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Bridgend County Borough Council



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

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Rhowch wybod i ni os mai Cymraeg yw eich
dewis iaith.*

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

Deialu uniongyrchol / Direct line /: 01656 643147
Gofynnwch am / Ask for: Andrew Rees

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

Dyddiad/Date: 16 December 2016

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held in the Council Chamber, Civic Offices Angel Street Bridgend CF31 4WB on **Thursday, 22 December 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 18 January 2017 for proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.
4. Approval of Minutes 3 - 10
To receive for approval the minutes of the Development Control Committee of 24 November 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 11 - 14
That the Chairperson accepts the Development Control Committee Amendment Sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be

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accommodated.

7.	<u>Development Control Committee Guidance</u>	15 - 18
8.	<u>Officer's Reports</u>	
(a)	P/16/251/OUT - Land off Ffordd Leyshon, Bryncethin	19 - 38
(b)	P/16/901/FUL - 67 Maes Talcen, Brackla	39 - 42
(c)	P/16/874/FUL - 36 Ffordd Sanderling, Porthcawl	43 - 48
(d)	P/16/930/BCB - Land off North Road, Bridgend Industrial Estate	49 - 54
9.	<u>Appeals</u>	55 - 70
10.	<u>Training Log</u>	71 - 72
11.	<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

Agenda Item 4

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 24 NOVEMBER 2016

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 24 NOVEMBER 2016 AT 2.00 PM

Present

Councillor G Thomas – Chairperson

N Clarke	PA Davies	DRW Lewis	JE Lewis
HE Morgan	LC Morgan	D Patel	JC Spanswick
C Westwood	R Williams	M Winter	RE Young

Apologies for Absence

GW Davies MBE, CA Green, M Thomas and JH Tildesley MBE

Officers:

Rhodri Davies	Development & Building Control Manager
Craig Flower	Planning Support Team Leader
Mark Galvin	Senior Democratic Services Officer - Committees
Tony Godsall	Traffic & Transportation Manager
Robert Morgan	Senior Development Control Officer
Jonathan Parsons	Group Manager Development
Philip Thomas	Principal Planning Officer
Leigh Tuck	Senior Development Control Officer
Rod Jones	Senior Solicitor
Gary Jones	Head of Democratic Services

838. DECLARATIONS OF INTEREST

The following declarations of interest were made:-

Councillors D Patel, PA Davies, HE Morgan, RE Young, LC Morgan, JC Spanswick, R Williams, C Westwood, JE Lewis, and G Thomas – Prejudicial interest in Agenda item 8 (b) due to them being members of the Labour Party, but having had special dispensation from the Standards Committee to participate in the consideration of this application.

Councillor D Lewis – As above, but also as a member of the Standards Committee who took no part in the decision of that Committee that had given special dispensation for Labour Party members to take part in the consideration of this application.

Councillor HE Morgan also declared a personal interest in Agenda item 8 (c) and (e) as a member of Bridgend Town Council but who takes no part in planning matters.

R Morgan – Declared a prejudicial item in Agenda item 8 (c) as one of the objectors to the application was known to him. Mr Morgan left the meeting whilst this item was being discussed.

839. SITE VISITS

RESOLVED: That Members agreed 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 by the Chairperson.

840. APPROVAL OF MINUTES

RESOLVED: That Committee approved the Minutes of a meeting of the Development Control Committee dated 27 October 2016.

841. PUBLIC SPEAKERS

There were no public speakers.

842. AMENDMENT SHEET

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

843. P/16/600/FUL - LAND AT FORMER ARCHBISHOP MCGRATH SCHOOL, HEOL YR YSGOL, TONDU

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

Code No.

Proposal

P/16/600/FUL

15 bed space care unit & 25 extra care apartments with communal ancillary facilities and 19 no. dwellings served by adopted access road.

- (2) That the Corporate Director – Communities be given delegated 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 his report

Subject to Condition 16 of the report being amended as follows, together with the undermentioned Condition 26, also being added to the consent:-

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.

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.

844. P/16/606/FUL - FORMER OCLP CLUB, ELM CRESCENT, BRYNTIRION, BRIDGEND

RESOLVED: (1) That having regard to the following application, 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.
- ii. £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.

Code No.

Proposal

P/16/606/FUL

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

- (2) That the Corporate Director – Communities be given delegated 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 his report.

845. P/16/9/FUL - BRIDGEND RETAIL PARK

The Corporate Director – Communities submitted a report, advising that the above application was considered by the Development Control Committee at its last scheduled meeting, and following some detailed debate upon the application the Committee resolved as follows:-

“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.”

The Group Manager Development advised that Planning Officers had formulated 3 reasons for refusal of the application and these were detailed in the report, and based upon the concerns of the Committee expressed at its last meeting.

The Group Manager Development then advised that each of these reasons for refusal, particularly reason 3, would be difficult to defend against in any appeal that may be challenged by the applicant, due to the fact that they were not strong grounds for refusal under planning law. Information regarding this was also contained in the report.

Members asked questions in respect of the suggested reasons for refusal of the application, and in relation to the report itself, and the Group Manager Development and his support staff responded to each of these points so made.

It was agreed that an electronic vote be conducted on the application, ie on each of the suggested reasons for refusal of the application

The outcome of each of the votes was that the Committee agreed not to support these reasons for refusal, and therefore as a result of this, it was

RESOLVED: (1) That having regard to the following application, 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.

<u>Code No</u>	<u>Proposal</u>
P/16/9/FUL	Two Class A 3 (Food and Drink Units) and Associated works
	(2) That the Corporate Director Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, subject to the Conditions contained in his report to the Committee dated 27 October 2016.

Subject to the following wording to the reason for Condition 4 on page 38 of the report to the Committee dated 27 October 2016 “...and to preserve the residential amenities of Picton Gardens.”

846. P/15/244/OUT - LAND AT CEFN ROAD, CEFN CRIBWR

RESOLVED: (1) That having regard to the following application, 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 on the commencement of development towards the upgrading of existing outdoor recreation facilities in the vicinity of the application site, in accordance with Council policy.
- (iv) 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.

Code No

Proposal

P/15/244/OUT

Residential Development (14 No. Units) and associated works

- (2) That 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, subject to the Conditions contained in his report.

847. P/16/725/FUL - OLDCASTLE JUNIOR SCHOOL SITE, SOUTH STREET, BRIDGEND

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

Code No

Proposal

P/16/725/FUL

Retention of a shipping container for general storage purposes.

848. P/13/246/OUT - VARIATION TO TERMS OF S106 ON LAND AT BRACKLA INDUSTRIAL ESTATE, BRACKLA – DEVELOPMENT OF UP TO 230 DWELLINGS & 0.3 HECTARES OF MIXED USE CENTRE (USE CLASSES A1, A3 AND C3)

The Corporate Director – Communities submitted a report, that confirmed that planning permission had been granted for the above development on land to the east of Brackla Industrial Estate 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 report further advised, that whilst confirmation received from the relevant parties indicated that the works in respect of the above will be undertaken, delays to this were preventing the commencement of a consented housing scheme on the adjoining site. Due to this, South Wales Land Development Ltd was therefore seeking to vary paragraphs 1, 1.3 and 2 of Part 1 of the Second Schedule to the Section 106 obligation, as detailed in paragraphs referenced (i), (ii) and (iii) within the report.

Following consideration of the above, and other elements of the report, it was

RESOLVED:

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.

849. APPEALS

- RESOLVED:
- (1) That the two appeals received by the Corporate Director – Communities since his last report to Committee, be noted.
 - (2) That it be noted that the Inspector appointed by the Welsh Ministers to determine the following Appeals, has directed that they be DISMISSED:-

<u>Code No.</u>	<u>Subject of Appeals</u>
A/16/3154174 (1775)	One dwelling: Adj to 14 Blundell Avenue, Porthcawl
A/16/3155147 (1776)	Erection of detached bungalow in garden in lieu of previously approved garage: Garden of 19 Priory Gardens, Bridgend
A/16/3155051 (1777)	Remove detached garage and replace with two storey Granny Annexe: 63 Ewenny Road
A/16/3154814 (1778)	Relax Condition 2 of P/98/555/FUL to extend opening hours until 12.30AM Sun-Wed, 2.30AM Thurs, 3.30AM Fri & 4.30AM Sat: 33 Market Street, Bridgend
A/16/3154814 (1781)	Proposed loft conversion (works to include erection of front and side dormer extensions): 9 Marlpit Lane, Porthcawl.

850. 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

The Corporate Director – Communities submitted a report 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, as detailed in Appendix 1 to the report. The WG Consultation paper made specific proposals in relation to:

- Appeal and call-in procedures
- Costs
- Standard daily amounts for certain proceedings

The report outlined certain background information, following which, it advised that the LPA's formal response to the Welsh Government's 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 November 2016 under delegated powers.

Paragraph 5.1 outlined in bullet point format what the proposals contained in the Consultation paper were intended to achieve.

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

851. BCBC LPA RESPONSE TO WELSH GOVERNMENT CONSULTATION ON PROPOSED CHANGES TO HOW ENVIRONMENTAL IMPACT ASSESSMENT APPLIES TO TOWN AND COUNTRY PLANNING

The Corporate Director – Communities submitted a report, that advised Members of the Council's formal response to the Welsh Government's (WG) consultation on proposed changes to how Environmental Impact Assessment applies to Town and Country Planning, as highlighted in Appendix 1 to the report.

The WG Consultation paper set out the its proposals for transposing the provisions of the 2014 EIA Directive, together with making other changes to national legislation. Paragraph 1.2 of the report advised which areas that the consultation set out their proposals for.

The Group Manager Development confirmed that the WG were proposing measures for the transposition of the provisions of the 2014 EIA Directive, and they also propose other changes to national legislation.

The report also advised of the next steps that were intended to be taken as part of the proposed changes.

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

852. BCBC RESPONSE TO WELSH GOVERNMENT CONSULTATION – PROPOSALS FOR SECONDARY LEGISLATION TO SUPPORT THE HISTORIC ENVIRONMENT (WALES) ACT 2016 AND VARIOUS BEST PRACTICE GUIDANCE DOCUMENTS

The Group Manager Development presented a report, which advised the Committee of the Council's formal response to the Welsh Government's WG Consultation shown at Appendix 1 to the report.

He advised that 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.

Paragraph 3.3 of the report covered four areas that the consultation covered proposals on, while paragraph 3.4 detailed best-practice guidance documents the consultation included.

The next steps outlined that the LPA's formal response to the Welsh Government's consultation was submitted before the deadline of 3 October 2016, under Delegated Powers. The WG intended to publish a summary of the response to this document.

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

853. BCBC RESPONSE TO WELSH GOVERNMENT CONSULTATION - PROPOSED TECHNICAL ADVICE NOTE 24 - THE HISTORIC ENVIRONMENT

The Corporate Director – Communities submitted a report, which advised 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 to the report).

The Group Manager Development, confirmed that 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 also complemented 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 was also reported to Members for information).

He confirmed that the WG Consultation paper proposed 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.

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.

The Group Manager Development concluded this item by stating that the TAN will provide detailed planning advice on the above, and the purpose of the consultation was specifically to consider the new TAN

RESOLVED: That Members noted the content of the report and the LPA’s response to the WG Consultation shown at Appendix 1 to the report.

854. TRAINING LOG

RESOLVED: That the four scheduled training sessions identified in the report of the Corporate Director – Communities, to be held immediately prior to the next four diarised Development Control Committees be noted, with it further noted that future training sessions will take place on the following topics:-

- Advertisement Control
- WLGA proposals for a National Scheme of Member Training
- Development Management Procedures – Consultation and notification

855. URGENT ITEMS

None.

The meeting closed at 4.18 pm

DEVELOPMENT CONTROL COMMITTEE

22 DECEMBER 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.

ITEM NO.	PAGE NO.	APP. NO.
8a	15	P/16/251/OUT

A Full Development Control Committee site visit was undertaken on Wednesday 20th December 2016. The adjacent Ward Member (representing the Ward Member), the applicant and two residents, one who is registered to speak, were in attendance.

Paragraph 5 on page 22 of the report should be amended to read as follows:-

A contribution toward providing improvements to the pedestrian links and crossing facilities to the A4061 will also be secured through the S106 obligation.

Natural Resources Wales have provided updated comments recommending that planning permission should only be granted if conditions can be imposed to manage flood risk on the development site and the implementation of the recommendations in the ecological assessment that accompanied the application.

Condition 2 on the report should be amended as follows:

The consent hereby granted shall be limited to the construction of no more than 15 dwellings and details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall accord with the following requirements:

- No development is permitted in the 1% and 0.1% fluvial flood outline of Nant Bryncethin and therefore within the area hatched in blue on the 'Illustrative Masterplan' BRYN-02 Revision C received on 24 November 2016
- A distance of 21m between directly facing habitable room windows, in relation to existing properties;
- The dwellings on Plots 1 and 9 being sited a minimum distance of 12m from the side facing habitable room windows in 33 and 34 Ffordd Leyshon respectively;
- The dwellings on Plots 10-12 (inclusive) not exceeding 1.5 storeys in height, as indicated in page 17 of the Design and Access Statement
- 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

8b	35	P/16/901/FUL
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Further observations were received on 21 December 2016. The objector has not raised any additional issues and all concerns have been addressed in the report.

The Council's Land Drainage Section initially expressed concerns that the proposed development could result in damage to existing culverts that run through the site. The applicant's agent has provided a statement that confirms that the two culverts have been considered in the design process construction will take place in a manner that will have no detriment on the existing drainage channels. As a result of this additional information, the Land Drainage Section has withdrawn its objection but has requested the imposition of a condition to protect the culvert.

The following condition shall be added to the report:

5. No development on land over the existing culverts shall commence until a scheme to protect the existing drainage channels during the course of construction has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed scheme of protection and throughout the period of construction.

Reason: to ensure that no damage occurs to the culverted watercourses and that flood risk is not increased.

**MARK SHEPHARD
CORPORATE DIRECTOR – COMMUNITIES
22 DECEMBER 2016**

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Development Control Committee Guidance

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

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

STANDARD CONDITIONS

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

Time-limits on full permission

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

Time-limits on outline permissions

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

Variation from standard time-limits

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

STANDARD NOTES

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

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

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

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

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

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

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

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

THE SITE INSPECTION PROTOCOL

The Site Inspection Protocol is as follows:-

Purpose

Fact Finding

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

Request for a Site Visit

Ward Member request for Site Visit

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

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

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

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

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

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

Inappropriate Site Visit

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

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

Format and Conduct at the Site Visit

Attendance

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

Officer Advice

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

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

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

Code of Conduct

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

Record Keeping

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

Site Visit Summary

In summary site visits are: -

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

Frequently Used Planning Acronyms

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

REFERENCE: P/16/251/OUT

APPLICANT: Mr Robert Vicker Ty Maen, Ffordd Leyshon, Bryncethin, CF32 9TB

LOCATION: Land off Ffordd Leyshon Bryncethin CF32 9TB

PROPOSAL: Up to 15 dwellings with public open space, landscaping, access & associated works

RECEIVED: 30 March 2016

SITE INSPECTED: 14 April 2016

APPLICATION/SITE DESCRIPTION

Outline planning consent is sought for residential development of up to 15 dwellings on land that lies to the west of Ffordd Leyshon, Bryncethin. All matters apart from access are reserved for future consideration.

The site comprises two parcels of grazing land, measuring approximately 0.8 hectares in total. The larger, southern portion immediately adjoins the tree lined bank of Nant Bryncethin with the eastern boundary shared with 33 and 34 Ffordd Leyshon and an existing private drive which serves properties known as Maendy and Ty Maen. The relatively short western boundary adjoins the recently constructed Tyn y Coed housing development and properties on Clos Tyn Y Coed. The northern boundary is shared with the large garden and access track that serves Maendy, a Grade II Listed Building.

The smaller parcel of the application site currently forms part of the paddock that lies to the east of Ty Maen and bounds the rear gardens of 28-33 Ffordd Leyshon, which are defined by close boarded fencing and existing hedgerows.

The topography of the whole site rises from the south to the north with the lowest area to the south-west corner at around 52m Above Ordnance Datum (AOD) some 9m lower than the north eastern corner which is the highest part of the site.

The application site forms part of a much larger non-statutory designation for nature conservation - the Tyncoed Farm Site of Importance for Nature Conservation (SINC) and also includes a public right of way that passes through the southern parcel of land, (Footpath 3 St Brides Minor refers).

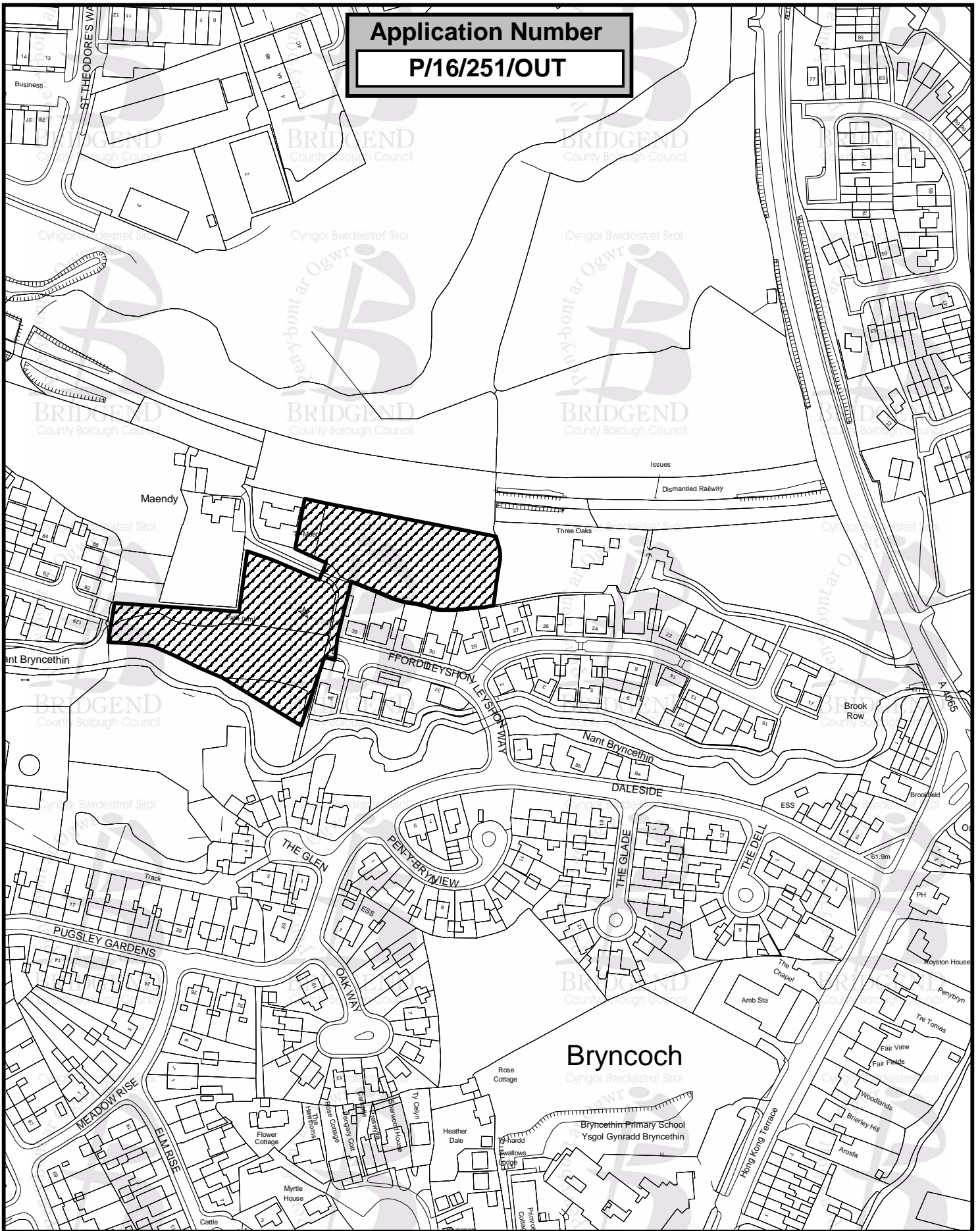
The latest iteration of the 'Illustrative Masterplan' proposes a development of nine properties fronting a new highway on the southern portion of the site, accessed directly from Ffordd Leyshon as an extension of the existing highway. The road will provide pedestrian and vehicular access to the proposed units and will accommodate the section of public right of way that crosses the site. An area of land, adjacent to the garden of the listed building has been identified as a 'Local Equipped Area of Play.' Plot 1 on the latest illustrative layout has been enlarged in recognition of the updated flood maps which indicate that the existing access road and part of the site are within the flood plain of Nant Bryncethin.

Three detached units are proposed on the northern part of the site, accessed via the existing driveway that currently serves Maendy and Ty Maen.

The precise scale and appearance of the development will be considered at the reserved matters stage but the applicant has indicated that 1.5 to 2 storey units will be developed

Application Number


P/16/251/OUT



Bryncoch

Cyngor Bwrdeistref Sirol

County Borough Council

W  E
N
S

Page 20

Scale 1:2,500

Date Issued:
15/12/2016

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
Ffer-y-bont ar Ogwr



BRIDGEND
County Borough Council

with 1.5 storey dwellings positioned on the northern part of the site to minimise the impact on the dwellings on Ffordd Leyshon. A table setting the parameters for the buildings has been included in the Design and Access Statement. The dwellings will be finished in materials that will reflect the character and style of the higher quality developments in the vicinity of the application site.

The Design and Access Statement recognises that existing trees and hedgerows provide an important framework to the development and it is intended that all boundary planting will be retained and supplemented where possible. A Tree Survey & Arboricultural Impact Assessment indicates that four Goat Willows (southern boundary of Maendy) and a 26m section of hedgerow (east of Ty Maen) will be removed to accommodate the proposed access roads. The remaining trees on site will be unaffected by the development and can be safely retained.

A comprehensive assessment of habitats and vegetation has been undertaken, (Ecological Assessment - David Clements Ecology Ltd - November 2015) recognising the sites local designation as a SINC.

A Phase 1 Ground Investigation Report, including a coal mining risk assessment and contamination survey has also accompanied the application

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 has expired.

CONSULTATION RESPONSES

St Brides Minor Community Council objects to the application for the following reasons:

1. It is outside the settlement boundary
2. It will result in the loss of open space
3. The access road is very narrow and is unsuitable for this development
4. It will result in increased traffic on the A4061
5. Danger of inadequate health services for residents resulting from an expansion of housing developments locally

Destination & Countryside Management: No objection subject to conditions

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

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: No objection subject to conditions.

Coal Authority: No objection subject to conditions

South Wales Police: No adverse comments but recommend designing out a number of pedestrian routes. (In this case the routes are either private drives or will accommodate a public right of way and therefore must be retained).

Head of Street Scene (Highways): No objection subject to conditions and to the developer entering into a S106 Obligation to provide a contribution to improving pedestrian links to public transport facilities and reducing traffic speeds on the A4061 thus addressing a highway safety concern.

Bridgend Ramblers object on the basis that the right of way will be obstructed by the proposed development.

Rights of Way Officer: The public right of way is to remain on its current definitive alignment thus avoiding the need to divert the public right of way if planning permission is granted. In view of the information contained within the email from the applicant's agent, the proposal would be acceptable to the Rights of Way section.

REPRESENTATIONS RECEIVED

Letters of objection have been received from the following residents:

B Evans	28 Ffordd Leyshon
Ken Cross	29 Ffordd Leyshon
Jean Phillips	30 Ffordd Leyshon (Speaker)
Jonathan Ellis	31 Ffordd Leyshon
Barry & Diana Pyle	33 Ffordd Leyshon
Glen Newberry	36 Ffordd Leyshon
Mr Wheller	37 Ffordd Leyshon
Richard Roberts	82 Clos Tyn Y Coed
R Williams & K Cooper	88 Clos Tyn Y Coed
Craig Brett	90 Clos Tyn Y Coed
Craig Richardson	Maendy C/O109 Joo Chiat Place, Singapore

The following is a summary of the objections received:

1. The site is outside of the settlement boundary;
2. Loss of green space/open space - less safe environment for children;
3. Schools and surgeries cannot cope with additional population;
4. Create additional traffic onto the local network including Ffordd Leyshon and the A4061 affecting flow of traffic along the route and through the light controlled junctions - difficult to access the highway at peak times;
5. Poor access to those plots to the north/rear of Ffordd Leyshon which will border onto number 33;
6. Issues with waste recycling - no dedicated place to put waste/recycling.
7. The development will have a negative visual impact; the development will affect the character of the neighbourhood - we will lose our existing views - the houses will take away my privacy and light;

8. Loss of trees and wildlife;
9. Impact on the setting of a Grade II Listed Building
10. Drainage problems joining onto the system in Clos Tyn Y Coed and neighbouring housing developments - already had drainage issue on our site and with this new development would put extra pressure on the existing system - Concerns about flooding as a result of the development and removal of the underlying culvert;
11. There will be increased noise levels during the development and once it has been completed
12. Site of former coal mine - ground conditions could be a concern,
13. Reduce the value of houses in the area - residents should be compensated.

COMMENTS ON REPRESENTATIONS RECEIVED

1. The southern part of the application site is allocated for residential development, as part of the Parc Tyn Y Coed housing allocation (Policy COM1 (32) of the Bridgend Local Development Plan refers). The northern parcel lies outside the allocation but falls within the settlement boundary of the 'Valley Gateway Settlement' of Bryncethin where Policy COM3 states that the re-use of vacant land for residential development will generally be permitted subject to detailed design considerations.

2. The area does form part of a larger site that is important for nature conservation and a reasonably attractive green space between two existing areas of housing. Public access along the right of way has encouraged recreational uses across the wider area but the land is privately owned and is not allocated or offered formal protection as an area of open/play space. Informal recreation provision and opportunities for formal play exist on two large areas of play in the Tyn Y Coed development to the west of the site.

3. A deficiency in social facilities is a material planning consideration and current school capacities indicate that Bryncethin Primary School is currently oversubscribed. In accordance with SPG 15: Residential Development and Educational Facilities, a contribution will be sought to address this deficit.

Health service provision is a matter controlled by Welsh Government and the Health Boards and is not material to the determination of this application. Members should be mindful that Abertawe Bro Morgannwg Health Trust were informed of the Council's housing allocations as part of the process of preparing the Bridgend Local Development Plan. Given the scale of this development, the impact on services would be relatively limited.

4 & 5 The Transportation Policy and Development Section are seeking to introduce measures that will reduce traffic speeds on the A4061, improve flows through the Daleside/A4061 junction and introduce a pedestrian refuge to enhance connectivity to existing public transport facilities. Subject to these improvements being secured through a planning obligation, there is no objection to the development on highway safety grounds. It is accepted that the existing private drive access that serves the units to the north of the site does not achieve an acceptable design in terms of vision and this will have to be re-positioned as part of any future application. This will also assist in protecting the living conditions of the occupiers of 33 Ffordd Leyshon.

6. The future estate layout will need to be designed to allow access by the Council's waste collection and recycling vehicles. Most challenging will be units 13-15 which will be served by a new private drive. The arrangements for collection will not however differ from those for Maendy and Ty-Maen, the existing properties served off the private drive.

7. The development will result in the loss of this area of open space and the visual and physical break between existing areas of housing which local residents have clearly used for informal recreational purposes. The character of the area will change but in a manner that is accepted by the Council's Development Plan which allocates the site for housing. Public access via the Right of Way will be retained and an area of open space will be provided as part of the scheme. Furthermore, the retention of important trees that frame the site will assist in limiting the impact of the development on its surroundings.

Comments from residents on matters relating to loss of light and privacy have been based on the 'Illustrative Masterplan' but this is only a guide, as matters such as the scale, design and siting of the housing on this land are reserved for future detailed consideration. Nos 29-33 adjoin the northern parcel of land and the latest plan proposes three units, two of which will be 'side-on' to the shared boundary. Separating distances of some 19m is recorded on the plan between the side elevation of Plot 12 and rear elevation of 30 Ffordd Leyshon. Even accounting for the higher ground levels, sufficient space does exist to allow dwellings to be designed to reasonably safeguard the living conditions and well-being of the adjacent properties. No. 33 is separated from the private drive serving the existing properties by the width of its own driveway and includes side facing habitable room windows that currently have an unrestricted view over the application site. Whilst the right to a view cannot be protected, the dwelling on Plot 9 and the increased use of the drive to serve an additional three properties could impact on the living conditions of the occupiers. The proposed access to the northern part of the site is not acceptable in its current form and a re-alignment into the development site will be required. Some space will be created to provide screening along the eastern end of the drive (planting/enclosures) to minimise the impact. Furthermore, careful consideration of site levels, and ensuring that minimum separating distances are achieved, should allow this part of the site to be developed whilst respecting the amenities of the neighbours.

No. 34 also immediately adjoins the eastern boundary of the development site and, like 33, has habitable room windows on the side of the dwelling. In an attempt to overcome the concerns of Natural Resources Wales by removing all development from within the flood plain, the dwelling on Plot 1 will have its side elevation some 20m from No.34. The open outlook will be affected but in a manner that accords with the Council's guidelines. The overlooking from No. 34 will limit the levels of privacy afforded to the occupiers of new Plot 1. This will need to be carefully considered at the reserved matters of full application stage.

The indicative relationship of the new development to all existing properties has been considered and there appears to be no evidence to suggest that new housing on this site cannot satisfactorily address the relevant policies and guidelines for such developments.

8. A comprehensive ecological assessment accompanies the application which considers the potential impact of the development on the SINC, notable plant species, habitats and fauna including bats, otter, dormouse etc. The Council's Ecologist accepts the findings of the report which indicate that the loss of the grassland, which is part of the wider SINC will be acceptable if the adjacent woodland and hedgerows and watercourses are mitigated for during and post development. A number of conditions will be imposed on any development to protect the broadleaved woodland and protected species, through the

agreement of a site clearance method statement and a lighting design strategy. A pollution prevention scheme will also be required to prevent discharge of effluent to the existing watercourse. On the basis of the submitted evidence and subject to certain controls on development, the scheme will accord with both local and national policies in terms of protecting biodiversity interests on this site.

9. The wider setting of the listed building has changed in recent years with the development of the Parc Tyn Y Coed housing allocation. The former farm buildings are set within a large garden and screened by established planting which will not be affected by the development. The submitted plan is a reasonably well considered approach to development that will ensure that the building's character and setting will not be adversely affected.

10. Drainage issues have been considered by the Council's Land Drainage Section and Natural Resources Wales and the location of the site close to the flood risk zone of the Nant Bryncethin has been noted. Foul water is to be disposed of to the mains sewer, a section of which may need to be diverted to accommodate the development. SuDS (Sustainable Drainage System) will discharge surface water although no details of the drainage arrangements have been submitted. No fundamental objections have been offered by the statutory consultees subject to the developer submitting and agreeing a comprehensive and integrated drainage scheme for approval prior to development commencing.

11. Noise during construction is an inevitable consequence of development but not grounds to refuse permission. Conditions could be imposed at the detailed stage to agree a Construction Management Plan. Other legislation also exists to control noise and/or air pollution that may constitute a statutory noise nuisance.

12. The Coal Mining Risk Assessment that was submitted with the application indicated that the site was likely to have been subject to historic unrecorded underground coal mining at shallow depth. In order to mitigate potential workings, the applicant's report recommends that intrusive site investigation works are undertaken prior to development to establish the exact situation regarding ground conditions and to enable appropriate remedial measures to be identified. The Coal Authority and the Council's Public Protection Department have recommended the imposition of a number of planning conditions that would address the objectors concerns.

13. Devaluation of property is not a material planning consideration

APPRAISAL

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

Outline planning consent is sought for residential development of up to 15 dwellings on land that lies to the west of Ffordd Leyshon, Bryncethin. All matters apart from access are reserved for future consideration.

The application site lies within the main settlement of the 'Valley Gateway Settlements' (which includes Bryncethin) as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP). Much of the site forms part of the LDP allocation COM1 (32) which promotes 323 dwellings at Parc Tyn y Coed. The northern part of the site is located outside the Parc Tyn y Coed allocation but is located within the settlement boundary where Policy COM3 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 safeguarded for another use and as such its development for housing should be regarded as acceptable in principle as a 'windfall' site in accordance with COM3. The Parc Tyn y Coed housing allocation is a site where the Council will promote the provision of accessible natural greenspace, wherever suitable opportunities arise. Whilst the development will result in the loss of part of the larger SINC, connectivity via the public rights of way network will retain access to the areas of natural greenspace that form part and lie adjacent to the existing areas of housing to the west. Policy COM13 (6) is therefore not compromised by the development.

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 up to 15 dwellings triggers Policy COM5 of the LDP which requires 20% affordable housing in the 'Bridgend 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.

Policy COM11 of the LDP requires the provision of a satisfactory standard of open space from all residential developments which is defined as 2.4 hectares per 1000 people. The Council's open space audit reveals a deficit of provision in this locality. The indicative masterplan proposes the provision of an area of public open space. This will be secured through the S106 planning obligation with full details of landscaping and maintenance to be agreed by the Council at the reserved matters stage. Existing open space and playing facilities are also 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 the local primary school is oversubscribed, (Bryncethin 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 pedestrian links and crossing facilities on the A4061 will also be secured through a S106 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 apart from access 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 all the criteria of the aforementioned policy.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that, when determining planning applications which affect a listed building, special regard shall be paid to the desirability of preserving the building, its setting and any architectural or historic interest it possesses.

In this case the listed building is set within its own grounds the boundary of which is surrounded by mature trees. The character of the surrounding area has changed considerably over recent times with the development of allocated residential sites and there are no important vistas or long distance views. Given the domestic nature of the proposal. Which is bounded by other residential development together with the relative distance from the nearest proposed dwelling, it is not considered that the setting of the listed building will be materially harmed. Nevertheless the design of the dwellings and any potential impact will be similarly assessed at the detailed plan stage.

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.

The submission does satisfactorily address a number of other criteria in that it proposes a density of development that maximises the sites potential whilst respecting the character of the surrounding development. Whilst it does represent 'greenfield' opposed to 'brownfield' development, it accords with the site's allocation in the Local Development Plan. Being located in the settlement of Bryncethin, it will be relatively close to existing social and community facilities which will have good connections to the road network and public transport which will be proportionally enhanced in the manner described above.

Minimising opportunities for crime to be generated or increased can be achieved through careful design at the reserved matters stage and having regard to the advice of the Police Designing Out Crime Officer. Whilst the provision of links through the site conflicts with Police advice, in this case it must be retained to accommodate the Public Right of Way and links to areas of natural greenspace in the housing development to the west.

Minimising noise, air and water pollution should only be matters of concern at the construction stage and conditions can be imposed to prevent conflict with the Council's policies. Pollution prevention guidelines are published by Natural Resources Wales but due to the sensitivities of the site, a condition will be included in any permission granted preventing the discharge of effluent to Nant Bryncethin.

Himalayan Balsam and Japanese Knotweed are recorded on the site with the latter being more prevalent. A condition will be imposed requiring the agreement of a scheme for containment, control and removal of non-invasive species on site.

As indicated in the previous section of the report, a comprehensive ecological assessment has accompanied the application, the findings of which are accepted by the Council's Ecologist. A number of conditions will be imposed on any development to protect the broadleaved woodland and protected species through the agreement of a site clearance method statement and a lighting design strategy. Consideration is also being given to protecting the trees within the riparian corridor via a Tree Preservation Order. Whilst they are not directly threatened by the development, their retention and the agreement of a long term management plan for the remainder of the SINC that forms part of the application site will represent compensation for the loss of part of the SINC, thus also addressing Policies ENV4, ENV5 and ENV6 of the LDP.

It is considered that 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.

Almost all matters of detail have been reserved for future consideration and therefore it is not possible to assess in detail the relationship with existing properties and uses. Whilst the development of the land will inevitably have some impact on the existing residents, the indicative masterplan and subsequent compliance with the recommended conditions should ensure that the living conditions and well-being of the existing residents can be reasonably safeguarded.

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out development in accordance with sustainable development principles and 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.

Appropriate arrangements for the disposal of foul sewage and surface water will be secured through planning conditions.

One of the consequences of climate change will be more floods, following extreme weather events and the basis of national policy is to avoid development in areas where the consequence of flooding will be unacceptable. As a result of recent up-dates in the NRW's Flood Map information, Plot 1 and the site access (the existing highway which forms the western end of Ffordd Leyshon) are considered to be at fluvial risk. NRW have recommended that either a Flood Consequence Assessment is undertaken or that the Plot 1 is omitted. Whilst the latest version of the masterplan has the garden of Plot 1 within the flood zone, built development has been omitted. It is intended that a condition will be imposed excluding any development from within the flood zone and this arrangement has been accepted by NRW.

Notwithstanding the local objections and those of the Community Council, 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 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 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 an outdoor recreation facility (Local Equipped Area of Play) in accordance with Policy COM11 of the Bridgend Local Development Plan and to submit and agree as part of the obligation the arrangements for future management and maintenance of this outdoor recreation facility.

(iv) Provide a financial contribution, prior to the commencement of development, toward the provision of a central pedestrian refuge on Route A4061 (in the proximity of the junction with Daleside) with the figure being dependent on the final development mix and numbers with the contribution provided on a pro-rata basis.

(v) Provide a management scheme for the long term maintenance of the remainder of the 'Site of Importance for Nature Conservation' that is within the ownership of the applicant to compensate for the loss of part of the SINC to development.

(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:

'Illustrative Masterplan' BRYN-02 Revision C received on 24 November 2016

Design and Access Statement - March 2016

Ecological Assessment - David Clements Ecology Limited - November 2015

Desk Study and Site Reconnaissance - ERG - October 2015

Trees Survey and Arboricultural Impact Assessment - 28 April 2016

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 15 dwellings and details of the 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, in relation to existing properties;
- The dwellings on Plots 1 and 9 being sited a minimum distance of 12m from the side facing habitable room windows in 33 and 34 Ffordd Leyshon respectively;
- The dwellings on Plots 10-12 (inclusive) not exceeding 1.5 storeys in height, as indicated in page 17 of the Design and Access Statement
- 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. No development including any site clearance works shall commence until a clearance method statement, providing details for avoidance of harm to reptiles, nesting birds and for detailing the containment, control and removal of invasive non-species (Himalayan Balsam) on site has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details.

Reason: In the interests of promoting nature conservation.

4. No tree on site shall be cut down, uprooted or destroyed, nor shall any tree be topped or lopped without the written agreement of the Local Planning Authority.

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

5. In this condition "retained tree" means an existing tree which is to be retained in accordance with the future development of this site and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the last occupation of any building for its permitted use:

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and 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.

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

6. 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

7. 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

8. Any submission for approval of reserved matters or full application shall include a Construction Environment Management Plan (CEMP) detailing all necessary pollution

prevention measures for the operational and post operational phase of the development. The (CEMP) shall identify as a minimum:

- (a) Storage facilities and emergency containment for all fuels, oils, chemicals and explosives and any other polluting substances;
- (b) Construction compounds, car parks, offices etc.
- (c) Details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off;
- (d) Works timing and phasing of works/responsible proactive construction ;
- (e) Details of maintenance of site access/haulage roads to ensure no polluting discharge;
- (f) Measures for dealing with any contaminated material (demolition waste or excavated waste);
- (g) Environmental Monitoring Schemes and Environmental Protection methods;
- (h) Details of emergency contacts;

The (CEMP) should then be efficiently communicated to all contractors and subcontractors and implemented throughout the period of construction.

Reason: To prevent pollution

9. The development shall be served by a single vehicular access formed by an extension to the western end of Ffordd Leyshon.

Reason: In the interests of highway safety.

10. The access hereby approved shall be at a gradient not steeper than 8.3% (1 in 12).

Reason: In the interests of highway safety.

11. Any submission for approval of reserved matters or full application for the northern parcel of land shall include a revised access arrangement that establishes appropriate vision splays for emerging vehicles and the widening/relocation of the existing access away from the boundary of number 33 Ffordd Leyshon. The agreed scheme shall be implemented before any of the dwellings on the northern parcel of land the development are brought into beneficial use.

Reason: In the interests of highway safety.

12. The site shall be provided with a pedestrian / cycle access to the western site boundary to provide for connectivity to the adjacent Tyn-y-Coed development prior to the beneficial occupation of the first dwelling.

Reason: In the interests of highway safety.

13. 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

14. No development shall take place until a site investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be submitted to the Local Planning Authority before any development begins. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the Local Planning Authority. Remedial measures shall be carried out prior to the first beneficial use of the development in accordance with the approved details and retained in perpetuity.

Reason: In the interests of safety

15. If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in condition 15 additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures which shall be retained in perpetuity.

Reason: In the interests of safety

16. 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 the Local Planning Authority for its approval.

Following completion of the approved monitoring scheme, 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. If no protection measures are required than no further actions will be required.

All required gas protection measures shall be installed 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.

* '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 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments,.

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

17. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be 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) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

(i) 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;

(ii) an assessment of the potential risks to:

- human health,
- groundwaters 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)

(iii) 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: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

18. 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).

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

19. The remediation scheme approved by condition 19 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).

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.

20. 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 unless otherwise agreed in writing 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.

21. 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.

22. 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 Local Planning Authority.

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

23. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

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

24. * THE FOLLOWING ARE ADVISORY NOTES 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.

Dwr Cymru Welsh Water has provided the following advisory notes:

- * Foul water and surface water discharges shall be drained separately from the site
- * No surface water shall be allowed to connect either directly or indirectly to the public sewerage system unless otherwise agreed in writing by Dwr Cymru Welsh Water.
- * Land drainage run off shall not be permitted to discharge either directly or indirectly to the public sewerage system.

The applicant should be made aware of their duty of care and responsibilities under the Wildlife and Countryside Act 1981, Schedule 9, Section 14 (as amended by the CROW Act 2000) it is an offence to deliberately cause invasive species to grow in the wild. Under the Environmental Protection Act 1990 soil contaminated with Japanese Knotweed & or Himalayan Balsam is classed as controlled waste and under the Environmental Protection (Duty of Care) Regulations 1991 it can only be disposed of at a registered site and with a waste licence.

The contamination assessments and the effects 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.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

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REFERENCE: P/16/901/FUL

APPLICANT: Mr & Mrs Lock c/o Plan R Ltd, 39 Merthyr Mawr Road, Bridgend,
CF31 3NN

LOCATION: 67 Maes Talcen Brackla CF31 2LQ

PROPOSAL: Wooden fence at rear of house dividing gardens of 67 and 68 Maes
Talcen

RECEIVED: 7 November 2016

SITE INSPECTED: 7 December 2016

APPLICATION / SITE DESCRIPTION

The application seeks retrospective consent for the retention of a boundary fence at the rear of the property. The fence is 2.16m in height and runs 15m along the boundary with 68 Maes Talcen.

RELEVANT HISTORY

None

PUBLICITY

Neighbours have been notified of the receipt of the application.
The period allowed for response to consultations/publicity expired on 5 December 2016.

NEGOTIATIONS

None

CONSULTATION RESPONSES

Councillor J C Spanswick

has requested that the application be referred to Development Control Committee due to the possible impact on the neighbouring property.

REPRESENTATIONS RECEIVED

Mr I A Harry 66 Maes Talcen
supports the proposal

D M Price 68 Maes Talcen
has objected for the following reasons:-

- loss of light into conservatory
- spoils the amenity of the garden outlook

Application Number

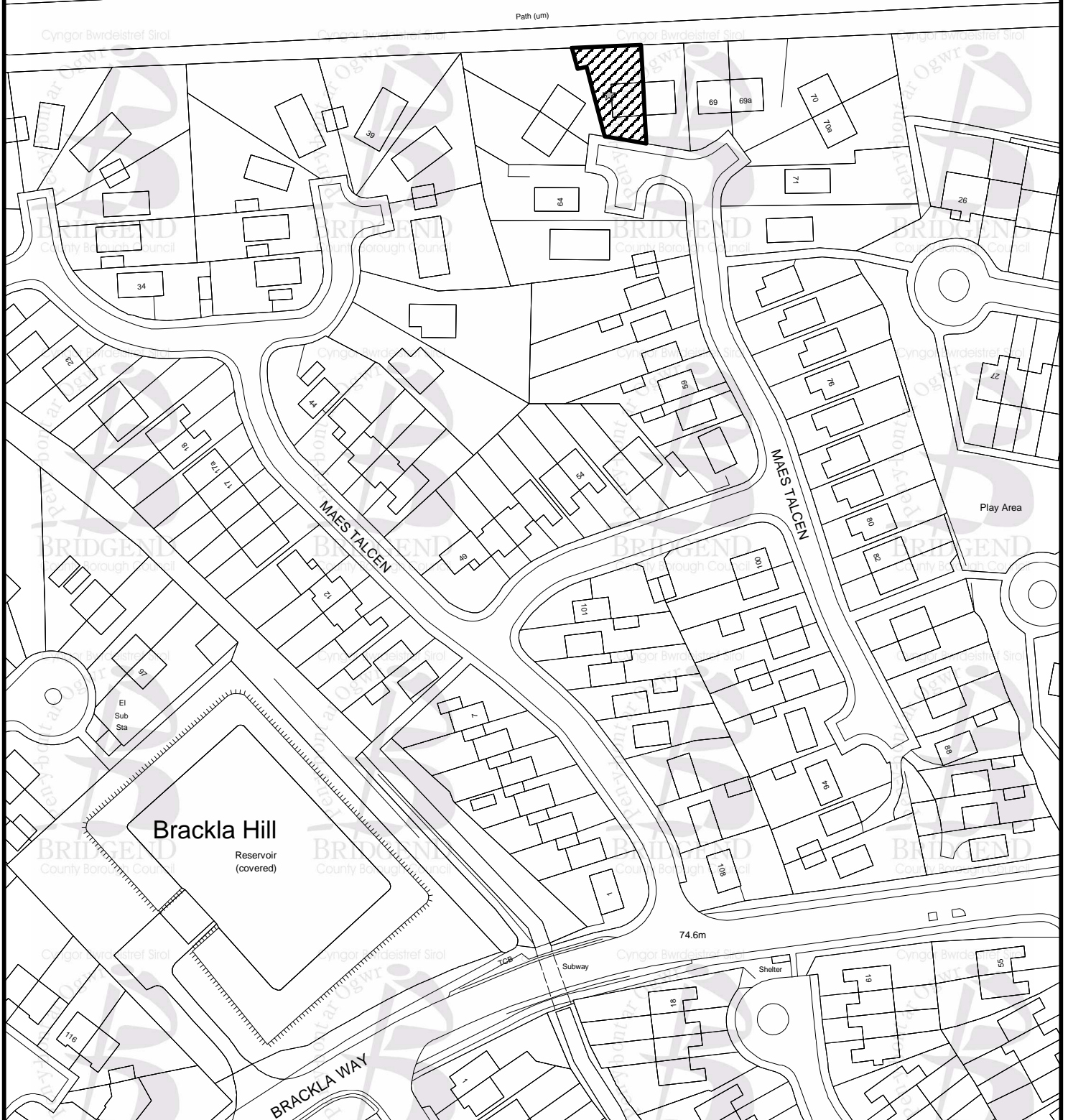
P/16/901/FUL

BRIDGEND
County Borough Council

BRIDGEND
County Borough Council

BRIDGEND
County Borough Council

BRIDGEND
County Borough Council



Scale 1:1,250

Date Issued:
15/12/2016

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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COMMENTS ON REPRESENTATIONS RECEIVED

With regard to the objections received from the occupier of 68 Maes Talcen, the applicant could erect a 2m high fence along the boundary of his property without the need for planning permission and could erect an extension of 4.0 (3.0m to eaves) in height for a distance of 4m from the rear elevation without the need for planning permission. The impact of the fence on the property is discussed in more detail in the appraisal.

APPRAISAL

The application is referred to Committee at the request of the Local Member.

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

The application seeks retrospective consent for the retention of a boundary fence between 67 & 68 Maes Talcen.

Note 7 of Supplementary Planning Guidance 02 states 'The construction or alteration of a boundary wall, fence or gate should not compromise highway safety, and should respect the residential amenity of neighbours and character of the dwelling and its context.' Paragraph 4.7.6 continues 'the proposed boundary enclosure should not unduly overshadow an adjacent property, block light to its windows or unreasonably dominate the outlook from its main habitable room.'

The fence would be erected alongside an existing boundary wall that offers limited screening between the properties. The fence has been constructed within 1 metre of an existing conservatory at 68 Maes Talcen, however, the elevation of the conservatory facing the fence has been constructed in brick and, therefore, the fence does not have an impact on the outlook from this conservatory. The boundary fence is 2.16 metres in height which, although slightly higher than what can be constructed under permitted development rights, is not considered to raise such adverse overshadowing or loss of light concerns to warrant the refusal of the planning application.

Whilst determining this application Policies SP2 of the Bridgend Local Development Plan and Note 7 of Supplementary Planning Guidance 02 were considered.

CONCLUSION

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

RECOMMENDATION

(R63) That permission be GRANTED

* THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION

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

**MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES**

Background Papers
None

REFERENCE: P/16/874/FUL

APPLICANT: Mr & Mrs N Evans Unit F Copse Walk, Cardiff Gate Business Park, Cardiff, CF23 8RB

LOCATION: 36 Ffordd Sanderling Porthcawl CF36 3TD

PROPOSAL: Construction of a single storey extension to provide an indoor pool

RECEIVED: 2 November 2016

SITE INSPECTED: 15 November 2016

APPLICATION / SITE DESCRIPTION

Full planning permission is sought to erect a swimming pool extension to the residential property known as 36 Ffordd Sanderling, Porthcawl. The proposed single storey swimming pool extension would be erected towards the northern corner of the existing building, with its main footprint measuring 9.5m by 6.2m. It would also comprise an eastern wing that would accommodate changing facilities and pool plant/equipment. The proposed addition would have a central, glazed pitched roof feature extending to a maximum height of 4m from ground level. The extension would have a rendered finish with feature bi-folding doors positioned within the west facing elevation of the proposed building.

The application site is situated on a modern residential estate and occupies a corner plot within the cul-de-sac development. The application building is currently undergoing renovation works to re-orientate and extend the original dwelling (permitted under planning application P/16/173/FUL). Vehicular access to the site is direct from the cul-de-sac with the application site being visible from the sea front/common to the west.

RELEVANT HISTORY

P/16/173/FUL - EXTEND & REORIENTATE DWELLING INCLUDING PARTIAL DEMOLITION TO PROVIDE ADDITIONAL ACCOMODATION & SEA VIEWS - GRANTED – 13-05-2016

P/15/842/FUL - EXTEND & REORIENTATE DWELLING TO PROVIDE ADDITIONAL ACCOMODATION & VIEWS OF THE SEA, INC. PARTIAL DEMOLITION - WITHDRAWN 08-02-2016

P/13/206/FUL - CONVERT EXISTING ANNEXE/TRIPLE GARAGE TO DWELLING, TWO STOREY EXTENSION TO INC GARAGE SPACE & BALCONY - REFUSED 25-03-2013

PUBLICITY

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

NEGOTIATIONS

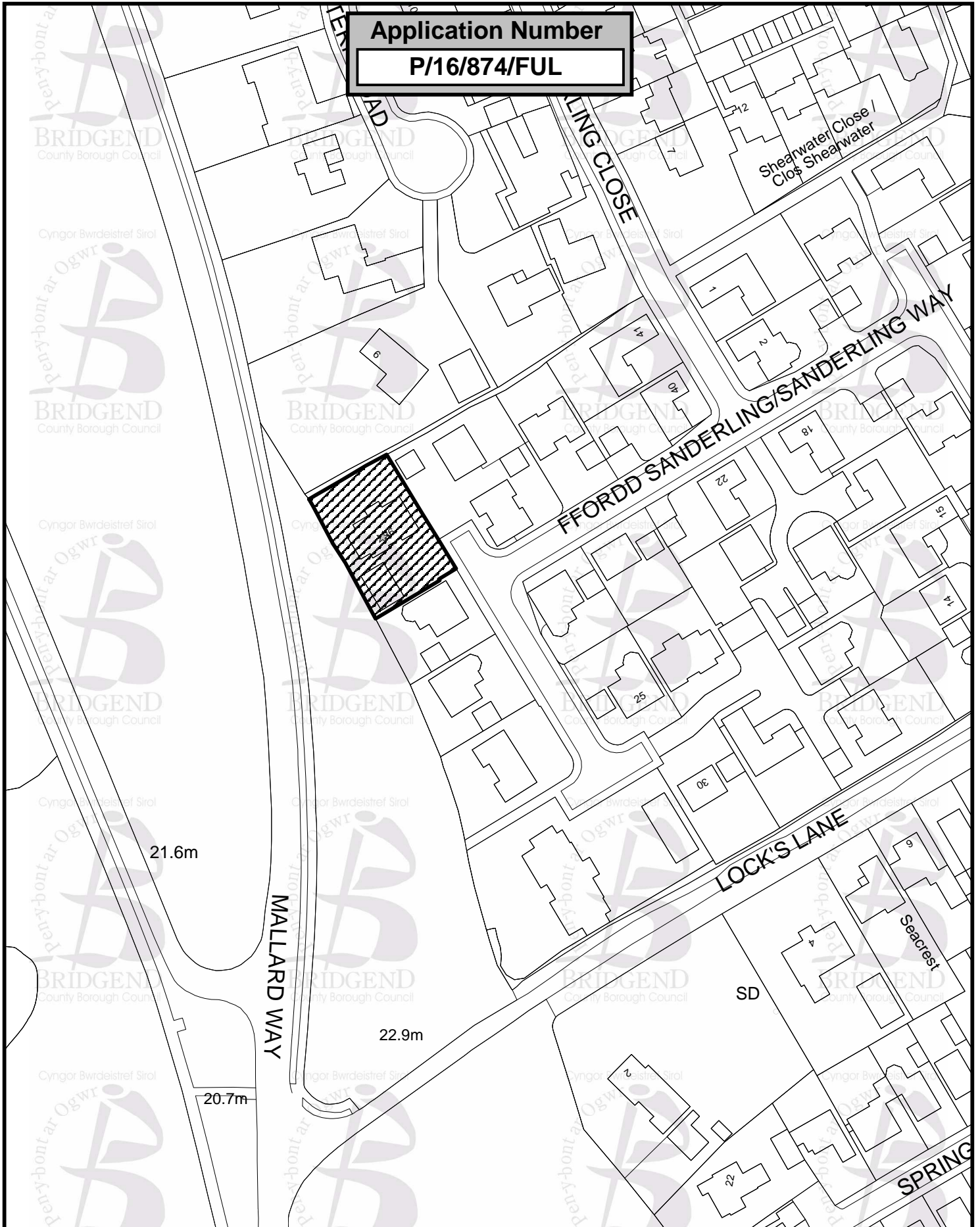
None.

CONSULTATION RESPONSES

Welsh Water Developer Services - No objection.

Application Number

P/16/874/FUL



Scale 1:1,250

Date Issued:
15/12/2016

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

Group Manager Public Protection - No objection.

Porthcawl Town Council - Object to the proposal on the basis the scheme would result in over-intensification/overdevelopment of the existing plot and a further extension would be unneighbourly development.

REPRESENTATIONS RECEIVED

Mrs Rosemary Langdon, 38 Ffordd Sanderling: objects to the proposal, commenting the proposal is disproportionate and overpowering, would result in loss of views and property prices. Concerns are also raised about construction traffic and general disruption during the build process.

Michael Parsons, 6 Mallard Way: concerns raised about the general drainage issues in the area and that the proposed swimming pool structure should not exacerbate these problems.

Ms Jayne Richards, 37 Ffordd Sanderling: objects to the proposal for the following reasons: overdevelopment of the plot, negative impact on existing properties in terms of aspect and value, the proposal is unnecessarily high and unneighbourly. Concerns are also raised about the potential noise and maintenance requirements of the engine/plant room.

COMMENTS ON REPRESENTATIONS RECEIVED

The visual and residential amenity impact of the proposed extension is considered in the Appraisal section of this report.

The development is considered to meet the requirements of planning policy and guidance in terms of amenity space provision around the building and would not result in overdevelopment of the site.

Loss of views and loss of property prices are not material planning considerations that represent justified reasons to refuse the planning application.

Inevitably a development so close to existing properties is going to result in some general inconvenience and disruption during the construction process although this would be of a temporary nature and is not considered a justified reason to refuse such a planning application.

Both Dwr Cymru Welsh Water and the Council's Drainage Section have commented on the proposed development and offered no objection to the scheme. The Council's Land Drainage Section has however suggested a drainage condition should be attached to any approved consent to ensure the satisfactory drainage of the development.

Issues raised with regard to noise disruption from the pool plant equipment have been considered although following consultation, Public Protection has raised no objections to the planning application. The plant equipment would be housed inside the new extension, with such plant equipment that serves a small domestic swimming pool unlikely to generate unacceptable noise levels. The likely ongoing maintenance requirements associated with such equipment are also not considered a justified reason to refuse the planning application.

APPRAISAL

This application is referred to the Development Control Committee for determination in view of the objections raised by the Town Council and local residents.

Whilst determining this application Policy SP2 of the Bridgend Local Development Plan and Notes 1,2,6,8,9,10,11,12 and 18 of Supplementary Planning Guidance 02 Householder Development (SPG02) were considered.

The application seeks planning permission for the erection of a new extension to this modern detached property that is situated within a residential area of Porthcawl. The property is located towards the end of a cul-de-sac and is currently undergoing significant upgrade/refurbishment works, granted under previous consents.

The proposed extension is considered to represent an appropriate addition to the host dwelling. The single storey addition although large in footprint would form part of a large main dwelling, with the form and style of the extension appearing both respectful and subordinate to the host property. Proposed finishing materials would be in-keeping with the host dwelling with such a single storey and would not appear jarring or obtrusive within the wider street scene. Overall, given the nature and scale of the property the proposed extension would relate to and the acceptable design of the extension, it does not raise such harmful visual amenity concerns to warrant a recommendation to refuse the planning application. Turning to the impact of the scheme on neighbouring properties. In view of the comments raised by neighbouring residents, the scheme is also considered acceptable in this regard. Given the size of the application plot and the proposed siting of the single storey addition that would be slightly offset and partially screened from the nearest neighbouring properties by boundary treatments and an existing detached garage erected towards the front of 37 Ffordd Sanderling, the proposal raises no harmful residential amenity concerns. The proposal would result in no overbearing, overshadowing or overlooking impact and conforms to the requirements of SPG02 in terms of amenity protection. Furthermore, following consultation with the Public Protection Section, no objections have been raised against the application. The plot also benefits from a significant front parking/turning area that would remain unaffected by the proposal with the application raising no highway safety issues.

Whilst acknowledging the comments of the Town Council in regard to overdevelopment of the plot, it is considered a reasonable and adequate level of amenity and parking space would be retained around the dwelling to appropriately serve the plot and current/future occupiers of the dwelling. The applicant has provided supporting information with the application that highlights that the existing site covers an overall area of 790 square metres and following the erection of the 75 square metre extension, 415 square metres (53% of total site) would be retained as amenity space, comprising front, side and rear garden areas and turning and parking areas. Overall it is therefore considered the scheme does not represent the overdevelopment of the plot and would not result in an unneighbourly addition being introduced to the locality.

Following consultation with the Council's Land Drainage Officer, no objections have been raised against the planning application subject to a condition controlling the means of drainage for the development. Welsh Water has also raised not raised any objections against the planning application.

The relatively modest proposal raises no biodiversity concerns with such a householder proposal 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. Regard in this instance has also been given to the Wellbeing of Future Generations (Wales) Act 2015. Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5). The duty has been considered in the assessment of this application and 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

Notwithstanding the objections received, this application is recommended for approval on the basis the development complies with planning policy and guidelines and would not adversely affect privacy, highway safety or visual amenities nor so significantly harm neighbours' amenities as to warrant refusal.

RECOMMENDATION

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

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

Proposed Site Plan Draw. No. 1183 PL 3:05
Proposed Elevations Draw. No. 1183 PL 3:06
Proposed Sections Draw. No. 1183 PL 3:07
Proposed Section Draw. No. 1183 PL 3:08

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

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

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

3. *THE FOLLOING ARE ADVISORY NOTES NOT CONDITIONS

(a) This application is recommended for approval on the basis the development complies with planning policy and guidelines and would not adversely affect privacy, highway safety or visual amenities nor so significantly harm neighbours' amenities as to warrant refusal.

(b) The applicant/developer is advised to contact Dwr Cymru Welsh Water if a sewer connection is required under Section 106 of the Water Industry Act 1991 or any alteration to Welsh Water apparatus is proposed prior to any development being undertaken.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background papers
None

REFERENCE: P/16/930/BCB

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

LOCATION: Land off North Road Bridgend Industrial Estate CF31 3TP

PROPOSAL: Construct a pedestrian access to Brackla Park and Ride facility
from Bridgend Industrial Estate - Phase II of the Brackla Park and
Ride Scheme

RECEIVED: 17 November 2016

SITE INSPECTED: 1 December 2016

APPLICATION/SITE DESCRIPTION

Planning permission is sought for the second phase of the Brackla Park and Ride Facility which proposes pedestrian access to the platforms and bridge from North Road on Bridgend Industrial Estate.

The application site comprises a vegetated earth embankment that lies between two existing businesses (Kymco Healthcare and Gemini Digital Colour) on the northern side of the estate road. The embankment measures 35m in width, is 37m in depth and reaches a maximum height of approximately 5-6m above road level. Dense stands of Laurel with the occasional conifer and hawthorn trees cover the embankment which hides an entrance to an existing culvert that runs in a north/south alignment, passing under the railway line to the north to its opening on the western edge of the parking area that is being developed as Phase 1 of the Brackla and Park and Ride Facility.

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

The submitted layout plan proposes a ramped and stepped access from the platforms and bridge (Phase 3) across the embankment to a 3m wide section of footway on North Road. The existing vegetation will be cleared in accordance with the recommendations set out in the Ecologist's report (David Clements Ecology Ltd - December 2016) that has accompanied the application. A series of retaining walls will be constructed to support the proposed access routes. The remaining areas will be graded and landscaped.

PLANNING HISTORY

None

PUBLICITY

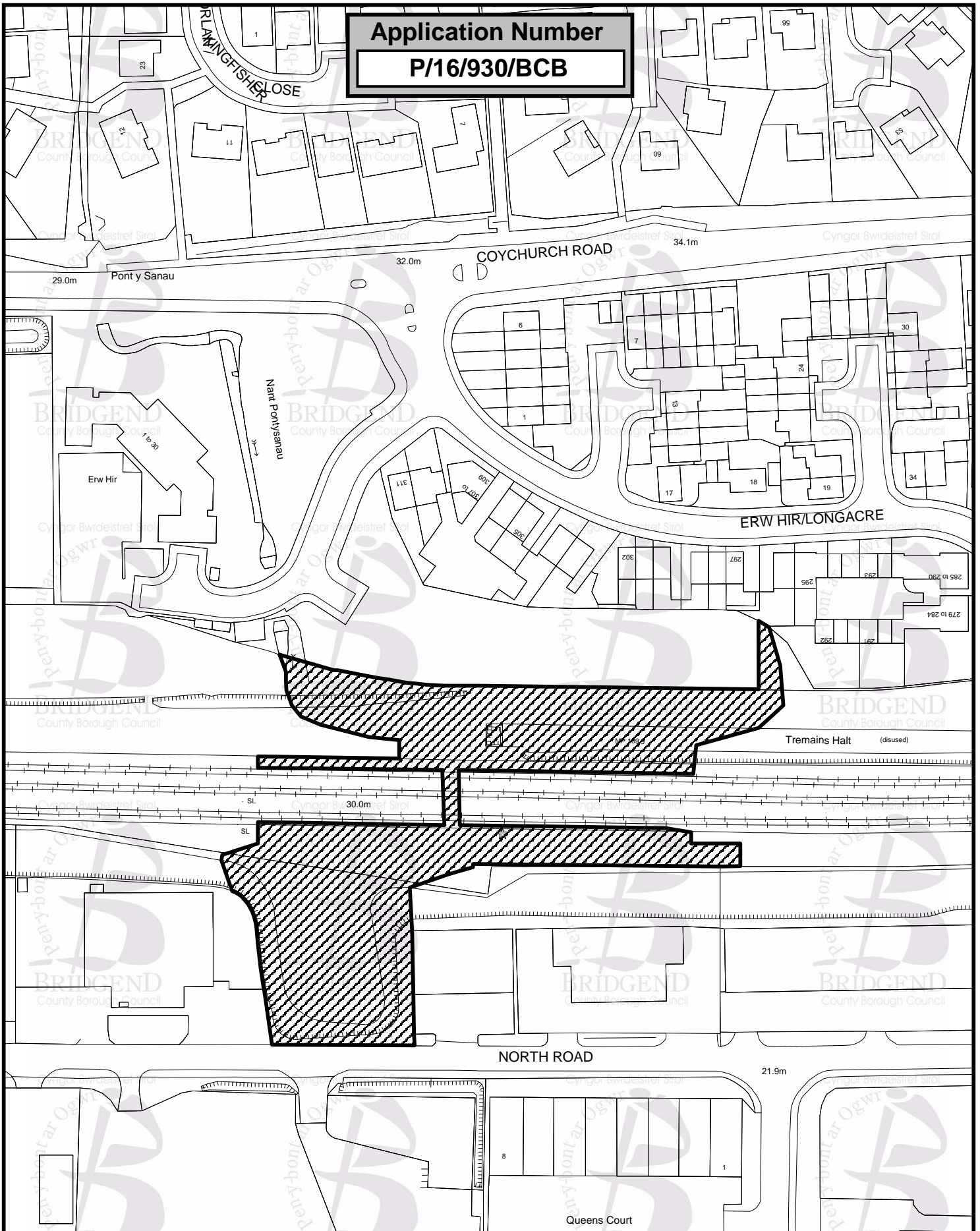
The application has been advertised on site.

Neighbours have been notified of the application.

The period allowed for responses to consultations/publicity expires on 21 December 2016 and any additional representations will be reported to members via the

Application Number

P/16/930/BCB



Scale 1:1,250

Date Issued:
15/12/2016

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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amendment sheet.

NEGOTIATIONS

None

CONSULTATION RESPONSES

Councillor H J Townsend - I support this application. However if for any reason it does go to the committee I would like to speak in support of the application.

Councillor J C Spanswick - I fully support this application and the many benefits it will help to bring with it to help increase pedestrian access direct to Bridgend Industrial Estate as well as the longer term benefits of a park and ride facility when the new rail service is provided.

Destination & Countryside Management - No objection subject to the developer complying with the recommendations in the ecology report.

Head of Street Scene (Highways) - No objection.

Coychurch Lower Community Council My council feel that there are insufficient car parking spaces available for the park and ride facility. We suggest that the ideal situation would be an additional park facility on the south side of the line within the estate.

REPRESENTATIONS RECEIVED

No objections received to date.

COMMENTS ON REPRESENTATIONS RECEIVED

Coychurch Lower Community Council has not formally objected to the development and clarification has been provided in the form of an email addressing the concerns about car parking. The email is set out below:

Land availability constrains the provision of parking on the southern side of the Brackla Park and Ride Facility but you may be aware that a car park is currently under construction on the northern side of the line under planning permission P/16/385/BCB. When the footbridge and platforms are constructed as part of Phase 3 of the development, it will allow access to platforms on the eastern and western lines and a connection between Brackla and Bridgend Industrial Estate.

No further comments have been received.

APPRAISAL

The application is referred to the Development Control Committee for determination in view of the comments received from Coychurch Lower Community Council.

Planning permission is sought for the second phase of the Brackla Park and Ride Facility which proposes pedestrian access to the platforms and bridge from North Road on Bridgend Industrial Estate.

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

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

All development should contribute to creating a high quality, attractive sustainable places which enhance the community in which they are located and it has been necessary to evaluate the proposal against the relevant criteria of Policy SP2 which represents the starting point for the assessment of all planning applications. Making a positive contribution towards tackling the causes of climate change and peak oil issues is also an objective of the plan and a development which reflects sustainable transport and access principles whilst improving public transport provision is one means of achieving this objective (Policies PLA4 and SP3 of the BLDP 2013 refer). Good design will generally have to balance the wider benefits of the development against the more immediate impacts on the local community.

Policies SP2, ENV5, ENV6 and ENV7 consider the scale of development, the impact on local character and biodiversity interests, the need to avoid or minimise noise and air pollution, whilst also ensuring that the amenity of adjoining occupiers are not adversely affected.

Whilst the use of the land for its intended purpose is supported by plan policy, the operations required to provide the footway and ramps will transform the appearance of the site with the removal of all the existing vegetation. Although the trees form a reasonably attractive feature within the industrial estate, they are not worthy of protection and, subject to the clearance works being timed to avoid bird nesting season, their loss is acceptable in the context of planning policies.

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

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

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

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

Site ecology that exists (which is limited) will be safeguarded by following the recommendations within the ecology report - this will be the subject of a planning condition. The proposal is therefore 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.

Site levels and the positioning of the steps and ramps will allow future users to overlook the neighbouring commercial premises but this should not lead to any significant impact that warrants protection. Loss of privacy is not a consideration in the context of this development.

It is therefore concluded that the proposed works will not have any significant impact on the character and amenities of the area and specifically the adjacent operators.

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

The well-being goals identified in the Act are:

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

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

Matters relating to highway safety have been considered and the Transportation Policy and Development Section have indicated the arrangements are acceptable, offering no objection to the development.

Site drainage will be designed to prevent surface run off onto the highway and adjoining land and the existing culvert will be protected during the course of any construction works on site.

CONCLUSION

This application is recommended for approval because the development complies with national and Council policy and is acceptable in terms of its impact on privacy, visual

amenities and residential amenities. The proposed development is also considered to be acceptable in terms of highway safety and will initiate the provision of a facility that will, in the long term, improve opportunities for sustainable travel.

RECOMMENDATION

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

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

BPR-CAP-00-XX-SK-C-010 and Culvert - Bridgend Industrial Estate - Survey for Bats - December 2016.

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

2. Prior to any works commencing on the construction of the retaining walls, detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the retaining walls hereby permitted shall be 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. Prior to any works commencing on the construction of the retaining walls, there shall be deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that any retaining wall to be constructed will be designed and constructed so as to prevent subsequent ground movement. Any retaining wall shall be constructed in accordance with the design and constructional details so certified.

Reason: In the interests of safety.

4. The development shall proceed strictly in accordance with the recommendations as set out in Chapter 5 of the 'Culvert - Bridgend Industrial Estate, Bridgend - Survey for Bats Report by David Clements Ecology Ltd - December 2016.

Reason: In the interests of safeguarding any biodiversity interests on site.

5. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

This application is recommended for approval because the development complies with national and Council policy and is acceptable in terms of its impact on privacy, visual amenities and residential amenities. The proposed development is also considered to be acceptable in terms of highway safety and will initiate the provision of a facility that will in the long term improve opportunities for sustainable travel.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

APPEALS

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

CODE NO.	A/16/3162383 (1788)
APPLICATION NO.	P/16/318/FUL
APPELLANT	MR T KOSTIC
SUBJECT OF APPEAL	EXTENSION TO CEFN CRIBBWR GARAGE'S EXISTING HARD SURFACE PARKING AREA: EAST OF CEFN CRIBBWR GARAGE, CEFN ROAD, CEFN CRIBBWR
PROCEDURE	WRITTEN REPS
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:-

1. The proposed development, by reason of its location in a rural area and form, constitutes an undesirable extension of urban development outside the settlement boundary of Cefn Cribbwr, that would be prejudicial to the character of the area in which it is intended that the existing uses of land shall remain for the most part undisturbed, contrary to established national and local planning policies and would set an undesirable precedent for further applications for similar development in this area to the detriment of visual amenities, contrary to Policies SP4, ENV1, SP2 of the Bridgend Local Development Plan (2013) and guidance contained within Planning Policy Wales (Edition 8, Jan 2016)

CODE NO.	A/16/3164386 (1789)
APPLICATION NO.	P/16/630/OUT
APPELLANT	MR G MORRIS
SUBJECT OF APPEAL	2 SELF CATERING SINGLE STOREY LOG CABIN HOLIDAY LET UNITS: FORMER PLAYGROUND SITE FOUNTAIN ROAD ABERKENFIG
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:-

1. The proposed development, by reason of its countryside location, constitutes an undesirable sporadic development outside any existing settlement boundary, would be prejudicial to the character of the area in which it is intended that the existing uses of land shall remain for the most part undisturbed, would be contrary to established National and Local planning policies and would set an undesirable precedent for further applications for similar development in this area, contrary to Policy ENV1 of the Bridgend Local Development Plan (2013).
 2. The proposed access lacks adequate visibility for vehicles emerging from the site, which is likely to create hazards to the detriment of highway safety in and around the site contrary to Policy SP2 of the Bridgend Local Development Plan (2013).
-

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

CODE NO. A/16/3156036 (1779)

APPELLANT CORNERSTONE CONSTRUCTION

SUBJECT OF APPEAL DETACHED DWELLING; LAND ADJACENT TO 13 HEOL TRE DWR WATERTON

PROCEDURE WRITTEN REPRESENTATIONS

DECISION LEVEL DELEGATED OFFICER

DECISION **THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE ALLOWED SUBJECT TO CONDITIONS**

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

CODE NO. A/16/3158471 (1782)

APPELLANT MR ROBERT ROBINSON

SUBJECT OF APPEAL SINGLE STOREY DWELLING ON FORMER STORAGE SITE: THE YARD LALESTON ROAD CEFN CRIBBWR

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/16/3158329 (1786)

APPELLANT PAULA HUGHES

SUBJECT OF APPEAL DETACHED GARAGE AND STORE: LAND AT DAN YR EGLWYS BETTWS

PROCEDURE HOUSEHOLDER

DECISION LEVEL DELEGATED OFFICER

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

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

RECOMMENDATION:

That the report of the Corporate Director Communities be noted.

**MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

(see relevant application reference number).

Appendix A



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 13/10/16 & 15/11/16

gan P J Davies BSc (Hons) MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 18.11.2016

Appeal Decision

Site visits made on 13/10/16 & 15/11/16

by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 18.11.2016

Appeal Ref: APP/F6915/A/16/3156036

Site address: Land adjacent to 13 Heol Tre Dwr, Waterton, Bridgend CF31 3AJ

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 Cornerstone Construction Bridgend Ltd against the decision of Bridgend County Borough Council.
 - The application Ref P/16/165/FUL, dated 24 February 2016, was refused by notice dated 9 May 2016.
 - The development proposed is a detached dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for a detached dwelling on land adjacent to 13 Heol Tre Dwr, Waterton, Bridgend CF31 3AJ in accordance with the terms of the application, Ref P/16/165/FUL, dated 24 February 2016, subject to the conditions set out in the attached schedule.

Main Issue

2. This is the effect of the proposal on the provision of open space and children's play facilities in the area.

Reasons

3. It is evident that a playground facility historically existed at Heol Tre Dwr. Subsequent planning permissions for housing, including the appeal site, have since required that provision be made for a children's play area as a replacement facility. However, despite housing being built some time ago, now comprised of 13 and 14 Heol Tre Dwr, no formal play facilities were ever provided, and there is nothing to suggest that the Council took any enforcement action to secure the provision.
 4. The Council considers that the appeal site represents a replacement play area and constitutes an informal recreation space that has been accessed by the local community. However, the rationale for requiring such provision historically is not explained or quantified against any identified need or recognised deficiency in children's play provision in the locality at that time. In addition, the current development plan does not designate the land for community purposes, nor is the
-

land included in the Council's most recent audit of open space carried out in 2010. In my view, the fact that it was always the intention to provide a replacement facility is not sufficient in itself to formally recognise the site as an existing community facility.

5. The appeal site and adjoining land is unsecured and contained some play equipment at the time of my visits. Nonetheless the equipment that I saw is largely of a household and transportable nature that is not formally or permanently laid out. In particular, I observed that the general appearance and nature of the site and adjacent land is such that it does not appear as a public play facility. In these circumstances, I consider that it has limited value in terms of the wider objectives of creating healthy, sustainable and inclusive communities. I accept that it is informally used by some residents living in close vicinity, and has some benefit as a visual green space, but I would not regard it as an outdoor recreation or a social or community facility in the context of Policies SP13 or COM7 of the Bridgend Local Development Plan (LDP).
6. Even so, the Council has not provided any empirical data that demonstrates the need for a children's play area in this location, or that any such requirement has been assessed in the light of existing provision, for example that the quantity or quality of existing provision is inadequate or under threat. In particular, there is no information such as an assessment of need or an up to date audit of existing facilities to determine the level of need that would be generated by the development. I note that an audit is being prepared but no further details have been provided.
7. I understand the desire of local residents to retain the land for community purposes, however on the available evidence, there is no justification that a contribution to public open space/children's play facilities is necessary to make the development acceptable in planning terms. I conclude that the proposal would not have any harmful effect on the provision of open space or children's play facilities and there would be no conflict with the aims of LDP Policies SP2, SP13 and COM7.

Other Matters

8. There is some dispute over landownership and rights, including access to existing drainage infrastructure, but these are civil matters that do not fall before me for judgement. It would be for the developer to ensure that the necessary legal consents are in place and this planning permission would not convey any such rights in that regard.
9. I have had regard to concerns regarding drainage, but the Council's drainage department does not object to the proposal subject to conditions which I have imposed as I consider necessary and reasonable. It would be for the developer and the Council to ensure that the development is carried out in accordance with these conditions.
10. There is a large Oak tree sited towards the rear of the site that owing to its stature and prominence has significant amenity value, and I understand that it is protected by a Tree Preservation Order. The Design and Access Statement confirms that some works will be carried out to the tree, including the removal of one branch and crown lifting/thinning. There are no adverse comments from the Council's ecologist, and a tree protection condition is recommended. I have no reason to disagree with this recommendation and have imposed a condition accordingly.

Conditions

11. In addition to the conditions discussed above, I have attached the standard time commencement and plans compliance conditions. I consider that a condition relating to any works to the Oak tree is necessary to safeguard its future health, but the condition suggested by the Council is vague and I do not have the details submitted with the said application P/06/1099/FUL. Accordingly I have attached a similar condition that has the same aim. A condition relating to replacement trees is necessary in the interests of visual amenity and finally a condition relating to the completion of the driveway in permanent materials is necessary to ensure there is no risk to highway safety. In the interests of preciseness and enforceability I have amended the wording of some of the Council's suggested conditions without changing their overall aim.

Conclusions

12. For the above reasons and having regard to all other matters raised, I conclude that the appeal is allowed.

P J Davies

INSPECTOR

Schedule of Conditions

- 1) The development shall begin not later than five years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans and documents: 015: 28/01, 02, 03, 04, 05 and 06.
- 3) No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall include details of future maintenance requirements and shall be implemented in accordance with the approved details prior to the occupation of the development, and retained in perpetuity.
- 4) No development shall commence on site until a ground investigation report and infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the development.
- 5) No development nor any site clearance shall take place until there has been submitted to and approved in writing by the local planning authority details of a scheme for the protection of the Oak tree shown to be retained on drawing number 015: 28/01. The approved scheme shall be implemented before any equipment, machinery or materials are brought onto the site for the purposes of the development and shall be retained throughout the course of the development. Nothing shall be stored or placed in any area fenced/protected in accordance with this condition and the ground levels within the protected areas shall not be altered, nor shall any excavation be made without the prior written consent of the local planning authority.

- 6) No development shall take place until the details of any works to the protected Oak tree on the site have been submitted to and agreed in writing by the local planning authority. These works shall be carried out as agreed and in accordance with a timescale to be agreed in writing by the local planning authority.
- 7) No development shall commence until details of the replacement trees have been submitted to and agreed in writing by the local planning authority. The agreed trees shall be planted in the first planting season following the completion or occupation of the development, whichever is the sooner.
- 8) The dwelling shall not be occupied until the driveway has been completed in permanent materials and the driveway shall thereafter be retained in permanent materials.

Appendix B



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 29/11/16

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 08.12.2016

Appeal Decision

Site visit made on 29/11/16

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 08.12.2016

Appeal Ref: APP/F6915/A/16/3158471

Site address: The Yard, Laleston Road, Cefn Cribwr CF32 0EU

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 Robert Robertson against the decision of Bridgend County Borough Council.
 - The application Ref P/16/324/FUL, dated 26 April 2016, was refused by notice dated 21 July 2016.
 - The development proposed is Single residential dwelling on former storage site.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has referred to pending enforcement action relating to the levelling of the appeal site and laying of hardcore and gravel. Such matters are not before me and I have proceeded to consider the appeal on the basis of the lawfully permitted use.

Main Issues

3. The main issues are: a) the effect of the proposal on highway safety; b) the sustainability of the location for residential development; and c) the effect of the proposal on the character and appearance of the area, having regard to local policy relating to development outside settlement limits.

Reasons

4. The appeal site is located adjacent to Laleston Road southeast of Cefn Cribwr, a linear settlement which comprises a mix of dwellings of various designs and small scale commercial buildings. The site, which is located outside the settlement boundary designated in the Bridgend Local Development Plan (LDP), is long and narrow and incorporates hard standings associated with a previous steel framed industrial structure. Bounded by a hedgerow at its frontage with the adjacent lane, two detached residential dwellings lie to the south and east, a builders' yard is situated
-

immediately north of the site and agricultural land lies beyond a post-and-wire fence to the west.

Highway safety / sustainability of location

5. The proposed dwelling would be somewhat remote from the services provided in the village centre, which lies over 1 kilometre west along the main B4281 road. Whilst two bus stops served by three regular routes are located on the main road in close proximity to the site, the route to these bus stops would require pedestrians to walk for around 100 metres on or at the edge of the carriageway of Laleston Road from the access point of the proposed dwelling to the junction of Cefn Cross, where a continuous footway begins.
6. I saw on my site visit that the alignment of Laleston Road provides good visibility for motorists travelling northwards. Furthermore, drivers travelling in this direction are likely to reduce their speed when approaching the junction. Nevertheless, the refuge area beyond the white line marking the edge of the carriageway is substantially limited, and in some areas non-existent. Achieving safe refuge from passing cars would be particularly challenging for residents using wheelchairs or pushchairs, or were northbound drivers to meet with vehicles travelling south. Although the appeal proposal is for only one dwelling, and I note that no recent accidents have been reported along this 30 mph route, I consider that the absence of a demarcated footway between the appeal site and the junction would materially increase the risk of vehicle and pedestrian conflicts, with consequent unacceptable impacts on highway safety.
7. The lack of street lighting near to the appeal site would further reduce the safety of pedestrians outside of daylight hours. I note that the appellant has suggested the use of low-level lighting to improve night-time visibility, but from the details submitted I am not satisfied that such lighting would provide acceptable illumination between the appeal site and junction. In any case, the provision of lighting would not ameliorate the absence of a footway or demarcated pedestrian refuge area.
8. Whilst the site is theoretically accessible by a range of transport modes, the unsafe pedestrian access to the village centre and bus stops would, in my view, act as a disincentive for future occupants of the appeal dwelling to travel on foot or by bus. In addition, I consider that the relatively limited width of the B4281 and volume of traffic using the road would be likely to deter many potential residents from taking local trips by bike. Consequently, I find that the site does not have adequate accessibility to a range of sustainable transport modes or good access to key services and facilities, and that future residents would therefore be likely to rely on private motor vehicles.
9. I note that a certificate of lawful development was issued in 2013 (ref: P/12/697/LAE) for the storage of building materials and furniture, including a shed. The appellant has submitted a technical note which estimates that the lawful use would be likely to generate around 20 two-way trips per day, as opposed to around 5 two-way trips for the proposed residential use. I do not dispute those figures, but transport movements associated with the extant use would be mainly associated with vehicles transporting bulky items between the site and a range of other locations. The transport impacts of the proposed residential use would be materially different, being influenced by more regular journeys accessing workplaces or services, including by foot, thus justifying a location prioritising safe access to a range of transport modes, rather than a peripheral location providing access to the highway network.

10. For the reasons given above I conclude that the proposal would not accord with the design and sustainability objectives of policy SP2 of the Bridgend Local Development Plan (LDP) to ensure that development includes good walking, cycling, public transport and road connections, and would also conflict with the highway safety and transport objectives of Planning Policy Wales Edition 9 (PPW) and Manual for Streets.

Character and appearance / settlement limit

11. In line with PPW, LDP policy ENV1 promotes the development of previously developed land in preference to greenfield sites. Whilst there is little doubt in my mind that the appeal site represents previously developed land, the proposed residential use does not meet any of the exceptions outlined in the policy as being "acceptable in principle in the countryside". However, the reasoned justification clarifies that the intent of policy ENV1 is to protect the countryside for its own sake and, in relation to the appeal proposal, the most relevant factor appears to be landscape quality.
12. The openness of the appeal site currently affords it a close visual association with the agricultural land beyond, but were it to return to its lawful use, it would have the appearance of a small-scale, peripheral industrial use. Nevertheless, with or without industrial structures or items stored on the land, the appeal site and neighbouring builders' yard isolate the nearby dwellings to the south and east from the confines of the settlement, such that they appear as two isolated dwellings in the open countryside. I consider that, even were the site to revert to its lawful use, the character and appearance of this section of Laleston Road would be influenced primarily by its semi-rural setting.
13. Although the low height and form of the dormer bungalow would diminish its bulk, and the proposed plantings within the hedgerow would assist in partially screening the building, the dwelling would be located in close proximity to the western site boundary on land higher than the lane and would appear as a prominent and overtly domestic feature in nearby views. Whilst the visual impacts of structures within the curtilage of the dwelling could be reduced via a condition to limit Permitted Development rights, I consider that the appeal proposal would be perceived as part of a cluster of residential dwellings with those adjacent, and would have the effect of materially extending the settlement into the open countryside, harming the prevailing rural character of the immediate area.
14. I accept that replacing an industrial use with a modest residential dwelling may result in visual benefits to the character and appearance of the site itself, but this would be substantially outweighed by the harmful visual effect of the proposal as a sprawling ribbon development adjacent to a lane of rural character. Furthermore, as already outlined, I consider that the provision of a dwelling on the site would lead to inevitable highway safety measures which would be likely to have an urbanising and materially harmful visual impact on Laleston Road.
15. For the reasons given above, I conclude that the proposal would represent an unacceptable incursion into the open countryside and would thus not accord with the locational and landscape objectives of LDP policies ENV1 and PLA1.

Other Matters

16. The Council has referred to a previously refused application for a residential development to the south of site and an appeal decision from 2012 relating to a site outside Ewenny (Ref: APP/F6915/A/12/2174146). The refused application lies in close proximity to the appeal site, and both schemes appear to share some characteristics

with the proposal. Nevertheless, from the information submitted, the site circumstances for both cases appear to be materially different to that before me, particularly in terms of the extant use. I have therefore proceeded to determine the appeal proposal based on the specific merits of the case, and afford these other examples limited weight.

17. I acknowledge that the proposal would increase the supply of housing locally, but whilst I afford this significant weight, it does not outweigh the identified harm.
18. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching my decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

Conclusion

19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Paul Selby

INSPECTOR

Appendix C



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 29/11/16

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 07.12.2016

Appeal Decision

Site visit made on 29/11/16

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 07.12.2016

Appeal Ref: APP/F6915/A/16/3158329

Site address: Land at Dan yr Eglwys (Ty Newydd Farm), Bettws, Bridgend CF32 8TJ

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Paula Hughes against the decision of Bridgend County Borough Council.
 - The application Ref P/16/506/FUL, dated 16 June 2016, was refused by notice dated 25 August 2016.
 - The proposal is Detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for Detached garage at Land at Dan yr Eglwys (Ty Newydd Farm), Bettws, Bridgend CF32 8TJ, in accordance with the terms of the application, P/16/506/FUL, dated 16 June 2016, subject to the conditions set out in the schedule to this decision letter.

Procedural Matter

2. Although the development has been largely completed, the appeal seeks retrospective planning permission to reduce the length of the existing structure, amongst other building works.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, having regard to local policy relating to development outside settlement limits.

Reasons

4. The appeal site is located in a fringe countryside setting on a hillside overlooking a steep valley, and forms part of an extensive curtilage of a residential property located mainly outside the settlement boundary defined in the Bridgend Local Development Plan (LDP). The site lies at the terminus of a small, modern housing development featuring dwellings of various designs and placements within plots, located at the edge of Bettws, a small settlement of mixed character. The hedgerows, trees, wooded
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slopes and fragmented field pattern of the valley beyond the settlement edge affords the setting of Bettws an intrinsically rural character.

5. The site hosts a substantially complete garage and first floor storeroom constructed of rendered block and slate to match the host dwelling, which lies a short distance to the south, and located adjacent to the boundary wall of 4 Dan yr Eglwys. From the information before me I understand the dimensions of the as-built garage to be 6.5 metres high, 10 metres long and 6.9 metres deep. The constructed building is thus significantly larger in scale to a permitted garage and store on the same site (Ref: P/12/714/FUL), being around 0.5 metres higher and over 2 metres longer. The site has also been the subject of previous appeals (Refs: APP/F6915/A/12/2174140, APP/F6915/C/15/3139097 and APP/F6915/A/15/3137898). These appeal decisions are recent, dating from 2012 and 2016, and I afford them significant weight.
6. The settlement edge of Bettws is poorly defined in places, but in the immediate vicinity of the appeal site there is a relatively strong building line of residential dwellings and ancillary outbuildings with rear elevations facing towards the valley. The constructed building is orientated similarly to Nos 2 and 3 Dan yr Eglwys, and in many nearby views it has a domestic appearance that belies its ancillary nature. The height of the existing garage is reflected in a building of extensive length, with a conventional, pitched roof form and high eaves. Whilst views of the appeal site from the west are somewhat limited by distance and tree cover, the bulk of the existing garage is amplified by its position on the hillside at the settlement edge. I thereby concur with the previous Inspector, who found the as-built garage to read as a large modern building of urban appearance and form, and which is perceived as a material incursion into the countryside from many viewpoints.
7. The appeal proposal would reduce the length of the existing structure by around 2.8 metres. Whilst there would be no reduction in height, the proposed modifications would significantly reduce the apparent scale and bulk of the garage. Although certain domestic features would remain, such as rooflights and windows, when compared to the scale and overtly domestic appearance of the host dwelling the appeal proposal would appear as a clearly ancillary structure. The garage would remain substantially separated from the host dwelling, but given the character and extent of the wider curtilage, which includes paddocks and small agricultural structures, the reduced length would afford the appeal building the appearance of a utilitarian structure and a component element of the wider landholding. Consequently, whilst the appeal site lies outside the designated LDP settlement limits and beyond the boundary wall of No 4, the reduced scale and bulk of the garage, combined with its siting no further west than the neighbouring dwellings and structures to the north and south, would allow it to be perceived as an integral part of the settlement.
8. The staircase, railings and screen at the northern elevation would be inconspicuously located, but constructed in metal they would give the building a domestic appearance reflective of the balconies present on the rear elevations of dwellings nearby. The current absence of garage doors assists in affording the existing structure a semi-rural character, but those proposed would further enhance the domestic appearance of the building. However, the proposed reduction in the number of garage doors from three to two would significantly reduce their prominence. A condition requiring the approval of details of materials to be used in the construction of the garage doors, staircase, railings and screen would further mitigate visual impacts by ensuring the use of appropriate building materials, such as timber, to reflect the position of the garage at the settlement edge and its orientation facing the valley. Additional landscaping along

the western boundary of the site, secured via conditions, would further mitigate the visual impact of the appeal building from the west and would also serve to define the settlement edge. I consider that such conditions are reasonable and necessary to ensure that the garage appears as an ancillary building that appropriately reflects its semi-rural location at the settlement edge.

9. Subject to the conditions outlined above, I conclude that the appeal proposal would accord with the design and locational objectives of LDP policies ENV1 and SP2, and would be consistent with the general thrust of Planning Policy Wales.

Other Matters

10. My attention is drawn to other nearby buildings and developments in the area, but I consider these do not directly influence the individual context of the appeal site. I have therefore afforded these limited weight.
11. I have had regard to concerns raised in representations. I consider that the use and size of the building, and the size of the appeal site, are such that unacceptable impacts on drainage or highway safety would not arise. Whilst I have considered whether future conversion to residential use may be possible, the appellant has not sought a change of use and the description of development is clear and unambiguous. Matters regarding adherence to planning decisions are not before me. I have consequently attached limited weight to these matters and have proceeded to determine the appeal based on the merits of the case.
12. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WCFG Act). In reaching my decision, I have taken into account the ways of working set out at section 5 of the WCFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WCFG Act.

Conditions

13. Other than the standard time limit and plans conditions, which are necessary in the interests of proper planning, for the reasons already given I have imposed conditions relating to external materials and landscaping.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Paul Selby

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 12/01/2 (site plan); Drawing No 16.024.1 (plans and elevations).
- 3) Prior to the construction of the building hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development 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) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 5) 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.

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TRAINING LOG

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

<u>Facilitator</u>	<u>Subject</u>	<u>Date</u>	<u>Time</u>
Susan Jones & 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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