

# Public Document Pack

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

### Bridgend County Borough Council



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

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

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



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

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

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

**Dyddiad/Date: 10 February 2017**

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, 16 February 2017 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 15 March 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 - 8  
To receive for approval the Minutes of the Development Control Committee of 19 January 2017.
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  
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>	9 - 12
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10.	<u>Appeals</u>	103 - 104
11.	<u>Training Log</u>	105 - 106
12.	<u>Urgent Items</u> To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency	

Yours faithfully

**P A Jolley**

Corporate Director Operational and Partnership Services

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

## DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 19 JANUARY 2017

### MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 19 JANUARY 2017 AT 2.00 PM

#### Present

Councillor M Thomas – Chairperson

N Clarke	PA Davies	DRW Lewis	JE Lewis
HE Morgan	G Thomas	JH Tildesley MBE	C Westwood
R Williams	M Winter		

#### Apologies for Absence

GW Davies MBE, CA Green, LC Morgan, D Patel, JC Spanswick and RE Young

#### 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
Rod Jones	Senior Lawyer
Richard Matthams	Development Planning - Team Leader
Robert Morgan	Senior Development Control Officer
Jonathan Parsons	Group Manager Development
Andrew Rees	Senior Democratic Services Officer - Committees
Kevin Stephens	Democratic Services Assistant
Philip Thomas	Principal Planning Officer

#### 868. DECLARATIONS OF INTEREST

The following Declaration of Interest was made:

Councillor R Williams – P/16/861/FUL – Personal interest as he is a patient of the dental practice who are one of the objectors to the application. Personal in agenda item 11 – Pencoed Primary School – Planning Development Brief as a member of the governing body of Pencoed Primary School.

#### 869. SITE VISITS

RESOLVED: That the date for site inspections (if any) arising from the meeting or identified in advance of the next meeting of the Committee by the Chairperson was confirmed as Wednesday 15 February 2017.

#### 870. APPROVAL OF MINUTES

RESOLVED: That the Minutes of the meeting of the Development Control Committee of 22 December 2016, be approved as a true and accurate record.

#### 871. PUBLIC SPEAKERS

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

<u>Name</u>	<u>Planning Application No:</u>	<u>Reason for Speaking</u>
Cllr HM Williams	P/14/838/FUL	Objector
Cllr M Jenkins of Ogmore Valley Community Council	P/14/838/FUL	Objector
Mr M Griffiths	P/14/838/FUL	Objector
Mr S Courtney	P/14/838/FUL	Agent

872. AMENDMENT SHEET

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

873. P/14/838/FUL - LAND EAST CWM FELIN & SOUTH CRAIG TERRACE / EBENEZER TERRACE, BLACKMILL

RESOLVED: That the application be deferred as the Committee is minded to refuse the application on the grounds of the visual impact of the acoustic barrier, the future maintenance of the acoustic barrier, the parking arrangements at the development, the density of the layout of the proposed development and the potential impact on the adjoining business and that detailed reasons for refusal be reported to the next meeting of the Committee for consideration.

Code No.                      Proposal

P/14/838/FUL                  Erection of 36 dwellings, car parking, an acoustic fence, landscaping and assoc. works.

874. P/16/861/FUL - 12 PARK STREET, BRIDGEND

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

Code No.                      Proposal

P/16/861/FUL                  Change of use from Class A2 to Class C4, including the installation of a fire escape stair, additional shower toilet facilities providing 5 bed accommodation and the upgrading of the existing thermal elements of the existing building.

875. P/16/939/FUL - SOUTH WALES POLICE HEADQUARTERS, COWBRIDGE ROAD, BRIDGEND

RESOLVED: (1) That the following application be referred to Council as a proposal that represents a departure from the Development Plan which the Development Control Committee are not disposed to refuse as the development forms part of the Police rationalisation strategy to invest in their Headquarters site which will allow the early

release of their land at Waterton Cross as part of the wider Bridgend Strategic Regeneration Growth Area.

(2) That if Council resolve to approve the proposal, the conditions detailed in the report of the Corporate Director Communities be attached to the consent

Code No.

Proposal

P/16/939/FUL Construct a single storey cafe building with ancillary spaces for use by the South Wales Police

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

RESOLVED: That condition 17 of P/16/600/FUL be re-worded as follows:

The extended school access road serving the development shall be completed in permanent materials prior to any part of the development being brought into beneficial use.

Reason: In the interests of highway and pedestrian safety.

877. APPEALS

The Group Manager reported on the appeals received and the appeals which had been decided since the last meeting of the Committee.

The Group Manager also reported that applications for the review of old mineral planning consents Cornelly Quarries were called in for decision by the (now) Minister for Environment, Sustainability and Housing under paragraph 13 of the Environment Act 1995. He stated that the applications were to determine a scheme of conditions to which the mineral permission for the site was to be subject and the matter on which the Welsh Ministers particularly wished to be informed for the purpose of consideration of the applications was the effect of the proposed quarrying operations on the water environment, including the potential for significant effect on the Kenfig Special Area of Conservation. The Inquiry sat for 3 days and the Inspector recommended that the scheme of conditions, as amended and agreed, be approved. He stated that this recommendation had been endorsed by the Cabinet Secretary for Environment and Rural Affairs.

RESOLVED: (1) That the following Appeals received as outlined in the report of the Corporate Director – Communities be noted:-

Code No.

Subject of Appeals

A/16/3164893 (1790) Demolition of existing single garage and construction of a new 3 bedroom detached property (revised parking): rear of 23 Nottage Mead, Porthcawl

A/16/3164970 (1791) Construct a pair of semi-detached houses 8 Glannant Row, Bettws

A/16/3165452 (1792) Detached dwelling Land adj to Old Police Station, Bethania Row, Ogmores Vale

(2) That the Inspector appointed by Welsh Ministers to determine the following Appeals, has directed that the following Appeals be DISMISSED.

<u>Code No.</u>	<u>Subject of Appeals</u>
X/16/3156490 (1780)	Childminding business from home with a maximum of 10 children: Vale View, Hillcrest, Penyfai
A/16/3158287 (1783)	Ten dwellings, access, parking, landscaping and associated works: Land South of St Illtyds Road, Bridgend
A/16/3158287 (1784)	Three dwellings, access, parking, landscaping and associated works: Land South of St Illtyds Road, Bridgend

(3) That it be noted that the following appeal had been withdrawn:

A/16/3164386 (1789) 2 Self-catering single storey log cabin holiday let units: Former Playground site, Fountain Road, Aberkenfig

(4) That the report on the review of old mineral planning consents Cornelly Quarries be noted.

878. TRAINING LOG

The Group Manager Development reported on an updated training log.

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

879. PENCOED PRIMARY SCHOOL - PLANNING DEVELOPMENT BRIEF

The Committee received a report which sought approval of the Pencoed Primary School Planning and Development Brief as a material consideration in the determination of any future planning application for the site.

Pencoed Primary School was set to be relocated to a new build school on the site of Pencoed Primary School playing fields at Penprysg Road with effect from 1 April 2018 as part of the Council's School Modernisation Programme. The existing site was to be disposed of as it had been declared surplus to requirements. The redevelopment of the site put forward a number of development parameters and design principles, which could be used to guide the redevelopment of the site.

RESOLVED: That the Development Control Committee:

- (1) Approved the Pencoed Primary School Planning and Development brief as Development Control Guidance to be used as a material consideration in the determination of future planning applications for the site, and
- (2) Delegated authority to the Group Manager Development to make any necessary factual and / or cartographical amendments to the document that may be required prior to formal publication.

880. URGENT ITEMS

There were no urgent items.

The meeting closed at 3.40 pm

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## **Development Control Committee Guidance**

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

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

### **STANDARD CONDITIONS**

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

#### Time-limits on full permission

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

#### Time-limits on outline permissions

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

#### Variation from standard time-limits

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

### **STANDARD NOTES**

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

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

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

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

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

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

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

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

## **THE SITE INSPECTION PROTOCOL**

The Site Inspection Protocol is as follows:-

### **Purpose**

#### **Fact Finding**

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

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

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

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

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

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

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

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

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

### **Inappropriate Site Visit**

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

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

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

#### **Attendance**

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

### **Officer Advice**

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

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

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

### **Code of Conduct**

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

### **Record Keeping**

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

### **Site Visit Summary**

In summary site visits are: -

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

### **Frequently Used Planning Acronyms**

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

**REFERENCE:** P/16/908/FUL

**APPLICANT:** Homestyle Care Ltd The White House, Briary Way, Brackla, CF31 2PT

**LOCATION:** The White House Briary Way Brackla CF31 2PT

**PROPOSAL:** Regularisation of side extension ref P/15/183/FUL

**RECEIVED:** 11 November 2016

**SITE INSPECTED:** 9 December 2016

## **APPLICATION/SITE DESCRIPTION**

The application site is located on the north eastern side of Briary Way adjacent to a sweeping bend in the highway. A stream runs along the western site boundary and a private drive serving two detached properties known as The Woods run on the western bank of the stream. An area of mature trees is located on the south-eastern site boundary. It was noted during the site inspection that there is a significant change in levels between the application site and the neighbouring properties to the east in Underwood Place such that the eaves of the application site appear to be at land level to the properties in Underwood Place.

The application has been submitted as the result of an enforcement investigation and seeks retrospective consent for a side extension at the above mentioned property.

The application seeks to retain the side extension, remove the flat roof and replace it with a pitched roof with a dormer inserted into the front elevation of the roof. The existing footprint of the extension measures 7m x 4.8m and rises to a proposed overall height of approximately 7m at ridge level. The proposed dormer addition will measure approximately 2.5m in width, 2.3m in depth and to a height of approximately 2.3m with a pitched roof and materials to match the existing property.

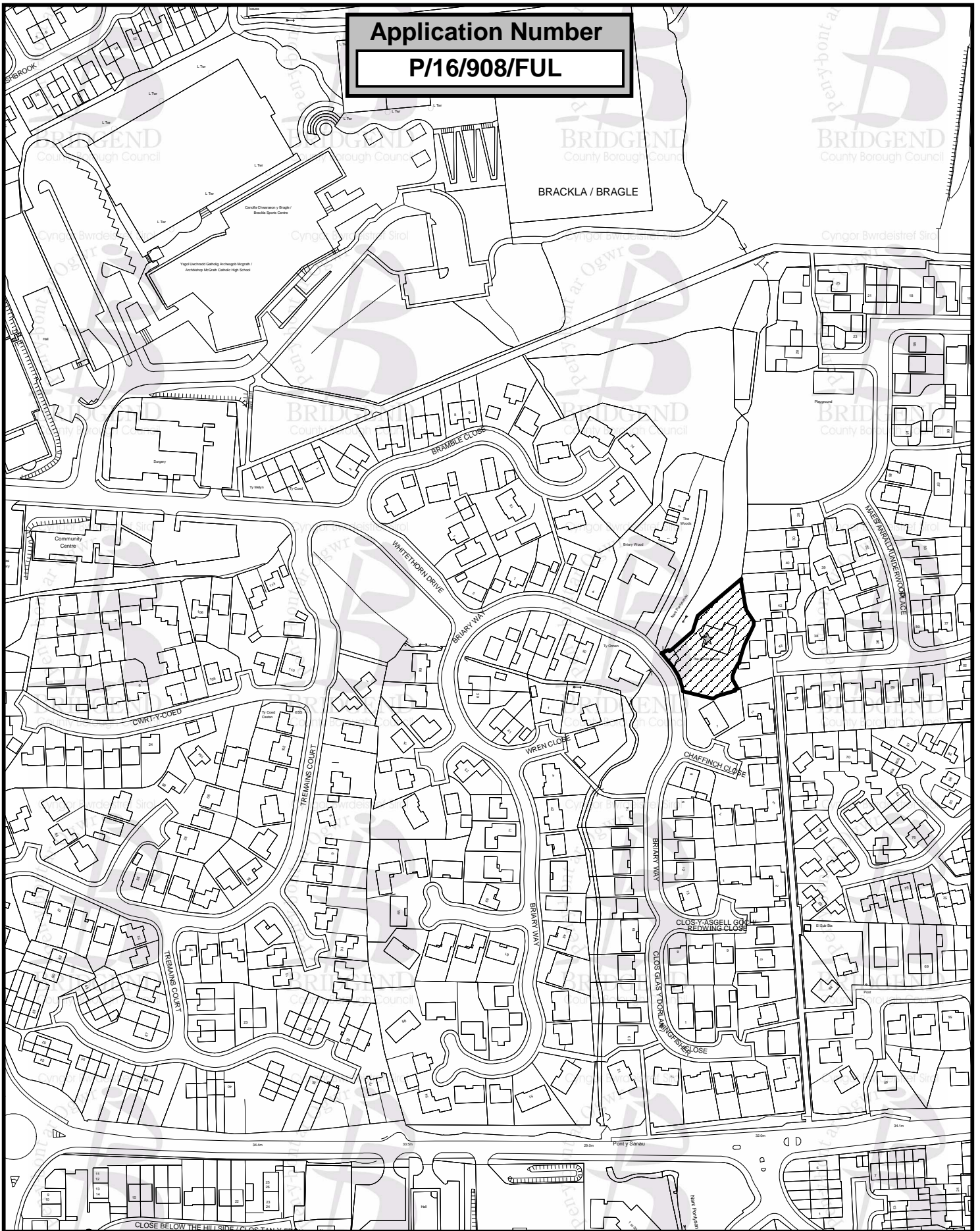
The application also seeks permission for the insertion of a new window in the roof space of the existing front west facing elevation of the property serving the communal room.

The ground floor will serve as a rebound room for the residents of the property which include a trampoline, and the first floor will become an extension to an existing bedroom.

Amended plans were received on 24 January 2017 with regard to a change in the proposed roof design of the extension. The proposed elevations and floor plans are shown below:

Application Number

P/16/908/FUL



BRACKLA / BRAGLE

BRAMBLE CLOSE

WHITEHORN DRIVE

BRIARY WAY

WREN CLOSE

CHAFFINCH CLOSE

CWRYF-COED

TREMAN'S COURT

TREMAN'S COURT

CLOS YR ASGELL GŵY  
REDWING CLOSE

AVIA JAYBIR

CLOS YR ASGELL GŵY

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Scale 1:2,500

Date Issued:  
09/02/2017

Development-Mapping  
Tel: 01656 643176

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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

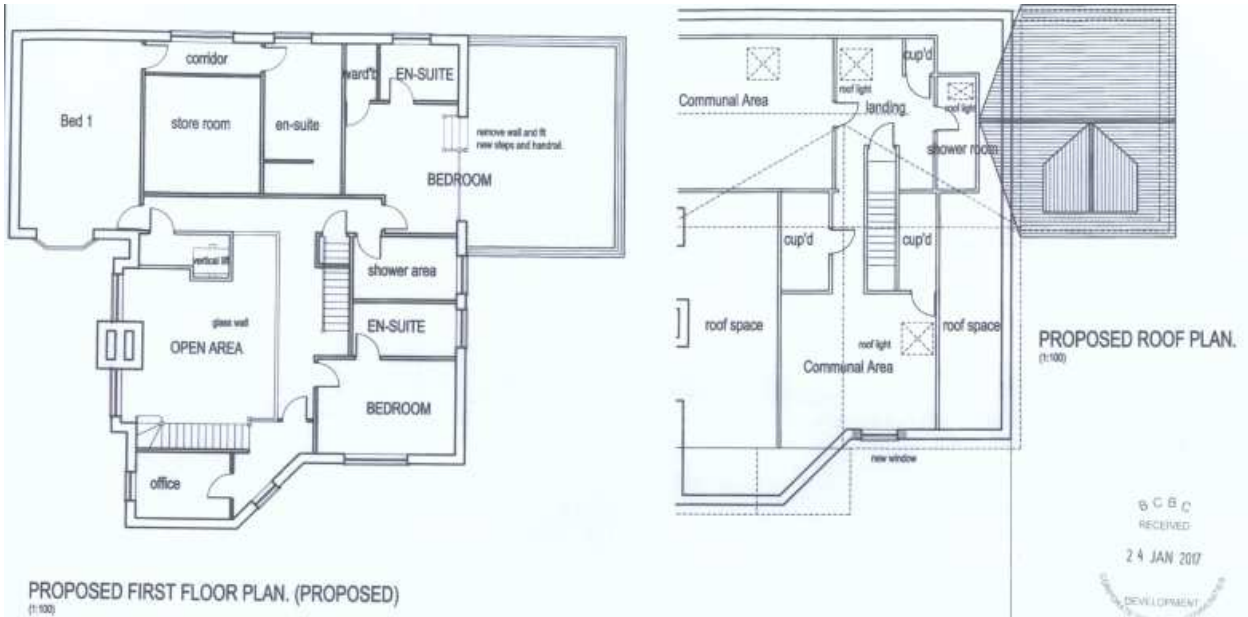
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**Proposed Floor Plans:**



**Proposed Elevations:**



**RELEVANT HISTORY**

P/16/636/RLX – REMOVE CONDITION 4 AND RELAX CONDITION 1 OF P/15/183/FUL TO ALLOW UPTO SEVEN RESIDENTS IN NEED OF CARE AT ANY ONE TIME - REFUSED – 16/11/2016.

P/16/635/FUL – SINGLE STOREY EXTENSION TO RESIDENTIAL CARE HOME – WITHDRAWN - 16/09/2016.

P/15/183/FUL – CHANGE OF USE OF EXISTING DWELLING TO RESIDENTIAL CARE HOME AND TWO STOREY EXTENSION – APPROVED+CONDITIONS – 12/06/2015.

P/14/634/FUL – RETROSPECTIVE APPLICATION FOR TREE HOUSE – RETROSPECT APPROVED – 24/10/2014.

P/14/806/FUL – TWO STOREY EXTENSION – APPROVED+CONDITIONS - 14/01/2015.

P/11/405/FUL – REGULARISE THE BOUNDARY WALL – RETROSPECTIVE APPLICATION+CONDITIONS - 08/08/2011.

P/09/645/FUL – PROPOSED RESIDENTIAL DEVELOPMENT (1 NO. DETACHED DWELLING) - APPROVED+CONDITIONS – 18/12/2009.

## **PUBLICITY**

Neighbours have been notified of the receipt of the application.

The original period allowed for response to consultations/publicity expired on 9 December 2016. Re-consultation was undertaken on 25 January 2017 following the submission of an amended roof design. The extended period allowed for response to consultations/publicity expired on 8 February 2017.

## **CONSULTATION RESPONSES**

**Councillor H J Townsend** submitted comments on 24 November 2016 requesting the application be reported to Developmental Control Committee for a decision. The plans include alteration to the parking arrangements and now include more vehicles than already passed previously and shows them parked over the roots of a protected tree. I would like a survey carried out on the tree and the impact parking on it will have. I would also like a highway survey carried out as the amount of cars at the property has now increased. I am also disappointed that this is now retrospective planning in the case of the extension and the developer has gone against the plans the DC committee had originally passed.

**Councillor J C Spanswick** originally submitted comments on 20 November 2016 requesting that the application be reported to the Development Control committee for further discussion prior to a decision being arrived at. I fail to understand why there are parking proposals for 9 cars included in this application and also Q.14 on the application has not been answered correctly. Basically there is a tree adjacent to the development with a TPO on it and this needs to be taken into consideration.

Further comments were received from Cllr J C Spanswick on 29 January 2017 following re-consultation on the amended plans. He stated that while the amended plans now show what appears to be an improved visual aspect to the side extension, he still has concerns in relation to the parking layout and drainage arrangements. In addition, the supporting document regards the land drainage (email copy 09.02.16) states that there is no watercourse within 20m of the development; he believes this to be incorrect. In addition, this whole application has become somewhat confusing to follow with various applications and amendments and needs to be reported to the Development Control committee in order to have a full understanding of what is proposed. He has also yet to



receive an independent report on the tree covered by the TPO on site and the effect of the parking on the tree root zone as proposed.

**Welsh Water Development Services** - no objection subject to standard condition and advisory notes.

**Head of Street Scene (Drainage)** – states that a review of the submitted plans notes that the extension is proposed on an area which is existing hardstanding and therefore it is considered that there will be no increase in surface run off.

## **REPRESENTATIONS RECEIVED**

Initially, 4 letters of objection were received from the neighbouring properties and the concerns are summarised as follows:

- Proposed east elevation (as built) is showing a third skylight which would look directly at 44 Maes Tanrallt's living room;
- Sprinkler tank not shown on earlier plans;
- New plans not showing a lift which the original did include;
- The proposed elevation drawing 10 is not a full pitched roof and still maintains an element of a flat roof.
- This proposal has been submitted in order to maintain the existing wall height which is way higher than what was approved in P/15/183;
- Waste collection and restrictions;
- Maintenance and clearance of the stream's bank of debris;
- Visual impact of side extension from highway;
- Non-compliance with Council Policy;
- Impact on TPO Ash tree;
- Car parking arrangements

Following the re-consultation undertaken on 25 January 2017 regarding the amended roof design of the side extension subject of this report, two letters of objection have been received neighbouring properties. These concerns relate to:

- Proposed east elevation (as built) is showing a third skylight which would look directly at 44 Maes Tanrallt's living room;
- Drainage;
- Availability of tree report and sewer situation;
- Concerns over the addition of a further room to an already significant building;
- Obligation of LPA to give a decision by the 6<sup>th</sup> January 2017;
- No revised parking scheme provided showing 5 cars as approved;
- Insufficient detail regarding the details of the finish in particular the gable end of the proposed excessive extension which is basically the front elevation so far as the neighbours view from the road is concerned.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The majority of concerns raised by the neighbouring properties and local ward members have been addressed in the appraisal section of the report. However, the concerns relating to sprinkler tanks, insertion of a lift, waste collection and maintenance of the stream bank are not material planning considerations. Also, the independent tree

report is available to be viewed online via the Council's website. An extension of time was agreed with the agent to extend the determination date until the 20<sup>th</sup> February 2017 in order to allow the application to be reported to the Planning Committee due to the concerns raised from the local member and neighbouring properties.

The proposed east elevation (as built) showing a third skylight does not form part of the proposals and has therefore not been assessed under this application.

The car parking arrangements at the site will be line with the plan approval to P/15/183/FUL which has already been implemented.

With regard to the proximity to a watercourse, a stream lies to the west of the site, within 20m of the site, however, Land Drainage have not raised any concerns about the impact of the development on the watercourse.

## **APPRAISAL**

The application is referred to Committee at the request of the Ward Member and to enable consideration of the objections received from the local residents.

The application seeks to retain the existing footprint and size of the extension but proposes to remove the flat roof, increase the overall height and replace it with a pitched roof with a dormer inserted into the front (west) elevation of the roof. The application also proposes to insert a new window into the roof space of the front west facing elevation of the existing property.

The main issues to consider in this application is the impact on the character of the property and surrounding area, impact on the neighbouring residential amenities and impact on the protected Ash tree located within the application site.

### Impact on the character of the property and surrounding area

The application site relates to a substantial detached property that has recently been converted to a residential care home. The property is set back from the main highway behind boundary walls and a gated access. Currently, a side extension has been built with a flat roof on site, but this is unauthorised. Planning permission was granted for a single storey side extension under P/15/183/FUL however, the extension was not built in accordance with the approved plans. Therefore, in order to retain the extension, the applicant has applied to retain the size and footprint of the extension but increase the overall height and alter the roof design.

The proposed roof design, size, scale and materials to be used are considered acceptable as it now reflects the existing design of the house and the insertion of the dormer is in keeping with similar developments located within the surrounding area. It is considered that, whilst the proposed extension is much higher and slightly more visible from the main highway, the overall design reflects that of the previous scheme approved under P/15/183/FUL. Due to the site location, the extension is considered to sit well within the site, appears subservient to the main large building and does not have a significant adverse impact on the character of the property or on the surrounding area. It is also considered that the insertion of a new window into the roof space of the front west facing elevation of the property is acceptable as it is also considered that it will not have a significant adverse impact on the character of the property or on the surrounding area

Accordingly, it is considered that the proposed development is acceptable in terms of the above and accords with Policies SP2 (2) and SP2 (3) of the Bridgend Local Development Plan and SPG02: Householder Development.

#### Impact on neighbouring residential amenities

As stated above, the existing side extension sits well within the site and is set back from the main road. It is considered that the extension does not have an adverse impact on any neighbouring properties due to its set back and side location. The proposed dormer and new window will overlook the parking area/driveway located at the front of the building and the residential properties located to the rear of the site are positioned at a much higher level than the application site which will negate overlooking or privacy issues. There are also no windows proposed to be inserted in the rear elevation of the proposed extension however, it is considered necessary to attach a condition which prevents any further windows being inserted into the extension subject of this report. Located to the east of the site is the main highway and to the west of the site is a stream.

The proposed side extension and insertion of new window is considered to have a sufficient separation distance from any of the surrounding residential properties and it is, therefore, considered that the proposed development will have no adverse impact on the neighbouring properties and accords with Policy SP2 (12) of the Bridgend Local Development Plan and SPG02: Householder Development.

#### Impact on the protected Ash Tree

A number of concerns have been received regarding the impact of the extension on the condition of the existing Ash tree which is protected by Tree Preservation Order (1988) OBC No 6 (92) which is located in the front garden/parking area of the property.

In order to address these concerns, the Council instructed CWA – Landscape Architects to undertake an independent tree survey which included a full assessment of the health and condition of the tree and to determine if the side extension, subject of this report, is having a detrimental or adverse impact on the protected tree. The assessment was undertaken on 20 December 2016 and assessed the height, width and canopy of the tree with particular reference to the distance from the extension to the tree and whether it is having an adverse impact on the tree. The report has been prepared in accordance with the relevant legislation and guidance. The report concludes that the tree is in reasonably good condition with no visible signs of die back in its crown. There is evidence of a small decayed wound at 3m height where a limb had existed but it appeared to have been torn off by storm damage. However, this is not considered a serious problem at this stage but should be monitored.

It is considered that the Ash tree referred to shows no visible signs of having been adversely affected by the adjacent residential care home or the retaining wall. Consequently, the assessment concluded that there was no evidence to suggest that the extension of the residential care home or retaining wall was having any adverse impact on the protected Ash tree located within the application site.

CWA Landscape Architects have confirmed that the use of "Grasscrete" concrete paving in such circumstances is common practice for the following reasons:-

(1) "Grasscrete" distributes any loading from vehicles within the parking zone over a wider area, thereby reducing the risk of soil compaction and resultant root plate damage to any adjacent trees. This may have arisen however if parking under the tree had been allowed with no such paving being provided.

(2) Grasscrete's design consists of a framework of concrete paving which has a large percentage of hollows within it, which are filled with soil. This allows rain and nutrients to pass through the perforated structure thereby feeding its canopy and ensuring its future. It also allows grass to grow through which provides a much more environmentally acceptable appearance.

(3) Consequently, CWA do not consider the paving described above to have had or is likely to have in the future any adverse effect on the protected tree at The Whitehouse.

When CWA undertook their inspection of the tree, no evidence was found of damage or die back in its canopy which could be attributed to the paving referred to. Deadwood may become apparent within the canopy of this tree in future and will from time to time have to be removed, but this is common in mature trees and in this case is unlikely to have arisen from damage to its root plate.

As the development has already been undertaken on site, and due to the distance of the protected tree and its canopy from the extension subject of this report, it is not considered necessary to attach a condition regarding any tree protection scheme for the ash tree during the construction of the roof.

Notwithstanding the above, it is worth noting that the parking of vehicles on or near a tree is not development as defined in the Planning Acts and, as such, lies outside the control of the Local Planning Authority. As it stands the occupier of this property could legitimately park anywhere within the curtilage without any consent. It is also worth noting that the area located around the tree, on which the cars are parked has been surfaced in grass-crete which allows for sufficient water to be received by the tree. The tree therefore, still enjoys protection under the TPO and any deliberate damage would be a criminal offence. At present there is no evidence to suggest that this is the case.

#### Other Matters

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 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.

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

#### **CONCLUSION**

The application is recommended for approval as the development complies with Council policy and guidelines and will not adversely impact on the character of the property, visual amenity, privacy nor so significantly harm the residential amenities of the neighbouring properties or the health and condition of the TPO Ash tree to warrant refusal of the scheme.

## RECOMMENDATION

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

1. The development shall be carried out in accordance with the following approved plans and documents: Drawing No. 01 REV A received on 11 November 2016 in so far as it relates to siting of the extension, amended plans Drawing No. 8 and Drawing No.13 received on 24 January 2017 and the CWA Tree Survey dated 20 December 2016.

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

2. The materials to be used in the construction of the external surfaces of the approved extension shall match those used in the existing building.

Reason: To secure the maximum degree of unity between existing and proposed development so as to enhance and protect the visual amenity of the area.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, or any Order revoking or re-enacting that Order, no windows, other than those approved shall be inserted into the development hereby permitted.

Reason: To safeguard the privacy of adjoining occupiers.

4. Within 3 months of the date of this consent, a scheme for the comprehensive and integrated drainage of the site, showing how roof/yard water will be dealt with, including future maintenance requirements, has been submitted to and agreed in writing by the Local Planning Authority. The scheme thereafter shall be implemented in accordance with the agreed details.

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

5. Notwithstanding Condition 1 above, the car parking arrangements at the site will be carried out in accordance with the approved parking layout under planning permission P/15/183/FUL. (Drawing No. HCL/15/06 received on 14 May 2015)

Reason: To ensure adequate off street parking is provided in the interest of highway safety.

6. Notwithstanding the submitted details and prior to their use in the construction of the dwellings hereby approved, details of the materials for the external finishes including samples to be used shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

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

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS:

- a. The application is recommended for approval as the development complies

with Council policy and guidelines and will not adversely impact on the character of the property, visual amenity, privacy nor so significantly harm the residential amenities of the neighbouring properties or the health and condition of the TPO Ash tree to warrant refusal of the scheme.

- b. No further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
- c. A drainage layout showing additional systems to drain the car parking area should be submitted to satisfy the drainage condition.
- d. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)
- e. The applicant is also advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water (DCWW) maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist DCWW in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

**Background Papers**  
None

- REFERENCE:** P/14/838/FUL
- APPLICANT:** Barratt South Wales C/O L R M Planning Ltd, Sophia House, 28 Cathedral Road, Cardiff, CF11 9LJ
- LOCATION:** Land East Cwm Felin & South Craig Terrace / Ebenezer Terrace Blackmill CF32 8RS
- PROPOSAL:** Erection of 36 dwellings, car parking, an acoustic fence landscaping and assoc. works

The above application was reported to the Development Control Committee on 19 January 2017. The Officer's recommendation was for approval subject to a S106 Legal Agreement and conditions. A copy of the Officer's report, amendment sheet and recommendation presented to the previous Committee (incorporating details included in the amendment sheet) is attached as **Appendix A**.

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

The main areas of concern raised by Members were as follows: (i) the visual impact of the proposed acoustic fence on the adjacent residents and surrounding area. (ii) The potential for the development without the noise mitigation measures to compromise the viability of the adjacent commercial operation; (iii) the development having an unacceptably high density, evidenced by a deficiency in parking provision and a lack of private amenity space which would be to the detriment of the living conditions and well-being of existing and future residents; and (iv) the development could result in surface water flooding to the adjacent commercial land and the existing properties on Cwm Felin.

In response to the resolution of Members to refuse planning permission, the applicant's agent has advised in writing that representatives of Barratt Homes are intending to meet with local residents, the community council and the local member to discuss the legacy issues associated with the first phase of development and the design changes which the developer is considering to overcome the issues that were raised by the objectors. The applicant's agent has acknowledged that the installation of the acoustic fence is a necessary part of the development but that a number of changes could be considered to reduce its visual impact. A copy of the letter is reproduced in full as **Appendix B**. To allow the applicant time to meet with the community and revise the scheme, they have requested that the application be deferred.

In line with the decision at the last committee officers have drafted reasons for refusal for members to consider which are set out below.

***1. The 5m acoustic fence which forms part of the required noise mitigation works would, by reason of its scale and proximity dominate the outlook from the existing and proposed housing estate and would detract from the visual amenities to the area, contrary to Policy SP2 Design and Sustainable Place Making of the Bridgend Local Development Plan (2013).***

**2. The failure to successfully implement the noise mitigation works set out in the Hunter Acoustics' Environmental Noise Survey 3187/ENS 1\_Rev1 dated 17 December 2014 in association with the proposed development would be likely to lead to complaints from future occupiers of the housing estate and would compromise the viability of the adjacent commercial site which is allocated and protected for employment development under Policy REG1 of the Bridgend Local Development Plan (2013).**

**3. The proposed housing layout constitutes an unacceptably high building density evidenced by a deficiency in car parking spaces for the proposed three bedroom units and the inappropriate allocation of car parking spaces for the future residents, a lack of both private and public amenity space and the close proximity of the proposed housing to existing residents which would be to the detriment of the living conditions and well-being of existing and future residents, contrary to Policies SP2 Design and Sustainable Place Making, Design and PLA11 – Parking Standards of the Bridgend Local Development Plan (2013) and advice contained with Supplementary Planning Guidance Note 17 – Parking Standards (2011).**

**4. The application fails to demonstrate that existing surface water can be disposed of in a manner that would not result in surface water flooding to the adjacent commercial land and the existing properties on Cwm Felin. The proposal therefore does not accord with Policy SP2 Design and Sustainable Place Making.**

The above reasons will be discussed at the meeting. Members are reminded that in accordance with the Planning Code of Practice, it is expected that the mover (or seconder) of the motion at Committee will represent the Council in any subsequent appeal process with technical support from Officers.

#### **RECOMMENDATION:**

If Members are not minded to defer determination to allow discussions between the applicant, the local member and residents that the reasons outlined above be considered.

**MARK SHEPHARD  
CORPORATE DIRECTOR COMMUNITIES**

#### **Background Papers**

None



**REFERENCE:** P/14/838/FUL

**APPLICANT:** Barratt South Wales C/O L R M Planning Ltd, Sophia House, 28 Cathedral Road, Cardiff, CF11 9LJ

**LOCATION:** Land East Cwm Felin & South Craig Terrace / Ebenezer Terrace Blackmill CF32 8RS

**PROPOSAL:** Erection of 36 dwellings, car parking, an acoustic fence, landscaping and assoc. works

**RECEIVED:** 22 December 2014

**SITE INSPECTED:** 14 January 2015

**APPLICATION/SITE DESCRIPTION**

This application was included on the agenda for the Development Control Committee meeting on 18 February 2016 and was the subject of a Full Committee Site Inspection, attended by the Ward Member, representatives of Ogmore Valley Community Council and one of the residents registered to speak. On the day prior to Committee, the Council received an objection from Natural Resources Wales (NRW) and the application was deferred to enable the developer to submit a revised Flood Consequence Assessment detailing how flood risk on the application site would be managed. On 1 October 2016, a revised Flood Consequence Assessment was submitted to the Council and Natural Resources Wales. The comments of NRW are included in the amended report which is reproduced below:

'Barratt Homes South Wales Limited is seeking planning consent for the erection of 36 dwellings and associated works on an area of vacant land situated between Isfryn Industrial Estate, to the east, existing housing on Cwm Felin to the west and the Ogwr Fach River to the south, located in the village of Blackmill. The application site also includes an area of undeveloped, sloping land, in the ownership of the Council that adjoins the highway and properties on Ebenezer Terrace and fronting the access and yard serving Coppice Alupack, an industrial operator on Isfryn Industrial Estate.

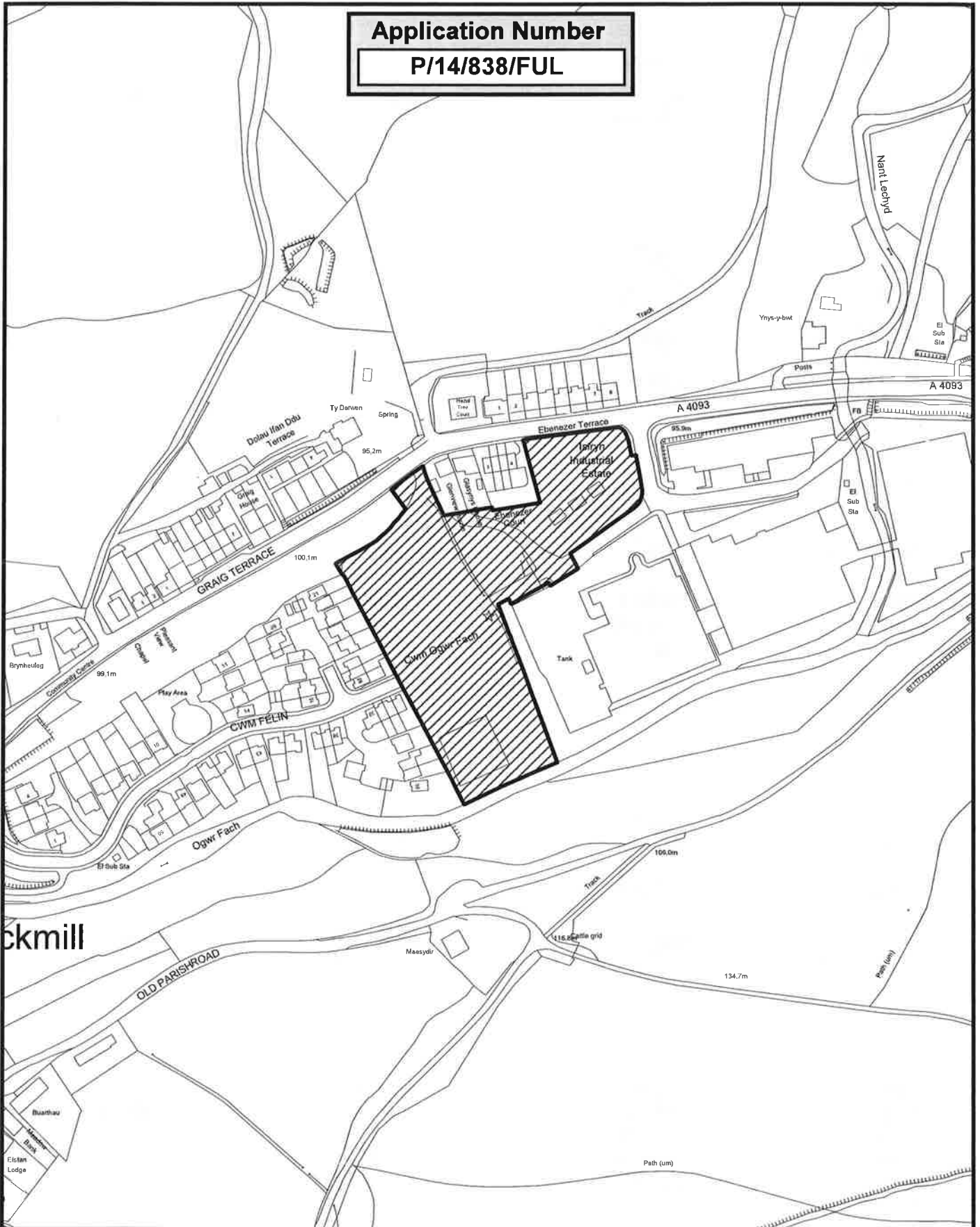
**BACKGROUND INFORMATION**

The site has a long planning history which records a number of applications where the Council has resisted the development of housing on this site that, under previous development plans, had been allocated for employment uses. In August 2010, under planning reference P/09/691/OUT, the Council resolved to grant planning permission for a mixed use development of 43 residential units, 'Live Work' units and an enterprise centre on the current application site. Permission was to be granted subject to Barratt Homes signing a S106 agreement which required the provision of a financial contribution of £200,000 to be used for the development of employment and community facilities, provision of 8 'Live Work' units, 6 affordable housing units and various land transfers between the developer and the Council. The S106 agreement was not progressed as the developer was unable to find a partner to deliver the 'Live Work' and affordable housing units.

A report proposing alternative heads of terms was prepared for the meeting of the Development Control Committee on 30 May 2013. The application was deferred to consider a legal challenge from Solicitors, acting on behalf of Coppice Alupack, who claimed that the Council had not properly considered the impact of the proposed

**Application Number**

**P/14/838/FUL**



ckmill



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**Scale 1:2,500**

**Date Issued:  
12/01/2017**

**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 M/ layouts/  
Committee DC Plan

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Cyngor Swyddfaeth Siro



housing on the operation of their client's business. It became apparent that consideration of the application was based on a 2009 noise survey which the Group Manager Public Protection recommended should be reviewed. On the basis of a detailed examination of site operations and information contained in a revised Noise Report, it became apparent that part of the application site would no longer be viable for residential development - the predicted noise levels would exceed those permitted in legislation. The development, as proposed on the indicative plan that accompanied application P/09/691/OUT, could no longer be supported on the basis of the predicted noise levels and discussions with the developer focused on a revised application which resulted in this current submission.

The current application has been the subject of prolonged negotiation and consultation and, as revised, proposes 36 dwellings being a mix of three house types, including 1 bedroom flats, 2/3 bedroom terraced and semi-detached properties. The Planning Statement confirms that the proposed finishes will consist of a mixture of yellow and red facing brick with a variation of brick detailing and grey tiled roofs. The proposed boundary treatments between properties will generally be formed by a combination of 1.8m privacy panels and 1.2m high post and wire fencing between plots and either 1.8m close boarded fencing or screen walling in other locations. On the riverside boundary, to the rear of Plots 22-29, 1.8m high 'hit and miss' fencing will allow, in an extreme event, flood water to enter and egress without restriction.

Access, both vehicular and pedestrian, to the proposed housing site from the public highway will be from the A4093 via the currently un-adopted estate road that already serves the existing Cwm Felin estate. This will be extended, bisecting the development area into two halves. The new access road will then form a 'T' junction at the north east boundary with two separate arms extending into the two portions of the site. These access roads run along the length of the north east boundary terminating in turning heads which provide access to parking courts and the associated dwellings. The Planning Statement indicates that car parking and cycle provision will both be provided at a ratio of at least one space per unit. The majority of car parking will be located in parking courtyards off the main access route, with the exception being those spaces accessed directly off the main estate road in to the development area.

In an attempt to mitigate the impact of noise from the adjacent Coppice Alupack operation and to limit the risk of potential complaints from future residents, the application proposes the construction of a 5m high acoustic barrier to be positioned between the diverted watercourse and the adjacent factory unit. A number of existing trees will be removed to accommodate the barrier, the design of which has been informed by a Noise Report prepared by Hunter Acoustics. Additional noise mitigation works, as recommended in the aforesaid Report, are proposed to the adjacent factory. These include replacing the tonal reversing beepers on the forklifts with white noise alarms and providing alternative access arrangements to the warehouse. A legal agreement is proposed to secure these measures and initial discussions with representatives of Coppice Alupack indicate that such an agreement will be signed by the parties.

That part of the application site that lies adjacent to Ebenezer Terrace and the Coppice Alupack operation is to be retained for future community/employment use, with the developer proposing to eradicate invasive species on site (Japanese Knotweed), clear scrub and plant new trees and shrubs. The Planning Statement suggests that this will assist the Council in attracting investors to Isfryn Industrial Estate.

In terms of the planning obligations, the developer proposes 2 affordable units on-site (as opposed to the 6 on the original submission) with the remainder being in the form of a financial contribution towards off site provision. A viability appraisal has accompanied the revised offer which seeks to support a financial contribution of £124,000 towards off-site affordable housing provision, in addition to the 2 on-site affordable units proposed and the £20,000 contribution to be offered towards off-site community facility improvements.

The application has been accompanied by the following supporting documents:

Planning Statement (Asbri Planning)

Design and Access Statement (Asbri Planning)

Engineering Layout and Revised Sections (Hammond Yates - 23/12/2016)

Environmental Noise Survey (Hunter Acoustics)

Hydrology Assessment (Waterco Consultants)

Flood Consequence Assessment (CD Gray & Associates)

Site Investigation Report (Integral Geotechnique)

Site Preparation Report (Integral Geotechnique)

Blackmill Supplemental Soakaway Tests (Integral Geotechnique)

Coal Mining Risk Assessment (Integral Geotechnique)

Extended Phase 1 Habitat Survey and Summary of Ecology (Soltys Brewster)

Site Report and Management Plan for Control and Eradication of Japanese Knotweed and After Dig Report (Elcot Environmental)

Tree Survey (Treescene)

## **RELEVANT HISTORY**

P/05/1425/FUL - Erect 26 Dwellings with Associated Highways & Engineering Works - REFUSED - 23-12-2005

P/07/340/FUL - 32 Dwellings & Associated Works plus Community Centre - REFUSED - 05-11-2007

P/08/591/FUL - 32 Dwellings & Associated Works and Community Centre - REFUSED - 27-11-2009

P/09/691/OUT - Mixed Use Development Comprising 44 Dwellings, Community Centre & Employment Units - APPLICATION UNDETERMINED

## **PUBLICITY**

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

Neighbours have been notified of the receipt of the application.

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

## **NEGOTIATIONS**

Negotiations commenced on 11th February 2015 in response to observations received from Natural Resources Wales, Public Protection, the Coal Authority and the Transportation and Engineering Section.

## **CONSULTATION RESPONSES**

Ogmore Valley Community Council - The Community Council provided two sets of observations dated 27th January 2015 and 17th July 2015 objecting to the development for the following reasons:

- \* Highway through Cwm Felin (Phase 1) which has not been adopted and is not fit for extra traffic
- \* Car parking not enough on plan, already problems with Phase 1 due to insufficient place for parking
- \* Threat to factory if residents complain about future noise problems
- \* Is sewerage system able to cope with extra load?
- \* That any future resident/tenants are not affected by the noise from the factory. The factory must be protected from possible noise complaints against them.

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

Head of Street Scene (Waste & Recycling) - Private access roads can limit accessibility by the Council's waste contractor. This may result in residents having to deposit waste and recyclates for collection beside the nearest adopted footpath. The Developer should consider provision of suitable collection points where necessary.

Head of Street Scene (Drainage): - No objection subject to clarification and additional information to be submitted and agreed through a condition to be imposed on the consent requiring the agreement of a comprehensive and integrated drainage for the site, showing how foul drainage, highway and roof/yard water will be dealt with.

Head of Parks & Playing Fields - Previously provided comments concerning an earlier application by the same applicant in 2009 (P/09/691/OUT refers). At the time of the previous application, the Parks and Playing Fields Manager considered that, as the applicant provided play facilities above the value of those normally required in the Phase 1 development, no on site provision or off-site in-lieu payment would be necessary.

I note that the total number of dwellings for both developments would be 86 (50 Phase 1 and 36 Phase 2). Based on the provision of one LEAP per 100 dwellings it is considered that the provision of the equipped children's play area on Phase 1 is sufficient for both development phases. The Council has adopted the open space with equipped children's play area on the Phase 1 development area and has noted that the

standard of provision is more in line with the standard required for a NEAP type play area.

Natural Resources Wales have confirmed that the modelling used to inform the updated Flood Consequences Assessment (FCA) is acceptable and the hydrology used in the model has also been approved. They recommend that, should the Council grant planning permission, the mitigation measures set out in the FCA are implemented and secured by planning conditions. Such measures would address significant concerns that have been identified. Raising the site would comply with recommended guidance given in TAN 15 and has the potential to cut-off the existing flood route to nearby residential properties downstream of the site, thereby increasing their standard of protection.

Welsh Water Developer Services - No objection subject to advisory notes.

Crime Prevention Design S.Wales Police - Comments provided - no objection.

The Coal Authority - No objection subject to conditions.

Group Manager Public Protection - No objection subject to the following:

1. A 5m closed boarded fence shall be erected along the eastern boundary as shown on plan 3187/SP2 - Proposed Housing Layout Plan of the noise report by Hunter Acoustics entitled 'Environmental Noise Survey 3187/ENS1\_Rev1' dated 17 December 2014 to remove line of sight from first floor windows to the service yard of Coppice Alupack. The fence shall be maintained in perpetuity.
2. The layout of the houses shall be designed as shown on 3187/SP2 - Proposed Housing Layout Plan of the noise report by Hunter Acoustics entitled 'Environmental Noise Survey 3187/ENS1\_Rev1' dated 17 December 2014 i.e. with no habitable rooms directly overlooking the service yard of Coppice Alupack with gable ends facing the site.
3. There shall be no residential development on the parcel of land shown on the layout '3187/SP1 on the supplementary letter by Hunter Acoustics to Sam Courtney dated 30 October 2013.
4. A legal agreement shall be in place between Barratt and Coppice Alupack so that Coppice Alupack will carry out work to replace the tonal reversing alarms with white noise reversing alarms and alternative arrangements shall be put in place to prevent the necessity for the forklifts at Coppice Alupack to sound their horns as they enter and leave the building.

## **REPRESENTATIONS RECEIVED**

Residents have been consulted on three occasions in response to variations to the submitted scheme with the latest consultation being sent on 1 February 2016.

Following the receipt of observations from Natural Resources Wales and in response to the revised engineering layout and site sections, additional letters of objection have been received.

Overall, objections have been received from the following residents: -

2, 6, 12, 16, 17, 21, 22, 29, 32, 33, 35, 37, 44, 48, 47 and 49 Cwm Felin;

2 Mount Pleasant Blackmill;

Blackmill and Glynogwr Residents and Tenants Association;

A petition signed by 59 residents of Cwm Felin was also received objecting to the development. The following is a summary of the objections received to date:

1. The status of the land was previously 'greenfield' but the applicants now maintain that this has changed to brownfield - on what basis?
2. The proposed development is out of character and differs from the surrounding - the mix of house types has changed and the density is higher than that recommended by Welsh Government. The development will affect the neighbours' privacy, will dominate outlook and will overshadow homes and gardens - this will be exacerbated by the need to raise ground levels in line with the requirements of Natural Resources Wales.
3. Can the existing access road cope with the additional traffic - increase in traffic will affect the safety of the children in the streets - existing traffic calming facilities are ineffective in controlling speed. The level of car parking for the proposed housing is below the required standard.
4. The site drains poorly with the natural flow of water impeded by the developer's actions and ground conditions. Local Authority must be satisfied that the proposed surface water collection, storage and discharge arrangements are sufficient and fit for purpose; are the foul and surface water drainage connections adequate to serve the proposed development?
5. Flood Consequence Assessment is based on out dated information - future flood events could affect residents in Cwm Felin. New residents may also have problems in obtaining mortgages on the new properties.
6. Buildings works and associated construction traffic, noise, dust will inconvenience existing residents and affect the levels of amenity that are currently enjoyed.
7. Loss of wildlife.
8. The proposed acoustic barrier is no guarantee to preventing noise nuisance - the proposed dwellings in close proximity to the industrial premises could give rise to complaint which could constrain the commercial activity and potentially result in job losses or relocation of the business. The proposed 5m acoustic fence will be an eyesore - a dominant feature to those living close to the structure.
9. The method used for the eradication of Japanese Knotweed is not a guarantee that the invasive species will not return. The developer must have regard to the potential re-infestation.

Residents of Cwm Felin in a joint communication dated 21 June 2016 petitioned Natural Resources Wales directly drawing attention to the developer's on site activities (removing Japanese Knotweed/diversion of existing site drainage) that resulted in problems with standing water on site. Concerns have also been expressed regarding any flood events affecting not only the development site but existing properties in Cwm Felin.

The applicant's agent has provided a brief statement that seeks to address concerns that were offered by Members at the Committee site inspection. The following is a summary of their submission:

A number of factors have influenced the current scheme design due to the emergence of constraints including the discovery of changes to the operation/working practices at the adjacent factory. A consequence of these changes has been the sterilisation of part of the site (immediately north of the factory) and reduction in proposed development but increase in construction costs. This has impacted upon the viability and subsequently meant that the overall package of planning obligations has been reduced; this has been verified by Officers through the submission the viability appraisal.

Change in operational practices at the adjacent factory came to light in 2013 and resulted in further noise survey work and a redesign of the proposal. A package of mitigation measures have been agreed including replacement of the forklifts reversing tonal alarms with white noise reversing alarms and other changes to limit/avoid the need of operators to sound the forklift horns. Furthermore, the design of the development has now changed so that the proposed units are not directly oriented towards the factory, whilst a 5m high acoustic barrier is proposed along the site boundary. It is considered that these measures will not only protect the amenities of the future occupiers but also improve the amenity to those existing residents located adjacent. The noise mitigation measures will also allow the factory to maintain its current working operations.

Delay to the adoption is down to the delays to the application(s) over the years. If the roads were offered for adoption now, the council would be liable for any repairs or maintenance costs, which could be exacerbated if construction traffic were to use the road as part of the delivery of phase 2.

The updated FCA confirms that the development proposals, which will include the re-profiling of the site and reinstatement of an unnamed watercourse into the Ogwr Fach, will offer a betterment to not only the proposed development but also the existing houses within Cwm Felin (phase one). It is anticipated that this will resolve NRW's concerns.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

Objections received from residents are relevant and are generally considered in detail in the following section of the report, however, the following comments are offered in response to the specific representations received:

1. Planning Policy Wales indicates that previously developed (or brownfield) land should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value. As the site has not previously been occupied by a permanent structure, it could not be defined as brownfield. Nonetheless, it lies within the settlement boundary of Blackmill and is allocated for mixed use development including residential, employment and community uses.

6. Inevitably, a development so close to existing properties is going to result in some inconvenience for highway users and noise and general disturbance during the construction phase and thereafter. Whilst this is not grounds for refusing planning permission, given the scale of the development it will be reasonable to impose planning conditions to control the hours of construction and the implementation of a traffic management plan throughout the period of construction. The Group Manager Public



Protection has not indicated that the additional traffic along the existing estate road will cause an unacceptable level of disturbance.

7. Any potential ecological impacts have been considered in an 'Extended Phase I Habitat Survey undertaken by Soltys Brewster. The survey concluded that the area revealed a range of habitat types which were generally considered to be of low intrinsic ecological value although the ponds were of local ecological value in the context of the site. The report recommends that the development should seek to minimise the impacts on the broadleaf woodland and riparian corridors. Reptiles (common lizard and slow worms) were noted on site and it is understood that the developer has already implemented a programme of translocation from the development area. The Extended Phase I Survey also includes a number of recommendations in respect of vegetation clearance, translocation of amphibians from ponds and the eradication of invasive species which will be the subject of a planning condition. Any loss of habitat is considered to have only local significance and would not be grounds for resisting the grant of planning permission.

9. The existence of knotweed is acknowledged by the landowner and a site report and management plan for its eradication has accompanied the application. Implementation of the plan has also commenced which involves application of herbicide, the digging out of all material containing knotweed, sifting out rhizome material, followed by a period of inspection and management. Should permission be granted, a condition will be imposed to ensure that the developer follows the management plan prior to works commencing on construction. On the basis of the information before the Authority it would appear that the landowner's management of this invasive species accords with the Environment Agency's code of practice.

Comments in response to the observations provided by Open Spaces Society - The application site does not constitute an area of 'open space' and is allocated for a mixed use development under Policy PLA3 (17) of the Bridgend Local Development Plan 2013. The application will deliver housing under Policy COM2 (4) which, contrary to the observation of the Open Spaces Society, does contribute to housing supply for the County Borough.

In response to the comments of the Head of Street Scene (Waste and Recycling) the scheme has been designed to ensure access to all parts by a refuse vehicle.

## **APPRAISAL**

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

The application and site history are described in detail in the first section of the report. The main issues relevant to the determination of this application are:

*(i) Whether the form of development proposed accords with the allocation of the Bridgend Local Development Plan:*

Under the Bridgend Local Development Plan (2013) the application site is allocated for 'Regeneration and Mixed Use Development' (Policy PLA3 (17) refers) where it was intended that the site would accommodate a mix of uses comprising residential, work units and local community facilities. The allocation reflected the resolution to grant permission for a mixed use development under P/09/691/OUT but, as indicated at the

beginning of the report, a change in site circumstances, namely the revised noise profile associated with the Coppice Alupack operation and the resultant reduction in the developable area, prevents the delivery of the original scheme. The application, according to the supporting planning statement, has sought to address the identified constraints and brings forward the residential element of the mixed use with associated affordable housing (reduced from six to two units and an off site contribution), on and off-site noise mitigation works, a contribution to community facilities and enhancements to the undeveloped land on Isfryn Industrial Estate.

The current proposal represents a significant downsizing both in terms of housing numbers but also the employment provision (the omission of 'Live Work' and starter units) and the levels of community benefit which previously included a new community centre. It is accepted that development viability has been significantly affected by the reduction in the housing numbers and delivering the original scheme and the associated levels of obligation is no longer achievable. Whilst the development will not realise the economic benefits of earlier submissions it will deliver the housing element of the mixed use allocation without prejudicing the implementation of the remaining policies. Furthermore, the proposed housing will meet a wider need in a sustainable location. The application does also propose obligations which are at a level that reflects the revised quantum of housing whilst including measures to mitigate against the potential negative impacts of the development. It is considered that the principle of the development accords with the site's allocation and broad policies of the Bridgend Local Development Plan.

*(ii) The effect of the proposal on the character and amenities of the area, specifically those enjoyed by existing residents:*

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

Policy SP2 of the LDP states:-

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

The Supplementary Planning Guidance (SPG) 02 - Householder Development, adopted on 12/12/2008, sets out objectives that define development that is likely to be acceptable. Whilst the SPG relates to householder development it is considered that its principles are generally relevant to this application and, in particular Notes 1, 2, 6 & 8 are addressed below.

Objectors have highlighted the difference between the existing Cwm Felin estate and the proposed development in terms of housing mix, density and the scale of the development. On the latest revision, the three storey flatted complex in the north western corner of the development has been omitted. All housing units are now two storeys and, apart from the two (one bedroom) flats on Plots 10 and 11, are either two or three bedrooms semi-detached or link units. The housing mix is not significantly different to the adjoining site and is the house builder's response to market demand.

Concerns about density are also noted although Policy COM 4 of the LDP (2013) does establish a density requirement of at least 35 dwellings per hectare. Although this is exceeded (43 dwellings per hectare) the numerical increase is not in itself grounds to refuse permission. Planning Policy Wales does not prescribe 'acceptable density' levels

but states:

*In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. (Paragraph 9.3.4 Planning Policy Wales - Edition 9 November 2016 refers)*

Increased densities should therefore not be accepted if the living environment created is poorly designed. For the majority of the properties, the level of private amenity space is modest with garden lengths not achieving the 10m that would be preferable. In some of the more recent higher density schemes approved by this Council, such compromises in garden sizes have been accepted. The privacy that will be afforded to the future occupiers of the new dwellings will meet the Council's privacy standard and although garden lengths will not be generous, spacing between the proposed units will ensure that the outlook is relatively open.

The supporting Planning Statement maintains that the proposed layout has been carefully considered to ensure that the amenity of the adjacent existing residents is not unduly harmed. The omission of the three storey units has assisted in this regard.

Units 1 and 12 on the latest layout are the closest to the existing residents on the northern part of the development with gable ends (8.8m to the ridge) of the proposed dwellings being 'set in' approximately 1m from the shared boundary, with a distance of between 12.6m and 14m being recorded on plan, between the rear elevation of the existing dwelling and the side elevations of the new units. Further consideration has been given to the relationship of the development to the existing properties in terms of the finished site levels which have been indicated on the latest 'Engineering Layout', updated in line with the requirements of NRW to raise site levels. In general, the spacing between new and existing properties achieves the Council's Guidelines and, although the open aspect will be lost, the new dwellings should not unreasonably overshadow or dominate outlook.

The relationship on the southern part of the proposed layout is slightly different with the nearest units being on Plots 22 and 36. Again on Plot 22, an 9.4m high gable end of the new dwelling will be positioned adjacent to the shared boundary with the nearest existing dwelling (35 Cwm Felin). From the submitted plans, a separating distance of 13.35m is recorded which, for the reasons set out above, is acceptable. Plot 36 will share a similar orientation to 29 Cwm Felin with the driveways of the existing and new dwellings creating space between. Such an arrangement is again acceptable and should ensure that the amenities of the occupiers of this neighbouring dwelling are not unreasonably affected by the development.

The car-parking courtyards in the northern and southern parts of the site will share the remaining boundaries with the existing houses and it is intended to provide screening in the form of fencing and new planting to minimise the impact of the proposed works.

*(iii) The effect of the development on the highway network and highway safety generally*

The transportation and highway safety implications of the proposal have been fully considered by the Transportation and Development Control Officer who has not objected to the development subject to conditions. The last revisions to the proposed layout were in response to concerns regarding the level and accessibility of the parking

bays and the width of the proposed estate road. A reduction in the number of units and consequential demand for resident car parking, the provision of more convenient residents' car parking and visitor parking on the widened carriageway has addressed previous objections. Whilst it is understood that the existing estate road serving Cwm Felin has not been adopted, that process is continuing and does not prejudice the determination of the new application. Given the number of units proposed, the highway (vehicular and pedestrian) infrastructure is considered acceptable to serve the development.

*(iv) The effect of the development on the existing drainage systems and connected flood risk:*

Natural Resources Wales and all other relevant drainage bodies have commented on the proposed development and offered no objection to the development subject to conditions. The Council's Land Drainage Engineer confirms that discussions have taken place with the developer's Drainage Engineers and it is considered that an appropriate scheme can be designed and accommodated within the site.

The flood mitigation works set out in the Flood Consequence Assessment and required by Natural Resources Wales include the reinstatement of the existing watercourse running parallel to the Phase 2 on the eastern boundary of the site and the raising of ground levels on the development site. This will not only create a TAN 15 compliant development but also offers a significant betterment in terms of flood risk to the existing dwellings in Cwmfelin.

*(v) Whether the development would impact on the adjoining employment site which is allocated and protected under policies of the Bridgend Local Development Plan.*

Under Policy REG1 (31) of the Bridgend Local Development, Isfryn Industrial Estate is allocated and protected for employment uses. Planning Policy Wales (2016) indicates that employment and residential uses can be compatible but local planning authorities should have regard to the proximity and compatibility of proposed residential development adjacent to existing industrial and commercial uses to ensure that both amenity and economic development opportunities are not unduly compromised. In response to the noise survey that has accompanied the application, and on the advice of colleagues in the Public Protection Section, a number of noise mitigation measures are proposed as part of this application.

The proposed acoustic barrier is one part of a series of measures to mitigate the impact of noise emanating from the Coppice Alupack operation on the existing residents and those that will occupy the development. The additional measures are set out elsewhere in this report and include replacing the tonal reversing beepers on the forklifts with white noise alarms and providing alternative access arrangements to the warehouse. Such measures and a plan of implementation will be the subject of a S106 Agreement which will be signed by the Council, the developer and the appropriate parties in Coppice Alupack. This will ensure that the mitigation works will be implemented prior to the occupation of the proposed dwellings. Having regard to the advice contained in Technical Advice Note (TAN) 11: Noise 1997, this approach is consistent with Welsh Government guidance. Furthermore, it provides some comfort that the continued operation of the Coppice Alupack will not be compromised by the introduction of new housing on the adjacent land.

It is acknowledged that a 5m structure will appear as a somewhat 'alien feature' on this new housing estate. If such a structure does diminish the visual amenities of the area, its purpose along with all other forms of mitigation, is to protect residential amenity and allow the delivery of the residential element of this mixed use allocation thus providing housing to meet local need.

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

The well-being goals identified in the Act are:

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

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

In summary, it is considered that the development accords with SP2, PLA3 (17) and COM4 of the Bridgend Local Development Plan and will have a design that is appropriate in scale which will ensure that the viability and amenity of neighbouring users/occupiers will not be adversely affected. The implementation of biodiversity enhancements, as required by conditions 7 and 9, will help contribute to the environmental sustainability of the development and will demonstrate compliance with Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006. On the advice of the land drainage bodies, appropriate arrangements for the disposal of foul sewage, waste and existing land drainage can be accommodated on the development and methods to deal with invasive species have been incorporated in the planning submission. Finally, safe and efficient access within and outside the site can be provided by the development.

## **CONCLUSION**

This application is recommended for approval because the development is in accord with the policies of the Bridgend Local Development Plan and will deliver housing on a sustainable site without any significant adverse impact on the highway network and local drainage system. Furthermore, the proposed housing layout has been designed to ensure that the amenities of existing and future residents and adjoining users will be safeguarded.

The representations received have been taken into account however, on balance, it is not considered that they outweigh the merits of the development and the Local Development Plan.

## RECOMMENDATION

(A) The applicant and Coppice Alupack enter into a Section 106 Agreement to:

(i) Provide 2 units of affordable housing to be transferred to a Registered Social Landlord, with the type of units, location within the site and affordable tenure to be agreed by the Council and a financial contribution of £150,000.00 as the equivalent value to providing the level of affordable housing on site under Policy COM5 of the Bridgend Local Development Plan (2013).

(ii) Provide a financial contribution of £20,000.00 towards improvements to the existing community centre in Blackmill or towards the provision of a new community building

(iii) Secure the following noise mitigation works on their existing site on Isfryn Industrial Estate:

a) Replace the tonal reversing alarms with white noise reversing alarms on the forklift trucks in operation on the land currently being occupied by Coppice Alupack;

b) Provide an alternative access arrangement to the existing warehouse to prevent the necessity for the forklift trucks operating at Coppice Alupack to sound their horns as they enter and leave the building;

(iv) Ensure the aforementioned mitigation works are implemented on the Coppice Alupack site prior to commencement of the development approved under P/14/838/FUL:

(v) Establish a 'Management Company' for the future maintenance of the acoustic barrier, the existing watercourse on the eastern boundary of the development site and all storage drainage systems in the private areas of the development. Details of the Management Company, including the funding of the Management Company, and the maintenance regime shall be agreed in writing by the Local Planning Authority to ensure that the maintenance works are carried out in perpetuity.

(vi) Enter into a Highways Agreement to secure the adoption of the proposed roads that will serve the development site.

(B) The Corporate Director Communities be given delegated powers to issue a decision notice granting planning consent in respect of this proposal once the applicant and Coppice Alupack has entered into the aforementioned Section 106 Agreement, subject to the following conditions:

1. The development shall be carried out in accordance with the following approved plans: Job No. 1327 Drawing No. 1000 Revision T, 1060, 1061, 1062, 1063, 1066, 1067 and Drawing No. 1327/B105 - Section Through Existing Development received on 23 December 2016

Reason: For the avoidance of doubt as to the nature and extent of the approved development.

2. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, 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 that effective drainage facilities are provided for the proposed development

3. No development shall commence until a scheme showing the scale, design, specification and precise location of the required acoustic barrier to be erected along the eastern boundary of the application site has been submitted to and agreed in writing by the Local Planning Authority. The acoustic barrier shall be erected in accordance with the agreed scheme, prior to the occupation of any dwelling and maintained in perpetuity.

Reason: To maintain noise levels in the interests of the occupiers of the residential properties.

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

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

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

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

6. No development shall commence, including any works of site clearance, until a 'Site Clearance Method Statement' has been submitted to and agreed in writing by the Local Planning Authority. The statement shall include details for avoidance of harm to reptiles and nesting birds. The development shall be carried out strictly in accordance with the agreed method statement.

Reason: In the interests of visual and residential amenity and to promote nature conservation

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

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

8. No development shall take place until a schedule of landscape maintenance for a minimum period of 3 years has been submitted to and agreed in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its

implementation. Development shall be carried out in accordance with the agreed schedule.

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

9. No development shall commence until a scheme for the erection of bird and bat boxes and a programme of implementation has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as agreed.

Reason: In the interests of visual and residential amenity and to promote nature conservation

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

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- wheel washing facilities
- haulage routes

Reason: In the interests of highway safety

11. No development shall commence on site until a scheme has been submitted to and agreed in writing showing the internal access road being subjected to a 20mph speed restriction. The agreed scheme shall be implemented prior to any building on the site being brought into beneficial occupation.

Reason: In the interests of highway safety.

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

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

13. The development shall be carried out strictly in accordance with the recommendations set out in Chapter 6 of Soltys Brewster's Extended Phase 1 Habitat Survey and Summary of Ecology dated April 2015 and the Knotweed Management Plan set out on pages 7-8 of Elcot Environmental Site Report and Management Plan for Control and Eradication of Japanese Knotweed and After Dig Report dated October 2015.

Reason: For the avoidance of doubt and in the interests of protecting biodiversity interest and the environment.



14. Construction works shall not take place outside 07:30 hours to 17:30 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

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

15. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

(a) This application is recommended for approval because the development complies with the policies of the Bridgend Local Development Plan and will deliver housing on a sustainable site without any significant impact on the highway network and local drainage system. Furthermore, the proposed housing layout has been designed to ensure that the amenities of existing and future residents and adjoining users will be safeguarded.

(b) Foul and surface water shall be drained separately.

(c) No surface water will be allowed to discharge to the public sewer.

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

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

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

(g) The Highway Authority will require the developer to enter into a Section 38 Road Agreement and a Section 104 Sewer Agreement, including appropriate bonds to secure the implementation of the proposed highway and sewer works.

(h) The applicant is advised that the Highway Authority reserves the right to invoke the powers contained in Section 59 of the Highways Act, 1980 and recover additional expenses incurred in maintaining certain lengths of the highway network.

(i) The applicant is advised that the development should be designed and constructed in accordance with the January 1993 Mid Glamorgan County Council Design Guide for Residential and Industrial Estate Roads which has been adopted by Bridgend County Borough Council.

(j) In accordance with the Bridgend County Borough Council Design Guide, road gradients shall be such that the maximum gradient of 1:12 is not exceeded. A 10m near level platform shall apply at junctions. Access roads shall have a minimum gradient of 1:125.

(k) The developer should make every effort to ensure surface water from any permanent surface drains onto adjacent porous surfaces, thereby reducing the demand on the drainage system. Alternatively, the developer may wish to explore the use of permeable materials for the access and parking areas, although compacted chippings would not be acceptable as they may be dragged onto the highway to the detriment of highway and pedestrian safety. As a result of the above, impermeable surfacing such

as concrete or tarmacadam extending across the full width of the access and parking areas should not be considered as a first option.

(l) Details of any retaining walls within the site to be submitted to the Authority should include location, finishes, structural calculations and constructional details proving that the structures concerned have been designed and will be constructed so as to prevent subsequent structural failure and ground movement and, in addition, in respect of any retaining wall or embankment supporting or having an influence on the abutting highway, the design details duly certified by a professional Structural Engineer, including full engineering details and structural calculations produced in accordance with the requirements of BD2/12 - Technical Approval Highway Structures as well as qualification that the structure will achieve a 120 year life span.

(m) Commuted sums to cover the extraordinary long term maintenance costs of any highway structures will be a prerequisite of the adoption of the road works as highways maintainable at public expense.

(n) Street nameplates reflecting the official street name allocated by the Council should be erected by the developer at locations and to a specification to be agreed with the Local Planning Authority prior to beneficial occupation of the first dwelling house in the street that has been so allocated.

(o) The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

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

**Background Papers**

None

**DEVELOPMENT CONTROL COMMITTEE**

**19 JANUARY 2017**

**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.**

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<b>8a</b>	<b>13</b>	<b>P/14/838/FUL</b>

The following additional conditions shall be added to the recommendation:

Following the publication of the committee report, further objections have been received from the residents of Cwmfelin, Blackmill, which includes an emailed communication from Mr G Hando which has been copied to all Members of the Development Control Committee, the local member and representative of the community council. The detailed objection considers the issues of noise, the visual impact of the acoustic screen, the additional traffic generated by the development, questionable car parking design, flood risk, site drainage problems and the design of the development with reference to housing density, poor arrangements for waste collection etc. The letter has not been reproduced in full on the basis that it has already been circulated to members by the objector.

On further review of the housing layout, the Highways Section has requested the imposition of the following additional conditions:

15. Notwithstanding the submitted 'Planning Layout' (Job No. 132 Drawing No. 1000 Revision T), no development shall commence until a scheme for the provision of an enlarged turning head and revised waste and recycling collection area adjacent to plot 29 on the layout has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of vehicle swept path analysis and the development shall proceed in accordance with the agreed scheme with the collection areas being retained in perpetuity.

Reason: In the interests of highway safety and satisfactory refuse and recycling collection.

16. Notwithstanding the submitted 'Planning Layout' (Job No. 132 Drawing No. 1000 Revision T), no development shall commence until a revised scheme car parking scheme for plots 30 and 31 has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall provide three car parking spaces, shall be completed in permanent materials prior to the dwellings being brought into beneficial use and shall thereafter be kept available for the parking of vehicles in perpetuity.

Reason: In the interests of highway safety.

17. Notwithstanding the submitted 'Planning Layout' (Job No. 132 Drawing No. 1000 Revision T), no development shall commence until a scheme for the provision of an enlarged turning head and revised parking arrangements for plots 20 & 21 has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of vehicle swept path analysis and the development shall

proceed in accordance with the agreed scheme with the collection areas being retained in perpetuity.

Reason: In the interests of highway safety and satisfactory refuse and recycling collection.

18. Notwithstanding the submitted 'Planning Layout' (Job No. 132 Drawing No. 1000 Revision T), no development shall commence until a revised scheme of allocation of car parking spaces has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be completed in permanent materials with the spaces demarcated in permanent materials prior to the dwellings being brought into beneficial use and shall thereafter be kept available for the parking of vehicles in perpetuity.

Reason: In the interests of highway safety.

**8b**

**31**

**P/16/861/FUL**

A full Development Control Committee site visit was undertaken on Wednesday 18 January 2017.

Representatives of the applicant and the agent attended the site visit.

The word "activities" in the fifth paragraph on page 38 should be replaced by "actively".

**11**

**67**

**PENCOED PRIMARY SCHOOL  
PLANNING DEVELOPMENT BRIEF**

Paragraph 8.1a - Remove 'a' from the sentence.

**MARK SHEPHARD  
CORPORATE DIRECTOR – COMMUNITIES  
19 JANUARY 2017**



As you are certainly aware, this application seeks to deliver the housing element of a mixed-use site which is allocated within the LDP, and so it is hoped that Members will agree to the applicants' request, which is sought with the clear aim of finding a suitable compromise which will not only address the main concerns raised but will deliver much needed housing for the local community.

I trust that you will report this request to planning committee. Should you require any further information in the meantime, please do not hesitate to contact me.

Yours faithfully,



**Sam Courtney** BA (Hons) MA (Uc) MRTPI  
Director  
LRM Planning



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**REFERENCE:** P/16/138/FUL

**APPLICANT:** Asda Stores Ltd Asda House, Southbank, Great Wilson Street, Leeds, LS11 5AD

**LOCATION:** Asda off Coychurch Road Bridgend CF31 3AS

**PROPOSAL:** Change use of part of store car park to an automated petrol filling station & assoc. infrastructure

**RECEIVED:** 24 February 2016

**SITE INSPECTED:** 8 March 2016

## **APPLICATION/SITE DESCRIPTION**

The application proposes the introduction of a Petrol Filling Station with associated infrastructure into the car park of the existing ASDA superstore, which is accessed from the Cowbridge/Coychurch Link Road. The proposed facility will occupy an area of car park to the south east of the Superstore Building and adjacent to the roundabout controlled junction of the customer access with the delivery/loading bay access. The Petrol Filling Station will have four dispensers/pumps with fuel hose delivery to both sides thereby providing 8 filling positions under a canopy. The pumps will be fully automated which means that they will only be operated by means of a customer credit card authorisation with no cash sales and no requirements for a sales kiosk. The facility also includes an associated control room unit to be sited on the northern side of the pumps together with ancillary bins, compressed air and water facilities, underground storage tanks, lighting columns, CCTV monitoring and landscaping.

Access will be obtained via the existing car park access from the Cowbridge/Coychurch Link Road with the Petrol Filling Station operated on a one way access and egress principle. Access has been designed so that a right hand turn holding lane will be created to enable single trip customers to access the Petrol Filling Station via the existing entrance to the car park. Signage and surface markings will ensure the one way system but the forecourt has been designed to also allow adequate space for HGV tankers to manoeuvre safely. The facility is to be enclosed by new raised soft landscaping beds with a knee high timber rail fence 900mm in height around the western, northern and eastern boundaries.

## **RELEVANT HISTORY**

P/02/967/OUT - 8680sq.m retail store, car park & link road - Approved with conds - 24/02/04

P/05/1284/RES - Erection of A1 Retail Store, car park & link road - Approved with conds - 20/01/06

P/07/274/FUL - Revision to Store Design - Approved with conds - 16/07/07

P/10/359/FUL - Extension of Home Shopping Loading Bay Platform & Canopy within Service Yard - Approved - 29/06/10

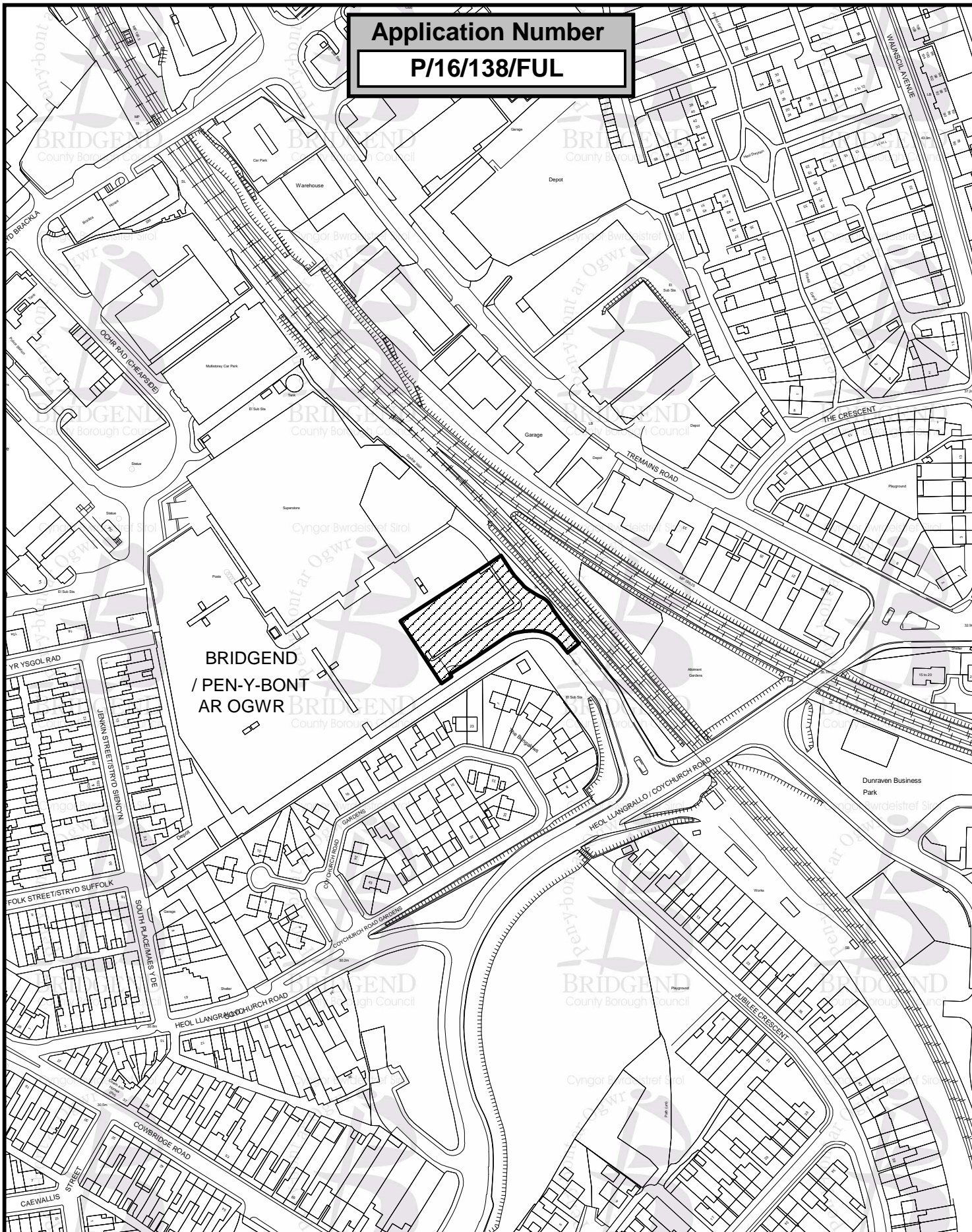
P/11/927/FUL - Modifications to scheme approved under 10/359 - Approved - 26/01/12

P/14/635/FUL - Photovoltaic panels over part of roof - Approved - 06/11/14

P/15/235/FUL - Customer Click & Collect Canopy - Approved with conds - 04/06/15

Application Number

P/16/138/FUL



BRIDGEND  
/ PEN-Y-BONT  
AR OGWR



Scale 1:2,500

Date Issued:  
09/02/2017

Development-Mapping  
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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Cyngor Bwrdeistref Siro



## **PUBLICITY**

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 25<sup>th</sup> March, 2016.

## **CONSULTATION RESPONSES**

Councillor G Phillips - No residents have contacted me with any concerns and reservations and I have no doubts that it will benefit customers by offering cheaper prices for fuel and create increased employment levels at the store with the staff that will be need to work in the petrol station.

The Store Manager has contacted me and reassured me that the loss of car park spaces will not have any adverse effects and will not cause congestion in regards to the flow of traffic accessing and egressing the premises.

I hope that the planning committee when it deals with the application will support it.

Councillor E M Hughes - I have identified the following material considerations for referring the application to committee:-

1. Retail development on a retail site;
2. Offering customers competitive prices for petrol;
3. Infrastructure is sound to allow free flow of traffic;
4. Highly unlikely that there will be a long queue for petrol as there are other petrol stations nearby;
5. Complies with planning regulations;
6. Type of business associated with supermarkets.

Councillor Hughes has subsequently emailed to offer her support to the application on the bases that it will benefit customers with competitive prices and that the scheme should not interfere with the flow of traffic into and out of the supermarket.

Bridgend Town Council - Bridgend Town Council objects on the grounds that the proposed development will result in loss of necessary parking space and considers the access off the main Cowbridge Road Link to be inadequate which would be incompatible with the use of the petrol station and its prime use as a car park for customers. The main road is already over-congested at peak periods.

Head of Street Scene (Highways) - The Highways Department notes that the application has been supported by a Transport Statement prepared by the applicant's consultants SIAS. This has been independently audited by the Authority's consultants CAPITA. Initially there was objection to the scheme on the grounds that the proposed development would result in the loss of necessary parking space and that it had not been fully demonstrated that there would be no adverse impact on highway capacity and safety considerations.

Following prolonged discussions between the parties and the submission of additional information, which has also been independently audited by Capita, revised observations offering no objection subject to the applicant entering into a Section 106 Agreement to provide a financial contribution of £24,000.00 towards the re-sequencing of the traffic lights at the site entrance and the nearby Coychurch Road/Tremains Road junctions so that they are phased together to improve the existing situation and thereby

lessen the impact of the development. In addition, conditions requiring a scheme for the provision of a revised right turn holding lane and yellow box marking at the frontage of the Petrol Filling Station and a Traffic and Delivery Management Plan are recommended.

Head of Street Scene (Drainage) - The Land Drainage Section raises no objection subject to condition.

Group Manager Public Protection - The Public Protection Department raises no objection to the proposed development on the basis that the noise report, which accompanied the submission, identified that there would be no significant noise impact.

Natural Resources Wales - NRW offers no objection to the application and requests that pollution prevention guidance is forwarded to the developer in the event that the Authority is minded to approve the proposed development.

Network Rail (Western Region) - Network Rail raises no objection in principle to the proposal but provides safety and operational guidance on developing adjacent to railway lines.

## **REPRESENTATIONS RECEIVED**

The occupier of 22 Coychurch Road Gardens' objections can be summarised as follows:

- Unmanned fuel station that is close to residential properties is a purely commercial consideration with absolutely no consideration to safety of the residents.
- There is some sort of prohibition on 24 hour trading on this site. This development is less than 50metres from my bedroom and the thought of 24hour disruption is wholly unacceptable.
- The Asda viability/ occupancy study for the carpark was taken on one of the quietest trading times during the year. There has been no mention of the grid lock in & out of the site. Current traffic problems causes complete chaos.
- Site servicing arrangements will be the same as standard petrol filling stations within 40m of residences.
- There are already 5 fuel stations within the vicinity of the site.
- Fuel stations are messy places with oil and fuel contaminates to the detriment of neighbouring residential properties.
- Ground water pollution in respect of rain water run off.
- Light pollution in addition to the main ASDA store.
- Noise pollution so close to homes.
- This is not a suitable site, as there are better options elsewhere.

The occupier of 23 Coychurch Road Gardens' objections are summarised as follows:

- There are already many petrol stations in Bridgend.
- Traffic build-up in, out and around Asda is already a nightmare at certain times of the day and weekends.
- There should be another exit from the store at the other end of the car park onto the Cheapside road to alleviate the traffic build up.
- Badly sequenced traffic light system between ASDA and Tremains Road.
- Spillages will not be cleaned up promptly or even at all causing contamination to the area.
- Light pollution at night.
- Extra fumes from cars queuing to get to the petrol pumps.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The following comments are provided in response to the objections raised by the Town Council and local residents:-

Commercial decision by ASDA - Whilst this comment is noted it is not a material planning consideration.

Opening Hours - Residents believe that the facility will open on a 24 hour basis but the application has not specified opening hours. This issue can be controlled by condition.

Parking Survey - Objectors consider that the results of the parking survey to be flawed having been undertaken at a relatively quiet time of year in trading terms. This concern is partially shared by the Highways Department which has highlighted that the car park has a dual function of serving both the Superstore and the Town Centre. The applicants submitted supplementary parking data and whilst this did not assess the quantity of parking occurring at the site connected to visits to the adjacent Town Centre, it demonstrated that there is sufficient capacity.

Traffic Congestion - Residents have expressed concern regarding access arrangements and the impact both inside the site and on the highway network. There has been prolonged discussion between the applicant's consultants and the Highways Department with the submission of additional information that assesses the impact of the development on the junctions on the Coychurch Road serving the site. The Highways Department are satisfied that re-phasing of the traffic signals at the site entrance with those at the adjacent Coychurch Road/Tremains Road would bring improvement to the existing situation, which would lessen the impact of the development.

Delivery Tankers - Objectors consider that delivery tankers will exacerbate congestion problems in this part of the site. The applicant has highlighted that the facility has been designed to allow delivery tankers to turn.

Internal Layout - Concerns relate to the internal access arrangements into the Petrol Filling Station, particularly the right turn holding lane which could become blocked at peak hours causing tail backs on the access road. An appropriately worded condition requiring yellow box junction type road markings could be imposed to overcome this issue.

Proximity to dwellings - The entrance to the proposed facility will be located approximately 22m away from the rear boundaries of the properties in Coychurch Road Gardens, which currently benefits from some screening provided by shrubs and tree planting on the ASDA side of the boundary. The application has been accompanied by a Noise Survey, which the Public Protection Department has assessed. This report identifies that there will be no significant impact on residents in terms of noise from the facility itself. Subject to the imposition of appropriate conditions to control opening hours to coincide with the opening hours of the store, it is considered that the impact on the residential amenity of occupiers of these nearest dwellings would not so significantly exacerbate the existing conditions as to warrant refusal.

Competition - It has been highlighted that there are already a number of petrol filling stations in the vicinity of the site and therefore the proposed development is not required. Retail competition is not a material planning consideration

Fear of Spills & Pollution - Notwithstanding the concerns expressed by local residents, Natural Resources Wales has raised no objection to the scheme but has provided pollution prevention guidance for the developer's information and consideration.

Contamination - Residents' concerns relate to the potential contamination emanating from surface water run off from the site. A condition requiring a comprehensive drainage scheme incorporating appropriate interceptors could address this issue.

Light Pollution - Concerns regarding light pollution are noted but in addition to controlling opening hours, a condition could require the switching off of lighting at the facility to address this matter.

Noise - The Public Protection Department is satisfied that the noise survey which accompanies the submission demonstrates that the impact will not be so significant as to warrant refusal for this reason.

Economic Benefit - As a unmanned facility, objectors highlight that the proposed development will have little economic benefit other than to the operator. It is acknowledged that the proposed development will not create any employment opportunities.

## **APPRAISAL**

The application is referred to Committee to consider the objections raised by the Town Council and local residents in respect of the proposed development.

Both Ward Members have submitted observations supporting the application in anticipation of the matter being referred to Committee for determination with an unfavourable recommendation. One Ward Member considers that the facility will provide cheaper prices for customers and increased employment. Given that the facility is completely automated, as indicated above, it is again highlighted that there will be no additional jobs created by the development and the pricing of the fuel is not a material planning consideration.

The other Ward Member has also requested that the application be referred to Committee and has identified a number of reasons for supporting the proposed development. A number of these reasons relate to the principle of retailing fuel from the site, pricing and competition. For the reasons outlined in the following paragraphs, it is considered that the principle of retailing this product from the site is not contrary to development plan policy and pricing and competition are not material planning issues. With regard to the assertion that the infrastructure is sound and that the development would be highly unlikely to cause long queues for petrol due to the proximity of other petrol stations, there has been prolonged negotiation with the applicants and their consultants with the provision of significant amounts of additional information to demonstrate the potential impact of the proposals on the surrounding highway network. The Highways Department is, therefore, now in a position to favourably recommend the scheme subject to the proposed Section 106 Agreement to secure a financial contribution to the rephasing of the traffic signals at the site entrance and the nearby junction together with conditions. The likelihood that petrol customers would visit other petrol filling stations rather than queue at the site is a subjective view and cannot be quantified.

The application seeks consent for the introduction of an unmanned petrol filling station with associated infrastructure into the car park of the existing ASDA superstore off Coychurch Road, Bridgend.

Policy SP10 of the Bridgend Local Development Plan directs new retail, office, other commercial, leisure and appropriate employment developments to be focused according to a hierarchy of retailing and commercial centres within the County Borough. In this regard the application site lies within the curtilage of the existing ASDA superstore, which was allocated as a retailing and commercial centre by Policy REG9(1) of the Bridgend Local Development Plan (LDP). In principle, therefore, the proposed development would be compatible with these policies.

In terms of its detail and design, the application falls to be assessed against Policy SP2, which requires all development to contribute to creating high quality, attractive, sustainable places, which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment. This Policy establishes fifteen criteria against which development proposals are assessed and in this case it is considered that criteria 1,2,3,4,5,6,8,12 & 13 are relevant to the proposed development. In terms of its design, it is considered that the proposed facility will reflect the character of the existing ASDA superstore. Insofar as the proposed development will be a relatively modest scale when compared to the existing superstore and will occupy previously developed land, it could be considered to be compatible with the first five criteria of the Policy.

Criterion 6 requires development proposals to provide good linkages within and outside the site to ensure efficient access. For the reasons outlined in the revised observations received from the Highways Department, it is now considered that the impact of the proposed development on highway capacity and safety considerations will not be so significant as to warrant refusal of the scheme and therefore, subject to a Section 106 Agreement and conditions, the scheme is considered compatible with this criterion.

Criterion 8 requires proposals to avoid or minimise noise, air, soil and water pollution. Public Protection and Natural Resources Wales are satisfied that the proposed development will not generate increased noise nuisance to existing residents nor providing, appropriate pollution prevention methods are implemented, will pollution of the soil or drainage system occur. As indicated in the previous section of the report providing comments on representations received, a condition tying the operation of the petrol filling station to the opening hours of the store itself together with the turning off of the lighting system will overcome any light pollution issues. Similarly a condition requiring the submission of details of a comprehensive and integrated drainage scheme can ensure that appropriate arrangements are made for the disposal of waste and surface water from the development thereby satisfying criterion 13. Criterion 12 seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected and it is considered that for all the reasons outlined above, the impact on the existing residents in Coychurch Road Gardens will not be so significantly exacerbated from the current situation as to warrant refusal.

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

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

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

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

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



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

The well-being goals identified in the Act are:

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

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

Whilst determining this application Policies SP10, REG9, SP2, SP3 & PLA5 of the Bridgend Local Development Plan were considered.

## **CONCLUSION**

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

## **RECOMMENDATION**

(R34) (A) The applicant enter into a Section 106 Agreement to provide a financial contribution of £24,000.00 to the re-phasing of the traffic signals at the site entrance (Asda/Coychurch Road) and the adjacent Coychurch Road/Tremains Road junctions so that they coincide with each other.

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

1. The development shall be carried out in accordance with the following approved plans and documents: plan numbers (PA)01 Rev A, (PA)03 Rev A, (PA)04 Rev A, (PA)05 Rev A, (PA)07 Rev A and (PA)09

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

2. Notwithstanding the approved plans, no development shall commence until a scheme for the provision of a revised right turn holding lane and yellow box marking at the frontage of the petrol filling station, hereby approved, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the road markings shall be clearly demarcated in permanent materials in accordance with the agreed scheme prior to the development being brought into beneficial use and so retained in perpetuity.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

4. No development shall commence on site until there has been submitted to and agreed in writing by the Local Planning Authority a Construction Method Statement. The Method Statement shall include:-

- i. The parking of vehicles of site operatives and visitors;
- ii The storage, loading and unloading of plant and materials used in constructing the development;
- iii Measures to control vehicles and pedestrians visiting the site during the construction phase;
- iv Measures to control the emission of dust and dirt during construction.

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

Reason: In the interests of highway safety.

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

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

6. The Petrol Filling Station shall not be open for sales between 00.00hours and 07.00 hours.

Reason: In the interests of safeguarding the residential amenities of nearby dwellings.

7. There shall be no deliveries to the Petrol Filling Station between 00.00hours and 07.00hours.

Reason: In the interests of safeguarding the residential amenities of nearby dwellings

8. Any lighting columns and illuminated signage connected with the operation of the Petrol Filling Station shall be switched off a maximum of fifteen minutes after closing and only switched on a maximum of fifteen minutes before opening.

Reason: To prevent light pollution in the interests of residential amenity.

9. No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme. The agreed landscaping works shall be carried out prior to the development being brought into beneficial use or in accordance with a programme agreed with the Local Planning Authority prior to any development commencing on site.

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

10. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for the landscape areas, shall be submitted to and agreed by the Local Planning Authority prior to the development being brought into beneficial use. The landscape management plan shall be carried out as agreed.

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

11. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

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

(b) To satisfy condition 5 (drainage), the following supplementary information will be required:-

- i Drainage plans for the development including foul and surface water drainage details;
- ii Details of the oil interceptor proposed;
- iii Confirmation of the acceptability of the proposed drainage connecting/discharging into the public sewerage system from Dwr Cymru/Welsh Water.

(c) The observations received from Natural Resources Wales in respect of pollution prevention are attached for the developer's information and consideration.

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

**Background Papers**  
None

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**REFERENCE:** P/16/286/RLX

**APPLICANT:** Taylor Wimpey South Wales C/O LRM Planning Ltd, Sophia House, 28 Cathedral Road, Cardiff, CF11 9LJ

**LOCATION:** Land at Brackla Industrial Estate Bridgend CF31 2AN

**PROPOSAL:** Relaxation of Condition 2 (limit of units) & 15 (Single Aspect Apartments) of P/13/246/OUT

**RECEIVED:** 11 April 2016

**SITE INSPECTED:** 18 April 2016

## APPLICATION/SITE DESCRIPTION

Outline planning consent was granted for a development comprising 230 dwellings and small mixed use centre on land to the east of Brackla Industrial Estate on 7 November 2014 (P/13/246/OUT refers). Conditions 2 and 15 of the consent stated:

*2. The consent hereby granted shall be limited to the construction of 230 dwellings and a 0.3 hectare 'Mixed Use Centre'.*

*Reason: To ensure the effective control of the development in the interests of safeguarding the amenities of existing and new residents and in the interests of highway safety.*

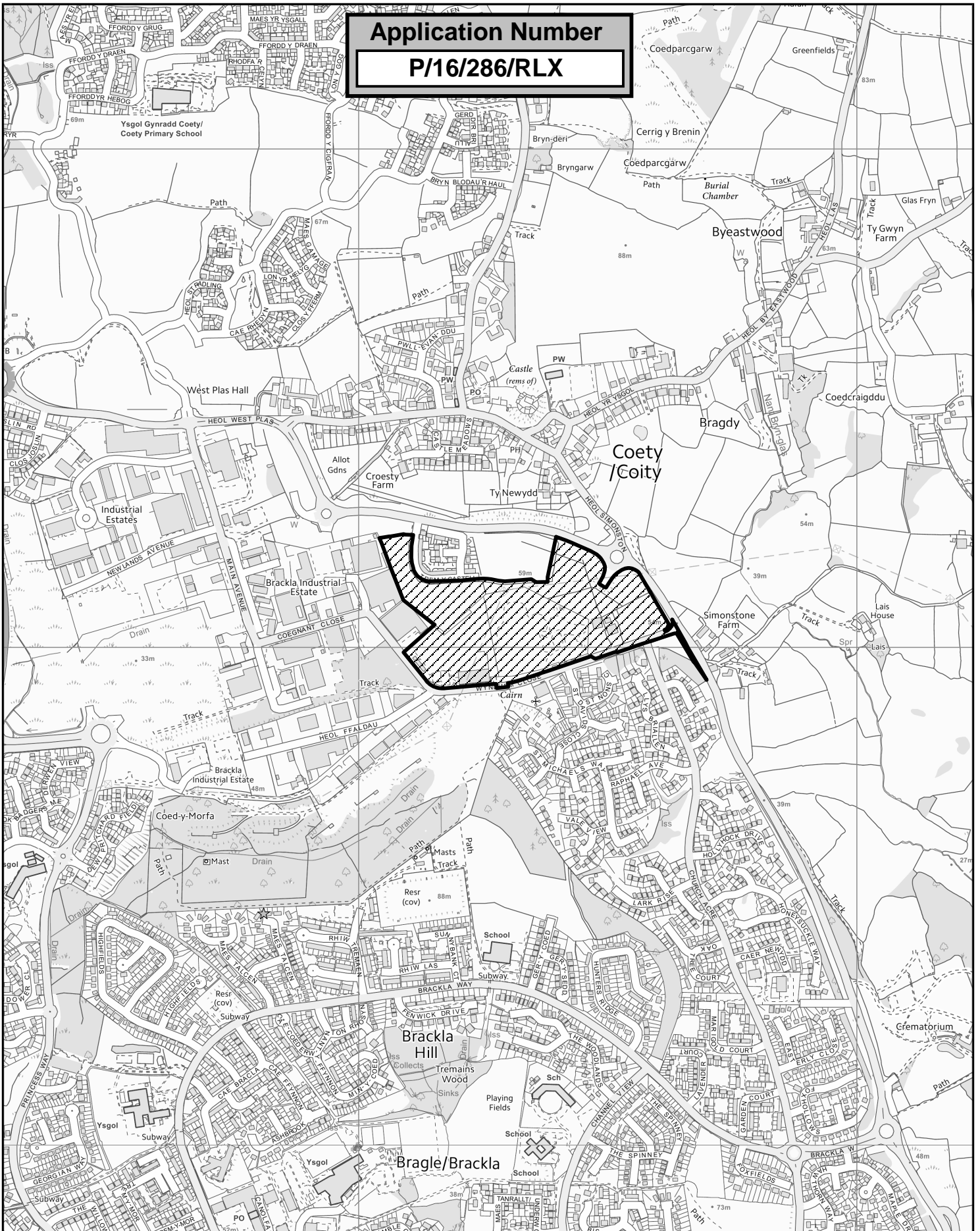
*15. The single aspect block of flats indicated on Drawing No. 1187/MP01 Master Plan Revision D shall be designed so that there are no habitable rooms facing Brackla Industrial Estate. This includes bedrooms, living rooms and dining rooms. The flats shall be designed to ensure that the internal noise level in a habitable room with windows open shall not exceed 30dB (measured as a 15min LAeq) between 23.00 and 07.00 hours. Garden areas shall also be designed to ensure that the noise level from Cabinet developments does not exceed 45dBA when measured as a 1 hour LAeq.*

*Reason: In the interests of the amenities of the future occupiers of the approved development.*

On 12 April 2016, LRM Planning Limited submitted an application under Section 73 of the planning act to vary the above conditions, in advance of a reserved matters application for the housing. The reserved matters application that followed (P/16/337/RES) initially proposed a development of 252 units with dual aspect flats with mechanical ventilation/acoustic glazing for units on the western edge of the development closest to Brackla Industrial Estate. Through negotiations, the layout was amended and the number of units reduced to 230 units, although part of the site was omitted and this is currently the subject of a reserved matters application for nine dwellings and associated works (P/16/912/RES). The consented scheme included conditions which required the installation of acoustic glazing and mechanical installation to the affected units.

This revised S73 application seeks to vary condition 2 of P/13/246/OUT to increase the housing numbers to 239 reconciling the approved and current reserved matters applications. A Transport Technical Note has accompanied this S73 application which considers the impact of the additional housing numbers on the highway network.

**Application Number**  
**P/16/286/RLX**



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**Scale 1:10,000**

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**Date Issued:**  
**09/02/2017**

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**Development-Mapping**  
**Tel: 01656 643176**

**Mark Shephard**  
 Corporate Director-Communities

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

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O/Drive/Plandraw/new MI layouts/  
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 Tely-bont ar Ogwr

**BRIDGEND**  
 County Borough Council

The relaxation of condition 15 is to allow dual aspect development, with the noise mitigation measures that have been identified in the updated noise report that also accompanies this application and which has been agreed as part of the previously approved reserved matters application.

## **RELEVANT HISTORY**

P/13/246/OUT - Development of up to 230 dwellings & 0.3 hectares of mixed use centre (Use Classes A1, A3 and C3) - Land at Brackla Industrial estate - Conditional Consent - 7/11/2014

P/14/808/NMA - Non Material Amendment to Vary Conditions 16, 17, 18, & 19 of P/13/246/OUT - Land at Brackla Industrial Estate Brackla Bridgend

P/16/337/RES - Erection of 230 units, public open space, landscaping, pedestrian & cycle link and associated works - Land at Brackla Industrial Estate Off Wyndham Close - Conditional Consent - 13/10/2016

P/16/798/NMA - Non material amendment to P/13/246/OUT - Variation of condition 17 of outline consent which relates to noise attenuation to allow for a limited number of plots to exceed the 55dBA level - Land at Brackla Industrial Estate Brackla Bridgend

P/16/912/RES - Erection of 9 Dwellings - Plots 49-57 - Land at Brackla Industrial Estate - Application undetermined.

## **PUBLICITY**

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

## **CONSULTATION RESPONSES**

Coity Higher Community Council Members would like to make the following observations:

- They would like to state that the extra housing is not acceptable given that the original application would have been based on an assessment done on a lower number of housing.
- They request the play area is provided sooner than planned.
- They request that there is a reassessment of traffic on the site entrance given the increased number of dwellings planned.
- They request that a footpath and calming measures are put in place on Heol Simonston.

Head of Street Scene (Highways)            No objection.

## **REPRESENTATIONS RECEIVED**

Mr & Mrs Major      6 Heol Penderyn      Comment: I object to the development for the following reasons:

The road from Coity to Coychurch has not been improved despite all the surrounding housing development. The increase in traffic has caused accidents due to the narrow

width of the road and tight bends. The road is dangerous.

Royston D White Tudor House Comment: I object to the development for the following reasons:

The Council is fully aware of the large flows of traffic along Heol Simonstone. Developments have taken place without any consideration to road safety and access to Heol Simonstone. There must be a requirement by the Council to require developers to contribute to road safety improvements on this road.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

1. The inadequacies of the road infrastructure to cope with the additional traffic generated by the development were highlighted by almost all the objectors on the original application and have been addressed again by residents in connection with the application for the additional nine units. The 2013 Transport Assessment (TA) and 2016 Transport Note consider the existing road conditions, the proposed development (and additional units) and the development traffic impact.

The TA seeks to demonstrate that the proposed development will result in a modest increase in traffic on the surrounding road network, with no material change in the operation of most junctions within the study area. The TA acknowledges that the Coychurch Road/Heol Simonston junction is currently operating at capacity and experiences congestion. Its ability to accept additional traffic is limited and it has been demonstrated that the introduction of a roundabout junction in place of the current priority junction will significantly ease congestion at this location. The TA confirms that the development will make an appropriate financial contribution towards improvements along the Heol Simonston corridor in accordance with plan policy and the North East Brackla Development Brief.

The TA was audited by the Council's external transport consultants, Capita, as part of the original application for the 230 units - they accepted the conclusions of the developer's assessment.

Technical Advice Note 18: Transport recognises that developers will be required to pay the cost of any highway improvements where the need is directly created by their development. In this case there is an existing deficiency on the network, namely the capacity of the Coychurch Road/ Heol Simonston junction which is not caused by the development's traffic. The percentage increase of traffic through this junction created by the proposed development and the housing to the west outside the application is between 3-4% which is not material. On the basis of Welsh Government advice any attempt to require the developer to pay for the complete junction improvement at Coychurch Road/ Heol Simonston junction would not be reasonable.

Notwithstanding the concerns expressed by residents, the evidence (Transport Assessment) suggested that capacity exists within the road network to accommodate the scale of development that was proposed as part of the original application and the additional nine units that would be permitted by varying condition 2 of P/13/246/OUT. The S106 Planning Obligation that relates to the aforementioned permission includes a contribution of £317,000 that is to be paid on the commencement of development and to be used toward the provision of enhanced highway, pedestrian and cyclist traffic calming facilities...on the highway network including Heol Simonston, Coychurch Road, Wyndham Close and Church Acre.



It is considered that an additional nine units will not materially change the impact of the development's traffic on the surrounding network and that the level of contribution secured through the original S106 obligation should not be increased.

2. Coity Community Council has requested that the play area is provided sooner than planned. The housing layout approved as part of the reserved matters permission incorporates an extensive area of open space on the western part of the development, incorporating a Local Equipped Area of Play. The site owner has however covenanted with the Council to pay a sum toward the provision of a Neighbourhood Equipped Area of Play, calculated on the sum of £470 per unit. On the basis of the nine additional units an increased contribution (by £4,230) will need to be secured either by a deed of variation to the existing S106 obligation or a supplemental agreement. The delivery of the scheme will be a matter that will need to be determined by the Park's Manager. The monies will however have to be spent by this Council within 5 years of the commencement of development.

## **APPRAISAL**

The application is referred to the Development Control Committee for determination given the number of objections that have been received to the development.

Section 73 of the Act provides for applications to be made for planning permission to develop land without complying with conditions previously imposed on a planning permission. The circular on planning conditions confirms that the local planning authority can grant such permission unconditionally or subject to different conditions. The Council can however refuse the application if they decide the original condition(s) should continue. Where a Section 73 application is granted, it does not simply vary the condition or conditions to which it relates, it takes effect as a new planning permission.

Planning Policy Wales states that, in line with the presumption in favour of sustainable development, applications for planning permission should be determined in accordance with the adopted development plan for the area, unless material considerations indicate otherwise.

The Bridgend Local Development Plan is the adopted plan for the area and seeks to promote the mixed use regeneration of the application site and the area defined as 'North East Brackla' to deliver a high quality employment area, alongside other uses including housing (including a significant proportion of affordable homes), leisure, retail and public open space for the period up to 2021. In December 2010, the Council adopted the North East Brackla Development Brief to set parameters for the future development in this area. Applications are required to comply with the overall guidance but the brief did not wish to hinder innovative solutions and alternative approaches provided they did not depart from the principles of the brief. It was acknowledged that some flexibility would have to be built into the policy framework for the development of this area.

The site being developed for housing accords with the Bridgend Local Development Plan and North East Brackla Development Brief.

On a matter of principle, the key consideration in the assessment of this application is whether the infrastructure is sufficient to serve the additional nine units proposed. Consultation responses indicate it is and, whilst the development will increase traffic on the Coity/Coychurch Transport Corridor, monies (£317,000) will be secured through the

existing obligation for improvements. Site drainage is being considered by the Council's Land Drainage Section in the developer's submissions to discharge the related outline planning conditions and those imposed on the reserved matters submission. Whilst those details have not been agreed, there has been no indication that offsite systems cannot accommodate the discharge from nine additional housing units. Contribution to education and open space provision were secured through the original obligation, based on the formula in the Council's supplementary planning guidance and current standards. Additional contributions will be sought through this application, based on the additional units that would be permitted by the variation of the condition.

Those conditions that were imposed on the outline planning permission that sought to control the design of the development in terms of safeguarding amenities, highway safety and nature conservation will be imposed again to control any reserved matters application that may be submitted on this site in the future.

On the basis of the revised noise report and the noise mitigation measures that have been secured as part of the agreed reserved matters submission, condition 15 can be varied.

## **CONCLUSION**

This Section 73 application proposes revisions to conditions 2 and 15 which are considered acceptable and in accordance with the Council's policies and guidelines. As this is a Section 73 application all relevant conditions attached to the approved P/13/246/OUT will be repeated as amended through earlier 'non-material' amendment submissions and by this application.

## **RECOMMENDATION**

(A) The applicant enters into a Deed of Variation or supplemental S106 Planning Obligation to confirm that all the obligations in the existing Section 106 Agreement apply to the Section 73 consent and:

(i) Provide an additional financial contribution in accordance with the Educational Facilities SPG formula towards the provision of additional nursery and primary school places in the schools serving the development; this figure will be based on the additional nine units that are permitted by this application.

(ii) Provide an additional financial contribution on the commencement of development of £4,230 towards the provision of a Neighbourhood Equipped Area of Play, public open space and associated facilities to serve the proposed residential development in the North East Brackla Development Area

(B) The Corporate Director Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 agreement and subject to the standard conditions and the following additional conditions:

1. The development shall be carried out in conformity with Drawing No. 1187/MP01 Master Plan Revision D received on 20th March 2014.

Reason: In the interests of highway safety and to ensure that the site is developed in comprehensive and phased way in accordance with the principles of the North East Brackla Development Brief.

2. The consent hereby granted shall be limited to the construction of 239 dwellings and a 0.3 hectare 'Mixed Use Centre'.

Reason: To ensure the effective control of the development in the interests of safeguarding the amenities of existing and new residents and in the interests of highway safety.

3. The development hereby permitted shall be carried out in accordance with the Design Guidance set out on pages 58-61 of the North East Brackla Development Brief.

Reason: To ensure that the site is developed in comprehensive and phased way in accordance with the principles of the North East Brackla Development Brief.

4. The Class A1 and A3 development hereby permitted shall be located in the position indicated on the Drawing No. 1187/MP01 Master Plan Revision D and restricted to:

a) Small scale local needs food and general convenience and comparison goods shopping.

b) Food and drink outlets.

Reason: For the avoidance of doubt as to the extent of the permission granted and to ensure that the Local Planning Authority retains effective control over the future development of the site.

5. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, roof/yard water highway drainage and land drainage will be dealt with has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented through the various phases of the development and prior to any building/dwelling being occupied.

Reason: To ensure effective drainage facilities are provided for the proposed development.

6. Prior to the submission of the comprehensive drainage scheme, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system (SUDS) in accordance with the principles of sustainable drainage set out in Appendix 4 of TAN 15, and the results of the assessment shall be provided to the Local Planning Authority. Where a SUDS scheme is to be implemented, the submitted details shall:

a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

b) specify the responsibilities of each party for implementation of the SUDS scheme, together with a timetable for that implementation; and

c) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority

or statutory undertaker, and/or any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented, maintained and managed in accordance with the approved details.

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

7. A written scheme of contamination investigation for the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, in accordance with the approved scheme, no development or any infrastructure scheme or landscaping area shall be commenced until:

a) that part of the site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and agreed in writing by the Local Planning Authority;

b) detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the Contamination Proposals") have been submitted to and agreed in writing by the Local Planning Authority;

c) for any part of the development, contamination remediation proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development as appropriate;

d) if during development works any contamination is encountered which has not been previously identified and is derived from a different source and/or of a different type to those included in the "Contamination Proposals", revised "Contamination Proposals" shall be submitted to and approved in writing by the Local Planning Authority before they are implemented;

e) if during development work site contaminants are found in areas previously expected to be clean, their remediation shall be carried out in line with the "Contamination Proposals" approved under paragraph (b) or (d), as appropriate, above.

Reason: To determine the contamination of the ground and to identify any remedial measures required to deal with contamination.

8. The plans and particulars submitted in accordance with the reserved matters shall include a Method Statement detailing all necessary pollution prevention measures for the construction phase of the development. The scheme which shall be agreed in writing by the Local Planning Authority shall be adhered to throughout the construction period.

Reason: To prevent pollution.

9. No development shall take place until full details of both hard and soft landscape works have been submitted to and agreed in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting

etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant. The agreed landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed by the Local Planning Authority prior to any development commencing on site.

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

10. The plans and particulars submitted in accordance with the reserved matter in respect of landscaping above shall include:-

(a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and crown spread of each retained tree;

(b) details of the species, diameter (measured in accordance with paragraph (a) above) and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs(c) and (d) below apply;

(c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site.

(e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

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

11. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution.

12. The plans and particulars submitted in accordance with the reserved matters for this development should broadly accord with the recommendations set out in Section 6 "Opportunities for ecological enhancement" of the Ecology Survey for Land at Brackla Industrial Estate, Bridgend, prepared by Sturgess Ecology, dated June 2012 and submitted with this application.

Reason: To promote nature conservation.

13. Where any species listed within the Schedules of the Conservation of Habitats and Species Regulations 2010 is found to be present on the site, no works of site clearance, demolition or construction shall take place in pursuance of this permission until a licence to disturb any species has been granted in accordance with the aforementioned Regulations and a copy thereof has been provided to the Local Planning Authority.

Reason: To promote nature conservation.

14. The plans and particulars submitted in accordance with the reserved matters for this development shall make provision for public open space in accordance with the North East Brackla Development Brief and in the general locations illustrated in Drawing 1187/MP01 Revision D and shall be laid out, landscaped, and completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to any commencement of works on site.

Reason: In the interests of the residential amenities of future occupants

15. All habitable room windows on the facades of the dwellings highlighted on Noise Map 4036/NM3 in Section 3.2 'Environmental Noise Assessment 4036/ENS1-R1 shall be fitted with acoustic glazing and mechanical ventilation, details of which shall accord the specifications stated in section 5.3 of 'Environmental Noise Assessment 4036/ENS1-R4 20th July 2016' and shall be retained, thereafter, in perpetuity.

Reason: In the interests of the amenities of the future occupiers of the approved development.

16. No development shall commence on properties on the north-east corner and east boundary overlooking Heol Simonston/Coity Bypass and to the south fronting onto Wyndham Close until a scheme has been submitted to and agreed in writing by the Local Planning Authority to ensure that internal noise levels (LAeq, 1 hour) to the front facades of the properties on the north-east corner and east boundary overlooking Heol Simonston/Coity Bypass and to the south fronting onto Wyndham Close do not exceed 30dB in bedrooms and 35dB in living rooms with windows closed. The scheme shall include details of the acoustic glazing and details of the mechanical/passive ventilation to be installed to achieve these internal noise levels. The agreed scheme shall be implemented prior to any dwelling within this scheme being occupied.

Reason: In the interests of the amenities of the future occupiers of the approved development.

17. No development shall commence on properties on the north-east corner and east boundary overlooking Heol Simonston/Coity Bypass and to the south fronting onto Wyndham Close until a scheme has been submitted to and agreed in writing by the Local Planning Authority to demonstrate that rear gardens subject to traffic noise in excess of 55dBA LAeq 16hour [free field] (as identified in noise map 2902/NM 1 on

page 7 of the noise report) have been designed to provide an area where the maximum day time noise levels do not exceed 55dBA over 50% of the garden area. The agreed scheme shall be implemented prior to any dwelling within this scheme being occupied.

Reason: In the interests of the amenities of the future occupiers of the approved development.

18. The plans and particulars submitted in accordance with the reserved matters for the commercial/employment element of the development hereby approved shall include a review of noise emissions from the commercial/employment operations. This shall include:

(a) A noise assessment which shall include a review of the type of operations at the site and the noise levels/noise impact likely to be generated from these operations;

(b) Details of fixed plant, including the location and noise levels to be emitted from the plant such as coolers/condensers/refrigeration plant extraction units;

(c) hours of operation;

(d) Details of deliveries;

The noise report shall include details of any mitigation measures relating to the commercial/employment element and shall be agreed in writing by the Local Planning Authority and implemented prior to the occupation of the commercial/employment element.

Reason: In the interests of the amenities of the future occupiers of the approved development.

19. No development shall commence on dwellings adjacent to the boundary with BEI Lighting until a scheme showing the scale, design, specification and precise location of the required acoustic barrier to be erected on the boundary of the application site adjacent to BEI Lighting has been submitted to and agreed in writing by the Local Planning Authority. The acoustic barrier shall be erected in accordance with the agreed scheme and prior to the occupation of any dwelling and/or flat adjacent to the boundary and, thereafter, retained in perpetuity.

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

20. No individual property shall be served by an individual vehicular or pedestrian access onto Wyndham Close, Heol Simonstone or the Coity Bypass.

Reason: To ensure the effective control of the development in the interests of highway safety.

21. Excluding the parcel identified on Drawing No.1187/MP01 Master Plan Revision D for 3 storey flats, the development hereby approved shall be served by a single means of vehicular access from Coity By Pass roundabout (at the north eastern corner of the site) with an additional vehicular access link from the adjacent residential development immediately abutting the northern site boundary.

Reason: In the interests of highway safety.

22. The parcel identified on Drawing No.1187/MP01 Master Plan Revision D for 3 storey flats hereby approved shall be served off the internal estate road of the adjacent residential development immediately abutting the northern site boundary.

Reason: In the interests of highway safety.

23. The main spine route access off the Coity bypass roundabout shall be laid out to provide a circular route suitable for future public transport to permeate into the site and serve the development. The vehicular access link from the adjacent residential development immediately abutting the northern site boundary shall also be designed to accommodate public transport provision.

Reason: In the interests of promoting sustainable travel patterns.

24. Unless otherwise agreed in writing with the Local Planning Authority the main spine road off the Coity By Pass roundabout shall be at a gradient not steeper than 5% (1 in 20) for the first 30 metres and thereafter not steeper than 8% (1 in 12).

Reason: In the interests of highway safety.

25. The carriageway of the proposed new circular access road shall be not less than 6.5 metres wide, with appropriate lane widening on bends to serve the proposed development with one 3.5 metre cycleway/footway and one 2.0 metre footway.

Reason: In the interests of highway safety.

26. The southern site frontage shall be set back and a 3.5 metre cycleway/footway provided along the Northern side of Wyndham Close.

Reason: In the interests of highway safety and promoting sustainable travel patterns.

27. A 3.5 metre cycleway/footway link shall be provided in the north eastern corner of the site to link to the adjacent residential development immediately abutting the northern site boundary.

Reason: In the interests of promoting sustainable travel patterns.

28. The development shall be served by no less than three individual 3.5 metre cycleway/footway links along the southern site boundary onto Wyndham Close.

Reason: In the interests of promoting sustainable travel patterns.

29. No works whatsoever shall commence on site until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of a raised plateau at the junction of Wyndham Close with Church Acre incorporating a pedestrian / cycle crossing on Wyndham Close. Such a scheme shall be implemented, as approved, in permanent materials before any dwelling on the development is brought into beneficial use.

Reason: In the interests of highway safety.



30. No works whatsoever shall commence on site until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of a 3.5 metre cycleway/footway on the north western side of the Coity By Pass roundabout (at the north eastern corner of the site) to link to Heol Simonstone. Such a scheme shall be implemented, as approved, in permanent materials before any dwelling on the development is brought into beneficial use.

Reason: In the interests of highway safety.

31. No works whatsoever shall commence on site until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of bus stops, shelters and associated raised kerbing, signing, lining and timetable information on the new spine road/bus route. Such a scheme shall be implemented, as approved, in permanent materials before the development is brought into beneficial use.

Reason: In the interests of highway safety.

32. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a. This Section 73 application proposes revisions to conditions 2 and 15 which are considered acceptable and in accordance with the Council's policies and guidelines. As this is a Section 73 application all relevant conditions attached to the approved P/13/246/OUT will be repeated as amended through earlier 'non-material' amendment submissions and by this application.

b. Off street parking, both operational and non-operational must be provided to the satisfaction of the Local Planning Authority and your attention is drawn to Supplementary Planning Guidance 17: Parking Standards.

c. Dwr Cymru Welsh Water has provided the following advisory notes:

\* Foul water and surface water discharges shall be drained from the site

\* No surface water shall be allowed to connect either directly or indirectly to the public sewerage system unless otherwise approved in writing by Dwr Cymru Welsh Water.

\* Land drainage run off shall not be permitted to discharge either directly or indirectly to the public sewerage system.

d. The proposed development site is crossed by a public sewer and strategic water main. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer. It may be possible for this water main to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer.

e. The comprehensive and integrated drainage scheme to be submitted for condition 5 shall achieve Greenfield discharge rates of 10 litres per second per hectare.

f. The Method Statement for Pollution required for condition 8 shall identify as a minimum:

\* any sources of pollution (including silt), potential pathways for that pollution to enter

any watercourses within the vicinity of the site and appropriate pollution control measures to be implemented on site.

- \* storage facilities for all fuels, oils and chemicals
- \* construction compounds, car parks, offices etc.
- \* details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off
- \* details of measures to ensure no polluting discharge from haul roads/disturbed areas
- \* details of the nature, type and quantity of materials to be imported on to the site
- \* measures for dealing with any contaminated material (demolition waste or excavated waste)
- \* identification of any buried services, such as foul sewers, so that they are protected
- \* details of emergency contacts, for example the National Resources Wales Pollution hotline 0800 807 060.

The Method Statement should then be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately.

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

**Background Papers**  
None

**REFERENCE:** P/16/1012/FUL

**APPLICANT:** Mr & Mrs C Lewis 20 Maes Y Grug, Broadlands, Bridgend, CF31 5DD

**LOCATION:** 20 Maes Y Grug Broadlands Bridgend CF31 5DD

**PROPOSAL:** Provision of gates and railings in forecourt

**RECEIVED:** 20 December 2016

**SITE INSPECTED:** 10 January 2017

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

Full planning permission is sought for the installation of gates and railings that measures 1.52 metres in height and 9 metres in width at the front of 20 Maes Y Grug, Broadlands, Bridgend. The proposed gates and railings are highball topped and are proposed to be painted in black.

They are designed to extend across the front of the property to prevent members of the public entering the private property mainly to retrieve balls when the public amenity space opposite is being used to play football, rugby etcetera.

## **SITE DESCRIPTION**

The application site is located within the Primary Key Settlement of Bridgend, as defined by Bridgend County Borough Council's Local Development Plan (2013). It is located around 115 metres to the East of the B4622, and is around 285 metres to the North of the A48 Primary Route.

The site comprises a detached, two-storey, North-facing dwellinghouse finished with red facing-brick and a slate roof. The rainwater goods, windows and doors are finished in white uPVC. The property is positioned in the centre of the residential plot of around 300 square metres, with land that slopes gradually from the East to the West.

## **RELEVANT HISTORY**

No relevant planning history.

## **PUBLICITY**

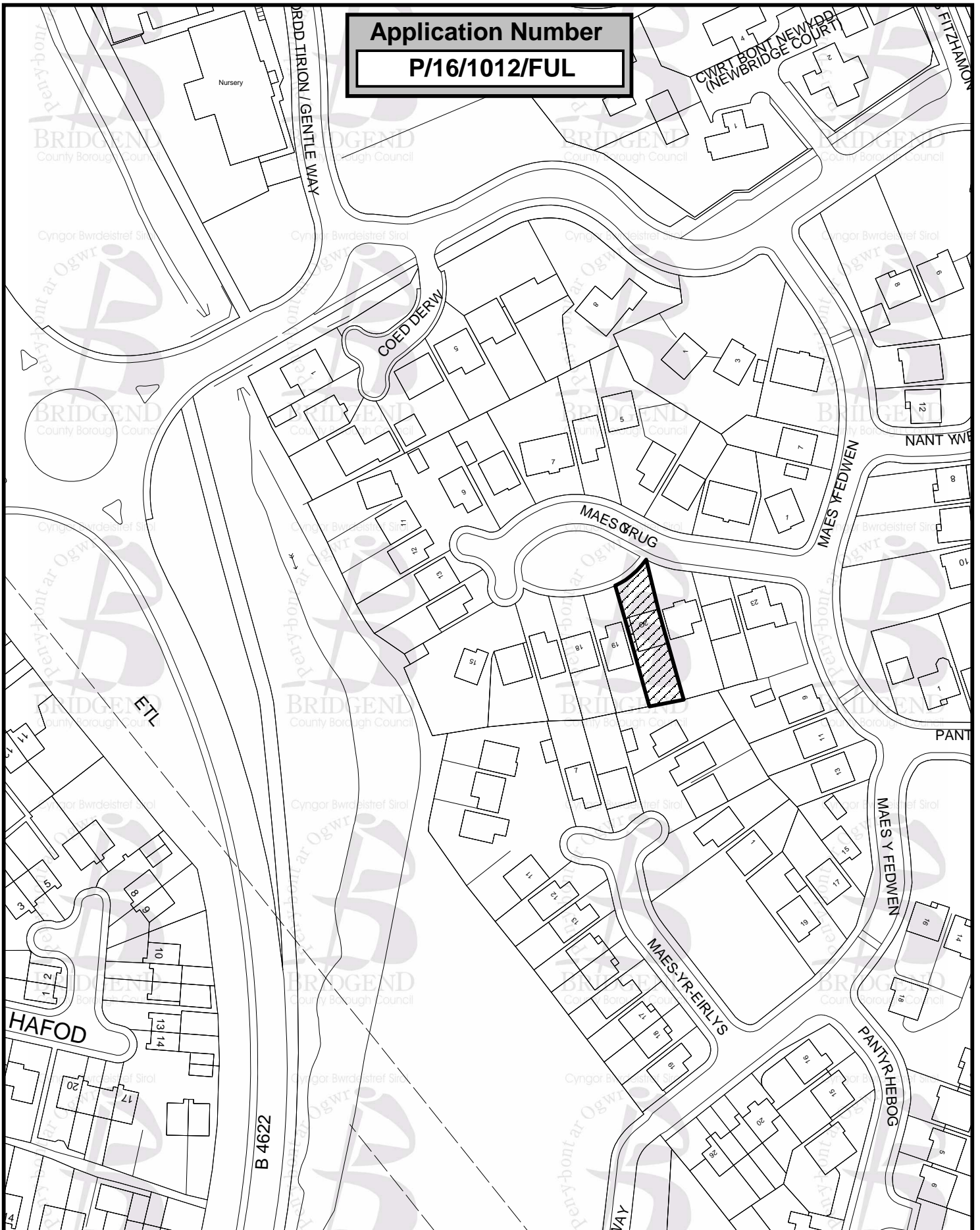
This application has been advertised through direct neighbour notification.

One letter of support was received on 13<sup>th</sup> January 2017 from Mrs I McGuigan of 21 Maes Y Grug, Broadlands, Bridgend.

One letter of objection was received on 17<sup>th</sup> January 2017 from Mr David Thomas of 19 Maes Y Grug, Broadlands, Bridgend. The letter raises concerns which relate to the integrity of the shared driveway, the installation of part of the railings on the existing boundary fence, the value of the property, and property ownership. Paragraph 3.1.4 of Planning Policy Wales Edition 9 (November 2016) states that "factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability". The planning system cannot protect the private interests of one person against the activities of another and, for this reason, the concerns raised are not considered to be material planning considerations.

Application Number

P/16/1012/FUL



Scale 1:1,250

Date Issued:  
09/02/2017

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



Additional concerns raised in the letter of objection refer to the visual amenity, design and appearance of the gates and railings as well as the potential traffic generation cause by the proposed development. These objections are considered to be material planning considerations, and are considered within the Appraisal Section of the report.

## **CONSULTATION RESPONSES**

### **CONSULTEE**

Head of Street  
Scene (Highways)

### **COMMENTS**

It is noted that the adjacent resident has concerns with the proposed development and its effect on highway safety. The resident's objection has been considered, and whilst it is accepted that another vehicle may have to wait on the highway if the applicant is opening the gates to park their vehicle, Maes-y-Grug is a low speed, low trafficked cul-de-sac arrangement and any highway safety issues created by vehicles waiting on Maes-y-Grug would be minimal.

No objection raised to the proposed development.

Laleston Community Council      Objection to the application in terms of effecting the street scene.

## **RELEVANT POLICIES**

The relevant policies and supplementary planning guidance are highlighted below:

**Policy PLA1**              Settlement Hierarchy and Urban Management

**Policy SP2**                Design and Sustainable Place Making

**Policy PLA11**            Parking Standards

**Supplementary Planning Guidance 2**

Householder Development

In the determination of a planning application, regard should also be given to the requirements of National Planning Policy which is not duplicated in the Local Development Plan. The following Welsh Government Planning Policy is relevant to the determination of this planning application:

**Planning Policy Wales Chapter 3**

Making and Enforcing  
Planning Decisions

**Planning Policy Wales Chapter 4**

**Planning Policy Wales Technical Advice Note 12**

Planning for Sustainability  
Design

## **APPRAISAL**

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

The application has been considered against the adopted policies of Bridgend County Borough Council's Local Development Plan (2013). In making a recommendation, the relevant policies of the Local Development Plan (2013), comments made by statutory consultees and interested third parties have been taken into account.

## **DESIGN CONSIDERATION**

Policy SP2 of the Local Development stipulates:

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

The gates and railings proposed to be installed are modest in nature, and are appropriate to the scale and design of the host dwellinghouse. The railings and gates are proposed to be finished in black, and are acceptable in terms of size and finish.

The proposed development is therefore acceptable in design terms, as it is compliant with Policy SP2 and SPG 2 of the Local Development Plan (2013).

### **CHARACTER AND APPEARANCE**

The letter of objection received states that *“the height of 1.524m is high and not in keeping with the area”*, and *“visually...it will look out of place from road level”*.

Whilst it is acknowledged that the residential area is characterised by open frontages, it is considered that the installation of gates and railings will not detract from this character, given that the property is set back, and is accessed from a private driveway, rather than directly off the adopted highway.

Paragraph 4.7.7 of Supplementary Planning Guidance 2 *Householder Development* states the following:

*“the proposed boundary enclosure should be compatible with the character of the house of the area. Its appearance should offer a character and quality appropriate to its prominence, as determined by its location and scale”.*

It is considered that the installation of gates and railings at the front of 20 Maes Y Grug, Broadlands, will not result in an incongruous feature being added to the character or appearance of the area that would warrant a refusal on such grounds. As such, the development is considered to be an acceptable form of development that will not be detrimental to the character or appearance of the wider area.

### **HIGHWAYS**

The objection received from adjacent resident at 19 Maes Y Grug, Broadlands, Bridgend, refers to the use of the private shared driveway, and the proposed outward opening of the gates.

The Transportation, Policy and Development Section has considered the objection, and offered the following comment in response:

*“whilst it is accepted that another vehicle may have to wait on the highway, Maes-y-Grug is a low speed, low trafficked cul-de-sac arrangement and any highway safety issue created by vehicles waiting on Maes-y-Grug would be minimal”.*

The proposal is considered to be acceptable in highway terms, as it is considered that the installation of railings and gates at the front of the property will not have a detrimental impact highway safety.

The application is compliant with Policy PLA11 of the Local Development Plan (2013), and Note 7 of Supplementary Planning Guidance 2 *Householder Development*, since it states that the construction of a boundary gate should not compromise highway safety.

## **NEIGHBOUR AMENITY**

The proposed installation of gates and fencing at the front of 20 Maes Y Grug, Broadlands, Bridgend, will not impact upon the existing levels of privacy or amenity, and so the development is considered acceptable in terms of neighbour amenity.

## **CONCLUSION**

The application is considered to be of an appropriate scale and design in accordance with Policy SP2 of the Local Development Plan (2013). The proposed development will not have a detrimental impact upon neighbour amenity, highway safety or the character and appearance of the area.

The application is compliant with Policies SP2 and PLA 11 of the Local Development Plan (2013), and is consistent with the criteria of Supplementary Planning Guidance 2 *Householder Development*.

The application is recommended for approval, subject to the following planning conditions:

## **RECOMMENDATION**

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

1. The development shall be carried out in accordance with the plans entitled "Site Location Plan", "Proposed Front Elevation" and "Detail of Proposed Gates & Railings", received on 20th December 2016.

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

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

## **Background Papers**

None

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

**APPLICANT:** CELTIC ENERGY LIMITED

**LOCATION:** FORMER MARGAM SURFACE MINE, FFORD-Y-GYFRAITH, BRIDGEND

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

## **Background:**

Members will recall that the Committee were minded to approve the above development following a special Development Control Committee meeting on the 4<sup>th</sup> May 2016 subject to the signing of a Section 106 Agreement. Subsequent reports were brought before the June (as an urgent item) and August 2016 meetings proposing minor amendments to a number of planning conditions and an extension of the time limit for completion of the works until 31<sup>st</sup> July 2018. These amendments were approved by Members.

The previous reports are available to view here:-

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

<https://democratic.bridgend.gov.uk/mgChooseDocPack.aspx?ID=2618&LLL=0>

<https://democratic.bridgend.gov.uk/ieListDocuments.aspx?CId=164&MId=2645&Ver=4&LLL=0>

Officers have spent a considerable amount of time since May 2016 seeking to finalise the Legal Agreement with both Celtic Energy Limited and the landowner. The original draft Legal Agreement included the Landowner and Celtic Energy Limited ("Celtic") as parties along with the two Councils and the Coal Authority. Whilst Celtic was happy with the Draft Legal Agreement to include all these Parties, the Landowner was not happy with this form of draft.

This has necessitated the drafting of two separate agreements, one for the Landowner which provides for access to the site to complete the restoration works and access to the bond money, and a separate agreement for Celtic which relates to the restoration works required to be undertaken. The Legal Agreements have not been signed to date and the decision notice has not been released.

Whilst negotiations on the two agreements continued, Celtic has commenced work on site although technically no formal planning permission been issued. These works have taken place within NPT and include safety works to the void wall as well as some landscaping, which has significantly improved the visual impact of the site. The work has been monitored by officers from both authorities and in full co-operation with Celtic. As a result of works having commenced on site, Celtic has sought to provide the schemes required by the pre-conditions listed in the report to the Committee on 4<sup>th</sup> May 2016 – Condition 7 (Construction Method Statement), Condition 17 (Noise

Management Plan) and Condition 22 (Ecological Receptor Monitoring). The Council has carried out consultation on these schemes.

### **Statutory Consultees**

**Natural Resources Wales** – Initially indicated that it could not support the discharge of Condition 22 until clarifications are provided in relation to European Protected Species (EPS) and Great Crested Newt receptor sites. Additional information has since been submitted in respect to the works that affect the protected species, which will require a licence. No further response received to date.

**Destination & Countryside Management** – insufficient information is provided to discharge condition 22 and the information required is linked to other proposed conditions. Up to date information on dormice monitoring needs to be provided and information needs to reflect the European Protected Species Licence requirements and licence areas.

**Group Manager Public Protection** – the Noise Management Plan submitted is considered appropriate

**Head of Street Scene (Highways)** – the information provided in respect to the transport and highway aspects is acceptable

**Neath Port Talbot County Borough Council** – no observations to make as the impacts are being considered under the application made to the authority

### **Policy Context:**

The National Policy and Guidance is set out in detail in the 4<sup>th</sup> May 2016 Committee Report. However, since that time the Environment Act has come into force and replaced the biodiversity duty in the Natural Environment and Rural Communities Act 2006 (referred to as the NERC Act) which required that public authorities must have regard to conserving biodiversity.

The Environment Act enhances the current NERC Act duty to require all public authorities, when carrying out their functions in Wales, to seek to “maintain and enhance biodiversity” where it is within the proper exercise of their functions. In doing so, public authorities must also seek to “promote the resilience of ecosystems”.

The Act puts the ecosystem approach into statute through a set of Sustainable Management of Natural Resources (SMNR) principles, which are based on the 12 principles (Ecosystem Approach principles) contained in the UN Convention on Biological Diversity (CBD).

### **Local Policy**

#### **Local Development Plan (LDP)**

The Bridgend Local Development Plan (2006-2021) was formally adopted in September 2013 and is the Development Plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 38(4) requires a planning application to be determined in accordance with the content of the development plan unless material considerations indicate otherwise.

The relevant policies of the Local Development Plan were laid out in detail in the Committee Report dated 4<sup>th</sup> May 2016. The following policies are relevant to the additional information submitted by the applicant.

Strategic Policy SP4 - Conservation and Enhancement of the Natural Environment.  
Policy ENV4 - Local/Regional Nature Conservation Sites  
Policy ENV5- Green Infrastructure  
Policy ENV6- Nature Conservation  
Policy ENV7- Natural Resource Protection and Public Health  
Strategic Policy SP6 – Minerals  
Policy ENV11 - Mineral Development  
Strategic Policy SP14 – Infrastructure

Supplementary Planning Guidance Note (SPG) 19: Biodiversity & Development – A green Infrastructure Approach. Adopted July 2014.

## **Appraisal**

In addition to considering the Construction Method Statement, the Noise Management Plan and the Ecological Receptor Monitoring proposals submitted by the applicant, consequential amendments to the planning conditions recommended in the report to the Planning Committee on 4th May 2016 (as amended by the reports in June and August 2016) need to be made as works have been undertaken on site. Discussions on the form and content of the Legal Agreements have also necessitated some amendments to conditions:

The proposed conditions that require amending are as follows, the proposed condition is shown in bold with an explanation below.

### **Condition 1**

**Notwithstanding the provisions of Section 91 of the Town & Country Planning Act 1990, the development to which this permission relates shall be begun not later than the expiration of two months beginning with the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority at least 2 days prior to commencement.**

**Reason: The alternative restoration is only acceptable based on the strict time limits identified within the application submission.**

As works have commenced on site a condition requiring a start within two months is no longer necessary. The condition can therefore be deleted.

### **Condition 4**

**Before beginning any development at the site, you must do the following:**

**a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect); and**

**b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.**

**Reason: To comply with procedural requirements in accordance with Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) and Section 71ZB of the Town and Country Planning Act 1990.**

As development has commenced a condition requiring notification of commencement of development is no longer appropriate. The condition can therefore be deleted and included as a note – Note 7 within the recommended conditions below refers;

#### **Condition 5**

**For the duration of operations at the site until the completion of restoration, a copy of this permission including all documents hereby approved and any other documents subsequently approved in accordance with this permission shall be permanently maintained and be available for inspection at the site.**

**Reason: To ensure that the operators of the site and any site contractors are aware of the working programme and the conditions attached to carrying out the development.**

As development has already commenced on site, the reference to 'from the date of commencement of operations' needs to be replaced with 'for the duration of operations'. The reference to (as notified in accordance with Condition 1 above) also needs to be deleted for the same reason.

#### **Condition 7**

**The delivery of any plant/machinery, portable buildings or materials to the site shall be carried out in accordance with the Construction Method Statement received on 19<sup>th</sup> July 2016.**

**Reason: In the interests of highway safety**

The applicants have submitted a Construction Method Statement indicating that all heavy plant transport required for the delivery and removal of earthmoving and ancillary equipment will be via Fountain Road and through the Parc Slip Nature Reserve, crossing Law Street at a crossing point. No such machinery will travel along Law Street. In addition, wheel washing facilities will be provided and parking will be on an existing hardstanding area. Following clarification of the nature of the wheel washing facilities and further details of how HGV's will not be inhibited from accessing the site on delivery days the Head of Street Scene (Highways) considers the scheme to be acceptable.

## **Condition 9**

**The rights of way shall be re-instated on completion of restoration or prior to 31st July 2018 whichever is the earlier, in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority either as per those in shown on Figure 7 – Indicative Proposed Rights of Way or as per any subsequent confirmed Public Path Diversion Order.**

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

The condition previously referred to 31<sup>st</sup> July 2017 but to be in line with condition 2 (which was revised in August 2016) it needs to be revised to 31<sup>st</sup> July 2018. In addition, in order to ensure re-instatement of the public rights of way at the earliest possible opportunity the phrase 'on completion of restoration or prior to 31<sup>st</sup> July 2018 whichever is the earlier' needs to be included.

## **Condition 17**

**The Noise Management & Action Plan received on 19<sup>th</sup> July 2016 shall be implemented at the site for the duration of operations at the site until the expiry of the planning permission.**

**Reason: In the interests of the environment and local amenity**

The applicants have submitted a Noise Management & Action Plan which sets out the noise control measures, noise monitoring regime, problem response protocol, and the recording and review procedures. The scheme has been considered by the Group Manager Public Protection who has confirmed that the proposals are considered appropriate. The condition can therefore be amended to require implementation of the submitted scheme.

## **Condition 22**

**Prior to commencement of development, a scheme demonstrating how ecological receptors (particularly protected species and their habitats) will be monitored throughout the restoration process, shall be submitted to and agreed in writing with the Local Planning Authority. The restoration shall be completed in accordance with the agreed scheme.**

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

The applicants have submitted a detailed scheme of Ecological Receptor Monitoring as required by the recommended condition 22. The scheme is concerned with pre-works and during-works monitoring of the presence of bats roosting in trees or buildings, the presence of dormouse in scrub and trees, the presence of Great Crested Newts, the presence of nesting birds, the presence of common reptiles and the presence of otter.

NRW have expressed some concerns about compliance with EPS legislation. They have also expressed concern about the receptor sites for GCN. The Council Ecologist also considers that there is insufficient information to fully discharge condition 22.

However, the requirements of the condition are linked to the requirements of other conditions as well as the requirement for an EPS Licence.

Further detail in the form of a comprehensive mitigation plan is required by current Condition 26 if GCN are found and by current condition 24 if Dormice are found. Both species have been found and work has stopped on site subject to a European Protected Species Licence being obtained from NRW. Although NRW's concerns can largely be addressed during the EPS Licence process there is still a necessity for a scheme of scrub/tree clearance to be submitted for the approval of the Authority as the Licence area may or may not cover the entire site. However, there is no longer a requirement for this scheme to be submitted prior to commencement and it can also be controlled by the other revised conditions..

A Test of Likely Significant Effects has already been undertaken and has concluded that no likely significant effects were identified for the considered elements of the Margam Mine Restoration proposals. Therefore, an appropriate assessment is not considered necessary.

#### **Condition 24**

**Prior to any clearance of scrub/trees the vegetation shall be checked for dormouse nests by a suitably trained and licensed ecologist. Notwithstanding the details submitted, scrub/tree clearance shall be carried out in accordance with a scheme to be submitted to and approved by the Local Planning Authority. If a nest is found works must cease until such time as details of comprehensive mitigation has been submitted to and approved by the Local Planning Authority. The approved mitigation shall be undertaken in full accordance with the approved details.**

**Reason: In the interest of nature conservation.**

The condition requires amendment to require a scheme for scrub and tree clearance to be submitted for the approval of the Local Planning Authority rather than following the phased approach in section 3.3.8 of the Supplementary Mitigation Report. This amendment is necessary as dormice have now been found in some parts of the site.

#### **Condition 26**

**Notwithstanding the details submitted in relation to the Reasonable Avoidance Measures for Great Crested Newt a scheme shall be submitted to and be approved by the Local Planning Authority detailing how all vegetation clearance, restoration work and outfall construction shall be carried out. If Great Crested Newt are found such works which may adversely affect this species must cease until such time as details of comprehensive mitigation have been submitted to and approved in writing by the Local Planning Authority. The approved mitigation shall be undertaken in full accordance with the approved details.**

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

The condition requires amendment to require a scheme for vegetation clearance to be submitted for approval rather than following the Reasonable Avoidance Measures in section 3.3.24 and 3.3.25 of the Supplementary Mitigation Report. This amendment is necessary as Great Crested Newts have now been found in some parts of the site.

### **Condition 31**

**Where any species listed under Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2010 is present on the surface land and structures of the site in respect of which permission is hereby granted, such works adversely affecting this species shall cease unless a license to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy provided to the Local Planning Authority.**

#### **Reason In the interests of ecology and biodiversity**

Dormice and Great Crested Newts have been found so the operator already requires a European Protected Species Licence from NRW. The condition can therefore be deleted and the requirement referred to in a Note as it is covered by other legislation. Note 8 within the recommended conditions refers.

### **Condition 46**

**Within one month of the completion of restoration of the site the operator or its successor as contractor on site shall confirm in writing to the Local Planning Authority that they have completed the works required to restore the site in accordance with plan numbers**

- **Figure 3 – Proposed Alternative Restoration Strategy**
- **Figure 4-1 – Excavation and Re-profiling of Surcharge Mound**
- **Figure 4-2 – Re-profiling of Existing Batter Slopes**
- **Figure 4-3 – Additional Minor Re-grading**
- **Figure 4-4 – Proposed Alternative Restoration Strategy (Sections through surcharge and overburden mounds)**
- **Figure 5 – West Wall Stabilisation**
- **Drawing No. – 07A04559/A – Proposed Alternative restoration Strategy**

**Written confirmation shall be obtained from the LPA to confirm that the site restoration has been completed in accordance with the approved plans. The site shall be subject to aftercare from the date of completion of restoration as approved in writing by the Local Planning Authority, and in accordance with the approved aftercare details. The site shall be subject to aftercare from the date of completion of restoration as approved in writing by the Local Planning Authority, and in accordance with the approved aftercare details.**

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

This condition was added in June 2016. However, it requires amendment in order to align with the legal agreement. The condition needs to be expanded to refer to completion of restoration in accordance with the approved plans.

A revised list of planning conditions is included at the end of this report including consequential changes in the condition numbers.

## **Conclusion:**

The additional information submitted is considered to be acceptable in addressing the requirements of conditions 7 and 17 as set out in the Committee Report of 4<sup>th</sup> May 2016. The conditions therefore need to be amended to refer to these submitted schemes and are listed below in revised conditions as numbers 5 and 15. Condition 22 cannot be 'discharged' at this stage but the information is not now necessary prior to the commencement of the development. The condition can be reworded accordingly without conflicting with planning policy.

## **Recommendation:**

The planning application is approved subject to Two Legal Agreements, one with Celtic Energy Limited (the operator) and a separate one for Beech (the landowner) and subject to the following list of revised conditions:

## **CONDITIONS**

### **Conditions Time limits**

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

Reason: The alternative restoration is only acceptable based on the strict time limits identified within the application submission and to minimise the duration of disturbance.

### **Working Programme, Phasing and Direction of Working**

(2) The development shall be carried out strictly in accordance with the following plans and documents

- Figure 1 – Site Location Plan
- Figure 2 – Existing Site Layout
- Figure 3 – Proposed Alternative Restoration Strategy
- Figure 4-1 – Excavation and Re-profiling of Surcharge Mound
- Figure 4-2 – Re-profiling of Existing Batter Slopes
- Figure 4-3 – Additional Minor Re-grading
- Figure 4-4 – Proposed Alternative Restoration Strategy (Sections through surcharge and overburden mounds)
- Figure 5 – West Wall Stabilisation
- Figure 6 – Suspended Rights of Way
- Figure 7 – Indicative Proposed Rights of Way
- Figure 8 – Typical Roadway Construction
- Drawing No. – 07A04567/A – Planning Application Plan
- Drawing No. – 07A04559/A – Proposed Alternative Restoration Strategy
- Planning Application – Supporting Information Volume 1
- Planning Application – Supporting Information Volume 2 – Appendices 1 to 8 • Supplementary Mitigation Report (Wardell Armstrong) April 2016



Reason: To comply with Section 71ZA (2) of the Town and Country Planning Act 1990.

(3) For the duration of operations at the site until the completion of restoration, a copy of this permission including all documents hereby approved and any other documents subsequently approved in accordance with this permission shall be permanently maintained and be available for inspection at the site.

Reason: To ensure that the operators of the site and any site contractors are aware of the working programme and the conditions attached to carrying out the development.

### **Hours of Working**

(4) Except in an emergency, which shall be notified to the Local Planning Authority as soon as practicable or in any event within 24 hours, no operations within site (other than water pumping, servicing, environmental monitoring, maintenance and testing of plant) shall be carried out on the site except between the following times:

0700 to 1900 hours Mondays to Fridays.

0800 to 1300 hours Saturdays

There shall be no development or other activities other than those in relation to water pumping, servicing, environmental monitoring, maintenance and the testing of plant undertaken on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenity of local residents

### **Access and Parking**

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

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

Reason: In the interests of highway safety.

(6) Notwithstanding the submitted details, prior to works commencing on its construction a scheme shall be submitted to and approved in writing by the local planning authority detailing the route of the proposed Bedford Road Byway at a scale of 1:500. The scheme should include the following:

- i. The road width shall be a minimum of 7.5 m across the surface made up of a 5.5m wide running surface with a 1m wide verge either side; OR the road remaining at its current width but including details of inter-visible passing bays, which shall be a minimum of 2.5m wide and 15m long; and

- ii. Details of drainage cut off points to prevent any surface water runoff from discharging onto the public maintained highway; and iii. Details of a management / maintenance plan. The road and passing bays shall be undertaken and thereafter maintained in accordance with the approved details.

Reason: In the interests of highway safety

### **Rights of Way**

(7) The rights of way shall be re-instated on completion of restoration or prior to 31st July 2018, whichever is the later, in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority either as per those in shown on Figure 7 – Indicative Proposed Rights of Way or as per any subsequent confirmed Public Path Diversion Order.

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

### **Dust**

(8) Dust associated with operations at the site shall be controlled in accordance with the recommended mitigation measures in Table 8 of the Air Quality Report submitted as part of the application and in accordance with the Dust Management Action Plan – January 2016 DMAP). The DMAP must be kept under review by the developer and if notified by the local planning authority of concerns that the DMAP is not effective in managing dust from the site an amended DMAP shall be submitted to the local planning authority for its approval in writing within one month of such request being made in writing.

Reason: In the interests of the environment and local amenity

### **Noise**

(9) Between 0700 and 1900 hours Monday to Friday and 0800 to 1300 hours on Saturday the noise levels arising from the development shall not exceed the following levels measured as dBLAeq (1 hour) freefield under the measurement criteria of BS4142:

37 Crown Road – 52dB  
28 Bedford Road – 44dB

Reason: In the interests of the amenity of the area

(10) Notwithstanding the provisions of Condition 11 above, between the hours of 1000 and 1600 hours Monday to Friday and 1000 to 1300 hours on Saturday, and for a maximum period of 8 weeks in any year, the noise levels arising from the development shall not exceed the following levels measured as dBLAeq (1 hour) freefield under the measurement criteria of BS4142:

37 Crown Road – 52dB  
28 Bedford Road – 47dB

The applicant shall advise the Local Planning Authority in advance of any operations likely to fall within the scope of this condition, detailing the nature and duration of the operations.

Reason: In the interests of the amenity of the area

(11) At all other times outside of the hours specified in condition 11 above the noise levels arising from the operations at the site shall not exceed 42 dBLAeq (1 hour) freefield under the measurement criteria of BS4142 and as measured at any noise sensitive property.

Reason: In the interest of the amenities of the area

(12) Unless otherwise agreed under the details required by condition 17, all reverse warning devices fitted to mobile plant and vehicles on site shall be of a white noise design or use best practicable measures to minimise noise.

Reason: In the interest of the amenities of the area.

(13) All vehicles, plant and machinery operated on the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers.

Reason: In the interest of the amenities of the area

(14) Noise shall be controlled in accordance with the mitigation measures specified in section 8 –'Mitigation and Noise Control' of the Noise Assessment- Appendix 6

Reason: In the interest of the amenities of the area

(15) The Noise Management & Action Plan received on 19<sup>th</sup> July 2016 shall be implemented at the site for the duration of operations at the site until the expiry of the planning permission.

Reason: In the interests of the environment and local amenity

### **Water Environment and Drainage**

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

Reason: In the interests of flood prevention.

(17) Until they are no longer required for operational purposes all drainage ditches, attenuation ponds, settling ponds and lagoons shall be regularly desilted and maintained in such a condition that they are able to perform effectively and efficiently the purpose for which they have been provided.

Reason: To ensure that these facilities continue to function effectively and efficiently throughout the operational, restoration and after care period.

(18) Any facilities for the storage of oils, fuel or chemicals shall be on impervious bases and surround by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vent, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All points and tank overflow pipes should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of watercourses.

### **Lighting**

(19) Any lighting or floodlighting whether fixed or portable shall only be illuminated between the operating hours of 0700 and 1900 Monday to Friday and 0800 to 1300 hours on Saturday, except for security lighting activated by unauthorised entry by persons or vehicles.

Reason: The use of lighting at this location would have an adverse impact on the amenity of the area and would be detrimental to the environment unless hours of use are controlled.

### **Ecology and Biodiversity**

(20) The development shall be carried out in accordance with the Former Margam Surface Mine Monitoring of Ecological Receptors Plan dated December 2016.

Reason: In the interests of biodiversity

(21) Prior to any building or tree being removed/demolished they shall be subject to an updated inspection survey to determine whether they are used by bats. If any evidence of bats is discovered appropriate mitigation measures shall be submitted for the written approval of the Local Planning Authority. Mitigation measures shall be implemented as approved.

Reason: In the interests of biodiversity and the protection of bats.

(22) Prior to any clearance of scrub/trees the vegetation shall be checked for dormouse nests by a suitably trained and licensed ecologist. Notwithstanding the details submitted, scrub/tree clearance shall be carried out in accordance with a scheme to be submitted to and approved by the Local Planning Authority. If a nest is found works must cease until such time as details of comprehensive mitigation has been submitted to and approved by the Local Planning Authority. The approved mitigation shall be undertaken in full accordance with the approved details.

Reason: In the interest of nature conservation.

(23) The shrub/tree planting identified in 3.3.10 of the Supplementary Mitigation Report shall be implemented within the first planting season following the achievement of final contour levels in the planting location.

Reason: To minimise the fragmentation of potential dormouse habitat.

(24) Notwithstanding the details submitted in relation to the Reasonable Avoidance Measures for Great Crested Newt a scheme shall be submitted to and be approved by the Local Planning Authority detailing how all vegetation clearance, restoration work and outfall construction shall be carried out. If Great Crested Newt are found such works which may adversely affect this species must cease until such time as details of comprehensive mitigation have been submitted to and approved in writing by the Local Planning Authority. The approved mitigation shall be undertaken in full accordance with the approved details.

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

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

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

(26) Within 3 months of the date this permission a scheme shall to be submitted to and approved in writing by the Local Planning Authority for the eradication of all invasive species listed under Section 9 of the Wildlife and Countryside Act 1981 that are located on the site. The scheme shall be implemented as approved.

Reason: In the interests of amenity, and to ensure that the treatment is carried out in accordance with recognised good practice.

(27) Prior to the removal of any vegetation on the site the operator shall check that there are no breeding birds or protected species on that part of the site. The results of the checks (which must be undertaken by a suitably qualified ecologist) shall be submitted to the Local Planning Authority, together with any mitigation proposals for approval if species are recorded. Mitigation shall be implemented as approved.

Reason: In the interests of the biodiversity

(28) Where habitat suitable for reptiles is to be removed the clearance works shall follow the phased method set out in 3.4.5 and 3.4.6 of the Supplementary Mitigation Report and shall be supervised by a suitably qualified ecologist.

Reason: In the interests of the protection of reptiles.

(29) All excavation trenches shall be covered overnight or a means of escape for wildlife shall be employed.

Reason: To prevent wildlife becoming trapped inside a trench.

### **Landscaping**

(30) Unless shown as being removed as part of the development, all existing deciduous trees, bushes and hedgerows within and bounding the site or within the developer/operators control (including their root systems) shall be retained and protected and shall not be lopped, topped, removed or felled without the prior written

approval of the Local Planning Authority. Any requests for approval to remove, lop, top or fell deciduous trees, bushes or hedgerows must be supported by an Arboricultural Method Statement.

Reason: The protection of the environment and protected species such as bats, in the interests of visual amenity and to ensure the development is adequately screened by natural vegetation.

(31) All trees and shrubs planted in accordance with an approved scheme shall be maintained and any plants which within 5 years of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of amenity, the environment and to ensure the site is adequately restored.

### **Potential Land Contamination**

(32) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Following completion of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

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

### **Soil Stripping, Handling & Storage**

(33) All topsoil and subsoil shall be stripped from any undisturbed areas which are to be utilised for the approved operations. Wherever possible these resources shall be directly placed as part of the restoration; where this is not reasonably practicable, they should be stored separately in mounds within the site until required for restoration. Topsoil mounds shall not exceed 3m in height and subsoil mounds shall not exceed 4m in height as measured from adjoining ground.

Reason: To ensure satisfactory preservation, conservation and restoration of soil and peat resources.

(34) All topsoil, subsoil, and soil forming material shall remain on site for use in the restoration of the site.

Reason: To ensure satisfactory preservation, conservation and restoration of soils and peat resources.

(35) In any calendar year, soil stripping shall not commence until any standing crop of vegetation has been cut and removed

Reason: To avoid incorporation of concentrations of decaying vegetation in soil

(36) Topsoil, subsoil and soil making material shall only be stripped and/or used for restoration when they are in a dry and friable condition.

Reason: To ensure that the soils are not damaged during the process of their stripping and handling.

(37) All disturbed areas of the site and all topsoil and subsoil storage mounds shall be kept free of weeds.

Reason: To prevent a build-up of harmful weed seeds in soils

### **Restoration**

(38) Prior to any seeding or hydro-seeding on the site the developer shall obtain the written agreement of the Local Planning Authority for the species mix to be used. The seeding shall be implemented as approved.

Reason: In the interests of biodiversity and visual amenity.

(39) All plant, structures and buildings shall be removed from the site on completion of restoration

Reason: In the interests of the amenity of the local area

### **Aftercare**

(40) Within 3 months of the date of this permission the developer shall submit an aftercare scheme for the nature conservation after-use of the site for a period of 5 years following the date of completion of restoration. The scheme shall set out how the habitat is to be favourably managed during the aftercare period and shall be implemented as approved.

Reason: To ensure the beneficial after use of the site

(41) Before the 1st November of every year of the aftercare period the operator shall provide the Local Planning Authority with the following a) A record of the aftercare operations carried out on the land in the previous 12 months b) An assessment of losses and replacements to be provided in woodland areas c) Proposals for managing the land for the forthcoming 12 months including weed controls

Reason: To ensure the productive after-use of the site

(42) Before the 1st December of every year of the aftercare period, a site meeting shall be arranged by the developer, to which the Local Planning Authority and the landowner shall be invited, to monitor previous performance of aftercare requirements and to discuss future aftercare proposals. The meeting shall also be attended by the person(s) responsible for undertaking the aftercare steps.

Reason: To ensure the beneficial after use of the site

(43) Within one month of the completion of restoration of the site the operator or its successor as contractor on site shall confirm in writing to the Local Planning Authority that they have completed the works required to restore the site in accordance with plan numbers

- Figure 3 – Proposed Alternative Restoration Strategy
- Figure 4-1 – Excavation and Re-profiling of Surcharge Mound
- Figure 4-2 – Re-profiling of Existing Batter Slopes
- Figure 4-3 – Additional Minor Re-grading
- Figure 4-4 – Proposed Alternative Restoration Strategy (Sections through surcharge and overburden mounds)
- Figure 5 – West Wall Stabilisation
- Drawing No. – 07A04559/A – Proposed Alternative restoration Strategy

Written confirmation shall be obtained from the LPA to confirm that the site restoration has been completed in accordance with the approved plans. The site shall be subject to aftercare from the date of completion of restoration as approved in writing by the Local Planning Authority, and in accordance with the approved aftercare details. The site shall be subject to aftercare from the date of completion of restoration as approved in writing by the Local Planning Authority, and in accordance with the approved aftercare details.

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

## Notes

(1) The developer is advised to consider the implications of the Mining Waste Directive on their activities.

(2) Any culverting of a watercourse requires the prior written approval of the Local Authority under the terms of the Public Health Act 1936, and the prior written consent of the Natural Resources Wales under terms of the Land Drainage Act 1991/Water Resources Act 1991. Natural Resources Wales seeks to avoid culverting, and its consents for such works will not normally be granted except for access crossings.

(3) All trees to be felled during the course of development shall be checked for bats and nesting birds if felling is to take place during the period 1st January to 30th September inclusive. If bats are discovered in any trees or other structures the Natural Resources Wales shall be contacted and an appropriate licence for any works obtained before any works are undertaken.

(4) The term 'emergency' means any circumstance in which the site operator has reasonable cause to apprehend injury to persons or serious damage to property.

(5) This planning permission is the subject of an agreement under the terms of Section 106 of the Town and Country Planning Act 1990

(6) The developer's attention is drawn to the following in respect of rights of way network within Bridgend. The numbering of eight of the routes is incorrect and would appear to refer to the original numbering system that was in use prior to the publication of the updated Definitive Map and Statement for the Bridgend area on the 30th June



2005, which took into account Community Council boundary changes and which resulted in the paths being renumbered. The updated Definitive Map of 2005 also showed changes to the alignments of a number of public rights of way throughout the County Borough where these had been affected prior to that date by confirmed Public Path Orders.

One of those routes was Bridleway 38 Cefn Cribwr, which is actually shown as Bridleways 31 and 25 on Figure 6 of the submitted plans. It appears the diversion, which was confirmed on the 13th December 1999 removed those sections of the bridleway which are shown within the site boundary at the eastern end of the site to a route that is adjacent to, but south of, the southern site boundary of the application site from the eastern site boundary to just east of Bedford Road. A copy of the current Definitive Map for the Bridgend side of the planning application site and a copy of the Diversion Order plan can be provided upon request from the Rights of Way Section.

(7) Before beginning any development at the site, you must do the following:

- a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect); and
- b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.

(8) Where any species listed under Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2010 is present on the surface land and structures of the site in respect of which permission is hereby granted, such works adversely affecting this species shall cease unless a license to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy provided to the Local Planning Authority.

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

**Background papers**

None

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## The All Wales Annual Performance Report 2015-2016

The Annual Performance Report (APR) is a factual public document which outlines how a local planning authority has performed against set indicators identifying what it did well so that this can be shared with others, and what steps might be taken to address areas of performance in need of improvement.

The requirement for an APR was proposed as a result of the "Positive Planning" consultation in December 2013. Welsh Government (WG) consulted on a series of proposals for measuring the performance of key stakeholders in the planning service which includes local planning authorities.

Following adoption of the performance framework indicators in November 2014, local planning authorities must submit an APR every November with the first BCBC report submitted in November 2015 and the second (and latest) report submitted in October, 2016.

A copy of the Minister's (second) All Wales Annual Performance Report for the period 2015-2016 and published in January, 2017 can be found using this link:

<http://gov.wales/topics/planning/planningstats/annual-performance-report/?lang=en>

A copy of the Planning Performance Framework Table for the period is attached at Annex 1.

The report summarises the performance of the Planning Division and the Planning Inspectorate within the WG (section 2) and all 25 LPAs in Wales (section 3) against the agreed indicators over the period April 2015 to March 2016 as well as performance trend over time.

The performance framework is intended to identify examples of good performance by planning authorities in delivering a planning service for Wales, as well as opportunities for improvement.

As mentioned in the Minister's Executive Summary, a clear theme emerging from the performance reports is one of the increasing pressure on the planning system arising from public sector restraint and she is encouraged by the work undertaken by some Local Planning Authorities to standardise resources and share expertise and Planning should play a full part in the discussions relating to greater regionalisation of service delivery.

Broadly, performance against the majority of indicators has improved when compared to the 2014-15 reporting period.

Bridgend's performance is indicated as being generally at or above average across the board for this period.

- ***The LPA had a 5.4 year housing land supply when the average across Wales was 3.9 years (ranked 5 out of 25)***
- ***The LPA took an average time of 60 days to determine all planning applications when the average across Wales was 77.2 days (ranked 2 out of 25)***

- *The LPA had a 80% of appeals dismissed in this period when the all Wales average was 66.5% (ranked 5 out of 25)*
- *The LPA took enforcement action, or a retrospective application was received, within 180 days from the start of the case on 92% of the cases compared to the all Wales average of 72.8% (ranked 1 out of 25)*
- *The LPA took an average of 68 days to resolve enforcement complaints compared to the all Wales average of 210.1 days (ranked 2 out of 25)*

**Recommendation:**

That the content of the report of the Corporate Director Communities and the Minister's All Wales Planning Performance Report 2015-2016 be noted.

**MARK SHEPHARD  
CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

**ANNEX 1 - PLANNING PERFORMANCE FRAMEWORK TABLE - FINANCIAL YEAR  
2015/16**



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## APPEALS

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

<b>CODE NO.</b>	D/17/3167106 (1795)
<b>APPLICATION NO.</b>	P/16/454/FUL
<b>APPELLANT</b>	MRS LUCY MORGAN
<b>SUBJECT OF APPEAL</b>	DOUBLE EXTENSION TO SIDE OF THE HOUSE AND ENLARGE SINGLE STOREY PLAY ROOM AT THE REAR: 2 PEN-Y-FFORDD NORTH CORNELLY
<b>PROCEDURE</b>	HOUSEHOLDER
<b>DECISION LEVEL</b>	OFFICER DELEGATED

1. The proposed two-storey extension by reason of its siting, scale and design constitute an insensitive and unsympathetic form of development that would unbalance the existing pair of semi-detached properties and have a terracing effect to the detriment of the existing visual amenities of the locality. As such, the proposal is considered contrary to Policy SP2 of the Bridgend Local Development Plan (2013), the principles of Notes 16 and 17 of SPG2 - Householder Development (2008) and Technical Advice Note 12 Design (2016).
2. The proposed two-storey extension by reason of its siting, scale and design would have an unreasonably dominant and overbearing impact on the neighbouring residential property, No.1 Pen Y Ffordd to the detriment of the residential amenities enjoyed by the occupiers of that property. The proposal is therefore contrary to Policy SP2 of the Bridgend Local Development Plan (2013), and the principles of Notes 1 and 2 of Supplementary Planning Guidance 02: Householder Development (2008).

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<b>CODE NO.</b>	A/17/3168308 (1797)
<b>APPLICATION NO.</b>	P/16/567/OUT
<b>APPELLANT</b>	Mr M KHALIQ
<b>SUBJECT OF APPEAL</b>	ERECTION OF 2NO. 3 BED DETACHED DWELLINGS LAND REAR OF 44 HEOL LLAN NORTH CORNELLY
<b>PROCEDURE</b>	WRITTEN REPS
<b>DECISION LEVEL</b>	OFFICER DELEGATED

1. The proposed development by reason of the constrained nature of the site and the retention of the commercial service yard would generate vehicular reversing movements to and from the highway, creating traffic hazards to the detriment of highway safety in and around the site contrary to Policy SP2 of the Bridgend Local Development Plan.
2. The proposed development, by reason of the constrained nature of the site and the retention of the commercial service yard is likely to fail to provide adequate off street parking facilities and the development would, therefore, generate additional on street

parking to the detriment of highway and pedestrian safety contrary to Policy SP2 of the Bridgend Local Development Plan.

3. The site, due to its relationship with the existing commercial units and the rear servicing yard proposed to serve the commercial units fronting Heol Llan, is too constrained and would therefore provide a substandard outlook for future occupiers of the proposed dwellings contrary to Policy SP2 of the Bridgend Local Development Plan.
  4. Insufficient information has been received in respect of the proposed drainage arrangements to serve the development or the noise generated by the refrigeration and air conditioning units attached to the rear wall of the Megasave Store to enable the implications of the proposal to be properly evaluated by the Local Planning Authority
- 

**RECOMMENDATION:**

That the report of the Corporate Director Communities be noted.

**MARK SHEPHARD  
CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

(see application reference number)



## 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>
Rhodri Davies, <i>Development &amp; Building Control Manager, BCBC</i>	“Development management procedures (consultation, notification, pre-application consultation)”	16 February 2017	12.45pm
Kwaku Opoku-Addo & Matthew Gilbert, <i>Highway Services, BCBC</i>	“Active Travel Plans”	16 March 2017	12.45pm
Susan Jones & Richard Matthams, <i>Development Group, BCBC</i>	“Workshop on Draft Open Space SPG”	13 April 2017	12.45pm
Trevor Roberts Associates	“Development Control Committee Member Induction training”	22 May 2017	9.15am

*Held at: Innovation Centre, Bridgend Science Park*

### Future training sessions

- Advertisement control
- Trees and development

### **Recommendation:**

That the report of the Corporate Director Communities be noted.

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

### **Background Papers**

None.

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