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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: 7 April 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, 13 April 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 24 May 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 meeting of the Development Control Committee of 16 March 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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| 7. | <u>Development Control Committee Guidance</u> | 9 - 12 |
| 8. | <u>P/16/497/FUL - Land at Moor Lane, Nottage</u> | 13 - 30 |
| 9. | <u>P/17/157/FUL - 26 Heol Y Mynydd, Sarn</u> | 31 - 38 |
| 10. | <u>Appeals</u> | 39 - 52 |
| 11. | <u>Review and Update of the Local Planning Authority's Planning Code of Conduct</u> | 53 - 86 |
| 12. | <u>Training Log</u> | 87 - 88 |
| 13. | <u>Urgent Items</u>
To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency | |

Yours faithfully

P A Jolley

Corporate Director Operational and Partnership Services

Councillors:

N Clarke
GW Davies MBE
PA Davies
L Ellis
CA Green
DRW Lewis

Councillors

JE Lewis
HE Morgan
LC Morgan
D Patel
JC Spanswick
G Thomas

Councillors

M Thomas
JH Tildesley MBE
C Westwood
R Williams
M Winter
RE Young

Agenda Item 4

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 16 MARCH 2017

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

Present

Councillor M Thomas – Chairperson

N Clarke	PA Davies	CA Green	DRW Lewis
JE Lewis	LC Morgan	G Thomas	C Westwood
R Williams			

Apologies for Absence

GW Davies MBE, D Patel, JC Spanswick, JH Tildesley MBE and RE Young

Officers:

Rhodri Davies	Development & Building Control Manager
Lee Evans	Senior Planning Officer
Craig Flower	Planning Support Team Leader
Mark Galvin	Senior Democratic Services Officer - Committees
Tony Godsall	Traffic & Transportation Manager
Rod Jones	Senior Lawyer
Robert Morgan	Senior Development Control Officer
Jonathan Parsons	Group Manager Development
Kevin Stephens	Democratic Services Assistant
Philip Thomas	Principal Planning Officer
Leigh Tuck	Senior Development Control Officer
Helen Williams	Senior EHO Pollution

897. DECLARATIONS OF INTEREST

Planning Application - P/17/4/FUL - Councillor DRW Lewis declared a personal interest in this application, in that he was known to one of the objectors (to the application)

898. SITE VISITS

RESOLVED: That the date of Wednesday 12 April 2017 be confirmed for any proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.

899. APPROVAL OF MINUTES

RESOLVED: That the Minutes of a meeting of the Development Control Committee dated 16 February 2017, be approved as a true and accurate record.

900. PUBLIC SPEAKERS

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

<u>Name</u>	<u>Planning Application No.</u>	<u>Reasons for Speaking</u>
R. Grigg	P/16/833/FUL	Objector to the application

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 16 MARCH 2017

A. Wilkie P/16/833/FUL Applicant

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

902. DEVELOPMENT CONTROL COMMITTEE GUIDANCE

RESOLVED: That the Development Control Committee guidance notes as shown from pages 9 – 12 of the report, be noted.

903. P/16/833/FUL - LAND OF PARC CRESCENT , WATERTON INDUSTRIAL ESTATE, CF31 3XU

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

Proposal:

Land off Parc Crescent, Waterton Industrial Estate, CF31 3XU

Subject to Condition 4 of the report being amended as follows, and the inclusion of the subsequent added advisory Note:-

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 and to provide screening shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be undertaken on the entire length of land between the existing hedgerow that forms the eastern site boundary and the existing 2.2m high palisade fence and shall include tree and hedge planting, localised earth bunding and fencing. It 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 agreed fencing and earth bunding works shall be implemented prior to any caravan storage taking place on site and the agreed planting scheme, 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.

Note:

In the interests of minimising the impact of the development on the residents of Treoes, it is requested that signage is displayed within the site reminding customers to be considerate of their neighbours and to keep noise and disturbance on site to a minimum.

904. P/15/358/OUT - LAND WEST OF HEOL TY MAEN, CEFN GLAS, BRIDGEND, CF31 4QF

RESOLVED: (1) That having regard to the above application, the applicant be required to enter into a Section 106 Agreement to:

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

Proposal

Residential development with vehicular access point from Heol Ty Maen

- (2) 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 Conditions contained in his report, in addition to the standard outline Conditions.

905. P/16/816/OUT - LAND BETWEEN 33-39 STATION ROAD, NANTYMOEL, CF32 7RD

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

Proposal

Two dwellings including garages and access

Subject to the word 'Authoriyt' in the third line of Condition 4. of the report being changed to "Authority".

906. P/17/4/FUL - THE CHURCH HALL, CHURCH STREET, ABERKENFIG, CF32 9AU

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

Proposal

Change of use of redundant Church Hall site – Demolition of Former Church Hall and erection of two new semi-detached dwellings.

Subject to the inclusion of the following Condition 7:-

7. Prior to the occupation of the dwellings hereby approved, a scheme for the treatment and restoration of the exposed gable end of the adjoining building (No. 5 Church Street) and a timetable for its implementation shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure a satisfactory form of development and to protect the visual amenities of the area.

907. APPEALS RECEIVED AND APPEALS DECISIONS

RESOLVED: (1) That the following Appeal received since the last Committee meeting be noted:-

<u>Code No.</u>	<u>Subject of Appeal</u>
A/17/3167313 (1794)	Extension to provide additional Class A1 Retail Floorspace (1 Unit): Next to Unit 6/7 Waterton Retail Park, Waterton, Bridgend.

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

<u>Code No.</u>	<u>Subject of Appeal</u>
A/16/3158624 (1787)	16 dwellings, new access, car parking, open space, landscaping & associated works: Land at Heol Y Frenhines, Cefn Glas, Bridgend. (Appendix A to the report refers)
A/16/3162383 (1788)	Extension to Cefn Cribwr Garage's existing hard surface parking area: East of Cefn Cribbwr Garage, Cefn Road, Cefn Cribbwr.

908. WELSH GOVERNMENT CONSULTATION DOCUMENT: CALL FOR EVIDENCE AND PROJECTS NATIONAL DEVELOPMENT FRAMEWORK, DECEMBER 2016

The Corporate Director Communities submitted a report and attached Appendix 1, which advised that the Welsh Government (WG) has issued a consultation document regarding the proposed National Development Framework (NDF) and was undertaking a Call for Evidence and Projects. Organisations and individuals were being given the opportunity, to provide information that WG should consider as part of the preparation of

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 16 MARCH 2017

the NDF, and the purpose of the report, was to draw Members' attention to the NDF and provide details of the BCBC response.

The report outlined details as to what the NDF entailed, and this was expanded upon by the Group Manager Development Control for the benefit of Members.

Members then asked a few questions on the report, following which it was

RESOLVED: That Members noted the content of the report and the LPA's response to the WG Consultation Call for Evidence and Projects National Development Framework (Appendix 1 to the report)

909. TRAINING LOG

RESOLVED: That the training sessions as detailed in the report of the Corporate Director – Communities be noted, with it further noted that the session entitled 'Active Travel Plans' scheduled to be held on 16 March 2017, will be re-scheduled at a future date, and that dates would also be established in due course for training sessions on the following topics:-

- Advertisement Control
- Trees and Development

910. URGENT ITEMS

None.

The meeting closed at 3.40 pm

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DEVELOPMENT CONTROL COMMITTEE

13 APRIL 2017

AMENDMENT SHEET

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

ITEM NO.	PAGE NO.	APP. NO.
8	13	P/16/497/FUL

A Full Development Control Committee site visit was undertaken on Wednesday 12th April 2017.

The Local Ward Member (who is also a member of the DC Committee), a representative of Porthcawl Town Council and the agent acting on behalf of the applicant attended the site visit.

A further representation has been received from Porthcawl Civic Trust Society which notes that, following discussions with Officers, the applicant has submitted a draft traffic management plan prepared by Hydrock. This document suggests that to encourage vehicles exiting the site to turn right, a sign will be erected adjacent to the access. Such advice would not necessarily be applicable to emergency vehicles and therefore this movement will not be enforced. This solution is considered to be impractical because of its lack of enforceability. If vehicles travelling to the site use the south-eastern approach via Cuckoo Bridgend, it is anticipated that the same route would be used to exit the site particularly as the shortest route to Porthcawl Town and the M4 would be via this route. Porthcawl Town Council and the Society maintain their objection to the scheme and hope that Committee refuse planning permission.

In response, these issues have already been addressed within the Appraisal Section of the Report and appropriately worded conditions have been recommended to strengthen the traffic management plan.

At the site inspection it was highlighted, following the future diversion of Footpath 12 along the eastern and northern boundaries of the site, users would potentially be vulnerable to golf balls from the adjoining Golf course.

In order to ensure the safety of users of the diverted Right of Way, particularly along the northern boundary of the site which adjoins the Golf Course, the following condition should be added to the recommendation:

CONDITION 22

22. Prior to the diversion of Footpath 12 along the eastern and northern boundaries of the site, a scheme for a catch ball fence a minimum of 3m in height shall be submitted to and agreed in writing with the Local Planning Authority. The agreed fencing shall thereafter be implemented prior to the diverted footpath being opened to public use and shall be retained and regularly maintained in perpetuity.

Reason: In the interests of the safety and wellbeing of users of the diverted Public Rights of Way.

Add the following words after "the chalets and buildings hereby permitted" to condition 15:

..." and for any replacement units",

Add ... "and in the interests of highway safety" to the reason for condition 15.

9

31

P/17/157/FUL

The Local Ward Member who requested that the application be referred to the DC committee emailed Officers at 12.06pm on Wednesday 12th April to make a further request for the application to be the subject of a Panel Site Visit.

Members will note that the further request was made after the site visits were concluded on 12th April. However, Officers considered that it was not necessary to arrange a Panel Site Visit in this instance as it is a relatively minor and straight forward application. Furthermore illustrations and photographs are included within the body of the report for Members' information.

The Local Ward Member has subsequently requested that this particular application be deferred until after the local elections to *"allow the new members of the Development Control Committee to consider the application."* The request is made *"on the basis that the current members on the Site Panel committee could well be different after May 4th"* and the Local Ward Member considers that *"it would be entirely wrong for the current Site Panel committee to view the application site and not be in a position to determine the application after May 4th."*

As referred to above, it was not considered necessary for Members to visit and there is sufficient information for Members to be able to determine the application.

MARK SHEPHARD
CORPORATE DIRECTOR – COMMUNITIES
13 APRIL 2017

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Development Control Committee Guidance

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

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

STANDARD CONDITIONS

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

Time-limits on full permission

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

Time-limits on outline permissions

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

Variation from standard time-limits

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

STANDARD NOTES

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

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

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

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

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

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

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

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

THE SITE INSPECTION PROTOCOL

The Site Inspection Protocol is as follows:-

Purpose

Fact Finding

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

Request for a Site Visit

Ward Member request for Site Visit

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

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

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

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

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

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

Inappropriate Site Visit

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

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

Format and Conduct at the Site Visit

Attendance

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

Officer Advice

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

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

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

Code of Conduct

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

Record Keeping

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

Site Visit Summary

In summary site visits are: -

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

Frequently Used Planning Acronyms

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

REFERENCE: P/16/497/FUL

APPLICANT: Ward Jones (Bridgend) Ltd c/o John Matthews Planning & Dev., 47 Anglesey Way, Porthcawl, CF36 3QP

LOCATION: Land at Moor Lane Nottage Porthcawl CF36 3EJ

PROPOSAL: Change of use of land for the provision of high quality self-catering mobile wooden chalets, tourist accommodation & supporting facilities

RECEIVED: 22 June 2016

SITE INSPECTED: 15 July 2016

APPLICATION/SITE DESCRIPTION

The application proposes the change of use of a roughly rectangular area of land on the northern side of Moor Lane for the provision of high quality self-catering mobile wooden chalets tourist accommodation and supporting facilities.



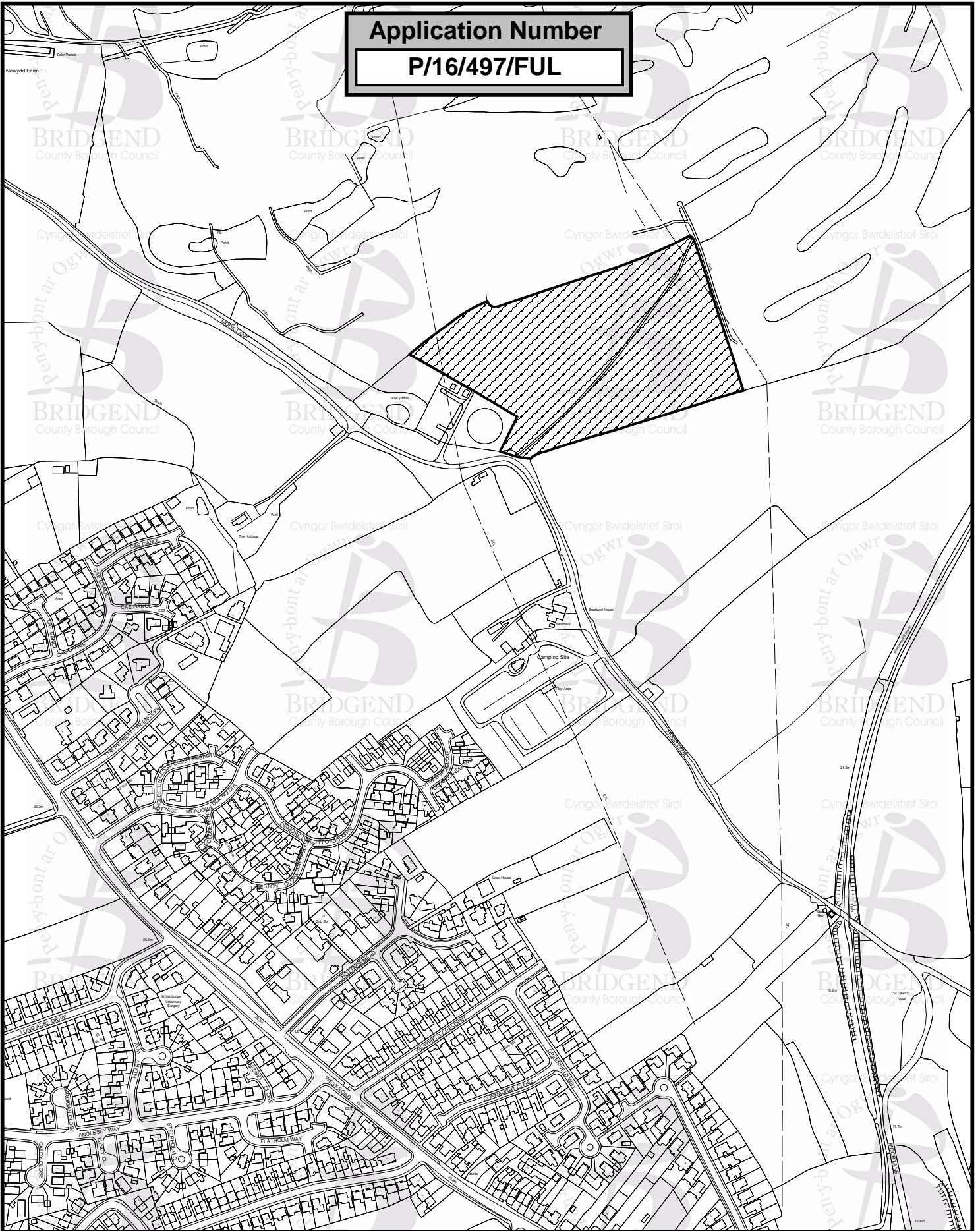
Aerial Photograph of the Site and Surroundings

The site abuts the north eastern and eastern boundaries of the former Gas Holder compound, which adjoins the Moor Lane Pond Site of Importance for Nature Conservation (SINC). The site extends to approximately 3.8 hectares which is currently rough grassland, with mature hedges enclosing the southern, eastern and northern site boundaries. Footpath 12 runs diagonally from a point in the south eastern corner of the site, adjacent to the access point onto Moor Lane, to the north eastern corner before continuing in a north easterly direction until it meets the A4229. The Grove Golf Course adjoins the northern and eastern boundaries of the site with agricultural land lying to the south. The land appears to be reasonably flat in level.

The originally submitted plan showed an indicative layout with areas for the proposed chalets generally arranged around the perimeter of the site with an internal access road system also running roughly parallel to the application site boundaries in a rectangular shape. The

Application Number

P/16/497/FUL



Scale 1:5,000

**Date Issued:
05/04/2017**

**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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(100023405)

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Cyngor Bwrdeistref Sirol



central area of the site would be dedicated for an open space/children's play area and a reception block, convenience shop and cycle hire with parking and servicing area. Access from Moor Lane leading into the site is located to the south east of the former Gas Holder Site.

Clarification of the nature of the application was sought from the applicant's agent as the submission appeared to be seeking to establish the principle of the development without providing details of the layout, chalets or reception buildings. There was a concern that, in the absence of a more definitive layout, it was not possible to fully assess whether the proposed development could be satisfactorily accommodated within the site.

Subsequently, the applicant's agent submitted a slightly more detailed layout drawing, which generally reflects the original plan but shows individual pitches for the chalets and the reception block and associated ancillary facilities. The layout makes provision for the diversion of Footpath 12 in a corridor running along the southern and eastern site boundaries together with an additional landscape/ecology belt a minimum of 5m wide surrounding virtually the entire perimeter of the site. The plots vary in dimension to accommodate chalets, which will also vary in size. The smaller plots appear to measure approximately 15m by 15m with the larger plots adjacent to the former Gas Holder measuring approximately 25m by 25m.

The chalets will range in size from a one bedroom unit measuring 3.6m by 8.5m to a four bedroom unit measuring 7m by 14m. The plots will also accommodate adequate parking facilities dependent on the chalet size. The reception/service block, which will also be of a log cabin type construction, will measure approximately 25m by 7.5m. Although the documentation does not confirm the scale of the units, it is assumed that all of the buildings will be single storey.



Proposed Site Layout Plan

It is highlighted that the application has been accompanied by a Planning/Design and Access Statement, Preliminary Ecological Appraisal and a Transport Statement. These have been supplemented during the processing of the submission by a Mitigation Method Statement in respect of Great Crested Newts, indicative sketch plans of the proposed Service Centre Block, a supplementary statement regarding the proposed development's potential to generate local employment opportunities and economic benefits and a Draft Framework Traffic Management Plan.

RELEVANT HISTORY

6782/350/2280/71 - Light industrial purposes & Council Yard - Approved with conds July, 1972

75/400 - Industrial Estate - Deemed Consent - October, 1975

75/1301 - Transport Depot - Deemed Consent - January, 1976

99/628 - 2 Light Industrial Units - Approved with conds - 14/03/00

P/01/221/OUT - 10 residential units - Ref - 15/05/01 (Dismissed on Appeal 11/12/01)

P/02/186/FUL - Warehouse with integral office - Approved with conds - September, 2002

P/07/896/FUL - Healthcare complex - Ref - 21/12/07

P/07/897/FUL - Office/Commercial Dev't (5 offices & 8 commercial units) - Ref- 21/12/07

P/08/116 - B2/B8 Unit with access road - Ref - 13/03/09

ENF/154/09/C - Enforcement Notice relating to the unauthorised use of the land for storage of steel containers - 04/06/10 (Appeal Dismissed & Notice Upheld with variation 10/05/11)

P/12/450/FUL - Fencing & entrance gates to site boundary & diversion of Footpath 12 - Approved with conds - 19/10/12

P/13/573/FUL - Landscape Business (turf, soil & stone sorting & distribution) with 2 agricultural type sheds - Ref - 22/10/13

PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 22 July 2016

CONSULTATION RESPONSES

Councillor N. Clarke - A Full Committee Site Inspection is requested to enable Members to fully appreciate the impact that this proposed development would have on the road/country lane systems in the area and to understand the access and egress points of Moor Lane from the A4429 and into Nottage Village and also from West Road (Parc Newydd Farm).

Porthcawl Town Council - Welcome the increase in holiday accommodation in Porthcawl but object on the following grounds:-

- Detrimental to highway use, significant increase/impact on highways will affect Nottage Walk, walkers, cyclists and horses accessing the area.
- Access is on a sharp bend.
- The number of chalets proposed is excessive and would ask that the number is reduced.
- Development should not become residential.

In further comments received the objection is maintained on the grounds of:-

- Public safety and access and egress.
- Safety of Footpath 12 - Members request that fencing needs to be included on the route itself and pedestrian friendly signs and lighting need to be installed to ensure the footpath's accessibility to all using it.

Welsh Water Developer Services - No objections.

Rights of Way Team - The application acknowledges that Footpath 12 crosses the site and will require to be diverted. It is noted that planning permission was granted in 2012 for fencing and entrance gates but this did not formally divert the footpath. It is considered that appropriate provision to accommodate the diverted footpath should be made and the developer reminded that a new application to formally divert the route submitted. In addition, should there need to be a temporary stopping up of the public rights of way to facilitate the construction phase of the development, then a Temporary Order may be required.

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

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

Natural Resources Wales: There are significant concerns in respect of the proposed development with regard to foul drainage and European Protected Species.

Group Manager Public Protection: No objections

Wales & West Utilities: Provided an extract of records showing their apparatus

Tourism - Economy and Natural Resources support the provision of high quality self-catering tourist accommodation as outlined.

REPRESENTATIONS RECEIVED

Porthcawl Civic Trust Ltd (Caroline Vaughan) - Strongly objects to the application on the grounds that Moor Lane is predominantly a single track with passing places without a pavement used by cars, caravans, walkers, cyclists and horse riders. The application will lead to increased vehicular activity at unrestricted speeds and will therefore compromise the safety of walkers and cyclists. The site is in a remote location not accessible by a range of different transport modes thus relying on the use of private motor vehicles. There is concern regarding HGVs accessing the site given that the Grade II Listed Cuckoo Bridge lies on the eastern approach and any requirement to access the site from West Road could not be enforced. There is concern that the Bridge will sustain damage as well as road signage and hedgerows.

Five respondents living in four local properties have raised objections to the proposed development. The grounds of objection can be summarised as follows:-

1. The application site lies outside the settlement boundary for Porthcawl and the area is predominantly rural in character and appearance.
2. Too many cabins are being proposed.
3. Moor Lane is unsuitable to serve the development being narrow, tortuous, lacking footways and passing places. Moor Lane is regularly used by walkers, cyclists and horse riders and a development of this scale would be detrimental to highway safety.
4. Moor Lane is listed as part of an historic network of country lanes and the scale of the proposed development would create a devastating impact with the increased volume of traffic it will generate.
5. Potential detrimental impact on Listed Cuckoo Bridge to the south east of the application site particularly during the construction phase.
6. The large number of cabins of unspecified design will be highly visible and detrimental to the visual amenities of the area, which is rural in nature.
7. The proposed development is likely to have an adverse impact on Great Crested Newts and the Shril Carder Bee, which are known to be present either on or immediately adjacent to the site.
8. The application site lacks transport linkages resulting in future occupiers of the cabins reliant on private vehicles.
9. Access Point to the site is located on a severe bend, lacking adequate vision.
10. There is a long planning history to the site including two appeal decisions refusing development proposals on the land.
11. There is a concern that there is a lack of information regarding the proposed cabins in terms of whether they will be rented or sold and therefore how will occupation be controlled.
12. There will be significant disruption during the construction phase with adverse impact on the tranquillity of existing properties.
13. Standby Electricity Generating Facility adjacent to the site has not been considered.
14. Submission lacks details of water and sewerage connections.
15. Noise and light pollution created by the development.
16. Lack of publicity for application.

COMMENTS ON REPRESENTATIONS RECEIVED

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

Outside Settlement - Consideration of the appropriateness of the development given its countryside location will be addressed in the Appraisal Section of the report.

Number of Cabins - The site layout now illustrates that the site is capable of accommodating the number of pitches proposed whilst providing adequate communal facilities, circulation space and parking.

Access - The Highways Department has considered the submitted traffic survey data and Trics data included within the Transport Statement and have been able to calculate the estimated trips emanating from the existing Brodawl Caravan Site and estimated trips for

vehicles using Moor Lane as part of a wider journey. Using an occupancy rate for the Brodawel facility of 85%, which is considered to represent the peak summer period, together with the traffic estimate for Moor Lane and the Trics data for the proposed chalet development, the Highways Authority consider that the total estimated worst case scenario of vehicle movements on Moor Lane is below the Quiet Lane threshold of approximately 1000 vehicle movements per day. Guidance on the acceptability of the mix of vehicular and pedestrian traffic in such a highway environment is provided in the Department of Transport Circular 2/206 relating to Quiet Lanes and Home Zones. The broad concept of the circular has been used as guidance in this instance. The circular indicates that provided vehicular flows are not excessive in volume or speed, such environments can be considered suitable for shared use by vehicles, pedestrians, cyclists and equestrians.

Historic Lane Network & Nottage Walk - The Highways Department has recommended conditions be attached to any consent that the Authority is minded to grant to provide traffic signs warning of the presence of pedestrians along Moor Lane. In addition, a scheme for the provision of refuges along Moor Lane for vulnerable users and tourist direction signs for future guests will assist in safeguarding pedestrians, cyclists and horse riders using the route. In order to facilitate a safer walking route to get to local shops and services in South Cornelly, a condition requiring a scheme for the installation of an uncontrolled crossing from the termination of the public footpath (north west of Grove Golf Club to the opposite side of the road has been recommended.

Listed Cuckoo Bridge - A condition requiring a construction management method statement to include the routing of construction traffic will enable the narrow listed structure to be avoided thereby overcoming potential damage.

Visual Impact - The indicative layout shows that the pitches for the proposed chalets are set back from Moor Lane so that the site will not be highly visible from the public highway. Whilst it is acknowledged that it is proposed to divert Footpath 12 to run along the perimeter of the site thereby allowing views into the development, it is considered that appropriately worded conditions to secure fencing and the retention of the 5m wide landscape/ecology belt, proposed to surround the site, will partially screen the development and reduce its visual impact.

Impact on European Protected Species - The application has been accompanied by a Preliminary Ecological Assessment, which has assumed that Great Crested Newts are present on the site. It is acknowledged that the newts are an European Protected Species and therefore appropriate mitigation will be required during the site clearance works and a derogation licence sought from Natural Resources Wales (NRW). Following concerns expressed by NRW in respect of potential impacts on the Great Crested Newts, a supplementary Mitigation Method Statement was submitted. Informally, it has been indicated that, subject to the imposition of conditions requiring the implementation of the measures identified to avoid/minimise the impact, this would be sufficient for planning purposes but further surveys may be necessary as part of the licence application.

Transport Linkages - It is considered that an appropriately worded condition to secure the provision of on-site facilities to serve future guest will assist in minimising the number of journeys to and from the site.

Access - The Highways Department consider that subject to a condition requiring the means of access to be a minimum width of 5.5m, together with the provision of adequate vision splays at its junction with Moor Lane, the proposed arrangements are acceptable.

Planning History - Further clarification of the reasons for refusal and the appeal decisions will be provided in the following Appraisal Section of the report.

Control Over Usage - It is considered that appropriately worded conditions to limit the use of the cabins to tourist accommodation only to be occupied for limited periods in any calendar year can prevent any permanent residential use of the chalets.

Disruption during construction phase - Whilst it is acknowledged that disruption during the construction phase of the development is inevitable the suggested condition requiring a construction management method statement should assist in minimising adverse impacts as far as possible during this temporary phase.

Standby Electricity Generating Facility - This facility has recently been approved on the former Gas Holder Site, which abuts this application site and objectors consider that the applicant has failed to consider the impact this will have on their proposals. The Public Protection Department has confirmed that, as a tourism development, statutory noise nuisance could not be applied to future occupiers of the adjoining units. This aspect would therefore be a matter for the future site operator to manage.

Water & Sewerage Connection - Appropriately worded conditions can secure satisfactory provision of these utilities.

Noise & Light Pollution - Given its reasonably isolated location with the nearest residential property located over 150m to the south of the access point onto Moor Lane, it is considered that the proposed development will not significantly impact on the residential amenities of existing properties in this area. An appropriately worded condition can ensure that any internal lighting scheme will be designed to minimise its impact on the surrounding area and biodiversity.

Lack of Publicity - As indicated in the description of development, the application site lies in a countryside location but four of the closest residential properties have been individually notified of the receipt of the submission and invited to comment thereon. In addition because of the impact on Footpath 12, the application has been advertised on site and in the local press. The Local Planning Authority considers that the requirements of the Town and Country Planning (Development Management Procedure) Order have been fulfilled in terms of publicity.

APPRAISAL

The application is referred to Committee to consider the objections raised by local residents and at the request of the Ward Member, who considers that Members should visit the site to fully appreciate the impact on the existing highway network.

In terms of planning policy the following are considered relevant:-

National Policy

Planning Policy Wales (Paragraph 4.6.4) states that "The Countryside is a dynamic and multi-purpose resource. In line with sustainability principles, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological and agricultural value and for its landscape and natural resources, balancing the need to conserve these attributes against economic, social and recreational needs of local communities and visitors."

In addition, paragraph 11.3.1 states that, "In determining planning applications for tourism developments, local planning authorities need to consider the impact of proposals on the environment and local community. They may seek to reduce the impact of development using arrangements for traffic and visitor management."

Local Policy

The site is located outside of any settlement boundary as defined by Policy PLA1 of the Bridgend Local Development Plan and is, therefore, located in the countryside where Policy ENV1 ensures that development is strictly controlled. ENV1 states that development may be acceptable where it is necessary for:-

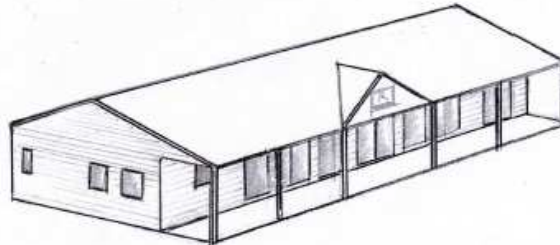
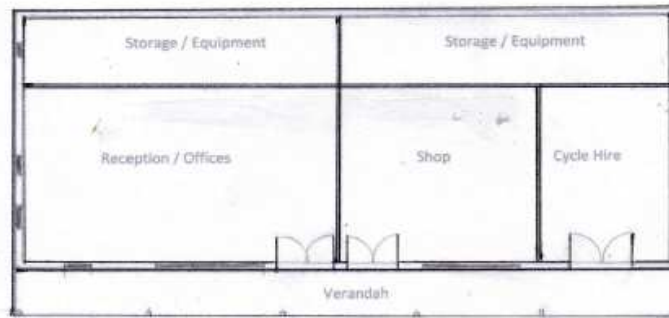
1. Agriculture and/or forestry purposes;
2. The winning and working of minerals;
3. Appropriate rural enterprises where a countryside location is necessary for the development;
4. The implementation of an appropriate rural enterprise/farm diversification project;
5. Land reclamation purposes;
6. Transportation and/or utilities infrastructure;
7. The suitable conversion of, and limited extensions to, existing structurally sound rural buildings, where the development is modest in scale and clearly sub-ordinate to the original structure;
8. The direct replacement of an existing dwelling;
9. Outdoor recreational and sporting activities; or
10. The provision of gypsy traveller accommodation.

Where development is acceptable in principle, it should, where possible, utilise existing buildings and previously developed land and/or have an appropriate scale, form and detail for its context.

Having regard to national policy and the criteria set out above, the proposed scheme would be considered as an appropriate rural enterprise in accord with criterion 3 of Policy ENV1 and thereby addresses the concerns raised by objectors in relation to the rural location.

Policy SP11 of the LDP states that tourism development will be promoted at the strategically important resort of Porthcawl. Whilst the site is located approximately 300m outside the settlement boundary of Porthcawl, the town centre is located approximately 1.3 miles away providing adequate services and facilities for holiday makers.

Policy REG12 of the LDP states that new tourist facilities in the countryside will only be permitted where the activity is compatible with and complimentary to the countryside. The development is part of a rural enterprise scheme and the proposal is considered acceptable in principle.



Indicative Plans for the Service Centre Block

In addition, the applicant will need to satisfy the criteria set out in Policy SP2, which seek to ensure that all development contributes to creating high quality, attractive, sustainable places, which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment. In this regard criteria 1,2,3,4,6,8,9, 10, 12 & 13 are considered to be relevant to this development. Given, however, that the submission is effectively seeking to establish the principle of the development at this time and does not include details of the chalets, reception and communal facilities, it is not possible to assess the scheme's compatibility with criteria 2 (design quality) and 3 (scale) at this time. Conditions requiring future agreement of the design of the chalets together with their scale, prior to their installation, will ensure that the design and appearance reflects the rural location and does not adversely affect the visual amenities of the area. In terms of density, it is considered that the proposed site layout demonstrates that the site is capable of accommodating the number of chalets proposed together with circulation space, parking and amenities.

Criterion 6 requires development proposals to have good walking, cycling, public transport and road connections within and outside the site to ensure efficient access. The application has been supported by a Transport Statement which refers to an extant use of the site for light industry but notes that these uses are not operational and therefore acknowledges that no trip generation comparison can be made. The Transport Statement gives a likely traffic generation for the proposed development of 99 daily vehicular trips (or 140 per day on weekends.) The Statement includes actual traffic data from surveys carried out between 19 March 2016 and 3 April 2016 of vehicle movements along Moor Lane. Clarification of whether the data included journeys made by occupants of the Brodawel Caravan Park was sought and it has been confirmed that the survey spanned a period when the Brodawel site was both closed and open over the Easter School Holidays.

The Transport Statement makes reference to the nature of Moor Lane serving the site and the fact that it already accommodates traffic associated with both the Parc Newydd Farm Caravan Site to the north and the Brodawel Site to the south of the application site. In respect of the Parc Newydd Farm facilities, it is considered that these movements would not use the length of Moor Lane from the A4229 to the south as a more appropriate access presents itself almost directly onto West Road, Nottage. It is noted that the operators of the Parc Newydd Farm facility, via its website, directs its customers to access the site at this

point from the M4 via North Cornelly and Maudlam avoiding Moor Lane.

With regard to the Brodowel Caravan Site, it is acknowledged that the most appropriate route for access would be via the junction of Moor Lane with the A4229 to the south and there is existing tourism direction signage together with the operator's website recommending this route along Moor Lane. The operator of the Brodowel site operates an arrivals and departures regime in order to limit the instances of potential conflict of towed caravans or motor homes between the site and the A4229.

As indicated in the preceding section of the report providing comments on representations received, the Highways Department are satisfied that the total estimated worst case scenario of vehicle movements on Moor Lane will be below the accepted quiet lane threshold of approximately 1000 vehicle movements per day. On the basis of the guidance contained in the Department of Transport Circular relating to Quiet Lanes and Home Zones, it is accepted that Moor Lane would constitute a quiet lane and is therefore suitable for shared use by vehicles, pedestrians, cyclists and equestrians provided that the speed of vehicular flows is not excessive. In this regard, the submitted Transport Statement contained a speed survey, which concluded that the 85th percentile speed on Moor Lane was 34 mph. This falls below the quiet lane threshold of 35 mph referred to within the Circular and again confirms that Moor Lane would be suitable for the proposed mixed/shared use.

There is, however, a concern that, due to the physical nature of Moor Lane, any increase in pedestrians and cyclists, generated by the proposed development, would be at risk of facing a situation where it would be difficult to pass wider vehicles accessing the Brodowel Caravan Site. Accordingly, it is considered that a condition requiring a scheme to provide suitably spaced refuge areas in the grass verges along Moor Lane for the use of more vulnerable road users would be appropriate. Similarly, future occupants of the site may wish to utilise the local shops and services to the north of the site in the village of South Cornelly via the existing public rights of way. This suggestion is included within the Transport Statement as a potential mitigation measure to reduce vehicular movements from the proposed development. There is, however, no direct pedestrian route to the village as the footpath network terminates on the southern side of the A4229 although there is a footway on the northern side of the A4229. A condition requiring an uncontrolled crossing between these points has therefore been recommended.

For Members' clarification, planning permission was granted in March 2000 for 2 light industrial units, which was not implemented (99/628 refers). Thereafter, an application for 10 dwellings on the land was refused in March, 2001 (P/01/221/OUT) and dismissed on appeal. The Inspector considered that the principal case for that appeal was that the proposed development would be less harmful than the consequences of development of the site for industrial purposes permitted by the 1972 consent. It was recognised that the 1972 permission related only to the use of the land and therefore the erection of buildings, would require further approval. The Inspector concluded that, in weighing the proposal against an alternative form of development, it is necessary to assess the likelihood of the suggested alternative actually occurring. At that time given consent for 2 light industrial units, the Council accepted that the principle of B1 and B8 uses on the land had been established but in view of the substandard nature of Moor Lane providing access to the site, the Inspector's view was that this would act as a serious disincentive to most industrial uses.

Notwithstanding this decision, in 2002 a single warehouse unit was approved (P/02/186/FUL refers) but again this consent was not implemented. In the intervening period, applications for a healthcare complex, office/commercial development comprising 5 office units and 7 (B2/B8) business units were refused in 2007 and 2009 respectively. The reasons for refusal

in respect of these developments related to the unacceptability of the proposed healthcare use in the countryside but this was supplemented by the substandard nature of Moor Lane. In respect of the office/commercial development the reasons for refusal related to the scale and intensity of the proposed development being inappropriate to the countryside location and were again supplemented by highway safety concerns about the suitability of Moor Lane as the principal access. The most recent application in 2013 for the storage, sorting and distribution of turf, soil, stone and bark (included 2 agricultural type sheds) was refused in October 2013. This application included reasons for refusal relating to the scale of the proposed development combined with traffic generation associated with the business proposed.

In this case, however, it is considered that the tourism use now proposed is more acceptable in this rural location than light industry or a Council Yard and the Highways Department has accepted that Moor Lane can be considered suitable for shared use by vehicles, pedestrians, cyclists and equestrians and is appropriate to serve the proposed development.

Criterion 8 recommends that developments avoid or minimise noise, air, soil and water pollution. It is considered that the proposed tourist accommodation would not generate any of the above pollution types although it may be subjected to a degree of noise emanating from the development approved on the adjoining former Gas Holder site. It is noted that the extant consent has not yet been implemented and in any event the Public Protection Department has clarified that, in respect of tourist accommodation, there is no statutory noise nuisance protection for occupiers. This would therefore be a matter to be addressed by the future operator of the site.

Developments are also required to ensure that the site is free from contamination (including invasive species) and the Council's Ecologist has recommended a condition requiring an eradication protocol to address the presence of Japanese Knotweed in certain areas of the site. In terms of safeguarding biodiversity, the applicant has submitted a Preliminary Ecological Assessment, which has been supplemented by a Mitigation Method Statement in respect of Great Crested Newts, which it has been accepted are likely to be present on the site. Informally, Natural Resources Wales has indicated that, for planning purposes, a condition requiring implementation of all the measures identified in the Mitigation Method Statement would be acceptable but separately, a Derogation Licence would be required prior to any commencement of development. It is therefore considered that the submitted proposals have met the requirements of Criteria 9 & 10 attached to Policy SP2.

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

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

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

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

Given the nature of the development and the proposed mitigation, compensation and enhancement measures, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity. However, the applicant will have to secure an European Protected Species licence from Natural Resources Wales under Regulation 53 of the Habitats Regulations prior to the commencement of works. 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 (ENV4(2), ENV5 & ENV6).

Criterion 12 requires proposals to ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected. It is considered that, for the reasons outlined in the preceding section of the report, with the conditions proposed to control the operation as suggested by the Highways Department, the impact on existing residential properties will not be so significant as to warrant refusal of the scheme. The suggested conditions will also reduce, as far as practicable, the impact of recreational walkers, cyclists and horse riders. Similarly, appropriately worded conditions can ensure the provision of suitable arrangements for the disposal of foul sewage, waste and surface water so that the proposed development would be compliant with Criterion 13.

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 this application, Policies PLA1, ENV1, SP11, REG12, SP2, ENV4, ENV5, ENV6 & ENV7 of the Bridgend Local Development Plan were considered.

CONCLUSION

The application can be recommended for approval because the development is considered to comply with Government and Council policy and will not adversely impact on privacy nor so significantly harm highway safety, visual amenities or the amenities of neighbouring properties as to warrant refusal of the scheme.

RECOMMENDATION

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

1. The consent hereby approved shall be limited to the siting of 56 timber chalet accommodation units, which shall be mobile, not fixed to the ground and fall within the definition of a caravan under the Caravan Sites and Control of Development Act, 1960 (As Amended) with any individual unit not exceeding 20m in length, 6.8m in width and 3.05m in height together with ancillary reception/service block of the scale parameters indicated in the supplementary planning statement received on 9th March, 2017 with yard, open space and children's play area as shown on the site layout plan received on 21st September, 2016.

Reason: For the avoidance of doubt as to the extent of the development permitted and to protect the safety and free flow of traffic on the surrounding highway network

2. The timber chalet units shall be occupied for holiday purposes only and shall not be occupied as a person's or persons' place of residence. The holiday units can be used as holiday accommodation throughout the year but the units shall not be occupied by any person or persons for more than 28 days in any 12 month period.

Reason: To ensure the Local Planning Authority retains effective control over the use of the chalets and to prevent the holiday accommodation being used as permanent residential accommodation, which would be detrimental to the amenities of the area and contrary to Policies ENV1 and REG12 of the Bridgend Local Development Plan.

3. The proposed convenience shop within the reception block shall be completed and open to guests prior to the first occupation of the site and shall be open each day the site is open to guests.

Reason: For the avoidance of doubt and to protect the safety and free flow of traffic

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

- I. the routing of HGV construction traffic to/from the site in order to avoid the village of Nottage;
- II. specify the type and number of vehicles used during construction;
- III. the parking of vehicles of site operatives and visitors;
- IV. loading and unloading of plant and materials;
- V. storage of plant and materials used in constructing the development;
- VI. details of how and where the assembly of the wooden chalets will take place and the programming of such works;

- VII. wheel washing facilities;
- VIII. measures to control the emission of dust and dirt during construction;
- IX. the provision of temporary traffic and pedestrian management along the agreed construction route.

Reason: In the interests of highway safety.

- 5. No development shall commence until a scheme for the provision of a direct pedestrian access to the adjacent public right of way on the eastern site boundary has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the approved development being brought into beneficial use and the access to the public right of way shall thereafter be maintained in perpetuity.

Reason: In the interests of highway and pedestrian safety.

- 6. No development shall commence until a scheme for the provision of traffic signs warning of the presence of pedestrians along the Moor Lane to its termination at the A4229 and Pyle Road together with any necessary illumination has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the development being brought into beneficial use and shall thereafter be maintained in perpetuity.

Reason: In the interests of highway safety.

- 7. No development shall commence until a scheme for the provision of stepping off/refuge areas along Moor Lane from the site access to the A4229 and Pyle Road has been submitted to and agreed in writing by the Local Planning Authority. The stepping off/refuge areas shall thereafter be provided in accordance with the agreed scheme prior to the approved development being brought into beneficial use and shall thereafter be maintained in perpetuity..

Reason: In the interests of highway safety.

- 8. No development shall commence until a scheme for the provision of a pedestrian crossing refuge on the A4229 at the termination of the public footpath north-west of the Grove Golf Club has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall include a Stage 2 Safety Audit and be implemented in accordance with the agreed details prior to the development being brought into beneficial use and shall thereafter be maintained in perpetuity.

Reason: In the interests of highway safety.

- 9. No development shall commence until a scheme for the provision of tourist direction signs directing guests to the site has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the approved development being brought into beneficial use.

Reason: In the interests of highway safety.

- 10. No development shall commence until a Traffic & Delivery Management Plan for the site has been submitted to and agreed in writing by the Local Planning Authority. All

guest arrivals and departures and servicing and delivery vehicles movements to the site shall be made in accordance with the agreed Traffic & Delivery Plan once the development is brought into beneficial use.

Reason: In the interests of highway safety.

11. No development shall commence until a scheme for the provision of off street parking spaces has been submitted to and agreed in writing by the Local Planning Authority. The parking areas shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained for parking purposes in perpetuity.

Reason: In the interests of highway safety.

12. The proposed means of access shall be no less than 5.5m wide laid out with 6.0 metre radius kerbing on both sides of the entrance constructed and retained in permanent materials as approved in writing by the Local Planning Authority with vision splays of 2.4m x 43m in both directions and surfaced in permanent materials for a distance of no less than 10m before the development is brought into beneficial use and shall thereafter be retained as such in perpetuity.

Reason: In the interests of highway safety.

13. No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.

Reason: In the interests of highway safety.

14. Any entrance barrier/gates shall be set back not less than 12 metres from the nearside edge of the carriageway.

Reason: In the interests of highway safety.

15. No development shall take place until details of the siting and design of the wooden chalets within each of the plots and plans of the siting, design and layout the proposed Service Centre Block (to include a reception/office, a shop, a cycle hire facility and storage areas), including samples or detailed specifications of the materials to be used in the construction of the external surfaces of the chalets and buildings hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure a satisfactory and sympathetic form of development so as to enhance and protect the visual amenities of the area.

16. No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme which shall include, proposals for surface treatment, indications of all existing trees and hedgerows on land, and details of any to be retained, together with measures for their protection in the course of development. The agreed landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority prior to any development commencing on site.

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

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

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

18. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority prior to any development commencing on site.

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

19. All site clearance works shall be undertaken in accordance with the methods and measures contained within the Mitigation Method Statement - Great Crested Newt prepared by Soltys Brewster Ecology (dated 28 October 2016).

Reason: To ensure no detriment to the maintenance of the population of the Great Crested Newts at a favourable conservation status in their natural range.

20. No site clearance shall take place until further information has been submitted to and agreed in writing by the Local Planning Authority in respect of:-

- *Appropriate pollution prevention to Moor Lane Pond SINC;
- *Bat sensitive light design;
- *Method Statement for vegetation clearance in respect of birds, reptiles and amphibians;
- *Eradication strategy for Japanese Knotweed.

The development shall thereafter be implemented in accordance with the agreed details.

Reason: In the interests of the protection of biodiversity and Moor Lane Pond SINC

21. Foul sewage discharges shall be connected to the public sewerage system and no development shall commence on site until a scheme for the comprehensive and integrated drainage of the site showing how the foul sewage connection to the public sewerage system will be achieved and how road, roof and yard water will be dealt with, including future maintenance requirements has been submitted to and agreed in writing by the Local Planning Authority. The drainage system shall be implemented in accordance with the agreed scheme prior to the development being brought into beneficial use.

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

22. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

- a. The application can be recommended for approval because the development is considered to comply with Government and Council policy and will not adversely impact on privacy nor so significantly harms highway safety, visual amenities or the amenities of neighbouring properties as to warrant refusal of the scheme.
- b. The site owner will require a Site Licence under the Caravan and Control of Development Act 1960.
- c. Permission will be required to divert Footpath 12 Porthcawl.
- d. No surface water is allowed to discharge to the public highway.
- e. No land drainage run-off will be permitted to discharge, either directly or indirectly, into the public sewerage system.
- f. In order to satisfy the drainage condition the following supplementary information will be required:-
 - i. Details of infiltration tests to confirm the acceptability of any proposed infiltration system;
 - ii. Design calculations, storm period and intensity, the method employed to delay and control the surface water discharge from the site;
 - iii. Details of measures to prevent any surface water discharge polluting any receiving groundwater and/or surface water system;
 - iv. Timetable for implementation;
 - v. Maintenance and management plan for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.
- g. The Traffic and Delivery Management Plan required to address Condition 10 will need to contain sufficient information in respect of the following:-
 - (i) Guest arrival and departure arrangements (directions to the site and timing of those movements);
 - (ii) Guest arrival and departures of the adjacent Brodawl Caravan Park;
 - (iii) Proposed Delivery Schedules;
 - (iv) Proposed Delivery Vehicle/Service Vehicles sizes;
 - (v) Supporting swept path diagrams; and
 - (vi) The need to review the plan in the event that any of the above arrangements change or at the request of the Highway Authority.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background papers
None

REFERENCE: P/17/157/FUL
APPLICANT: Mr Graham Evans 26 Heol Y Mynydd, Sarn, CF32 9UH
LOCATION: 26 Heol Y Mynydd Sarn CF32 9UH
PROPOSAL: Two storey side extension
RECEIVED: 28th February 2017
SITE INSPECTED: 13th March 2017

DESCRIPTION OF PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of a two storey side extension at 26 Heol y Mynydd, Sarn, Bridgend.

The extension will measure 2.6 metres in width, 7.3 metres in depth and 7.2 metres in height. The extension is proposed to be finished in render with a concrete tiled roof to match the existing dwellinghouse. All windows and doors will be white uPVC.

SITE DESCRIPTION

The application site is located within the Main Valleys Gateway Settlement of Sarn, as defined by Bridgend County Borough Council's Local Development Plan (2013). The site is positioned approximately 185 metres to the North of the A4063 and is around 400 metres to the north of the M4 motorway. The site is accessed via Heol y Mynydd, a double-width class 5 highway that lies adjacent to the northern boundary of the application site.

The site itself comprises a semi-detached, two storey property which faces north. The dwelling is positioned forward of the centre of the residential plot of around 300 square metres, adjacent to the eastern boundary of the application site and 28 Heol Cambrensis. The land slopes gently from east to west.



Streetscene View of 26 Heol y Mynydd

Application Number

P/17/157/FUL

Sarn

HEOLCAE GLAS

GROES

ESS

HEOL MAENDY

HEOLTON

HEOL-Y-MYNYDD

Bryn Quills

Iss



Scale 1:1,250

Date Issued:
05/04/2017

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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RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/16/1013/FUL	Two storey side extension	Refused	13/02/2017

PUBLICITY

This application has been advertised through direct neighbour notification. One letter of objection was received from Mr and Mrs Webber of 24 Heol y Mynydd, Sarn, on 20 March 2017. The letter raises concerns which relate to the scale and prominence of the proposed extension and its detrimental impact to local visual amenities and the character of the residential area. Paragraph 3.1.4 of Planning Policy Wales Edition 9 (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...the planning system does not exist to protect the private interests of one person against the activities of another”.

The concerns raised, which are considered to be material planning considerations, will be addressed throughout the following report.

CONSULTATION RESPONSES

No objections have been received from Statutory Consultees during the consultation period.

RELEVANT POLICIES

The relevant Policies and Supplementary Planning Guidance are highlighted below:

Policy PLA1	Settlement Hierarchy and Urban Management
Policy SP2	Design and Sustainable Place Making
Policy PLA11	Parking Standards
Supplementary Planning Guidance Note 02	Householder Development

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

Planning Policy Wales Chapter 3	Making and Enforcing Planning Decisions
Planning Policy Wales Chapter 4	Planning for Sustainability
Planning Policy Wales Chapter 9	Housing
Technical Advice Note 12	Design

APPRAISAL

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

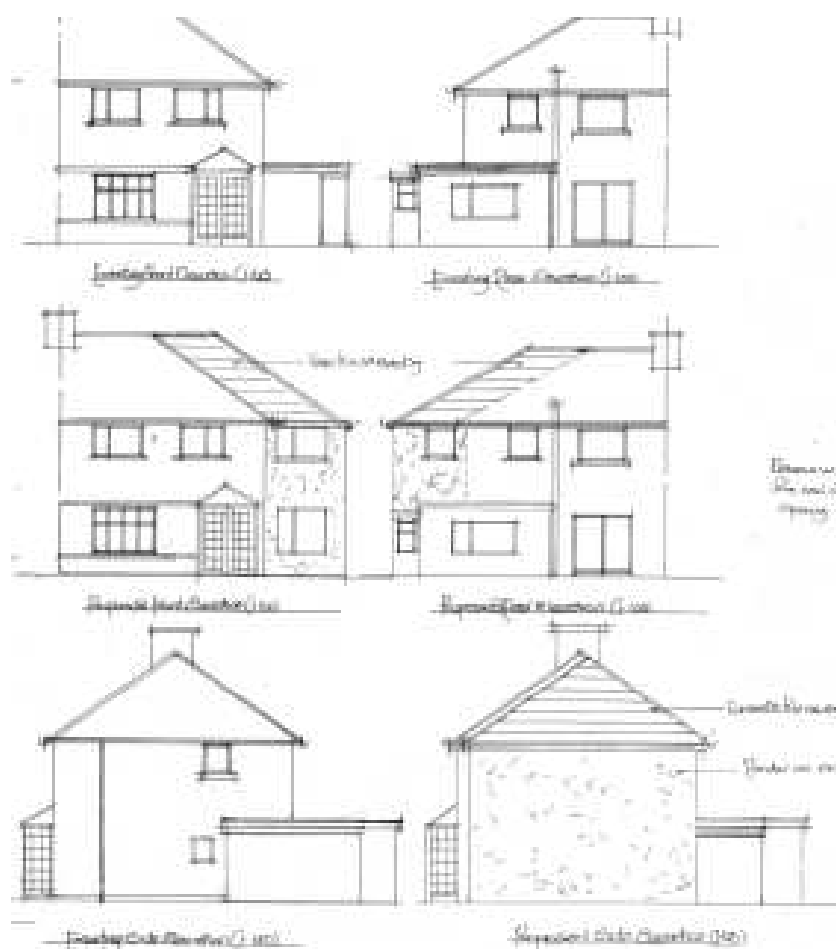
DESIGN CONSIDERATION

Policy SP2 of the Local Development Plan (2013) states 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". Design should be of the highest quality possible and should be appropriate in scale, size and prominence".

This application follows the submission of a planning application for the erection of a two storey side extension that was refused on 13 February 2017 under planning reference P/16/1013/FUL. The planning application was refused for the following reason:

"The proposed development would, by virtue of its size, scale and prominence, represents an incongruous and prominent element in the streetscene to the detriment of local visual amenities, and is out of keeping with the character of the residential area, contrary to Policy SP2 of the Local Development Plan (2013), Supplementary Planning Guidance 2, and advice contained within Planning Policy Wales (Edition 9) (2016)".



Scheme as Refused under P/16/1013/FUL

The application now under consideration has been amended to overcome the reason for refusal. The two storey extension is proposed to be set back from the existing building line by 0.5 metres and is proposed to be set down from the existing ridge line by 0.5 metres. It is therefore considered to be appropriate in terms of size and scale and is compliant with Note 12 of Supplementary Planning Guidance Note 02.

The proposed extension will no longer be a prominent addition to the streetscene, given its reduction in height, width and depth and it will not detract from the character and appearance of the existing dwellinghouse or wider streetscene.



Scheme as Proposed

The extension is proposed to be finished in materials that match the host dwelling and will retain its character and appearance, in accordance with Note 11 of Supplementary Planning Guidance Note 02.

The extension complies with the guidance set out in Note 12 of Supplementary Planning Guidance 2 and is therefore compliant with Policy SP2 of the Local Development Plan (2013). The proposed development is considered to be acceptable in design terms.

HIGHWAYS

The Transportation, Policy and Development Section provided the following comments, under planning application reference P/16/1013/FUL:

“The existing property benefits from two off-street parking spaces, one of which is being affected by the proposal. Given the extension, the parking requirements are considered to increase to 3 spaces”.

It was recommended that a planning condition was imposed upon planning consent to ensure that a scheme for the provision of 3 off-street parking spaces was submitted to the Local Planning Authority.

The amended plans submitted under planning application reference P/17/157/FUL include the provision of 3 off-street parking spaces within the application site and a detailed parking layout will be sought, and the parking provision will be secured, via condition. The development is therefore considered to be compliant with Policy PLA11 of the Local Development Plan (2013) and is acceptable in highway terms.

NEIGHBOUR AMENITY

Supplementary Planning Guidance 2 *Householder Development* recommends at paragraph 4.3.2 that:

“at least 50cm, and preferably 1 metre, be left between an extension and the boundary of the site. This allows for access for construction, finishing, and maintenance. It also helps to limit the visual dominance of an extension”.

Under planning application reference P/16/1013/FUL, concerns were raised which related to the insensitive infilling of the application site, contrary to Note 3 and Note 4 of Supplementary Planning Guidance Note 02.

The extension is now proposed to be set in from the boundary and is therefore compliant with Notes 3 and 4 of Supplementary Planning Guidance Note 02. No other concerns are raised which relate to neighbour amenity.

CONCLUSION

The proposed two storey extension is considered to be appropriate in size, scale and prominence and is compliant with Policy SP2 (3) of the Local Development Plan (2013). The application is recommended for approval, subject to the imposition of the following planning conditions and informative notes.

RECOMMENDATION

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

1. The development shall be carried out in accordance with the "Site Location Plan" and drawing number "16.030.1.B", received on 28th February 2017.

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

2. The materials to be used in the construction of the extension shall match those used in the existing dwelling.

Reason: To ensure a satisfactory form of development and to protect the visual amenities of the area.

3. Notwithstanding the approved plan, no development shall commence until a scheme for the provision of 3 no. off-street parking spaces has been submitted to and approved in writing by the Local Planning Authority. The parking area shall be implemented in permanent materials before the extended dwelling is brought into beneficial use and retained for parking purposes thereafter in perpetuity.

Reason: In the interests of highway safety.

4. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

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.

Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. You should contact the highway maintenance inspector for the area, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None

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APPEALS

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

CODE NO. A/17/3168010 (1798)
APPLICATION NO. P/16/695/FUL
APPELLANT MR ANTHONY SMITH
SUBJECT OF APPEAL CONSTRUCTION OF A BUNGALOW:
LAND BTW 16 & 17 HIGH STREET, OGMORE VALE
PROCEDURE WRITTEN REPRESENTATIONS
DECISION LEVEL OFFICER DELEGATED

The application was refused for the following reason:

1. The proposed development by reason of the restricted nature of the plot would result in an undesirable and cramped form of development, which would afford an unacceptably poor standard of residential amenity to the future occupants, by virtue of the limited usable space, the oppressive outlook from the dwelling and garden and lack of privacy to the future occupiers of the dwelling, contrary to criteria 1, 2, 3 and 12 of Policy SP2 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (2016).
-

CODE NO. A/17/3170739 (1799)
APPLICATION NO. P/16/636/RLX
APPELLANT HOMECARE CARE LTD
SUBJECT OF APPEAL REMOVE CONDITION 4 AND RELAX CONDITION 1 OF
P/15/183/FUL TO ALLOW UP TO SEVEN RESIDENTS
IN NEED OF CARE AT ANY ONE TIME:
THE WHITE HOUSE, BRIARY WAY, BRACKLA
PROCEDURE WRITTEN REPRESENTATIONS
DECISION LEVEL OFFICER DELEGATED

The application was refused for the following reasons:

1. The proposal, by reason of its scale and location, represents an over intensive and inappropriate form of development that is not in keeping with the existing character of the building, which is likely to cause unacceptable harm to the character of the surrounding residential area. The application is therefore contrary to Policy SP2 of the Bridgend Local Development Plan

(2013), advice contained within Technical Advice Note (TAN) 12: Design (2016), and advice contained within Section 9 of Planning Policy Wales (Edition 8, January 2016).

2. The proposal, by reason of the over intensification of the use, would have a detrimental impact on the residential amenities currently enjoyed by adjoining residential properties due to increased noise, nuisance and general disturbance contrary to Policy SP2 of the Bridgend Local Development Plan 2013.

CODE NO.	A/17/3171693 (1800)
APPLICATION NO.	P/16/720/FUL
APPELLANT	MR & MRS ARNESEN
SUBJECT OF APPEAL	AGRICULTURAL BUILDING (RESUBMISSION): GRAIGWEN, HENDRE ROAD, PENCOED
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	OFFICER DELEGATED

The application was refused for the following reasons:

1. Insufficient information has been submitted with the planning application to justify and support a building of the size and scale as proposed. It has not been evidenced that the building is necessary for the purposes of agriculture within the unit and it, therefore, represents an unjustified, sporadic form of development in the countryside contrary to Policy ENV1 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (2016).
2. The proposed development by reason of its siting and scale, constitutes an undesirable and excessive form of development that would be detrimental to the visual amenities of the existing countryside contrary to Policies SP2 and ENV1 of the Bridgend Local Development Plan (2013), Technical Advice Note 12 Design (2016) and the aims of Planning Policy Wales (2016).

CODE NO.	A/17/3172020 (1801)
APPLICATION NO.	P/16/625/FUL
APPELLANT	MRS LYNNE CANTON
SUBJECT OF APPEAL	ERECTION OF DETACHED DWELLING : LAND ADJACENT TO CAMBRIAN HOUSE & CROSS WINDS, STORMY DOWN

PROCEDURE WRITTEN REPRESENTATIONS

DECISION LEVEL OFFICER DELEGATED

The application was refused for the following reasons:

1. The site lies in a rural area and the proposal constitutes an undesirable sporadic development outside any existing settlement boundary which would be prejudicial to the character of the area in which it is intended that the existing uses of land shall remain for the most part undisturbed, would be contrary to established national and local planning policies and would set an undesirable precedent for further applications for similar development in this area to the detriment of visual amenities, contrary to Policies ENV1 and ENV3 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (2016) and technical Advice Note 6 (2010).
2. Insufficient details have been submitted to enable the implications of the proposal on local biodiversity and green infrastructure to be properly evaluated by the Local Planning Authority contrary to Policies ENV4, ENV5 & SP2 of the Bridgend Local Development Plan (2013) and advice contained in Planning Policy Wales (2016).

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

CODE NO. A/16/3164853 (1790)

APPLICATION NO. P/16/502/OUT

APPELLANT MRS LUCY HARRIS

SUBJECT OF APPEAL DEMOLITION OF EXISTING SINGLE GARAGE AND CONSTRUCTION OF A NEW 3 BEDROOM DETACHED PROPERTY [REVISED PARKING]: REAR OF 23 NOTTAGE MEAD, NOTTAGE, PORTHCAWL CF36 3SA

PROCEDURE WRITTEN REPRESENTATIONS

DECISION LEVEL OFFICER DELEGATED

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

THE APPEAL DECISION IS ATTACHED AS **APPENDIX A**

CODE NO. A/16/3164970 (1791)
APPLICATION NO. P/16/692/OUT
APPELLANT MRS ELAINE GROVES
SUBJECT OF APPEAL CONSTRUCT A PAIR OF SEMI-DETACHED HOUSES:
SIDE OF 8 GLANNANT ROW, SHWT, BETTWS
PROCEDURE WRITTEN REPRESENTATIONS
DECISION LEVEL OFFICER DELEGATED
DECISION 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**

CODE NO. A/16/3165452 (1792)
APPLICATION NO. P/16/171/FUL
APPELLANT MR ANTHONY SMITH
SUBJECT OF APPEAL DETACHED DWELLING: LAND ADJ TO THE OLD
POLICE STATION, BETHANIA ROW, OGMORE VALE
PROCEDURE WRITTEN REPRESENTATIONS
DECISION LEVEL OFFICER DELEGATED
DECISION THE INSPECTOR APPOINTED BY THE WELSH
MINISTERS TO DETERMINE THIS APPEAL DIRECTED
THAT THE APPEAL BE DISMISSED.

THE APPEAL DECISION IS ATTACHED AS **APPENDIX C**

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

DECISION LEVEL OFFICER DELEGATED

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

THE APPEAL DECISION IS ATTACHED AS **APPENDIX D**

RECOMMENDATION:

That the report of the Corporate Director Communities be noted.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers
(see application reference number)

Appendix A



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

B C B C
RECEIVED

17 MAR 2017

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 17/02/17

gan P J Davies BSc (Hons) MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 17.03.2017

Appeal Decision

Site visit made on 17/02/17

by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 17.03.2017

CORPORATE DEVELOPMENT
DIRECTOR - COMMUNITIES

Appeal Ref: APP/F6915/A/16/3164853

Site address: 23 Nottage Mead, Porthcawl CF36 3SA

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mrs Lucy Harris against the decision of Bridgend County Borough Council.
- The application Ref P/16/502/OUT, dated 21 June 2016, was refused by notice dated 2 November 2016.
- The development proposed is demolition of existing single garage and construction of a new 3 bedroom detached property to rear of 23 Nottage Mead.

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing single garage and construction of a new 3 bedroom detached property to the rear of 23 Nottage Mead, Porthcawl CF36 3SA in accordance with the terms of the application, Ref P/16/502/OUT, dated 21 June 2016, subject to the conditions in the attached schedule.

Procedural Matters

2. The application is made in outline with all matters reserved. Indicative details of the layout and scale of the development are provided which I have taken into account.

Main Issues

3. These are the effect of the proposal on the character and appearance of the area, and residents living conditions.

Reasons

4. The appeal site is situated on the western spur of the Nottage Mead cul de sac. This part comprises a uniform layout of 2-storey semi-detached houses on the one side and a detached house (No 21A) and the host dwelling (No 23), a large semi-detached dormer bungalow, on the other. The latter occupy particularly spacious plots and the proposed house would lie between them, in the garden of the host dwelling.
5. The indicative site layout shows that the proposed dwelling would be set back from the road broadly in line with No 21A, with a front driveway and small lawn in common

with the prevailing housing layout in this part of Nottage Mead. The spacing between the development and its neighbours would also be broadly comparable to the houses opposite and the surrounding area generally. The proposed rear garden for the new dwelling would have a short depth, but this would not be readily apparent from within the public street scene, and in any event this is not a particularly qualifying feature of the area's context. Given that there would be visual gaps between the proposal and adjacent dwellings which would allow views towards the open vista beyond, the development would not appear cramped or out of place. I note that the indicative parking layout is tight, but this is a minor point of detail which could be addressed at the reserved matters stage.

6. The proposal would invariably reduce the external outside space for No 23, however a large area of garden would be retained to the south. Whilst this might be described as being the 'front' garden, it nevertheless benefits from a wall and hedgerow enclosure which provides significant screening from public view. I have no reason to believe that the hedge is under threat and it clearly wouldn't be in the interests of the property owners to remove it. Therefore, and even with minor amendments to the parking layout, this area of garden would provide a private and useable space for the occupants of No 23. There are no specific standards regarding acceptable amenity space, but an 'L' shape garden to the side and rear of the proposed dwelling as indicated would not be an unusual layout for a residential garden in a built-up area, and I consider that it is of sufficient size to allow for an acceptable standard of living for future occupiers.
7. Turning to the relationship between the proposal and the host dwelling, the new dwelling is capable of being designed so that there would be no direct window to window relationships involving habitable rooms, and although any windows on the principal rear elevation would be close to the common boundary, views would be oblique. In any case there is an alternative private garden space to the front which would be available to the occupiers of the host dwelling as a matter of choice. I accept that the existing first floor dormer of the host dwelling would overlook the side garden of the proposed development, but there would be some privacy to the rear garden and I do not consider that this on its own would amount to a reason for withholding planning permission.
8. I have considered the effect of the proposal on the privacy and amenity of No 21A, especially in terms of light and outlook. However, given the orientation of dwellings and the separation distances involved, there would be no significant effects in this regard.
9. For the above reasons, I conclude that the proposed development would not be harmful to the character and appearance of the area, or residents' living conditions. It would therefore comply with the objectives of Policies SP2 and COM3 of the Bridgend Local Development Plan.
10. In addition to the standard reserved matters conditions, a condition relating to the drainage of the site is necessary to ensure the satisfactory development of the site. I have also attached a plans compliance condition. Although the Council suggest a condition restricting the development to single storey height, scale is a reserved matter, and in the context of 2 storey development opposite and adjacent to the site, I do not consider that such a condition is necessary. In addition, details of parking layout, surface treatment and boundary enclosures are matters for the reserved matters stage.

11. 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.
12. For the above reasons and having regard to all other matters raised, I conclude that the appeal is allowed.

PJ Davies

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 3) Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 4) The development shall be carried out in accordance with the following approved plans: SITE LOCATION PLAN, PROPOSED SITE PLANS AND OUTLINE ELEVATIONS REVISION NUMBER 4.
- 5) No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the development and retained in perpetuity.

Appendix B



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

B C B C

RECEIVED

22 MAR 2017

CORPORATE DIRECTOR - COMMUNITIES
DEVELOPMENT

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 17/02/17

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 22.03.2017

Appeal Decision

Site visit made on 17/02/17

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

an Inspector appointed by the Welsh Ministers

Date: 22.03.2017

Appeal Ref: APP/F6915/A/16/3164970

Site address: 8 Glannant Row, Shwt, Bridgend CF32 8UB

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mrs Elaine Groves against the decision of Bridgend County Borough Council.
- The application Ref P/16/692/OUT, dated 25 August 2016, was refused by notice dated 14 November 2016.
- The development proposed is construction of a pair of semi-detached houses.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is made in outline with appearance and landscaping reserved for future consideration.

Main Issues

3. These are the effect of the proposal on the character and appearance of the area, highway safety, and whether it would be a sustainable form of development.

Reasons

4. Shwt is a small group of houses predominantly comprised of modest terraces that are outside any defined settlement boundary for the purposes of Policy ENV1 of the Bridgend Local Development Plan (LDP). Although it has some visual identity as a group of dwellings, there are limited facilities for pedestrians and very little evidence of community buildings or services which usually assist in defining a settlement. In my view, Shwt is a remote and sporadic cluster of buildings and its setting is overwhelmingly rural in character. The proposal does not include evidence to suggest that it would be an exception to LDP Policy ENV1 and in principle it would conflict with the aim of this policy to safeguard the character and appearance of the countryside.
5. Planning Policy Wales Edition 9 (PPW) provides for sensitive infilling of small gaps, or minor extensions to groups of dwelling in the countryside, especially for affordable housing, but much depends on the character of the surroundings, the pattern of development and the accessibility to main towns and villages. In this case, because of

their semi-detached arrangement and physical separation from the end of Glannant Row, the proposed houses would be discrete in siting and appearance. In particular, the large visual gap to the side of the proposed development that would be formed by the garden of No 8 would ensure that the proposal would stand unrelated to the existing cluster of development. There is a derelict and overgrown site to the north east which I understand contains the former village hall but this does not present any formal frontage and is no longer a distinctive part of any established building pattern. In my view therefore the appeal site is not infill in nature. Moreover, as a pair of houses, the development would add significantly to the scale of housing in this remote location and it would be demonstrably of a more contemporary appearance than the traditional terraces that prevail in the area. I am in no doubt therefore that the form, scale and siting of the proposal would result in an unacceptable urbanising effect that would cause material harm to the rural character of its surroundings. This would be contrary to the objectives of LDP Policies PLA1 and ENV1 and PPW.

6. The appeal site is remote from any services or facilities, with Bettws being around a mile away and for the most part along narrow and winding country lanes that have limited street lighting or segregated pedestrian footpaths. There is a bus stop on the main road approximately 500 metres away but this is similarly reached along an unsafe and unattractive route for pedestrians, which would be especially so during the darker winter mornings and evenings. Whilst there might be a community transport scheme for the area, I have little information as to its timetables or regularity of service, or whether it represents a feasible option for daily transport needs, such as commuting to work. Similarly, I would not regard the conditions for cycling to be especially convenient or attractive for commuting to shops, schools or employment.
7. As well as the risk of pedestrian and vehicular conflict arising from existing highway conditions in the area, the remote location of the proposal would result in the occupiers of the development being primarily dependant on private transport. In the context of this small rural cluster of dwellings, the additional traffic from two additional dwellings would be significant, and I would not regard the proposal as a safe or sustainable form of development. The proposal therefore conflicts with the aims of LDP Policy SP2 and PPW.
8. My attention is drawn to other developments allowed on appeal in the Swansea area, but aside from being in different contexts, these relate to distinct infill or rounding off plots where the effect on the countryside character was considered acceptable. This is not the case here where the proposal would arbitrarily extend the built-up frontage of the road. The cases are not therefore directly comparable and I have considered the proposal on its own merits.
9. 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 ('WBFG Act'). In reaching this 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 as required by section 8 of the WBFG Act.
10. For the above reasons and having regard to all other matters raised, I conclude that the appeal is dismissed.

P J Davies **INSPECTOR**

Appendix C



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

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RECEIVED

22 MAR 2017

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 17/02/17

gan P J Davies BSc (Hons) MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 22.03.2017

Appeal Decision

Site visit made on 17/02/17

by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 22.03.2017

CORPORATE DIRECTOR - COMMUNITIES
DEVELOPMENT

Appeal Ref: APP/F6915/A/16/3165452

Site address: Land adjacent to the Old Police Station, Bethania Row, Ogmere Vale, Bridgend, CF32 7AB

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 Anthony Smith against the decision of Bridgend County Borough Council.
- The application Ref P/16/171/FUL, dated 1 March 2016, was refused by notice dated 20 June 2016.
- The development proposed is detached dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect of the proposal on residents' living conditions and highway safety.

Reasons

3. In order to assess domination and overshadowing effects, the Council uses the guidance contained in its 'Householder Development' Supplementary Planning Guidance 2 (SPG). This establishes that the proposed dwelling would infringe the daylight protection zone of the ground floor windows on the northern elevation of The Old Police Station. Nonetheless, given its northerly orientation, daylight reaching these windows would already be limited, especially given any mutual boundary treatment. Moreover the windows concerned do not relate to any principal habitable areas. Given that the host dwelling would be set back some 3 metres from the boundary and that the main two storey wall of the proposed dwelling would be approximately 10.5 metres away, I do not consider that the proposal would result in any unacceptable dominating or overshadowing effects.
4. It is evident from the layout and appearance of the appeal site that it currently forms part of the external garden space to the Old Police Station. However, the appeal site has an extant outline planning permission for a dwelling which is an important material consideration with significant implications for the amount of amenity space for the host dwelling. Although the particular circumstances are different in this case



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 15/02/17

gan Janine Townsley LLB (Hons)
Cyfreithwr (Nad yw'n ymar fer)

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 24.03.2017

Appeal Decision

Site visit made on 15/02/17

by Janine Townsley LLB (Hons) Solicitor
(Non-practising)

an Inspector appointed by the Welsh Ministers

Date: 24.03.2017

Appeal Ref: APP/F6915/D/17/3167106

Site address: 2 Pen-y-Ffordd, North Cornelly, Bridgend, CF33 4ES.

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Lucy Morgan against the decision of Bridgend County Borough Council.
 - The application Ref P/16/454/FUL, dated 7 June 2016, was refused by notice dated 16 August 2016.
 - The development proposed is double extension to the side of the house and to make the single storey play room bigger at the rear.
-

Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect of the development on the character and appearance of the area and the impact on living conditions of the occupiers of No.1 Pen-y-Ffordd, the neighbouring property, with particular reference to outlook.

Reasons

3. The appeal property is a two storey dwelling house. The proposal is to construct a two storey extension to the side of the property, a single storey extension to the rear and works to the porch on the front elevation of the property. From the information before me, there is nothing to suggest that the Council has any concerns in relation to the works to the porch or the single storey rear element of the proposal. There is no reason for me to question this position. The contentious element of this appeal therefore relates to the two storey side extension.

Character and Appearance

4. The appeal site is located within a residential area. Pen-Y-Ffordd is a cul de sac of detached, semi-detached and terraced dwellings with varying building lines. The appeal property is semi-detached, whereas the dwelling next door, No.1 is a detached dwelling set forward of the appeal property.
-

Conclusion

12. Taking into account all matters raised, I conclude the appeal should be dismissed.

Janine Townsley

Inspector

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REPORT OF THE CORPORATE DIRECTOR – COMMUNITIES

REVIEW AND UPDATE OF THE LPAs PLANNING CODE OF PRACTICE

Background

The Planning Code of Practice has not been updated since the Local Authorities (Model Code of Conduct) (Wales) Order 2008 [here](#).

The main aims of the Planning Code of Practice is to ensure that there are no grounds for suggesting that a decision by the Council has been biased, partial or unfounded and that all parties understand the planning process and procedures.

The Code of Practice provides guidance to elected Members, Officers, the general public, applicants and developers on the planning process.

The document has been updated in draft and a workshop session is planned with Members before the DC Committee meeting on 13th April, 2017 to consider and discuss the changes to the document.

The updated Planning Code of Practice follows:

- The Member Workshop and reporting of the draft Planning Committee Protocol produced by the Welsh Local Government Association in April/May 2016;
- the release of a Development Management Manual by the Welsh Government ([here](#)); and,
- the Planning Advisory Service's (PAS) publication 'Probity in Planning' ([here](#)), which clarifies how members can get involved in planning discussions on applications, on behalf of their communities in a fair, impartial and transparent way.

Once adopted, the document will be updated on an annual basis or as and when new and relevant national regulations or guidelines emerge.

Recommendation

- (1) That Members note the content of this report and approve the LPAs updated Planning Code of Practice (April 2017) (Appendix 1), subject to any suggestions made at the member workshop.

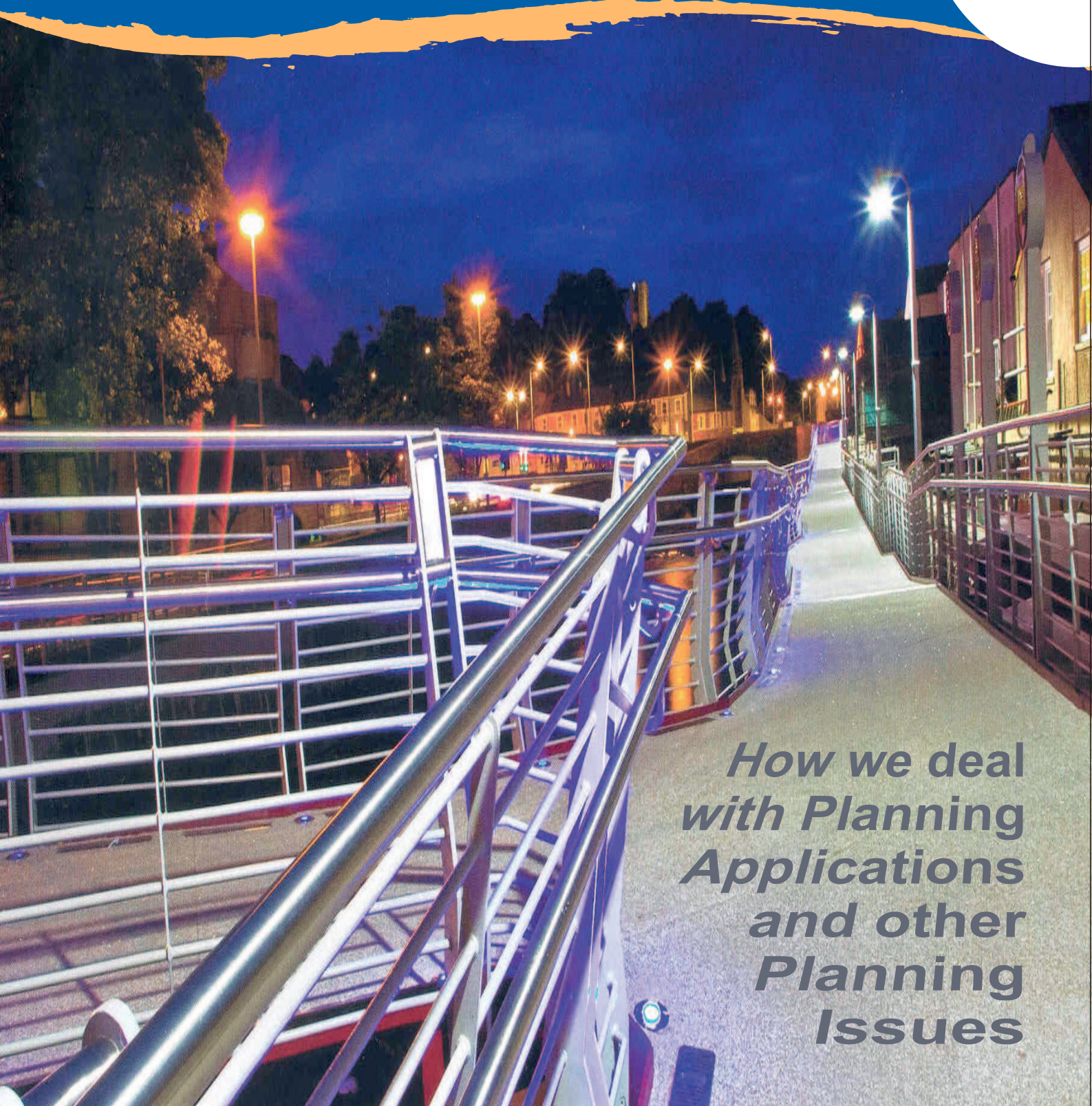
MARK SHEPHERD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

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Planning Code of Practice



*How we deal
with Planning
Applications
and other
Planning
Issues*

Bridgend County Borough Council

Updated April 2017

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1. INTRODUCTION

The Planning system involves taking decisions about the use and development of land in the wider public interest having regard to the Development Plan, national Planning Guidance and other material considerations. Planning can be highly contentious because its decisions affect the daily lives of individuals, landowners and developers.

In considering planning applications and reaching planning decisions the requirements of the individual, whether the applicant or a neighbour, have to be balanced against the broader public interest.

It is important that the process is open and transparent. The main aim of this Code of Practice is to ensure that planning decisions have been made in an unbiased, impartial basis and that all parties understand the process.

Members are advised to read all the guidance material provided by the Council (BCBC Website) including the Local Authorities (Model Code of Conduct) (Wales) Order 2008 (the Code of Conduct) [here](#), the Planning Committee Protocol produced by the Welsh Local Government Association and the WG Development Management Manual [here](#).

In addition, the Planning Advisory Service (PAS) published '*Probity in Planning*' ([here](#)), which clarifies how members can get involved in planning discussions on applications, on behalf of their communities in a fair, impartial and transparent way. Members must act in accordance with the provisions of the Code of Conduct at every stage of the planning process.

This Code of Practice provides guidance to elected Members, Officers, the general public, applicants and developers on the planning process.

The document will be updated on an annual basis or as and when new and relevant national regulations or guidelines emerge.

2. ROLE OF MEMBERS AND OFFICERS

2.1 General

2.1.1 Differing Roles

Councillors and Officers have different but complementary roles. Both serve the public but Councillors are responsible to the electorate, whilst Officers are responsible to the Council as a whole.

Officers advise Councillors and the Council and carry out the Council's work. They are employed by the Council, not individual Councillors, and Member's instructions may only be given to Officers through a decision of the Council, its Executive or a Council Committee.

2.1.2 Relationship and Trust

It is important that a good relationship exists between Councillors and Officers and that this is based on mutual trust and understanding of each other's positions. This relationship and trust must never be abused or compromised.

2.2 Role of Officers

The Officer's function is to advise and assist Councillors in the formulation of planning policies in the determination of planning applications. Officers should:-

- Provide impartial and professional advice.
- Make sure that all the information necessary for the decision to be made is given.
- Provide a clear and accurate analysis of the issues.
- Set applications against the broader Development Plan policies and all other material considerations.
- Give a clear recommendation.
- Carry out the decisions made by Councillors in Committee or through the delegated authority of the Corporate Director Communities.
- Update Members on new legislation and guidance.

2.3 Role of Councillors

2.3.1 Upholding Policy

The full Council is responsible for setting the Council's formal planning policy framework through the Development Plan. As a general principle there is an expectation that Councillors will uphold the Council's planning policies.

2.3.2 Planning consideration

It falls to the Development Control Committee to determine planning and related applications within the context of these planning policies. When Councillors come to make a decision they must:-

- Be clear as to whether or not they have an interest which needs to be declared.
- Act fairly and openly.
- Approach each application with an open mind.
- Carefully weigh up all relevant issues.
- Determine each application on its own merits.
- Avoid giving the impression that the Member has made her / his mind up prior to the application being determined.
- Ensure that there are clear and substantial reasons for their decisions, and that those reasons are clearly stated.

2.3.3 Ward Member Views

Where a planning application relates to an elected member's ward, the views of the local Member are important to the Officers and to the Chair and Members of the Development Control Committee.

Local Members can be approached by applicants and by objectors and should consider whether their interests have been prejudiced and should disclose this to the Planning Case Officer and Principal Legal Officer at the Development Control Committee. Whilst Members have a responsibility to their constituents, including those who did not vote for them, their overriding duty is to the whole County.

2.3.4 Development Control Committee

Members should not become too closely identified with special interest groups if they wish to vote in the Development Control Committee.

At a meeting of the DC Committee Members with a personal and prejudicial interest in a particular application must declare that interest in accordance with the provisions of the Code of Conduct and leave the meeting when the item in which they have a personal and prejudicial interest is discussed.

However, under the provisions of the Code of Conduct a member with a personal and prejudicial interest can speak to the extent that a member of the public can speak but will then have to leave the Chamber as soon as they have finished speaking and before the debate and vote. Any member who wishes to exercise a right to speak in these circumstances should contact the Committee Chair and the Legal Officer in advance of the meeting.

Where a DC Committee Member has declared a non-prejudicial interest in an item on the agenda they can then take part in the debate and vote.

Where wards have more than one elected member, only one can sit on the planning committee in order to allow at least one of the ward members to perform the representative role for local community interests.

2.4 Member/Officer Contact

2.4.1 Understanding roles

The Officer/Member relationship is extremely important for good decision making and the delivery of an effective planning service.

The mutual understanding of their respective roles and respect for each other's position is vital for good relations.

2.4.2 Contact & Appointments

In making enquiries regarding individual applications Members should make contact with the Case Officer or Development and Building Control Manager or the Team Leader and make an appointment if necessary.

Members should not seek advice or information from other Officers. This is in the interests of efficiency and to avoid duplication of effort and confusion.

2.4.3 Assistance from Officers

Officers will provide every reasonable help to Members in the carrying out of their duties. Meetings between Officers and Members may sometimes be helpful, but are only likely to be of value if prior arrangements have been made. This allows the Officer to have all relevant documents available at the meeting. Prior arrangements may be made by emailing the relevant Officer or the general Planning email address (planning@bridgend.gov.uk). The Members' room can be utilised and other suitable rooms, preferably with access to a computer, can be made available by mutual agreement if privacy is required.

2.4.4 Non-interference

It is acknowledged that Members and Officers may well have differing views on a proposal but Members should not influence, interfere with or put pressure on Officers to make a particular recommendation.

3. TRAINING

3.1 Undertaking training

Members of the Development Control Committee must receive training before being able to speak or vote at a Development Control Committee meeting. The training will also be offered to all Members.

3.2 Core/Fundamental training

Core Training will consist of sessions covering new legislation, planning procedures, the Development Plans, Supplementary Planning Guidance, Design Guides, material planning considerations, probity and the application of this Code of Practice.

3.3 Other training

There will be other training arranged by Officers in consultation with Members and other departments of the Council in the form of additional sessions, seminars and workshops on topical and specific issues to keep Members up to date on new procedures, advice and guidance.

3.4 Attendance & Monitoring

Members of the Development Control Committee should attend the core training sessions.

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4. REGISTRATION AND DECLARATION OF INTERESTS

4.1 Code of Conduct

Councillors should follow scrupulously the Council's Constitution and the **Code of Conduct** ([here](#)) in relation to registration and declaration of interests and, if an interest is declared, in deciding whether the Councillor should participate in the consideration of an application. Not only should impropriety be avoided but also any appearance or grounds for suspicion of improper conduct.

If a Member considers he/she may have a personal interest they should consult the Monitoring Officer or a Senior Officer of the Legal & Regulatory Services Officer's Department for advice on their position.

4.2 Relationship with Third Parties

If a Member of the Development Control Committee has had such a significant personal involvement with an applicant, agent, landowner or other interested party whether or not in connection with the particular matter under consideration by the Committee, which could possibly lead to the reasonable suspicion by a member of the public that there may be any possibility that the involvement could affect the Councillor's judgement in any way, then the Councillor should consider carefully whether the involvement amounts to a personal and prejudicial interest, which would debar him/her from participation in the decision-making process.

4.3 Personal and Prejudicial Interests

4.3.1 Disclosure

The principles about the disclosure of interests should be applied, not only to formal meetings, but also to any of a Councillor's dealings with Council Officers, or with other Councillors. Where a Councillor has a personal and prejudicial interest, as defined by the Code, it must always be declared. It does not necessarily follow that the Councillor is debarred from participation in the discussion.

The responsibility for declaring an interest lies with the Councillor, but the Monitoring Officer is there to advise. If there is any doubt in a Councillor's mind, he/she should seek early advice from the Monitoring Officer or other Senior Officers of the Legal & Regulatory Services on their position. Councillors should err on the side of declaring an interest when they are not sure.

4.3.2 Interests

Members who have substantial property, professional or other interests relating to the planning function which would prevent them from voting on a regular basis, should avoid serving on the Development Control Committee.

4.3.3 Action when interest declared

Where a Member has decided he/she has a personal or prejudicial interest making it inappropriate for that Member to be involved in the processing and determination of a planning application in his/her ward, such a Member may arrange for another Member to act as local Member instead.

In such a situation the local Member should inform the Monitoring Officer and the Case Officer of the arrangement made and should take no further part in the processing and determination of the planning application other than referring any representations or communications received to the Member who is acting as local Member.

However, the use of substitute members is not allowed at DC Committee meetings.

4.4 Declaration of Interest

When declaring an interest at Committee, this should be done at the beginning of the meeting. Councillors should be clear and specific in identifying the item on the agenda in which they have an interest, and the nature of that interest.

4.5 Register

A register of Members' interests is maintained by the Council's Monitoring Officer. It is available for public inspection. Each Councillor has a responsibility to provide the Monitoring Officer with up to date written details of relevant interests.

4.6 Dual Community/Town Council Membership

4.6.1 Interest

Membership of a Town/Community Council which has expressed a view on a planning matter does not in itself mean that the Councillor cannot take part in the determination of the matter when it comes before the Development Control Committee provided that the Councillor has kept an open mind and not committed himself/herself to a final view on the matter until all the arguments for and against have been aired at Committee.

If the Councillor has been a party to the decision making process of a planning application at a Town/Community Council meeting then they should declare an interest at the Development Control Committee and not take part in the decision making process.

Members should always declare a personal interest where they are a member of a Town/Community Council even if they did not take part in the decision making process at that Council.

4.6.2 Town & Community Applications

Where an application submitted by a Community or Town Council is being considered then a Member of that Council may not vote on the proposal to determine the application.

5. LOBBYING

5.1 Lobbying

Lobbying or otherwise seeking to influence a decision is an accepted part of the planning process. The Nolan Committee's Third Report states *"it is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective way that this can be done is via the local elected representatives, the Councillors themselves"*. However unless care and common sense is exercised by all parties, the impartiality and integrity of a Councillor that has been lobbied can be called into question.

The Councillor should take care not to make any comments in such discussions that might lead anyone to think that they had taken a firm view on the application.

There is no clear definition of lobbying and Members will need to take a personal view of what it amounts to. For the purposes of this document lobbying is defined as any involvement or approach by an interested party where that party is advocating a certain outcome. This can include instances where a Member is copied into correspondence by an interested party or another Member.

If a Development Control Committee Member is approached, the most prudent course of action is to not offer any indication of their views but simply listen to the case that is presented to them and advise on procedural matters only.

Sometimes planning applications generate strong feelings in the community resulting in public meetings. Members should consider whether it is appropriate to attend public meetings as this may be interpreted as adopting a position for/against a proposal. If they do attend they should publicly record that they are in attendance to hear the debate only and will not come to a final decision until they have heard all the evidence.

This advice applies to the Pre-Application Consultation process implemented by the Welsh Government in March 2016 (see Section 8.2 below).

5.2 Decision on Merits

Councillors are under an obligation to determine matters on their merits. That means that they should not take a firm view on a planning matter before receiving and reading any Officer's report or receiving any new information reported to the Committee.

Whilst Members of the Committee may form an initial view or opinion, and indicate their view that an application is contrary to policy, they should not openly declare which way they intend to vote in advance of the Development Control Committee meeting.

To avoid compromising their position before they have received all the relevant information, Councillors are advised that they should:-

- Refer applicants / developers who approach them for planning or procedural advice to the case Officer.
- Avoid making it known in advance whether they support or oppose the proposal.
- Avoid campaigning actively in support of a particular outcome.

- Not put pressure on Officers to make a particular recommendation in their report.
- Direct lobbyists or objectors to the case Officer, who will include reference to their opinions where relevant in their report.
- Make it quite clear that they will not make any final decision on the proposal until they have received full information at the Development Control Committee.

5.3 Contact

Members should declare significant contact with applicants and objectors. Significant contact is where a Member has been contacted (either orally or in writing) and believes his/her interests have been prejudiced. Members should always remember that the test as to whether their interests have been prejudiced is not just what they consider to be the case but what a reasonable bystander who is aware of all the facts of the contact would consider to be the case.

5.4 Ward Councillors

Members must advise the Ward Councillor as a courtesy in cases where they are seeking to be involved in a development proposal or enforcement issue outside of their own Ward. It is accepted that where a planning application has a significant effect on another ward the Member(s) for that ward is entitled to become involved in the development proposal.

5.5 Monitoring Officer

Councillors should in general, avoid organising support for or against a planning application. Where a Councillor does organise support for or against a planning application then that Councillor should not vote at Development Control Committee on such a planning application. Where a Member is in doubt about such issues the Member should seek advice from the Monitoring Officer or other Senior Officer of the Legal and Regulatory Service Officers Department.

5.6 Predetermination

If a Councillor expresses support for, or opposition to, a proposal before the matter is formally considered at the relevant meeting, whether or not there has been lobbying, he / she could have some difficulty in being able to claim to retain an open mind on the issue and to be prepared to determine the application on its merits. If a Councillor does express an opinion, then they should make it clear that it is a preliminary opinion and that he / she will only be in a position to take a final decision when all the evidence and arguments have been considered.

5.7 Members function

Provided that Councillors comply with 5.1., 5.2, 5.3, 5.4, 5.5 and 5.6 above they are able to:-

- Listen and receive viewpoints from residents, constituents or other interested parties.
- Make comments to residents, constituents, interested parties, other Councillors or Officers.
- Seek information through the appropriate channels.

- Bring to the Committee's attention views / opinions of residents, constituents or other interested parties.
- Participate in the decision making process.

5.8 Disclosure

If however a Councillor has not complied with paragraphs 5.1, 5.2, 5.3, 5.4, 5.5 and 5.6 above, and has made it clear that he or she has predetermined the matter, they should not speak or vote on the matter.

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6. APPLICATIONS SUBMITTED BY MEMBERS AND OFFICERS

6.1 Not to be delegated

Planning applications submitted by or on behalf of Members or any member of the Council's Development or Highway Services staff involved in the processing/commenting upon applications, any Chief Officer of the Authority or any officer reporting directly to a Chief Officer (or the spouse or partner of any of these) shall be decided by the Development Control Committee and not by the Corporate Director Communities under delegated powers if a material planning objection to their application is received.

6.2 Declaration of Interest

A Member affected by clause 6.1 shall declare a personal and prejudicial interest at any meeting of the Development Control Committee to determine the application, take no part in the decision and leave the meeting place. The Member may be able to take part in proceedings as a speaker only under the relevant provisions of the Code of Conduct (see Paragraph 2.3.4 above).

6.3 Officer affected

The affected Officer shall take no part in the processing of the application and its determination and shall leave any meeting of the Development Control Committee before the relevant item is discussed.

7. APPLICATIONS SUBMITTED BY THE COUNCIL

7.1 Equal footing Council Applications

It is important that the Council is seen to be treating applications for its own development (or a development involving the Council and another party) on an equal footing with all other applications as well as actually doing so.

7.2 Council applications – Consultation

All such proposals will be subject to the same administrative processes, including consultation, as private applications with consideration being made in accordance with policy and any other material planning considerations.

7.3 Transparency

In order to ensure transparency and openness in dealing with such applications Council proposals (save for discharge of conditions) will be determined by the Development Control Committee if a material planning objection is received and not by the Corporate Director Communities Officer under delegated powers.

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8. PRE-APPLICATION

8.1 Pre-Application Advice

It is good practice for potential applicants to seek advice from the LPA prior to submitting an application. However, unless these discussions take place under specific rules, they can be seen as a form of lobbying (especially by objectors) or in some way predetermining the future planning application.

Pre-application discussions will (unless in exceptional circumstances) be carried out solely by officers. This is to protect the impartiality of Members. Exceptional circumstances are not defined in this document but will be limited to cases where there is an overriding need for Members to be present in the public interest.

All discussions take place on a without prejudice basis. The advice offered is not binding on the Council but every effort is made to ensure that the advice is consistent and sound in planning terms.

Members and Officers must be aware that pre application advice is no longer free of charge. This places an additional responsibility on Officers to provide a quality service. If Members later take a decision that conflicts with any pre application advice given by Officers, they must only do so for material planning reasons that are clearly expressed and recorded in minutes.

Pre application discussions will be conducted in private.

8.2 Pre-Application Consultation on Major Developments

The requirement to undertake pre-application consultation applies to all planning applications for “major” development (full or outline) and applications for Developments of National Significance (DNS).

Developers are also required to undertake pre-application consultation with “community consultees” and “specialist consultees”.

“Community consultees” comprise:

- Each community council (this includes both town and community councils) in whose area the proposed development would be situated; and/or
- Each councillor (local member) representing an electoral ward in which proposed development would be situated.

Developers are required to inform all local councillors that are responsible for the electoral ward in which the proposed development is located.

If the proposed development straddles a number of electoral wards, all local councillors within those wards will be notified by letter.

Ward Members are entitled, and are often expected, to have expressed views on planning issues. If such comments are expressed members of the Development Control Committee should be careful to stress that they will only make up their mind when they have seen the full report on any particular application.

Members can through personal significant involvement in preparing or advocating a proposal be, or be perceived by the public as being, no longer able to act impartially. Members are able to take part in a consultation on a proposal and, if they are a member of the DC Committee, the subsequent determination of the application provided that:-

- They do not in any way commit themselves as to how they may vote when the proposal comes before the DC committee for determination;
- They focus only on site factors and site issues;
- They do not excessively lobby fellow councillors regarding their concerns or views and not attempt to persuade them how to vote in advance of the meeting at which the planning decision is take;
- They are not involved in negotiations regarding the application. These should be conducted by Officers separately from any pre-application discussions members have been involved in.

At pre-application consultation stage Members can ask relevant questions for the purpose of clarifying their understanding of the proposal but must remember that the presentation is not part of the formal process of debate and determination of any application.

9. DEVELOPMENT CONTROL COMMITTEE SITE VISITS

9.1 Purpose

9.1.1 *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 also 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 for example.

9.2 Request for a Site Visit

9.2.1 *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 must never be called simply to expose other Members to the strength of public opinion. The public speaking policy exists for the public to be heard at Planning Committee. The volume of objectors or supporters to a planning application is not relevant if the basis of their opinion is based upon non material planning considerations.

Site visits, whether Site Panel or Full 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 material planning reasons for the visit.**

Site visits cannot be undertaken for inappropriate reasons (see Paragraph 9.2.2).

9.2.2 *Inappropriate Site Visit*

Examples where a site visit would not normally be appropriate include where;

- purely policy matters or issues of principle are at issue
 - to consider boundary or neighbour disputes
 - issues of competition
 - loss of property values
- any other issues which are not material planning considerations (See Appendix 2) where Councillors have already visited the site within the last 12 months

9.3 Format and Conduct at the Site Visit

9.3.1 Attendance

Members of the Development Control Committee, the local Ward Member(s) 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 any person who has registered an intention to speak at Committee but it will be made clear that representations cannot be made during the course of the visit.

9.3.2 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 and the local Ward Member(s) and one objector who has registered a request to speak at Committee 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.

9.3.3 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.

9.3.4 Record keeping

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

9.3.5 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.

The frequency and reason for site inspections will be monitored and reports will be submitted periodically to Committee, in order that these guidelines can be kept under review.

10. PROCEDURE AT DEVELOPMENT CONTROL COMMITTEE

10.1 Delegation

The majority of planning applications are determined by the Corporate Director Communities Officer under the Council's Delegation scheme. This is necessary to ensure that most decisions are made in a timely manner.

Delegation is a more efficient and speedy means of determining planning applications. In most instances the outcome will be the same. Increased performance management and targets set by Welsh Government mean that delegation will need to increase in future if these targets are to be met.

Whilst Members have a right to request that applications affecting their ward be determined by the Development Control Committee such requests can only relate to applications where a material objection has been lodged and should then be justified by clearly identifying in writing why a Committee decision is required. This is generally done on the return notification form sent out to Ward Members.

The delegated arrangements shall be in accordance with the Council's scheme of Delegation of Functions (See Appendix 1).

10.2 Reports

Officers will produce written reports on all planning applications reported to Committee. In respect of each proposal the report will include, amongst other matters:-

- description of the proposal,
- description of the site,
- responses to consultations and officer observations thereon,
- summary of objections and / or support received,
- relevant site history,
- relevant Development Plan policies,
- relevant planning guidance where appropriate,
- any other material planning consideration,
- an appraisal by the Case Officer which will include the relevant views of other consulted Officers within the Development Department,
- a clear recommendation,
- brief details of any conditions to be imposed, or,
- full details of reasons for refusal.

10.3 Late observations

Late observations received by 4.00p.m. the day before a Committee meeting will be summarised and reported separately and circulated to Members immediately prior to the start of the meeting. Members should not attempt to introduce documentation at the Committee meeting where the Planning Officer has not had an opportunity to consider the contents of the documentation. This is essential to ensure Members receive properly considered and correct advice.

10.4 Officer Report at Committee

The Planning Officer will at the Chairs request briefly introduce each item highlighting the key issues for Members consideration.

10.5 Deferment

Where a Member seeks and obtains a majority for a deferment for a specific purpose then there will be no further debate on that matter until such time as the proposal is re-presented.

Public Speaking will take place in accordance with the agreed Public Speaking arrangements.

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11. DECISIONS CONTRARY TO OFFICER RECOMMENDATION

From time to time members of the Development Control Committee will disagree with the professional advice given by the Corporate Director Communities. The Committee's decisions must be in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. If Members are minded to make a decision contrary to the Officer's recommendation the application should be referred to the next meeting of the Committee to enable officers to advise Members further.

Where a Member proposes a recommendation contrary to the Officer's recommendation then the proposer should set out clearly the material planning reasons for doing so. The Chairperson will ensure that the Officer is given the opportunity to explain the implications of the contrary decision, before a vote is taken.

In cases where the Development Control Committee decides for good and valid reasons to depart from the Corporate Director Communities recommendation, the Committee must always define the reasons for rejecting the Officer's recommendation and those reasons must be recorded in the minutes of the meeting.

Where Members of the DC Committee are minded to take a decision against Officers recommendation, so that consideration of that matter is deferred to the next meeting of the Committee, Members will receive a further report from Officers upon the strengths and weaknesses of any proposed or possible planning reasons for such a decision.

In cases where Members overturn an Officer's recommendation for approval, the reasons for will be drafted and reported back to members at the next Development Control meeting. In cases where Members overturn an Officer's Recommendation for refusal, conditions subject to which the planning approval should be granted (and if relevant any section 106 obligations which should be imposed on the grant of consent) will be drafted and reported back to members at the next Development Control meeting.

12. APPEALS AGAINST COUNCIL DECISIONS

12.1 Officers Role

Officers will defend planning appeals on behalf of the Council whether by written representations, through a hearing or public inquiry. In some circumstances where specialist knowledge is required it may be necessary to appoint consultants to present the Council's case. There is no budget for such commissions and decisions of this sort will only be taken by the Group Manager – Development in consultation with the Chief Legal Officer.

12.2 Committee Members Role

In cases where an appeal is lodged as a result of a decision taken contrary to Officer advice, the Group Manager – Development will consider whether Members should present the case for the Council. There will be instances where Officers can act in an advocacy role and defend a decision they do not agree with.

However, in cases where that decision is considered unsound, unreasonable or would otherwise compromise the professional position of Officers, Members will be required to present the case, potentially with the aid of an appointed consultant. Officers will assist in terms of technical, logistical and administrative support.

12.3 Members support of an appellant

Where a member, who has expressed support for the applicant at the time of the decision, decides to make representations supporting the appellant, that member must ensure that those representations are qualified at the beginning of an appeal to confirm that those representations are not the view of the Local Planning Authority but are purely the view of that particular member.

Where a Member wishes to make representations at an appeal that are contrary to the decision of the DC Committee they should first inform the Group Manager - Development of their decision so that the Planning Inspectorate can be informed. Members in these circumstances must understand that the views that they put forward do not represent the views of the Council or the DC Committee.

12.4 RTPI Code of Conduct

Whether or not the Officer is a member of the Royal Town Planning Institute, they will be required to respect the professional code of conduct of that RTPI. It demands that Officers do not make statements purporting to be their own but which are contrary to their *bona fide* professional opinion.

Where the Corporate Director Communities clearly feels that Officers would be unable to defend such decisions on appeal (due to requirements of the Professional Code of Conduct of the Royal Town Planning Institute) then this shall be made known to the Committee. In such cases the Committee may nominate a Member who voted contrary to the recommendation to appear at any appeal and explain the Committee decisions and the reasons for them.

13. PLANNING AGREEMENTS AND SECTION 106s

Section 106 agreements are legal obligations. They require a developer to fulfil certain obligations to enable a development to take place e.g. improve an offsite road junction.

Planning permission must never be bought or sold. S106 agreements are not a mechanism for developers to offer “sweeteners” to a Council to obtain planning permission. Similarly, they are not a means of securing facilities that the Council should be providing in any event regardless of the proposal. The obligations placed on a developer must pass the relevant legal tests set out in the Regulations. They must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. All s106 negotiations will take place in light of the LDP and the adopted Supplementary Planning Guidance Document.

The Development Control Committee may, when considering the merits of an individual planning application, consider any planning obligation which has been offered by the applicant or agent but should form a view solely on the basis of the contents of the application and should take into account offered planning obligations only to the extent that they are necessary to make a proposal acceptable in land use planning terms.

Where the draft Heads of Terms of a Section 106 Legal Agreement has been the subject of negotiation between Officers and the applicant/agent post a resolution by Members to approve an application subject to the original terms, Officers will refer any proposed changes back to DC Committee for approval.

Councillors should avoid becoming involved in discussions with applicants, prospective applicants, their agents, landowners or other interested parties regarding benefits, which may be offered to the Council, or benefits which the Council itself wishes to obtain.

14. REGULAR REVIEW OF DECISIONS

14.1 Reviewing Decisions

As part of the aim to continually improve the quality of planning decisions, Members will be offered the opportunity to revisit implemented planning decisions on site. Such reviews will be a positive step to improve the quality and consistency of decision-making, not only strengthening public confidence in the planning system but also assist with the review of planning policy.

Such reviews will take place when there is scope to fit the programme in between DC Committee meetings and briefing notes will be prepared for each case. The DC Committee will formally consider the review and decide whether it gives rise to the need to reconsider any policies or practices.

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15. COMPLAINTS PROCEDURE

The Council has a formal complaints policy and system in operation, which can be used if someone wishes to make a complaint about the operation of the planning system. This policy does not apply if the matter relates to a Freedom of Information or Data Protection issue.

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Appendix 1

SCHEME OF DELEGATION

The Council operates a scheme of delegation where they have delegated powers to officers to determine most planning applications and other related planning submissions. The Audit Commission has advised that 90% of all planning applications should be determined under delegated powers. This Authority now determines in excess of 90% of all applications received under delegated power arrangements.

Applications to be accepted and dealt with by the Development Control Committee should be as follows:-

- a) an application which is contrary to the provisions of an adopted development plan, and which is recommended for approval, or an application which accords with the provisions of an approved development plan, but which is nevertheless recommended for refusal.
- b) [i] an application in respect of which a statutory consultee has submitted a material planning objection in writing/electronically within the stipulated consultation period and which has not been resolved by negotiation or through the imposition of conditions and which is recommended for approval.

[ii] an application in respect of which a Town/Community Council has submitted a material planning objection in writing/electronically within the stipulated consultation period and which has not been resolved by negotiation or through the imposition of conditions and which is recommended for approval and where other objections to the proposal have been received. If no other objections are received the Corporate Director Communities in consultation with the Chairman of the Development Control Committee shall determine the materiality of the objection to the assessment of the application and whether the application should be reported to the Development Control Committee.
- c) an application which a local Member formally requests should be the subject of consideration by the Development Control Committee by notifying the Corporate Director Communities in writing/electronically (within 21 days of the circulation of details of the application) of the material planning reasons why the Councillor considers the application should be considered by the Committee unless (i) a delegated decision would be in line with the views of the Member or (ii) no other objection has been received within the consultation/publicity period and the Chairman of the Development Control Committee does not consider it necessary to report the application to Committee.
- d) an application in respect of which more than two neighbours have submitted a material planning objection in writing/ electronically within the stipulated consultation period, which has not been resolved by negotiation or through the imposition of conditions, and which is recommended for approval. The Corporate Director Communities in consultation with the Chairman of the Development Control Committee shall determine whether objections from members of the same

household be treated as one neighbour objection.

- e) an application submitted by or on behalf of a Councillor, any member of the Council's Development or Highway Services staff involved in the processing/commenting upon applications, any Chief Officer of the Authority or any officer reporting directly to a Chief Officer (or the spouse or partner of any of these) if a material planning objection has been received within the stipulated consultation period.
- f) an application submitted by the Corporate Director Communities if a material planning objection has been received within the stipulated consultation period.
- g) an application which the Corporate Director Communities considers should be presented to Committee for decision including those that in the opinion of the Director are potentially controversial, likely to be of significant public interest or which may have a significant impact on the environment.

The Scheme of Delegation was last updated on 16 November 2011.

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Appendix 2 – Planning Considerations

Relevant or Material Planning Considerations:

When a decision is made on a planning application, only certain issues can be taken into account. These are referred to as ‘material planning considerations’. This list is not exhaustive or in order of importance.

- ✓ *Local and national planning policies eg the Local Development Plan and Planning Policy Wales.*
- ✓ *EU law and regulations.*
- ✓ *Government circulars, orders, statutory instruments, guidance and advice e.g. TAN's.*
- ✓ *Planning history including appeal decisions and pre-application consultation with the LPA.*
- ✓ *Case law.*
- ✓ *Socio economic benefits e.g. employment generation.*
- ✓ *Sustainability.*
- ✓ *Nature conservation including habitat and biodiversity opportunities.*
- ✓ *Loss of outlook or overshadowing (not loss of view).*
- ✓ *Flood risk.*
- ✓ *Overlooking and loss of privacy.*
- ✓ *Highway issues e.g. traffic generation, access, highway safety.*
- ✓ *General noise or disturbance resulting from use, including proposed hours of operation.*
- ✓ *Odours, air quality and emissions.*
- ✓ *Archaeology.*
- ✓ *Capacity of infrastructure, e.g. public drainage systems.*
- ✓ *Deficiencies in social facilities, e.g. spaces in schools.*
- ✓ *Contaminated land.*
- ✓ *Loss of or effect on trees.*
- ✓ *Disabled access to existing buildings.*
- ✓ *Effect on listed buildings and conservation areas.*
- ✓ *Layout, scale, appearance and density of buildings.*
- ✓ *Landscaping and means of enclosure.*
- ✓ *Loss of open space.*
- ✓ *S106 or CIL.*

The weight attached to material considerations is a matter of judgement. This will differ from case to case. The decision taker is required to demonstrate that in reaching every decision, they have considered all relevant matters. Greater weight must be attached to issues which are supported by evidence rather than solely by anecdote, assertion or assumption.

Non-material or Irrelevant Planning Considerations:

The LPA is not allowed to take the following into account when deciding a planning application.

- *Devaluation of property.*
- *Precedent.*
- *Moral, racial or religious issues.*
- *Internal layout of buildings.*
- *Matters controlled by other legislation e.g. structural stability, fire precautions, licences etc.*
- *Private issues between neighbours e.g. ownership/ boundary disputes, damage to property, private rights of access, covenants, private rights to light, maintenance of property.*
- *The identity of the applicant, their motives, personal circumstances or track record in planning.*
- *Previously made objections/representations regarding another site or application.*
- *Competition between individual private businesses or the “too many already” principle.*
- *Loss of view.*
- *Time taken to complete development.*

Appendix 3

NOTES ON PROCEDURE FOR PUBLIC SPEAKING AT DEVELOPMENT CONTROL COMMITTEE MEETINGS - BCBC

Introduction

The following notes are designed to help you to decide if you are eligible to speak at Committee and if so how to go about it, should you wish to do so (please note some 85% of all applications are dealt with under delegated powers and are not reported to Committee).

The Meetings

The Development Control Committee is normally held at the Civic Offices, Angel Street, Bridgend, CF31 4WB every sixth Thursday. The applications that are to be discussed at Committee are set out on a report which is available beforehand. You are advised to arrive no later than 20 minutes before the meeting which starts at 2pm. A clerk will advise on seating and answer any other queries.

Speakers should advise the Council in advance if they have any special needs.

Webcasting of meetings

Speakers should be aware that the meetings will be webcasted live and your image and voice will be on the website unless you specifically advise us that you do not wish to appear on camera at the same time as applying to speak at the Committee meeting.

Are you eligible?

You should be one of the following:-

- A County Borough Councillor not on the Development Control Committee within whose ward the application is situated, or a Cabinet member;
- An objector against the application or their representative who has submitted an objection in writing detailing your concerns (an 'anonymous' objector would not qualify);
- A representative of a Town or Community Council;
- The applicant or their agent/advisor.

How do I go about it?

It is your responsibility to check whether the application is to be considered by Committee by contacting the Case Officer. You can ring the Department to ascertain the date of the Committee meeting at which the application is due to be considered, please telephone (01656) 643155. Whilst notification letters are sent out 6 days before committee, I am unable to guarantee the postal service. Please note that you will only have a short period in which to decide if you want to speak.

When can I see the Officer's report?

The report is available for public inspection from the Monday before the meeting at the Civic Offices, Angel Street, Bridgend or on the following website:
www.bridgend.gov.uk/planning

How can I register my desire to speak?

If you wish to speak you should write to the Development Department as soon as possible and no later than **four clear working days** before the date of the Committee meeting including details of a day time telephone number.

You also must confirm between 8.30am and 10.00am on the day of Committee that you still intend to speak or no longer wish to speak by phoning the Cabinet and Committee Officer on (01656) 643148.

How is the speaking organised?

Where more than one objector registers to speak, they will be encouraged to appoint a spokesperson, only one objector can speak per application. This could be a representative of the relevant Town or Community Council or County Borough Councillor not on Committee. Where no agreement can be reached by the objectors the Chairman will allocate the time to the first person to register. The County Borough Councillor not on Committee speaks first and the objector speaks next.

How will the scheme work for Applicants/Agents?

Once it is known that an objector has registered to speak against an application the applicant or agent will be notified by the Development Department. If the applicant or agent wishes to exercise the right of reply they must notify the cabinet and committee officer on Tel. No (01656) 643148 between 10.00am - 10.30am the day of committee.

Time will be allowed for speaking immediately after the objector and Town/Community Council representative/County Borough Councillor not on Committee or Cabinet Member has spoken. No guarantee will be given that an application will be determined at any particular Committee nor that an objector will actually speak.

How the scheme will work for Town and Community Councils?

Town and Community Councils will continue to be notified as at present of the receipt of all planning applications in their area. If the Town/Community Council resolve to object to any application and notify the Development Department as above, they will be entitled to address the Development Control Committee.

How long can I speak?

Objector, Applicant, Agent or County Borough Councillor not on Committee or Cabinet Member - **Up to three minutes maximum**. This limit will be strictly observed.

Extraordinary Applications

In the case of extraordinary applications Committee will consider whether public speaking rights need to be extended.

If Committee agree objectors and applicants will each have up to a maximum of 10 minutes to address Committee. This time can be shared amongst different objectors or representatives on behalf of the applicant. County Borough Councillors not on Committee and the representatives of a Town/Community Council will continue to have 3 minutes to address Committee.

What can be said at Committee?

Comments should be limited to relevant Planning issues already raised in the written representations or application. These may include:-

- Planning policies, including those in the Development Plan;
- Appearance and character of development, layout and density;
- Traffic generation, highway safety and parking;
- Overshadowing, overlooking, noise disturbance or other loss of amenity.

Matters that cannot be considered by Committee include:-

- Boundary disputes, covenants and other property rights;
- Personal remarks (eg. The applicant's motives);
- Rights to a view or potential devaluation of property.

The presentation of plans, drawings or other visual aids, the taking of photographs or the use of voice recording equipment will not be permitted. Speakers may not ask questions of others at the meeting, nor will others be allowed to ask questions of them unless the Chairman wishes to seek clarification. Speakers can ask for plans/documents submitted with the application and for O.S. plans to be displayed but facilitating such requests will use up part of their speaking time.

Who else can speak?

Officers of the Council - to present report recommendation and provide advice.

Members of the Committee - to consider and reach a decision.

When is the decision made?

Usually immediately after the discussion by a majority vote of the Committee Members. Sometimes a decision will be deferred for further information, revised plans or a Members' site visit. Deferred cases are normally brought back to the following meeting and if you wish to speak again, or someone else wishes to speak, then you will need to follow the above procedure. Please be aware that the Members have to balance different factors and come to an objective decision based on planning considerations. If they refuse an application contrary to the Officer's recommendation, they will need to be able to support that decision on appeal.

Can I appeal against the decision?

Only if you are the applicant.

What happens after the Committee?

The Committee's decision and the reasons for it will be confirmed to applicants and objectors in writing. Normally applicants (or their agents) will be notified of the decision within three working days, and objectors shortly afterwards.

What happens once a decision is made?

Persons who have written to the Council will be notified of the outcome in writing. If the applicant was not determined the way you would have wished, try to understand how it was looked at by the Council. The Development Control service is committed to best practice and encourages feedback from customers.

TRAINING LOG

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

<u>Facilitator</u>	<u>Subject</u>	<u>Date</u>	<u>Time</u>
Jonathan Parsons & Rhodri Davies, <i>Development Group, BCBC</i>	“Development Control Committee Code of Conduct” workshop	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
Matthew Gilbert, <i>Highway Services, BCBC</i>	“Active Travel Plans”	6 July 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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