the design and position of the building which represents an improvement from that submitted as part of the pre-application submission.

A double 3 storey gable will however be constructed close to the boundary of the development site and will be in view from the front windows of the aforesaid properties in Heol Yr Ysgol. In applying the Council's guideline for assessing domination and/or overshadowing (the 25 and 45 degree lines measured directly from habitable room windows) the development technically complies as the three storey element has been sited so as not to be directly facing the habitable room window of 1 Heol Yr Ysgol. Furthermore, a distance of some 25m separates the development from the affected property which more than exceeds the recommended distance (21m).

Nevertheless, the occupiers of these bungalows have, in more recent years enjoyed an open aspect albeit one that fronts a busy route and when the previous school occupied the site the buildings were set back some distance. In this case, the impact of the development on the living conditions of the occupiers of the properties opposite has been much reduced by the revisions to the design and siting of the building. Furthermore, the impact has to be weighed against the significant social and community benefits of providing this extra care facility.

Privacy levels will be affected which is inevitable when you introduce any form of new residential accommodation with window openings in the extra care facility facing the existing housing. The Council's privacy standard (21m) will not however be compromised.

The close relationship of the new development to the caretaker's house has been carefully considered and here the separating distances are considerably less. Some consideration has been given with the designer introducing a two storey gable on the southern elevation. Only one side facing window faces the development which the applicant confirms serves a bathroom. Again the scale and proximity of the development is likely to impact the occupier of the adjoining property but, being sited on the northern side of the house, which has its principal windows on the west and east elevation, the impact is not significant enough to require that the proposal be rejected.

Overall the impact on the neighbouring properties is balanced by the benefits of the proposal in meeting a need to provide care to the elderly in a location that is, in all other respects, appropriate for such a use.

5. Inevitably construction works associated with this development and that of the new school will result in some disturbance to residents. It is considered that a Construction Method Statement would address this issue and to minimising disruption for both the local residents and the adjoining school.

6. Planning permission has now been issued for the new primary school and the assessment of this application, particularly in the context of traffic generation, has considered this consented development.

7. Biodiversity - The application for the primary school was accompanied by an Ecological Assessment together with a supplemental reptile survey which also includes this development site. The development will be required to implement the recommendations contained within these documents via the imposition of appropriately worded conditions. It is also noted that Natural Resources Wales has suggested that conditions be imposed to address concerns regarding the impact of the development on local biodiversity. It is considered that a condition requiring protective fencing along the site boundary will prevent any encroachment into the area of woodland on the railway embankment.

## **APPRAISAL**

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

The application site forms part of the Valleys Gateway Strategic Regeneration Growth Area as designated by Policy PLA3 (13) of the Bridgend Local Development Plan 2013 (LDP). The Policy seeks to regenerate brownfield and under-utilised sites within defined settlements with an appropriate mix of land uses. The development of each of the designated regeneration sites will be undertaken in accordance with a development brief or appropriate highway agreements, which are required to be agreed with the Authority prior to development commencing. In this case, the extra care facility, affordable housing units and new primary school are compatible with the aforementioned Policy.

In accordance with Policy SP14 of the LDP, new development often creates the need for planning obligations to be provided to offset any negative impacts of development. The proposal for 44 residential units triggers Policy COM5 of the LDP which requires 20% affordable housing in this location. As such 9 of the units will be provided as affordable housing to be transferred to the RSL with an appropriate tenure to be agreed between the applicant and the Housing Strategy Department.

The proposed site layout indicates the provision of a communal garden area to the rear of the care facility to serve this element of the proposed scheme but the space provided for the proposed housing is minimal. Given the constraints of the site, a commuted sum secured through a Section 106 obligation is more appropriate to fulfil the requirement of Policy COM11 as opposed to on site provision. Such a contribution could then be spent on the improvement of facilities within close proximity to the proposed development. Records indicate that the nearest facilities are the Bryn Road recreation space or the shared community facility within Coleg Cymunedol Y Dderwen. Based on current costs for provision, the contribution required would equate to £470 per dwelling.

With regards to Education, the scheme meets the threshold of 5 or more residential units identified in SPG 16 as being large enough to place increased pressure on local educational facilities. However, the Children's Directorate have confirmed that with the opening of a new Primary School adjacent to the development site, there is sufficient capacity in the local nursery, primary and secondary schools to accommodate the number of children projected to be generated by the development.

The aforementioned infrastructure improvements can be secured by way of a planning obligation.

In terms of design, Policy SP2 of the LDP requires all development to contribute to creating high quality attractive sustainable places, which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment. The Policy establishes fifteen criteria against which development proposals will be assessed and in respect of this application, it is considered that criteria 1, 2, 3, 4, 6, 7, 10, 12, 13, 14 and 15 would be relevant.

The first four criteria require the design of both elements to respect or enhance the local character of the area, be of an appropriate scale, use land efficiently and thereby comply with national policy. The development efficiently maximises the use of the site and will provide a hub of residential and community uses in an established settlement in a manner that is highly sustainable which accords with both national and local policy. The scale of the development does raise some issues which have already been considered but those impacts do not undermine the principle of the development which is acceptable. It is therefore considered that the proposed development is compatible with these criteria.

Criterion 6 requires development proposals to have good linkages within and outside the site to ensure efficient access. The application has been accompanied by a Transport Assessment, which has been considered by the Authority's own transport consultants. The Highways Department has advised that, subject to appropriate conditions, the access and parking arrangements are acceptable.

Similarly, criterion 10 requires development to safeguard and enhance biodiversity and green infrastructure. An Ecological Assessment together with a subsequent reptile survey has been submitted with the application and these reports identify mitigation measures. It is proposed to include appropriately worded conditions to ensure that the



identified mitigation measures and safeguards during the construction phase are implemented.

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

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions."

Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems."

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires Local Planning Authorities to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are: (1) That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment". (2) That there is "no satisfactory alternative". (3) That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".

Given the nature of the application site and the proposed safeguarding and mitigation measures, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity.

The next criterion (12) aims to ensure that the viability and amenity of neighbouring occupiers will not be adversely affected. This has been discussed in detail in the previous section of the report and where impacts have been identified, they are not to a significant level and they are outweighed by the social and community benefits of the delivering this care facility. The new housing is positioned on site, such that it has no direct impacts on the amenity of neighbours in terms of privacy, loss of daylight etc. Amenity also encompasses concerns in terms of disturbance during construction but those impacts are short term and can be managed through appropriate conditions.

Consideration has been given to the living conditions of the future occupiers of the new housing, with regard to the surrounding uses (both existing and proposed). However, the revised layout generally complies with the Council's guidelines. The activities of the surrounding uses, (schools and care home) will provide the context for the new housing but one that is entirely reasonable.

Criterion 13 requires development to incorporate appropriate arrangements for the disposal of foul sewage, waste and water. The Land Drainage Engineers are satisfied

that subject to a condition suitable arrangements can be provided. The final two criteria aim for development to make a positive contribution towards tackling the causes of, and adapting to the impacts of Climate Change and also contribute towards local physical, social and community infrastructure. An Energy Strategy has been provided with the application which confirms that the development addresses the following; efficient use of a previously developed site, reducing energy consumption, increasing energy efficiency and the use of low and zero carbon sources, minimising waste through contractual arrangements that will require the construction of both extra care and housing to meet with ISO standards. As the function of the building is to contribute to local social and community infrastructure, it is considered that criterion 15 will also be satisfied.

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

The well-being goals identified in the Act are:

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

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development rather the proposed development will contribute to a more cohesive community and incorporates in the design features which demonstrate that it is seeking to contribute to global responsibilities in relation to climate change.

During the processing of this application Policies PLA3 (13), COM10 (5) and SP2 of the Bridgend Local Development Plan were considered.

## **CONCLUSION**

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

## **RECOMMENDATION**

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

(i) Provide 20% of the units as affordable housing units in accordance with the Affordable Housing Supplementary Planning Guidance (SPG). The Section 106 Agreement will provide for these units to be transferred to a Registered Social Landlord, with the type of units, location within the site, affordable tenure, transfer price and timescale for delivery to be agreed by the Council.

(iii) Provide a financial contribution of £10,830 on the commencement of development towards the upgrading of existing outdoor recreation facilities in the vicinity of the application site

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

1. The development shall be carried out in accordance with the following approved plans and documents: plan numbers 5285/P/101 - Revision D; P-0200 Revision A; P-0201 Revision A; P-0202 Revision A; P-0700 Revision B; P-0701 Revision A; P-0120-B; P-0121 Revision B; P-0122 Revision B; P-0123 Revision B; P-0124 Revision B; P-0750 Revision B; P-0751 Revision A; P-0752 Revision B; P-2000: P-2001; P-2002; P-3000 Revision C; P-0301 Revision B; P-0302 Revision B and the conclusions and recommendations in the following supporting documents: Linc-Cymru Limited - Site Investigation Report - 11669/AF/16/SI/Rev A, and Jubb's Transport Assessment.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development and in the interests of the safety and free flow of traffic.

2. No development shall take place until details of the proposed floor levels of the buildings in relation to existing ground levels and the finished levels of the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

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

3. Notwithstanding the submitted 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 buildings hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

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

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

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

5. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how the foul, road, and road/yard water will be dealt with, including future maintenance requirements, has been submitted to and agreed 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: In the interest of providing safe drainage for the site and to ensure that flood risk is not increased.

6. The agreed landscaping works (Drawing Nos: P-0120-B, P-0121-B, P-0122-B, P-0123-B and P-0124-B) shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed by the Local Planning Authority prior to any development commencing on site.

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

7. A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and agreed by the Local Planning Authority prior to the occupation of any part of the development. The Landscape Management Plan shall be carried out as agreed.

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

8. Notwithstanding the approved plans, details of a scheme of fencing to protect the trees along the northern site boundary, shall be submitted to and agreed in writing by the Local Planning Authority. The fencing shall thereafter be erected in accordance with the agreed scheme prior to any equipment, machinery or materials are brought onto the site for the purposes of the development. The agreed fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To safeguard the trees outside but adjoining the site in the interests of both visual amenity and biodiversity.

9. Any site clearance works shall be undertaken in accordance with the method statement described in Section 2 of the Reptile Method Statement prepared by David Clements Ecology Ltd and dated August, 2016 and thereafter throughout the development, the mitigation measures identified as recommendations contained in Section 6 of the Ecological Assessment shall be implemented in full.

Reason: In the interests of biodiversity and nature conservation.

10. Construction works shall not take place outside 07:30 hours to 17:30 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays and not at any time on Sundays and Bank Holidays.

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

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

- i. The routing of HGV construction traffic to/from the site in order to avoid Bryn Road;

- ii. The parking of vehicles of site operatives and visitors;
- iii. Loading and unloading of plant and materials;
- iv. Storage of plant and materials used in constructing the development;
- v. Wheel washing facilities;
- vi. Measures to control the emission of dust and dirt during construction;
- vii. The provision of temporary traffic and pedestrian management along Heol Yr Ysgol and Bryn Road.

The construction works and site clearance shall thereafter be undertaken in accordance with the agreed Method Statement.

Reason: In the interests of highway safety.

12. Notwithstanding the requirements of Condition 10 above, no construction vehicles shall enter or leave the site during the 30 minute period either side of the school operating times of the adjoining Coleg Cymunedol y Dderwen School (8.50am to 3.20pm).

Reason: In the interests of highway safety.

13. The proposed access onto the extended access road shall be laid out with vision splays of 2.4m by 25m before the development is brought into beneficial use and retained as such in perpetuity and no structure, erection or planting exceeding 0.6m in height above the adjacent carriageway level shall be placed within the stipulated vision splay.

Reason: In the interests of highway safety.

14. The internal access roads of the development shall be completed in permanent materials in accordance with the approved details prior to any of the individual units or the extra care facility the development being brought into beneficial use.

Reason: In the interests of highway and pedestrian safety.

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

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

16. Vision splays of 1m x 1m shall be provided for each individual dwelling driveway before the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of pedestrian safety.

17. No development shall commence until details of the extended access road into the site from the junction with the access to Coleg Cymunedol y Dderwen and improvements to the Heol yr Ysgol/Bryn Road and Heol Cwrddy/Heol Canola junctions have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details and no part

of the development shall be brought into beneficial use until the improvement works have been implemented.

Reason: In the interests of the safety and free flow of traffic.

18. No individual accesses from the housing development, vehicular or pedestrian, shall be created onto Bryn Road or the new extended school access road.

Reason: In the interests of highway safety.

19. Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases\* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to and approved in writing by the local planning authority. Following completion of an approved monitoring scheme, in the event that gases are being generated the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the local planning authority. All required gas protection measures shall be implemented as approved and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the local planning authority agrees in writing that the measures are no longer required. A copy of the verification certificate should be submitted to the local planning authority prior to the first beneficial use of the site.

\* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 (Construction Industry Research and Information Association) and/or BS8485 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments.

Reason: In the interests of safety.

20. No development shall commence until an assessment of the nature and extent of contamination affecting the application site has been submitted to and approved in writing by the local planning authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) Investigation of Potentially Contaminated Sites Code of Practice and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
  - human health,
  - groundwater and surface waters

- adjoining land,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - ecological systems,
  - archaeological sites and ancient monuments; and
  - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with Welsh Local Government Association and the Environment Agency Wales' 'Development of Land Affected by Contamination: A guide for Developers' (2012).

Reason: In the interests of safety.

21. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

22. The remediation scheme approved by condition 21 must be fully undertaken in accordance with its terms prior to the occupation of any part of the development. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation.

Reason : To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological

systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

23. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

24. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced

25. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced.

26. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

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



The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for:

(i) determining the extent and effects of such constraints;

(ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

Unprocessed / unsorted demolition wastes.

Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances. Japanese Knotweed stems, leaves and rhizome infested soils.

In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

(iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

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

**Background Papers**

None

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**REFERENCE:** P/16/606/FUL

**APPLICANT:** Waterstone Estates Limited  
c/o Geraint John Planning Ltd, 33 Cathedral Road, Cardiff CF11 9HB

**LOCATION:** Former OCLP site, Elm Crescent, Bryntirion CF31 4EA

**PROPOSAL:** Demolition of existing buildings and construct mixed use development of 1 x A1 retail unit, 1 x flexible A1/A2/A3 unit, 18 affordable housing units with associated highway improvements, access, parking, refuse storage & landscaping

**RECEIVED:** 29 July 2016

**SITE INSPECTED:** 19 September 2016

## **APPLICATION/SITE DESCRIPTION**

The application seeks permission for a redevelopment, which will provide:-

- 1 x A1 retail unit of 332 sq m;
- 1 x flexible A1/A2/A3 unit of 114 sq m;
- 18 affordable housing units - comprising of 14 x 1 bedroom apartments and 4 x 2 bedroom apartments;
- A realigned vehicular access onto Elm Crescent to provide access to 18 parking spaces for the residential units and an exit for retail delivery vehicles;
- A vehicular access from Brynglas to 13 x retail customer parking spaces and an entrance for retail delivery vehicles;
- 6 x retail customer parking spaces on the southern side of Brynglas;
- Refuse storage;
- An Indicative landscaping scheme

The site comprises two irregular shaped parcels of land - one parcel to the north of Brynglas containing the Former OCLP Club and its associated accesses, parking and hardstanding and the other parcel to the south of Brynglas comprising a highway verge.

The northern parcel is located in a prominent corner location and is accessed via Brynglas to the south and Elm Crescent to the north.

The site is currently vacant with the existing buildings and structures falling into a general state of disrepair.

The application is accompanied by a Design and Access Statement, a Transport Statement and a Planning and Retail Statement

## **RELEVANT HISTORY**

None

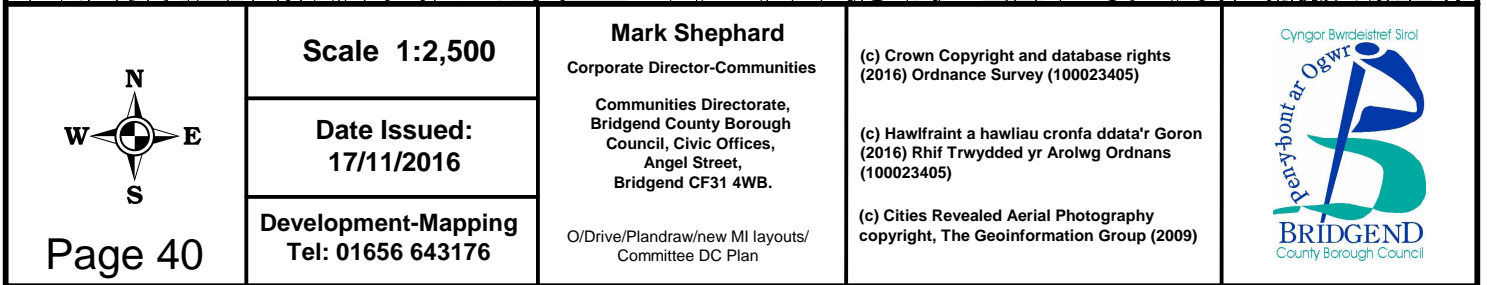
## **PUBLICITY**

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

Neighbours have been notified of the receipt of the application.

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

**P/16/606/FUL**



## **CONSULTATION RESPONSES**

Councillor P A Davies has not offered any observations but has raised some issues on behalf of a local resident in respect of footpaths, drop kerbs, car parking, increased traffic and use of the route by learner drivers.

Laleston Community Council does not object in principle to the provision of residential units on this site but objects to the inclusion of retail units for reasons of existing retail units nearby, insufficient car parking and overintensification of traffic movements close to residential properties and a main road junction.

Welsh Water Developer Services has no objection subject to a condition and advisory notes.

Natural Resources Wales has no objection to the proposal.

Crime Prevention Design South Wales Police makes observations in respect of Secured by Design.

Head of Street Scene (Drainage) has no objection subject to a condition and advisory notes.

Head of Street Scene (Highways) has no objection subject to a condition and advisory notes.

## **REPRESENTATIONS RECEIVED**

C Harrison of The Dance Centre supports the proposal.

Gemma Hooper of 11 Elm Crescent objects to the development for reasons of noise, dust, disruption and traffic and to the height of the building for reasons of overshadowing and loss of privacy. She also queries the tenure of the housing.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The objector's concerns regarding noise, dust, disruption and traffic appear to relate to the construction phase. Short term disruption is inevitable during the implementation of the scheme and is not a reason to refuse a planning application.

The final occupiers of a development is not a material consideration in the determination of the application, however, in this case, the development proposed is 18 affordable housing units.

The height of the building and an assessment of any overshadowing and potential loss of privacy is included in the Appraisal below.

## **APPRAISAL**

The application is referred to Committee as Laleston Community Council has objected to the proposal.

The application site lies within the settlement boundary for Bridgend as designated by Policy PLA1 of the Bridgend Local Development Plan. Policy COM3 of the Local Development Plan (LDP) states that residential developments within settlement boundaries defined in Policy PLA1 on windfall and small scale sites for the conversion

of existing buildings or the re-use of vacant or under-utilised land will be permitted where no other Development Plan policy protects the building or land for an existing or alternative use.

LDP Policy COM7 seeks to protect social and community facilities unless a suitable location is available for an alternative facility or, in the view of the Local Planning Authority (LPA) the existing facility is no longer required for the current use or any other social and community uses. The building has not been used for some time and it is accepted by the LPA that the facility, in its current form, is no longer required.

Waterstone Estates Ltd has submitted a detailed justification of the retail floorspace provision within the Planning and Retail Statement which demonstrates that the amount of floorspace provided is appropriate to justify the need for two retail units as part of the development.

The proposal, as part of a mixed-use development, complies with the requirements of Policy REG 5 (Local Retailing and Commercial Development). The Retail Statement states that *the primary role is that of 'top-up' shopping and providing essential goods on a daily basis as a supplement to those provided in the immediate locality of Bryntirion. Additionally, the proposal will contribute to Bridgend's overall retail offer and will compliment residents' strong demand for goods, as stated in Bridgend County Retail Needs Planning Study 2007 to 2021.* In addition the Council has produced a Planning Statement accepting the need for additional A1/A2/A3 retail units in the local market area of Bryntirion.

With respect to the smaller flexible unit, an A3 use is possible. In terms of Supplementary Planning Guidance (SPG) 14: Hot Food Takeaway Establishments it is considered that this site falls within a Category 2 location - a small retail area in an otherwise residential area and the use should be time limited accordingly.

Notwithstanding the operational difference, each category listed shares three attributes of acknowledged importance, which determines their acceptability in a given area. These are highway safety, noise and smells/odours. The level of importance attached to each factor will vary according to the location of the proposal. For example, a takeaway in a town centre location where there is public parking and no residential properties may be considered acceptable, despite the high level of activity, because there is little effect on highway safety and residential amenity. Whereas a takeaway in a predominantly residential area, although having a significantly lower level of activity, could be considered unacceptable because of problems created by noise, smells and parking in close proximity to residential dwellings.

Given that the current use of the site as a social club has the potential to generate a degree of disturbance, particularly in the evening, it is considered that the introduction of a small A3 use will not significantly worsen this situation.

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

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

The proposed building is linear in form, the main length of the building runs parallel and

faces Brynglas whilst a return elevation is provided to front Elm Crescent. This presents a scheme that provides an interaction with the street scene and reflects the corner location of the site.

The design uses varying heights on the building, ranging between 2 and 3 storeys, and this provides interest to the building and streetscene. The location of the three storey element on the same corner has the potential to create a statement landmark building on one of the gateways into Cefn Glas. The rear projection is in keeping with the scale of dwellings in the vicinity of the site.

The appearance of the proposed buildings is considered to be sympathetic to the context of the neighbouring properties and the palette of proposed materials, principally comprising buff coloured brickwork, precast stone wall banding and render, will ensure the building will complement and enhance the character of the surrounding area.

The introduction of ground floor windows, both on the retail and residential units, provides a sense of activity and passive surveillance along this boundary.

The proposed scheme has been designed to ensure that the residential amenities of existing dwellings are not adversely affected. There is an existing bungalow located across the road (17m) to the north western boundary of the site, 76 Hill View. However, given the intervening road, it is considered that the impact is not so significant. The objector's property will face the car park and is some 31m away from the building itself.

In respect of residential amenities, the layout and design of the proposed flats will not result in any unacceptable overshadowing or domination. The application proposes windows on the rear elevation which will overlook the car parking area to serve the development and all windows in the side elevations are designed at an angle so that they do not directly face existing properties.

There is little detail provided in regard to the boundary treatment proposed and, therefore, a condition is attached to the recommendation requiring details of boundary treatment to be submitted to and agreed in writing by the Local Planning Authority.

The proposal for a 100% affordable housing development has been prepared in response to the need for affordable housing in the wider area and the amount proposed accords with the Council's SPG on Affordable Housing and LDP Policy COMS – which states that 'of major importance to the LDP strategy is the delivery of affordable housing. The density proposed accords with LDP Policy COM4 – which prescribes a minimum density and states *'that it is important that new development uses land efficiently by being of a density which maximises the development potential of the land'*.

Notwithstanding the above, a S106 Agreement will be required to ensure that a minimum of 4 of the units will be retained as affordable housing in perpetuity.

Indicative landscaping is shown to the site frontage with Brynglas, in the peripheral areas of the site and in areas designated for bin storage. The indicative landscaping layout is considered an enhancement to the visual amenities of the area, however, further details will be required and this can be controlled by condition.

Very little amenity space will be provided within the site and, given the constrained nature of the site, a commuted sum secured through a S106 Agreement may be more appropriate than on-site provision. The applicant will, therefore, be required to provide a sum of £470 per dwelling towards improving public open space in the surrounding area, the nearest of which is the Bryntirion children's play area and playing fields, in accordance with Policy COM11 of the LDP.

In terms of highway safety and parking provision, the layout includes parking to the rear and to the side of the built form of the proposal. As such, the street scene would not become dominated by parking and the building would not be obscured by cars.

The proposal will replace the existing OCLP club use with 2 retail units and 18 residential units. It is considered that the club could have the potential to generate a significant amount of traffic and parking and, therefore, it is likely that the traffic generated from the proposal would not exceed the traffic generation of the existing use class.

The proposed off street parking is considered acceptable for the retail unit and accords with the Council's Supplementary Planning Guidance (SPG) 17. The proposed off street parking for the residential units is 4 spaces below the maximum calculation as per SPG17, however, this shortfall is considered acceptable given the site's sustainability credentials in terms of proximity to walking and cycling routes, bus stops and other services. Furthermore the shortfall is deemed acceptable as the parking spaces will not be numbered and will remain useable to all residents. As a result, it is considered that the parking provision for the scheme as a whole is acceptable, although the applicant will be required to submit a scheme for the parking on the highway to ensure the spaces are a correct size and can be easily utilised.

The applicant has provided swept path analyses for the proposed accesses and these are considered acceptable. In order to ensure that the accesses are safe for vehicles emerging onto Elm Crescent and Brynglas it is considered necessary to add a vision splay condition.

It is noted that the retail units will be using a demountable bollard system to ensure that delivery vehicles exit the site in a forward gear, however, to further ensure that the correct vehicles service the retail units at an appropriate time a condition is recommended to provide a Delivery Management Plan.

In order to prevent any on street parking/loading/unloading it is considered necessary to prevent inappropriate parking around the site and ensure that HGV vehicles can exit the northern site access. In this regard it is considered that the applicant should enter into a Section 106 agreement prior to consent being granted. The agreement will provide £7000 for the application of double yellow lines around the access to Hill View, Broad Oak Way and opposite the northern site access to stop vehicles from parking in that area.

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



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

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

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

Given the nature of this previously developed site and the Council's Ecologist and NRW's response to consultation 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 and SPG19.

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

The well-being goals identified in the Act are:

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

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

## CONCLUSION

The proposed development accords with both National and local policy and represents an opportunity to utilise a brownfield site for the delivery of affordable housing whilst providing an opportunity for additional retailing. The development should not be detrimental to highway safety and will not adversely affect the character of the area or the amenities of residents to warrant a refusal of planning permission.

## RECOMMENDATION (R34)

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

- i. a minimum of 4 units as affordable units, which shall be transferred to a Registered Social Landlord and delivered in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority.
- ii. £8460.00 towards the improvement of recreational facilities within the Bryntirion area payable prior to the beneficial occupation of the first dwelling unit.
- iii. £7000 for a Traffic Order for the application of double yellow lines around the access to Hill View, Broad Oak Way and opposite the northern site access prior to the beneficial occupation of any part of the development.

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

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

Site Location Plan Ref: 2120-100  
Site Layout Plan Ref: 2120-101 Rev A  
Proposed Floor Plans Ref: 2120-200-01  
Proposed Elevations Ref: 2120-200-10  
Drainage Plan 2120-501  
Design and Access Statement  
Transport Statement  
Planning and Retail Statement

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

2. The site shall be developed as follows:-

- 1 retail unit of 332 sq m - Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.
- 1 flexible unit of 114 sq m - Classes A1, A2 or A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order.
- 18 affordable housing units - comprising of 14 x 1 bedroom apartments and 4 x 2 bedroom apartments.

Reason: To ensure the Local Planning Authority retain effective control over the development.

3. Any A3 use of the flexible unit hereby permitted shall not be open to customers outside the hours of 08:00 to 23:00.

Reason: In the interests of residential amenities.

4. Prior to any A3 use of the flexible unit being brought into beneficial use details of the extraction system to be installed, including odour abatement and noise levels generated by the external unit (sound power/pressure levels), a vertical section plan indicating the position and height of final openings of the exhaust ducts and details of an odour management plan shall be submitted to and agreed in writing by the Local Planning Authority. The details as agreed shall be implemented within 1 month of agreement and thereafter the equipment shall be maintained in accordance with the agreed programme and retained for the duration of the use.

Reason: To ensure that the amenities of adjoining and nearby occupiers are not prejudiced.

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

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

6. No development shall take place until full details of both hard and soft landscape works have been submitted to and agreed in writing by the Local Planning Authority. The agreed landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed by the Local Planning Authority prior to any development commencing on site.

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

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 and the boundary treatments shall be retained and maintained as such in perpetuity.

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

8. No development shall take place until details of the proposed floor levels of the buildings in relation to existing ground levels and the finished levels of the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

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

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

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

10. The retail parking areas within the site shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and retained thereafter in perpetuity.

Reason: In the interests of highway safety.

11. No development shall commence until a scheme for the provision of 18 parking spaces for the residential units has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall ensure that sufficient vision is provided at the access and shall not provide any dedication of spaces to an individual unit. The parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

12. No development shall commence until a scheme for the provision of 6 parking spaces on the highway and associated footway realignment has been submitted to and agreed in writing by the Local Planning Authority. The footway and parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

13. No development shall commence until a scheme for the improvement of the footway along the southern side of Brynglas through to the footway of the A473 has been submitted to and agreed in writing by the Local Planning Authority. The footway shall be completed in permanent materials prior to the development being brought into beneficial use and shall be retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

14. No development shall commence until a scheme for the widening of the access at the northern end of the site onto Elm Crescent has been submitted to and agreed in writing by the Local Planning Authority. The widened access and revised footway shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained as such thereafter in perpetuity.

Reason: In the interests of highway safety and to ensure HGV vehicles can egress the site effectively.

15. The proposed means of access onto Elm Crescent shall be laid out with vision splays of 2.4m x 29m 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.

16. The proposed means of access at the southern end of the site onto Brynglas shall be laid out with 6 metre radius kerbing on both sides of the entrance constructed and retained in permanent materials as approved in writing by the Local Planning Authority with vision splays of 2.4m x 25m to the west and 2.4m x 43m to the east in both before the development is brought into beneficial use and retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

17. 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.

18. No development shall commence until a Traffic & Delivery Management Plan for the two retail units has been submitted to and agreed in writing by the Local Planning Authority. All servicing and delivery vehicles movements to the stores shall be made in accordance with agreed Traffic & Delivery Plan once the development is brought into beneficial use.

Reason: In the interests of highway safety.

19. No development shall commence until a scheme for the provision of 4 cycle parking stands for the retail units and 11 cycle parking stands for the residential units has been submitted to and approved in writing by the Local Planning Authority. The stands shall implemented before the development is brought into beneficial use and retained thereafter in perpetuity.

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

20. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a) The proposed development accords with both national and local policy and represents an opportunity to utilise a brownfield site for the delivery of affordable housing whilst providing an opportunity for additional retailing. The development should not be detrimental to highway safety and will not adversely affect the character of the area or the amenities of residents to warrant a refusal of planning permission.

b) In order to satisfy condition 9 the following information is required:-

- confirmation from Dwr Cymru Welsh Water of the acceptability of connection for both foul and surface water sewers;

- details of attenuation for surface water if required from Dwr Cymru Welsh Water.
- c) The Traffic and Delivery Management plan required to address condition 9 above will need to contain sufficient information in respect of:
- Opening hours of adjacent retail units which operate from the car park.
  - Proposed delivery schedules.
  - Proposed delivery vehicle size restriction and supporting swept paths.
  - Arrangements and responsibility for opening/closing of the demountable bollards for delivery vehicles.
  - The need to review the plan in the event that any of the above arrangements changing or at the request of the Highway Authority.

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

**Background Papers**  
None

**APPLICATION REFERENCE: P/16/9/FUL**

**TWO CLASS A3 (FOOD AND DRINK UNITS) AND ASSOCIATED WORKS  
BRIDGEND RETAIL PARK**

The above application was reported to the Development Control Committee on 27 October 2016. The Officer's recommendation was for approval subject to a S106 Legal Agreement and conditions. A copy of the Officer's report and recommendation presented to the previous Committee (incorporating details included in the amendment sheet) is attached as **Appendix A**.

Members were minded to refuse planning permission contrary to the Officer's recommendation and voted against the development.

The three areas of concern raised by Members revolved around the loss of 24 parking spaces, the loss of 8 trees and landscaping within the car park and the impact of the development on the vitality and viability of Bridgend Town Centre.

In accordance with the Planning Code of Practice, the application was deferred until the following Committee (24 November 2016) in order for Officers to advise members further.

The following reasons for refusal are considered to reflect the issues of concern identified by Members at the previous meeting:

- 1. The proposed A3 units, by reason of their size, scale and location, would result in the loss of 24 parking spaces leading to a reduction in the capacity of the car parks serving the existing units on Bridgend Retail Park to the detriment of the businesses and their customers, contrary to Policies SP2 – Design and Sustainable Place Making and PLA11 – Parking Standards of the Bridgend Local Development Plan (2013) and advice contained with Supplementary Planning Guidance Note 17 – Parking Standards (2011).***
- 2. The proposed A3 units, by reason of their size, scale and location, would result in the loss of 8 established trees and associated landscaped areas which form part of the original layout and design of the Retail Park to the detriment of the character and appearance of the Retail Park, contrary to Policies SP2 – Design and Sustainable Place Making and ENV6 – Nature Conservation of the Bridgend Local Development Plan (2013) and advice contained with Supplementary Planning Guidance Note 7 – Trees and Development (2008).***
- 3. The proposed A3 units, by reason of their location within an out of town Retail Park, would have a detrimental impact on the vitality and viability of Bridgend Town Centre, contrary to Policy SP10 of the Bridgend Local Development Plan (2013) and advice contained within Chapter 10 of Planning Policy Wales (8<sup>th</sup> Edition, January, 2016) and Technical Advice Note 4 – Retailing and Town Centres (1996).***

Members are reminded that in accordance with the Planning Code of Practice, it is expected that the mover (or seconder) of the motion at Committee will represent the Council in any subsequent appeal process with technical support from Officers. Members are also reminded that any reason(s) for refusal must be based on sound planning grounds and firm evidence and the following comments are offered in respect of each draft reason for refusal:

#### **Reason 1:**

It is a matter of fact that the development will result in the loss of car parking spaces but should any decision to refuse planning permission be appealed, the Council will have to provide evidence that the loss of spaces will have demonstrable harm on the businesses and the users of the Retail Park. Members are advised that further evidence and information on the parking capacity of the Retail Park will be required to support this reason for refusal in the form of further parking surveys. Our Highway consultants, Capita, have quoted £1390 + VAT to carry out parking surveys between 10am and 5pm on a Saturday and a Sunday. The surveys could not be completed in time for this DC Committee meeting and, to assist members, Officers undertook a photographic survey of the car park around 2pm on Saturday 12 November, 2016. The photographs of the car park and trees, together with an aerial view of the car park, are attached as **Appendix B**.

Should Members decide that a full parking survey is necessary before making a decision on the application then Officers advise that the survey results may be distorted by the increase in shoppers visiting the site coming up to the busy Christmas period and any survey could also support the applicants parking survey.

#### **Reason 2:**

As indicated in the committee report, the application was accompanied by a tree report undertaken by 'The Tree Surgeons Limited' in September 2014. It confirms that a total of eight trees will be felled to accommodate the development and this will include 1 Birch, 2 Alder, 3 Silver Birch, 1 Ash and 1 Pine. The trees were part of the original landscaping for the retail park and, in the view of the tree surgeon, offer 'little amenity value'. This view is subjective and policies within the Bridgend Local Development Plan require that trees are retained where possible (Policy ENV6 refers). Whilst a case could be made to support this reason for refusal, the trees have no formal protection and could be removed at any time.

#### **Reason 3:**

Members are reminded that a Planning and Retail Assessment accompanied the application and included a review of impact, even though one is not required for this scale of development. It concluded that the proposal would be unlikely to have a material impact upon the vitality and viability of any designated centre but the report reminded the Council, that where 'impact' is a relevant test, then the appropriate basis of assessment would be whether the proposal would have a "significant adverse effect" on the vitality and viability of Bridgend Town Centre as a whole rather than its effect on the trading performance of individual shops. A sequential assessment, where the developer reviews sites or units within Bridgend which may



be capable of accommodating the proposal, based on certain parameters was also included and assessed by officers. On the evidence before the Council, there is no justification to reject this application on its impact on the vitality and viability of Bridgend Town Centre and such a reason could not be sustained at appeal.

Members are advised that following the last committee meeting a letter has been received from solicitors acting on behalf of the applicant company. The letter is reproduced in full at **Appendix C**.

Planning consultants acting on behalf of Homebase have also submitted an objection to the development expressing concern on the loss of car parking spaces and the impact of the development on the highway network. The letter is reproduced in full as **Appendix D**

Members are requested to have regard to the advice being offered in respect of the draft reasons for refusal. It should also be noted that any further delay in determination is likely to result in an appeal being lodged against the Council's failure to make a decision on the application within the agreed timescale.

**Recommendation:**

That Members consider the suggested reasons for refusal.

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

**Background Papers**

Appendix A – Original Committee Report

Appendix B – Photographs of the car park and an aerial photograph of the site

Appendix C – Letter from Forsters on behalf of the applicant company

Appendix D – Letter from G R Planning Consultancy on behalf of Homebase

# Appendix A – Original Committee Report

**REFERENCE:** P/16/9/FUL

**APPLICANT:** British Airways Pension Trustees Ltd C/O Mango Planning, Number One Waterton Park, Bridgend, CF31 3PH

**LOCATION:** **Bridgend Retail Park off Cowbridge Road Bridgend CF31 3XX**

**PROPOSAL:** Two Class A3 (Food And Drink) Units And Associated Works

**RECEIVED:** 6 January 2016

**SITE INSPECTED:** 2nd February 2016

## APPLICATION/SITE DESCRIPTION

British Airways Pension Trustees Limited are seeking planning permission to construct a free standing building, measuring 334 sq.m which is to be sub-divided into two separate units and constructed over a section of the existing car park that serves the Bridgend Retail Park. The Planning and Retail Statement submitted in support of the application confirms that the units will be used for Class A3 (Food and Drink) uses as described in the schedule to the Town and Country Planning Use Classes Order 1987

The proposed units will measure 17.2m x 6m with a sloping roof reaching a height of 4.9m. The unit will be sited in the northern corner of the retail car park, adjacent to the servicing area to the rear of the SCS outlet, fronting the car park with the rear elevation facing the Tesco service road.

In addition to the new units, the submitted plans propose a paved terrace and seating area to the front of the building, laid out such that the entrance to each of the units will have level approaches and flush thresholds.

Alterations to the existing car park and landscaping areas are a significant part of the application. The Transport Statement that accompanies the application confirms that the car park will be re-configured with the development resulting in the net loss of 24 spaces bringing the total available in the retail park to serve existing and new units to 300 spaces. The new build and associated changes to the car park will also result in the loss of eight semi-mature trees that were planted on 'islands' within the existing car park and along the northern site boundary. All trees formed part of the original estate landscaping. An assessment of the trees and the justification for the works has been set out in a tree report that has been submitted with the application.

The Design and Access Statement considers the design and appearance of the new building and indicates that contemporary materials are to be used comprising glass, coated aluminium, metal cladding panels and ceramic tiles, in colours that complement the existing units. The submitted plans confirm that the majority of the principal south elevation as well as the side west and east elevations will be glazed up to 2.75m above finished floor level in proprietary polyester powder coated aluminium curtain wall system, including shopfront doors. The remaining areas of wall are to be finished in proprietary smooth fixed ceramic tiles. Above 2.75m, the whole of the elevation is finished with insulated metal cladding panels up to the overhanging eaves.

The north elevation is to be finished in proprietary modular smooth fixed ceramic tiles up to 2.75m above fixed floor level, with insulated metal cladding panels above, up to the overhanging eaves. Each of the individual units within the pod unit will have a rear steel service/escape door and frame sized to co-ordinate with the tile module.

The roof is a simple mono-pitch which will also be finished in a light coloured profiled metal roofing system with an overhanging and contrasting colour coated metal fascia and soffit set off by an overhanging and colour coated metal fascia and soffit in a darker contrasting colour which will accentuate the roof form.

On the south side of the building, each unit will have a tubular steel feature frame standing forward of the building line to carry the respective tenant's signs and to denote the unit entrances.

The application has been accompanied by the following supporting documents:

- \* Design & Access Statement prepared by Saunders Architects;
- \* Planning Statement prepared by Mango Planning & Development Ltd;
- \* Highway Statement and Traffic Surveys prepared by Entran Ltd and
- \* Tree survey prepared by The Tree Surgeons Ltd.

## **RELEVANT HISTORY**

No recent planning history relevant to the site.

## **PUBLICITY**

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

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

## **NEGOTIATIONS**

Negotiations commenced on 26<sup>th</sup> February 2016 in response to observations from the Transportation Policy and Development Section.

## **CONSULTATION RESPONSES**

Councillor G Phillips reiterate the concerns articulated by Mr Robertshaw and the other Picton Garden residents and wishes to speak at committee.

1. Notification issues: Residents feel they have not been notified properly about this planning application and have found out almost through an accident. Certainly residents living in Picton Gardens did not receive any direct communication from BCBC about this planning application and have therefore not been given a proper opportunity to comment on the planning application and of course oppose it.

2. Access and egress issues: Mr Robertshaw and the other Picton Gardens residents were deeply concerned about access and egress issues that would be created if this planning application is successful. The Bridgend Retail Park has a far from satisfactory road and roundabout arrangement at the moment. It struggles to cope with traffic using

the park and a constant issue for residents is congestion as cars access and egress the retail park. The loss of 50 car park spaces for the two food and drink units is going to make a bad situation worse. Illegal car parking on the Picton Gardens estate is a constant problem and the loss of 50 car park spaces is going to make matters worse.

3. Congestion/rubbish and waste issues. Constant issues with congestion and food outlets have often blighted the lives of residents living on the Picton Gardens estate. There are numerous existing food and drink outlets on the Bridgend Retail Park including TESCOs, McDonalds, KFC and near to ARGOS and Dunelm stores, a COSTA coffee shop. Two more food and drink outlets will increase the rubbish on the estate and make the parking situation even worse.

Councillor Mrs E M Hughes:

1. The removal of 50 car parking spaces from the Bridgend Retail Park to accommodate the pods could impact on the streets nearby such as Picton Gardens and the street leading to the day centre in that drivers could park there and cause an increase in congestion especially in Picton Gardens which already suffers lorries entering the street at 6am on certain days and of course the evidence of McDonalds patrons parking in the street to eat their take away food and throwing rubbish onto the open front gardens.

2. Should the committee be minded to accept this application, could a stipulation be in place to modify the exit from the retail park onto the roundabout thus avoiding congestion. Due to congestion residents often have difficulty driving out of their street.

Bridgend Town Council: No objection.

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

Head of Street Scene (Drainage): No adverse comments.

Welsh Water Developer Services: No objection subject to conditions and advisory notes.

## **REPRESENTATIONS RECEIVED**

Letter of objection have been received from the occupiers of 38, 41 and 42 Picton Gardens and 15 Priory Avenue. A letter of objection and attached petition, signed by 89 residents of Picton Close and Picton Gardens has also been received. The following is a summary of the objections received:

1. Extra parking overflowing onto our estate. The parking on the retail park is already under strain from the amount of existing visitors. This additional application will increase the visitors and decrease the parking spaces, so inevitably the visitors will park on the road leading up to and into our estate.
2. The additional cars and visitors from the extra retail unit will put pressure on an already congested flow of the traffic. The road infrastructure does not allow for an easy flow - there is only one entrance in and out.
3. Litter and Rodent Problems on Retail Park

4. Removal of trees from the area - increases the noise which would have been blocked out.
5. There are already issues with anti-social behaviour in the area by SCS and Homebase - this has been classed as a high priority by the local PACT group - this will only encourage more people into the area.
6. The additional outlet will further impact the value of the house prices in the surrounding areas
7. Development will encourage more school children to the area
8. Application should have been more widely publicised.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

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

1 & 2. The objections offered by the residents in relation to the loss of car parking to facilitate and the additional traffic that will be generated on the local highway network are the key issues in terms of the acceptability of the proposed development and are considered in detail in the following section of the report. For clarification, the development will result in a net loss of 24 spaces and not 50 spaces as quoted by an objector.

3. The propensity for hot food outlets to generate litter and possibly rodent problems has been held in court as a material planning consideration even though it is controllable by other legislation. It is however rarely sufficient reason in itself to refuse planning permission. Litter patrols are currently undertaken by McDonalds in connection with their use but this generally covers the area outside the main retail park car park. The Design and Access Statement does indicate that waste management will be down to the future tenants of the units.

4. The development will result in the removal of a number of existing trees that formed part of the original estate landscaping works. In the concluding section of the tree report that accompanied the application, the trees are considered to be of little amenity value. Whilst the loss is regrettable, the trees are not considered worthy of formal protection and as such the loss is consented by this development. Limited opportunities exist for re-planting but trees along the fence line will be retained subject to crown lifting works being undertaken.

The existing retail units will screen the units from the nearest residential properties so it is unlikely that these new uses would exacerbate any problems with noise.

5. Whilst residents have referred to problems of anti-social behaviour associated with the existing car park these are matters either for the Police or the owners of the retail park. Controls can be imposed on the uses and the hours of operation which may discourage late night activities but this would represent the limit of planning controls, in this case.

6. Property devaluation is not a material consideration in the context of this development.

7. The existing McDonalds fast foot outlet does attract children from the nearby comprehensive school and whilst a relatively direct route does exist along the A48, for a section, it does comprise grass verge on the northern side of the carriageway and passes over the frontage of a petrol filling station. Whilst the Council has previously considered upgrading the route, there does not appear to be sufficient justification for such works to be tied to this development.

8. Residents believe that the level of publicity undertaken in connection with this application was deficient. The application site is however situated on the retail park, surrounded by a number of commercial units, all of which were notified of the application. The properties on Picton Garden did not receive individual letter of notification but the application was advertised by the display of site notices on the approach to the development. The level of publicity undertaken accords with the published regulations.

## **APPRAISAL**

The application can be determined under the present scheme of delegation granted to officers by the Council and is described in detail at the beginning of this report.

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

- (i) Whether the development accords with the hierarchy of retailing in the county borough;
- (ii) Whether the development will adversely affect the amenities of the nearby residents and the visual amenities of the surrounding area generally.
- (iii) Whether the road infrastructure and retained parking are acceptable to serve the existing and new development

The application site forms part of the Bridgend Retail Park which is designated as an existing 'out-of-centre' retail facility under Policy REG10 (1) in the adopted Bridgend Local Development Plan (2013). Extensions within the boundaries of these sites will require an assessment of need, sequential test and assessment of impact as required by national policy.

The Planning and Retail Assessment that accompanied the application maintains that the nature of the proposed use is to provide an ancillary and complementary function to the existing uses within Bridgend Retail Park and as such the customer base will be drawn from existing users of the park. The agent claims that coffee shops/restaurants at such locations do not act as destinations in their own right but rather are visited in combination with other facilities nearby. There is no established methodology for assessing Class A3 proposals but the agent suggests that, in this case it is principally in qualitative terms and maintains that the development will enhance the range and choice of A3 units in this location and may discourage unsustainable trips by car to other locations.

In accordance with Policy REG 10 (1) the 'sequential test' has been applied to this proposal with the search area including Bridgend Town Centre, both in terms of existing units and new development sites and number of other surrounding district and local centres. The study concludes that no other site is sequentially preferable to the application site.



Impact has also been examined in the applicant's accompanying report and it has been concluded that given the scale of the development it is unlikely to have a material impact on the vitality and viability of any designated centre.

With reference to planning policy, it is considered that the proposed A3 units will be ancillary and provide complimentary services to customers using the Retail Park. There is therefore no more appropriate location for such facilities.

In terms of the needs test which applies to A3 as well as retail A1, it is recognised that it is difficult to establish a methodology for determining need for A3 uses. The applicant states that the need in this case is a qualitative one as the retail park does not currently offer such facilities as that proposed by this application. Taking into consideration changing shopping patterns, it is considered that the proposed development should enhance range and choice on the Retail Park.

In terms of the sequential test, the role of the proposed A3 units is intrinsically linked to the activity at the existing Retail Park and it is accepted that the proposal could not be located elsewhere. It is considered that the proposal will not impact negatively upon the viability of the town centre as a whole and there is no objection to the development when considered against the retail policies of the Bridgend Local Development Plan.

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. Tree loss is considered in Policy ENV6 which confirms that proposals for development will be required in the first instance to retain, conserve, restore and enhance wherever possible existing woodlands and trees.

The design of the 'pod' is functional and subject to the agreement of finishes, the building should fit in well with the surrounding retail units. The loss of a number of trees that formed part of the original estate landscaping is however regrettable as they assist in breaking up the large car park which dominates the retail park. The trees do not, however, provide such outstanding amenity value as to warrant protection.

Opportunities to re-plant are limited although it may be possible to enhance the planting on the northern boundary which faces the Tesco Retail Unit and to the front of the 'pod'. Planting along the rear boundary will in time help to screen the servicing area at the rear of the building.

Whilst objections have been received from the residents of the adjacent housing development (Picton Gardens), the 'pods' will be some considerable distance from the properties and should not, have any significant impact on the living conditions and well-being of the existing residents. Subject to conditions that will cover re-planting, finishes, hard landscaping, drainage and pollution control, the proposal broadly accords with Policy SP2 of the Bridgend Local Development Plan.

All development proposals are required to promote, amongst other things, safe forms of transport through good design. Land-use transportation solutions will be required to deliver a more effective, efficient and accessible transport system by following a range of principles which include reducing congestion, the need to travel, reliance on the

private car and providing appropriate standards of car parking, (Strategic Policy SP3 of the Bridgend Local Development Plan (2013) - paraphrased).

In accordance with Welsh Government guidance the Council has adopted parking standards that endorse maximum levels of parking provision in developments, (SPG 17: Parking Standards). All development proposals will be expected to have due regard to, and, where appropriate, conform to its up to date and/or adopted parking standards.

Current car parking provision on the retail park has been considered in the Transport Statement by way of two 'accumulation exercises' (counts) undertaken on Saturday 19th September 2015 and Saturday 7th May 2016, (worst-case scenarios). Both studies confirm a total of 324 spaces on site with a peak in occupancy (66% - 214 spaces) occurring at 13:45 and 14:45 on the 19th and (64% - 207 spaces) at 13:15, 13:45 and 15:15 on 7th. The Transport Study concludes that capacity exists within the car park to serve the existing and proposed development. Whilst the outcomes of the parking study are not disputed it should be noted that when assessing the existing retail park against the current car parking standards (SPG: 17), the provision is deficient in the range of some 150 spaces. Despite this shortfall, the technical evidence suggests spaces are available and will still be post-development. Whilst the car park and associated road network is congested at peak times, there is no evidence to indicate that parking is being displaced to the roads outside the park. Any parking on the approach to Picton Gardens is generally associated with visitors to McDonalds and this again is during weekends and bank holidays. Resisting this application on the basis of the deficiencies of the car parking facilities would be difficult to sustain at appeal. A suitably worded condition to limit the A3 uses to a coffee shop/café/sandwich bar type of use will be imposed which will ensure that the retained parking levels will be appropriate to the combination of the surrounding existing, and proposed, uses. In considering the suitability of the car park to accommodate delivery vehicles and HGV refuse vehicles, the Council will require a scheme that details a revised circulation plan of the car park, swept paths to show HGV's can use the revised circulation route and the re-positioning / widening of the barrier at the entrance of the retail park (which currently reduces the width of the highway).

With regards to the servicing vehicles for the units using the main car park, it is considered that a suitable traffic and delivery management plan will be required in order to mitigate any concerns of conflict with customer vehicles at peak times within the retail park. It should be noted that the timings of the deliveries / servicing vehicles must consider not only the operational hours of the proposed units but also the normal operational hours of the surrounding units. The Traffic and Delivery Management Plan will also enable suitable control over the size of commercial vehicles to those which are proven to be acceptable by the submitted details above.

Bridgend Retail Park is located on land between the A48 and A473, two Core Road Networks in the County Borough. Policy PLA5 identifies the aforementioned corridors as the main routes for the movement of people and goods and confirms that development which would: a) adversely affect safe and efficient movement in these corridors; and/or b) create or exacerbate harm to the environment along them; and/or c) not be capable of mitigation will not be permitted.

Whilst the Head of Street Scene (Highways) initially had concerns regarding the traffic generation of the development and its impact on the highway network serving the site, it is now clear that the units are of such a size and proposed use that they are considered not to be materially detrimental to the existing conditions. Notwithstanding the above, the existing traffic movements through the retail park, and between the individual



parcels, suffer from congestion at peak times. It is considered that a scheme of Yellow Box road markings, lane markings and direction arrows on the internal roundabouts would assist with preventing exit blocking of the roundabouts and thus aid through movements. It is considered that this may benefit the traffic flows through the retail park and onto the Classified Routes A48 and A473 beyond the retail site. Accordingly the Council will require the applicant to enter into a section 106 agreement to the value of £5000 to secure such improvements to the capacity of the two roundabouts within the retail site, to ensure the free flow of traffic in the area.

## **CONCLUSION**

This application is recommended for approval because the development accords with the hierarchy of retailing in the County Borough established in the policies of the Bridgend Local Development Plan (2013) and will not adversely affect the amenities of the nearby residents and the visual amenities of the surrounding area generally. Furthermore and most critically, the road infrastructure and retained parking is adequate to serve the existing and new development.

## **RECOMMENDATION**

(A) The applicant enters into a Section 106 Agreement to pay a sum of £5,000 to secure such improvements (Yellow Box road markings, lane markings and direction arrows) to the capacity of the two roundabouts within the retail site, to ensure the free flow of traffic in the area.

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

1. The development shall be carried out in accordance with the following approved plans and documents: Drawing No.1852-P-150, 152 and 153 received on 6th January 2016.

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

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

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

3. The premises shall be used as a Cafe/Coffee Shop/Sandwich Bar and not as a restaurant where meals are prepared and served to customers and for no other purpose including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To ensure that the uses are operated in a manner that is ancillary and complementary to the function of existing uses on Bridgend Retail Park and in the interests of highway safety.

4. The uses hereby permitted shall not be open to customers outside the following times:-

08:00 to 20:00 Monday to Saturday and 09:00 to 16:00 on Sunday

Reason: To ensure that the uses are operated in a manner that is ancillary and complementary with the function of existing uses on Bridgend Retail Park and to preserve the residential amenities of Picton Gardens.

5. No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) on the land, identify those to be retained and set out measures for their protection throughout the course of development.

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

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

7. No development shall commence until a scheme for the provision of 4 cycle parking stands has been submitted to and approved in writing by the Local Planning Authority. The stands shall be implemented before the development is brought into beneficial use and retained as such thereafter.

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

8. No development shall commence until a scheme for the revised car park circulation plan and associated road markings has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented before the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of highway safety.

9. The revised and approved parking arrangement shall be implemented in accordance with the submitted plans with the spaces clearly demarcated in permanent materials before the development is brought into beneficial use and retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

10. No development shall commence until a scheme for the provision of extended / relocated security gate at the site access has been submitted to and approved in writing by the Local Planning Authority. The revised gate arrangements shall be implemented before the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of highway safety.

11. No development shall commence until a Traffic & Delivery Management Plan for the two units has been submitted to and agreed in writing by the Local Planning Authority. All servicing and delivery vehicles movements to the stores shall be made in accordance with agreed Traffic & Delivery Plan once the development is brought into beneficial use.

Reason: In the interests of highway safety.

12. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

This application is recommended for approval because the development accords with the hierarchy of retailing in the County Borough established in the policies of the Bridgend Local Development Plan (2013) and will not adversely affect the amenities of the nearby residents and the visual amenities of the surrounding area generally. Furthermore and most critically, the road infrastructure and retained parking is adequate to serve the existing and new development.

The Traffic and Delivery Management plan required to address condition 11 above will need to contain sufficient information in respect of:

- opening hours of adjacent retail units which operate from the car park
- proposed delivery schedules
- proposed delivery vehicle / service vehicle sizes
- supporting swept paths diagrams
- arrangements for opening /closing gates to the car park out of hours
- the need to review the plan in the event that any of the above arrangements change or at the request of the Highway Authority

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

**Background Papers**  
None



## Appendix B – Photographic Survey of Car park (2pm - 12/11/16)



## Appendix C – Letter from Forsters Solicitors

# FORSTERS

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RECEIVED

- 7 NOV 2016

Mr Darren Mephram  
Chief Executive  
Bridgend District Council  
Civic Offices  
Angel Street  
Bridgend  
CF31 4WB

**Your Ref:** P/16/9/FUL

**Our Ref:** OW/MJE/25490.1132

**Direct Line:** +44 20 7399 4802

**Email:** matthew.evans@forsters.co.uk

**Date:** 4 November 2016

CORPORATE DEVELOPMENT  
DIRECTOR - COMMUNITIES

Dear Mr Mephram

**Planning application ref: P/16/9/FUL in respect of proposed development at Bridgend Retail Park, Bridgend for two Class A3 (Food and drink) units and associated works ("the Application")**

We act on behalf of British Airways Pension Trust Limited ("the Applicant"), in respect of the Application.

We refer to the Application, which was considered by Members of the Bridgend District Council's ("the Council") Development Control Committee ("the Committee") on Thursday 27th October. At Committee, Members resolved to defer the Application to allow Officers to draft reasons for refusal in respect of:

1. The loss of trees on-site;
2. Impact on the town centre;
3. Loss of car parking; and
4. Impact on the surrounding highway network.

I understand that the application is to be determined at the next available meeting of the Committee on 24th November 2016, at which time four reasons for refusal will be presented to Members.

Members are of course entitled to reach a decision contrary to the professional recommendation of Officers. However, any such departure from that recommendation should be based on sound planning reasons.

It was evident from comments of Members on the 27th October, that the application was not being approached with a positive presumption in favour of development but rather on what grounds can the application be refused.



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Welsh Office Circular 23/93 "Awards of costs incurred in planning and other (including compulsory purchase order) proceedings" states at Annex 3(7) that:

*"A planning authority should not prevent, inhibit or delay development which could reasonably be permitted, in light of the development plan, so far as it is material to the application, and of any other material considerations."*

If a planning authority does so prevent development then it is required to be able to justify that decision based on sound planning reasons. In particular, Annex 3(8) notes that:

*"Reasons for refusal should be complete, precise, specific and relevant to the application. In any appeal proceedings the authority will be expected to produce evidence to substantiate each reason for refusal, by reference to the development plan and other material considerations. If they cannot do so, costs may be awarded against a planning authority. Each reason for refusal will be examined for evidence that the provisions of the development plan, and relevant advice in Department planning guidance...and any relevant judicial authority, were properly taken into account; and that the application was properly considered in light of these and other material considerations. In any such proceedings, authorities will be expected to produce evidence to show clearly why the development cannot be permitted."*

In this case, the professional advice of the Council's Development Control Officer was that the Application is acceptable in all regards. In respect of the proposed reasons for refusal, I would like to highlight the following points:

#### **Loss of trees**

The Applicant can remove the trees at any time. They do not have the protection of a TPO. This reason for refusal cannot be substantiated.

#### **Impact on the town centre**

Evidence has been presented by the applicant to demonstrate that the proposal will not have a significant impact on Bridgend town centre. This is accepted by Officers and no evidence has been presented to the contrary. There is no justification for this reason for refusal.

#### **Loss of car parking**

The Applicant has submitted two car parking accumulation studies, which demonstrate that even with the application proposal, the proposed 300 car parking spaces is more than sufficient to meet peak demand. There has been no evidence presented to counter this position. This reason for refusal cannot be substantiated.

#### **Impact on the highway network**

The Applicant has provided detailed highway evidence to demonstrate that the proposal will not impact upon the existing highway network. This has been assessed thoroughly by both highway officers and Capita on behalf of the local planning authority, both of whom accept that there will be no impact. Moreover, the Applicant has agreed to enter into a legal agreement to pay a financial contribution for highway improvements in the local area. Again, there is no evidence to justify this reason for refusal.

Council Officers, as well as external technical consultants, have reviewed and approved the Application. No technical objections have been raised by any internal or external statutory consultee. It is their professional, objective view that the Application is in accordance with the development plan, and ought to be granted *planning consent*.

For Members to refuse consent for the Application, in the absence of material considerations to support such a stance, would be a contrary to the requirements of planning law<sup>1</sup>. If the Application is refused my client reserves its right to appeal the decision, seeking a full award of costs as part of that process. As advised by the Council's own officers during Committee, such an appeal is likely to succeed.

Notwithstanding the Committee resolution of 27th October 2016, you will be aware that the decision on this proposal will not be made formally until the 24th November 2016 Committee meeting. The intervening period between meetings presents an opportunity for Members to review its resolution with the benefit of legal advice and it remains open to the Committee to approve the proposal at the 24th November meeting and avoid the delay and cost of an appeal.

Yours faithfully



**Forsters LLP**

cc Cllr Marlene Thomas (Chair of Bridgend District Council Planning Committee)

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<sup>1</sup> See section 70(2) of the Town and Country Planning Act 1990 (as amended) and section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended)



Your Ref:  
Our Ref: GR695  
Date: 15<sup>th</sup> November 2016

Development Control  
Bridgend County Borough Council  
Civic Offices  
Bridgend  
CF31 4WB

By Email [planning@bridgend.gov.uk](mailto:planning@bridgend.gov.uk)

B C B C  
RECEIVED

15 NOV 2016

CORPORATE DIRECTOR - COMMUNITIES  
DEVELOPMENT

Dear Sirs,

**APPLICATION P/16/9/FUL – BRIDGEND RETAIL PARK, WATERTON**

I refer to the above application submitted on behalf of the British Airways Pension Trustees Ltd for two new A3 units within the existing customer car park. I act on behalf of Bunnings-Homebase UK & Ireland who have instructed me to submit an objection to the application. This objection is submitted in relation to the highway impact the development would have on their Homebase store and the wider Retail Park.

I apologise for the lateness of this objection, but my clients have only recently become aware of the full implications of this proposal. Whilst they note that Homebase were consulted on the application in January this year, as you may be aware this coincided with the sale of the Homebase business to Bunnings (part of Wesfarmers Ltd - Bunnings are the leading retailer of DIY, home improvement and outdoor living products in Australia and New Zealand). Bunnings strategy moving forward is to invest in the core of the Homebase business, introduce the Bunnings offer and quality of service and secure growth through the expansion of the portfolio and where feasible the expansion of individual stores.

We understand from discussions with Officers that the application was deferred at the Development Control Committee on the 27<sup>th</sup> October 2016 as Members were minded to refuse planning permission. Officers have been instructed to report back to the next Committee meeting on the 24<sup>th</sup> November with suggested reasons for refusal so that Members can decide whether planning permission should be refused. We understand that the concerns highlighted by Members relate to the loss of mature trees, loss of customer parking and impact on the vitality and viability of the town centre.

In relation to the loss of mature trees and impact on vitality and viability, my clients consider that these are matters for the Council to determine. However, in relation to the loss of customer parking, my clients support the concerns that have been raised by Members and consider that this objection provides sufficient justification in itself to refuse the proposals.

*Continued 2..*



My clients have not had the opportunity to independently review the Applicants car park accumulation surveys, but note that the Highway Authority (HA) appear satisfied with their findings. Whilst the surveys appear to show a surplus of spaces at peak periods even with the new A3 units, those findings are not evidenced by my clients own experiences of this Retail Park, which the Homebase Store Manager has confirmed struggles to cope with the level of parking demand and congestion that exists at present. Adding to those problems by increasing the demand for parking whilst at the same time reducing provision by 24 spaces will only compound those problems and potentially impact on the viability of the Homebase and adjoining retail stores.

The Homebase Store Manager has confirmed that one of the specific problems of the Retail Park is the congestion that currently occurs at peak periods, which can result in customers taking up to 30 minutes to exit the Park. This is a concern shared by the HA as they confirm in their consultation response (dated the 19<sup>th</sup> October 2016). Removing two of the principal routes that enable customer vehicles the exit the car park will simply make that situation worse and my clients are not convinced that any form of mitigation could address this level of impact.

We also note from the Committee Report and the HA consultation response, that there remain a number of significant outstanding highway issues, which the Report suggests can be dealt with by conditions on the grant of planning permission. This is an application seeking full planning permission and it must and should, therefore, include all the works that are proposed and required to mitigate the impact of the development, so that interested parties such as my clients can properly scrutinise all the proposed works and comment, where relevant. The HA are clearly concerned with the current problems relating to the free flow of traffic and congestion within the Retail Park and with the servicing implications of the proposed development. These are matters that cannot be conditioned as they are fundamental to the acceptability of the development in highway terms. If these concerns cannot be mitigated, then planning permission should be refused.

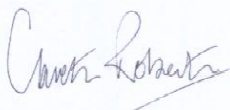
In addition, the conditions recommended in the Committee Report and in the HA's response would appear to imply that any delivery management plan should include the existing retail units, an approach which is unlawful, in that the Council can only seek to control the deliveries that arise from the proposed development. The Council cannot seek to exert new controls over existing authorised delivery arrangements. If this is not the intention, then it should be made clear that such considerations do not apply to the existing retail units.

It is also apparent from the proposed layout plan that no provision is shown for servicing. There is no indication as to how this could be achieved without resulting in further harm to highway safety. It is unclear, therefore, as to how Officers can recommend an application for full planning permission without any indication of how the new units will be serviced, without any swept path analysis having been undertaken and without a workable solution to mitigate the traffic circulation and congestion problems that already exist, problems which the proposed development will only exacerbate further.

*Continued 3..*

I would be happy to discuss these objections further with you and would be grateful if they could be reported to the Committee meeting on the 24<sup>th</sup> November.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'Gareth Roberts', with a stylized flourish at the end.

**Gareth Roberts**

**Director**

**On behalf of G R Planning Consultancy Ltd**

**REFERENCE:** P/15/244/OUT

**APPLICANT:** Dwr Cymru Welsh Water C/O Geraint John Planning Ltd, Sophia House, 28 Cathedral Road, Cardiff, CF11 9LJ

**LOCATION:** Land at Cefn Road Cefn Cribbwr CF32 0BE

**PROPOSAL:** Residential development (14No. units) and associated works

**RECEIVED:** 27 April 2015

## **APPLICATION/SITE DESCRIPTION**

Dwr Cymru Welsh Water are seeking outline planning permission for residential development on the site of a disused (covered) reservoir which is located at the western end of the village of Cefn Cribbwr on the northern side of Cefn Road, (B4281:Aberkenfig – Kenfig Hill).

The site measures approximately 0.4 hectares and is occupied by a large covered reservoir which is to be removed and a telecommunication mast which is to be retained. The site comprises an area of natural grassland, with scrub, scattered coniferous trees, deciduous shrubs/trees and hardstanding. An existing post and wire fence surrounds much of the site with existing tracks and the public highway adjoining the southern, western and northern boundaries. The track appears to serve a number of agricultural/commercial buildings and domestic garages. The eastern boundary is shared with the rear garden of 11 Cefn Road.

All matters of detail are reserved for future consideration but an illustrative site layout plan has accompanied the application.

The plan proposes a new access off the classified road, leading to a turning head and private drive which will serve 7 dwellings (Plots 1 and 9-13). Plots 1-8 will front Cefn Road with all but two of those units having direct access to the classified route. Plots 9-13 will front the new internal private drive with the rear elevations of Plots 9-12 overlooking the open countryside to the north. The rear elevations of Plots 13 and 14 will face the rear garden of 11 Cefn Road at a distance of 10m based on the illustrative layout plan. The Design and Access Statement confirms that the dwellings would have a ridge height of between 8-9m i.e. two storey dwellings. Although no details are required to be submitted in terms of their appearance, the submission indicates that the palette of materials and design of the dwellings will be selected to ensure that they complement (enhance) the character of the surrounding area – an indicative elevation has been included in the Design and Access Statement.

Biodiversity and Tree Surveys have accompanied the application. The tree survey identifies that the majority of the trees are positioned on the boundaries of the site and they are mainly coniferous evergreens. The report indicates that, at best, the condition of the trees are 'Fair to Poor' which suggests none are worthy of formal protection. A number will be felled to accommodate the development but there is an opportunity for a number of trees along the northern boundary to be retained as part of the future landscaping proposals for the site. Opportunities to improve the wider habitat resource for wildlife are recommended by the ecologist.

## **RELEVANT HISTORY**

P/00/853/OUT – Former Reservoir outline consent for residential development – Conditional Consent – 27/12/2000



Application Number

P/15/244/OUT



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Scale 1:2,500

Date Issued:  
17/11/2016

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



P/96/969/TPN – 15m Aerial Support Tower – No objection – 6/11/1996

P/96/899/FUL – Formation of new access road to proposed radio station – Conditional Consent – 5/11/1996

P/96/308/TPN – Telecom Prior Notification – No objection – 15/4/1996

## **PUBLICITY**

The application has been advertised on site and in the local press. Neighbours have been notified of the receipt of the application. The period allowed for response to consultations/publicity has expired

## **CONSULTATION RESPONSES**

Cefn Cribwr Community Council object and request to speak at Committee. The objections are as follows:

- 1) Overdevelopment of the site
- 2) Properties on the eastern boundary are too close to the existing properties and the removal of trees will be to the detriment of the amenities of the area and those enjoyed by the neighbours
- 3) Individual access routes on to the road are not necessary
- 4) If the internal estate roads are not adopted in the long term, it will leave residents, the Community Council and County Borough Council with a long term liability.
- 5) Mast should not be retained close to housing

Destination & Countryside Management : No objection subject to conditions

Head of Street Scene (Drainage) : No objection subject to conditions (foul connection available but surface water may need to go to ground or developer will need to negotiate connection to system).

Natural Resources Wales : No objection.

Welsh Water Developer Services : No objection subject to the imposition of conditions and advisory notes to ensure no detriment to existing residents, the environment or to Dwr Cymru Welsh Water's Assets

Group Manager Public Protection : In view that the historical maps indicate the presence of an infilled reservoir on the proposed site, a ground investigation survey and risk assessment must be carried out to determine the suitability for the proposed end use. Should the survey and risk assessment identify unacceptable levels of contamination, a suitable remediation scheme shall be designed and implemented prior to the land being developed.

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

## **REPRESENTATIONS RECEIVED**

Letters of objection have been received from the occupiers of 11 and 12 Cefn Road.

The following is a summary of the objections received:

- 1) Privacy will be compromised- removal of trees will exacerbate situation
- 2) Development will severely affect the birds and wildlife that are attracted to the site
- 3) Noise and air pollution during construction and from future occupation
- 4) Site levels may create problems with drainage run-off
- 5) Direct access to Cefn Road may be a hazard to highway users
- 6) Devaluation of property

Cllr Huw David has provided the following comments:

1. The family living in No. 11 Cefn Road could have three new additional two storey properties overlooking their garden which would impact significantly on their current levels of privacy and amenity. I believe the number of properties given consent to share a boundary with 11 Cefn Road should be reduced to lessen the impact on the neighbours. I understand that any developer would seek to maximise development of the site however in my view this can be achieved without reducing the total number of properties.

2. Plots 13 & 14 are shown facing east-west not north-south, the main windows in the properties would be facing a wall and a neighbour's garden at the back and parking spaces and a neighbour's house at the front. Given the very attractive views from the site when facing northwards, the re-orientation of the properties would be to the benefit of the existing and future residents.

3. Plots 9 & 10 would face the telecommunications mast – more attractive views to the north

4. The proposal is for individual drives accessing the B4281 – my understanding was that policy and/or practice was to limit individual vehicular access points onto busy main roads (especially key transport corridors like Pyle-Aberkenfig) and instead where practical use one shared access point where there is space available.

5. The Cefn Cribwr Grasslands Special Area of Conservation although not adjacent is located close to the north of the site. I am assuming that in terms of drainage etc. that there will be no significant impact on the site of international importance because of the amount of drainage but I would like that confirmed

### **COMMENTS ON REPRESENTATIONS RECEIVED**

The following observations are provided in response to the objections raised by local residents, the Community Council and local Member:-

#### *Overdevelopment of the site;*

The application only seeks to agree the principle of the development and therefore the Council are not approving the illustrative plan that accompanies the application. An opportunity does exist to impose conditions to manage the future development and there is an expectation that any subsequent layout will accord with the Council's policies and guidelines for new development. Policy COM4 of the Bridgend Local Development Plan does require that new residential development will be built at a density of at least 35 dwelling per hectare and that will be achieved on this site (14 units/0.4 hectares = 35 dph).

*Impact on the amenity of the adjoining neighbours;*

This is a matter that has been raised by the Community Council, the local Member and the adjoining neighbour directly. Again, the layout plan submitted is illustrative but does show how the site could be developed. The former use of the site will have little impact on the living conditions of the occupiers of 11 Cefn Road and, inevitably, developing the land for housing will change the character of the site. The property is, however, an end of terrace and there is a degree of overlooking from the windows in the rear elevation of the neighbouring units. It is acknowledged however that this is a longstanding situation and that the development of the units on Plots 1, 13 and 14 are likely to have some impact on privacy. On a site that is acceptable, in principle, for new housing, the Council has a duty to ensure that the living conditions for the neighbour are reasonably safeguarded. Imposing planning conditions requiring a minimum set back of the new development from the shared boundary with No 11 and the provision of additional screening/planting should ensure that any new development achieves the objectives of the Council's policies and guidelines. Any trees that are to be removed on the recommendation of the arborist could be replaced as part of a new planting scheme along this sensitive boundary. At the detailed full or reserved matters stage, careful consideration will also be given to the finished site levels and scale of the dwelling to ensure that they do not dominate the adjoining garden area.

Whilst consideration has been given to re-positioning units 13/14, if they were sited on a north/south orientation, the front facing windows would look not only into the garden but possibly toward the rear facing windows of 11, Cefn Road. The illustrative arrangement ensures that the 21m privacy standard will be achieved for direct facing windows with only a slight compromise between Plot 8 and 10 Cefn Road but here the properties are separated by the main road and a reduction to 20m would be acceptable.

On the basis of the information currently before the Council and the site circumstances, it is considered that the site could be developed in a manner that would reasonably safeguard the living conditions and well-being of the adjoining neighbours.

*Mast should not be retained close to housing;*

The mast is a less than attractive feature but is still operational. The latest revision to the indicative layout re-orientates Plots 9/10 such that they do directly overlook this 15m high tower. Whilst the structure will still dominate the outlook from the rear of Plot 8, its existence will be known to any potential developers and future purchasers. With regard to the health implications of the new housing to this apparatus, it is the Welsh Government's view that, if the development meets the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines as expressed in the EU Council Recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (as recommended by the report of the Independent Expert Group on Mobile Phones (the Stewart Report) on a precautionary basis), it should not be necessary for a local planning authority to consider further the health aspects. Furthermore, local planning authorities should not implement their own precautionary policies, such as imposing a ban or moratorium on new telecommunications development or insisting on minimum distances between telecommunications development and existing (and presumably) new development. The applicant's agent has confirmed that the existing mast meets the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines.

*Individual drives accessing the B4281 – non adoption of estate roads;*

Policy PLA5 of the Bridgend Local Development Plan (2013) identifies the B4281 as one of the Council's main transport corridors and the illustrative plan confirms that eight of the

proposed dwellings will be served from a new highway junction and private drive / internal access road arrangement with the remaining units (6) having direct access off the B4281. The Head of Street Scene (Highways) has considered the revised layout in the context of the aforementioned policy and all others that are relevant (SP2, SP3 and PLA11 refers). It is considered that, subject to the imposition of conditions, the access arrangements should not affect the safe and efficient movement along this transport corridor and will not create or exacerbate harm to the environment. Furthermore, there is an opportunity, through a Section 106 obligation, to enhance public transport facilities.

The Council cannot force the developer to offer the roads for adoption. If they are to remain private roads/drives then maintenance may be the responsibility of the developer and/or a future management company and/or the future residents of the estate.

*Development will severely affect the birds and wildlife that are attracted to the site; potential impact on the Cefn Cribwr Grasslands Special Area of Conservation;*  
Acer Ecology have not identified any significant ecological constraints to development although there will be a need to undertake further work prior to development commencing. A number of mitigation and compensation measures are recommended which will be included as conditions on any planning consent that Members may be minded to grant and this includes strict adherence to the NRW's 'Pollution Prevention Guidelines' to prevent any pollution affecting the Waun Cimla SSSI and Cefn Cribwr Grasslands Special Area of Conservation.

*Noise and air pollution during construction and from future occupation*  
In order to minimise disruption for local residents, a condition requiring a Construction Method Statement would address this issue, however, pollution controls exist under separate legislation.

*Site levels may create problems with drainage run-off*  
A site section drawing submitted with the revised layout plan suggests that ground levels will be reduced over much of the site thereby reducing the gradient at the rear. Although it will be necessary for any future application to be accompanied by a comprehensive and integrated drainage scheme, the changes to site levels may assist in reducing site run-off.

*Devaluation of property*  
Devaluation of property is not a material planning consideration.

## **APPRAISAL**

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

Dwr Cymru Welsh Water are seeking outline planning permission for residential development on the site of a disused (covered) reservoir which is located at the western end of the village of Cefn Cribbwr on the northern side of Cefn Road, (B4281:Aberkenfig – Kenfig Hill).

The application site is located within the settlement of Cefn Cribbwr, as defined by Policy PLA1 of the adopted Bridgend Local Development Plan - (LDP) (2013). Policy COM3 of the LDP promotes the re-use of vacant or underutilised land within settlement boundaries for small scale residential development where no other policy protects the land for an alternative use. The land is not protected for such use and as such its development for housing should be regarded as acceptable in principle as a 'windfall' site in accordance with COM3.



In accordance with Policy SP14 of the LDP, new development often creates the need for planning obligations to be provided to offset any negative impacts of development. The proposal for 14 dwellings triggers Policy COM5 of the LDP which requires 30% affordable housing in the 'Rural and Porthcawl housing market area. As such 4 of the dwellings should be provided as affordable housing to be transferred to the RSL with an appropriate tenure to be agreed between the applicant and the Housing Strategy Department. The Housing Strategy Manager may, at their discretion, indicate that a financial contribution of equivalent value is deemed a more suitable alternative to on-site provision at this location.

Policy COM11 of the LDP requires the provision of a satisfactory standard of outdoor recreation space which is defined as 2.4 hectares per 1000 people. For a proposal of 14 dwellings, this amounts to approximately 800 square metres to consist of a combination of outdoor sport, children's play space and allotment provision. The Council's open space audit reveals a surplus of children's play space and allotment provision in Cefn Cribbwr, but a deficit of outdoor sport facilities. Given the location and constraints of the site, a commuted sum is more appropriate than on-site provision, with a contribution to be spent on the improvement of facilities within close proximity to the proposed development. Based on current costs for provision, the contribution required would equate to £470 per dwelling.

Existing open space and playing facilities are located in close proximity to the site.

With regards to education, the scheme meets the threshold of 5 or more residential units identified in SPG 16 as being large enough to place increased pressure on local educational facilities. The Children's Directorate have confirmed that there is sufficient capacity in the local secondary schools but there are no surplus places in the local primary school (Cefn Cribbwr Primary School). Given the lack of capacity, a contribution will be required to facilitate extra space to be created to accommodate the likely demand arising from the development. According to the formula contained in the SPG and the number of units, the proposal will generate 3 pupils requiring a contribution of £48,939.

Improvements to the existing bus stop facilities to encourage the use of public transport by new residents will also be sought with the contribution totalling £12,000.

The aforementioned infrastructure improvements can be secured by way of a planning obligation.

Policy SP2 of the LDP requires all development to contribute to creating high quality, attractive, sustainable places, which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment and establishes fifteen criteria against which development proposals will be assessed. As indicated in the earlier sections of this Report, the application is in outline with all matters reserved for future consideration. Whilst the submitted illustrative layout and supporting documents indicate the points of access and parameters of the development, they do not constitute the details. The design, appearance and landscaping details do not form part of this application and, as such, it is not possible to fully assess the proposals against the aforementioned policy. Such an assessment will be undertaken following the submission of a reserved matters or full planning application. There are constraints to the development of this site which will need to be assessed for any future scheme to properly address the policies and guidelines of the Council. The relationship of the new houses to existing and the internal arrangements will need to respect the Council's privacy standards to ensure that the living conditions of the adjoining neighbours and future occupiers will not be adversely affected; conditions will be imposed to guide the future development and this may result in less than 14 units being accommodated on site. The scale and design of

the new housing will have to respect the character of the area, the site's proximity to a busy road (noise attenuation measures) and the immediate context of existing housing. The site benefits from good public transport and road connections which will be enhanced and, subject to compliance with the recommended conditions, safe access could be provided to the new housing.

The biodiversity interests of the site have been identified in the Ecology Report and the required mitigation works will be the subject of planning conditions. This requirement reflects Section 40 of the Natural Environment and Rural Communities Act 2006 which states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 which came into force on 21st March, 2016. Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems."

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

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

Given the nature of the application site and the proposed safeguarding, mitigation measures, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity. The retention of trees along the northern boundary will assist in this regard but it should be noted that their condition does not warrant formal protection. Opportunities do however exist to provide new planting along the sensitive boundaries of the site as part of a comprehensive landscaping scheme.

Appropriate arrangements for the disposal of foul sewage, waste and water will also be secured by planning conditions.

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

The well-being goals identified in the Act are:

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

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development rather the proposed development will contribute to a more cohesive community and incorporates in the design features which demonstrate that it is seeking to contribute to global responsibilities in relation to climate change

Notwithstanding the local objections, the application site is capable of accommodating dwellings to meet the policy requirements.

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

## **CONCLUSION**

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

The development can contribute to creating a high quality, attractive, sustainable place compatible with the surrounding area and Policy SP2 of the Local Development Plan. Legislation and National planning policy dictates that planning applications must be determined in accordance with the approved Development Plan unless material circumstances suggest otherwise. In this case, notwithstanding the objections received, it is considered that there are no material reasons why planning permission should be refused.

## **RECOMMENDATION**

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

- (i) Provide 30% of the units as affordable housing units in accordance with the Affordable Housing Supplementary Planning Guidance (SPG). The Section 106 Agreement will provide for these units to be transferred to a Registered Social Landlord, with the type of units, location within the site, affordable tenure, transfer price and timescale for delivery to be agreed by the Council.
- (ii) Provide a financial contribution in accordance with the Educational Facilities Supplementary Planning Guidance (SPG) formula towards the provision of additional primary school places in the school serving the development; this figure being dependent on the final development mix and numbers with contributions provided on a pro-rata basis.
- (iii) Provide a financial contribution of £7,980 on the commencement of development towards the upgrading of existing outdoor recreation facilities in the vicinity of the application site
- (iii) Provide a financial contribution of £12,000 on the commencement of development to facilitate improved bus stop facilities on Cefn Road in the vicinity of the site.

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

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall generally accord with the following plans and documents but subject to the requirements of all other planning conditions:

Proposed Site Layout Job No DCWW.CC Drawing No.03 Revision A received on 26/09/2016

Design and Access Statement – Geraint John Planning – April 2015

Extended Phase 1 Habitat Survey – Acer Ecology – April 2015

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

2. The consent hereby granted shall be limited to the construction of no more than 14 dwellings and details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall accord with the following requirements:

- A distance of 21m between directly facing habitable room windows, both in relation to proposed and existing properties;
- A minimum distance of 10.5m from any new habitable room window to the property boundary, in relation to existing adjacent properties;
- Car parking provision in accordance with SPG 17 – Parking Standards;

Reason: In the interests of safeguarding the living conditions of existing and future residents and highway safety.

3. Any submission for approval of reserved matters or full application shall include details of the proposed floor levels of the buildings in relation to existing ground levels and the finished levels of the site. The development shall thereafter be carried out in accordance with the agreed details.

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

4. Any submission for approval of reserved matters or full application shall include a comprehensive and integrated drainage of the site showing how foul drainage, highway, surface water, including the means to prevent run off from driveways and parking bays discharging onto the highway, roof and yard water will be dealt with. The development shall thereafter proceed in accordance with the agreed comprehensive and integrated drainage scheme prior to any dwelling being brought into beneficial occupation.

Reason: To ensure safe drainage of the site

5. The proposed means of access shall be laid out with 6.0 metre radius kerbing on both sides of the entrance constructed and retained in permanent materials as approved in writing by the Local Planning Authority with vision splays of 2.4m x 90m 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.

6. Any individual means of access shall be laid out with vision splays of 2.4m x 90m 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.

8. No development shall commence until a scheme for permanently stopping up the existing access and reinstating the vehicular crossing as footway has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being brought into beneficial use and shall be retained as such thereafter.

Reason: In the interests of highway safety.

9. Any submission for approval of reserved matters or full application shall include a Construction Management Plan. The Construction Management Plan shall include: -

- Provision of a temporary compound for construction materials and plant and parking for contractor's vehicles;
- Details of a wheel washing scheme to prevent mud and debris from the construction traffic being carried out onto the existing maintainable highway.

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

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

10. Any submission for approval of reserved matters or full application shall include a Construction Environment Management Plan (CEMP: Biodiversity). This shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification "biodiversity protection zones".
- c) Practical measures (both physical and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The CEMP - Biodiversity approved as part of the reserved matters or any other consent shall be adhered to and implemented throughout the construction period strictly in accordance with the agreed details.

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

11. Any submission for approval of reserved matters or full application shall include a Landscape and Ecological Management Plan (LEMP). The LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also set out where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally agreed scheme.

The agreed plan shall be implemented in accordance with the agreed details.

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

12. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures before any dwelling is occupied.

Reason: in the interests of safety.

13. \* THE FOLLOWING ARE ADVISORY NOTES AND NOT CONDITIONS

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

The development can contribute to creating a high quality, attractive, sustainable place compatible with the surrounding area and Policy SP2 of the Local Development Plan. Legislation and National planning policy dictates that planning applications must be determined in accordance with the approved development plan unless material circumstances suggest otherwise. In this case, notwithstanding the objections received, it is considered that there are no material reasons why planning permission should be refused.

The Head of Regulatory Services (Public Protection) recommends that, in view of the close proximity of the busy main road (Cefn Road), the properties that front onto the road are installed with standard thermal double glazing with trickle vents.

The Head of Street Scene (Highways) has confirmed that the level of parking will need to be assessed alongside detailed proposals for the dwelling sizes. Further the turning area on the private drive element (adjacent to Plot 13) will need to be amended to provide a longer stub to the East.

In order to address condition 4, the applicant shall provide confirmation that permission has been granted by Dwr Cymru Welsh Water for all drainage to enter into their system and this has been submitted to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall include the following:

- (i) information about the design 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 waters;
- (ii) a period for its implementation; and
- (iii) a management and maintenance plan for the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

**Background Papers**  
None

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**REFERENCE:** P/16/725/FUL

**APPLICANT:** Oldcastle Junior School South Street, Bridgend, CF31 3ED

**LOCATION:** **Oldcastle Junior School South Street Bridgend CF31 3ED**

**PROPOSAL:** Retention of a shipping container for general storage purposes

**RECEIVED:** 7 October 2016

**SITE INSPECTED:** 28<sup>th</sup> September 2016

## **APPLICATION/SITE DESCRIPTION**

The application site relates to the playground of Oldcastle Junior School, South Street Bridgend.

The application has been submitted following an enforcement investigation. The application seeks retrospective planning permission for the retention of a shipping container for general storage purposes within the playground of the Junior School.

The container measures approximately 2.4m x 6m and height of 2.6m with a flat roof and is slightly elevated on a concrete base. The container is orange in colour and is currently situated to the rear of No 46 and No 48 St Marie Street. The container is currently used for the storage of school equipment and furniture.

## **RELEVANT HISTORY**

P/10/2/BCB : Oldcastle Infants & Junior School South Street Bridgend CF31 3ED - Retention Of A New Classroom Extension Containing 5No. Classrooms And Admin Area - Retrospective Cond consent 10/02/2010.

P/08/629/BCB : Oldcastle Infants & Junior School South Street Bridgend CF31 3ED - Construction Of New Classroom Extension Containing 5 No. Classrooms And Admin Area - Conditional Consent 02/09/2008.

## **PUBLICITY**

Neighbours have been notified of the receipt of the application and the period allowed for response to consultations/publicity expired on 6th October 2016. Re-consultation was undertaken on the 7<sup>th</sup> October 2016 following the submission of a revised site location plan showing the re-positioning of the steel container subject of this application. The period allowed for response to consultations/publicity expired on 2nd November 2016

## **CONSULTATION RESPONSES**

Councillor Mrs E M Hughes submitted comments on the 16<sup>th</sup> September 2016 stating that the storage is obviously needed

Bridgend Town Council submitted comments on the 12<sup>th</sup> October 2016 raising no objection to the development.

## **REPRESENTATIONS RECEIVED**

4 Letters of objection have been received from the neighbouring properties Nos. 42, 44, 46 and 48 St Marie Street. These concerns are summarised as follows:-

- Container is unsightly and out of character with the other school buildings
- Properties vulnerable to break in/access

Application Number

P/16/725/FUL



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Scale 1:1,250

Date Issued:  
18/11/2016

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



- Invasion of privacy as children able to climb onto roof and look into their gardens
- devalue their properties
- Opening/closing of the container creates noise and distress.
- Concern over safety of children when playing in the playground

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The majority of the concerns raised by the neighbouring properties are addressed in the appraisal section of this report. However, children will not be able to easily climb onto the roof of the container due to its basic design and school staff will be able to monitor any such behaviour, the storage unit will be moved to an alternative, less prominent part of the site so that any noise from the intermittent use of the store will be mitigated and it should not cause any obstruction or danger to children in the playground. Finally, the devaluation of property is not a material planning consideration.

## **APPRAISAL**

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

The application seeks retrospective planning permission for the siting of a steel container which is used for general storage purposes within the playground of Oldcastle Junior School.

The container measures approximately 2.4 m x 6m with a height of 2.6m. It has a flat roof and is slightly elevated on a concrete base. The container is dark orange in colour and is currently situated to the rear of Nos 46 and 48 St Marie Street. The container is currently used for the storage of school equipment and furniture.

Following the site inspection it was noted that the current location and colour of the steel container was having a detrimental visual impact on the residential amenities of the neighbouring properties particularly No. 46 and No. 48 St Marie Street. In view of these concerns, the matter was discussed with the applicant and they were advised to relocate the steel container to the rear of Nos. 48/50 St Marie Street, as there is a large shed at the bottom of the garden of No.50 and a number of trees and hedges which would obscure the container from view. The potential re-siting of the container along the boundary wall with the neighbouring properties is slightly restricted due to the existence of play equipment located in the playground. It was also advised that the container should be painted green to reduce the visual appearance and to help it blend in with its surroundings.

The proposed siting of the steel container adjacent to a number of trees and hedgerows will also assist in screening the container from the view of the adjacent residential properties. In view of the above, it is not considered that the development will have any unacceptable visual impact on the surrounding area.

Notwithstanding the above, and in view of its temporary nature, it is considered that the steel container should be granted a 5 year temporary consent to enable the Local Planning Authority to further assess the impact of the development on the amenities of the area and to enable the matter to be reviewed at the end of the temporary consent.

The application has been assessed against Policy SP2 of Bridgend Local Development Plan (2013).

## **CONCLUSION**

Subject to conditions the application is recommended for approval because the development complies with Council Policy and Council Guidelines and does not adversely affect the residential amenities of the area to warrant refusal.

## **RECOMMENDATION**

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

1. Within 1 month of the date of this consent, the development shall be carried out in accordance with the amended site location plan received on the 7th October 2016 and supporting documents received on the 8th September 2016.

Reason: For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

2. Within 1 month of the date of this consent, the steel container hereby approved shall be painted green and should thereafter be retained for the duration of the permitted consent.

Reason: To protect the visual amenities of the neighbouring properties.

3. The steel container hereby permitted shall be removed and the land restored to its former condition on or before 31 December 2019 in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to assess the impact of the development on the residential amenities of the area and to enable the matter to be reviewed at the end of the period of the temporary consent in accordance with Policy SP2 of Bridgend Local Development Plan (2013).

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

**Background Papers**  
None

**REFERENCE:** P/13/246/OUT

**PROPOSAL:** DEVELOPMENT OF UP TO 230 DWELLINGS & 0.3 HECTARES OF MIXED USE CENTRE (USE CLASSES A1, A3 AND C3)

**LOCATION:** LAND AT BRACKLA INDUSTRIAL ESTATE BRACKLA BRIDGEND

Planning permission for the above development on land to the east of Brackla Industrial Estate was granted on 7 November 2014 subject to a Section 106 agreement which required, amongst other things, the implementation of noise mitigation works on the adjacent BEI Lighting site. The agreement required that all works would be completed prior to the commencement of construction works on site but also included a clause that required the owner to undertake further noise mitigation measures that may be reasonably required by the Council.

The agent acting on behalf of the landowner, South Wales Land Development Limited, has confirmed that measures to reduce noise from the paint extract fans on the BEI site have been designed but negotiations to secure an access licence have been protracted and remain unresolved. Whilst information received from the relevant parties indicates that the works will be undertaken, the delays are preventing the commencement of a consented housing scheme on the adjoining site, (P/16/337/RES).

South Wales Land Development Limited is therefore seeking to vary paragraphs 1, 1.3 and 2 of Part 1 of the Second Schedule to the S106 obligation as follows:

(i) Re-wording paragraph 1 thus allowing the approved housing development to commence but requiring the noise mitigation works to be implemented prior to works commencing on the dwellings directly affected by the noise issues;

(ii) Paragraph 1.2 of the Second Schedule to the S106 requires the relocation of the loading bay area within the BEI site. At the time of the Section 106 Agreement it was expected that the loading bay area would be relocated to a position immediately outside the BEI offices and, as a result of that location, sound insulation would be required to the offices of BEI. Paragraph 1.3 was inserted into the S106 to ensure the sound insulation measures were carried out. It has now been agreed that the loading bay area can be relocated elsewhere on the BEI site. The omission of paragraph 1.3, has been requested as the agreed position of the relocated loading bay negates the need for sound insulation to the office building and this can be accepted if the new location of the loading bay is secured;

(iii) Modify paragraph 2 to omit the requirement on the owner to undertake further noise mitigation measures following the satisfactory implementation of the measures already required under paragraphs 1.1, 1.2 and 1.4 of the Section 106 obligation as the identified measures will be sufficient.

These proposed variations have been the subject of discussions with the Public Protection Officer who provided observations on the original application and there are no objections to these proposed variations to the S106 obligation. In terms of (i) and (iii) above, the agreed specification for the noise attenuation measures has a higher degree

of attenuation and will be implemented before works commence on those properties that would be affected. It is considered that a requirement for the owner to undertake further works, beyond the agreed measures, is not necessary and would be unreasonable.

It is considered that the variations sought are reasonable without prejudicing the amenity of the future occupiers of the approved housing development. It will be necessary to formalise the matter as a Deed of Variation to the Section 106 Agreement and it is recommended that the Corporate Director Operational and Partnership Services be authorised to prepare and complete the Deed of Variation. All other obligations will remain as agreed.

### **Recommendation**

That the Corporate Director Operational and Partnership Services be authorised to prepare and complete the required Deed of Variation to implement the changes to the Section 106 Agreement identified in the Report and any other amendments necessary to ensure the delivery of the Obligations in the Section 106 Agreement.

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

### **Background Papers**

None

## **APPEALS**

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

<b>CODE NO.</b>	D/16/3158329 (1786)
<b>APPLICATION NO.</b>	P/16/506/FUL
<b>APPELLANT</b>	PAULA HUGHES
<b>SUBJECT OF APPEAL</b>	DETACHED GARAGE: TY NEWYDD FARM, BETTWS
<b>PROCEDURE</b>	HOUSEHOLDER
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reasons:-

1. The proposed development, by reason of its scale and size will result in a significant encroachment of urban built form into the countryside that will not respect the transitional nature of the location between the settlement and the rural area and will, therefore, have a significantly detrimental effect on the character and appearance of the area, contrary to the general objectives of Policies ENV1 and SP2 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (ED 8, July 2016).

<b>CODE NO.</b>	A/16/3158624 (1787)
<b>APPLICATION NO.</b>	P/15/869/FUL
<b>APPELLANT</b>	VALLEYS TO COAST HOUSING
<b>SUBJECT OF APPEAL</b>	16 DWELLINGS, ACCESS, PARKING, LANDSCAPING AND ASSOCIATED WORKS: LAND AT HEOL Y FRENHINES, BRIDGEND
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reasons:-

1. The proposed development would result in the loss of an identified recreational space that forms an integral part of the design and character of the existing housing estate. The development would therefore be detrimental to the residential amenities currently enjoyed in the locality and is, therefore, contrary to Policies COM7 and SP3 of the Bridgend Local Development Plan 2013.
2. The proposed development, by reason of its siting, layout and design, would constitute an insensitive and unsympathetic form of residential development that is not in-keeping with the existing settlement pattern and the established layout of properties in the locality. The development would be detrimental to the existing character and general levels of visual amenity currently enjoyed in the locality, and are therefore contrary to Policy SP2 of the Bridgend Local Development Plan (2013) and advice contained within Technical Advice Note (TAN) 12: Design (2016) and Planning Policy Wales (2016).

<b>CODE NO.</b>	A/16/3158287 (1784)
<b>APPLICATION NO.</b>	P/15/846/FUL
<b>APPELLANT</b>	VALLEYS TO COAST HOUSING
<b>SUBJECT OF APPEAL</b>	THREE DWELLINGS, ACCESS, PARKING, LANDSCAPING AND ASSOCIATED WORKS: LAND SOUTH OF ST ILLTYDS ROAD BRIDGEND
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reasons:-

1. The proposed development, by reason of its siting, layout and design, would constitute an insensitive and unsympathetic form of residential development that is not in-keeping with the existing settlement pattern and the established layout of properties in the locality. The development would be detrimental to the existing character and general levels of visual amenity currently enjoyed in the locality, and is therefore contrary to Policy SP2 of the Bridgend Local Development Plan (2013) and advice contained within Technical Advice Note (TAN) 12: Design 2016) and Planning Policy Wales (2016).
2. The proposed development would result in the loss of an identified recreational space that forms an integral part of the design and character of the existing housing estate. The development would therefore be detrimental to the residential amenities currently enjoyed in the locality and is, therefore, contrary to Policies COM7 and SP3 of the Bridgend Local Development Plan 2013.

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

<b>CODE NO.</b>	A/16/3154174 (1775)
<b>APPELLANT</b>	MRS A YOUNG
<b>SUBJECT OF APPEAL</b>	ONE DWELLING: ADJ TO 14 BLUNDELL AVENUE, PORTHCAWL
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	<b>THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.</b>

A copy of this appeal decision is attached as APPENDIX A.



**CODE NO.** A/16/3155147 (1776)

**APPELLANT** MR DAVID BOYTER

**SUBJECT OF APPEAL** ERECTION OF DETACHED BUNGALOW IN GARDEN IN LIEU OF PREVIOUSLY APPROVED GARAGE: GARDEN OF 19 PRIORY GARDENS BRIDGEND

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** DELEGATED OFFICER

**DECISION** **THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.**

A copy of this appeal decision is attached as APPENDIX B.

---

**CODE NO.** A/16/3155051 (1777)

**APPELLANT** MR JAMES MURRANT

**SUBJECT OF APPEAL** REMOVE DETACHED GARAGE AND REPLACE WITH TWO STOREY GRANNY ANNEXE: 63 EWENNY RAOD BRIDGEND

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** DELEGATED OFFICER

**DECISION** **THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.**

A copy of this appeal decision is attached as APPENDIX C.

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**CODE NO.** A/16/3154814 (1778)

**APPELLANT** MR RAZUL

**SUBJECT OF APPEAL** RELAX CONDITION 2 OF P/98/555/FUL TO EXTEND OPENING HOURS UNTIL 12.30AM SUN-WED, 2.30AM THUR, 3.30AM FRI & 4.30AM SAT: 33 MARKET STREET, BRIDGEND

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** DELEGATED OFFICER

**DECISION** **THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.**

A copy of this appeal decision is attached as APPENDIX D.

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<b>CODE NO.</b>	A/16/3154814 (1781)
<b>APPELLANT</b>	MR KRISTIAN TRACY
<b>SUBJECT OF APPEAL</b>	PROPOSED LOFT CONVERSION (WORKS TO INCLUDE ERECTION OF FRONT AND SIDE DORMER EXTENSIONS): 9 MARLPIT LANE, PORTHCAWL
<b>PROCEDURE</b>	HOUSEHOLDER
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	<b>THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.</b>

A copy of this appeal decision is attached as APPENDIX E.

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**RECOMMENDATION:**

That the report of the Corporate Director Communities be noted.

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

**Background Papers**

(see relevant application reference number).



---

### Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 05/10/16

gan Paul Selby BEng (Hons) MSc  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 31.10.2016

### Appeal Decision

Site visit made on 05/10/16

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 31.10.2016

---

**Appeal Ref: APP/F6915/A/16/3154174**

**Site address: Land next to 14 Blundell Avenue, Porthcawl CF36 3YY**

**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 Mrs Ann Young against the decision of Bridgend County Borough Council.
  - The application Ref P/15/631/OUT, dated 24 September 2015, was refused by notice dated 4 April 2016.
  - The development proposed is one dwelling.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The planning application is submitted in outline with all matters reserved.

### Main Issues

3. The main issues in this case are the effect of the proposal on: a) the character and appearance of the area; b) the living conditions of neighbouring occupants, with particular regard to overshadowing and privacy; and c) the quantity of outdoor amenity space for occupants of the proposed dwelling and the neighbouring flat.

### Reasons

4. The appeal site lies on Blundell Avenue, within the curtilage of a back-to-back semi-detached property which fronts onto The Green Avenue. The part of the building within the wider landholding forms two flats which are accessed via the side of the property, and which face onto a side amenity space, single storey garage and driveway for the first floor flat. Due east of the appeal site is a terrace of 1920s dwellings with modest front gardens facing onto Blundell Avenue.

#### *Character and appearance*

5. The appeal site represents a break in the built fabric between the denser built form of Blundell Avenue and the more spacious layout of The Green Avenue, a street of predominantly semi-detached properties with generous front gardens, many of which,
-

due to their size, comfortably accommodate driveways and curtilage parking. Whilst many of the properties on The Green Avenue have been modified or extended, there is a coherent appearance and form which contributes positively to its character. 14 Blundell Avenue has a different design and form to its neighbours to the east, but there is a consistent building line, with the properties being set back from the street by modest front gardens.

6. The open character of the appeal site, bounded by a low wall and hedge, mirrors that of the front garden of 1 The Green Avenue and frames the building as a whole, opening up views of the side hipped roof marked with a tall chimney, which is a feature of the nearby semi-detached houses. I consider that the provision of a dwelling on the site would erode the transition between the two distinct areas of built form and, in reducing the side garden area of No 14, would afford the neighbouring property a cramped visual appearance that would detrimentally affect its character.
7. At the time of my site visit on a weekday afternoon, I saw a substantial number of cars parked on the street, which is perhaps unsurprising given the lack of curtilage parking on Blundell Avenue, the relatively high density of housing on the street and the proximity to the seafront. The Council considers that 4 car parking spaces would need to be accommodated within the appeal site for the adjacent flat and the proposed dwelling. Whilst a lower level of curtilage parking may be appropriate in certain circumstances, the site is located outside the town centre and public transport options in Porthcawl are limited to buses. Future occupants of a dwelling on the appeal site would thus be likely to require the use of a car, and in order to avoid harm to highway safety, some curtilage parking within the appeal site would be necessary to cater for the proposed dwelling and the adjacent first floor flat.
8. Although the modern development opposite the appeal site incorporates off-street parking, houses on the north side of Blundell Avenue have retained their front garden areas. Whilst it might be possible to accommodate parking to the side of the proposed dwelling, I consider that some element of frontage car parking would be necessary. Irrespective of the boundary and surface treatments, this would disrupt the prevailing building line and upset the otherwise uniform appearance of dwellings fronted by gardens on the north side of the street.
9. I consider that the provision of a dwelling on the site would unacceptably reduce the visual separation between the built form of Blundell Avenue and The Green Avenue, and the curtilage car parking would conflict with the prevailing pattern of development within the street. For these reasons, I conclude that the proposal would cause material harm to the character and appearance of the area, contrary to the design objectives of Policy SP2 of the Bridgend Local Development Plan (LDP), Technical Advice Note 12 – Design (TAN 12) and Planning Policy Wales.

#### *Overshadowing and privacy*

10. Irrespective of the exact location and design of the proposed dwelling, due to the orientation of the site some overshadowing of the gardens of 3 The Green Avenue and 13 Blundell Avenue would be likely to result. However, the neighbouring garden at No 3 is relatively long and only the far end would be in shadow for any length of time. Overshadowing of the garden at No 13 would be limited in extent and confined to the latter part of the day. I consider that the level of overshadowing caused by the proposal would therefore not be unacceptably harmful.

11. Whilst there is a first floor window at the eastern elevation of No 14, this is glazed, and the flank wall of the neighbouring property of 13 Blundell Avenue is entirely blank. The privacy of occupants within the adjacent dwellings would consequently not be unduly harmed by a dwelling on the site. Given the likely orientation of the appeal proposal, views into the neighbouring garden at No 13 would be substantially oblique and consequently not harmful.
12. Due to the relatively constrained size of the site, the rear and side elevations of the proposal would be close to the property boundary. A two storey dwelling based on the scale parameters indicated by the appellant would in all likelihood require first floor windows at the side or rear elevations. West-facing first floor windows would overlook the garden and side access for the neighbouring flats, but I consider that it would be possible to place windows to avoid direct views into the main amenity space, consequently avoiding any harmful effects. However, given the minimal distances, a first floor window in the rear elevation would directly overlook a substantial area of the garden of 3 The Green Avenue at close range. Even if not serving a habitable room, this would unacceptably increase the level of perceived overlooking within the neighbouring garden. Whilst fixed opening, obscure glazed windows would sufficiently mitigate actual overlooking, these would be unlikely to reduce the level of perceived overlooking, and may harmfully restrict daylight, outlook or ventilation available to future occupants. Consequently, such mitigation measures would be unacceptable.
13. For the above reasons I conclude that the proposal would result in material harm to the living conditions of neighbouring occupants with regard to privacy and overlooking, contrary to the objectives of LDP Policy SP2 to avoid adverse effects on the amenity of neighbouring occupiers. For the same reasons the proposal would also conflict with the aims of the Council's Supplementary Planning Guidance 2 – Householder Development (SPG 2), TAN 12 and Planning Policy Wales.

#### *Quantity of outdoor amenity space*

14. The proposal would reduce the amount of external space available to occupants of the first floor flat at 14 Blundell Avenue, but some amenity space would be retained adjacent to the northern boundary of the appellant's landholding. Whilst modest, I consider that its size would be sufficient to provide for the day-to-day external activities associated with a first floor flat, such as sitting out or drying clothes.
15. The Council has raised concerns regarding the size of the rear garden area for the proposed dwelling. The appellant estimates that the space to the rear would amount to over 50 square metres, subject to the exact details of the reserved matters. I consider that the size and form of the plot is such that it would enable the provision of sufficient, functional amenity space for occupants.
16. For the reasons given I conclude that the proposal would provide acceptable outdoor amenity space for existing and future occupants, and in this regard there would be no conflict with LDP Policy SP2 and the Council's SPG 2.

#### **Other Matters**

17. I acknowledge that the proposal would result in the provision of a new dwelling within an existing settlement, and would have other potential benefits, including an increased amount of passive surveillance. Nevertheless, these do not outweigh the harm which I have identified based on the documents submitted and from what I saw on my site visit.

18. I have had regard to other matters raised, including the effect of the proposal on the human rights of neighbouring occupants, the accuracy of the submitted plans, accessibility arrangements and concerns regarding surface water drainage. However, as I am dismissing the appeal against the main issues for the reasons given above, I have not pursued these matters further.

### **Conclusion**

19. Whilst I have found that the proposal would provide sufficient outdoor amenity space for neighbouring and future occupants, and would not unacceptably overshadow neighbouring gardens, these factors do not outweigh the harm that would be caused to the character and appearance of the area or the living conditions of occupants of 3 The Green Avenue with regard to privacy. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*Paul Selby*

INSPECTOR



### Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 05/10/16

gan Paul Selby BEng (Hons) MSc  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 27.10.16

### Appeal Decision

Site visit made on 05/10/16

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 27.10.16

**Appeal Ref: APP/F6915/A/16/3155147**

**Site address: 19 Priory Gardens, Bridgend CF31 3LB**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr David Boyter against the decision of Bridgend County Borough Council.
- The application Ref P/15/857/FUL, dated 22 December 2015, was refused by notice dated 5 April 2016.
- The development proposed is Erection of detached bungalow in garden, in lieu of previously approved garage.

### Decision

1. The appeal is dismissed.

### Main Issues

2. These are the effect of the proposal on: a) the living conditions of adjacent occupiers with particular regard to privacy and overlooking; b) the living conditions of occupants of the host property with regard to noise and disturbance; and c) highway safety.

### Reasons

3. The appeal site is situated at the end of a cul-de-sac and hosts a two storey dwelling and attached side garage. The plot opens out to the rear, with the garden becoming relatively wide along its boundary with the A48 road. North east of the site are the gardens of two bungalows at 14 and 16 Heronston Lane.

#### *Privacy and overlooking*

4. The rear elevation of the proposed dormer bungalow would be at an oblique angle to the northeast property boundary, at a distance of around 2 metres at its nearest point. Views towards the neighbouring gardens and dwellings would be possible from three roof lights serving a bedroom and bathroom in the first floor of the proposed bungalow. Whilst substantial areas of the two neighbouring gardens would be within close proximity of the appeal dwelling, the angle of the roof plane and small size of the roof lights would significantly reduce any actual or perceived overlooking, such

that there would be no unacceptable reduction in the level of privacy within the adjacent gardens. Similarly, the dwelling at No 16 is sufficient distance from the appeal proposal to avoid any harmful overlooking, and the combination of the angle of the roof slope and obliqueness of views towards ground floor rooms in No 14 would sufficiently mitigate any harmful effects on the privacy of occupants.

5. The first floor of No 14, however, incorporates a small attic bedroom, the window of which would directly face towards the appeal dwelling. Due to the similar levels and minimal distances between the window and roof lights, and notwithstanding the moderately oblique views, the level of privacy available to occupants of No 14 would be substantially and unacceptably reduced by the appeal proposal. Whilst obscure glazed and fixed opening roof lights would mitigate this harm, the roof lights provide an important source of light and ventilation to the bedroom. Other harm to the living conditions of future occupants would therefore be caused and, consequently, this would be an unacceptable solution.
6. Other than the roof lights, the rear bedroom would be served by a narrow window in the north elevation which would extend to floor level. Whilst views towards 14 Heronston Lane would be possible from this window, harmful overlooking would not occur due to the limited width of the window, the oblique angle of the views and the screening provided by trees in the garden of No 14. However, direct views would be possible from this window into a substantial area of the garden of the host property which, given the proximity, would unacceptably reduce the level of privacy within the garden for existing or future occupants. Views towards the host property would also be possible from a first floor dormer window in the west elevation of the proposed bungalow, but these would be substantially oblique and thus no harm would arise.
7. For the above reasons I conclude that overlooking from the proposed dwelling towards the first floor window of 14 Heronston Lane and the garden of the host property would materially harm the privacy of neighbouring occupants, contrary to the objectives of Policy SP2 of the Bridgend Local Development Plan (LDP), which relate to residential standards of amenity. For the same reasons the proposal would conflict with the guidance set out in the Council's Supplementary Planning Guidance 02 – Householder Development (SPG).

#### *Noise and disturbance*

8. Vehicular access to the proposed dormer bungalow would be obtained by a driveway situated to the side of the host dwelling. The Council contends that the increased movement of vehicles resulting from the new dwelling would unacceptably impact on the living conditions of occupants of No 19. Whilst I accept that the driveway would be situated in close proximity to doors and windows within the host dwelling, I noted on my site visit that the busy A48 road lies directly behind the appeal site and, as a consequence, the level of ambient noise within the garden and to the rear of No 19 is relatively high. Given this context, any additional noise and disturbance associated with the proposed use would be relatively imperceptible, and certainly secondary to the road noise. Consequently I conclude that the level of noise and disturbance would not be harmful and, in this regard, the proposal would not conflict the objectives of LDP Policy SP2 to avoid adverse effects on amenity.

#### *Highway safety*

9. Parking for the appeal dwelling would be situated to the rear of the site, but the proposed access would result in the removal of the existing garage and part of the



current driveway for the host property. The amount of off-street parking for No 19 would therefore reduce from 4 spaces, including the existing garage, to 2 spaces. The Council considers that in order to meet parking guidelines 3 off-street spaces would be required for No 19. However, given the relatively modest size of the host property, I consider that 2 parking spaces would sufficiently cater for the needs of occupants and avoid habitual on-street parking.

10. The proposed parking area for the 2 vehicles would, however, be significantly limited in size. Furthermore, access to the easternmost space would be severely restricted by a boundary wall, such that it would be exceptionally difficult to manoeuvre a vehicle into and out of the space, particularly were a second vehicle parked in a position not blocking the proposed accessway. I consider that the parking area would therefore be insufficient in size for 2 vehicles and would result in routine on-street parking.
11. The Council advises that the adjacent turning head suffers from indiscriminate parking at times, although during the time of my site visit on a weekday afternoon there were few vehicles parked on the street. However, despite this and the low traffic speeds in the cul-de-sac, due to the limited width of the carriageway and constrained dimensions of the turning head, any additional on-street parking generated by the proposal would cause a potentially unsafe obstruction in an area of the street subject to routine vehicle manoeuvres. Consequently I conclude that the proposal would materially harm the safety of highway users, including pedestrians, contrary to the objectives of LDP Policy PLA11 to provide an appropriate level of parking.

### **Other Matters**

12. The appellant has stated that the dwelling would be occupied by his mother, who requires care but wishes to be independently housed. I do not dispute the genuine motivations of the appellant, but I must determine the appeal proposal based on the use for which permission is sought, namely as a principal residential dwelling, and based on the merits of the case. For the reasons given I have concluded that the proposal would unacceptably reduce the level of privacy available to neighbouring occupants and would harm the safety of highway users. Whilst I have had due regard to the benefits that the proposal would afford to the appellant and his mother, this does not outweigh the harm that I have identified.
13. I have had regard to other matters raised, including the effect of the proposal on the character and appearance of the area, the potential impact on views from nearby properties and on the wall of the neighbouring property, potential precedential effects, difficulties of access for construction traffic, and problems with sewerage in the locality. However, as I am dismissing the appeal on the main issues for the reasons given above, I have not pursued these matters further.

### **Conclusion**

14. Whilst I have found that the proposal would not result in unacceptable noise and disturbance or harm the privacy of residents of 16 Heronston Lane, this would not outweigh the harm caused to the privacy of other neighbouring occupants or to the safety of highway users. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*Paul Selby*

INSPECTOR



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**Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 05/10/16

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

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 24.10.2016**

**Appeal Decision**

Site visit made on 05/10/16

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

**an Inspector appointed by the Welsh Ministers**

**Date: 24.10.2016**

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**Appeal Ref: APP/F6915/A/16/3155051**

**Site address: 63 Ewenny Road, Bridgend CF31 3HY**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr James Murrant against the decision of Bridgend County Borough Council.
  - The application Ref P/15/839/FUL, dated 15 December 2015, was refused by notice dated 3 May 2016.
  - The development proposed is Remove existing detached garage and replace with a two storey granny annex.
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**Decision**

1. The appeal is dismissed.

**Main Issue**

2. The main issue is the effect of the proposal on highway safety.

**Reasons**

3. The appeal site faces Ewenny Road but has a secondary access onto Heronston Lane which serves a garage to the rear, and which is proposed to be replaced with a 3 bedroom, 2 storey detached residential annex. The accessway serving the existing garage is bounded by low brick walls to either side, and lies adjacent to another driveway and garage in the leasehold of the neighbouring property at 11 Priory Road. Immediately north of the access, Heronston Lane is limited to northbound traffic only, and narrows to around 4 metres in width. Fairfield Road has its junction with Heronston Lane immediately south of the access.
  4. Due to the one-way restriction, vehicles pass the access only in a northerly direction. The driveway is angled towards oncoming traffic, but despite this, visibility towards the south is restricted by a low wall, close boarded fence and foliage marking the boundary of 11 Priory Road. I saw on my site visit that, measured 2.4 metres back from the carriageway in the centre of the access point, visibility to the south is significantly limited. Whilst there is some dispute between the parties as to the values which should be used to calculate 'stopping sight distances', there is no doubt that the
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resulting visibility falls substantially below the distance of 40 metres recommended for a street with a speed limit of 30mph in Technical Advice Note 18 – Transport (TAN 18) and the Manual for Streets (MfS).

5. The Council has submitted evidence indicating that, on average, traffic on Heronston Lane travels close to the speed limit. I saw on my site visit that the lane, being relatively straight in the vicinity of the appeal site, facilitates traffic speeds close to the lawful limit. As a consequence, despite there being sufficient space within the site for vehicles to manoeuvre and exit in forward gear, I consider that the visibility splay at the junction of the access point with Heronston Lane falls substantially short of the guidelines set out in TAN 18 and the MfS.
6. These guidelines should, however, be applied with discretion based on the specific circumstances of the case. Clear sightlines towards the access are available from both Heronston Lane and Fairfield Road, and consequently drivers approaching from a distance would have some advance warning of a vehicle 'nosing out' from the driveway. But despite this, due to the boundary treatments the access itself is not readily apparent to oncoming traffic, and thus approaching drivers would have little signal of a potential hazard and would be unlikely to have reduced their speed by the time they were parallel with the driveway. Furthermore, vehicles emerging from Fairfield Road may further divert the attention of oncoming drivers away from the appeal site. Irrespective of the accessway having existed in a similar form for many years with no record of accidents, I consider that the junction is substandard and that there is a significant potential for vehicle conflict.
7. The appeal proposal is described as a granny flat, but as it would be a relatively sizeable detached property, it is not unreasonable to assume that it would generate a level of traffic similar to that of a conventional 3 bedroom dwelling. I saw on my site visit that off-street parking for two vehicles is available to the front of the main dwelling on the appeal site. Although situated on the well-trafficked Eweny Road, safe access to the front parking spaces is facilitated by traffic calming and relatively clear sightlines. Furthermore, the parking spaces are more conveniently located for the main dwelling than the rear driveway and garage, and consequently I consider that the rear access is likely to be little used by vehicles at present. The appeal proposal would thus result in a substantial increase in the use of the substandard rear access, with a consequent material increase in the potential for vehicle conflict. For the reasons given, I therefore conclude that the proposal would unacceptably harm the safety of highway users, contrary to the objectives of policies SP2 and PLA11 of the Bridgend Local Development Plan, TAN 18 and the MfS.

### **Other Matter**

8. I have had regard to two appeal decisions relating to former proposals on the same site (Refs: APP/F6915/A/03/1129028 and APP/F6915/A/13/2193717). Whilst the details of the previous proposals are not before me, from what I could discern little has changed in terms of the access arrangements. Nevertheless, whilst I have come to a similar conclusion to the previous Inspectors, I have determined the appeal based on the merits of the specific case before me.

### **Conclusion**

9. For the reasons given above I conclude that the appeal should be dismissed.

*Paul Selby*

INSPECTOR



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**Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 05/10/16

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

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 24.10.2016**

**Appeal Decision**

Site visit made on 05/10/16

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

**an Inspector appointed by the Welsh Ministers**

**Date: 24.10.2016**

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**Appeal Ref: APP/F6915/A/16/3154814**

**Site address: 33 Market Street, Bridgend CF31 1LJ**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr Z Rasul against the decision of Bridgend County Borough Council.
  - The application Ref P/16/60/RLX, dated 21 January 2016, was refused by notice dated 14 March 2016.
  - The application sought planning permission for *Change of use from A1 to A3 use for sale of food and drink for consumption on/off premises* without complying with a condition attached to planning permission Ref 98/555/FUL, dated 4 August 1998.
  - The condition in dispute is No 2 which states that: *The use hereby permitted shall not be open to the public between the hours of:- 24.00 Sundays - 07.00 Mondays; 24.00 Mondays- 07.00 Tuesdays; 24.00 Tuesdays – 07.00 Wednesdays; 24.00 Wednesdays – 07.00 Thursdays; 02.30 Fridays – 07.00 Fridays; 02.30 Saturdays – 07.00 Saturdays; 02.30 Sundays - 07.00 Sundays.*
  - The reason given for the condition is: *In the interests of residential amenities.*
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**Decision**

1. The appeal is dismissed.

**Procedural Matters**

2. The copy of the original planning permission on my file is incomplete. There is no record of the development for which permission was granted. I take the description of development from the Council officers' report which sets out the planning history of the site, where the development subject of permission 98/555/FUL is described above. The wording of the existing condition I have taken from the appellant's statement. I deal with the appeal on the basis that it is for a continuation of the present use of the premises but without complying with the restrictions on opening hours set out in Condition No 2 of permission 98/555/FUL.
  3. It is alleged that the appeal premises is trading outside of the opening hours currently allowed under the extant planning permission, and on my site visit I saw a sign advertising later opening hours. However, that is a matter for the Council under its enforcement powers and I have not had regard to it.
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## Main Issues

4. The main issues are the effect of varying the planning condition on: a) the living conditions of nearby residents, with particular regard to noise and disturbance; and b) public regeneration objectives relating to the town centre.

## Reasons

5. The appeal property is located within the Primary Shopping Area of Bridgend Town Centre as designated in the Bridgend Local Development Plan (LDP). A number of other late night uses are located nearby, some of which trade beyond 02.30. A taxi rank is located outside the appeal site, opposite which are three storey buildings fronting onto Market Street. The ground floors of these properties mainly provide secondary access or servicing to retail units fronting Wyndham Street, with upper floors providing residential accommodation.
6. It is proposed to extend the opening hours of the premises by half an hour during the week and between 1 and 2 hours during weekends. Consequently the length of time during which noise could be generated from within the bar and from patrons entering and leaving the premises would be extended into the early morning hours throughout the week and at weekends. During my site visit on a weekday morning the street was relatively quiet, albeit with a level of ambient noise typical of a town centre, but given the wide frontage presented by the appeal premises and relatively enclosed nature of Market Street, the level of external noise and disturbance associated with the bar whilst in operation would have the potential to be significant.
7. The flats opposite face the appeal site at close range. Market Street represents the rear elevation of these buildings, and consequently the units would not benefit from a 'quieter' aspect, given that their front elevations face onto Wyndham Street, a pedestrianised thoroughfare which also hosts night-time uses. Although town centre residents may expect a level of ambient noise, the size and proximity of the appeal premises is such that external noise and disturbance associated with its use would be readily audible within the residential units opposite. Whilst varying the condition would not materially increase the level of noise and disturbance, extending the opening hours of the bar into the early morning hours would materially extend the time during which noise and disturbance from customers entering, leaving the premises or congregating outside would arise. Irrespective of the current levels of occupancy, the proposed extended opening hours would materially harm the living conditions of any existing or future occupants, especially in summer months when windows may be open.
8. Details of the premises licence have been submitted to which I have had regard. The premises licence appears comprehensive, and, whilst the Licensing Act is separate to the planning regime, I am mindful of the advice in Welsh Government Circular 06/2014 'The Use of Planning Conditions for Development Management' (the Circular), which says that conditions should not duplicate other controls unless there are good reasons for doing so. But the Circular also states that conditions may be justified where the alternative control cannot be relied upon to secure planning objectives.
9. The appellant has cited a High Court Judgment<sup>1</sup> which concludes that the regulation of hours of operation for the purposes of controlling public nuisance primarily falls within the ambit of the licensing authority. However, the judgment also recognises that a

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<sup>1</sup> Blackwood v Birmingham Magistrates [2006] EWHC 1800

planning authority may, where appropriate, impose conditions to control the operation of licensable uses. In this case, for the reasons given I consider that the proposal would materially harm the living conditions of those living nearby, due to the extended opening hours. This harm would not be altered or acceptably mitigated by the conditions of the premises licence, and consequently I afford it limited weight. Similarly, a temporary permission, as suggested by the appellant, would not alter the fact that the flats could be occupied during the temporary period, and thus would not acceptably mitigate the identified harm.

10. I note that the Council's Environmental Health Officer has not raised any objections regarding the proposal. The Police have raised concerns relating to antisocial behaviour within the Market Street area, and has cited recorded incidents caused by customers of the appeal premises. However, I consider that such matters, which clearly relate to the control of public nuisance, would normally fall within the ambit of the Licensing Authority. Consequently I have afforded them limited weight.
11. I accept that there are other night-time uses nearby which are open well into the early morning, and that the appeal site is located within a town centre where national and local policy promotes the establishment of economic uses. It is clear that the appellant has invested in the property, which appears well presented at its frontage with Market Street. I acknowledge the benefits of the proposal in contributing to the night-time economy and providing additional employment, and do not dispute the appellant's genuine intentions to retain a viable and successful business. Nevertheless, the potential economic and financial benefits of the proposal do not outweigh the identified harm to the living conditions of nearby residents that would be caused by extending the opening hours of the premises into the early morning hours.
12. For the reasons given I conclude that it is necessary to continue to impose the restrictions on opening hours as set out in Condition No 2 of planning permission ref: 98/555/FUL. To allow the extension of these hours would, on the evidence before me, result in harm to the living conditions of adjacent residents and would be contrary to the objectives of Policy SP2 of the LDP to avoid adverse effects on the amenity of neighbouring occupiers.
13. The Council contends that the proposal would have a detrimental impact on the future regeneration of the town centre. I accept that the extended opening hours would harm the amenity of the residential units opposite, and therefore their attractiveness as a place to live. However, the impacts of the proposal would be relatively limited in a spatial sense, and consequently would not, in itself, materially harm the attractiveness of the town centre. In addition, the proposed extended opening hours would have little effect on the strategic site allocation in the LDP of which the appeal site forms part. Given the town centre location, were a mix of uses to be accommodated as part of any future redevelopment, as is envisaged by the Council, new residential units would be likely to be designed to attenuate exterior noise arising from other nearby night-time uses, whether from the appeal site or elsewhere. I therefore conclude that the extended opening hours would not conflict with policies SP1 and PLA2 of the LDP or with national policy, and there would be no prejudice to the delivery of the Bridgend Town Centre Masterplan Framework SPG or the Welsh Government's regeneration framework, 'Vibrant and Viable Places'.

### **Other Matters**

14. I have had regard to a previous appeal decision from 2009 relating to premises at 26 Wyndham Street (Ref: APP/F6915/A/09/2111958). Whilst I have come to a similar

conclusion to the previous Inspector, the circumstances of the site are nonetheless different and I have determined the appeal based on the merits of the case before me.

15. I note that the Council has referred to its 'Hot Food Takeaway Establishments' Supplementary Planning Guidance, but this applies to uses different to the appeal premises. Consequently I have afforded it little weight.

**Conclusion**

16. Whilst I consider that the proposal would not unacceptably affect the regeneration of the town centre, I have found that it would materially harm the living conditions of existing or future occupants of the residential units opposite. Consequently, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Paul Selby*

INSPECTOR



## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 12/10/16

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

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 11.11.2016**

## Appeal Decision

Site visit made on 12/10/16

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

**an Inspector appointed by the Welsh Ministers**

**Date: 11.11.2016**

**Appeal Ref: APP/F6915/D/16/3158465**

**Site address: 9 Marlpit Lane, Porthcawl CF36 5EG**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Kristian Tracy against the decision of Bridgend County Borough Council.
- The application Ref P/16/448/FUL, dated 1 June 2016, was refused by notice dated 1 August 2016.
- The development proposed is described as '*Proposed loft conversion (works to include erection of front and side dormer extensions)*'.

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. As I understand it, the Council has confirmed that the side dormer extension falls within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, and that this element of the scheme could be constructed without obtaining planning permission. It is therefore the front dormer with which the Council takes issue.

## Main Issue

3. This is the effect of the proposed front dormer extension on the character and appearance of the surrounding area.

## Reasons

4. The appeal dwelling is one of a pair of semi-detached properties situated within the built form along one side of Marlpit Lane. I observed that the dwellings in the vicinity comprise a mix of design, form and external appearance and include two storey and single storey dwellings with and without dormers.
5. Nevertheless, the dwellings to which the appeal property most closely relates are pairs of two storey, hipped roof dwellings of simple form and design with front gable



features and bay windows. Whilst some have been altered and /or extended, they retain a degree of uniformity and a fairly traditional appearance.

6. I do not dispute that the proposed front dormer extension would be centred over the bay window in the same position as the existing pitched gable feature and would be set below the ridgeline of the main roof of the dwelling. However, when compared with the existing gable feature, the proposed front dormer extension would be significantly taller and would extend from the first floor bay window, through the entire depth of the front roof plane to the ridge of the main roof. The effect of this is that it would appear much less subordinate on the principal front elevation than the modest gable feature it would replace. The glazed apex, together with the balustrade and glass panels enclosing a recessed balcony, would do little to minimise this impact. The design would also include dormer cheeks either side of the recessed glazed section which would add to its bulky appearance.
7. Consequently, the front dormer extension would be a dominant feature that would be out of proportion with the modestly sized and otherwise simple roof form. Whilst I accept the appellant's contention that the opposite side of Marlpit Lane is undeveloped with open countryside beyond, the extension would nonetheless be visually prominent when viewed from the highway along Marlpit Lane. The extension would thus be viewed as an oversized and clumsy addition to the roof, which would also unbalance the symmetry of the otherwise unaltered front roof planes of the pair of semi-detached properties.
8. In the context that I have described, I find that it would be an unsympathetic form of development which would have an adverse effect on the host dwelling, the pair of semi-detached properties and the character and appearance of the surrounding area. It would therefore conflict with Policy SP2 of the adopted Bridgend Local Development Plan 2013 which *inter alia* requires new development to be of an appropriate scale, size and prominence and to respect local character. It would also be at odds with Supplementary Planning Guidance Note 2: '*Householder Development*' which requires dormer extensions to be sympathetic to the existing house and Technical Advice Note 12: '*Design*' which states that design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character of an area, should not be accepted.

### Other Matters

9. My attention has been drawn to other front and side dormers in the surrounding area. I do not know the full circumstances of the cases cited. However, some relate to detached dwellings of a different design and appearance to that which is before me. Others serve to reinforce the concern I have regarding the effect of such development on the host dwellings and do not justify what is otherwise an unacceptable form of development. In any event, each proposal must be considered on its own merits.
10. I acknowledge that neither neighbouring residents nor the town council objected to the proposal and that the development is considered to be acceptable in highway safety terms. Be that as it may, these matters do not outweigh the harm to the character and appearance of the area.
11. The appellant has referred to discussions with the Council regarding the re-siting of the front dormer to the rear roof plane. However, such a change does not form part of the appeal before me. It is for the Council in the first instance to advise on the acceptability of an alternative proposal.

**Conclusion**

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

*Melissa Hall*

Inspector

## REPORT OF THE CORPORATE DIRECTOR – COMMUNITIES

### BCBC RESPONSE TO WG CONSULTATION ON HOW APPEALS AND REFERENCES TO THE WELSH MINISTERS ARE DEALT WITH, PROVIDING UPDATED GUIDANCE ON AWARDS OF COSTS AND CHANGES TO STANDARD DAILY AMOUNTS CHARGED BY THE PLANNING INSPECTORATE FOR CERTAIN PROCEEDINGS

#### 1. Purpose of Report

1.1 To advise Development Control Committee Members of the Council's formal response to the Welsh Government's (WG) consultation relating to Appeals, costs and standard daily amounts (Appendix 1).

1.2 The WG consultation paper makes specific proposals in relation to the following:

##### Appeal and call-in procedures

1.3 The proposed introduction of measures which reduce the time taken to determine an appeal or call-in, including the requirement for a full statement of case to be submitted from the outset, to require the submission of responses by local planning authorities (LPAs) and third parties at an earlier stage, to alter how an examination is undertaken and will prescribe how an appellant may make changes to an appeal. It is also proposed to make changes to how Statements of Common Ground are handled and to the time limit for appeals relating to certificates of lawfulness.

##### Costs

1.4 Allied with the proposed changes relating to examination, the WG will be extending the costs regime to appeals, call-ins and applications made directly to the Welsh Ministers which are determined by way of written representations. They also propose to publish updated guidance, which will assist Planning Inspectors to initiate awards of costs, in addition to the established ability for applicants or appellants to make costs applications. They also propose to enable the recovery of costs incurred by the Welsh Ministers, where wasted and unnecessary cost to the public purse is incurred.

##### Standard daily amounts for certain proceedings

1.5 Currently, LPAs are charged a standard daily amount by PINS (on behalf of the Welsh Ministers) for certain proceedings including the examination of local development plans and inquiries relating to Compulsory Purchase Order (CPO). This daily amount incorporates Planning Inspector time as well as general staff costs, which include overheads, administrative time and time spent by planning officers. These rates were set in 2012. This consultation paper proposes an update to the standard daily amounts to align them with current costs. It is also proposed that PINS charges general staff costs separately from Planning Inspector time to more accurately reflect the variable time taken by officers when dealing with examinations and inquiries.

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

2.1 The planning system in Wales plays an important role in helping to support economic prosperity, promote sustainable development and address the challenges posed by climate change, whilst safeguarding our access to a quality environment. These objectives are reinforced by the Planning (Wales) Act 2015 ("the 2015 Act") which aims to ensure that the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales, in accordance with the Well-being of Future Generations (Wales) Act 2015. Appeals and development plan examinations form an important part of the planning system.

- 2.2 The current arrangements allow public involvement and a high standard of decision-making based on the principles of openness, fairness and impartiality. This role in making certain planning decisions is vital to ensure that the Welsh Government's objectives, to deliver appropriate development where it is needed and to foster attractive, sustainable communities, are met.
- 2.3 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 In December 2013, the Welsh Government published the 'Positive Planning' consultation paper, which contained a series of proposals for reforms to the planning system in Wales. The paper proposed changes to the appeals system, supplemented by proposals contained in the later 'Planning and Related Decisions of the Welsh Ministers' consultation.
- 3.2 In order to complete the proposals contained in 'Positive Planning' insofar as they relate to appeals and call-ins, changes were required to primary legislation. These changes were introduced in the 2015 Planning (Wales) Act. The Act contains a number of enabling powers relating to planning and enforcement appeals.
- 3.3 The existing system for appeals and called in applications is generally supported. However, there is pressure from professionals and developers seeking swifter decisions to improve the system to provide necessary sustainable development and stimulate economic growth. Communities and the public seek a system that provides greater participation, fairness and transparency.
- 3.4 The WG consultation documents can be accessed by Members using this hyperlink:  
[https://consultations.gov.wales/sites/default/files/consultation\\_doc\\_files/160810-appeals-costs-and-standard-daily-amounts-appeals-cosultation-document-en.pdf](https://consultations.gov.wales/sites/default/files/consultation_doc_files/160810-appeals-costs-and-standard-daily-amounts-appeals-cosultation-document-en.pdf)

### **4. Next Steps**

- 4.1 The LPA's formal response to the Welsh Government's (WG) consultation on proposed changes to how Environmental Impact Assessment applies to Town and Country Planning was submitted to the WG before the deadline of 4<sup>th</sup> November 2016 (3<sup>rd</sup> November, 2016) under delegated powers.
- 4.2 The WG intends to publish a summary of the responses to this document.

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

- 5.1 The proposals contained in the consultation paper are intended to:
- Ensure a more proportionate, cost effective and streamlined process which meets the needs of all parties;
  - Increase the speed of decisions, thereby promoting growth and providing greater certainty for developers and communities;
  - Increase transparency through better communication and exchange of information among all parties to promote public participation and public confidence in the appeal process; and,
  - Increase fairness for all involved through ensuring good behaviour among all parties.
- 5.2 The consultation paper complements and sets out the detail required to support provisions contained in the 2015 Act. It also proposes necessary changes to how certain costs incurred by the Welsh Ministers are recovered.

**6. Equality Impact Assessment.**

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

**7. Financial Implications**

- 7.1 None.

**8. Recommendation**

- (1) That Members note the content of this report and the LPA's response to the WG consultation (Appendix 1).

**Mark Shephard**  
**Corporate Director Communities**

**Contact Officer**

Mr. Rhodri Davies

Development and Building Control Manager

Telephone Number: 01656 643152 e-mail: [rhodri.davies@bridgend.gov.uk](mailto:rhodri.davies@bridgend.gov.uk)

**Background documents**

**Appendix 1:** BCBCs Consultation Response to the WG

## **APPENDIX 1**

### **Appeals, cost and standard daily amounts**

Consultation Reference: WG28856

## **Consultation Response Form**

### **Appeals, costs and standard daily amounts**

We want your views on our proposals for improvements to how appeals and references to the Welsh Ministers are dealt with, providing updated guidance on awards of costs and changes to standard daily amounts charged by the Planning Inspectorate for certain proceedings.

***Please submit your comments by 4 November 2016.***

If you have any queries on this consultation, please email:

[planconsultations-g@wales.gsi.gov.uk](mailto:planconsultations-g@wales.gsi.gov.uk) or telephone Lewis Thomas (029 2082 3201) or Owain Williams (029 2082 1715).

#### **Data Protection**

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

## Appeals, cost and standard daily amounts

Consultation Reference: WG28856

Appeals, costs and standard daily amounts		
Date of consultation period: 10 August 2016 – 4 November 2016		
Name	Rhodri Davies	
Organisation	Bridgend Conty Borough Council	
Address	Civic Offices Angel Street Bridgend CF31 4WB	
E-mail address	rhodri.davies@bridgend.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

## 2.0 Appeal and call-in procedures

<b>Q1</b>	<b>Do you agree with our procedural proposals regarding full statements of case to be submitted with an appeal in most circumstances? If not, why not?</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The procedural proposal will speed up the overall process and will avoid any new grounds being added to the case at a later stage, sometimes at a point where it is difficult or too late to rebut the additional grounds of appeal.</p>				

<b>Q2</b>	<b>Do you agree with the definition of 'full statement of case' in paragraph 2.10? If not, why not?</b>	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

<b>Q3</b>	<b>Do you agree with our proposals to enable the Welsh Ministers (or PINS) to determine the procedure for and make decisions on appeals against hazardous substances contravention notices and appeals against notices requiring the proper maintenance of land? If not, why not?</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>This proposal will ensure consistency and understanding across all appeals and for all parties.</p>				



<b>Q4</b>	<b>Do you agree with our proposals relating to changes to initial procedure and submission of core documents by parties? If not, why not?</b>	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

<b>Q5</b>	<b>Do you agree with our proposals regarding Statements of Common Ground? If not, why not?</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: It has not been evidenced that SoCG are of any benefit to either party or the Inspector. This approach is contrary to the general aspiration to streamline/simplify the process and is an added burden on LPAs where the main points of disagreement can be understood from the reasons for refusal and the grounds of appeal.				

<b>Q6</b>	<b>Do you agree with our proposals for the mixed-mode examination of appeals and call-ins? If not, why not?</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: However, PINS should produce example scenarios where the mixed mode examination of appeals and call-ins could be adopted.				

<b>Q7</b>	<b>Do you agree that further representations requested by the Inspector as part of the examination of an appeal or call-in should be subject to a word-limit of 3,000 words per topic? If not, why not?</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The word limit should be a suggested/recommended limit or guideline as, depending on the nature of the topic or request, it might not be feasible to produce a comprehensive/specialist response within that prescribed limit.</p>				

<b>Q8</b>	<b>Do you agree with the circumstances in which an application may be varied in the case of an appeal? If not, why not?</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>If the specific circumstances, as listed in paragraph 2.74 of the consultation paper, occur after the determination of an application, it is considered that the applicant/appellant should re-apply for planning permission under the "free go" provisions.</p>				

<b>Q9</b>	<b>Do you agree with the circumstances in which an application may be varied in the case of an appeal? If not, why not?</b>	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Appeals, cost and standard daily amounts

Consultation Reference: WG28856

Comments:

**N.B. This question should refer to the circumstances in which "new information may be introduced during an appeal or call-in" as per the consultation document - as it stands, it repeats question 8.**

<b>Q10</b>	<b>Do you agree with our proposals to introduce a 6 month time limit for certificate of lawfulness appeals against a decision by a LPA? If not, why not?</b>	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

### 3.0 Costs

<b>Q11</b>	<b>Do you agree that Welsh Ministers should be able to recover their own costs? If not, why not?</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The principle of costs recovery is generally accepted. However, which body will be responsible for determining the application for an award of costs and will there be a mechanism to challenge any award of costs?				

## Appeals, cost and standard daily amounts

Consultation Reference: WG28856

<b>Q12</b>	<b>Do you agree with the grounds for unreasonable behaviour specified within the draft updated guidance (at Annex C)? If not, please specify alternative or additional grounds.</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: There should be provision in the guidance to penalise the abuse of procedure selection by the appellant. Currently, appellants claim that they are considering applying for costs in order to secure a Hearing rather than the Written Representations procedure.				

<b>Q13</b>	<b>Do you agree with the process for the awards of costs set out in Appendix A of the draft updated guidance (at Annex C)? If not, why not?</b>	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

<b>Q14</b>	<b>Should any additional information be included within the draft updated guidance (at Annex C)?</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

#### 4.0 Standard Daily Amounts of Certain Proceedings

<b>Q15</b>	<b>Do you agree with the amended method for charging daily amounts for local inquiries and qualifying procedures? If not, why not?</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

**BCBC cannot support any extra costs to the taxpayer for carrying out statutory processes. Therefore, the daily amounts should not result in an unreasonable increase in the cost of undertaking a review of an LDP, for example.**

**LPAs already pay for the Programme Officer and it is considered unreasonable and inequitable for Welsh Ministers and Inspectors to unilaterally set the terms and length of the process and then offload the costs elsewhere.**

**All parties in the process need to be incentivised to make it more streamlined and efficient, both in terms of speed and costs, and the Standard Daily Amounts approach for all staff working on a particular inquiry or other qualifying procedure runs counter to this.**

**Finally, the work expected of a Planning Officer, for example, in helping the Inspector with an Inquiry or other qualifying procedure should be factored in as part of his or her job description and general duties rather than being seen as a top up payment to the Welsh Government based on the time spent on a particular Inquiry or Examination.**

<b>Q16</b>	<b>Do you agree with the proposed standard daily amounts at Annex D? If not, why not?</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

**It is a good idea to clearly set out the standard daily amounts, provided that the figures do not result in an unreasonable increase in costs to be borne by the taxpayer and still promote efficiency across the service (refer to Q.15 above).**

## Appeals, cost and standard daily amounts

Consultation Reference: WG28856

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I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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### How to Respond

**Please submit your comments in any of the following ways:**

<b>Email</b>
<p>Please complete the consultation form and send it to :</p> <p><a href="mailto:planconsultations-g@wales.gsi.gov.uk">planconsultations-g@wales.gsi.gov.uk</a></p> <p>[Please include '<b>Appeals, costs and standard daily amounts</b>' in the subject line]</p>
<b>Post</b>
<p>Please complete the consultation form and send it to:</p> <p><b>Appeals, costs and standard daily amounts consultation Decisions Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3NQ</b></p>
<b>Additional information</b>
<p>If you have any queries on this consultation, please</p> <p>Email: <a href="mailto:planconsultations-g@wales.gsi.gov.uk">planconsultations-g@wales.gsi.gov.uk</a></p> <p>Telephone: Lewis Thomas (029 2082 3201) or Owain Williams (029 2082 1715)</p>

## REPORT OF THE CORPORATE DIRECTOR – COMMUNITIES

### BCBC LPA RESPONSE TO WG CONSULTATION ON PROPOSED CHANGES TO HOW ENVIRONMENTAL IMPACT ASSESSMENT APPLIES TO TOWN AND COUNTRY PLANNING

#### 1. Purpose of Report

- 1.1 To advise Development Control Committee Members of the Council's draft response to the Welsh Government's (WG) consultation on proposed changes to how Environmental Impact Assessment applies to Town and Country Planning (Appendix 1).
- 1.2 The WG consultation paper sets out the Welsh Government's proposals for transposing the provisions of the 2014 EIA Directive and making other changes to national legislation. The consultation sets out their proposals on the following areas:
  - Third party screening requests;
  - Screening and scoping timeframes;
  - Co-ordination;
  - Consultation and participation in the decision making process;
  - Monitoring of significant effects;
  - Penalties and enforcement;
  - Competent experts;
  - Purchase notices under Section 141 of the Town and Country Planning Act 1990.

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

- 2.1 The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 ("the EIA Regulations") transpose Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment ("the EIA Directive") in relation to development under the Town and Country Planning Act 1990.
- 2.2 Environmental Impact Assessment (EIA) is a process by which information is collected and consulted upon, in a systematic way, to inform an assessment of the likely significant environmental effects arising from a proposed development.
- 2.3 EIA ensures that LPAs responsible for making planning decisions consider the likely significant environmental effects of development and that the public have the opportunity to comment on them before an authority makes its decision. In particular the EIA Directive aims to prevent, reduce or offset the significant adverse environmental effects of development proposals and enhance positive ones
- 2.4 The delivery of the County Borough's statutory planning function has links to the Council's corporate priorities in particular number 1 – supporting a successful economy.

#### 3. Background

- 3.1 The WG are proposing measures for the transposition of the provisions of the 2014 EIA Directive and they also propose other changes to national legislation.
- 3.2 The outcome of the referendum held on 23 June 2016 was that the UK should leave the European Union. The UK continues to participate in EU activities, the EU institutions and abides by EU law. Therefore until the completion of the negotiations to leave the EU, the Welsh Ministers are obliged to make legislation to transpose the requirements of the Directive.

- 3.3 The WG consultation documents can be accessed by Members using this hyperlink:

<https://consultations.gov.wales/consultations/changes-how-environmental-impact-assessment-applies-town-and-country-planning>

#### **4. Next Steps**

- 4.1 The LPA's formal response to the Welsh Government's (WG) consultation on proposed changes to how Environmental Impact Assessment applies to Town and Country Planning was submitted to the WG before the deadline of 11<sup>th</sup> November, 2016 (3<sup>rd</sup> November, 2016) under delegated powers.
- 4.2 The WG intends to publish a summary of the responses to this document.

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

- 5.1 The intention of the 2014 EIA Directive is to:
- Clarify and strengthen the screening process, in particular by specifying the content of the screening decision;
  - Strengthen the quality of the Environmental Statement (ES) related elements of the EIA Directive by:
    - Requiring it to be based on the scoping decision where there is one;
    - Expanding the required content;
    - Requiring it to include information on new environmental challenges (such as climate change);
    - Enhance policy coherence and synergies with other EU/international law and simplify procedures by:
    - Co-ordinating certain environmental assessments;
    - Specifying timeframes for the various stages of the EIA process.

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

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

#### **7. Financial Implications**

- 7.1 None.

#### **8. Recommendation**

- (1) That Members note the content of this report and the LPA's response to the WG consultation (Appendix 1).

**Mark Shephard**  
**Corporate Director Communities**

**Contact Officer**  
Mr. Rhodri Davies  
Development and Building Control Manager  
Telephone Number: 01656 643152 e-mail: [rhodri.davies@bridgend.gov.uk](mailto:rhodri.davies@bridgend.gov.uk)

#### **Background documents**

**Appendix 1: BCBCs Consultation Response to the WG**



Consultation reference: WG29324

**Consultation Response Form****Proposed changes to how Environmental Impact Assessment applies to Town and Country Planning**

We would like your views on our proposals to make changes to the Environmental Impact Assessment.

***Please submit your comments by 11/11/2016.***

If you have any queries on this consultation, please email:

[planconsultations-e@wales.gsi.gov.uk](mailto:planconsultations-e@wales.gsi.gov.uk) or telephone Owen Struthers on 029 2082 6430.

**Data Protection**

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response or tick the box at the end of this form. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Consultation reference: WG29324

Proposed changes to the Environmental Impact Assessment		
<b>Name</b>	Rhodri Davies	
<b>Organisation</b>	Bridgend County Borough Council	
<b>Address</b>	Civic Offices Angel Street Bridgend CF31 4WB	
<b>E-mail address</b>	rhodri.davies@bridgend.gov.uk	
<b>Type</b> (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1	Do you agree with our proposals for third party screening? If not, what proposals would you recommend to ensure third party screening requests are made early in the application process.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Comments:**

The proposal to limit the time period for third parties to request a screening direction from the Welsh Ministers after the LPAs screening opinion is supported in order to remove the scope to deliberately delay the determination of applications.

However, it is not clear when exactly the scenario would occur where a screening direction may be sought by a third party when no screening opinion has been sought, or issued, by the LPA as all applications will be positively or negatively screened at the application stage under the new regulations. If it is the case that this caveat is to cover any missed screening opinions then it makes sense. Alternatively, if it will effectively allow Third Parties to request a screening direction at the pre-application consultation stage then there is a risk that requests for screening directions will become more prevalent.

Consultation reference: WG29324

<b>Q2</b>	Do you think the time period associated with scoping should be revised? If yes, what timeframe do you consider appropriate and why?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Comments:</b></p> <p>It is considered that it is not feasible to produce a fully comprehensive scoping opinion within 5 weeks due to the lack of resources within LPAs and the need to seek advice from internal and external statutory consultees.</p> <p>Whilst LPAs can feasibly request an extension of time it is recommended that the timeframe should be extended to 8 weeks akin to the universally accepted and understood timeframe for processing applications. This should give LPAs a better chance of providing a comprehensive but proportionate response.</p>				

<b>Q3</b>	Do you agree with proposals to provide for a coordinated rather than joint procedure?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>Comments:</b></p>				

<b>Q4</b>	What coordinating measures would be most useful, and what benefits would they generate?
<p><b>Comments:</b></p>	

Consultation reference: WG29324

<b>Q5</b>	Do you agree with our proposals for making information available electronically?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Comments:</b> It is expected that the ES will not need to be translated as part of the Welsh Language Standards as it is not a document that will be produced by the LPA. A standard translation of the relevant planning web page for the ES advertisement and publicity should form part of the guidance to be prepared by WG.				

<b>Q6</b>	Do you agree our approach provides the most flexible approach to the 2014 EIA Directives requirements?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Comments:</b>				

<b>Q7</b>	Do you agree with our proposals for conflict of interest and functional separation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Comments:</b>				

<b>Q8</b>	Do you agree that the provisions for false or misleading information within the EIA process?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Comments:</b>				

Consultation reference: WG29324

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<b>Q9</b>	Do you agree that our proposed approach to enforcement will ensure the effective compliance with the requirements of the EIA Regulations in a proportionate way and in a way which dissuades bodies which are part of the process from failing to comply?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

<b>Q10</b>	Do you agree our competent expert proposals provide the most flexible approach to the Directive's requirements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:				
LPAs (the competent authority) should be provided with guidance on how to determine whether the party who has prepared the ES has sufficient expertise to do so. Also, the legislation must make it clear that the LPAs decision is final and cannot be challenged.				

<b>Q11</b>	Do you have any comments on the application of procedures to secure that Welsh Ministers have access to an ES which is consulted upon and considered before granting consent under Section 141 for EIA development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Consultation reference: WG29324

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<b>Q12</b>	Do you have any related comments on issues which we have not specifically addressed?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:			

<b>Q13</b>	Do you have any comments to make about the draft partial Regulatory Impact Assessment?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:			

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

Consultation reference: WG29324

### **How to Respond**

**Please submit your comments in any of the following ways:**

<b>Email</b>
Please complete the consultation response form and send it to: <a href="mailto:planconsultations-e@wales.gsi.gov.uk">planconsultations-e@wales.gsi.gov.uk</a>
<b>Post</b>
Please complete the consultation form and send it to: <b>Development Management Branch Planning Directorate Welsh Government Cathays Park Cardiff CF10 3NQ</b>
<b>Additional information</b>
If you have any queries on this consultation, please Email: <a href="mailto:planconsultations-e@wales.gsi.gov.uk">planconsultations-e@wales.gsi.gov.uk</a> Telephone: Owen Struthers on 029 2082 6430

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## REPORT OF THE CORPORATE DIRECTOR – COMMUNITIES

### BCBC RESPONSE TO WG CONSULTATION – PROPOSALS FOR SECONDARY LEGISLATION TO SUPPORT THE HISTORIC ENVIRONMENT (WALES) ACT 2016 AND VARIOUS BEST PRACTICE GUIDANCE DOCUMENTS

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

- 1.1 To advise Development Control Committee Members of the Council's formal response to the Welsh Government's (WG) consultation (Appendix 1).
- 1.2 The consultation sought views on four proposals for secondary legislation with one draft ancillary guidance document and five draft best-practice guidance documents. All have been developed as components of a wider programme to improve the protection and management of the Welsh historic environment that is linked to the implementation of the Historic Environment (Wales) Act 2016

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

- 2.1 The planning system in Wales plays an important role in helping to support economic prosperity, promote sustainable development and address the challenges posed by climate change, whilst safeguarding our access to a quality environment. These objectives are reinforced by the Planning (Wales) Act 2015 ("the 2015 Act") which aims to ensure that the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales, in accordance with the Well-being of Future Generations (Wales) Act 2015.
- 2.2 The planning system plays a significant role in the protection and conservation of the historic environment while helping it to accommodate and remain responsive to present-day needs.
- 2.3 The delivery of the County Borough's statutory planning function has links to the Council's corporate priorities in particular number 1 – supporting a successful economy.

#### **3. Background**

- 3.1 The historic environment is central to Wales' culture and its character and contributes to our sense of place and cultural identity. It is vital that the historic environment is appreciated, protected, actively managed and made accessible for the general well-being of present and future generations.
- 3.2 The Historic Environment (Wales) Act 2016, which received Royal Assent on 21 March 2016, was enacted to make important improvements to the existing systems for the protection and management of the Welsh historic environment. It will also stand at the centre of an integrated package of secondary legislation, new and updated planning policy and advice and best-practice guidance on a wide range of topics. Taken together, these will support and promote the careful management of change in the historic environment in accordance with current conservation philosophy and practice.

3.3 The consultation covers proposals on:

- A. Regulations under the Historic Environment (Wales) Act 2016 to set the interest rate for costs accrued from urgent works
- B. Procedures to claim for compensation associated with temporary stop notices for scheduled monuments and listed buildings
- C. Simplification of scheduled monument consent procedures
- D. A requirement to include heritage impact statements as part of the application process for scheduled monument consent, listed building consent and conservation area consent and associated guidance

3.4 It also includes the following best-practice guidance documents:

- E. *Managing Change to Listed Buildings in Wales*
- F. *Managing Change in World Heritage Sites in Wales*
- G. *Managing Conservation Areas in Wales*
- H. *Managing Lists of Historic Assets of Special Local Interest in Wales*
- I. *Setting of Historic Assets in Wales*

3.5 The WG consultation documents can be accessed by Members using this hyperlink:

<https://consultations.gov.wales/consultations/proposals-secondary-legislation-support-historic-environment-wales-act-2016-and-draft>

**4. Next Steps**

- 4.1 The LPA's formal response to the Welsh Government's (WG) consultation was submitted before the deadline of 3<sup>rd</sup> October, 2016 (30<sup>th</sup> September, 2016) under delegated powers.
- 4.2 The WG intends to publish a summary of the responses to this document.

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

- 5.1 The consultation paper complements and sets out the detail required to support provisions contained in the Historic Environment (Wales) Act 2016 for the protection and sustainable management of the Welsh historic environment.

**6. Equality Impact Assessment.**

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

**7. Financial Implications**

- 7.1 None.

**8. Recommendation**

- (1) That Members note the content of this report and the LPA's response to the WG consultation (Appendix 1).

**Mark Shephard**  
**Corporate Director Communities**

**Contact Officer**

Mrs. Claire Hamm

Team leader Conservation and Design

Telephone Number: 01656 643164 e-mail: [claire.hamm@bridgend.gov.uk](mailto:claire.hamm@bridgend.gov.uk)

**Background documents**

**Appendix 1:** BCBCs Consultation Response to the WG

## Consultation on proposals for secondary legislation to support the Historic Environment (Wales) Act 2016 and various best-practice guidance documents

### Consultation response form

Since this consultation treats a wide range of topics relating to the historic environment, you may find that some of the following questions fall outside your interest or experience. Therefore, please feel free to answer as many or as few of the questions as you like.

Please return this form to reach the Welsh Government no later than 3 October 2016.

If you have any questions, please email:

[historicenvironmentleg@wales.gsi.gov.uk](mailto:historicenvironmentleg@wales.gsi.gov.uk)

or telephone:

01443 336091 / 01443 336090

#### Data Protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

<b>Consultation on proposals for secondary legislation to support the Historic Environment (Wales) Act 2016 and various best-practice guidance documents</b>		
<b>Date</b>	27 <sup>th</sup> September 2016	
<b>Name</b>	Claire Hamm	
<b>Organisation</b>	Bridgend County Borough Council	
<b>Address</b>	Civic Offices Angel Street Bridgend CF314WB	
<b>Email address</b>	Claire.hamm@bridgend.gov.uk	
<b>Telephone</b>	01656 643164	
<b>Type</b> <i>(please select one from the following)</i>	Individual	
	Business	
	Local planning authority	<b>x</b>
	Government agency/Other public sector body	
	Professional body/Interest group	
	Voluntary sector (community group, volunteer group, self-help group, cooperative, enterprise, religious group, not-for-profit organisation)	
	Other group not listed above	

<b>Confidentiality — Responses to consultations may be made public on the internet or in a report.</b>	
If you do not want your name and address to be shown in any documents that we produce, please indicate here	
If you do not want your response to be shown in any documents that we produce, please indicate here	

## Proposals for regulations and procedural changes

A. Regulations to set the interest rate for costs accrued from urgent works

<b>Q1.</b>	<b>Do you agree that the interest rate that should be included in regulations is the Bank of England Base Rate plus 2%?</b>		
	Yes	<b>x</b>	No
<p>This will be useful in introducing an element of consistency across local authorities where these powers are used regularly. In practice the introduction of a land charge is unlikely to encourage more local authorities to undertake urgent works at their own initial cost due to resources and the unlikely scenario of claiming back funds due to the inherent nature of these situations where buildings are not sold on other than through an enforced sale procedure or compulsory purchase.</p>			

B. Procedure to claim for compensation associated with temporary stop notices for scheduled monuments and listed buildings

<b>Q2.</b>	<b>Do you agree with the time period in which a claim for compensation associated with a temporary stop notice must be made?</b>		
	Yes	<b>x</b>	No
<p>Agree with consistency with other compensation timescales.</p>			

C. Simplification of the scheduled monument consent process

<b>Q3.</b>	<b>Do you agree with the mechanism proposed for a simplified scheduled monument consent process for uncontentious works?</b>		
	Yes	<b>x</b>	No
<p>Further clarification and guidance is needed on what constitutes minor works but this is particularly useful in light of local authority owned SAMs where for example funding becomes available unexpectedly at the end of a financial year. I assume a similar, more regular arrangement for minor works can be covered by a Heritage Partnership Agreement which may be particularly useful where LPA's own a number of similar structures/ in close proximity.</p>			

## D. Heritage impact statements and associated guidance

<b>Q4.</b>	<b>Do you agree that a heritage impact statement should be required for every application for scheduled monument consent (unless otherwise agreed with the Welsh Ministers), listed building consent and conservation area consent?</b>		
	Yes	<b>x</b>	No
<p>A requirement infers that an application should not be registered without a HIS. Unfortunately it is only regarded as “best practice” for all development in conservation areas or other historic assets and whilst there is still the requirement for a Design and Access statement in Conservation Areas for certain developments (proposals for 1 or more dwellings and development over 100msq area) there are gaps where minor development still requiring planning consent <b>do not require</b> the submission of either. The deterioration in character in our current day conservation areas is a result of minor incremental changes and it should be considered whether there should be a requirement for a Heritage Impact Assessment for all works requiring planning consent in a CA/ affecting the setting of an historic asset with the assessment/statement be proportionate to the works proposed. It is the thought process that the applicant goes through which is significant in considering the options that is often as significant as the statement itself.</p>			

<b>Q5.</b>	<b>Do you agree that heritage impact statements should replace design and access statements for listed building consent applications?</b>		
	Yes	<b>x</b>	No
<p>Based on the quality of the design and access statements submitted, there needs to be an agreed minimum requirement of detail submitted and not just the headings listed. Training will be needed for both local Authority Planning and Conservation Staff as well as agents / applicants.</p>			

<b>Q6.</b>	<b>Do you agree that an access statement should be required in any heritage impact statement where the proposed works would alter the means of access to or within a listed building?</b>		
	Yes	<b>x</b>	No
<p>Alternatively, it could be included as a standard consideration that all applicants should consider when they develop proposals for listed buildings if enhanced accessibility is a Welsh Government objective to improve access in the future.</p>			



## Annex 7 — Consultation response form

<b>Q7.</b>	<b>Do you agree with the proposed contents for a heritage impact statement?</b>		
	Yes	<b>x</b>	No

Local planning Authorities will need to make a judgement on registration whether the HI Assessment / Statement is sufficiently detailed with the guidance in mind. Local Planning Authorities ideally receive the assessment at the pre-application advice stage. An assessment should be included on the impact of the scheme on the setting of nearby historic assets and the impact on the conservation area.

<b>Q8.</b>	<b>Does the guidance, <i>Heritage Impact Assessment in Wales</i>, clearly articulate when, why and how to use the heritage impact assessment process and provide useful advice on the presentation of the heritage impact statement?</b>		
	Yes	<b>x</b>	No

Guidance is detailed and useful for Planning and Conservation Staff but as well as training for agents and developers, consideration should be given to developing a template which can be completed by a developer and can therefore be structured fluently. For example, with reference to page 12, it is considered the following order should be followed:-

- Proposed Objective
- Significance of the asset
- Proposed Works
- Justification
- Potential Heritage Benefits
- Potential harmful impact
- Mitigation Strategy.

In line with the guidance therefore the HIA will help develop proposals and identify alternative approaches with the significance of the asset being at the forefront of the process in developing proposals. Its only when the above approach has been followed that the presentation of **the statement** in Section 7 in line with the above will work. Point 5 in Section 7 of the guidance should be sub divided further in terms of the order of consideration.

## Best-practice guidance documents

E. *Managing Change to Listed Buildings in Wales*

<b>Q9.</b>	<b>Will <i>Managing Change to Listed Buildings in Wales</i> provide useful guidance for the owners of listed buildings and their agents?</b>		
	Yes	<b>x</b>	No
<p>Do you have any suggestions as to how it can be improved?</p> <p>Paragraph 5.3 – It should reference that some local authorities may charge for the advice.</p> <p>The checklist of supporting information is extremely useful for applicants and Local Planning Authorities.</p>			

F. *Managing Change in World Heritage Sites in Wales*

<b>Q10.</b>	<b>Will <i>Managing Change in World Heritage Sites in Wales</i> be effective in helping decision makers protect the Outstanding Universal Value of Welsh World Heritage Sites?</b>		
	Yes	<b>x</b>	No

<b>Q11.</b>	<b>Will the guidance assist in the consistent management of World Heritage Sites in Wales, especially those which are located in more than one local authority area?</b>		
	Yes	<b>x</b>	No

G. *Managing Conservation Areas in Wales*

<b>Q12.</b>	<b>Will <i>Managing Conservation Areas in Wales</i> encourage local planning authorities to adopt a consistent approach to conservation areas across Wales?</b>		
	Yes	<b>x</b>	No

Do you have any suggestions as to how it can be improved?

It would be useful for further clarification relating to appropriate timescales for reviewing areas, appraisals and management plans. The guidance could state e.g ideally every 5 years for urban areas or up to 10 years for rural conservation areas to ensure that they can be programmed in to budgets a time of limited resources.

Section 5 - further clarification should be included on what constitutes a public meeting and whether a formal public meeting is still required and is this supplemented by wider consultation or replaced by it? A public meeting is not an efficient use of resources in our experience and you are offered a narrow view of a limited few with an extensive resource input. It is therefore suggested that it is more beneficial to undertake consultation on an informal basis.

Section 6.2 Reference should be made to the potential to identify areas of special advertisement control. Large companies often have a “heritage” design for advertisements in sensitive areas and local authorities should consider asking for these.

## H. *Managing Lists of Historic Assets of Special Local Interest in Wales*

<b>Q13.</b>	<b>Do the general principles and advice on good practice in <i>Managing Lists of Historic Assets of Special Local Interest in Wales</i> provide sufficient guidance for local planning authorities to set up and use local lists?</b>		
	Yes	<b>x</b>	No

Do you have any suggestions as to how the guidance can be improved?  
 A useful selection criteria in section 2.2 is provided but it is unlikely that Local Authority's will be in a position to compile a local list from scratch, particularly as comprehensively as set out in paragraph 3.1.  
 The systematic survey approach by Community area (led by a local Civic Trust) or by asset type funded by the HLF for example (across local authority boundaries even) may be a more realistic approach.

When engaging community groups it must be made entirely clear from the outset that local list status does not necessarily afford protection to the building to avoid future potential Local Authority criticism.

## I. *Setting of Historic Assets in Wales*

<b>Q14.</b>	<b>Does <i>Setting of Historic Assets in Wales</i> adequately explain why setting is important and how it should be assessed?</b>		
	Yes	<b>x</b>	No

Fast facts and factors contributing to setting (page 3) are both very useful. As developments affecting the setting of historic assets do not require a Heritage Impact Assessment (Only a D&A on major development or certain development in a Conservation Area) then it is for the Local Authority to fully assess the impact on the setting in many instances  
 Page 6 – Stage 5 should include Recording of documents – when setting has been identified. Can setting be defined on a plan by Cadw or can a criteria be developed for listed buildings (see page ii for Scheduled Monuments).

## Annex 7 — Consultation response form

<b>Q15.</b>	<b>Does the guidance explain the visual and especially the non-visual components of setting sufficiently?</b>		
	Yes	<b>x</b>	No
<p>Some case studies would be useful or worked up examples</p> <p>However, the non-visual/intangible elements may be significantly more difficult to evidence or justify as reasons for refusal, particularly appeal</p>			

<b>Q16.</b>	<b>Does the guidance explain how to take the visual and non-visual components of setting into account during the assessment process?</b>		
	Yes		No
<p>Do you have any suggestions as to how it can be improved?</p> <p>See above.</p>			

## Additional comments

<b>Q17.</b>	<b>We have asked a number of specific questions. If you have any related issues that we have not specifically addressed, please raise them here.</b>
Is it recommended that local authorities adopt the best practice guidance framework, along with others guidance emerging as supplementary planning guidance or adapted as required to take on local considerations?	

## How to respond

Please submit your comments by 3 October 2016 by email or post.

### Email

Please send the consultation form to :  
[historicensvironmentleg@wales.gsi.gov.uk](mailto:historicensvironmentleg@wales.gsi.gov.uk)  
[Please include '**Consultation on historic environment regulations and best-practice guidance**' in the subject line.]

### Post

Please send the consultation form to:  
Regulations and Guidance Consultation 1  
Legislation and Policy Team  
Historic Environment Service (Cadw)  
Welsh Government  
Plas Carew  
Unit 5/7 Cefn Coed  
Parc Nantgarw  
Cardiff  
CF15 7QQ

## REPORT OF THE CORPORATE DIRECTOR – COMMUNITIES

### BCBC RESPONSE TO WG CONSULTATION - PROPOSED TECHNICAL ADVICE NOTE 24 – THE HISTORIC ENVIRONMENT

#### 1. Purpose of Report

- 1.1 To advise Development Control Committee Members of the Council's formal response to the Welsh Government's (WG) consultation relating to a new Technical Advice Note 24 relating to the Historic Environment (Appendix 1).
- 1.2 The draft policy document reflects informal feedback received on an earlier version made available to inform the scrutiny of the Historic Environment (Wales) Bill. It complements the recent consultation on Chapter 6 of *Planning Policy Wales* and a parallel consultation on secondary legislation to support the Historic Environment (Wales) Act 2016 and various good-practice guidance documents (which is also reported to DC Committee for information).
- 1.3 The WG consultation paper proposes the provision of planning guidance that will:
  - reflect WG objectives for a well-protected and accessible historic environment, and,
  - meet the need to consider how changes affecting the historic environment are managed through the planning system.

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

- 2.1 The planning system in Wales plays an important role in helping to support economic prosperity, promote sustainable development and address the challenges posed by climate change, whilst safeguarding our access to a quality environment. These objectives are reinforced by the Planning (Wales) Act 2015 ("the 2015 Act") which aims to ensure that the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales, in accordance with the Well-being of Future Generations (Wales) Act 2015.
- 2.2 The planning system plays a significant role in the protection and conservation of the historic environment while helping it to accommodate and remain responsive to present-day needs.
- 2.3 The delivery of the County Borough's statutory planning function has links to the Council's corporate priorities in particular number 1 – supporting a successful economy.

#### 3. Background

- 3.1 The historic environment is central to Wales' culture and its character and contributes to our sense of place and cultural identity. It is vital that the historic environment is appreciated, protected, actively managed and made accessible for the general well-being of present and future generations.
- 3.2 The Historic Environment (Wales) Act 2016 received Royal Assent on 21 March 2016. The Act forms part of a suite of legislation, policy, advice and guidance that makes important improvements to the existing systems for the protection and sustainable management of the Welsh historic environment.
- 3.3 A draft Technical Advice Note (TAN) for the historic environment was made available in 2015 to inform the scrutiny of the Historic Environment (Wales) Bill during its passage through the National Assembly for Wales.

- 3.4 The TAN will provide detailed planning advice on the historic environment of Wales and the purpose of this consultation is specifically to consider the new TAN.
- 3.5 The WG consultation documents can be accessed by Members using this hyperlink:

<https://consultations.gov.wales/consultations/proposed-technical-advice-note-tan-24-historic-environment>

#### **4. Next Steps**

- 4.1 The LPA's formal response to the Welsh Government's (WG) consultation on TAN24 was submitted to the WG before the deadline of 3<sup>rd</sup> October, 2016 (30<sup>th</sup> September, 2016) under delegated powers.
- 4.2 The WG intends to publish a summary of the responses to this document.

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

- 5.1 The consultation paper complements and sets out the detail required to support provisions contained in the Historic Environment (Wales) Act 2016 for the protection and sustainable management of the Welsh historic environment. The TAN will provide detailed planning advice on the historic environment of Wales.

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

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

#### **7. Financial Implications**

- 7.1 None.

#### **8. Recommendation**

- (1) That Members note the content of this report and the LPA's response to the WG consultation (Appendix 1).

**Mark Shephard**  
**Corporate Director Communities**

#### **Contact Officer**

Mrs. Claire Hamm

Team leader Conservation and Design

Telephone Number: 01656 643164 e-mail: [claire.hamm@bridgend.gov.uk](mailto:claire.hamm@bridgend.gov.uk)

#### **Background documents**

**Appendix 1: BCBCs Consultation Response to the WG**



**Annex 2**

**CONSULTATION FORM**

**Technical Advice Note 24: The Historic Environment**

We want to know your views on the proposed changes to the Welsh Government's planning policy on the historic environment.

Please submit your comments by 3 October 2016

If you have any queries on this consultation, please email:

[planconsultations-b@wales.gsi.gov.uk](mailto:planconsultations-b@wales.gsi.gov.uk) or telephone: 029 2082 6802 / 3524

<b>Data Protection</b>
<p>Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.</p> <p>The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.</p> <p>Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.</p>

<b>Confidentiality</b>
<p>Responses to consultations may be made public on the internet or in a report.</p> <p><b>If you do not want your name and address to be shown on any documents we produce please indicate here</b> <input type="checkbox"/></p> <p><b>If you do not want your response to be shown in any document we produce please indicate here</b> <input type="checkbox"/></p>

## CONSULTATION FORM

Technical Advice Note 24: The Historic Environment		
<b>Date</b>	29 <sup>th</sup> September 2016	
<b>Name</b>	Claire Hamm	
<b>Organisation</b>	Bridgend County Borough Council	
<b>Address</b>	Civic Offices Angel Street Bridgend CF314WB	
<b>E-mail address</b>	Claire.hamm@bridgend.gov.uk	
<b>Telephone</b>	01656 643164	
<b>Type</b> (please select one from the following)	Businesses	<input type="checkbox"/>
	Local Planning Authority	x <input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

<b>Q1</b>	<p><b>Do you agree that the approach taken achieves a balance between the sustainable management of change and the protection of the historic environment in Wales? If not, how do you think this can be done?</b></p> <p>Section 1 of the draft TAN contains advice on the sustainable management of change affecting the historic environment.</p>	
	<b>Agree</b>	<b>x</b>
	<b>Neither Agree nor Disagree</b>	
	<b>Disagree</b>	
<b>Further comments</b>		
<p>Whilst the approach in the revised TAN appears to be balanced, the outcome will ultimately depend on how each factor is weighted by the local planning authority. The most evident example of this will be where statutory control is limited e.g where extensive permitted development rights in conservation areas or historic assets of special local significance are located outside of conservation areas. In these cases, the protection of historic character may be unachievable. This is compounded by the apparent gap of not requiring a HIA or a DAS for all development proposals in a conservation area ( i.e only for conservation area consent and new dwellings and not for minor works / extensions and alterations requiring planning consent). This approach reinforces the misunderstanding that only major developments have the potential to have a detrimental impact on the character or appearance of a conservation area whereas conservation area appraisals often evidence that more minor developments / alterations can cause the gradual deterioration of character. To redress this balance and misconception by local communities, it is recommended that a HIA is required for all development requiring planning consent in a conservation area.</p> <p>Training sessions will be required for the preparation of Heritage Impact Assessments for Developers /Agents/Architects , ideally delivered by Welsh Government / Cadw. Documenting and learning from decisions is a key element of Conservation Principles, it would be useful to understand how the “learning” will be shared or communicated.</p>		

<b>Q2</b>	<p><b>Do you agree that the advice regarding the relationship between nature conservation and the historic environment is clear? If not, how do you think the advice can be improved?</b></p>	
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	Section 1 of the draft TAN contains advice on the relationship between nature conservation and the historic environment.	
	<b>Agree</b>	
	<b>Neither Agree nor Disagree</b>	<b>x</b>
	<b>Disagree</b>	
<b>Further comments</b>		
<p>It is recognised that there is a delicate balance to be achieved between protecting and sustaining an historic building and the protection of any relevant nature conservation interest. In reality it is extremely difficult to reach a satisfactory balance and the nature conservation interest of the building normally prevails which can affect the condition use / ongoing vacancy of an historic building thus affecting the future of an important habitat. Revised TAN 24 does not provide any further assistance in these situations and it is therefore recommended that Welsh Government consider joint working between Cadw and NRW to develop and promote approaches/examples that have worked in Wales where there is equal consideration of the needs of both to sustain them for the future in harmony. This is particularly important as there seems to be an inconsistency in controls and proactive measures to satisfy both areas of legislation. Further guidance/good examples /best practice could be made available to ensure consistency of decision making and bureaucracy.</p>		

<b>Q3</b>	<p><b>Do you agree that the advice to local planning authorities to develop locally distinctive policies and guidance on the historic environment is clear? If not, how can it be improved?</b></p> <p>Section 2 of the draft TAN contains information on how the development plan process should consider the historic environment.</p>	
	<b>Agree</b>	<b>x</b>
	<b>Neither Agree nor Disagree</b>	
	<b>Disagree</b>	
<b>Further comments</b>		

It must be recognised that each local authority is at a different stage in the development / review of its local development plan and this revised guidance will be reflected, therefore, at different stages. Many of the numerical indicators suggested for the SEA are potentially influenced by external factors and resources available and cannot therefore truly reflect the performance of a local authority. It should be stated that the list is not exhaustive.

Reference should be made in the revised TAN, and in local development plans of the generic guidance documents produced by Cadw and the opportunity to adopt the documents as additional supplementary planning guidance to increase their weight in decision making. Alternatively Conservation Officers can be encouraged to pool their expertise and existing guidance to address gaps in supplementary planning guidance due to lack of resources.

There is an opportunity for Cadw /Welsh Government to provide guidance/best practice to local authorities (Property departments) in the disposal of historic assets which is becoming the harsh reality. A requirement to produce a Heritage/Conservation Plan, Development Brief and an acknowledged flexibility in the “best consideration” assessment may result in improved outcomes for the historic assets including schools / libraries/community halls and also through community asset transfers.

<b>Q4</b>	<b>Do you agree that the advice on how World Heritage Sites are to be considered in the planning process is clear? If not, how do you think this can be improved?</b>	
	Section 3 of the draft TAN contains information on World Heritage Sites.	
	<b>Agree</b>	<b>x</b>
	<b>Neither Agree nor Disagree</b>	
	<b>Disagree</b>	
<b>Further comments</b>		
N/A		

<b>Q5</b>	<b>Do you agree that the advice on how archaeological remains are to be considered through the planning</b>	<b>X</b>
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	<p><b>process is clear? If not, how do you think the advice can be improved?</b></p> <p>Section 4 of the draft TAN contains information on archaeological remains.</p>	
	<b>Agree</b>	<b>x</b>
	<b>Neither Agree nor Disagree</b>	
	<b>Disagree</b>	
<b>Further comments</b>		
<p>There is some inconsistency in terminology. In Planning Policy Wales Ch 6 “protection” is used and “conservation” in PPW. There is a need for consistency in the language and as the focus is now on the “positive management of change” it is unfortunate that para 4.2 starts with “potential conflicts”.</p> <p>Paragraphs 4.2-4.7 It is necessary to reference the designation of Archaeologically sensitive areas and there is a need to produce supplementary planning guidance to assist developers</p>		

<b>Q6</b>	<p><b>Do you agree that the advice on how particular historic assets, namely ‘historic parks and gardens’ ‘historic landscapes’ and ‘assets of special local interest’, are to be considered through the planning process is clear? If not, how do you think the advice can be improved?</b></p> <p>Sections 7 to 8 of the draft TAN contain information on how such assets are to be considered through the planning process</p>	
	<b>Agree</b>	<b>x</b>
	<b>Neither Agree nor Disagree</b>	
	<b>Disagree</b>	
<b>Further comments</b>		
<p>Difficulties occur when the historic park and garden has a clear relationship with an historic building and there is no statutory protection (including demolition) afforded to the historic</p>		

building. As there is no separate consent regime, significant works could be undertaken without any need for consent or an approach to the LPA. It is essential therefore that a good relationship is developed with owners of the site and it could be made essential for a heritage partnership agreement/management plan to be drawn to ensure essential features are maintained. Not all sites are located in Conservation Areas for example.

The status of local historic assets of special interest remains unclear as there is no control over demolition outside of conservation areas. The compilation and publication of local lists may lead local communities to think that there is an additional level of protection so this will have to be a completely transparent process if Local Authorities have the resource to take this forward.

<b>Q7</b>	<b>If you have any related issues which we have not addressed, please let us know.</b>	
	<b>Agree</b>	<b>x</b>
	<b>Neither Agree nor Disagree</b>	
	<b>Disagree</b>	
<b>Further comments</b>		
<p>Additional Comments with reference to Section 5 :Listed Buildings:</p> <p>Paragraph 5.5 Can it be assumed that the LPA will also be consulted on any such proposal to list or de-list a building.</p> <p>Paragraph 5.7 Some listing descriptions are extremely limited and need updating and often interiors of buildings are not referenced due to lack of access or because the building has been listed due to its contribution / value as part of a wider group of buildings. Can resources be dedicated to updating the building listings. Not all descriptions detail the special interest</p> <p>Para 5.14 Proposed change to the use of “competent and qualified specialist”...as local authorities we cannot recommend but can we refer to a centralised list supplied by Conservation Officers who have worked on other listed buildings and hosted by Cadw (on the website)/Design Commission or refer to building conservation website? Has there been any progress in the development of the Heritage recognised qualification as previously promoted by the Heritage Lottery Fund?</p> <p>Para 5.15 – 4Ttests for demolition are welcomed but further guidance is needed on what is the minimum time period that the building should be offered for sale and at a reasonable price. These tests are also relevant in LA disposals of buildings</p> <p>Additional Comments with Reference to Section 6 Conservation Areas:</p> <p>Paragraph 6.1&amp; 6.3 – There is a missed opportunity here to tighten up how often the review of conservation areas and the formulation and publication of proposals should be undertaken. Consequently, in times of limited resources, these will always be put on the back burner</p>		

unless an appropriate/reasonable recommendation is made e.g with the longest interval of every 10 years etc or at the review of each local development plan so that resources can be managed effectively. This is particularly significant if development management decisions are to be judged against the character of an area as identified in the appraisal and management document.

Para 6.13 Where demolition of a building in a conservation area is deemed acceptable on the basis of the 4 tests(para5.23) , there needs to be a contract in place to deliver replacement prior to demolition occurring and a completion date agreed to ensure that a detrimental impact is not incurred by a vacant/gap site caused by significant delays or non- completion of a scheme.

### How to respond

Please submit your comments by 3 October 2016, in any of the following ways:

Email	Post
<p>Please complete the consultation form and send it to :</p> <p><a href="mailto:planconsultations-b@wales.gsi.gov.uk">planconsultations-b@wales.gsi.gov.uk</a></p> <p>[Please include <b>Technical Advice Note 24: The Historic Environment</b>’ in the subject line]</p>	<p>Please complete the consultation form and send it to:</p> <p>TAN 24 Consultation Planning Policy Branch Planning Directorate Welsh Government Cathays Park Cardiff CF10 3NQ</p>

Additional information
<p>If you have any queries about this consultation, please contact:</p> <p>Email: <a href="mailto:planconsultations-b@wales.gsi.gov.uk">planconsultations-b@wales.gsi.gov.uk</a></p> <p>Telephone: 029 2082 6802 / 3524</p>



## **TRAINING LOG**

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

<b><u>Facilitator</u></b>	<b><u>Subject</u></b>	<b><u>Date</u></b>	<b><u>Time</u></b>
Jonathan Parsons & Rhodri Davies, <i>Development Group, BCBC</i>	“Informal discussion with members: Review of scheme of Delegation, Thresholds, Calls Ins and Committee Cycles”	24 November 2016	12.45pm
Susan Jones & Richard Matthams, <i>Development Group, BCBC</i>	“What’s the LDP worth to the Borough?”	22 December 2016	12.45pm
Kwaku Opoku-Addo & Matthew Gilbert, <i>Highway Services, BCBC</i>	“Active Travel Plans”	19 January 2017	12.45pm
Susan Jones & Richard Matthams, <i>Development Group, BCBC</i>	“Workshop on Draft Open Space SPG”	16 February 2017	12.45pm

### **Future training sessions**

- Advertisement control
- WLGA proposals for a National Scheme of Member Training
- Development Management Procedures – Consultation and notification

### **Recommendation:**

That the report of the Corporate Director Communities be noted.

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

### **Background Papers**

None.

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