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Bridgend County Borough Council



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

*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 March 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 March 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 12 April 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 16 February 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.

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| 15. | <u>Urgent Matters</u><br>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, 16 FEBRUARY 2017

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 16 FEBRUARY 2017 AT 2.00 PM

### Present

Councillor M Thomas – Chairperson

N Clarke	PA Davies	CA Green	DRW Lewis
JE Lewis	LC Morgan	D Patel	JC Spanswick
JH Tildesley MBE	C Westwood		

### Apologies for Absence

GW Davies MBE, HE Morgan, R Williams 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
Hayley Kemp	Principial Planning Officer
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
Leigh Tuck	Senior Development Control Officer

## 881. DECLARATIONS OF INTEREST

The following declarations of interest were made:-

Councillor P Davies – P/16/1012/FUL – Personal interest as a member of Laleston Community council who takes no part in planning matters, and due to the fact that she lived in the street situate next to the application site.

Councillor CA Green – P/16/1012/FUL – Personal interest as a member of Laleston Community Council who takes no part in planning matters.

Councillor JC Spanswick – P/16/908/FUL – Personal interest as a member of Brackla Community Council who takes no part in planning matters.

J Parsons – P/16/1012/FUL – Prejudicial interest as the applicant was a former work colleague. Mr Parsons left the meeting whilst this application was being considered.

P Thomas – P/16/1012/FUL – Prejudicial interest as the applicant was a former work colleague. Mr Thomas left the meeting whilst this application was being considered.

## 882. SITE VISITS

RESOLVED: That a date of Wednesday 15 March 2017 be agreed for any proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.

883. APPROVAL OF MINUTES

RESOLVED: That the Minutes of a meeting of the Development Control Committee dated 19 January 2017, be approved as a true and accurate record.

884. PUBLIC SPEAKERS

There were no public speakers

885. AMENDMENT SHEET

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 Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be accommodated.

886. DEVELOPMENT CONTROL COMMITTEE GUIDANCE

RESOLVED: That the above Committee Guidance be noted.

887. P/16/908/FUL - THE WHITE HOUSE, BRIARY WAY, BRACKLA

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

<u>Code No</u>	<u>Proposal</u>
P/16/908/FUL	Regularisation of side extension ref P/15/183/FUL

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

RESOLVED: That the following application be deferred, in order that the applicant can meet with residents and the local Member and consider reviewing the layout and design of the development:-

<u>Code No.</u>	<u>Proposal</u>
P/14/838/FUL	Erection of 36 dwellings, car parking, an acoustic fence, landscaping and assoc. works

889. P/16/138/FUL - ASDA OFF COYCHURCH ROAD, BRIDGEND

RESOLVED: (1) The applicant enters into a S106 Agreement to provide a financial contribution of £24k 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:-

<u>Code No.</u>	<u>Proposal</u>
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**DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 16 FEBRUARY 2017**

P/16/138/FUL Change use of part of store car park to an automated petrol filling station & assoc. infrastructure.

(2) That the Corporate Director – Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal, once the applicant has entered into the aforementioned S106 Agreement, subject to the Conditions contained in his report.

890. P/16/286/RLX - LAND AT BRACKLA INDUSTRIAL ESTATE, BRIDGEND

RESOLVED:

- (1) That 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

Code No

Proposal

P/16/286/RLX

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

(2) That the Corporate Director – Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal, once the applicant has entered into the aforementioned S106 agreement, subject to the standard conditions and conditions as detailed in his report.

891. P/16/1012/FUL - 20 MAES Y GRUG, BROADLANDS

RESOLVED:

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

Code No

Proposal

P/16/1012/FUL

Provision of gates and railings in forecourt

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

The Group Manager Development presented a report, advising that a number of planning applications had previously been made in respect of the above, and that in May 2016 a special meeting of the Committee approved an alternative restoration scheme.

He added that further reports had been received by subsequent meetings of the Development Control Committee, that proposed minor amendments to a number of planning conditions, as well as an extension of the time limit for completion of the works until 31 July 2018. These amendments had been approved by Members.

The Group Manager Development t explained that the process of finalising the necessary Legal Agreement with both Celtic Energy Ltd and the landowner had reached a position where the Legal Agreement will be in the form of two separate agreements. He added that the Legal Agreements have not been completed, and therefore, the appropriate decision notice has not as yet been released.

The Group Manager Development then gave a resume of the report for the benefit of Members.

Members then asked a number of questions on this application, which were responded to by Officers.

RESOLVED: That the above planning application be approved subject to there being two Legal Agreements, one with Celtic Energy Limited (the operator) and a separate one for Beech (the landowner), and subject to the revised Conditions contained in the report/Report's Amendment Sheet.

893. ALL WALES ANNUAL PLANNING PERFORMANCE REPORT 2015-2016

The Corporate Director – Communities submitted a report in respect of the above.

The Development Control Manager advised that a copy of the Minister's (second) All Wales Annual Performance Report for the period 2015-16 and published in January 2017 could be found via the link detailed in the report, while a copy of the Planning Performance Framework Table for the period was attached at Annex 1 to the report.

He confirmed that the report summarised the performance of the Planning Division and the Planning Inspectorate within Welsh Government (section 2) and all 25 Local Planning Authorities (LPA) in Wales (section 3), against the agreed indicators over the period April 2015 to March 2016, as well as performance trend over time.

The report indicated that the performance of the LPA in BCBC, is indicated as being generally at or above average across the board for the above period. Examples of this in relation to various categories of data and statistics was shown in the latter part of the report.

RESOLVED: That the content of the report of the Corporate Director Communities and the Minister's All Wales Planning Performance Report 2015-16, be noted.

**DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 16 FEBRUARY 2017**

894. APPEALS

RESOLVED: That the two Appeals received since the last report to the Development Control Committee be noted.

895. TRAINING LOG

RESOLVED: That the forthcoming training sessions detailed in the report of the Corporate Director – Communities be agreed and noted, with it further noted that future training would be convened in respect of Advertisement Control and Trees and Development.

896. URGENT ITEMS

None

The meeting closed at 4.15 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/16/833/FUL

**APPLICANT:** Bridgend Storewithus Ltd C5 Business Centre, North Road, Bridgend Industrial Estate, CF31 3TP

**LOCATION:** Land off Parc Crescent Waterton Industrial Estate CF31 3XU

**PROPOSAL:** Change of use from agricultural to Use Class B8 storage. Remove topsoil and laying of compacted hardcore surface to create a caravan storage compound to extend the compound approved under P/16/379/FUL. Steel palisade fencing to North, South and East sides and security lighting.

**RECEIVED:** 17 October 2016

**SITE INSPECTED:** 24 October 2016

## **APPLICATION/SITE DESCRIPTION**

In August 2016, planning permission was granted to develop a green field site on Waterton Industrial Estate as a compound to be used for the storage of caravans (P/16/379/FUL refers). That site, which is located to the south of the junction of Parc Crescent and Brocastle Avenue, measured approximately 2 hectares and comprised two fields divided by a central hedgerow running between the northern and southern boundaries of the site. The western part of the site which adjoins the SAS factory development was to accommodate the majority of the caravan bases with the eastern part of the site principally being used to accommodate the new access road and a line of caravan spaces.

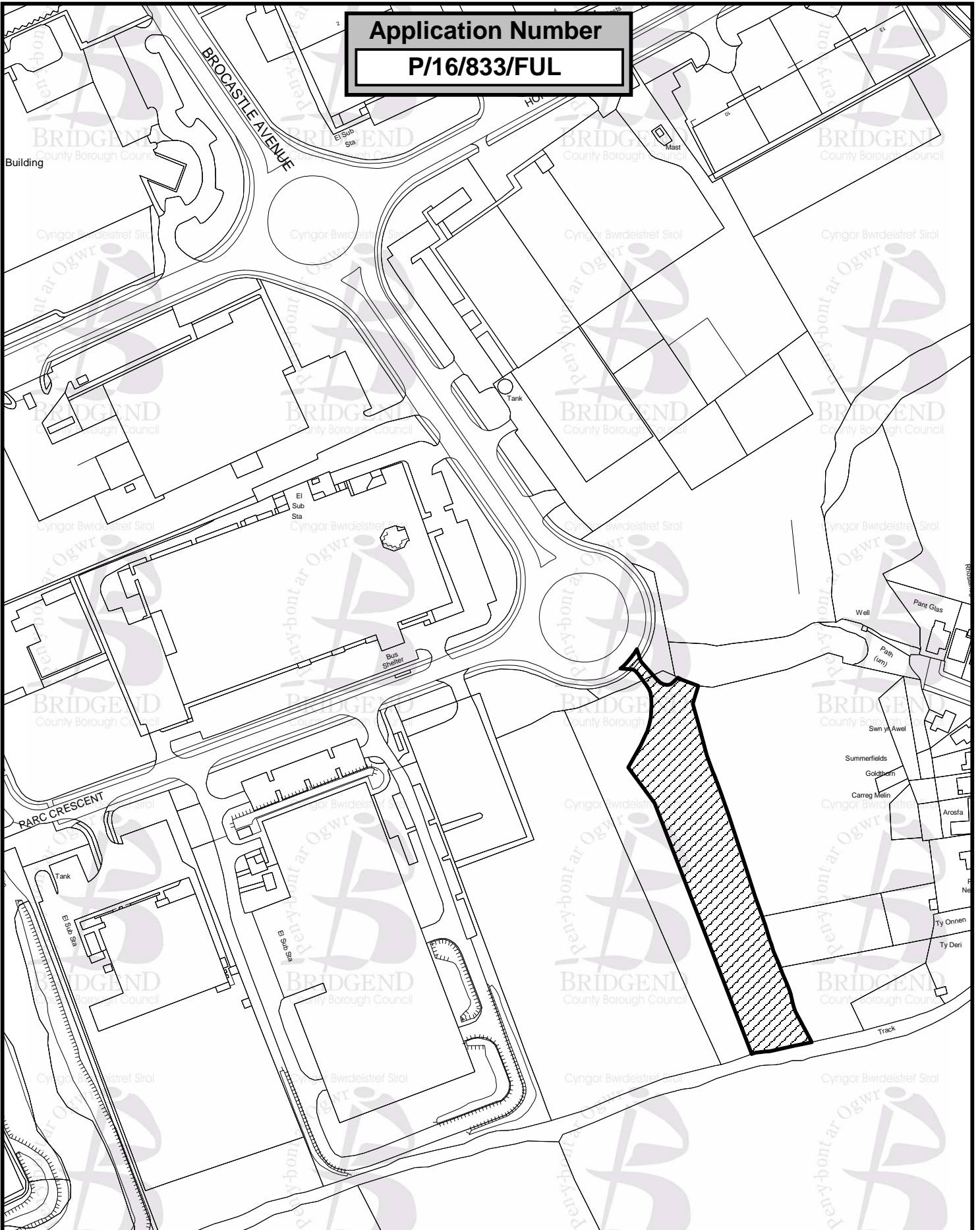
Work has commenced on the implementation of the aforementioned permission involving the creation of the site access, the removal and translocation of the central hedgerow, the erection of security fencing and more recently the storage of caravans. This current application seeks to extend the caravan storage operation across the whole of the eastern part of the site which is bounded by a farm access and open countryside to the south and to the east by a paddock that is owned by the residents of Parc Newydd, which provides a buffer to the rear gardens of properties in the village of Treoes.

The applicant company, Storewithus Ltd, has vacated a site on North Road, Bridgend Industrial Estate and is seeking to develop a compound to store a total of 483 caravans (Previous Total for P/16/379/FUL = 400 spaces; removed for access = 5; additional spaces = 88). As with the previous application, the compound will be formed by removing the existing topsoil across the site and the importation of a layer of compacted crush stone to create a permeable surface on which the caravans will be stored.

The existing hedgerow that runs along the eastern boundary of the site will be retained and reinforced with new planting. The developer has initiated some works, involving the cutting back of overhanging branches to enable the construction of a 2.2m high palisade security fence which has been erected, along with the security lighting around the consented and current application sites. A section of hedgerow and roadside vegetation has been cleared to allow the new site access and turning area to be constructed off the southern side of the existing roundabout which was consented as part of the previous application.

**Application Number**

**P/16/833/FUL**



North arrow with cardinal directions (N, S, E, W).  
**Page 14**

**Scale 1:2,500**

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**Date Issued:**  
**09/03/2017**

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**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  
Fedy-bont ar Ogwr

**BRIDGEND**  
County Borough Council



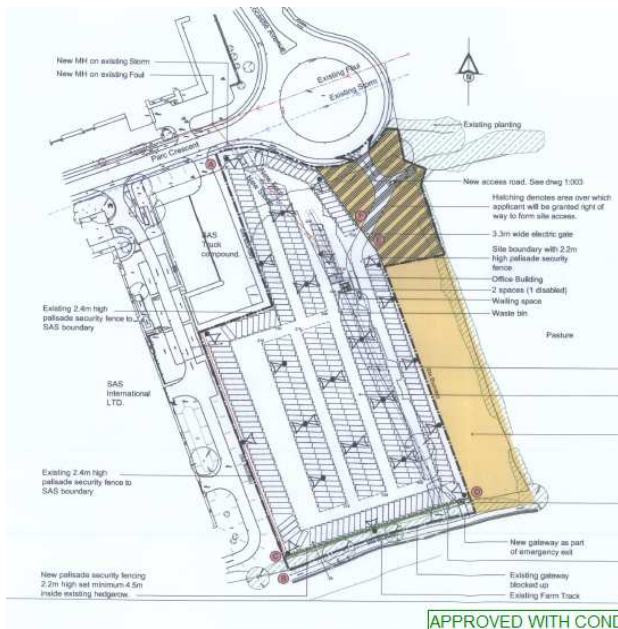


Fig. 1: Site Layout approved under P/16/379/FUL

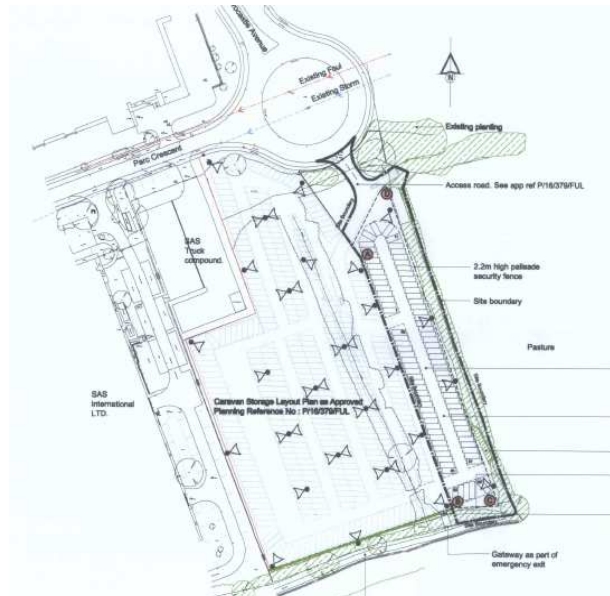


Fig. 2: Site Layout as proposed

The layout plan identifies a total of 483 spaces to accommodate caravans of various sizes laid out in a series of bays with internal access roads designed to allow cars and caravans to pass. The compound will be enclosed by a 2.2m high galvanised steel fence with security lighting provided across the site in the form of single and double floodlights on 4.5m high columns. The supporting planning statement confirms that the lighting will be controlled by motion sensors and, therefore, the site will not be permanently illuminated.

The application has been accompanied by the following additional documents:

Design and Access Statement- Nike Design Ltd

Preliminary Ecological Appraisal - Wildwood Ecology Ltd - April 2016

### RELEVANT HISTORY

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

P/16/379/FUL - Change use to caravan storage compound inc. security fencing, stone surfacing, lighting, access road & office building – Conditional consent granted on 4 August 2016

P/16/836/NMA - Non material amendment to P/16/379/FUL - omit the office building and its associated drainage - Land off Parc Crescent Waterton Industrial Estate Bridgend – Agreed 20 January 2017

P/16/850/DOC - Approval of details for conditions 4, 5, 7, 8, 9, 10, 11 & 14 of P/16/379/FUL - Land off Parc Crescent Waterton Industrial Estate Waterton – Split Decision – 2 February 2017

### PUBLICITY

Neighbours have been notified of the receipt of the application.

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

### NEGOTIATIONS

Request for additional information, in response to observations received from the Group Manager Public Protection

## **CONSULTATION RESPONSES**

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

Destination & Countryside Management: My observations and recommendations made in respect of applications P/16/379/FUL and P/16/850/DOC are pertinent to this application. If you are minded to approve this application, I would recommend that the conditions are imposed to control the timing of the works and the protection of the existing hedgerows during construction.

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

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

Vale of Glamorgan Council: The Vale of Glamorgan Council, as the neighbouring authority, has indicated that, subject to appropriate control over hours of operation and landscaping, this Council does not raise an objection to the principle of the use. However, the Council has concerns regarding the emergency access to the rear onto the restricted 'by way' and the potential impact upon traffic and highway safety through the settlement of Treoes. It is requested that the application is amended to remove the access or the consent is conditioned to indicate the emergency access is not approved as part of the consent.

Group Manager Public Protection: No objection subject to conditions

## **REPRESENTATIONS RECEIVED**

Letters of objection have been received from the following:

Llangan Community Council, Ty Onnen, Ty Deri, 14 Brookside, Bodafon, Copperfield, Rhoslanog, Carreg Melin, Gwyndy (Speaker) Goldthorn, Parc Newydd Farmhouse, Summerfield, 2 Llys Ty Mawr (Speaker)

The following is a summary of the objections received:

1. Too close to existing dwellings - site should be retained as a buffer between existing industrial uses and nearby residents - gardens of properties immediately adjoin the development site.
2. Loss of greenspace, marshland and hedgerows will result in a loss of screening and habitat with consequential impact on protected species - developer has instigated works prior to the granting of consent - no buffer being provided - replanting should take place.
3. Development will create noise and disturbance particularly through the summer months - this will be exacerbated by the use operating for 24 hours
4. The floodlighting would be intrusive as the lighting would be visible from properties in the village of Treoes - lighting may also impact species/habitats
5. Creation of employment linked to the development is zero.
6. Developer has not fully complied with the conditions attached to his previous permission.



7. Base plans and photos that accompany the application are out of date.
8. Development could generate additional traffic through the estate which could affect established businesses.
9. The land reserved for the road corridor needs to be secured.
10. Fire risk from the storage of caravans

### **COMMENTS ON REPRESENTATIONS RECEIVED**

On reviewing each letter of objection received, the key issues are the impact of the development on the living conditions and wellbeing of the residents of Treoes, with regard to noise, lighting and the loss of greenspace and existing hedgerows. These matters are addressed in the appraisal section of the report. The following comments are however provided in response to the other objections that have been received:

*Creation of employment linked to the development is zero.*

The use of land for the storage of caravans accords with the site's allocation in the Bridgend Local Development Plan. A variety of sites suitable for all types of employment uses of varying size and type have been identified in an attempt to meet the needs of the entire economy. Whilst job creation is undoubtedly the desired outcome from the land allocation, it is not a test for compliance. Resisting the application on this basis would not be sustainable based on the wording of the Policy.

*Developer has not fully complied with the conditions attached to his previous permission.*

From the planning history section of this report it should be noted that the applicant has sought to discharge the pre-commencement planning conditions attached to the previous permission. Whilst the development commenced in advance of the formal discharge, the only issues that remain outstanding relate to the technical approval of the engineering details for the site access.

*Base plans and photos that accompany the application are out of date.*

Objectors refer to outdated aerial photos and the reference to the adjacent field as pasture which the residents appear to maintain is part of their extended gardens. They have also questioned the accuracy of the eastern boundary on the application site which appears to run through the existing hedgerow. The applicant believes this to be correct based on the information provided by Welsh Government. The submission is complete and the Council are able to fully assess the proposal.

*The land reserved for the road corridor needs to be secured.*

The proposed development utilises land allocated in the former UDP for a Highway Improvement Scheme (T14 (9) – A48/A473 Brocastle Link). Whilst the scheme does not form part of the current Bridgend Local Development Plan, the Council wish to retain the potential for the future provision of the link. Whilst it is acknowledged that the Welsh Government are the land owners and are aware of the merits of retaining the corridor for a future link road, it is not inconceivable that the land could ultimately be sold on to the applicant or other third party in the future. The land owner (WG) has however only issued a 10 year license for the use of the land and, should the Council be minded to approve the development, this would only be on a temporary basis to accord with the licence.

### *Fire risk from the storage of caravans*

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

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

### **APPRAISAL**

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

The application site is located on Waterton Industrial Estate which is allocated and protected for employment development falling within uses B1, B2 and B8 (as defined by the schedule to the Town and Country Use Classes 1987) (Policy REG1 (8) of the Bridgend Local Development Plan (2013) refers). Whilst the Use Class status of the storage of caravans is not defined in the schedule, there would seem to be no impediment to its classification as B8 Storage or Distribution and, as such, the proposed use of land would accord with the allocating Policy. The supporting text in the Development Plan indicates that a variety of sites suitable for all types of employment uses of varying size and type has been identified.

All development is required to create high quality, attractive, sustainable places and Policy SP2 of the Bridgend Local Development Plan identifies 15 criteria which are the starting point for the assessment of all applications. Having good road connections within and outside the site, to ensure efficient use, avoiding or minimising noise, soil and water pollution, safeguarding and enhancing biodiversity and green infrastructure, safeguarding the amenity of neighbouring uses/occupiers and incorporating appropriate arrangements for the disposal of foul sewage and surface water are the relevant criteria for the purposes of this application. Policies SP3 (Transport), PLA11 (Car Parking), ENV6 (Nature Conservation) and ENV7 (Natural Resource Protection and Public Health) are also part of the policy framework against which this application must be assessed.

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

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

The principal consideration is the relationship of the development site to properties in the village of Treoes. Residents suggest that the land should not be developed, forming as they see it, a green space/buffer to the adjacent commercial operations. The land however forms part of the larger allocation for commercial development and historically was a protected corridor to accommodate a new road connecting the estate to Brocastle. Whilst safeguarding the land from development is not an approach that accords with Planning

policy, safeguarding amenity is a consideration and based on the objections received, it relates to the development affecting the living conditions of residents in terms of noise and light pollution.

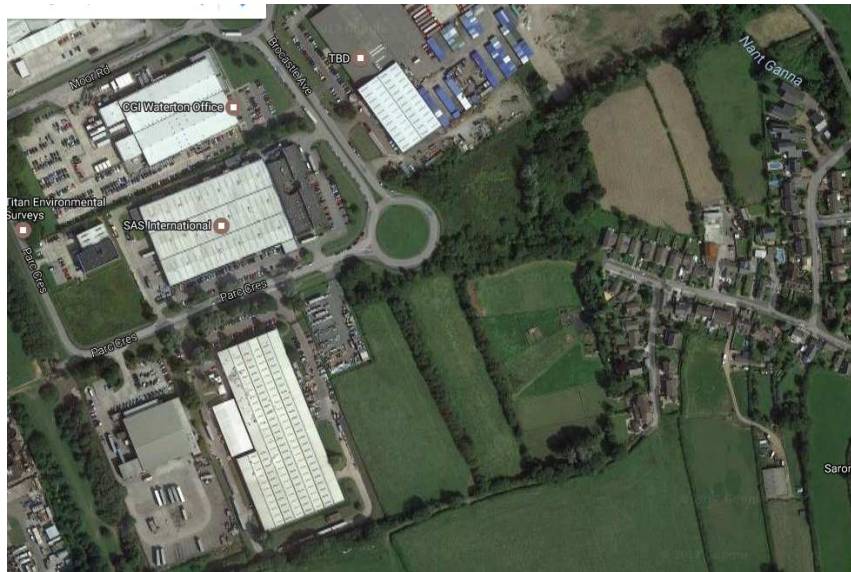


Fig. 3: Aerial Photograph of the site

Measured to the original gardens of the properties on Parc Newydd, the new spaces for the caravans will be between 71m and 92m from the southern and northern end of the proposed development site. Residents however maintain that the gardens of a number of properties on Parc Newydd extend up to the eastern site boundary. It appears that in the recent past, Welsh Government sold the paddock that immediately adjoined the western boundary of Treoes to a resident who has subsequently subdivided the land amongst the related properties. Whilst aerial photographs suggest some division of the land, the planting of trees and the formation of vegetable plots etc. these areas do not form part of the extended domestic gardens of the properties. The Vale of Glamorgan Council has indicated in a recent communication that no applications to change the use of the paddock to garden areas has been received and it is questionable whether permission would be granted if any such applications were to be submitted in the future. They are also investigating a complaint regarding the unauthorised use of the land.

Whilst the Council acknowledges that the land does provide amenity to residents, on the basis of current information, it does not form part of their approved curtilages. Any assessment of impact should therefore be in relation to the properties and their long established domestic garden areas.

The existing hedge line is important but comprising of mainly native hedgerow species, its screening properties diminish over the winter months. Its retention is important and there is no indication in the planning submission that this feature on the eastern boundary will be removed. Opportunities do however exist to plant in any gaps and to provide additional planting between the hedge and the security fencing. Consideration will also be given to the erection of a close boarded fence in addition, or as a replacement to, the security fence to further screen views of the development site from the residents of Treoes. Securing these mitigation works through the grant of permission will reduce the visual impact of the development.

The Design and Access Statement confirms that the use of land will produce some vehicle noise when users park and remove their caravans. It has been indicated that this would mainly take place in the summer months and usually on Fridays and Sundays. The

applicant's agent contends that the vehicle noise will be well below the level currently produced by HGV trucks using Park Crescent.

The Council's Public Protection Section, in recognising that the extended site was closer to properties in Treoes, initially requested controls over the hours of operation. In addition, they recommended that the palisade fencing is replaced with an acoustic barrier and/or bund. Given that the new site will be served from the existing site imposing a condition that seeks to introduce control over the hours of operation would be difficult to enforce.

In response to the aforementioned concerns, the developer has submitted a noise assessment which seeks to demonstrate that the development would not have a significant adverse impact on the residents when operating on a 24 hour basis. The noise survey also considers the noise from cars travelling around the site on a crushed stone surface, hooking/ unhooking the caravans up to the cars, the impact of car doors being slammed open and shut and the cars driving away, together with any common noise sources that arise from the caravans.

The report concludes that the proposed development is...*"as acoustically benign a use as is likely to be considered for a site of this nature", which is understood to be allocated for employment/commercial use within the Bridgend Local Development Plan'*

It further states:

*"The daytime usage levels and levels of noise generation are likely to be within the variations in prevailing acoustic character of the area, which is dominated by the sounds of distant and local road traffic movements. The night-time usage levels are likely to be so infrequent and acoustically unobtrusive as to be unnoticed by nearby residents.*

*Considering this development in a cumulative context; its most likely source of noise generation is unlikely to contribute to any realistic cumulative impact arising from the two caravan storage developments (one consented, one applied for), which will be unlikely to experience any significant simultaneous night-time usage.*

*Further to the above factors, it should also be pointed out that concern was expressed over the potential noise impacts of vehicles manoeuvring over a stone chipping surface, but the Applicant's preferred surfacing material, as would be used at this site, is road planings or scalpings. These are an asphalt material, which is comparatively soft and less likely to give rise to the "crackling" sounds often associated with loose chippings or pea gravel surfacings and consequently, have a much lower subjective sound effect.*

*On the basis of the above and the author's experience of similar sites, it is considered that the proposed development can be operated on a 24-hours-a-day, 7-days-a-week basis without giving rise to impacts upon the acoustic amenity of nearby residents.*

*It is therefore considered that noise should not be considered as a material constraint to the granting of planning permission for the proposals in their applied-for form".*

The Public Protection Section requested that the noise associated with the collection and dropping off of the caravans at night was assessed to determine the potential impact on the residents of Treoes. It was agreed with the noise consultant that the maxima events affecting the night-time amenity of the closest residential properties on Treoes (with the closest dwelling being some 100 metres from the closest point on the application boundary) would be the most significant noise that should be assessed at night which would be associated with door slamming.

Noise associated with door slamming is likely to occur twice during a customer site visit, once when they get out of the car and once when they get back into the car before driving off. The consultant has predicted from the typical noise associated with this event, that at the closest point of the proposed development to the closest off-site receptor, the noise level would be 59dB at the façade of the nearest residential premises. This is a worst case assessment and does not take into account any additional attenuation from soft ground absorption or any other screening, although in reality since the receptor height has to be assessed at 4m when residents would be in their bedroom, there would be little attenuation due to screening effects.

The existing business, which is being relocated from North Road to Waterton Industrial Estate to the already consented site, currently comprises 460 storage pitches and gave rise to a total of 127 customer visits between the hours of 23:00 and 07:00 during the period 4th December 2015 and 3rd December 2016. In addition, from the data provided, the most vehicle movements in any one night were 3 visits (which occurred infrequently). Based on this ratio, the applicant has estimated that 88 pitches would subsequently give rise to circa 24 night-time customer visits over the course of an entire 12-month period.

BS 8233, which is the standard for Guidance on sound insulation and noise reduction for buildings, recommends that night-time maxima events within bedrooms should not regularly exceed 45 dB LAFMax, in order to avoid sleep disturbance. *Regularly* is typically considered to be a frequency of 10 to 15 times per night, which for this application would relate to visits that should not exceed 7 visits per night (i.e. 14 door slams). BS 8233 also makes reference to a typical sound reduction across a partially open window of 15 dB. Consequently, at the critical façade the noise level should not exceed 60 dB, whereas the predicted noise level is 59dB. If the frequency of visits is in line with the applicant's existing business, which is based on 460 caravans, the impact of this extension is not considered to be significant. In reality, if there are 88 caravans as opposed to 460, the frequency of visits is likely to be less.

It is considered that the day time impact of the proposed development extension was not significant given the proximity of the residential receptors at a distance of 100 metres. Residents did however indicate that land immediately to the east of the application site had been purchased and was only separated from the site by an existing hedgerow. Initially, the Group Manager Public Protection afforded weight to their observations and was seeking the provision of a 2.2m acoustic barrier along the common boundary to minimise the noise impact of the development. In the light of the observations received from the Vale of Glamorgan which indicates that the land in question is not part of the residential curtilages of the respective dwellings, the acoustic barrier is no longer required based on the predicated noise levels in the noise report that accompanies the application.

The applicant has provided information that asphalt road planings or scalpings will be used to surface the site as opposed to loose chippings or pea gravel which tend to give rise to the 'crackling noise' as the vehicles manoeuvre over a stone chipping surface. Therefore, the type of road surfacing will also be specified as a condition to minimise the impact of the development.

Residents have expressed concern that light spillage from the site will also affect their environment. It is acknowledged that limited information has been provided on the floodlighting and based on the submitted plans, light spillage could occur to the detriment of the residents and local wildlife. There are, however, a number of remedies that could be secured by planning condition which include re-angling or partial shading / cowling of the lights, fitting of a passive infra-red sensor or using low power lighting. The agent on the

previous application has confirmed that the security lighting will be limited to lights activated by infrared movement so will only operate when required. The direction of lights will be carefully considered so that, where possible, they are directed into the site and away from residential properties. A lighting scheme could be designed to protect the amenity of residents and wildlife and this will again need to be secured by planning condition.

Section 3 of the Well-being of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5). The well-being goals identified in the Act are: \* a prosperous Wales, \* a resilient Wales, \* a healthier Wales, \* a more equal Wales, \* a Wales of cohesive communities, \* a Wales of vibrant culture and thriving Welsh language and \* a globally responsible Wales.

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

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

The Preliminary Ecological Appraisal that accompanied the previous application indicates that an area of 'neutral grassland', a section of broad-leaved woodland and a hedge with native species will be compromised to enable the site to be developed. The ecological appraisal did, however, recommend that, where possible, woodland and trees should be retained and this aligns with the comments of Natural Resources Wales (NRW) and the Council's own Policy (Policy ENV6 of the LDP (2013) refers).

As part of the previous approval, the semi-mature hedgerow in the centre of the site has been removed and will be translocated in part to address the concerns of NRW and the Council's Ecologist. No substantive clearance works are proposed as part of this application.

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

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

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

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

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

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

Information provided in respect of the earlier application indicated a peak number of movements of 124 per day (during the 2015 summer holiday period). With that based upon 450 caravans it was estimated (on a pro rata basis) that the consent for 400 caravans would generate 110 vehicle movements per day. The level of traffic generation resulting from this proposed extension to 488 spaces (based on this peak demand) would be an additional 24 movements per day which is considered acceptable. Some concern has been expressed that caravan owners returning their caravans to the site may use the village of Treoes as a 'short-cut' particularly if the journey is being made from the east on the A48. Whilst there can be no guarantees that the route to the village will not be used, more commodious and appropriate routes are available and are more likely to be used.

The proposed site layout proposes a cul-de-sac arrangement for caravan spaces 1 – 30 with a means of access from one direction only as per the remainder of the site. Accordingly whilst spaces 1-16 could be accessed by reversing caravans along the cul-de-sac spaces 17-30 are likely to need re-orientating to enable similar access. This will require a minor revision to the site layout which may result in a minimal reduction in overall numbers and in this regard can be undertaken without any concern to the Council.

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

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

Site drainage has been agreed with the Council's Land Drainage Engineers.

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

The Council acknowledges that the substance of local views must be considered in the determination of an application and, again, a significant amount of opposition has been received from neighbouring occupiers and the community council. It is, however, considered that the proposed development accords with Council policy which seeks to deliver a range of sites for the whole spectrum of B Classes, sui generis uses and other uses that require an industrial location. The development will also accord with all the other relevant policies in the Development Plan but, to ensure that the living conditions of residents are safeguarded and that appropriate drainage arrangements are provided on site, a number of planning conditions will need to be imposed on any permission that is granted. In the interests of safeguarding the corridor for the future road link, the permission will be for a temporary period (10 years) to tie up with the licence granted by Welsh Government to the applicant to operate from this site.

## **CONCLUSION**

This application is recommended for approval because, on the balance of all the policy objectives, it is considered that the development complies with Council and national policy.

## **RECOMMENDATION**

(R11) That permission be GRANTED subject to the following condition(s):-

1. The use hereby permitted shall be discontinued and the land restored to its former condition on or before 31st December 2027 in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to assess the impact the development has on sustainability and the amenities of the area and to enable the matter to be reviewed at the end of the period of the temporary consent.

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

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

3. The development shall be carried out in accordance with the following approved plans and documents: plan numbers 1:001, 002 and 003 (October 2016).

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

4. Notwithstanding the submitted plans and within one month of the date of this permission, a scheme to enhance the existing landscaping features of the eastern site boundary shall be submitted to the Local Planning Authority. The scheme shall include a scheme of tree and hedge planting to be undertaken on the land between the existing hedgerow that forms the eastern site boundary and the existing 2.2m high palisade fence. The scheme shall include a schedule of trees and shrubs, noting species, plant sizes, proposed numbers and densities. A schedule of landscape maintenance for a minimum period of 5 years shall also be included in the submitted scheme.

The scheme, as agreed in writing by the Local Planning Authority, shall be



implemented in the next planting season (November 2017 – March 2018).

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

5. Notwithstanding the submitted plans and within one month of the date of this permission, details of all external lighting shall be submitted to the Local Planning Authority. The scheme shall include details of the intensity of illumination and predicted lighting contours so that it can be demonstrated that areas to be lit will not disturb residents of Treoes or prevent bats using their territory or having access to their breeding sites and resting places have been first submitted to, and approved in writing by, the Local Planning Authority prior to first use of the site. Any external lighting that is installed shall accord with the details so approved.

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

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

Reason: To ensure safe drainage of the site.

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

Reason: In the interests of highway safety.

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

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

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

9. All existing hedges on the boundary of the site shall be retained intact unless otherwise and firstly approved in writing by the Local Planning Authority. Any boundary hedge being removed without such consent or which dies or becomes seriously damaged or diseased within 5 years of the completion of the development shall be replaced with hedging plants of a similar size and species within the first subsequent planting season (October to March).

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

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety

12. The access road, turning area and junction with the Brocastle Avenue / Parc Crescent Roundabout shall be laid out in permanent materials as approved under consent P/16/379/FUL before the development is brought into beneficial use.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

14. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

This application is recommended for approval because on the balance of all the policy objectives, it is considered that the development complies with Council and national policy.

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

**MARK SHEPHARD  
CORPORATE DIRECTOR COMMUNITIES**

**Background Paper**

None

REFERENCE: **P/15/358/OUT**

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

LOCATION: **Land West Of Heol Ty Maen Cefn Glas CF31 4QF**

## **BACKGROUND**

The above outline planning permission on land west of Heol Ty Maen, Cefn Glas was originally received by the Local Planning Authority in May 2015. On Thursday 27 October 2016 the Development Control Committee resolved to approve outline permission for the erection of no more than 165 units of residential accommodation on the site with all matters reserved for future approval with the exception of the access to the site. The scheme included the provision of a 1.5m wide pedestrian footbridge and cycle path to the south of the site linking the development with Westward Close and beyond.

At the Development Control Committee meeting of the 27 October 2016 it was resolved to approve the development subject to a number of planning conditions and the applicant entering into a Section 106 Agreement to:

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

(ii) Provide a financial contribution in accordance with the Educational Facilities Supplementary Planning Guidance (SPG) formula towards the provision of additional primary school places in the schools serving the development; this figure being dependent on the final development mix and numbers with contributions provided on a pro-rata basis.

(iii) Provide outdoor recreation space in accordance with Policy COM11 of the Bridgend Local Development Plan with arrangements for future management and maintenance to be agreed in writing by the Council.

(iv) Provide a retained grassland area to the west of the site as detailed on plan 5: Compensation Measures attached to the David Clements Ecology, Ecological Assessment for land off Llangewydd Road, Bridgend dated May 2015 and the land shall be managed and maintained in accordance with the Recommendations (Part 6) of the said report.

(v) Provide a financial contribution of £72,000 towards enhanced highway facilities on the local highway network including the introduction of the MOVA system at the traffic signal controlled A473/B4622 junction, the upgrading of local bus stops on Barnes Avenue and Llangewydd Road and the implementation of a traffic speed order for Barnes Avenue and Heol Ty Maen.

## **POST RESOLUTION**

Since the resolution to grant permission subject to a S106 Legal Agreement, there have been on-going discussions between the agent and the Council in terms of progressing the scheme and drafting and signing of the Agreement. However, following a

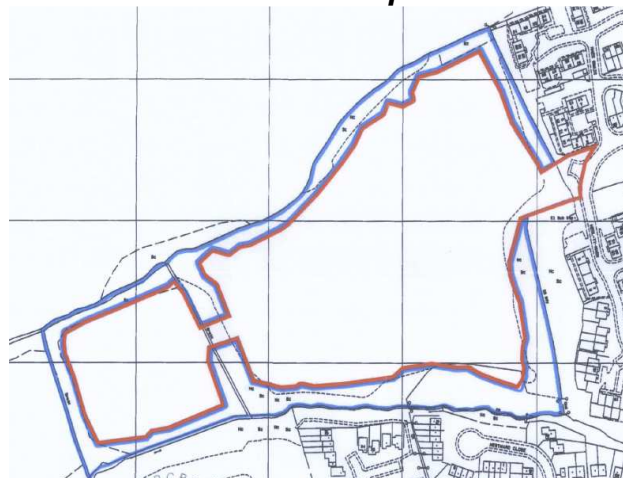
comprehensive Land Registry Search, it has emerged there is a small area of land to the south of the site that falls under third party ownership and is outside the control of the applicant (Title Deed number WA884886 retained by Tudor Jenkins). As such a ransom strip effectively exists along the southern boundary of the site. The applicant has therefore re-submitted a revised red line boundary for the application site excluding the provision of the originally proposed pedestrian footbridge and cycle path from the development which cannot now be reasonably delivered. The main red line access point to the site has also been slightly enlarged but all other aspects and details of the scheme remain unchanged.

The applicants are therefore seeking to vary the red line boundary for the development and exclude the provision of the pedestrian footbridge/cycle path from the application proposal/description.

***Previous site location plan***



***Amended site location plan***



As a result, this report does not seek to revisit the merits of the entire development, but focuses solely on the impact of the exclusion of the pedestrian footbridge and cycle link from the application.

## **PUBLICITY**

The changes undertaken to the red line boundary have been subject to further public consultation. At the time of writing this report three additional letters of objection (from the occupiers of 25 Maes Gwair, 3 Islington Road and Hafod Housing) have been received against the planning application which raise general highway safety, infrastructure and ecology concerns with the development. The concerns raised are similar to those addressed in the original Committee Report attached at **Appendix A**.

## **APPRAISAL**

The proposal to omit the pedestrian and cycle link (footbridge) to the south of the site is regrettable and would reduce the connectivity and permeability of the site. Nevertheless, when considering the status of the application site that is specifically allocated for residential development under the provisions of Policy COM2 (6) of the Bridgend Local Development Plan, the scheme is considered acceptable with the omission of the footbridge link. The principle of the development remains compliant with the key requirements of the Local Development Plan, with the scheme providing a valuable contribution to the Borough's housing demand and contributing to the Authority's strategic aim of providing 9,690 new dwellings in Bridgend County Borough up to 2021.

The proposed revision to the scheme has been the subject of discussions with the Highways Authority and there are no objections. However, to mitigate for the loss of the pedestrian/cycle link (active travel link) from the south of the site it is suggested that further contributions should be sought to provide an equivalent benefit to facilitate safe pedestrian and cycle access to the local services and facilities that will serve the development in the form of new or improved pedestrian/cycle routes. This contribution will also include for the assessment of links to local schools as well as links to retail opportunities. The Section 106 agreement will therefore include a financial contribution of £100,000 to facilitate active travel route enhancements leading to and from the development site.

Such a contribution would assist in promoting sustainable means of travel to and from the application site, meet with the requirements of Planning Policy Wales (2016), the Active Travel (Wales) Act (2013) and the Well-being of Future Generations (Wales) Act (2015) and is considered a reasonable and justified like for like request in this instance.

On the basis of the off-site improvements being sought and in fully considering the planning merits of the application, it is considered the revisions are reasonable and can be supported, subject to a revised Section 106 agreement and conditions.

### **AMENDMENT TO SECTION 106 HEADS OF TERMS**

Given the loss of the pedestrian/cycle link from the development site additional contributions are now sought to upgrade/enhance active travel routes in the nearby locality of the application site. Therefore, an additional requirement to the Section 106 agreement is now recommended, as detailed below.

### **CONDITIONS**

Following a review of the original planning conditions, Condition 15 of the original report (**Appendix A**) would now be removed. The conditions required the submission of more detailed design information for the provision of the on-site pedestrian and cycle link which is now irrelevant. All other conditions remain relevant to the development and will be attached to any subsequent consent.

### **CONCLUSION**

Having considered all relevant evidence and material planning considerations, the Outline application is again recommended for approval because the development complies with Council policy and guidelines. The development, in principle, does not adversely affect privacy, highway/pedestrian safety, ecology/biodiversity, drainage, visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

### **RECOMMENDATION**

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

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

(ii) Provide a financial contribution in accordance with the Educational Facilities Supplementary Planning Guidance (SPG) formula towards the provision of additional primary school places in the schools serving the development; this figure being dependent on the final development mix and numbers with contributions provided on a pro-rata basis.

(iii) Provide outdoor recreation space in accordance with Policy COM11 of the Bridgend Local Development Plan with arrangements for future management and maintenance to be agreed in writing by the Council.

(iv) Provide a retained grassland area to the west of the site as detailed on plan 5: Compensation Measures attached to the David Clements Ecology, Ecological Assessment for land off Llangewydd Road, Bridgend dated May 2015 and the land shall be managed and maintained in accordance with the Recommendations (Part 6) of the said report.

(v) Provide a financial contribution of £72,000 towards enhanced highway facilities on the local highway network including the introduction of the MOVA system at the traffic signal controlled A473/B4622 junction, the upgrading of local bus stops on Barnes Avenue and Llangewydd Road and the implementation of a traffic speed order for Barnes Avenue and Heol Ty Maen.

(vi) Provide a financial contribution of £100,000 towards enhanced active travel routes in the locality of the application site to facilitate safe pedestrian and cycle access to the local services and facilities that will serve the development in accordance with the provisions of Planning Policy Wales (2016).

**(B)** The Corporate Director Communities be given delegated powers to issue a decision notice granting Outline consent in respect of this proposal, reserving landscaping, layout, scale and appearance for future consideration, once the applicant has entered into the aforementioned Section 106 Agreement, subject to the following conditions in addition to the standard outline conditions:-

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

Amended site boundary plan received 16/02/2017  
Illustrative Development Concept Plan received 28/05/2016  
Design and Access Statement received 28/05/2016  
Ecological Assessment received 28/05/2016

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

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

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

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

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

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

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

5. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site showing how foul drainage, highway, surface water, including the means to prevent run off from driveways and parking bays discharging onto the highway, roof and yard water will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the agreed scheme prior to any dwelling being brought into beneficial occupation.

Reason: To ensure safe drainage of the site.

6. No development shall take place until full details of both hard and soft landscape works have been submitted to and agreed in writing by the local planning authority 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.

7. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 3 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written agreement of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].

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

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

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

8. The detailed plans to be submitted shall make adequate provision for public open space, in accordance with the Council's guidelines (policy COM 11 of the Local Development Plan), and such public open space shall be laid out, landscaped, completed and maintained in accordance with a scheme and timetable to be agreed in writing by the Local Planning Authority prior to the commencement of work on site.

Reason: In the interests of the residential amenities of future occupiers.

9. No dwellings shall be brought into use until the upgrading of the public sewerage system, into which the development shall drain, has been completed and written confirmation of this has been issued to the Local Planning Authority by Dwr Cymru/Welsh Water.

Reason: To prevent further hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

10. No development shall take place until a Construction Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Construction Management Plan shall include:-

Provision of a temporary compound for construction materials and plant and parking for contractor's vehicles;

Details of a wheel washing scheme to prevent mud and debris from the construction traffic being carried out onto the existing maintainable highway; and

A scheme to ensure that vehicles associated with the construction at the site shall not enter or leave the site during the period of half an hour either side of any local School's commencing and ending times.

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

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

11. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide full details of the works undertaken including



construction timescale, details of the means of avoidance and mitigation of any impacts on the species and habitats recorded within and adjacent to the development site and pollution prevention measures to be implemented during the site preparation and construction phases of the development. The development shall thereafter be implemented in accordance with the approved CEMP.

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

12. No development shall take place until such time as a Method Statement detailing all necessary pollution prevention measures for the operational and post operational phase of the development is submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify as a minimum:-

- Soil handling & storage methods including phased soil stripping of the site, and soil preservation - in line with the DEFRA 'Construction Code of Practice for the Sustainable Use of Soils on Construction sites'
- Surface water management and treatment during construction, procedures for de-watering of excavations, storage of: mortars, fuels & oils, environmental incident response plan etc.
- Details of emergency contacts e.g. Natural Resources Wales Pollution Hotline (0800 807 060)

The Method Statement shall be implemented as approved and thereafter be efficiently communicated to all contractors and sub-contractors and any deficiencies rectified immediately.

Reason: To prevent pollution.

13. Construction works shall not take place outside the following hours:

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.

14. The consent hereby granted shall be limited to the construction of 165 residential units.

Reason: For the avoidance of doubt and to protect the safety and free flow of traffic on the surrounding highway network.

15. No development shall commence until a comprehensive scheme for the provision of traffic calming restricting 85% tile traffic speeds to 20 mph on Heol Ty Maen and Barnes Avenue, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

**ADVISORY NOTES**

As detailed in the report to Committee on 27 October 2016.

**MARK SHEPHARD  
CORPORATE DIRECTOR COMMUNITIES**

**BACKGROUND PAPERS**

None

**APPENDIX A**

Original Committee report presented to Planning Committee on 27 October, 2016 (P/15/358/OUT).

## Appendix A

**REFERENCE:** P/15/358/OUT

**APPLICANT:** The Phipps Family C/O Harmers Limited, 39 Lambourne Crescent, Cardiff Business Park, Llanishen, CF14 5GG

**LOCATION:** Land West Of Heol Ty Maen Cefn Glas CF31 4QF

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

**RECEIVED:** 11 July 2016

**SITE INSPECTED:** 19 July 2016

### **APPLICATION / SITE DESCRIPTION**

Outline planning consent is sought for a comprehensive residential development scheme with vehicular access from Heol-Ty-Maen at land to the west of Heol-Ty-Maen, Cefn Glas, Bridgend. All matters are reserved for future consideration with the exception of access to the site.

The proposed development area comprises approximately 5 hectares of Greenfield land. The site is specifically allocated for residential development under the provisions of COM2 (6) of the Bridgend Local Development Plan.

In terms of site context the application site consists primarily of two fields that are gently sloping but fall more steeply away towards the south of the site. The site is predominantly visually enclosed by a perimeter band of woodland, hedgerows and mature trees, protected under an area wide Tree Preservation Order (TPO). The wooded area dissects through the two fields towards the west of the site whilst retaining a central gap for access. A small stream runs through the wooded area to the south of the site.

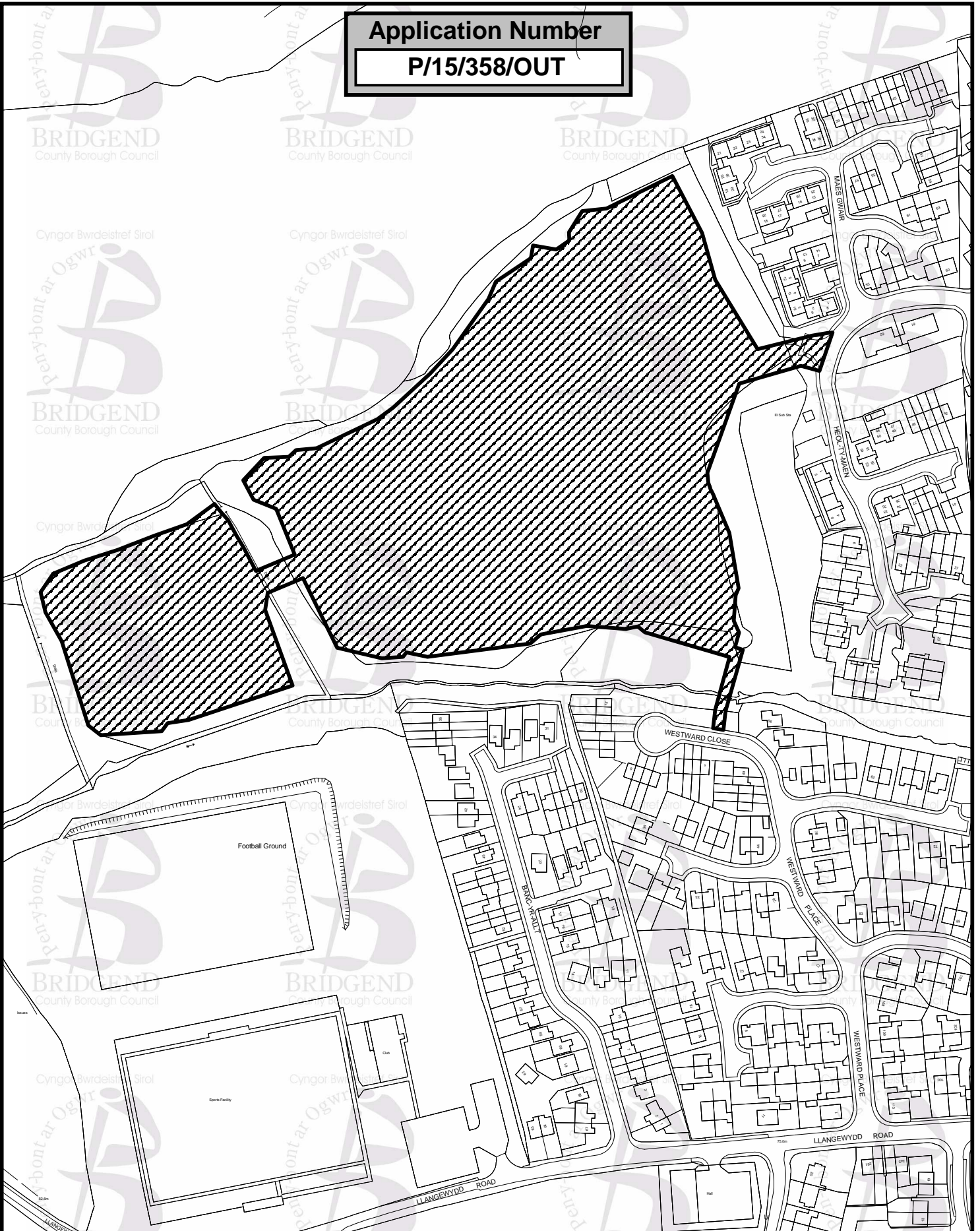
Further to the west and north, the application site is abutted by open countryside. To the east and south of the site are built up, predominantly residential localities. Further east is Byntirion Comprehensive School. To the south west of the site are football playing fields (Club Penybont). The majority of the houses situated within close proximity to the application site vary in their style and appearance although they generally comprise relatively modern dwellings on cul-de-sac style developments.

Although submitted in Outline, the proposal seeks consent for a comprehensive residential scheme, including 20% affordable housing provision. Whilst acknowledging the outline and indicative nature of the application and noting numbers have not been finalised the submitted forms indicate that approximately 165 dwellings would be constructed, taking account of the constraints of the site (surrounding tree lines and likely public open space provisions), although the site is allocated for approximately 228 new dwellings within the Local Development Plan. The indicative drawing highlights the largest provision of public open space will be towards the centre of the development site.

It is anticipated that the development would comprise a mix of single, two, two and a half, and three storey buildings including some apartments/flats. Whilst the key matters of scale, appearance, layout and landscaping have been reserved for future consideration the application details the minimum and maximum building parameters for the proposed buildings, which include:

**Application Number**

**P/15/358/OUT**



**Scale 1:2500**

**Date Issued:  
20/10/2016**

**Development-Mapping  
Tel: 01656 643176**

**Mark Shephard**

Corporate Director-Communities

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

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

(c) Crown Copyright and database rights  
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Cyngor Bwrdeistref Sirol



Detached house - 5.9m x 7.5m x 8.0m to 10.8m x 8.9m x 8.7m  
Semi-detached house - 7.4m x 10.8m x 8.0m to 8.5m x 10.8m x 10.0m  
Terraced link - 7.5m x 19.0m x 8.0m  
Apartment - 8.0m x 40.0m x 8.0m  
Garage - 6.0m x 3.0m x 5.5m.

The illustrative layout plan submitted with the application shows the approximate positions of the built development, open spaces, routes and accesses. It details the main point of vehicle access from Heol-Ty-Maen, with a central spine road serving the proposed residential development. A central area of Public Open Space would be created with the proposal also incorporating Sustainable Urban Drainage systems (SUDs) in the form of two ponds/retention basins to ensure the site retains a Greenfield run off rate. The existing perimeter landscaping would be retained to screen the development and enhanced following the creation of a pedestrian and cycle path, to the south of the site linking the development with Westward Close/Place; it is detailed a 1.5m wide footbridge would be created to link the development directly with Westward Close.

The application has also been accompanied by the following documentation:

- Design and Access Statement;
- Ecology Assessment;
- Tree Survey;
- Phase 1 Geotechnical Investigation;
- Transport Assessment; and,
- Drainage Strategy & Flood Risk Report.

The supporting Design and Access Statement indicates that the application is intended to establish the principle of a comprehensive residential development and amenity space for a site allocated for residential development in the adopted Local Development Plan.

## **RELEVANT HISTORY**

None.

## **PUBLICITY**

The application has been advertised on site and by means of press notice. Neighbours have been notified of the receipt of the application. The period allowed for response to consultations/publicity expired on 1<sup>st</sup> August 2016.

## **NEGOTIATIONS**

The applicant/agent was requested to revise the red line application site boundary for the development to include a pedestrian walkway/link to the south of the site. Negotiations have also been ongoing in regard to S106 requirements/contributions for the application.

## CONSULTATION RESPONSES

Laleston Community Council - Consideration should be given to highway safety, access and traffic calming measures, as the area is already considered busy in traffic terms and there are limited road widths in the area. Deliveries should be outside of school starting and opening times. Consideration should be given to play/parks, footpaths in and out of an estate can also cause a security risk. Consideration should be given to local schools that will have to cater for more children as a result of the development.

Destination & Countryside Management - No objection subject to condition.

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

Natural Resources Wales - No objection subject to condition.

Welsh Water Developer Services - No objection subject to condition.

Crime Prevention Design S.Wales Police – No objection.

Head of Parks & Playing Fields - No objection.

Highways Development Control – No objections subject to the following:

1. The developer providing a financial contribution towards off-site highway improvement works.
2. The imposition of planning conditions.

## REPRESENTATIONS RECEIVED

**Cllr Dr Charles Smith:** objects to the proposal on behalf of constituents who live along Heol-Ty-Maen and Barnes Avenue as they regard the road system as inadequate and sub-standard, unsuitable for sole access to this proposed development. Comments are also raised about the level of consultation undertaken for the planning application (although the development has been advertised in accordance with the provisions of relevant planning legislation).

**Bridgend Civic Trust:** object to the proposal as Members consider such a large development would adversely affect the capacity and safety of the local highway network in the area to the detriment of safe highway movements.

### **Objections have been received from the occupiers of :**

18 Barnes Avenue  
28 Barnes Avenue  
33 Banc Yr Allt  
38 Banc Yr Allt  
39 Banc Yr Allt  
25 Maes Gwair  
34 Maes Gwair  
51 Maes Gwair  
53 Maes Gwair  
84 Llangewydd Road  
88 Llangewydd Road  
91 Llangewydd Road

103 Llangewydd Road  
130 Llangewydd Road  
18 Llys Y Fran  
3 Islington Road  
7 Islington Road  
16 Coed Ty Maen  
2 Chiswick Close  
20 Llys y Fran  
3 Ffordd yr Afon  
51 Heol Ty Maen  
32 Westward Place  
56 Westward Place  
58 Westward Place  
61 Westward Place  
84 Westward Place  
89 Westward Place  
109 Westward Place  
7 Lon y Coed  
1 Bedw Arian  
2 Bedw Arian  
5 Bedw Arian  
9 Bedw Arian  
24 Coed Caer Odin  
51 Heol y Foelas  
1 Maes Bryn  
17 Caer Hen Eglwys  
1 Ty Nant  
8 Heol y Ysgol  
11 Beechwood Avenue  
21 Kensington Drive  
41 Shakespeare Avenue  
13 Coed Caer Odin  
Gail Evans (Resident of Cefn Glas)

The objections can be summarised as follows :-

Traffic related problems, access concerns and highway safety  
Construction Disturbance  
Alternative access should be considered  
Need for traffic calming measures on Barnes Avenue  
Loss of privacy  
Loss of trees – natural habitat  
Increased noise and pollution levels  
Loss of green space  
Lack of local facilities and infrastructure to support more population.  
Increased crime  
Affordable housing should be provided  
Impact of footpath  
Increased flooding risk  
Drainage needs careful consideration

Letters of support/no objections have been received from the following occupiers:

10 Maes Gwair

## COMMENTS ON REPRESENTATIONS RECEIVED

Traffic related problems, access concerns, consideration of alternative access, and highway safety – The Highway Officer has raised no objection to the proposal.

Construction Disturbance – Whilst a development in close proximity to existing properties would result in some inconvenience, noise and general disturbance during the construction period, this would be of a temporary nature and is not considered a justified reason in itself to refuse the planning application. Given the scale of development it would, however, 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. Statutory noise nuisance is governed under separate legislation.

Need for traffic calming measures on Barnes Avenue - traffic calming measures could be sought by means of planning condition.

Loss of privacy – The application site would be offset and screened from the nearest residential properties by the existing boundary landscaping at the site and the distance between boundaries so there is unlikely to be any infringement of the Authority's privacy standards. Furthermore the application is in outline with all matters other than access reserved for future approval and, therefore, the submitted layout is purely indicative. Appropriate distances and orientations of properties would be matters to be considered at a later stage.

Loss of trees, natural habitat – The proposal seeks to maintain the tree and hedgerow bands that surround the site and upgrade these areas once the means of pedestrian and vehicle access has been completed. The Council's ecologist and Natural Resources Wales raise no objections against the outline planning application, subject to conditions

Increased noise and pollution levels - It is considered that the occupation of new residential properties is unlikely to generate sufficient noise to generate a statutory noise nuisance particularly given the distance between the proposed dwellings and existing houses. Natural Resources Wales have suggested conditions to control any likely pollution as a result of the build process.

Loss of green space - The application site is allocated within the Local Development Plan for residential development. The proposal would maintain and enhance the existing green buffers that surround the site and incorporate areas of public open space into the development.

Lack of local facilities and infrastructure to support more population - Necessary contributions will be sought to mitigate against the impact of such a scheme on local infrastructure and facilities.

Increased crime - Such an outline proposal for residential development raises no significant or adverse concerns with regard to increasing crime rates with the Police Crime Prevention Design Advisor offering general advice on the detailed design and layout of the proposal that would be fully considered at the reserved matters/full application stage.



Affordable housing should be provided - The application seeks to fully meet the required guidelines for affordable housing provision in line with policy COM5 of the LDP. The affordable housing target of 20% for the Bridgend Area would be secured through a planning obligation.

Impact of footpath - The proposed pedestrian footpath to the south of the site would result in limited tree loss and would provide a valuable pedestrian link to and from the development site with the wider locality.

Increased flooding risk/drainage considerations - The Council's Land Drainage Section, Welsh Water and Natural Resources Wales, raise no objections against the proposal although they suggest appropriate conditions to ensure a comprehensive and integrated drainage scheme for the development.

## **APPRAISAL**

The application is reported to Committee in view of the level of objection received from neighbouring properties.

The application seeks Outline consent with all matters reserved for subsequent approval, except access, for residential development on an undeveloped area of land immediately to the west of Heol-Ty-Maen, Cefn Glas, Bridgend.

Members are informed that this outline application only seeks to establish the principle for the development.

The proposal includes provision for primarily residential use with provision for public open space and the creation of a specific pedestrian walkway including an access bridge to the south of the development site. As part of the proposal the existing access point from Heol Ty Maen would be marginally realigned to serve the development.

Planning Policy Wales (Edition 8, January 2016) 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 2013 (BLDP) is the adopted plan for the area with the application site being located within the settlement boundary, and allocated for residential development for approximately 228 dwellings under Policy COM 2 (6) of the local development plan. The principle of the development is therefore compliant with the key requirements of the local development plan, the scheme providing a valuable contribution to the Borough's housing needs and contributing to the Authority's strategic aim of providing 9,690 new dwellings in Bridgend County Borough up to 2021. The surrounding area to the east and south is dominated by residential properties and the development of the site for residential purposes is, in principle, compatible with neighbouring uses. Whilst noting the Outline nature of the application and acknowledging exact details of unit numbers has not been completely finalised, it is identified that approximately 165 units could be created which is reflective of the physical constraints of the site with existing boundary planting/tree coverage protected under a preservation order mainly being retained around the perimeter of the development site. For a 5 hectare site the provision of approximately 165 units (33 units per hectare) broadly conforms with Policy COM4 of the Local Development Plan that requires a density of 35 dwellings per hectare.

Policy SP14 of the BLDP requires applicants to provide planning obligations or contributions if they are necessary to offset any negative consequences of the development and/or help to meet local needs and priorities. In this respect, as a proposal for over 5 units the proposal triggers Policy COM5 of the LDP, the affordable housing target of 20% for the Bridgend Area would therefore need to be secured through a planning obligation for the development. The Section 106 Agreement should provide for the affordable units 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. As the application is in outline and the precise, total number of units is not yet finalised, the affordable housing requirement will be expressed as a percentage in a Section 106 Agreement.

In addition to the above, contributions towards educational facilities may be sought from proposed developments of 5 or more residential units in accordance with Supplementary Planning Guidance 16: Residential Development and Educational facilities (SPG16). The Children's Directorate has confirmed that whilst there is sufficient capacity in local schools to cater for secondary and post 16 education (for a 165 unit scheme), the local primary school facilities have insufficient surplus capacity to cater for any additional pupils. A contribution based on the formula and cost guidance in SPG 16 will therefore be requested for primary age children from this scheme. Acknowledging the Outline nature of the proposal, the exact amount will be dependent on the final housing number and mix, and the request for a contribution will need to specify how it would be used to provide additional capacity. Initial calculations indicate a 165 unit scheme in this location would require a contribution of £244,695 for additional infant school places and £195,756 for additional junior school places generated as a result of such a proposal.

Policy COM11 of the BLDP requires the provision of satisfactory standards of open space from all residential developments which is defined as 2.4ha per 1,000 people to consist of a combination of outdoor sport, children's play space, amenity space and/or allotment provision. Bridgend's open space audit reveals a deficit of all types of provision in the locality. In this context, the inclusion of an area of public open space is welcomed on the submitted illustrative layout plan for the development and the application also proposes the retention and enhancement of the existing vegetation and tree lines that surround the site. The applicant intends to provide the required standards of public open space on the development site in accordance with the requirements of planning policy that will be secured through a S106 agreement.

For the proposed 165 unit scheme it is not envisaged that there would be a requirement for a formal playing pitch, although initial calculations, whilst acknowledging the Outline nature of the proposal, would equate to a total amount of outdoor recreation space requirement of 9,264 m<sup>2</sup>. This should consist of approximately 6,176 m<sup>2</sup> of outdoor sport space and 3,088 m<sup>2</sup> of children's play space (split between equipped play space of 957 m<sup>2</sup> and informal amenity space of 2,131 m<sup>2</sup>). These figures are however subject to negotiation and may be provided on or off site. The open space provision may for example take the form, in part, of accessible pedestrian linkages throughout the woodland areas of the site (immediately adjoining the site) which would take a more inclusive view of open space provision whilst ensuring appropriate pedestrian linkages throughout the site. An existing playing field and football facility is located directly to the south of the site.

Given the outline nature of the application it is deemed appropriate to recommend a condition for the detailed landscaping of the site including detailed measures for the

design, implementation and maintenance of open space in compliance with Policy COM 11, to be approved by the Council.

Policy SP2 of the BLDP establishes the criteria for acceptable design and sustainable place making. This is supported by guidelines set out in Design Guide 1: Dwellings and Domestic Scale Buildings and Supplementary Planning Guidance 2: Householder Development.

The application proposes the construction of a mixture of detached, semi-detached and link properties including some flats/apartments that would not, in principle, appear so out of character with the locality so as to be detrimental to the visual amenities of the area. When further considering the visual remoteness of the site that is well screened, in the main, by mature hedgerows and tree planting that would be retained as part of the proposal, the development would arguably form a new residential estate with its own character and identity. Notwithstanding the above, the specific layout, design and architectural detailing of the proposed dwellings would be subject to careful consideration at the subsequent reserved matters stage. However, at this Outline stage, the proposal, is acceptable in principle and would not be so out of character with the locality so as to be detrimental to the visual amenities of the area. Nevertheless, it is considered necessary to impose conditions to agree site levels, external finishes hard/soft landscaping and boundary treatments, as this would ensure that any residential development on the site could be successfully assimilated with its surroundings, without an unreasonable adverse effect on the visual amenities of the area or the residential amenities of neighbouring properties.

Having regard to the indicative plan, including the size of the site, its characteristics and buffer screening/planting, and the scale parameters of the dwellings, it is considered that the site, in principle, is capable of accommodating a substantial number of residential units which would benefit from a reasonable degree of amenity and include necessary highway requirements such as access and off-street parking. This, in principle, could be achieved without unreasonably affecting the amenities of neighbouring properties, particularly with regards to dominance and loss of light, outlook and privacy. Notwithstanding the above, this is an Outline application with all matters except access reserved for subsequent approval, therefore, the impact of such a development on the amenities of neighbouring properties cannot be fully assessed. The submission of a specific layout for the development and details concerning the shape and design of the proposed dwellings and their respective plots and their relationship with neighbouring properties, would be fully assessed at the reserved matters stage. Conditions for the agreement of site levels and boundary treatments would also assist in ensuring that the proposed development would not unreasonably affect the amenities of neighbouring properties or the future occupiers of the development.

The Highway Officer has considered the proposal and the comprehensive Transport Assessment (TA) that accompanied the planning application. The TA considers existing road conditions, the proposed development and the development traffic impact. The TA was prepared on the basis of the impact of a potential 228 residential units at the site (in line with the original policy allocation for the site).

The proposed means of vehicular access to the site is via Heol Ty Maen which incorporates footway provision with a pedestrian and cycle access also being provided from Westward Close via a foot / cycle bridge across the stream immediately north of Westward Close.

The vehicular impact of the development upon the wider highway network is considered to be acceptable and capable of mitigation by the addition of the MOVA system (Microprocessor Optimised Vehicle Actuation) to the traffic signal controlled junction of the A473 / B4622 / Bryngolau. The provision of the MOVA system will improve capacity at the signals and will be implemented through a financial contribution secured by a S106 agreement.

Furthermore, the site is served by reasonable public transport provision with bus stops available to serve the site on Barnes Avenue in close proximity to its junction with Heol Ty Maen and also on Llangewydd Road in close proximity to its junction with Westward Place. These facilities are considered to be in need of improvement to increase the attractiveness of public transport by upgrading the kerbing and shelter facilities. A financial contribution of £25,000 is considered sufficient in this regard by way of a S106 agreement.

As with most modern residential estates it would be appropriate to restrict vehicular speeds to 20mph with the design of the layout, provision of traffic calming features together with a Legal Order. In addition there are historical complaints regarding vehicle speeds along Barnes Avenue, from which the site will be accessed. This would be mitigated by the implementation of a comprehensive scheme of traffic calming along Barnes Avenue and Heol Ty Maen. Whilst this can be required by an appropriate planning condition the necessary consultation and legal process for such traffic calming/traffic speed order - costs £7,000. The developer should therefore be required to contribute the amount, via a S106 agreement.

In conclusion, the TA concludes the proposed development would not have a significant impact on the area and, subject to mitigation, would not present any material junction capacity problems or road safety implications for the surrounding highway network. Accordingly, subject to the imposition of a S106 as detailed above and necessary planning conditions, the Group Manager Street Scene (Highways) has no objection.

The planning application is accompanied by a drainage strategy and flood risk report. Following consultation with the relevant drainage bodies including Welsh Water and Natural Resources Wales, no objections are raised against the scheme in terms of land drainage or flood risk. The Council's Land Drainage Section highlight the application package is most comprehensive and in principle no objections are raised against the scheme. A condition is however suggested to ensure the finalised detail of the drainage for the site. It is advised the eastern part of the site does have some risk of surface water flooding and this should be considered with the management of risk incorporated into the final drainage design.

Natural Resources Wales have advised this is a Greenfield site that is bordered by watercourses. To protect the water environment during construction a pre-commencement condition is requested in relation to site preparation and construction, requiring a detailed pollution prevention strategy to be submitted prior to the commencement of construction activities. It is also advised they support the use of sustainable urban drainage systems for the development to convey and attenuate surface water run-off, although surface water must be attenuated to Greenfield run-off rate as detailed within the application submission.

Welsh Water have advised the proposal could potentially overload the existing public sewerage system. However, as part of their current investment programme, improvements are scheduled for completion by 1<sup>st</sup> April 2017 which will overcome the issues on the public sewerage network and create capacity for the foul flows only

deriving from the application site. A condition is therefore suggested to ensure no dwelling on the application site shall be brought into use earlier than 1<sup>st</sup> April 2017. Additional conditions are suggested to ensure the appropriate drainage of the site.

The application is accompanied by a Phase 1 Geotechnical Investigation with the site history identifying the site had no former contaminative uses and the land is likely to support conventional residential foundations.

In terms of biodiversity, 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"

The Councils Ecologist and Natural Resources Wales have considered the application in terms of ecology impact with the application being accompanied by an ecological appraisal undertaken by David Clements Ecology Ltd. The study confirms that the semi-improved grassland areas have district value for wildlife and qualify for SINC status (Site of Importance for Nature Conservation) and disruption caused by the development could have adverse impacts upon protected species. The ecology report however highlights the landowner is willing to provide offsite compensation on the adjacent field to the west of the development site and manage this accordingly to benefit wildlife. All of the woodlands are considered at least of local value for wildlife, all with the potential for protected species. Whilst the majority of the woodland will be retained, some areas will require some removal to create access to the development. Invasive non-native species, including Himalayan Balsam, were also identified on site.

As identified in the ecological appraisal report, in addition to the compensation provision offsite, appropriate mitigation and compensation may help to reduce any negative impacts of the development. Overall the adverse impacts of the proposed development are assessed to be of moderate significance from a nature conservation point of view

but that these impacts can be mitigated and compensated for. Recommended compensation measures include off site compensation, landscaping through the use of native trees and shrubs, retention of adjacent habitats (such as the woodland habitat), incorporation of appropriate pollution control measures to protect nearby watercourses, and protection of affected species. As such the Council's ecologist raises no objection against the proposal subject to a condition ensuring a Construction Environmental Management Plan (CEMP) is produced for the development, and the recommendations as proposed in the ecological appraisal to ensure the protection of protected species, habitats and eradication of invasive species are adhered to. In principle, it is therefore considered there would not be such significant adverse residual impacts on biodiversity as a result of such a proposal. The proposal is therefore considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009), relevant LDP policies and SPG 19, Biodiversity and Development.

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.

Overall having regard to the indicative plan, including the size of the site and the scale parameters of the proposed dwellings, and due consideration to the supporting information that accompanies the application, in principle, the site is capable of accommodating a comprehensive residential development which would benefit from a reasonable degree of amenity and include necessary highway requirements such as access and off-street parking. This, in principle, could be achieved without unreasonably affecting the amenities of neighbouring properties, particularly with regards to dominance and loss of light, outlook and privacy. The scheme raises no significant land drainage or biodiversity concerns and can be appropriately accessed without harmfully impacting highway safety in and around the application site.

## **CONCLUSION**

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

The development can contribute to creating a high quality, attractive, sustainable place compatible with the surrounding area and Policy SP2 of the Local Development Plan. Legislation and national planning policy dictates that planning applications must be

determined in accordance with the approved development plan unless material circumstances suggest otherwise. In this case, notwithstanding the objections received, it is considered that there are no material reasons why planning permission should be refused; the development proposal representing appropriate residential development on a site specifically allocated for residential development by the Bridgend Local Development Plan.

## **RECOMMENDATION**

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

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

(ii) Provide a financial contribution in accordance with the Educational Facilities Supplementary Planning Guidance (SPG) formula towards the provision of additional primary school places in the schools serving the development; this figure being dependent on the final development mix and numbers with contributions provided on a pro-rata basis.

(iii) Provide outdoor recreation space in accordance with Policy COM11 of the Bridgend Local Development Plan with arrangements for future management and maintenance to be agreed in writing by the Council.

(iv) Provide a retained grassland area to the west of the site as detailed on plan 5: Compensation Measures attached to the David Clements Ecology, Ecological Assessment for land off Llangewydd Road, Bridgend dated May 2015 and the land shall be managed and maintained in accordance with the Recommendations (Part 6) of the said report.

(v) Provide a financial contribution of £72,000 towards enhanced highway facilities on the local highway network including the introduction of the MOVA system at the traffic signal controlled A473/B4622 junction, the upgrading of local bus stops on Barnes Avenue and Llangewydd Road and the implementation of a traffic speed order for Barnes Avenue and Heol Ty Maen.

(B) The Corporate Director Communities be given plenary powers to issue a decision notice granting outline consent in respect of this proposal, reserving landscaping, layout, scale and appearance for future consideration, once the applicant has entered into the aforementioned Section 106 Agreement, subject to the following conditions in addition to the standard outline conditions:-

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

Amended site boundary plan received 23/09/2016  
Illustrative Development Concept Plan received 28/05/2016  
Design and Access Statement received 28/05/2016  
Ecological Assessment received 28/05/2016

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

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

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

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

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

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

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

5. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site showing how foul drainage, highway, surface water, including the means to prevent run off from driveways and parking bays discharging onto the highway, roof and yard water will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the agreed scheme prior to any dwelling being brought into beneficial occupation.

Reason: To ensure safe drainage of the site.

6. No development shall take place until full details of both hard and soft landscape works have been submitted to and agreed in writing by the local planning authority 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.



7. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 3 years from the date of the occupation of the building for its permitted use

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written agreement of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].

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

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

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

8. The detailed plans to be submitted shall make adequate provision for public open space, in accordance with the Council's guidelines (policy COM 11 of the Local Development Plan), and such public open space shall be laid out, landscaped, completed and maintained in accordance with a scheme and timetable to be agreed in writing by the Local Planning Authority prior to the commencement of work on site.

Reason: In the interests of the residential amenities of future occupiers.

9. No dwellings shall be brought into use until the upgrading of the public sewerage system, into which the development shall drain, has been completed and written confirmation of this has been issued to the Local Planning Authority by Dwr Cymru/Welsh Water.

Reason: To prevent further hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

10. No development shall take place until a Construction Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Construction Management Plan shall include:-

Provision of a temporary compound for construction materials and plant and parking for contractor's vehicles;

Details of a wheel washing scheme to prevent mud and debris from the construction traffic being carried out onto the existing maintainable highway; and

A scheme to ensure that vehicles associated with the construction at the site shall not enter or leave the site during the period of half an hour either side of any local School's commencing and ending times.

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

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

11. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide full details of the works undertaken including construction timescale, details of the means of avoidance and mitigation of any impacts on the species and habitats recorded within and adjacent to the development site and pollution prevention measures to be implemented during the site preparation and construction phases of the development. The development shall thereafter be implemented in accordance with the approved CEMP.

12. No development shall take place until such time as a Method Statement detailing all necessary pollution prevention measures for the operational and post operational phase of the development is submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify as a minimum:-

- Soil handling & storage methods including phased soil stripping of the site, and soil preservation - in line with the DEFRA 'Construction Code of Practice for the Sustainable Use of Soils on Construction sites'
- Surface water management and treatment during construction, procedures for de-watering of excavations, storage of: mortars, fuels & oils, environmental incident response plan etc.
- Details of emergency contacts e.g. Natural Resources Wales Pollution Hotline (0800 807 060)

The Method Statement shall be implemented as approved and thereafter be efficiently communicated to all contractors and sub-contractors and any deficiencies rectified immediately.

Reason: To prevent pollution.

13. Construction works shall not take place outside the following hours: 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.

14. The consent hereby granted shall be limited to the construction of 165 residential units.

Reason: For the avoidance of doubt and to protect the safety and free flow of traffic on the surrounding highway network.

15. No development shall take place until a scheme for the provision of a continuous pedestrian and cycle link from the site to Westward Close has been submitted to and approved in writing by the LPA. The scheme shall include details of a cycle / footbridge across the waterway to the North of Westward Close. The link shall be implemented in permanent materials as approved prior to the beneficial occupation of the 50<sup>th</sup> dwelling on site and retained in perpetuity.

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

16. No development shall commence until a comprehensive scheme for the provision of traffic calming restricting 85% tile traffic speeds to 20 mph on Heol Ty Maen and Barnes Avenue, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

#### ADVISORY NOTES

a. Further information on wildlife and development and opportunities for enhancements can be found in SPG 19 Biodiversity and Development: A Green Infrastructure Approach –

<http://www1.bridgend.gov.uk/media/227718/final-green-infrastructure-spg-for-web.pdf>

b. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system.

c. If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

d. The reserved matters application shall be accompanied by an Ecological Management Plan for the retained woodland and trees.

e. The plans and particulars submitted in accordance with the reserved matters for this development should accord with the recommendations set out in Section 6 'Recommendations to avoid or minimise adverse impacts to wildlife features and protected species' of the David Clements Ecology, Ecological Assessment for land off Llangewydd Road, Bridgend dated May 2015 and submitted with this application.

f. The traffic calming scheme along Heol Ty Maen and Barnes Avenue shall incorporate relocated bus stop facilities, carriageway and footway realignment, pedestrian crossing facilities and vertical displacements, plateaux lighting, surface water drainage, carriageway markings, signing, traffic calming features and Stage 2 Safety Audit.

g. The developer is advised to liaise with the Council with regard to identifying improvements to the learner travel routes between the site and local school facilities.

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

**Background papers**

None

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**REFERENCE:** P/16/816/OUT

**APPLICANT:** Ms T Greenslade & Mr K Haines c/o Plan R Ltd, 39 Merthyr Mawr Road, Bridgend, CF31 3NN

**LOCATION:** Land between 33-39 Station Road Nantymoel CF32 7RD

**PROPOSAL:** Two attached houses including garages and access

**RECEIVED:** 12 October 2016

**SITE INSPECTED:** 07/09/2016

**APPLICATION/SITE DESCRIPTION**

The application is a resubmission, following refusal, of an earlier application for three attached houses with integral garages and access. Initially it was proposed to reduce the ridge height of the proposed dwellings by approximately 2m to match the height of the adjoining terrace properties. The indicative cross section through the site indicates that the proposed dwellings would be 2.5 storey in scale with a garage on the ground floor and two floors of residential accommodation above. The drawings, whilst indicative only, suggest that dormers are proposed to both the front and rear facing roof planes so that the upper level of accommodation would be within the roof space area.

During the processing of the resubmission, the applicant's agent sought an informal opinion on the amendments to the scheme and was advised that the reduction in ridge height was not considered to have addressed the reasons for refusal of the earlier application. As a result of this exchange, the development was revised to two detached dwellings.

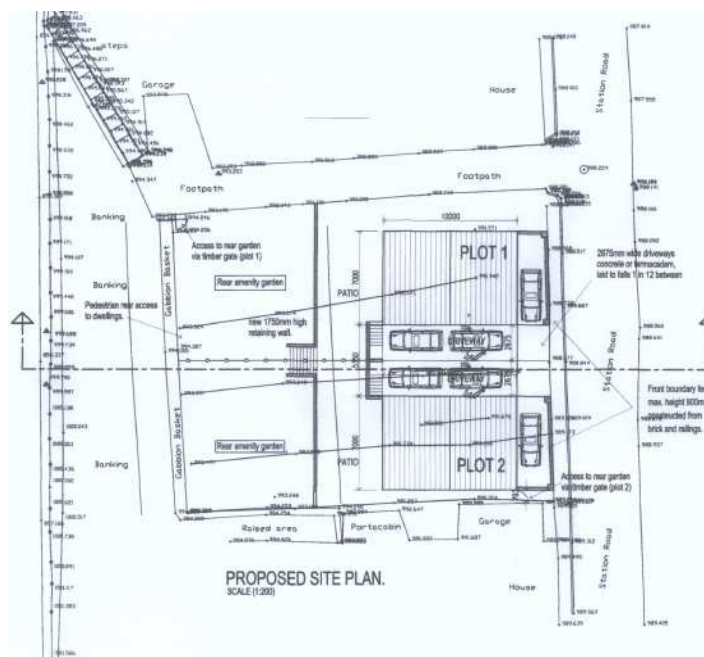
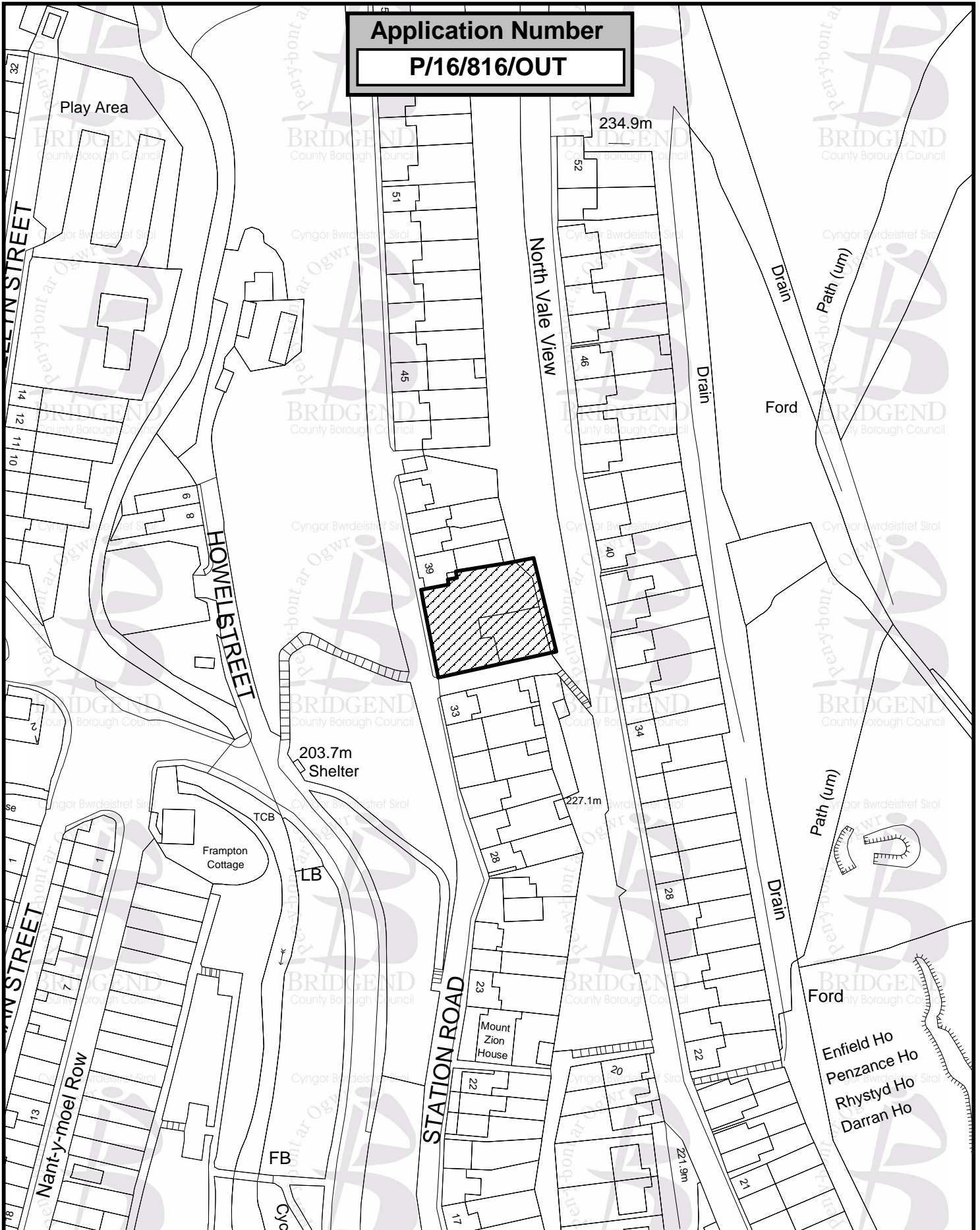


Fig. 1: Indicative Site Layout

The indicative layout shows the proposed properties sited either side of centrally located driveways. The scale parameters will remain as previously proposed - namely between 6m-7m wide by 9m-10m deep with a ridge height of 8.324m. The dwellings are proposed to be set back 2.75m from the back edge of the highway with a parking space shown in front of each of the proposed dwellings, parallel to the highway. Two further parking spaces are to be accommodated on each of the driveways.

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W N E S

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**Scale 1:1,250**

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**Date Issued:**  
09/03/2017

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**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  
Ffeirdd ar Ogwr

**BRIDGEND**  
County Borough Council



A patio area, approximately 5m in extent, is to be created immediately to the rear of each of the proposed dwellings at the same level as the upper ground floor level of the property with a further raised private garden area, approximately 9.5m in extent, provided between the proposed new retaining wall at the rear of the patio and the existing gabion baskets supporting the base of the banking and highway known as North Vale View. The cross section drawing shows the proposed dwellings will remain 2.5 storey in scale with first floor accommodation provided in the roof space with dormer windows in the rear facing roof plane only.

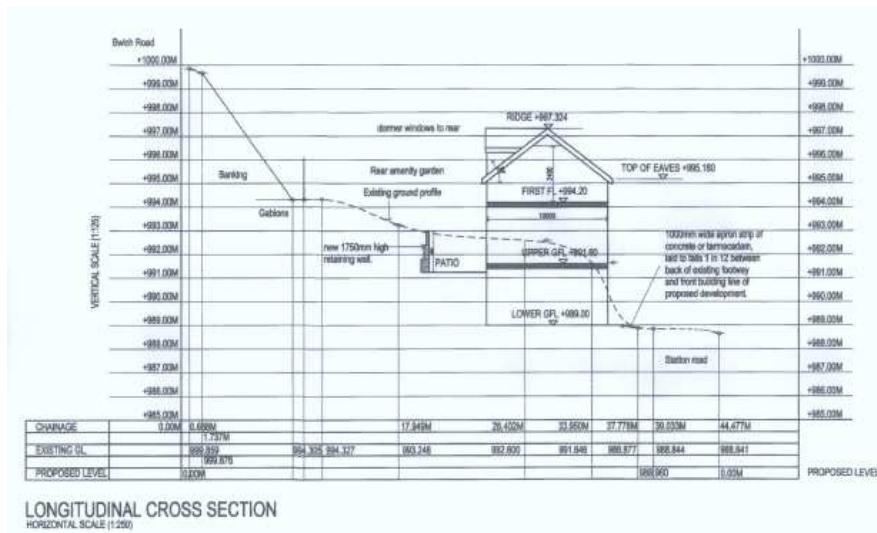


Fig. 2: Indicative Cross Sections

The application site lies on the eastern side of Station Road and on the northern side of an access lane abutting the northern (side) elevation of 33 Station Road, Nantymoel. The site extends from the access lane up to the garage attached to 39 Station Road and then widens to the southern (side) boundary of No 39. The land in this area slopes steeply from east to west so that the highway known as North Vale View Terrace, which adjoins the eastern boundary of the application site, lies at a significantly higher level than the properties in Station Road. Within the plot, the land rises steeply from the back edge of the pavement on Station Road up to a plateau area towards the rear of the plot before reaching an existing gabion wall at the base of an almost vertical bank that rises up to North Vale View Terrace.

### RELEVANT HISTORY

- 85/0156 - Use of land for garage/parking compound Approved with conditions
- 86/0804 - Single domestic garage Approved with conditions
- 86/1067 - Single domestic garage Approved with conditions
- P/16/55/OUT - Three attached houses including garages and access (In outline) - Ref - 15/09/16

### PUBLICITY

The application has been advertised on site.  
 Neighbours have been notified of the receipt of the application.  
 The period allowed for response to consultations/publicity expired on 11 November 2016

### CONSULTATION RESPONSES

Welsh Water Developer Services - No objection subject to condition.

Head of Street Scene (Highways) - It is noted that the application seeks outline consent only with all matters reserved for future consideration.

The submitted site layout plan is therefore considered to be purely illustrative at this time. On this basis, although the layout does not provide adequate off street parking, it is considered that the site can accommodate sufficient facilities together with adequate vision splays in either direction, commensurate with the speeds of vehicles using this section of Station Road.

Notwithstanding the above, it is noted that the site will require a significant amount of earthworks to achieve the proposed land levels and this will in itself generate a number of vehicle movements. As these movements will be for a temporary period, it is considered that an appropriately worded condition can satisfactorily control these given that Station Road has a weight restriction limit of 7.5 tonnes. Additionally, the access onto Station Road from the south is narrow and often there are vehicles parked on street which further restrict the width. This access is, however, considered to be preferable to the northern access onto Station Road from the A4061.

As a result of these constraints to the highway network in the vicinity of the site, a condition requiring a robust construction method statement is recommended. This will require agreement of the routeing of construction traffic, weight limit of vehicles and the timing of any earth movement vehicles attending at the site.

Wales & West Utilities - A map extract showing the location of apparatus has been provided for the developer's information and consideration.

Land Drainage Section - No objection subject to condition.

#### **REPRESENTATIONS RECEIVED**

Eight letters have been received from local residents objecting to the proposed development. The grounds of objection can be summarised as follows:-

1. Land potentially contaminated due to former use as a garage site;
2. Development will result in loss of view;
3. Development will overshadow and cause loss of light to the front elevations of homes in Vale View Terrace;
4. Out of character with the area and will resemble a warehouse conversion;
5. If dwellings remain unsold it will create a negative impact on existing properties;
6. Pedestrian access appears to be gained from Vale View Terrace, which could create parking problems rather than using Station Road;
7. Pedestrian safety may be compromised due to additional vehicles parked in Station Road in close proximity to step linkages;
8. Lane on the southern side of the application site is used as a turning facility and provides access to a garage at the rear of 33 Station Road;
9. Site is steeply sloping and there is concern about levels for the proposed development;
10. Height should match adjoining properties;
11. Boundary enclosures could make pedestrian use of the southern access lane difficult due to removal of railings;
12. Station Road is unsuitable to serve further development particularly during the construction phase due to the amount of excavation that will be required;
13. Concern that excavation may cause subsidence of Vale View Road.

#### **COMMENTS ON REPRESENTATIONS RECEIVED**

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



Contamination - It is considered that there may be some potential for contamination of the land from previous uses but an appropriately worded condition could adequately control any excavation works if the Authority were minded to approve the development.

In addition, one respondent has indicated that there is Japanese Knotweed present at the site. Photographs taken during the site inspection appear to indicate that there is some Himalayan Balsam in the bank at the rear of the site. As both these species are non native invasive species identified in Schedule 9 of the Wildlife and Countryside Act, which seeks to prohibit their spread, it is considered that a survey of the site is required to confirm whether the site is contaminated in this manner. In the event it is, an appropriate control protocol, which also details the disposal of such contaminated material to an identified licensed site, will be necessary.

Loss of View - This is not a material planning consideration.

Domination and Overshadowing - Whilst, the proposed dwellings are to be 2.5 storey in scale, the ridge height has been reduced to correspond with the ridge heights of the adjoining properties in Station Road. As this will be lower than the level of North Vale View Terrace, it is considered that no overshadowing or domination of the front elevation of properties on this street will occur.

Out of Character - It was noted during the site inspection that Station Road is generally characterised by two storey terraced dwellings with frontages directly onto the footway. Whilst the proposed dwellings will be the first detached properties in the street, it is noted that elsewhere in the street a similar parcel of land previously occupied by a chapel has been redeveloped with a pair of semi-detached properties. The scale of the proposed dwellings has been reduced so that they will not appear significantly larger than the adjoining terraced properties and the setting back of the front building line of the proposed dwellings will enable the incorporation of off street parking. On balance, therefore, it is considered that the arrangement is reasonable in visual terms.

Unsold dwellings will negatively impact on the area - This is not a material planning consideration.

Pedestrian Access - The principal elevation will be onto Station Road and the proposed development incorporates off street parking facilities and therefore the potential for vehicles from the development to park on Vale View Terrace is reduced.

Pedestrian Safety - Objectors are concerned that the safety of pedestrians using the steps and an access lane linking Vale View Terrace, Station Road and Howell Street will be compromised by vehicles generated by the proposed development parking on Station Road thereby reducing visibility. The Highways Department are satisfied that adequate parking facilities can be provided within the respective plots together with appropriate vision splays.

Obstruction of Lane - The submitted plans appear to maintain access to an existing garage at its existing width.

Levels - An indicative cross section, which accompanies the submission shows the slab level for the ground floor garage area set only marginally above the level of Station Road.

Ridge Height - The scale parameters identified in the Planning Statement show the ridge height reduced to 8.3m to approximately correspond with adjoining properties.

Boundary enclosures - An appropriately worded condition can address any concerns.

Station Road is Unsuitable - The Highways Department consider that, in the event that the Authority were minded to approve the proposed development, an appropriately worded condition requiring a construction method statement could be imposed to control this issue.

Impact of Excavation on Vale View Terrace - The indicative layout plan shows that the proposed dwellings will be sited just under 15m away from the existing gabion basket retaining structure adjacent to the eastern site boundary. It is considered unlikely that such excavations would influence the stability of either the existing gabion retaining structure or the embankment supporting Vale View Terrace. However details of the excavation methods together with the construction of retaining structures would be required as part of any construction method statement condition.

## **APPRAISAL**

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

The application, following revision, seeks to establish the principle of developing the application site for two detached three bedroom 2.5 storey dwellings on a vacant piece of land on the eastern side of Station Road, Nantymoel.

The application site lies within the settlement boundary for Nantymoel as designated by Policy PLA1 of the Bridgend Local Development Plan (LDP). Policy COM3 of the LDP states that residential developments within settlement boundaries defined in Policy PLA1 on windfall and small scale sites, for the conversion of existing buildings or the re-use of vacant or under-utilised land will be permitted where no other development plan policy protects the building or land for an alternative use. In principle, therefore, the development would be acceptable provided that the requirements of Policy SP2 relating to design issues, can be satisfied.

Policy SP2 requires that 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 Policy establishes fifteen criteria against which proposals should be assessed and in respect of the currently proposed development, it is considered that criteria 1, 2, 3, 4, 6, 7, 9, 11, 12 and 13 would be relevant.

Criteria 2, 3 and 4 require the design to be of high quality, which respects local character and distinctiveness, the development to be of an appropriate scale and prominence and to use land efficiently to maximise its potential whilst respecting surrounding development and demonstrating a preference for the re-use of previously developed land over greenfield sites. It is acknowledged that the site was previously developed and it is considered that the reduction in scale and quantum of development is now more compatible with the local character than the earlier refused scheme, although it is appreciated that details of the design are not currently available due to the Outline nature of the application. It is therefore concluded that, subject to the imposition of appropriate conditions controlling these factors, the proposed development will be generally compatible with these criteria.

All development proposals should incorporate good walking, cycling, public transport and road connections within and outside the site to ensure efficient access and thereby meet

the requirements of criterion 6. In this case, the proposed development is sited close to walking linkages and public transport facilities and will benefit with a frontage directly onto Station Road. The Highways Department is satisfied that, notwithstanding the illustrative nature of the site layout, the site is capable of accommodating sufficient off street parking facilities and an appropriately worded condition can secure this provision. It is therefore considered that the revised proposals will satisfy the requirements of this criterion.

Proposals should seek to minimise opportunities for crime to be generated or increased and it is considered that an appropriately worded condition to require adequate means of boundary enclosures would satisfactorily address this requirement (criterion 7). Criterion 9 requires development to incorporate measures to ensure the site is free from contamination. Local residents have highlighted that the site was formerly occupied by a garage and, therefore, there may be contamination present on the land whereas the applicant's agent believes the site to have been a former church/chapel site. Examination of historic aerial photographs suggests that there were garage structures on the land from the late 1960s until at least 2015. The planning history of the site reveals that planning permission was granted initially in 1985 for a garage/parking compound on the site, which was referred to as the former Sunshine Cottages. On this basis, it is considered that there may be some limited potential for the land to have been contaminated but an appropriately worded condition could satisfactorily address this issue.

As indicated above there is also the potential for the site to be contaminated with non-native invasive species identified in Schedule 9 of the Wildlife and Countryside Act, 1981. The legislation makes it an offence to deliberately cause such species to grow in the wild and, in the event that they are appropriately removed, they should be disposed of at a licensed landfill site under the Environmental Protection Act, (Duty of Care) Regulations, 1991. Again a condition requiring a survey of the site and provision of a report, which should identify an appropriate protocol of removal and disposal of any invasive species found to be present, can be imposed to control this issue and thereby satisfy this criterion and Policy ENV7 of the LDP.

Criterion 12 seeks to ensure that the viability and amenity of neighbouring occupiers would not be adversely affected by development proposals. It was noted during the site inspection that there is a first floor window in the side elevation of 39 Station Road, which is believed to serve a bedroom. The indicative layout shows the proposed new dwellings could be sited only 4m away from the side elevation of No 39, however, due to the outline nature of the submission, it is not possible to fully assess the impact of the proposed development on this window. Given that it is, however, at first floor level, it is considered that the impact would be unlikely to be so significant as to warrant refusal of the scheme for this reason. In respect of the neighbouring property to the south, No 33, it is considered that, in view of the separation distance due to the access lane, there will not be an adverse impact on this neighbour.

Whilst occupiers of a number of properties in Vale View Terrace believe that the proposed development will dominate and overshadow the front elevations of their homes, it is noted that the reduced scale of the proposal results in the ridge heights of the proposed dwellings being below the level of Vale View Terrace. In the circumstances there will be no adverse impact on the outlook and amenities of these neighbouring dwellings.

The final criterion requires the provision of satisfactory drainage systems and initially the Land Drainage Section objected to the proposed development due to the lack of information particularly in respect of surface water discharges. The applicant's agent has now submitted further information and Dwr Cymru/Welsh Water has confirmed that provided surface water discharges are attenuated to a specific flow rate, connection to the

public sewerage system is acceptable. On this basis, the Land Drainage Section has now withdrawn its objection and will accept the imposition of an appropriately worded condition requiring the provision of a scheme incorporating adequate attenuation of surface water discharges.

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

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

Given the nature of the application site 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.

During the processing of the application Policies PLA1, COM3 & SP2 of the Bridgend Local Development Plan were considered.

## **CONCLUSION**

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

## **RECOMMENDATION**

(R05) That permission be GRANTED subject to the following condition(s):-

1. This consent establishes the principle of re-developing the land, identified on the approved site location plan, for two dwellings only.

Reason: For the avoidance of doubt as to the extent of the permission granted.

2. No development shall take place until details of the proposed floor levels of the buildings in relation to existing ground levels, including the levels of the adjoining terraced properties 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 with the ridge height of the buildings not exceeding the height parameter of 8.324m.

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

3. No development shall commence on site, including any works of demolition/site clearance/earth moving, until a survey has been undertaken to identify whether there are any non native invasive species falling within Schedule 9 of the Wildlife and Countryside Act, 1981 (As Amended) present on the site and a report submitted to and agreed in writing by the Local Planning Authority. The report shall include a control and removal protocol in the event that such species are discovered on the site. The development shall thereafter be undertaken in accordance with the agreed protocol.

Reason: In the interests of safeguarding biodiversity.

4. No development shall commence on site, including any works of demolition/site clearance/earth moving, until a Construction Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The Statement shall include the following details:-

- i The routing of HGV construction traffic to and from the site demonstrating due regard to the 7.5 tonne weight limit order applied to Station Road;
- ii The parking of vehicles of site operatives and visitors to the site;
- iii The management of loading and unloading of plant and materials;
- iv Any storage of plant and materials used in constructed the development;
- v Wheel washing facilities
- vi Measures to control the emission of dust and dirt during the excavation and construction phases

vii The provision of temporary traffic and pedestrian management along Station Road during the excavation and construction phases.

The development shall thereafter be undertaken in accordance with the agreed Method Statement throughout the excavation and construction of the development.

Reason: In the interests of highway safety.

5. No development shall take place until there has been deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that any retaining wall necessary due to the difference in level between classified road (A4061, North Vale View Terrace) to the east and plot will be designed and constructed so as to prevent subsequent ground movement. Any retaining wall shall then be constructed in accordance with the agreed details prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

6. No development shall commence on site until there has been deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that any retaining wall to be constructed will be designed and constructed so as to prevent subsequent ground movement. Any retaining wall shall be constructed in accordance with the design and constructional details so certified.

Reason: In the interests of safety.

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

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

8. No development shall commence on site until there has been submitted to and agreed in writing with the Local Planning Authority a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, road and roof/yard (surface water) will be dealt with, including the method of attenuating surface water flows at a rate not exceeding 5l per second prior to any connection to the public combined sewer and future maintenance requirements. The agreed scheme shall be implemented in full prior to the occupation of either the dwellings hereby approved.

Reason: To ensure that effective drainage facilities are provided for the development, to ensure that flood risk is not increased, to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and to ensure no pollution of, or detriment to, the environment.

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

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

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

Reason: In the interests of safety.

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 privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

(b) Off street parking, both operational and non operational must be provided to the satisfaction of the Local Planning Authority and in this regard the developer's attention is drawn to Supplementary Planning Guidance 17 : Parking Standards.

(c) Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highways Maintenance Manager at Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend (Tel : 01656 642541).

(d) The observations received from Dwr Cymru/Welsh Water and Wales and West Utilities are available on the Council's website for the developer's information and consideration.

(e) In order to satisfy Condition 8, the following supplementary information will be required:-

- Provide drainage layout showing the location of the proposed attenuation system, flow control and discharge point for the proposed surface water system, including cross sections;
- Provide drainage layout showing the foul drainage and discharge point;
- Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving ground water and / or surface water system.

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

**Background Papers**  
None

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**REFERENCE:** P/17/4/FUL

**APPLICANT:** Mr Martyn Watts-Jones Little Hamston, Dyffryn, St Nicholas, Vale of Glamorgan, CF5 6SU

**LOCATION:** The Church Hall Church Street Aberkenfig CF32 9AU

**PROPOSAL:** Change of use of redundant Church Hall site - Demolition of Former Church Hall and erection of two new semi-detached dwellings

**RECEIVED:** 4 January 2017

**SITE INSPECTED:** 18 January 2017

## **APPLICATION / SITE DESCRIPTION**

The application seeks permission for the demolition of a church hall building and the erection of two semi-detached dwellings at Church Street, Aberkenfig.

The existing church hall building, which has been vacant for several years and is in a relatively poor state of repair, would be replaced by a pair of three-bedroom semi-detached properties. Each dwelling would have a typical two-storey design and measure 6.2m in width by 9.5m in depth. They would have an approximate height of 8.75m from ground level, which is comparable to the adjacent dwelling houses that flank the site. Each dwelling would have a rendered finish with slate tiled roof. There is no dedicated off street car parking existing at the site or proposed as part of the application with the existing building taking up virtually the entire site. The new dwellings would be smaller in footprint than the existing building with enclosed garden spaces being created to the rear of each plot.

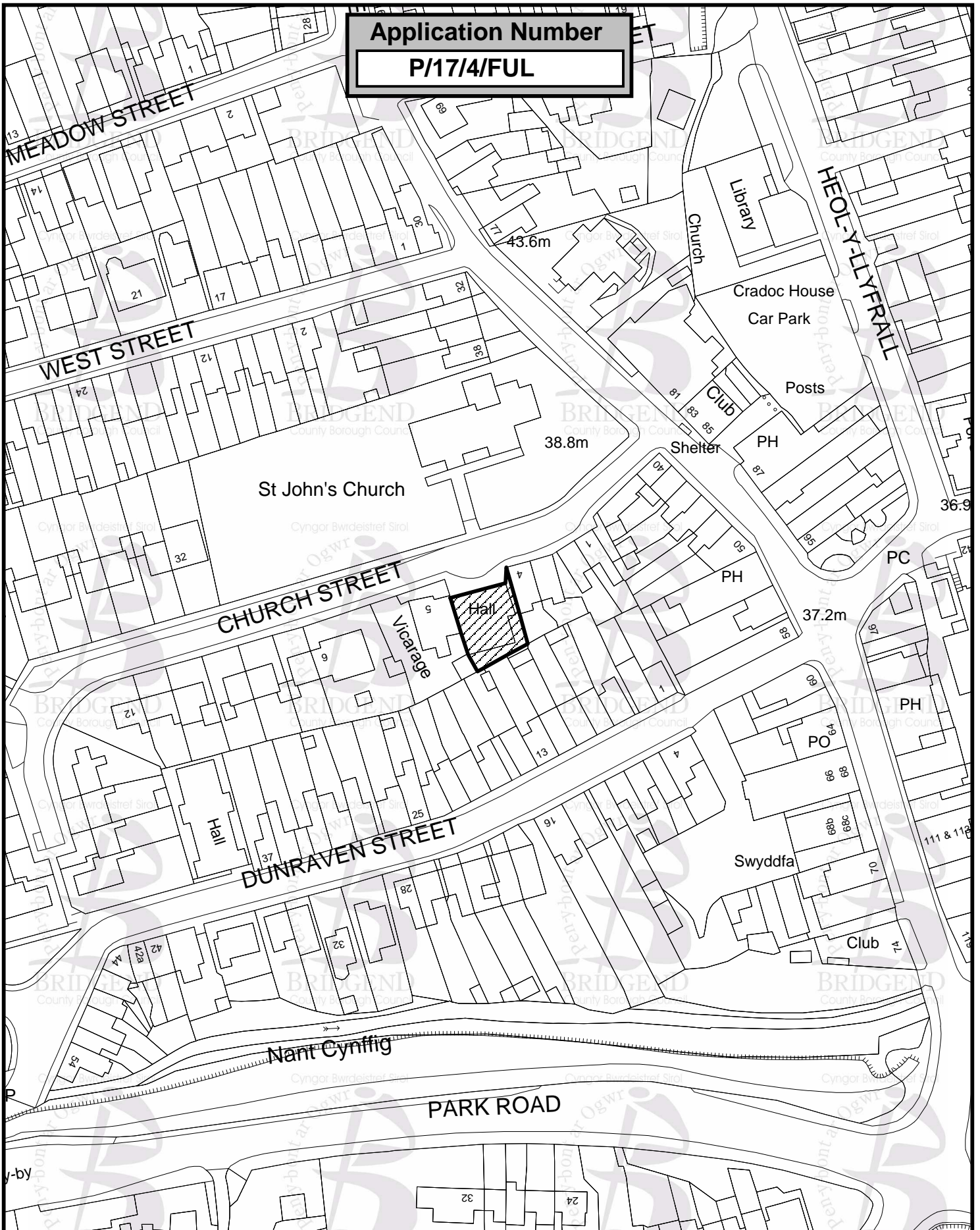


Fig. 1: Existing and Proposed Site Layouts

The application site is situated within the built up area of Aberkenfig although it falls outside the defined commercial/retail centre of the village. Situated on a side street the application site comprises a stone built, single storey building that is attached to the adjacent 'Vicarage' building (5 Church Street) which flanks the west of the site. To the eastern side of the site and flanking the rear of the plot, are further residential properties. Opposite the application site, beyond the vehicular highway and layby fronting the site, is St John's Church.

Application Number

P/17/4/FUL



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Scale 1:1,250

Date Issued:  
09/03/2017

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  
Fedy-bont ar Ogwr

**BRIDGEND**  
County Borough Council

The planning application is accompanied by a Design and Access Statement, a Bat Survey and a Drainage Management Strategy for the development.

### **RELEVANT HISTORY**

P/14/657/FUL - Demolition of Former Church Hall & Erection Of 2 New Semi-Detached Dwellings - Withdrawn 17/12/2014

P/03/1106/FUL - Change of use to residential dwelling - Granted 28/10/2003 (not implemented).

### **PUBLICITY**

The application has been advertised by means of site notice.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 31 January 2017.

### **NEGOTIATIONS**

The applicant was requested to serve Notice on the adjoining residential property and provide details/evidence that the 2003 planning application for the change of use of the building to residential use was not implemented.

### **CONSULTATION RESPONSES**

Welsh Water Developer Services - No objection subject to the imposition of a drainage condition.

Destination & Countryside Management - No objections.

Head of Street Scene (Highways) - No objections.

Head of Street Scene (Drainage) - No objections.

### **REPRESENTATIONS RECEIVED**

Letters of Objection have been received from the following:

C Smith - The Vicarage, 5 Church Street, Aberkenfig.

M C Williams - 1 Penyrheol, Penyfai

Mr & Mrs Spanswick - 2 Church Street, Aberkenfig.

J Bowen – 21 Church Street, Aberkenfig.

The following is a summary of the planning objections/concerns received from local residents:

1. Unsuitable parking provision being proposed for the development in a congested and busy street where parking is already difficult.
2. The proposal would cause more traffic and more pressure on parking for residents already living in the street.
3. Extra housing will naturally mean more vehicles and more problems especially where the road narrows, particularly for emergency vehicles.
4. The old hall has been derelict for many years so a discount should not be made for the historic use of the building when car ownership and travel patterns were different to today.
5. Construction traffic would bring further disruption and grid lock for residents.
6. Unsuitable drainage arrangements being proposed for the development.
7. What plans are in place to make good the end elevation of 5 Church Street following demolition of the attached building- including use of appropriate finishes for the end elevation of the affected building, ensuring the structural integrity of the end wall and ensuring the filling of existing openings correctly.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

1-4. The Transportation Section has raised no objections against the planning application as further detailed in the Appraisal Section of this report.

5. Inevitably a development so close to existing properties is going to result in some inconvenience, general disturbance and disruption during the construction period. Nevertheless this is not a valid reason to justify the refusal of the planning application with such disturbance being of a temporary nature.

6. The planning application is accompanied by a drainage strategy with the Council's Land Drainage Officer and Welsh Water raising no objections against the planning application.

7. Concerns raised about the integrity and maintenance of the affected end elevation of the adjacent building (5 Church Street) are not considered material planning considerations that would warrant the refusal of such a planning application. 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.

## **APPRAISAL**

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

The application seeks planning permission for the demolition of a vacant church hall building and the erection of two residential dwellings at Church Street, Aberkenfig.

The application site is located within the designated settlement boundary of Aberkenfig as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP). Policy COM3 of the LDP supports the re-use of under-utilised land within the urban area for small-scale residential development where no other LDP Policy protects the building or land for an existing or alternative use. There is no specific or restrictive LDP policy associated with the application site. The Church Hall has not been utilised since 2003 (as indicated by the applicant) and the building is currently in a poor state of repair. Although the loss of the community facility is somewhat regrettable, with Policy COM7 of the LDP seeking to protect community facilities, in this instance it is evident the building is no-longer used with residential properties bounding the rear and sides of the site. The re-use of the site for residential purposes does therefore represent a sustainable and compatible use of the plot with residential development being supported in principle on the site.

In terms of the impact of the proposal on the character and appearance of the street scene, the proposal includes the demolition of an existing building, although it is considered the existing building does not make such a positive contribution to the general character and appearance of the area to warrant its retention. The single storey building, whilst of a stone construction, has been poorly maintained and is currently entering a state of disrepair. The existing building occupies the majority of the plot and would be replaced by sympathetically designed dwellings that are reflective of the appearance, finishes and form of existing dwellings in the street scene. The proposal would arguably enhance the general appearance of the area, with the dwellings considered sensitive to the wider site context. Conditions would be required to ensure the exact external finishing materials are satisfactory and in keeping with the finishes of neighbouring properties, where appropriate, and all means of boundary treatment are

satisfactory. The development would not result in the overdevelopment of the site and would provide appropriate amenity space for each dwelling. Overall, the development is considered to be acceptable in terms of visual amenities.

In terms of the impact on neighbouring residential amenity and privacy, with due regard to the comments raised by neighbouring residents, the scheme is considered acceptable.

The application site effectively comprises an infill plot that is immediately abutted by residential properties. The proposed dwellings would be smaller in footprint and arguably represent a more compatible use with the adjacent residential properties than the existing building to be demolished, particularly when considering the D1 planning uses (non-residential institutions) that could operate from the existing building without the need for planning permission; D1 uses that include a clinic, health centre, crèche, day nursery, exhibition hall or a museum.

The proposed dwellings would be erected alongside the side elevations of the adjacent properties, following comparable building lines with a side pedestrian access being retained for both of the proposed properties. No aspect of the scheme would therefore have any harmful overbearing or dominating impact on the adjacent properties particularly the principal habitable room windows of existing properties along Church Street. The residential garden areas of properties along Dunraven Street immediately abut the rear of the application site and are set on a slightly lower level. Nevertheless with the footprint of the proposed buildings being less than the existing building and new garden areas being positioned to the rear of the proposed dwelling buildings, the proposal would not adversely overshadow or dominate properties positioned towards the rear of the site. A distance in excess of 21m would be retained between the habitable room windows of the new development and the main rear elevations of properties along Dunraven Street. A degree of mutual overlooking would occur between the development and the neighbouring rear garden areas although this type of relationship between properties is commonly found in the area, with no aspect of the development considered harmful to the current levels of residential amenity and privacy currently enjoyed within the locality.

In terms of highway safety, the Highways Authority has carefully considered the transportation implications of the proposal and raised no objections against the planning application. It is advised the proposal for two small, 3 bedroom semi-detached dwellings, in traffic generation terms, would not materially increase turning movements into and out of Church Street over and above those associated with the former church hall use. In addition, the on-street parking requirement for the church hall is considered to be greater than the proposed parking requirement for the 2 dwellings and the proposal will therefore, result in a nil-detriment on-street parking situation for Church Street. Furthermore, the existing building could accommodate various D1 uses, such as a crèche or day nursery, without the formal need for planning permission that would likely generate greater levels of traffic movements and associated parking demand when compared to the proposal for two dwelling houses at the site. The site is also considered to be well served by public transport links and within walking distance to local shops and amenities. On this basis, no objections are raised against the planning application from a highways perspective.

With regard to site drainage, it is understood that the drainage strategy for the site is acceptable in principle (on the basis of the foul and surface water management strategy submitted) with the Land Drainage Officer and Welsh Water raising no objections against the planning application. The imposition of a planning condition that will require

the agreement of a comprehensive drainage scheme for the site prior to development commencing should therefore provide sufficient protection to the existing drainage infrastructure and the amenity of residents.

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

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

As part of the application process the applicant has submitted a bat survey for the application building that concludes no bats were found or had recently been present for roosting within the building. The Council's Ecologist has reviewed the submitted bat survey and raised no objection against the planning application subject to a condition ensuring a bat method statement of works be submitted prior to works commencing. As such, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity and 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 PLA1, PLA11, COM3, COM7, and SP2 of the Bridgend Local Development Plan and Supplementary Planning Guidance 02 were considered.

## **CONCLUSION**

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

## **RECOMMENDATION**

(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:

Block plans as existing and proposed - Draw.No. AS 02 received 04/01/2017

Elevations as proposed - Draw.No. AL 02 received 04/01/2017

Floor plans as proposed - Draw.No. AL 03 received 04/01/2017

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

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

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

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

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

4. Notwithstanding the requirements of condition 1, no development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, road and roof/yard (surface) water will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to the occupation of the dwellings hereby approved.

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

5. No development shall commence, including demolition, until a bat method statement has been submitted to, and agreed in writing by, the Local Planning Authority. The statement shall include details of:

- i) a scheme for construction methods and measures to be taken to minimise the impact of any works in regard to protected species;
- ii) the timings and phasing of demolition and construction works.

The mitigation measures shall be implemented in accordance with the agreed statement and scheme and shall be adhered to for the duration of the construction period.

Reason: In the interests of safeguarding the impact of the development on protected species.

6. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification), no buildings shall be erected other than those expressly authorised by this permission and shown on the approved plans identified in Condition 1.

Reason: In the interests of visual and residential amenities.

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

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

b. The applicant is advised the new dwellings should incorporate bat friendly features which would demonstrate compliance with the Environment (Wales) Act 2016. From a Bridgend County Borough Council perspective, compliance with this Act can be demonstrated through Green Infrastructure Policy ENV 5 of the Adopted Bridgend County Borough Local Development Plan 2013. This policy is supported by Supplementary Planning Guidance (SPG) 19 Biodiversity and Development a Green Infrastructure Approach, which can be viewed at: <http://www1.bridgend.gov.uk/services/planning/supplementary-planning-guidance-spg.aspx>

This SPG includes a series of Guidance sheets and mitigation measures. Specifically relevant to Bats is Guidance Sheet B1-Bats and Development.

c. 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)

d. The applicant should note that the widened area of carriageway outside the property is a part of the maintainable highway and is available for all highway users. The highway cannot be considered as formal parking associated with the proposal, however, this is a similar situation that related to the Church Hall and results in a nil detriment situation in on-street parking.

**MARK SHEPHARD  
CORPORATE DIRECTOR COMMUNITIES**

**Background papers**

None

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## **APPEALS**

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

<b>CODE NO.</b>	A/17/3167313 (1794)
<b>APPLICATION NO.</b>	P/15/640/FUL
<b>APPELLANT</b>	TRIANGLE 3
<b>SUBJECT OF APPEAL</b>	EXTENSION TO PROVIDE ADDITIONAL CLASS A1 RETAIL FLOORSPACE (1 UNIT) : NEXT TO UNIT 6/7 WATERTON RETAIL PARK WATERTON BRIDGEND
<b>PROCEDURE</b>	INQUIRY
<b>DECISION LEVEL</b>	OFFICER DELEGATED

The application was refused for the following reason:

1. The use of the proposed servicing arrangements by the proposed and future tenants of the new unit and the cumulative impact of the servicing activities of the adjacent retail units would result in noise and disturbance that would result in a significant adverse impact on the living conditions and well-being of the occupiers of properties on Waterton Lane, specifically Waterton Mill and Moss Nook. The development will not avoid or minimise noise pollution and will not ensure that the amenity of neighbouring occupiers will not be adversely affected and is therefore contrary to criterion 8 and 12 of Policy SP2 and Policy ENV7 (2) of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 8, Jan 2016).

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

<b>CODE NO.</b>	A/16/3158624 (1787)
<b>APPLICATION NO.</b>	P/15/869/FUL
<b>APPELLANT</b>	VALLEYS TO COAST HOUSING
<b>SUBJECT OF APPEAL</b>	16 DWELLINGS, NEW ACCESS, CAR PARKING, OPEN SPACE, LANDSCAPING AND ASSOCIATED WORKS: LAND AT HEOL Y FREHINES CEFN GLAS BRIDGEND
<b>PROCEDURE</b>	INQUIRY
<b>DECISION LEVEL</b>	OFFICER DELEGATED
<b>DECISION</b>	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED

THE APPEAL DECISION IS ATTACHED AS APPENDIX A

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<b>CODE NO.</b>	A/16/3162383 (1788)
<b>APPLICATION NO.</b>	P/16/318/FUL
<b>APPELLANT</b>	TONY KOSTIC
<b>SUBJECT OF APPEAL</b>	EXTENSION TO CEFN CRIBWR GARAGE'S EXISTING HARD SURFACE PARKING AREA: EAST OF CEFN CRIBBWR GARAGE CEFN ROAD CEFN CRIBBWR
<b>PROCEDURE</b>	WRITTEN REPS
<b>DECISION LEVEL</b>	OFFICER DELEGATED
<b>DECISION</b>	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED

THE APPEAL DECISION IS ATTACHED AS APPENDIX B

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**RECOMMENDATION:**

That the report of the Corporate Director Communities be noted.

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

**Background Papers**  
(see application reference number)



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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 20/12/16

gan **P J Davies BSc (Hons) MA MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

Dyddiad: 16.02.2017

## Appeal Decision

Site visit made on 20/12/16

by **P J Davies BSc (Hons) MA MRTPI**

**an Inspector appointed by the Welsh Ministers**

Date: 16.02.2017

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**Appeal Ref: APP/F6915/A/16/3158624**

**Site address: Land at Heol Y Frenhines, Cefn Glas, Bridgend**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Valleys to Coast Housing Association against the decision of Bridgend County Borough Council.
  - The application Ref P/15/869/FUL, dated 22 December 2015, was refused by notice dated 5 May 2016.
  - The development proposed is the erection of 16 dwellings, new access, car parking, open space, landscaping and associated works.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Amended plans have been submitted with the appeal. However these comprise material changes that have not been subject to formal consultation. In my judgement to consider these amended plans would be prejudicial to the interests of local representatives and I have not therefore taken them into account.

### Main Issues

3. These are the effect of the proposal on the provision of open space, and the character and appearance of the area.

### Reasons

4. The proposal concerns two areas of open space, a large parcel of land in front of dwellings set back off Heol y Frenhines, and a smaller area to rear of a garage forecourt nearby. The Council does not object to the loss of the latter, and given its limited use and somewhat secluded insecure location, and that replacement play facilities would be provided on another part of the site, I do not disagree. Similarly I consider that the design and form of the proposed housing on this part of the site is acceptable.
  5. However, the larger area of open space is reasonably level and maintained, and it is evident from local representation that it is a popular and well used space for informal
-

recreation. Other similar pockets of open space exist in the wider area and cumulatively they form integral features of the planned housing layout and form. In my view, not only does the site perform as an important social and community facility for local residents, it also makes a fundamental contribution to the established character and visual qualities of the area.

#### *Open space*

6. Policy SP13 of the Bridgend Local Development Plan (LDP) confirms that recreational space shall be retained or enhanced to maintain or improve the quality of life of residents. LDP Policy COM7 seeks to prevent the loss of social and community facilities unless: a suitable alternative location and equivalent facility is provided; it is no longer required; or that there is an excess of provision in the area.
7. The proposal would not physically replace the larger area of open space in any alternative location, and although an equipped play area would be provided, this would be sited on an existing strip of open space within the appeal site itself. Whilst it might provide improved play equipment facilities, in size, function, and location I would not regard it as an equivalent facility. I acknowledge the Unilateral Undertaking (UU) which, among other things, makes provision for off-site contributions to improve outdoor sport facilities at Bridgend Recreation Centre, and for maintenance of the play space facilities to be provided on the appeal site. Nonetheless, for reasons that I have explained the latter would not provide an equivalent facility for the loss of open space involved. Similarly, improvements to outdoor sports facilities elsewhere in Bridgend, and some distance from the site, would not adequately address the localised loss of a valuable social and community facility that provides immediate benefits to the quality of life of residents. Furthermore, the site is identified in the Council's Open Space Audit 2010, and I have little evidence to suggest that it is no longer required.
8. Turning to existing provision in the area, an assessment carried out by the appellant to Fields In Trust (FIT) criteria indicates that whilst there is a deficiency of children's play space in the larger Bridgend sub-area, there is an over provision in a smaller defined area around the appeal site, which takes into account FIT guideline walking distances. However, the appeal site in this case has a wider function as an informal area for recreation and is evidently valued across the whole community, not just those households with young children. The assessment identifies other areas of open space in the locality but these do not compare in quality or accessibility to the appeal site. Given the importance of the site as a social and community facility, the findings of the appellant's assessment do not therefore alter my overall conclusions that the proposal would conflict with the objectives of LDP Policies SP13 and COM7.

#### *Character and appearance*

9. There is some diversity to the appearance of existing dwellings and their general architectural quality is not of any particular merit. However, there is a consistent form to the housing layout and pattern which is generally typical of a planned post war estate. In particular, the housing is mainly arranged in semi-detached pairs, interspersed with a few modest terraces, and generally takes a horizontal linear form. There are some staggered semi-detached pairs in the locality but even so the regular spacing of these houses assists in retaining the linear emphasis. By contrast, the proposal would create a large crescent shaped terrace of some 10 dwellings, with a pair of semi-detached houses awkwardly juxtaposed in a prominent roadside corner of the site. The curved style of the terrace together with its scale would create a visually jarring form of development that would not relate satisfactorily to the existing form

and layout of the surrounding area. The siting of the proposed semi-detached houses would also appear visually unrelated to the proposed terrace resulting in an overall impression of an ad hoc and arbitrary form of development out of character with the systematic planned context that I have described. Moreover, the proposal would impose on an important area of open space that provides physical relief to the built up context and enhances the visual quality of the local environment for residents.

10. The external materials used in the existing area have invariably altered over time, but render is still a prevailing characteristic of the housing form. Although a condition could control external finishes to a degree, the predominant use of facing brick across the large scale of the proposed development would be visually dominant and further exacerbate the incompatibility of its design and form with its setting.
11. I accept that the design of the development would be contemporary however in its existing context the proposal would cause material harm to the character and appearance of the area. This would be contrary to the objectives of LDP Policy SP2 to ensure that all development contributes to creating high quality, attractive and sustainable places which enhance the community in which they are located.

### **Other Matters**

12. I have had regard to all other material considerations which have been raised in local representation, which include parking, traffic, drainage, privacy and biodiversity. However I have little tangible evidence to indicate that the proposal would be unacceptable for these reasons. I have also considered the benefits of the proposal which include the provision of affordable housing in an accessible and sustainable location within an existing settlement. However, I have little information that demonstrates the local need for affordable housing in this particular location and I find that the harm in this case would not be outweighed by these considerations.
13. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ('WCFG Act'). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WCFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WCFG Act.
14. For the above reasons and having regard to all other matters raised, I conclude that the appeal is dismissed.

*P J Davies*

**INSPECTOR**

## Appendix B

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### Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 16/01/17

gan Paul Selby BEng (Hons) MSc  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 13.02.2017

### Appeal Decision

Site visit made on 16/01/17

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 13.02.2017

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**Appeal Ref: APP/F6915/A/16/3162383**

**Site address: Land at Cefn Cribwr Garage, Cefn Road, Cefn Cribwr, Bridgend CF32 OBA**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Tony Kostic against the decision of Bridgend County Borough Council.
  - The application Ref P/16/318/FUL, dated 22 April 2016, was refused by notice dated 21 October 2016.
  - The development proposed is Extension to Cefn Cribwr Garage's existing hard surface parking area.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

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

### Reasons

3. The appeal site lies on the south side of Cefn Road towards the eastern end of the linear settlement of Cefn Cribwr. A commercial garage, to which the appeal site relates, is situated immediately to the west. This garage and the neighbouring Bethlehem Church Life Centre lie within the settlement boundary as designated by the Bridgend Local Development Plan (LDP). Conversely, the appeal site lies within the open countryside, and appears as a modest field parcel enclosed by hedgerows, post-and-rail fencing and two trees.
  4. Other than immediately west of the appeal site and at Cefn Cross, the eastern part of Cefn Cribwr is characterised by suburban residential development on the north side of the road and open land towards the south in either agricultural or recreational use. The grass and hedgerows of the appeal site afford it a rural character and appearance similar to the fields adjacent to it, establishing a clear gap between the site and the cluster of houses at Cefn Cross, which contributes to the rural setting of the village.
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5. The appeal proposal would replace the existing grassland with blinded hardcore, maintaining the boundary hedgerows and fencing. However, I noted on my site visit that, irrespective of the hedgerow screening, the site occupies a prominent position adjacent to the road and is of sufficient size to accommodate some way in excess of 10 vehicles. I do not dispute that hardcore surfacing would allow for more orderly parking on the site, but in facilitating its use for parking vehicles the appeal proposal would significantly urbanise the site and harmfully extend the settlement into the countryside in what is a prominent and sensitive fringe location.
6. The appellant has stressed the temporary nature of the intended parking for vehicles awaiting repairs or servicing, but there would be little to prevent the site from being used permanently. Whilst I do not dispute that car parks are provided in other, potentially more sensitive, rural locations, that does not justify the visual harm that would be caused by the proposal. As the proposed development is described as an extension to an existing hard surfaced area and was considered on this basis, it would not be appropriate for me to impose a condition requiring loose bound material. In any event this would have little effect on any visual harm arising from parked vehicles.
7. The appellant contends that the adjacent motor repair garage has operated for over 50 years, but that further growth of its motor repairs, MOTs and car sales operations are hampered by physical and policy constraints restricting expansion. It is submitted that relocation would be impractical and would deprive the village of a local garage service and that, consequently, the economic benefits of the proposal should be afforded weight as a material consideration, as outlined in paragraphs 3.1.2 and 3.1.3 of Planning Policy Wales – Edition 9 (PPW).
8. Technical Advice Note 23 – Economic Development (TAN 23) states that, where a proposed development would cause unacceptable environmental or social harm, demand should be steered to an alternative location, unless the harm is outweighed by the additional benefit of development at the original site in question. In assessing these benefits and weighing them against any harm, TAN 23 advocates the use of a qualitative, criteria-based assessment of alternative sites, jobs accommodated and any other special contribution to policy objectives.
9. Whilst I recognise that the appeal site would provide a logical extension to the existing garage in economic terms, and I do not dispute that there would be potential demand for motor repairs within the village, there is no compelling evidence before me to indicate that this demand could not be met on an alternative site nearby. In addition, it is not evident that the appeal proposal would create any additional employment over and above the existing amount or assist in sustaining the village economy. Whilst I note the support of the Council’s Projects and Business Approaches Team Leader, the contribution of the proposal to strategic regeneration objectives has not been quantified. Furthermore, no economic justification has been advanced relating to the necessity of a rural location.
10. My attention has been drawn to two previous appeal decisions from 2003 on the same site (Refs APP/F6915/C/02/1095193 and APP/F6915/C/02/1095194. These are enforcement decisions relating to the change of use of land for storing and parking vehicles, and storing waste building material. A substantial period of time has elapsed since those appeals were decided, and the local and national policy context has materially changed. In addition, limited information is before me regarding the nature and extent of the previous vehicle parking compared to that proposed. Nonetheless, I note that the previous Inspector came to similar conclusions as I have done in relation

to the harmful visual effect of parking or storing vehicles on the site. I afford these decisions moderate weight.

11. I acknowledge that the motor repair business has long been established in its current location and there is substantial local support for its expansion. Whilst I do not dispute that business growth and operational changes within the garage since 2003 may have created additional pressures for external parking, the benefits of the proposal do not outweigh the identified harm. Furthermore, given the similar nature of land immediately to the east and the absence of a bespoke economic justification for the proposal, I consider that allowing the proposal would have the potential to introduce precedential effects. For the reasons given above, I conclude that the proposal would harm the character and appearance of the area, contrary to the design, landscape and locational aims of LDP policies SP4, ENV1 and SP2. For the same reasons the proposal would run counter to the general thrust of PPW and TAN 23.

### **Other Matters**

12. Whilst the proposal would increase space for manoeuvring vehicles and thus potentially reduce the need for reversing onto the highway, few details have been provided regarding the proposed layout of the wider forecourt. There is therefore no certainty that the proposal would result in permanent manoeuvring space that would result in benefits to highway safety. In terms of sustainability and biodiversity, the benefits of the proposal would appear to be neutral. I attach substantially limited weight to these matters.

13. I note the comments made by the appellant regarding the application process. However, irrespective of whether or not opportunities were given to amend the proposal during the application process, it is incumbent on me to determine the appeal on the basis of the submitted information, and its planning merits, which is what I have proceeded to do.

14. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching my decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

### **Conclusion**

15. For the reasons set out, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Paul Selby*

INSPECTOR

## REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

### WG CONSULTATION DOCUMENT: CALL FOR EVIDENCE AND PROJECTS NATIONAL DEVELOPMENT FRAMEWORK, DECEMBER 2016

#### Background

The Welsh Government (WG) has issued a consultation document regarding the proposed National Development Framework (NDF) and is undertaking a Call for Evidence and Projects. Organisations and individuals are given the opportunity to provide information that WG should consider as part of the preparation of the NDF. The purpose of this report is to draw Members' attention to the NDF and provide details of the BCBC response.

The WG consultation documents can be accessed by Members using this hyperlink:  
<https://consultations.gov.wales/consultations/national-development-framework-wales>

#### What is the NDF?

The Planning (Wales) Act 2015 provides a statutory requirement for the Welsh Ministers to produce and keep up-to-date a National Development Framework, which will replace the current Wales Spatial Plan. The National Development Framework will fulfil a number of roles, including setting out the Welsh Government's land use priorities and providing a national land use framework for Strategic and Local Development Plans. The National Development Framework will concentrate on development and land use issues of national significance which the planning system is able to influence and deliver.

This means that in the future the development plan system will consist of the NDF, regional Strategic Development Plans (SDPs) and Local Development Plans (LDPs) at the local level. As SDPs are unlikely to be prepared across the whole of Wales, some areas will have three tiers of development plans and others two. Bridgend is part of the Cardiff Capitol Region (CCR) and as such is a City Deal Authority and will fall under any CCR SDP.

The statutory planning system is plan led and the hierarchy of development plans is designed to ensure that these issues are considered at the most appropriate level. The NDF will have formal development plan status and set out a 20 year plan for Wales, providing a 'framework' to deliver the growth and infrastructure needed to ensure national wellbeing and that of future generations. The process of approving the Framework will include a statutory twelve week public consultation period. The National Development Framework, in line with other development plans, will have a fixed time period at the end of which it will cease to have effect as a development plan.

The NDF will be shaped by the goals and ways of working set out by the Well-being of Future Generations Act (2015). Like other public bodies, the Welsh Government must work towards achieving sustainable development and meet the seven well-being goals.

The WG consultation document invites evidence as to what should be covered in the NDF and of any specific projects that should be covered.

#### Recommendation

- (1) That Members note the content of this report and the LPA's response to the WG consultation Call for Evidence and Projects National Development Framework (Appendix 1).

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

#### Background Papers

None

## Appendix 1:

**Welsh Government Consultation Document  
Call for Evidence and Projects National Development Framework,  
December 2016  
Response from Bridgend County Borough Council**

### 1. The purpose of the NDF

In order to provide the national framework for land use in Wales, the NDF will need to address issues of national strategic importance. The overall aim of delivering economic growth whilst positively contributing to social and environmental improvement will be a key consideration and the principal issues are discussed in more detail below.

The NDF should provide a working plan to deliver the above in conjunction with other Welsh Government (WG) strategies. It is clearly unrealistic in view of the scale of the framework to expect the statutory Town & Country Planning System in isolation to fully deliver the framework, which will also require substantial public and private investment. As such, WG should be committed to the strategy as a national priority and be prepared to invest in the necessary infrastructure improvements and or provide financial or other incentives to ensure it is delivered.

### 2. National Strategic Issues

#### Digital Connectivity

Improved access to digital communications is essential to economic prosperity and growth. The NDF should seek to establish a framework for the delivery of a national telecommunications and superfast broadband network throughout Wales that will provide appropriate digital access.

#### National and International Travel

There are deficiencies in the current public transport network and road access linking north and south Wales. The NDF should address the issues that constrain north-south movement in order to increase internal connectivity. This should not be at the expense of but maintain and improve current links with neighbouring regions such as the Midlands, the South West and the North West of England. As such the NDF should also consider the connectivity between Wales and surrounding regions and countries including Ireland and the rest of Europe. This will involve and impact upon Severn Bridge Tolls, ferry services and Cardiff Airport all of which will require improved integration in order to ease and improve accessibility into and out of Wales. In particular, there is an urgent need to improve both public and private transport links to and from Cardiff Airport.

Areas of growth such as the Cardiff Capitol Region will potentially place further significant pressure on existing infrastructure and the NDF should address the scale and exact nature of improvements required to serve these areas.

There are also a number of national transport issues that require consideration in the NDF. These include:

- Railway improvements such as the main line electrification from Swansea to Paddington, general upgrade of stations and improvement to valley lines and services with integration into City Region transport networks such as Cardiff Capitol Metro.
- A national network of coach stations and interchanges linked to key nodes in the national transport network.
- Improvements to the M4 motorway such as the relief road and existing junctions as well as the provision of park and ride schemes to assist in the relief of congestion.
- A national network of electric vehicle charging points.

### Economic Growth

The NDF will need to consider continued economic growth and increasing prosperity levels of economic growth, which is a key aim for Welsh Government. To achieve this, the NDF should consider identifying areas of growth including employment and associated housing as well as ancillary facilities on a national scale.

The NDF should identify growth sectors and consider the employment market to ensure their continued growth. Opportunities for expanding or developing existing specialist areas should be also considered.

The NDF should identify strategic scale employment sites that will assist in attracting inward investment. The use of Enterprise Zones and Simplified Planning Zones where planning intervention is minimised will further assist in providing opportunities for fast tracking essential employment development. Linked to this is the establishment of 'Innovation Districts' as areas of concentrated specialised sectors that would benefit from being located with similar or associated industries and amongst complimentary uses.

### Population

Population and household growth are key matters in the consideration of any land use strategy. The NDF should give a lead on addressing the issue of population and household requirements through its respective period. The NDF should consider identifying a network of integrated growth areas to accommodate significant levels of housing and employment growth, setting their respective scale and location through the national strategy.

### Culture

The NDF should also consider identifying distinctive destinations and unique cultural attractions where the enhancement or development of tourist facilities can realise significant economic benefits. These facilities can include the natural environment, events, heritage and activity and cultural facilities.

### Social Infrastructure

The NDF should consider the provision of social infrastructure from a national perspective, including health care facilities, educational facilities and other social support.

### Renewable Energy

Energy generation, particularly renewable energy generation, is a key issue for the NDF to address nationally and it should identify strategic areas for wind and solar power as well as conventional energy generation. Other alternative energy sources such as energy from waste and hydroelectric or tidal power should be subject to a national strategy set out in the NDF. The connection of these energy sources to the national grid should also be covered in the strategy.

### Flood Risk

The risk of flooding from either fluvial or coastal can be a major inhibitor of regeneration particularly in older town centres and coastal settlements. The NDF should address the issue of national coastal and fluvial flood defences and identify any significant areas required for flood alleviation purposes to support the implementation of the WG's Vibrant and Viable Places agenda.

### Environment

The NDF has a crucial role in establishing a national strategy and framework to facilitate good stewardship of Wales' heritage landscapes, National Parks, AONBs, gardens and local assets such as ancient monuments and listed buildings.

Other areas of geological or nature conservation importance enjoy international, national and local protection under various designations. These include Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Ramsar sites, Sites of Special Scientific Interest (SSSIs), Local Nature Reserves (LNRs) and Sites of Importance for Nature Conservation (SINCs). NDF should consider linkages between designated sites via a national strategy which would identify sensitive areas where spaces should be protected and enhanced whilst providing opportunities for enhancing tourism development.

### Regional and Local Strategic Issues

Whilst the NDF should appropriately address national issues and strategy, there will be some regional and sub-regional matters that the NDF should consider and set the framework for their delivery. This would include the City Deal regions and it is important that the overall aims and objectives of these regions accord

and integrate with the NDF but also that the NDF has regard to the potential implications that may arise from regional proposals particularly with regard to addressing housing need, economic growth and transport.

### **3. Submission of Projects**

The Bridgend specific projects that should be included within the NDF relate primarily to M4 motorway Junction Improvements. Junction 36 is at capacity and as such will restrict any future growth proposals in this area. Bridgend is at an advanced feasibility stage and is in possession of necessary data including traffic counts and forecasts. An Options Appraisal with a preferred option has been developed.

A new M4 junction (34A) between current junctions 34 and 35 would be located at a strategic point between the Bridgend, Rhondda Cynon Taff and the Vale of Glamorgan and would provide opportunities for growth in the Llanaran, Llanilid and Pencoed areas.

A new road link from M4 Junction 34 would service Cardiff Airport as well as improvements to Five Mile Lane off the A48.

Railway Improvements would include the main line electrification from Cardiff to Swansea and crucially a related strategic bridge replacement at Pencoed (Penprysg Road) would lead to a resolution of the current level crossing constraint that prevents large scale development of the northern and western part of Pencoed.

A passing loop on the Maesteg valley line would allow a half hourly service (currently restricted to hourly only), serving the Llynfi Valley and also providing additional capacity on the main line as part of the wider core valleys aspiration to provide 4 trains per hour.

More general projects that Bridgend would support include Major Park and Ride schemes along the M4 to relieve congestion, evolving City Deal / Metro Investments and a general upgrading of railway stations and passenger facilities.

## **TRAINING LOG**

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

<b><u>Facilitator</u></b>	<b><u>Subject</u></b>	<b><u>Date</u></b>	<b><u>Time</u></b>
Kwaku Opoku-Addo & Matthew Gilbert, <i>Highway Services, BCBC</i>	“Active Travel Plans”	16 March 2017	12.45pm
Jonathan Parsons & Rhodri Davies, <i>Development Group, BCBC</i>	“Development Control Committee Code of Conduct”	13 April 2017	12.45pm
Trevor Roberts Associates	“Development Control Committee Member Induction training”	22 May 2017 <i>Innovation Centre, Bridgend Science Park</i>	9.00am
Susan Jones & Richard Matthams, <i>Development Group, BCBC</i>	“Workshop on Draft Open Space SPG”	25 May 2017	12.45pm

### **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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