

Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr Bridgend County Borough Council

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



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

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



Annwyl Cyngorydd,

PWYLLGOR DATBLYGIAD A RHEOLI

Cynhelir Cyfarfod Pwyllgor Datblygiad a Rheoli yn Siambr y Cyngor, Swyddfeydd Dinesig, Stryd Yr Angel, Penybont Ar Ogwr ar **Dydd Iau, 1 Chwefror 2018 am 10:00.**

AGENDA

1. Ymddiheuriadau am absenoldeb
Derbyn ymddiheuriadau am absenoldeb gan Aelodau.
2. Datganiadau o fuddiant
Derbyn datganiadau o ddiddordeb personol a rhagfarnol (os o gwbl) gan Aelodau / Swyddogion yn unol â darpariaethau'r Cod Ymddygiad Aelodau a fabwysiadwyd gan y Cyngor o 1 Medi 2008. Dylai aelodau cael rolau deul o'r fath ddatgan buddiant personol mewn perthynas â'u haelodaeth o Gyngor Tref / Cymuned fath a rhagfarnllyd os ydynt wedi cymryd rhan yn yr ystyriaeth o eitem ar y Cyngor Tref / Cymuned a geir yn Adroddiadau y Swyddog isod.
3. Ymweliadau Safle
I gadarnhau dyddiad dydd Mercher 14/03/17 ar gyfer archwiliadau safle arfaethedig sy'n codi yn y cyfarfod, neu nodi cyn cyfarfod nesaf y Pwyllgor gan y Cadeirydd.
4. Cymeradwyaeth Cofnodion 3 - 10
I dderbyn am gymeradwyaeth y Cofnodion cyfarfod y 21/12/2017
5. Siaradwyr Cyhoeddus
I gynghori aelodau enwau'r siaradwyr cyhoeddus rhestredig i siarad yn y cyfarfod heddiw (os o gwbl).
6. Taflen Gwelliant

Ffôn/Tel: 01656 643643

Negeseuon SMS/ SMS Messaging: 07581 157014

Facs/Fax: 01656 668126

Twitter@bridgendCBC

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Gwefan/Website: www.bridgend.gov.uk

Cyfnwidd testun: Rhowch 18001 o flaen unrhyw un o'n rhifau ffon ar gyfer y gwasanaeth trosglwyddo testun

Text relay: Put 18001 before any of our phone numbers for the text relay service

Rydym yn croesawu gohebiaeth yn y Gymraeg. Rhowch wybod i ni os yw eich dewis iaith yw'r Gymraeg

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Bod y Cadeirydd yn derbyn taflen gwelliant pwyllgor rheoli datblygu fel eitem frys yn unol â rhan 4 (paragraff 4) Rheolau Gweithdrefn y Cyngor, er mwyn caniatáu i'r Pwyllgor ystyried addasiadau angenrheidiol i adroddiad y Pwyllgor, felly ynghylch hwyr yn ystyried sylwadau a diwygiadau sy'n ei gwneud yn ofynnol i gael eu lletya.

7.	<u>Canllawiau Pwyllgor Datblygiad a Rheoli</u>	11 - 14
8.	<u>P/17/610/FUL - Lidl, Ffordd Antwn, Tondy, CF32 9GA</u>	15 - 30
9.	<u>P/17/393/FUL - Tir I'r Gorllewin O Bryn Bragl, CF31 2LP</u>	31 - 46
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11.	<u>Apeliadau</u>	81 - 94
12.	<u>Rhestr Hyfforddiant</u>	95 - 96
13.	<u>Gwybodaeth ddiweddaraf ar ymateb y Cyngor i lythyr yr Ysgrifennydd Cabinet ynghylch Cynlluniau Datblygu Lleol ar y cyd a Cynlluniau Datblygu Strategol</u>	97 - 112
14.	<u>Canlyniad arolwg amserau cyfarfodydd - Amser Dechrau Pwyllgor Rheolaeth Datblygu</u>	113 - 116
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16.	<u>Materion Brys</u>	

I ystyried unrhyw eitemau o fusnes y, oherwydd amgylchiadau arbennig y cadeirydd o'r farn y dylid eu hystyried yn y cyfarfod fel mater o frys yn unol â Rhan 4 (paragraff 4) o'r Rheolau Trefn y Cyngor yn y Cyfansoddiad.

Yn ddiffuant

P A Jolley

Cyfarwyddwr Gwasanaethau Gweithredol a Phartneriaethol

Dosbarthiad:

Cynghowrwyr

TH Beedle
JPD Blundell
NA Burnett
RJ Collins
SK Dendy
MJ Kearns

Cynghorwyr

DRW Lewis
JE Lewis
RMI Shaw
JC Spanswick
RME Stirman
G Thomas

Cynghorwyr

T Thomas
JH Tildesley MBE
MC Voisey
KJ Watts
CA Webster
AJ Williams

PWYLLGOR DATBLYGIAD A RHEOLI - DYDD IAU, 21 RHAGFYR 2017

COFNODION CYFARFOD Y PWYLLGOR DATBLYGIAD A RHEOLI A GYNHALIWYD YN SIAMBR Y CYNGOR - SWYDDFEYDD DINESIG, STRYD YR ANGEL, PEN-Y-BONT AR OGWR CF31 4WB DYDD IAU, 21 RHAGFYR 2017, AM 10:00

Presennol

Y Cyngorydd G Thomas – Cadeirydd

TH Beedle
JE Lewis
T Thomas
AJ Williams

JPD Blundell
RMI Shaw
JH Tildesley MBE

NA Burnett
JC Spanswick
MC Voisey

DRW Lewis
RME Stirman
KJ Watts

Ymddiheuriadau am Absenoldeb

RJ Collins a/ac MJ Kearn

Swyddogion:

Rhodri Davies	Rheolwr Datblygu a Rheoli Adeiladu
craig flower	Arweinydd Tim Cymorth Thechnegol
Mark Galvin	Uwch Swyddog Gwasanaethau Democrataidd - Pwyllgorau
Rod Jones	Senior Lawyer
Susan Jones	Rheolwr Cynllunio Datblygu
Richard Matthams	Arweinydd Tîm Cynllunio Datblygiadau
Robert Morgan	Uwch Swyddog Rheoli Datblygu Trafnidiaeth
Jonathan Parsons	Rheolwr Grŵp Datblygu
Andrew Rees	Uwch Swyddog Gwasanaethau Democrataidd - Pwyllgorau
Philip Thomas	Prif Swyddog Cynllunio
Leigh Tuck	Swyddog Rheoli Datblygu Trafnidiaeth

60. DATGANIADAU O FUDDIANT

Gwnaed y Datganiadau o Fuddiant canlynol:

Y Cyngorydd RMI Shaw - Eitem 8 ar yr Agenda - Cais Cynllunio P/17/165 /FUL - Buddiant rhagfarnol gan mai ef yw aelod y ward, roedd wedi rhoi cyflwyniad ysgrifenedig ac wedi penderfynu ar y cais ymlaen llaw. Aeth y Cyngorydd Shaw allan o'r cyfarfod pan gafodd y cais hwn ei ystyried.

Y Cyngorydd TH Beedle - Eitem 14 ar yr Agenda - Diweddariad ynghylch Archwilio Rhandiroedd a Gerddi Cymunedol 2017 - Buddiant personol fel aelod o Gymdeithas Rhandiroedd Pen-y-bont ar Ogwr ac Ysgrifennydd Rhandiroedd Bronfair, Garth, Maesteg

Y Cyngorydd G Thomas - Eitem 14 ar yr agenda - Diweddariad ynghylch Archwilio Rhandiroedd a Gerddi Cymunedol 2017 - Buddiant personol fel deiliad rhandiroedd.

Y Cyngorydd JE Lewis - Eitem 14 ar yr agenda - Diweddariad ynghylch Archwilio Rhandiroedd a Gerddi Cymunedol 2017 - Buddiant personol fel deiliad rhandiroedd ac Ysgrifennydd Rhandiroedd Sarn.

Y Cyngorydd NA Burnett - Eitem 14 ar yr Agenda - Diweddariad ynghylch Archwilio Rhandiroedd a Gerddi Cymunedol 2017 - Buddiant personol gan ei bod yn eistedd ar Bwyllgor Rhandiroedd Cyngor Tref Pen-y-bont ar Ogwr.

Y Cynghorydd RME Stirman - Eitem 8 ar yr Agenda - Cais Cynllunio P/17/165 /FUL - Buddiant personol fel aelod o Gyngor Cymuned Cwm Garw ond nid yw'n cymryd unrhyw ran wrth ystyried ceisiadau cynllunio.

Y Cynghorydd MC Voisey - Eitem 9 ar yr Agenda - Cais cynllunio P/17/165 /FUL - Buddiant personol gan ei fod yn berchen ar eiddo ac yn rhedeg busnes yn Central Park, oddi ar Western Avenue ar Stad Ddiwydiannol Pen-y-bont ar Ogwr, nad yw yng nghyffiniau cais y safle. Eitem 14 ar yr agenda - Diweddariad ynghylch Archwilio Rhandiroedd a Gerddi Cymunedol 2017 - Buddiant personol gan ei fod yn eistedd ar Bwyllgor Rhandiroedd Cyngor Tref Pen-y-bont ar Ogwr a hefyd yn berchen ar /yn cynnal rhandiroedd.

61. YMWELIADAU SAFLE

PENDERFYNWYD: Bod dydd Mercher 31 Ionawr 2018 yn cael ei gadarnhau fel dyddiad ar gyfer arolygiadau safle arfaethedig yn codi yn y cyfarfod neu a nodir cyn cyfarfod nesaf y Pwyllgor gan y Cadeirydd.

62. CYMERADWYO COFNODION

PENDERFYNWYD: Cymeradwyo Cofnodion cyfarfod y Pwyllgor Rheoli Datblygu a gynhaliwyd ar 9 Tachwedd 2017 fel cofnod cywir.

63. SIARADWYR CYHOEDDUS

Nid oedd unrhyw siaradwyr cyhoeddus.

64. TAFLEN DDIWYGIO

PENDERFYNWYD: Bod y Cadeirydd yn derbyn Taflen Ddiwygio'r Pwyllgor Rheoli Datblygu fel eitem frys yn unol â Rhan 4 (paragraff 4) Rheolau Gweithdrefn y Cyngor, er mwyn caniatáu i'r Pwyllgor ystyried addasiadau angenrheidiol i adroddiad y Pwyllgor, er mwyn rhoi ystyriaeth i sylwadau a diwygiadau hwyr y mae'n ofynnol eu cynnwys.

65. P/17/165/FUL - 65 OXFORD STREET, PONTYCYMER, GER PEN-Y-BONT AR OGWR, CF32 8DD

PENDERFYNWYD: Bod y cais yn cael ei ganiatáu yn amodol ar yr amodau yn adroddiad y Cyfarwyddwr Corfforaethol - Cymunedau.

Cynnig

Newid defnydd siop i fflat un ystafell wely hunangynhwysol

66. P/17/373/FUL - UNED 12D, ADEILADAU KINGSWAY, KINGSWAY, STAD DDIWYDIANNOL PEN-Y-BONT AR OGWR, PEN-Y-BONT AR OGWR, CF31 3YH

PENDERFYNWYD: (1) Bod y cais yn cael ei gyfeirio at y Cyngor fel cynnig sy'n ymadawiad o'r Cynllun Datblygu nad yw'r Pwyllgor Rheoli Datblygu yn dueddol i'w wrthod gan fod y cais wedi ceisio dangos bod lleoliadau eraill wedi cael eu hystyried ond nad oedd unrhyw adeiladau addas mewn lleoliad mwy priodol wedi eu nodi; nid yw'r defnydd yn cael effaith ar y gweithredwyr cyfagos a bod

defnyddiau D2 o'r fath yn parhau i fod yn israddol i ac nad ydynt yn fygythiad ar hyn o bryd i ddyraniad ehangach y stad ddiwydiannol o ran cyflogaeth. Yn holl bwysig, mae'r busnes yn darparu cyflogaeth ar gyfer hyd at 14 o bobl sydd o fudd i'r economi leol.

- (2) Os bydd y Cyngor yn penderfynu cymeradwyo'r cynnig, bod yr amodau a gynhwysir yn adroddiad y Cyfarwyddwr Corfforaethol - Cymunedau yn cael eu hatodi i'r caniatâd.

67. APELIADAU

Adroddodd y Rheolwr Datblygu a Rheoli Adeiladu ar apelïadau a dderbyniwyd ac apelïadau a benderfynwyd ers cyfarfod diwethaf y Pwyllgor.

PENDERFYNWYD: (1) Nodi'r Apêl ganlynol a dderbyniwyd ers cyfarfod diwethaf y Pwyllgor: -

Rhif Cod

Pwnc yr Apêl

D/17/3190308 (1819)

Llawr Rhan 2 Arfaethedig, Rhan o Estyniad Cefn
Un Llawr a Datblygu'r Garej Presennol yn Ystafell
Ardd: 81 Ewenny Road, Pen-y-bont ar Ogwr

- (2) Bod yr Arolygydd a benodwyd gan Weinidogion Cymru i benderfynu ar yr Apeliadau canlynol wedi gorchymyn bod yr Apêl ganlynol yn cael ei CHANIATÁU YN DDAROSTYNGEDIG I AMODAU:

Rhif Cod

Pwnc yr Apêl

A/17/3180379 (1809)

Llacio Amodau 4, 5 ac 8 o P/14/63 /FUL i alluogi'r Ysgubor i gael ei chyfanheddu pan fydd bod y fynedfa newydd yn cael ei hadeiladu:
Parcau Isaf Farm, Laleston, Pen-y-bont ar Ogwr.

A/17/3181972 (1813)

Trosi / Adnewyddu Coed Parc yn 2 Annedd Preswyl (gan gynnwys Estyniad, Addasiadau a Dymchwel Rhannol) ac Adeiladu 13 o Anheddau Preswyl Newydd gyda Mynediad Newydd, Tirlunio, Parcio a Gwaith Cysylltiedig - Coed Parc, Stryd y Parc, Pen-y-bont ar Ogwr

Nodyn: Derbyniwyd y penderfyniad ar yr apêl uchod ers cyhoeddi'r adroddiad ac fe'i cynhwyswyd yn y Daflen Newidiadau.

- (3) Bod yr Arolygydd a benodwyd gan Weinidogion Cymru i benderfynu ar yr Apeliadau canlynol, wedi gorchymyn bod yr APELIADAU YN CAEL EU GWRTHOD:

Rhif Cod

Pwnc yr Apêl

A/17/3180687 (1811)

Disodli'r Hen Weithdy gyda Gweithdy Newydd: The Yard, Rogers Lane, Cefn Cribwr

A/17/3182456 (1814)

Annedd Newydd: Tir y tu ôl i Osborne Terrace, Nantymoel

68. LOG HYFFORDDIANT

Adroddodd y Rheolwr Grŵp - Datblygu ar log hyfforddi wedi'i ddiweddarau.

Gwnaeth aelodau'r Pwyllgor sylwadau am ba mor anodd yw mynychu sesiynau hyfforddi yn dilyn cyfarfod y Pwyllgor oherwydd ymrwymadau gwaith. Gofynnodd yr Aelodau felly am roi ystyriaeth i newid amser dechrau cyfarfodydd y Pwyllgor Rheoli Datblygu a allai hefyd effeithio ar amser dechrau sesiynau hyfforddi'r Pwyllgor.

PENDERFYNWYD: (1) Nodi adroddiad y Cyfarwyddwr Corfforaethol - Cymunedau ;

(2) Gofyn i Aelodau'r Pwyllgor pryd yr hoffent i gyfarfodydd y Pwyllgor Rheoli Datblygu ddechrau a bod canlyniad yr arolwg yn cael ei gyflwyno i gyfarfod nesaf y Pwyllgor.

69. NEWIDIADAU A AWGRYMR I'R SYSTEM GORFODI CYNLLUNIO YNG NGHYMRU

Dywedodd Rheolwr y Grŵp Datblygu fod y Pwyllgor yn ei gyfarfod ar 9 Tachwedd 2017, wedi gofyn i adroddiad gael ei gyflwyno i'r Pwyllgor hwn ynghylch cynnig i anfon llythyr gan y Pwyllgor at Ysgrifennydd Cabinet y Cynulliad Cenedlaethol dros Ynni, Cynllunio a Materion Gwledig ac Aelodau'r Cynulliad Pen-y-bont ar Ogwr yn gofyn am roi gordaliad ar geisiadau cynllunio ôl-weithredol.

Dywedodd, yn dilyn nifer o bryderon a godwyd gan ASau, Aelodau'r Cynulliad ac Aelodau ynghylch effeithiolrwydd y system orfodi cynllunio wrth reoli gweithgareddau llygredd mawr sy'n arwain at broblemau amwynderau sylweddol, y gofynnwyd i'r Cyngor lunio rhestr o welliannau posibl i'r system orfodi cynllunio a fyddai'n rhoi mwy o rym i'r Awdurdod Cynllunio Lleol reoli datblygiad yn effeithiol ac yn gyflym. Dywedodd y codwyd y mater hwn gydag awdurdodau a grwpiau cynllunio rhanbarthol eraill. Fe'i trafodwyd hefyd yng Nghynhadledd Gorfodi Cynllunio Cymru. Rhoddodd wybod i'r Pwyllgor fod cynnwys yr adroddiad yn mynd y tu hwnt i'r cynnig gwreiddiol a gyflwynwyd gan y Pwyllgor, a'i fod hefyd yn ymdrin â'r prif faes pryder a godwyd. Roedd yn amser cyfleus i ddwyn y mater hwn ymlaen yn arbennig gan y gofynnwyd amdano gan AC Lleol

Amlinellodd Rheolwr y Grŵp Datblygu y system orfodi gyfredol ac adroddodd ar nifer o newidiadau a gwelliannau a awgrymwyd i'r system orfodi cynllunio bresennol. Dywedodd fod ar y rhan fwyaf o'r newidiadau angen cymalau newydd neu ddiwygiadau i ddeddfwriaeth sylfaenol neu is-ddeddfwriaeth neu bolisi cenedlaethol, er bod gwelliannau eraill y gallir eu gwneud o dan bwerau cyfredol.

Hysbysodd y Pwyllgor, pe bai Aelodau'n fodlon gyda chynnwys yr adroddiad, y bydd Swyddogion yn drafftio llythyr eglurhaol i'w lofnodi gan y Cadeirydd ar ran y Pwyllgor, ac yn anfon yr adroddiad ymlaen at Ysgrifennydd Cabinet Cynulliad Cymru dros Ynni, Cynllunio a Materion Gwledig fel dogfen drafod. Dywedodd y byddai AC Pen-y-bont ar Ogwr yn derbyn copi hefyd.

Croesawodd Aelodau'r Pwyllgor y newidiadau a awgrymwyd i'r system o orfodi cynllunio a dywedwyd bod angen mwy o degwch, bod yn fwy agored a mwy o gosbau am beidio â chydymffurfio.

PENDERFYNWYD: Bod y Pwyllgor yn cymeradwyo cynnwys yr adroddiad ac yn ysgrifennu at Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig ac ACau Lleol yn gofyn am i gynnwys yr adroddiad gael ei ystyried fel dogfen drafod.

70. CANLLAWIAU CYNLLUNIO ATODOL AR NEWIDIADAU AC ESTYNIADAU I DDEILIAID TAI

Cyflwynodd Arweinydd y Tîm Cynllunio Datblygu'r ddogfen 'Canllawiau Cynllunio Atodol i Newidiadau ac Estyniadau Tai' i'w chymeradwyo at ddibenion ymgynghori cyhoeddus.

Dyweddodd wrth y Pwyllgor fod y Canllawiau Cynllunio Atodol (CCA), a gyhoeddwyd yn wreiddiol yn 2008, wedi'u hail-ddrafftio i adlewyrchu'r polisi cynllunio cenedlaethol a lleol diweddaraf ac i wneud y ddogfen yn haws i'r Cynghorwyr, aelodau'r cyhoedd a gweithwyr proffesiynol cynllunio ei darllen. Dywedodd fod pwrpas sylfaenol y CCA yn parhau i fod yr un fath a'u bod yn ategu Polisi CDLI SP2 'Dylunio a Gwneud Lleoedd Cynaliadwy'. Mae'r CCA drafft wedi bod yn destun ymgynghori mewnol a gofynnid am gytundeb a chymeradwyaeth i ymgynghori'n ffurfiol â phartïon eraill â diddordeb, cyrff allanol a'r cyhoedd ynghylch y cynnwys.

PENDERFYNWYD:

Bod y Pwyllgor yn:

- (1) cymeradwyo'r Canllawiau Cynllunio Atodol drafft ar Newidiadau ac Estyniadau i Ddeiliaid Tai (Atodiad 1) fel sail ar gyfer ymgynghoriad cyhoeddus;
- (2) dirprwyo awdurdod i Reolwr y Grŵp Datblygu wneud unrhyw ddiwygiadau ffeithiol a /neu gartograffig angenrheidiol i'r ddogfen a allai fod yn ofynnol cyn ymgynghori â'r cyhoedd; ac

Awdurdodi Rheolwr y Grŵp Datblygu i wneud trefniadau priodol ar gyfer ymgynghoriad cyhoeddus a chynhyrchu adroddiad pellach ar ganlyniad y broses ymgynghori a fydd yn cael ei hadrodd yn ôl i'r Pwyllgor Rheoli Datblygu.

71. DIWEDDARIAD AR ARCHWILIAD RHANDIROEDD A GERDDI CYMUNEDOL 2017

Adroddodd y Rheolwr Cynllunio Datblygu ar ganlyniad 'Archwiliad' diweddar o ddarpariaeth Rhandiroedd yn y Fwrdeistref Sirol. Dywedodd mai copi diwygiedig oedd hwn i ymgorffori sylwadau a wnaed gan y Pwyllgor yn ei gyfarfod ar 28 Medi 2017.

Adroddodd y Rheolwr Cynllunio Datblygu fod canfyddiadau cyffredinol ar gyfer y Fwrdeistref Sirol yn ei chyfanrwydd yn datgelu diffyg o ran darpariaeth rhandiroedd o oddeutu 0.65 hectar, yn seiliedig ar Gyfrifiad poblogaeth 2011 a diffyg o tua 1.50 hectar o ddarpariaeth rhandiroedd yn seiliedig ar Amcangyfrif Canol Blwyddyn o boblogaeth 2016. Dywedodd fod y diffyg cyffredinol o ddarpariaeth ar draws y Fwrdeistref Sirol, ar lefel Is-Ardal, yn cael ei drosi yn wargedau cyffredinol yng Nghwm Llynfi, Cwm Ogwr, Pencoed, y Pîl /Cynffig /Corneli a Phorthcawl gyda diffygion yn y ddarpariaeth gyffredinol yn Is-Ardaloedd Cwm Garw, Pen-y-bont ar Ogwr a Phorth y Cymoedd. Rhoddodd y Rheolwr Cynllunio Datblygu wybod i'r Pwyllgor fod y diffyg mwyaf o ran darpariaeth rhandiroedd o fewn Is-Ardal Pen-y-Bont ar Ogwr, sydd â diffyg o 5.24 hectar, ac mae'r gwaged mwyaf o ran darpariaeth o fewn Is-ardal Y Pîl / Cynffig, sef 1.86 hectar.

Dyweddodd y Rheolwr Cynllunio Datblygu y gellir defnyddio'r Archwiliad fel offeryn at ddibenion Rheoli Datblygu sy'n darparu tystiolaeth i gefnogi penderfyniadau Cynllunio. Gellir defnyddio ei ganfyddiadau fel modd o gyfiawnhau darparu cyfleusterau newydd a /neu wella'r diffygion lleol yn y ddarpariaeth. Gellir ei ddefnyddio hefyd fel modd o ddiogelu a gwella'r cyfleusterau presennol fel bo'n briodol lle bo hwn yn opsiwn dewisol ar gyfer cyfleusterau adloniant awyr agored gan y gymuned leol. Bydd canfyddiadau'r

Archwiliad hefyd yn darparu tystiolaeth ategol i Ganllawiau Cynllunio Atodol (CCA) y Cyngor sy'n ymwneud â Chyfleusterau Hamdden Awyr Agored ac yn sail i Bolisiâu sy'n ymwneud â darpariaeth hamdden mewn Adolygiad CDLI yn y dyfodol.

PENDERFYNWYD: Nodi cynnwys yr adroddiad a'r Archwiliad Rhandiroedd a Gerddi Cymunedol - Diweddariad 2017.

72. ADOLYGIAD O GYNLLUN DATBLYGU LLEOL PEN-Y-BONT AR OGWR

Adroddodd yr Arweinydd Tîm Cynllunio Datblygu ar drosolwg o'r system cynllunio datblygu yng Nghymru. Nododd bwysigrwydd y Cynllun Datblygu Lleol (CDLI) a'r modd y mae'n effeithio ar y broses Rheoli Datblygiad a datblygiad ym Mhen-y-bont ar Ogwr. Dywedodd fod rhaid adolygu'r CDLI bob 4 blynedd ac oherwydd bod CDLI Pen-y-bont ar Ogwr wedi ei fabwysiadu yn 2013, rhaid i'r Awdurdod Cynllunio Lleol (ACLI) bellach ddechrau gweithio ar y cynllun newydd.

Dywedodd mai paratoi a mabwysiadu CDLI yw'r darn unigol mwyaf o waith corfforaethol y bydd awdurdod lleol yn ei wneud o ran methodoleg, casglu tystiolaeth ac archwilio annibynnol. Hysbysodd y Pwyllgor fod y CDLI yn dod â manteision sylweddol (cymdeithasol ac ariannol) i'w gymunedau. Tynnodd sylw at y gwahanol gamau ym mhroses y CDLI.

Adroddodd yr Arweinydd Tîm Cynllunio Datblygu ar y camau nesaf, rhoddodd grynoded o elfennau allweddol y broses adolygu a manylion am yr amserlen a fyddai'n cael ei phennu yn y Cytundeb Cyflawni. Dywedodd wrth y Pwyllgor fod gan Lywodraeth Cymru bŵer 'cyfeirio' i fynnu bod 'CDLI ar y Cyd' yn cael ei baratoi ar y cyd ag un neu fwy o awdurdodau cyfagos. Dywedodd fod Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig wedi ysgrifennu at yr Arweinydd a'r Prif Weithredwr yn gwahodd yr Awdurdod Cynllunio Lleol i roi ystyriaeth ddifrifol i baratoi Cynllun Datblygu Lleol ar y Cyd gydag Awdurdodau Cynllunio Lleol eraill yn ardal De Ddwyrain Cymru - Gorllewin (yn cynnwys Pen-y-bont ar Ogwr, Rhondda Cynon Taf a Chaerffili). Y dyddiad cau ar gyfer ymateb yn ôl i Lywodraeth Cymru yw 28 Chwefror 2018 a hyd hynny ni fydd Llywodraeth Cymru yn cytuno i unrhyw gynllun symud ymlaen yn unigol.

PENDERFYNWYD: Nodi cynnwys yr adroddiad.

73. ADRODDIAD DIWEDD BLWYDDYN - PERFFORMIAD GRŴP DATBLYGU 2016-2017

Adroddodd y Rheolwr Datblygu a Rheoli Adeiladu ar berfformiad y Grŵp Datblygu ar gyfer 2016-17 sy'n rhoi diweddariad ar berfformiad o'i gymharu â 2016 ac yn rhoi manylion ar faterion megis cyfraniadau Adran 106, cwynion a Rheoli Adeiladu.

Hysbysodd y Pwyllgor fod yr Adroddiad Perfformiad Blyneddol a adroddwyd i'r Pwyllgor yn ei gyfarfod ar 9 Tachwedd 2017 ac i Lywodraeth Cymru ym mis Hydref wedi gweld gostyngiad o bron i hanner yn nifer y staff cynllunio yn ddiweddar, er bod nifer y ceisiadau cynllunio, yn enwedig cynlluniau mawr, wedi cynyddu. Dywedodd fod yr Adran yn darparu gwasanaeth ardderchog i'w chwsmeriaid er gwaethaf toriadau ariannol. Tynnodd sylw'r Pwyllgor at y pwyntiau allweddol sy'n deillio o'r gwaith o gasglu data.

Rhoddodd wybod i'r Pwyllgor am newid cadarnhaol arall mewn lefelau boddhad cwsmeriaid, sef yn ystod y cyfnod 2015-2016, fod 48% o ymatebwyr yr arolwg o'r farn fod Pen-y-bont ar Ogwr yn rhoi cyngor cynllunio da yn erbyn cyfartaledd Cymru o 58%. Ar gyfer 2016-2017, cytunai 62% o'r ymatebwyr fod yr ACLI yn rhoi cyngor da (yn erbyn cyfartaledd Cymru o 62%). Dywedodd y gellir priodoli bodlonrwydd cwsmeriaid cynyddol i nifer o ffactorau, megis proses gynghori effeithiol a werthfawrogi cyn gwneud

cais a'r raddfa bodlondeb yn cynyddu er gwaethaf y symud i ffwrdd oddi wrth fod â Swyddogion ar gael i ateb ymholiadau cyffredinol dros y ffôn (er bod canllawiau manwl yn cael eu darparu i staff y Ganolfan Galwadau / Cynrychiolwyr Gwasanaeth y Cwsmer i gyfeirio'r cyhoedd at y wybodaeth berthnasol ar y wefan).

Hysbysodd y Pwyllgor mai'r camau nesaf fyddai cynhyrchu adroddiad tebyg ar ddiwedd pob blwyddyn galendr (yn ogystal â'r APR) fel y gallai'r Aelodau archwilio perfformiad yr adran yn erbyn blynyddoedd calendr blaenorol.

PENDERFYNWYD: Nodi cynnwys yr adroddiad.

74. ADOLYGIAD O'R GYFUNDREFN CODI TÂL AM GYNGOR CYN CAIS

Adroddodd y Rheolwr Datblygu a Rheoli Adeiladu ar adolygiad o'r gwasanaeth cynghori newydd cyn gwneud cais fel y'i mabwysiadwyd ym mis Mehefin 2016 a rhoddodd ddrafft o drefn codi tâl am gyngor wedi ei diweddaru i'r Pwyllgor hyd nes y byddai adolygiad pellach yn 2018.

Dywedodd fod y gwasanaeth cynghori cyn gwneud cais a'r canllawiau presennol wedi bod mewn grym ers mis Mehefin 2016. Roedd hwn yn amser da i adolygu'r system ac awgrymu newidiadau i ddileu unrhyw anghysondebau, i wella lefel y gwasanaeth ac i fewnosod categorïau newydd er mwyn esbonio ystod ac amrywiaeth y taliadau ymhellach. Dywedodd nad oedd bwriad i gynyddu'r ffioedd ar hyn o bryd.

Adroddodd y Rheolwr Datblygu a Rheoli Adeiladu fod yr ACLI (LPA) wedi derbyn cyfanswm o 474 o ymholiadau cychwynnol ynghylch hawliau datblygu a ganiateir i ddeiliaid tai rhwng 13 Mehefin 2016 ac 1 Rhagfyr 2017. Nododd fod y nifer cyffredinol o 474 o ymholiadau cychwynnol a symudodd ymlaen i'r cam cynghori cyn-cais y derbyniwyd tâl amdanynt wedi gostwng i 286 (£7150). Hysbysodd y Pwyllgor yr ystyrid bod amser y Swyddogion a gafodd ei arbed (188 awr) wrth beidio â phrosesu'r 188 o ymholiadau "coll", ynghyd â'r incwm ffioedd a gafwyd o'r 286 ymholiad oedd yn weddill (ac unrhyw ffioedd ymgeisio o gyflwyno ceisiadau cynllunio ffurfiol neu Dystysgrifau Datblygu Cyfreithlon) wedi gwella effeithlonrwydd a gwydnwch y tîm. Ystyrid hefyd bod y cyhoedd yn gwerthfawrogi'r opsiwn o gael cyngor proffesiynol a bod y system yn canolbwyntio mwy ar y cwsmer na'r system anhyblyg sy'n cael ei mabwysiadu mewn ACLI eraill. Dywedodd fod mwyafrif y datblygwyr wedi rhoi derbyniad da i wasanaeth y "cyfarfod cwmpasu" am ddim, yn enwedig ynghylch y cynlluniau mwy cymhleth. Roedd hyn hefyd wedi helpu'r ACLI i alluogi a hyrwyddo datblygiad o ansawdd uchel yn y Fwrdeistref Sirol.

Amlinellodd y Rheolwr Datblygu a Rheoli Adeiladu y newidiadau posibl a gynigir o ganlyniad i adolygu'r broses weithredu ers mabwysiadu'r drefn codi tâl newydd ym mis Mehefin 2016. Dywedodd wrth y Pwyllgor y bydd swyddogion yn adolygu'r nodyn canllaw drafft sydd wedi'i ddiweddaru i roi cyngor cyn cyflwyno cais a bydd yn adrodd yn ôl i'r Pwyllgor a'r Cabinet yn 2018, ar gyfer mabwysiadu nodyn canllaw wedi'i ddiweddaru ym mis Ebrill 2018. Adolygir y gwasanaeth cynghori cyn ymgeisio yn flynyddol.

PENDERFYNWYD: Bod y Pwyllgor yn nodi cynnwys yr adroddiad a'r amserlen ddrafft ar gyfer codi tâl am gyngor cyn cyflwyno cais a'r nodyn canllaw.

75. EITEMAU BRYD

Nid oedd unrhyw eitemau brys.

Daeth y cyfarfod i ben am 12:08

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/17/610/FUL

APPLICANT: Lidl UK Gmbh C/o GVA, One Kingsway, Cardiff, CF10 3AN

LOCATION: Lidl Ffordd Antwn Tondy CF32 9GA

PROPOSAL: Demolition of the existing Lidl retail foodstore and its replacement with a new retail foodstore (Use Class A1), together with the rearrangement of the car parking, external areas and servicing arrangements.

RECEIVED: 14 July 2017

EOT AGREED: 28 February 2018

APPLICATION/SITE DESCRIPTION

The application seeks full planning permission for the demolition of the existing Lidl food store and replacement and construction of a new and larger food store together with associated car parking and servicing areas at Lidl, Maesteg Road, Tondy, Bridgend.

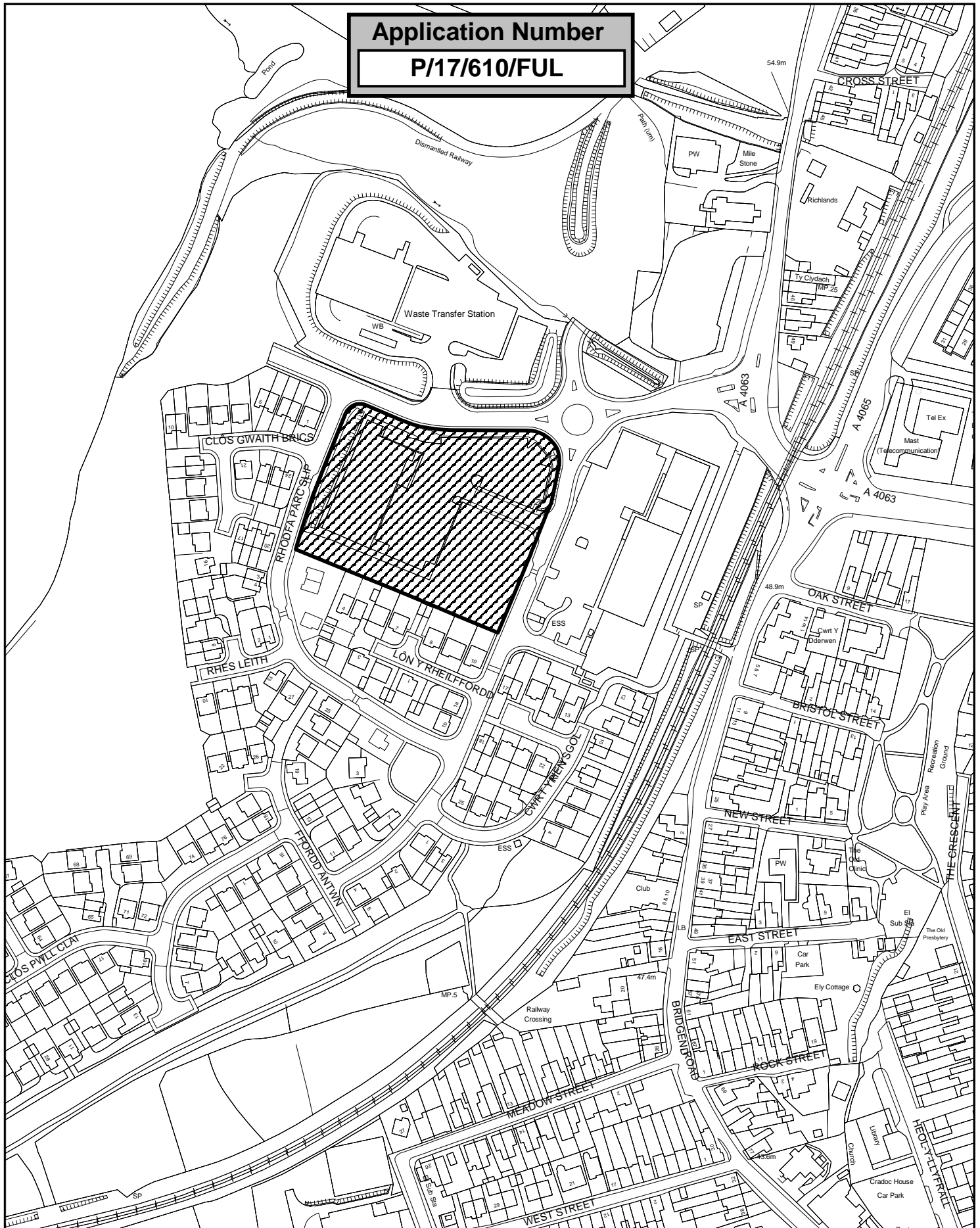
The existing site extends to some 0.68 hectares (1.68 acres) and is occupied by a Lidl retail food store benefiting from 83 parking spaces. The proposed replacement store would be developed on a larger site measuring 0.98 hectares (2.42 acres) including land acquired directly to the southeast and will be served by 149 car parking spaces of which 10 will be for disabled customers and 8 will be marked as 'parent and child' spaces. The existing store comprises 1,601.5 sq.m. Gross Internal Area (GIA) with a net sales area of 1,063 sq.m. The proposed replacement store will be 2,268sqm GIA and internally will be subdivided into four main parts, a sales area of 152 sq.m, an internal bakery/freezer/chiller of 158 sq.m, a warehouse/delivery storage area of 398 sq.m and a welfare area of approximately 74 sq.m which comprises a staff room, manager's office and staff facilities including a locker room and toilets.

Figure 1 - Proposed Layout Plan:



Application Number

P/17/610/FUL



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Scale 1:2,500

Date Issued:
25/01/2018

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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Cyngor Bwrdeistref Sirol



The customer entrance is located in the north eastern corner of the building with the entrance lobby facing the main car park and pedestrian link. A canopy is incorporated to the front of the unit which provides shelter to the customer entrance and this also accommodates the trolley park, customer cycle stands and the cash room. The warehouse extends along the eastern and southern sides of the building and connects to the store's delivery area which is located on the southern side of the building. The external service area is set 1.3m below the finished floor level to assist with deliveries which are via a dedicated loading bay - the area is proposed to be enclosed to avoid any noise issues during the delivery of goods to the site.

An amended site layout plan was submitted on 19 January 2018 which proposes a new pedestrian link located on the northern boundary of the site and a reduction in the size of the parking spaces located to the front of the store.

Figure 2 - Proposed Elevations:



The site currently benefits from vehicular access off Pentre Felin which links to the roundabout to the north of the site connecting to Maesteg Road via a short feeder road. The main vehicular access point to the site will not be affected by the proposals.

The site is located to the west of Maesteg Road in Tondu backing onto the residential dwellings that form part of the relatively new housing development that wraps around the application site to the west and south. To the east of the application site is a parcel of land which has recently been granted planning permission for a mixed A1/A3 development and is under construction.

The application has been accompanied by the following documents:

- Design and Access Statement
- Planning and Retail Statement
- Preliminary Ecological Assessment and Bat Survey
- Noise Impact Assessment
- Mining Risk Assessment Report
- Drainage Strategy and Flood Consequence Report
- Pre-Application Consultation (PAC) Report
- Landscape Proposals

RELEVANT HISTORY

P/16/614/FUL – Extension of car parking serving the existing Lidl food store, providing an additional 51 spaces and including the installation of an external trolley store – Approved with conditions - 09/02/2017.

P/14/14/FUL – Extension to food store including external trolley bay and associated ground works – Approved with conditions - 21/02/2014

A/16/19/ADV - Replacement Of Existing Flag Pole With 7.5M High Totem Sign - Approved with conditions - 15/06/2016.

A/08/6/ADV - Two Non Illuminated Advertising Billboards - Approved with Conditions – 21/04/2008.

A/07/66/ADV - 3 X Static Shop Signs – Approved with Conditions – 27/02/2008.

PUBLICITY

The application was advertised on site and in the press.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 5 September 2017

PLANNING POLICIES

Local Policies

The Development Plan for the area comprises the Bridgend Local Development Plan (LDP) 2006-2021, which was formally adopted by the Council in September 2013. The following policies are of relevance:

- Strategic Policy SP1 – Regeneration-Led Development
- Strategic Policy SP2 – Design and Sustainable Place Making
- Strategic Policy SP3 – Strategic Transport Planning Principles

- Strategic Policy SP10 – Retail and Commercial Hierarchy
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy PLA3 – Regeneration and Mixed Use Development Schemes
- Policy PLA11 – Parking Standards

Supplementary Planning Guidance

SPG02 – Householder Development

SPG17 – Parking Standards

SPG19 – Biodiversity and Development

National Planning Policy and Guidance

National planning guidance in the form of Planning Policy Wales (Edition 9, November 2016) (PPW) is of relevance in the determination of this application.

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes and Technical Advice Note 12 – Design (2016) is relevant to this application.

Paragraph 2.2 states ‘The Welsh Assembly Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmentally sustainability, economic development, and social inclusion at every scale throughout Wales - from householder extensions to new mixed use communities.’

Para 2.6 states ‘Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities’

Technical Advice Note 4 - Retail Development

CONSULTATION RESPONSES

Newcastle Higher Community Council – No objection

Head of Street Scene (Highways) – No objection subject to a financial contribution towards changes to the arrangement of the A4063 signalised junction

Head of Street Scene (Drainage) – No objection subject to the imposition of a condition regarding a comprehensive drainage scheme to be submitted prior to the commencement of development on site.

Head of Public Protection (Environmental Health Team) – No objection subject to the imposition of a condition regarding time restrictions of deliveries and the removal of waste from the site.

Head of Public Protection (Contamination) – No objection subject to standard advisory notes.

Destination and Countryside Manager – No objection subject to works being carried out in accordance with the submitted ecological assessment and bat survey and the imposition of a condition regarding a lighting design strategy for biodiversity.

Welsh Water Developer Services – No objection subject to a condition regarding surface water flows and standard advisory notes

Designing Out Crime Officer – No objection subject to standard design advice.

REPRESENTATIONS RECEIVED

Seven letters of objection have been received from the following people regarding the proposed development:

1 Clos Gwith Brics, Tondy states:

- Proposed development would create high disturbance with large amounts of noise that would be caused for long periods of time;
- Increased dust pollution and fumes;
- Increased traffic as a result of the proposal;
- No need for a new store as existing supermarket hasn't been there for very long.

20 Clos Gwaith Brics, Tondy states:

- Cause unnecessary traffic to the area;
- Impact of noise and traffic on current residential amenities;
- Unnecessary disruption and parking problems as a result of the development.

1 Lon Y Rheiffordd, Tondy states:

- Current shop covers demand of local community with sufficient supply;
- Additional upgrade will cause disturbance, extra noise, dust and traffic in the neighbourhood;
- Concerns over safety of small children of the residential area and creation of unnecessary risk and stress.

5 Lon Y Rheiffordd, Tondy states:

- The noise element will be ten times louder when being put next to our back fence, day and night;
- The waste being out outside will cause animals and vermin (such as rats);
- We were not aware of any of this until after we bought the house;
- Devalue the property;
- They could have made the existing bay bigger which would have benefitted everyone.

8 Lon Y Rheiffordd, Tondy states:

- Impact of noise pollution, privacy, visual appeal and future value;
- Relocation of loading bay nearer houses will cause adverse noise to the houses due to loading and unloading at various times of the day (lorry doors opening and beeping of reversing);
- Location of bins to rear of houses – will create offensive smells and increase risk of vermin;
- Reassurances that noise reduction techniques will be used including planting trees/building walls to protect the house from noise and provide extra privacy.

7 Lon Y Rheiffordd, Tondy wishes to speak at Planning Committee and states:

- Relocation of loading bay nearer houses will cause adverse noise to the houses due to loading and unloading at various times of the day (lorry doors opening and beeping of reversing);
- Impact of noise on the enjoyment of the dwelling house and existing residential amenities;
- Unsociable delivery hours;
- Concerns over the submitted planning documents lack reference to the properties located at Lon Y Rheiffordd, Tondu and the impact of the development on these residents of the proposed development;
- Prefer cycle bays to be located near the houses and loading bay to be retained at the other side of the building to reduce any impact on neighbours;
- Increase in waste due to location of bins to rear of houses – will create offensive smells and increase risk of vermin;
- Concerns over the use of the proposed loading bay in the future if Lidl were to be open 24hrs;
- Increase in noise and traffic as a result of the proposed development when combined with the new retail development opposite the application site.

4 Rhodfa Parc Slip, Tondu states:

- Concerns regarding the proposed relocation of loading bay nearer houses will cause adverse noise to the houses due to lorries reversing for loading and unloading at various times of the day;
- Increase in noise pollution as current noise levels are high – disagree with the content of submitted noise report;
- Increase in traffic generated as a result of the proposed development, increase in accidents as the estate roads are very badly designed.
- The submitted traffic report gives false readings as it was undertaken prior to the next retail development being approved and implemented;
- Adverse impact on the enjoyment of the existing property, residential amenities and loss of view;
- Concerns over lack of detail on the submitted plans due to height of roof and position of lorry bay;
- Inconsistencies in the design and access statement with regard to the scaled plans and artist impressions which are misleading.

COMMENTS ON REPRESENTATIONS RECEIVED

The majority of the concerns raised above are addressed within the Appraisal Section of this report.

The issues raised regarding the devaluation of properties and loss of a view are not material planning considerations. Also, the future operational use and plans for the Lidl store do not form part of the consideration of this application.

APPRAISAL

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

The application seeks full planning permission for the demolition of the existing Lidl food store and its replacement with a new and larger food store together with associated car parking and servicing areas.

The main considerations in this application are the principle of the development, the impact of the proposed design, scale and materials on the character of the area and its potential impact on neighbouring amenities, drainage, landscaping, ecology and highway safety.

Principle of the Development

The site is located within The Valleys Gateway Strategic Regeneration Growth Area as defined by Policy SP1 *Regeneration-Led Development* of the Bridgend Local Development Plan (LDP) adopted in 2013. This Policy states that development in the County Borough will be permitted where it provides the maximum benefits to regeneration at a scale that reflects the role and function of the settlement.

The site lies within the settlement boundary of the main settlement of Tondu as defined by Policy PLA1 *Settlement Hierarchy and Urban Management* of the LDP. This Policy states that development will be permitted within the settlement boundaries at a scale commensurate with the role and function of settlements. The site is partially located within Policy PLA3(10) *Regeneration and Mixed Use Development Scheme* of the LDP which allocates and protects the site for the regeneration of brownfield and under-utilised sites that provide an appropriate mix of land uses will be permitted.

The site is also subject to Policy SP10 *Retail and Commercial Hierarchy* of the LDP which defines the proposed site as part of the District Centre in Aberkenfig (Valleys Gateway). New commercial developments shall be of a scale appropriate to the centre within which they are located and should contribute to or sustain the vitality and attractiveness of the centre within the local retail hierarchy.

In principle, the proposal complies with Policies SP1, PLA1, PLA3(10) and SP10 of the LDP, subject to compliance with the criteria in Policy SP2.

Design, Scale and Materials and Impact on character of the area

The proposed external finishes of the new store will include a coloured rendered finish (white panels with grey plinths) with Alucoband rain screen cladding below eaves level. The windows and doors will be in Graphite grey and the resultant design will entail a contemporary development with a glazed façade and illuminated signage. From assessing the submitted amended plans, it is considered that the proposed overall design and materials of the food store are acceptable. However a condition is considered necessary to be attached to any consent for further details and samples of the proposed material to be submitted and agreed by the Local Planning Authority to ensure the proposed materials of construction are appropriate for use on the development and to enhance and protect the visual amenity of the area.

With regard to the proposed increased scale of the site, as the proposal is to replace an existing store, the overall increase of 666.5 sqm is not considered to have an unacceptable impact on the visual amenities of the area. Also, the height of the proposed store is generally consistent with the existing store and therefore would not be overly prominent and would sit well within the existing site.

With regard to the proposed layout, it is noted that the proposed delivery bay is located on the eastern elevation of the building. The delivery bay is to be an enclosed structure with a roller shutter door. Due to its location and design, the delivery bay is considered to form part of the main store and therefore does not have an unacceptable visual impact on the character or appearance of the area. The impact of its location on the residential properties is discussed in more detail below.

Overall the proposed layout is acceptable and does not have a significant impact on the character and appearance of the area. Accordingly, it is considered that the proposed development accords with Policy SP2 (2) and SP2 (3) of the Bridgend Local Development Plan (2013).

Impact on neighbouring amenities

It is considered that the overall design and increase in the size of the building will not have any greater impact than the existing store on the residential amenities currently enjoyed by the neighbouring properties.

Nevertheless, it is noted from the submitted plans that the delivery bay would be relocated to the southern end of the site which is within close proximity with the existing residential properties at Lon Y Rheilfford. A number of concerns have been received regarding the noise impact as a result of the location of the proposed delivery bay and the amount of deliveries the store receives.

A Noise Impact Assessment prepared by Acoustic Consultants Ltd has been assessed by the Council's Public Protection Section which has not raised a formal objection to the application. The assessment concludes that the level of noise as a result of the proposed delivery operations on the noise sensitive receptors around the site will be relatively low and acceptable in terms of environmental noise emissions. The proposed plans state that the delivery bay will be enclosed with a roller shutter door in order to avoid any noise issues during the delivery of goods. The Council's Public Protection Section have also requested that a condition is attached to any consent granted to restrict the days and hours of delivery operations to between 07:00 hours and 22:00 hours Monday to Fridays and 08:00 hours to 22:00 hours on Saturdays and Sundays, with no operations or vehicular movements on Public, Statutory or Bank Holidays. This includes delivery vehicles and waste removal vehicles operating at the site in order to protect the residential amenities of neighbouring properties.

In view of the above and due to the close proximity of the residential properties to the application site, it is considered that the proposed condition to restrict the hours of operation at the site is relevant, necessary and acceptable in order to mitigate any noise disturbance to neighbouring properties.

With regard to the impact of the proposed development on the neighbouring residential properties located to the rear of the site on Close Gwaith Brics, due to the change in site levels and separation by the main highway into the residential estate, it is considered that the proposed development would not have any greater impact than the existing store on the residential amenities that they currently enjoy.

Accordingly, it is considered that the proposed development does not have a significantly adverse impact on the residential amenities of the existing residential properties and therefore accords with the requirements of Policy SP2 (2) and (8) of the LDP and the Council's Supplementary Planning Guidance SPG02: Householder Development.

Landscaping

The submitted landscaping proposals for the site have been assessed and are considered acceptable. The proposed landscaping includes enhanced planting around the boundaries of the site and at the entrance which seeks to safeguard and enhance biodiversity and green infrastructure and soften the appearance of the proposed development in accordance with Policy SP2 (10) and Policy ENV6 of the Bridgend Local Development Plan 2013 and SPG19: Biodiversity and Development.

Drainage

Initially, the Council's Land Drainage Officer raised an objection to the development based on insufficient information to formally assess the application. In view of this, additional information was submitted by the applicant to address the Drainage Officer's concerns and, following an assessment of the submitted information, the objection was withdrawn. The Council's Land Drainage Officer has requested that a condition be attached to any consent granted to ensure the application submits a comprehensive drainage scheme for the site prior to development taking place on the site. Accordingly, the proposed development is considered to accord with Policy SP2 (13) of the Bridgend Local Development Plan 2013.

Access and Parking

There is agreement between the applicant and the Highway Authority that the S106 requirement is not sought to resolve an existing junction capacity issue, but merely create additional capacity at the signalised junction to mitigate the traffic that the development will generate. As a result the applicant will be required to enter into a Section 106 Agreement to fund changes to the sum of £6,500 to the MOVA system and staging arrangement of the A4063 signalised junction.

The applicant is to set aside 1 metre strip of land within their control for the construction of a 3.0m shared use route, should a larger scheme come forward in the future. The HA consider that the setting aside of the land is acceptable and this will be explored in greater detail once the proposals for the redevelopment of the allocated housing site to the west of Maesteg Road have been finalised. This will take place outside of the planning application process.

Finally the applicant has submitted a revised plan showing the implementation of a shared use route into the site from the northern boundary footway to further increase accessibility for pedestrians and cyclists. This is considered acceptable and complies with the requirements of the Active Travel Act (Wales) 2013 and Policy SP2(6) of the Bridgend Local Development Plan 2013.

Accordingly, it is considered that the proposed development accords with Policy SP2 (6), SP3 and PLA11 of the Bridgend Local Development Plan 2013 and the Council's Supplementary Planning Guidance SPG: 17 Parking Standards

Biodiversity/Ecology

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

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

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

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

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

The Council's Ecologist has assessed the submitted Preliminary Ecology Assessment and Bat Survey prepared by Hawkeswood Ecology and is satisfied with the recommendations stated within Section 8 of the report. However, it is considered necessary to attach a condition to any consent granted requesting a lighting design strategy for biodiversity prior to occupation of the building. In view of this, it is considered that the development accords with Policies ENV6 and SP2 (10) of the BLDP 2013 and the Council's Supplementary Planning Guidance SPG19: Biodiversity and Development.

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

Wellbeing of Future Generations (Wales) Act 2015

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

The well-being goals identified in the Act are:

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

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

CONCLUSION

The application is recommended for approval as it complies with Council policy and guidance and does not have an unacceptable impact on the character of the area nor a significant adverse impact on any neighbouring amenities, drainage, ecology or highway safety.

RECOMMENDATION

- (A) The applicant enters into a Section 106 Agreement to provide a financial contribution for the sum of £6500 (index linked) to fund changes to the MOVA system and staging arrangement of the A4063 signalised junction.
- (B) The Corporate Director Communities be given delegated powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, as follows:
1. The development shall be carried out in accordance with the Site Location Plan and approved plans Drawing No. 010011, 010012, 020001, 020002, 13883/T/01A-01, 2016-121 REV E the Design and Access Statement, Noise Impact Assessment prepared by Acoustic Consultants LTD, Planning and Retail Statement, Preliminary Ecological Assessment and Bat Survey prepared by Hawkeswood Ecology, Mining Risk Assessment Report prepared by OPUS, Flood Consequence Assessment and Drainage Strategy submitted on 18 July 2017 and amended plans received on the 9 October 2017 and amended plan Drawing No. 010001 - Proposed Site Layout received on 19 January 2018.

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

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

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

3. Within two months from the date of commencement of development, a scheme indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation shall be submitted for the agreement in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed plan and timetable.

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

4. All hard and soft landscape works shall be carried out in accordance with the approved details on Drawing No. 2016./121 Rev E – Landscape Proposals. 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.

5. If within a period of three years from the date of the planting hereby approved is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective planting of the same species and size as that originally

planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

6. No vehicle movements associated with the site including the delivery of goods and any operations involving the importation and removal of waste shall take place outside of the hours of 07:00 and 22:00 Mondays to Fridays and 08:00 to 22:00 on Saturday and Sundays, with no operations or vehicular movements on Public, Statutory or Bank Holidays.

Reason: To protect the residential amenities of neighbouring properties.

7. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt with, including the future maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority; the approved scheme shall be implemented prior to beneficial use.

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

8. The use hereby permitted shall not be open to customers outside the following times:

Monday -Saturday 08:00 - 21:00

Sundays and Public Holidays 10:00 - 16:00

Reason: In the interests of residential amenities.

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

- i. The routing of HGV construction traffic to/from the site.
- ii. The parking of vehicles of site operatives and visitors
- iii. Loading and unloading of plant and materials
- iv. Storage of plant and materials used in constructing the development
- v. Wheel washing facilities
- vi. Measures to control the emission of dust and dirt during construction

Reason: In the interests of highway safety.

*** THE FOLLOWING ARE ADVISORY NOTES ONLY:**

- a) The application is recommended for approval as it complies with Council policy and guidance and does not have an unacceptable impact on the character of the area nor have a significant adverse impact on any neighbouring amenities, drainage, ecology or highway safety.
- b) The Highway Authority (HA) is duty bound by the Active Travel Act (Wales) 2013 and the Wellbeing of Future Generations (Wales) Act 2015 to encourage and promote cycling, walking and sustainable developments for the future. As a result, the HA have requested that the developer set aside a 1m strip of land along the

northern boundary, for future active and sustainable travel schemes. It would seem appropriate that should the developer agree to set aside this land with a timescale of 10 years for the Council to implement a scheme, at which point the land will revert back to the control of the developer.

- c) Surface water flows from the development shall only communicate with the public surface water sewer through the attenuation device that discharges at a rate not exceeding 5.3 l/s.
- d) In order to satisfy Condition 6, the applicant must:
 - Provide comprehensive drainage layout showing all proposed foul and surface water sewers and connection points into the public sewer.
 - Provide agreement in principle to DCWW regarding the connection to both sewers.
 - Provide further details on the chosen oil interceptor and provide a maintenance plan for the separator.
- e) If the development will give rise to a new discharge (or alter an existing discharge) or trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru/Welsh Water. Please note that the issuing of a Discharge Consent is independent of the planning process and consent may be refused although planning permission is granted.
- f) The applicant may need to apply to Dwr Cymru / Welsh Water (DCWW) for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com
- g) The applicant is also advised that some public sewers and lateral drains may not be recorded on the maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist DCWW in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- h) The Public Protection Section draws your attention to the possibility of gases (landfill gases, vapours from contaminated land sites and naturally occurring methane and carbon dioxide, but not radon gas) being generated at the site or land adjoining thereto and recommend investigation and monitoring of the area.
- i) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing within 2 days to the Public Protection Section, all associated works should stop and no further development should take place until a scheme to deal with the contamination found has been approved.

- j) Any topsoil [natural or manufactured] or subsoil, to be imported, should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.
- k) Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.
- l) Any site won material including soils, aggregates, recycled materials should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants material should be reused.
- m) The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for the safe development and secure occupancy of the site rests with the developer.
- n) It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
 - Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or
 - Potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed.

MARK SHEPHARD

CORPORATE DIRECTOR COMMUNITIES

Background documents

None

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REFERENCE: P/17/393/FUL

APPLICANT: Wales & West Housing Association c/o WYG Planning & Env., 5th Floor Longcross Court, 47 Newport Road, Cardiff, CF24 0AD

LOCATION: Land to the west of Bryn Bragl Brackla CF31 2LP

PROPOSAL: Residential development of 10 affordable housing units, car parking, access, open space and associated works

RECEIVED: 5 May 2017

SITE INSPECTED: 29/06/2017

APPLICATION/SITE DESCRIPTION

The application originally proposed the construction of 14 affordable housing units, arranged in 6 blocks, on land to the west of Bryn Bragl, Brackla, Bridgend. The submitted layout showed a new access road running along the southern site boundary adjoining the rear gardens of Nos 17-26 Rhiw Tremoen and the proposed dwellings positioned on the northern side of the new access road. A turning head was to be created at the western end of the access road with Block 6 containing the four one bed units sited on the western side of the northern arm of the turning head and the remaining five blocks on the eastern side of the turning head. Parking spaces were shown in front of blocks 1-5 with the spaces serving block 6 sited at the back edge of each of the arms of the turning head.

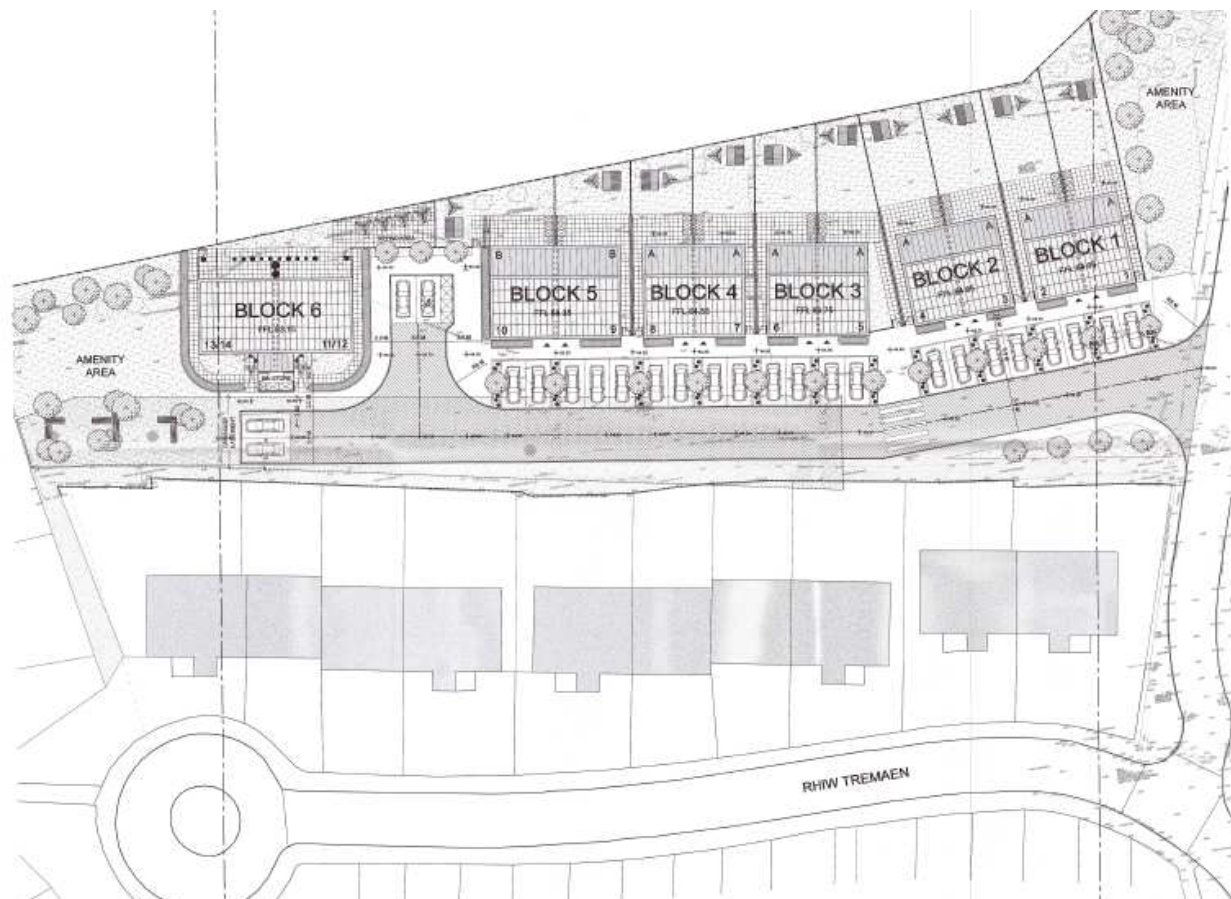


Figure 1 : Original Scheme

Following lengthy negotiations with the applicants and their agents to address concerns in respect of the loss of the play area, access and parking arrangements, the scheme has been reduced to 10 units with the layout amended as shown below.

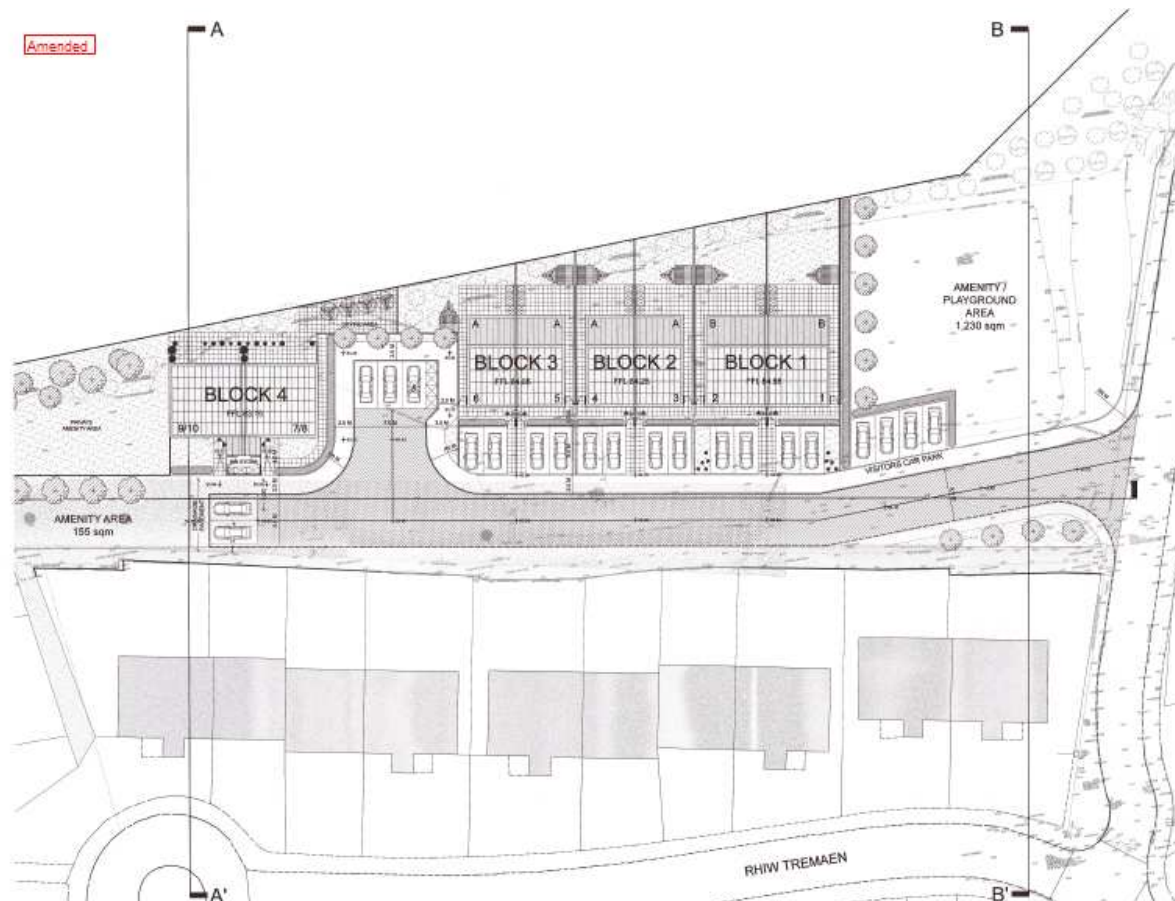


Figure 2 : Amended Scheme

Initially, eight of the units were two bedroom two storey dwellings comprising living room, store, wet room, utility, kitchen and dining room on the ground floor with two bedrooms and a bathroom at first floor level. The footprint of each property measures 9.2m by 5.1m and the dwellings will have a pitched roof reaching 8.8m in height. This has now been amended to the four units shown at Blocks 2 and 3.



Figure 3 : Proposed elevations Blocks 2 and 3

The architectural drawings include a front elevation on the left and a side elevation on the right. The front elevation shows a two-story house with a blue-tiled roof, a brown upper facade, and a tan lower facade. It features four windows on the upper floor and a central entrance with a small porch. The side elevation shows a brown gabled roof and a tan wall. To the right of the side elevation is a list of materials and a table of dimensions.

Materials:

- Roof: Blue Tiles
- Upper Floor: Brown Tiles
- Lower Floor: Tan Tiles
- Walls: Tan Tiles
- Windows: Blue Glass
- Doors: Tan Wood
- Porches: Tan Tiles
- Landscaping: Green Grass, Tan Trees

Dimensions:

Room	Length (m)	Width (m)	Height (m)
Living Room	10.0	4.0	2.5
Kitchen	4.0	4.0	2.5
Bathroom	2.0	2.0	2.5
Bedroom	4.0	4.0	2.5
Garage	4.0	4.0	2.5
Porch	4.0	4.0	2.5

East facing. Side elevation.



West facing. Side elevation.

Figure 4 Proposed Elevations Block

South facing. Street elevation.



PROPOSED BLOCK 6 - ELEVATIONS

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External finishes are to be facing brick on the side and rear elevations of each of the blocks. The front elevations will be made up of brickwork on the lower half of the building with grey cladding, which incorporates integrated solar collectors. The south facing roof plane will have integrated photovoltaic panels and the north facing roof plane will be a grey metal profile roof with standing seam. Doors and windows will be aluminium clad timber frames finished in grey with grey UPVC rainwater goods etc.

The application site extends to 0.4ha of land to the west of Bryn Bragl, Brackla, Bridgend and is currently open space/children's play area. A tarmac area, approximately the size of a basketball court/indoor football pitch lies towards the eastern end of the site with a further smaller irregularly shaped tarmac area reasonably centrally located within the site, which appears at some point in time to have accommodated play equipment, which has now been removed. Much of the remaining area is laid to grass although there is a bank of trees in the south eastern corner of the site adjacent to the rear boundaries of 17 and 18 Rhiw Tremaen. It was noted during the site inspection that a tarmac path runs along the rear boundaries of 17-26 Rhiw Tremaen and a low post and rail fence encloses the eastern site boundary onto Bryn Bragl. On the northern side of the site is an extensive wooded area, which is designated as the Coed Y Morfa Site of Importance for Nature Conservation (SINC). The land slopes gently from east to west and the submitted layout plan confirms a difference of 1.8m between the finished floor levels of Block 4 and Block 1.

RELEVANT HISTORY

None

PUBLICITY

The application was advertised in the press and on site and neighbours have been notified of the receipt of the application. The period allowed for response to consultations/publicity expired on 9th October, 2017

CONSULTATION RESPONSES

Welsh Water Developer Services - No objection subject to condition.

Destination & Countryside Management - The application site is bounded to the north by the Coed Y Morfa Site of Importance for Nature Conservation (SINC) comprising semi-natural woodland. SINCS are subject to the provisions of Policy ENV4 of the development plan which requires that developments which would have an adverse impact on these sites will not be permitted unless the benefits associated with the development can be demonstrated to outweigh the harm and/or the harm can be reduced or removed by appropriate mitigation and/or compensation measures. It is recommended that in view of the proximity to the SINC appropriately worded conditions be imposed to protect this natural feature.

In addition a mature tree line is located on the southern boundary of the site although the application suggests that no trees will be affected by the development. In the event that trees are to be removed it may be appropriate to require a survey to demonstrate this necessity.

During a site inspection, it was noted that Montbretia was growing along the edge of the southern boundary. This is a non native invasive species designated under Part II of Schedule 9 of the Wildlife and Countryside Act, 1981. A condition requiring a protocol for

its removal is considered necessary.

Natural Resources Wales - No objection but it is recommended that the advice of the Council Ecologist is sought to determine whether there is a reasonable likelihood of bats being present within the application site.

Head of Street Scene (Highways) - There were objections to the initially submitted plans but it is now considered that, subject to conditions the revised layout is acceptable.

Crime Prevention Design S.Wales Police - Having reviewed the application, which proposes social housing units for which a Secured by Design award will be a requirement, it is considered that the layout is generally pleasing with the parking either within curtilage or overlooked. It is recommended, however, that the amenity area adjacent to properties numbered 7-10 be used as the gardens for these plots and enclosed by walls or fencing. Further detailed advice relating to security issues is provided for the information and consideration of the applicant.

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

Councillor K L Rowlands - Objects on behalf of a local resident at Rhiw Tremaen regarding the siting of the one bedroom flat units at the western end of the development.

It is considered that the case officer should visit the site to understand the devastating impact this block will have on the privacy of the occupier of No 25 Rhiw Tremaen. The block will completely overlook this property and entirely change the outlook from this dwelling.

In addition, two parking spaces will now be sited only feet away from the rear garden and changing the view from open green space to a car park with a bin store area behind. The resident is extremely concerned that the development will badly affect the valuation of their property.

The submitted layout plan also does not show the footprint of a conservatory attached to the rear elevation of the resident's property. It is believed that the distance between this element of the property and the proposed development does not comply with standards.

Properties at Rhiw Tremaen suffer drainage problems in their rear gardens. The elevation of the land causes natural water flow to cascade via a water made gully passing directly outside the back doors to each property. The water collects at the lowest point adjacent to No 24 which causes waterlogging. Any further development will decrease the natural drainage capacity of the area.

The car parking area and access road will result in increased noise and pollution. The land is currently open space which is frequently used by residents for dog walking. It is the only green space available to them.

The local resident requests that the applicants consider omitting Block 4 due to its closeness to existing properties. If this is not an option then consideration of swapping Block 1 to this location is requested as it is not understood why the largest block is being placed in the smallest area of the site.

If planning permission is allowed, will the applicant address the privacy issue and provide additional fencing for existing residents. Will residents be compensated for the obvious effect to the valuation of their properties due to less desirable view.

Councillor J C Spanswick - Requests the application be referred to Committee to consider the petition received from local residents. As the proposed development is on land that once was an equipped play area, I feel that the developer should be providing a contribution towards upgrading off site play facilities in the local area as the open space play assessment refers to school sites as being accessible play facilities when in fact they are not as they are locked outside of school hours and not available.

REPRESENTATIONS RECEIVED

24 Rhiw Tremaen - Objects to the proposal for the following reasons:-

1. The area is a children's play area, which is used when the weather is nice and during the school holidays.
2. Impact on the wildlife with the loss of this green space.
3. Additional traffic, which would pass immediately to the rear of our property, which is currently peaceful and relaxing.
4. The development will spoil our views.

25 Rhiw Tremaen - Objects to the proposed development for the following reasons:-

1. Existing drainage problems will be exacerbated;
2. Proposed flats are too high and too close resulting in overlooking of habitable room windows in our properties which are back to front in layout.
3. Consideration of reversing the development so that the play area and the dwellings are repositioned.
4. Additional noise and pollution from car parking and road due to their close proximity.
5. Impact on disabled access through conservatory attached to the rear of the property.
6. Why are the biggest flats sited on the narrowest piece of land?
7. As an owner of this property, the proposed development will greatly reduce the value of my house.

COMMENTS ON REPRESENTATIONS RECEIVED

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

Loss of Play Area - Following prolonged negotiation with the developer, the overall number of residential units has been reduced and area amounting to 1230sq.m of land is now retained as amenity/playground at the eastern end of the site. Further assessment of the acceptability of this smaller facility is included in the Appraisal section of this report.

Impact on wildlife - As indicated in the description of development, the application site area comprises mainly grassed areas with two large tarmac areas that are unlikely to provide significant wildlife habitats. With regard to the small area of trees in the south eastern corner of the site, the applicant can be reminded of their responsibilities to nesting birds and any bats that may be present prior to their removal. An appropriately worded condition can ensure protection of the woodland area to the north of the application site, which is designated as a SINC.

Traffic - Whilst it is acknowledged that the proposed development will introduce a new cul-de-sac at the rear of the existing properties in Rhiw Tremaen, the Highways Department is reasonably satisfied that the design of this access is compatible with the Council's

adopted standards. Conditions to ensure the provision of pedestrian crossing points and adjustment of the parking arrangements are attached to the recommendation to enhance the proposed layout.

Drainage - Notwithstanding the existing issues experienced by local residents, it is considered that a condition requiring a comprehensive and integrated drainage system will address this concern.

Privacy - The concerns relate to the relationship between the proposed apartment units with the existing properties at 25 and 26 Rhiw Tremaen. It is noted that the apartment units have been designed so that their principal habitable rooms are at the rear of the building facing northwards. Two windows are, however, located in the front (south facing) elevation and these serve a bathroom and a kitchen. The distance measured between the front elevation of the proposed apartment block and the conservatory attached to the rear elevation of the objector's property is approximately 21m, which complies with Authority's privacy standard.

Noise and pollution - Whilst it is acknowledged that the introduction of residential development on land previously used for informal children's play will have an impact on the amenities currently enjoyed by existing residents, it is considered that the effect will not be so significantly harmful as to warrant the refusal of the scheme for this reason.

Redesign - Whilst the objectors consider that the scheme should be redesigned to relocate the proposed development and the retained amenity playground area, the Authority is required to assess the proposals as submitted. It is considered that siting the play area at the eastern end of the application site will make it more accessible to the wider area it will serve.

Devaluation - This is not a material planning consideration.

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

APPRAISAL

The application is referred to Committee to consider the views expressed by the Ward Members and local residents in respect of the submitted proposals.

The application now seeks consent for the construction of 10 affordable housing units, car parking, access and associated works on land to the west of Bryn Bragl, Brackla, Bridgend.

The application site lies within the settlement boundary for Bridgend as designated by Policy PLA1 of the Bridgend Local Development Plan (LDP). Policy COM3 of the LDP states that residential development within settlement boundaries defined in Policy PLA1 on windfall and small scales sites for the conversion of existing buildings or the re-use of vacant or under-utilised land will be permitted where no other development plan policy protects the building or land for an existing or alternative use.

As a development for more than five dwellings, the scheme triggers Policy COM5 which requires an appropriate element of affordable housing to be provided. In this case it is noted that all of the proposed dwellings are to be affordable housing. In the event that Members endorse the recommendation, a requirement for a Section 106 Agreement to ensure that 20% of the units are retained as affordable in perpetuity would be applied.

The site forms part of the Brackla Ridge natural greenspace as defined by Policy COM13(5) Provision of Accessible Natural Greenspace. The Council will promote the provision of accessible natural greenspace (including public open space) wherever suitable opportunities arise.

The Bridgend Outdoor Sports and Children's Playing Space Audit 2017 identifies the site as informal unequipped recreational space (0.3444 hectares) which includes an all weather multi-sports ball court (0.092 hectares). The site is therefore protected by Policies SP13 and COM7 of the LDP.

Policy SP13 states that in order to maintain and improve the quality of life of residents, outdoor recreation will be retained or enhanced. Open space is important for creating viable and sustainable local communities and should be within easy walking and cycling distances for local residents. Policy SP13 seeks to retain or enhance the facilities to ensure that no part of the community is excluded from the basic services.

Policy COM7 states that proposals which result in the loss of existing social and community facilities will not be permitted unless justified on one of the following grounds:

1. A suitable alternative location is available and a facility of equivalent community benefit is provided by the developer on or off the site; or
2. In the view of the Local Planning Authority the existing facility is no longer required for the current use or any other social and community uses or there is already an excess of such provision in the area.

The Outdoor Sports and Children's Playing Space Audit 2017 indicates that Brackla Ward has a surplus of unequipped informal play spaces but has a deficit of equipped play space. Therefore, the opportunity exists for the proposed development to rectify this imbalance and provide a much needed equipped play space.

In principle, the proposal to redevelop the site resulting in the loss of an informal unequipped play area can be considered compliant subject to the proposed scheme providing a suitable alternative facility of equivalent community benefit on the site. The information supporting the application indicates that an area will be set aside for new equipped play space, however, it is considered imperative that a suitable condition is attached to the planning permission requiring details of the scheme prior to the commencement of the development.

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

Criterion 1 requires proposals to be compatible with all relevant national policy and guidance where appropriate. Paragraph 4.3.1 of Planning Policy Wales (Ed 9 Nov 2016) states that, "The Well-being of Future Generations (Wales) Act establishes a 'sustainable development principle' which means that a defined public body must 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.

It is acknowledged that the proposed dwellings have been designed to be energy efficient with low carbon emissions and will thereby mitigate climate change. The amended layout now retains an area for children's play and general amenity so that the scheme can be

considered compatible with safeguarding the interests of future generations whilst respecting the needs of existing residents. For the reasons outlined above, the Council considers that the revised proposals are compatible with the above aims.

The next two criteria of Policy SP2 require proposed development to have a high quality design, which respects and enhances local character and distinctiveness and landscape character and is also of an appropriate scale, size and prominence. In this case, the surrounding area is characterised by terraced two storey dwellings together with a number of linked bungalows on the northern side of Rhiw Tremaen. Although the surrounding dwellings are varied in their design, due to the use of facing brick and concrete roofing tiles, their appearance is considered to be reasonably consistent. The proposed development however incorporates grey cladding to the upper floor, which incorporates solar collectors and roofs with photovoltaic panels and, notwithstanding that these features have been included to improve the energy efficiency of the proposed dwellings, the appearance of these units will be completely different to surrounding properties. It is noted, however, that given the location will be at the rear of the existing bungalows, the proposed new dwellings will not be unduly prominent.

Criterion 4 requires the efficient use of land ensuring that development proposals are of a density, which maximises the potential of the land whilst respecting the surrounding development and by using previously developed land or greenfield sites. In terms of density, the submitted proposals are considered to reflect the surrounding area. Whilst the Local Planning Authority considers that the site cannot be reasonably designated as previously developed land, given that it is currently public open space used as a children's play area, it is noted that part of the site will now be retained to provide a replacement play facility with the remainder being developed at a density comparable with the surrounding dwellings.

The next criterion (6) seeks to ensure that proposed developments benefit from good walking, cycling, public transport and road connections within and outside the site to ensure efficient access. As a piece of land on the periphery of an existing residential estate, the site is considered to be within reasonable walking distance of public transport facilities and reasonably conveniently located to shops, schools and other community facilities. Subject to conditions, the Highways Department consider the proposed development to be acceptable and, on this basis, it is concluded that the site may be considered to be in a reasonably sustainable location, thereby satisfying the requirements of criterion 6.

Criterion 7 seeks to ensure that proposed development minimises opportunities for crime to be generated or increased. The Designing Out Crime Officer attached to South Wales Police considers that the layout is generally satisfactory but has suggested that the proposed amenity area at the western end of the cul-de-sac be incorporated into the private garden space serving the four one bed flats by enclosing the area.

The Policy also seeks to safeguard and enhance biodiversity and green infrastructure (criterion 10). As indicated in the preceding section of the report, the area comprises large areas of grass and tarmac, which are unlikely to provide significant wildlife habitats. It is acknowledged that the development will result in the felling of the group of trees in the south eastern corner of the site and appropriate advisory notes highlighting the developer's responsibilities in relation to nesting birds and bats would be included within any decision notice granting consent for the development. Similarly, it is highlighted that the woodland that abuts the northern application site boundary is designated as a SINC. Robust protective fencing along this boundary would be a requirement in the event that the recommendation is supported.

With regard to any adverse impact on the viability and amenities of neighbouring uses and their occupiers, which is a requirement of criterion 12 attached to the policy, some of the concerns expressed by existing residents have been addressed in the preceding section of the report. In the interests of clarity, it is highlighted that the development does not infringe the privacy standard of 21m between directly facing habitable room windows of neighbouring properties. The layout also incorporates sufficient space about the development to ensure that unreasonable domination or overshadowing of neighbouring property will not occur. Whilst one objector believes that the introduction of residential development will result in noise and pollution, it is considered that the four one bedroom apartments together with the parking spaces serving two of the units will not so significantly impact on the amenity of the adjoining residents as to warrant refusal of the scheme for this reason.

With regard to the loss of the existing area of open space and children's play facilities although it was argued that the loss adversely impacts on the amenities of both the immediately adjoining residents and the wider community, it is considered that the amended proposals, which now incorporate a play facility, satisfy this criterion. By extension, it is considered that the safeguarding of the amenities of the future occupiers of the proposed dwellings is also a requirement of this criterion. It is considered that the amended layout adequately protects the privacy and amenities of future occupiers.

The final criterion (13) requires development proposals to incorporate appropriate arrangements for the disposal of foul sewage, waste and water. In line with the advice provided by Dwr Cymru/Welsh Water and the Land Drainage Section, an appropriately worded condition is considered necessary to ensure the provision of a comprehensive and integrated drainage scheme to serve the development. With regard to refuse collections, the Highways Department is satisfied that the access road and turning head has been designed to allow access by the Council's refuse collection vehicles. There is, however, concern in respect of the siting of the bin store serving the proposed apartment building. The submitted layout suggests that this facility would be sited outside the front doors to these properties but this location is considered to be inappropriate with the potential for rubbish and odours to adversely impact the residential amenities of the occupiers of these units. A condition, requiring this element to be reconsidered and requiring an alternative scheme to be submitted for the agreement of the Authority, is considered necessary.

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

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

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

determining the application. The three tests that must be satisfied are:

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

Given the nature of the application site itself and for the reasons outlined earlier in this report, it is considered that, overall, there will be no significant residual impacts on biodiversity and appropriate protection measures can safeguard the adjoining SINC. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

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

The well-being goals identified in the Act are:

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

The duty has been considered in the assessment of this application. It is considered that, for the reasons outlined earlier in this Appraisal, there would be no adverse impacts upon the achievement of wellbeing goals/objectives.

During the processing of this application Policies PLA1, COM3, COM5, COM7, COM13, ENV4, SP2 & SP13 of the Bridgend Local Development Plan and Supplementary Planning Guidance 17 : Parking Standards were considered.

CONCLUSION

The application, as amended, can be recommended for approval because the development is considered to comply with national and Council policies and guidelines. Whilst the proposed development would result in the loss of part of an identified area of natural greenspace and children's play facility, it will retain an area for children's play which will be suitably equipped in accordance with a scheme to be further agreed thereby satisfying the deficit of such facilities identified in the Outdoor Sports and Children's Playing Space Audit, 2017.

In terms of access, the Highways Department is satisfied that, subject to conditions, the proposed arrangement is not detrimental to highway safety and incorporates sufficient vehicle parking facilities. Notwithstanding the objections raised by an occupier of an existing property in Rhiw Tremaen, it is considered that the revised proposals do not so

significantly impact on the amenities of these neighbouring dwellings as to warrant refusal of the scheme. The proposed development provides affordable housing in buildings that are designed to be low carbon, incorporating sustainable building technologies and small scale renewable energy equipment.

RECOMMENDATION

R34) (A) The applicant enter into a Section 106 Agreement to:-

Provide a minimum of (20%) 2 units as affordable housing units in accordance with Supplementary Planning Guidance 12 in perpetuity.

(B) That, the Corporate Director Communities be given delegated power to issue a decision notice granting permission for the development subject to the following condition(s):-

1. The development shall be carried out in accordance with the following approved plans and documents: plan numbers (90)003F, (90)006, (90)007, (90)008, (90)009, (90)010, (90)011, (90)012,

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

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

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

3. Notwithstanding the approved plans, no development shall commence until a scheme for the provision of a widened carriageway at the junction of Bryn Bragl with Rhiw Tremaen has been submitted to and agreed in writing by the Local Planning Authority. The revised junction arrangement shall be implemented in permanent materials before the development is brought into beneficial use.

Reason: In the interests of highway safety.

4. Notwithstanding the approved plans, no development shall commence until a scheme for the provision of pedestrian crossing facilities at the site access to facilitate access across Bryn Bragl has been submitted to and agreed in writing by the Local Planning Authority. The crossing facilities shall be implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway safety.

5. Notwithstanding the approved plans, no development shall commence until a scheme for the provision of a continuous 2m wide pedestrian footway link between the proposed footway fronting Units 7-10 and the maintained footway fronting 26 Rhiw Tremaen has been submitted to and agreed in writing by the Local Planning Authority. The footway link scheme shall include for a system of street lighting and shall be implemented in permanent materials before the development is brought into beneficial use and thereafter retained in perpetuity.

Reason: In the interests of highway safety.

6. The proposed means of access shall be laid out with 6metre 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 by 25m in both directions before the development is brought into beneficial use and be retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

7. No structure or erection exceeding 0.6 metres in height above adjacent carriageway levels shall be placed within the required vision splays areas at any time.

Reason: In the interests of highway safety.

8. Notwithstanding the approved plans, no development shall commence until a scheme for the provision of 2 off street parking spaces each for Units 1-6, 1 space each for Units 7-10 and 2 visitor parking spaces has been submitted to and agreed in writing by the Local Planning Authority. The parking spaces shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the agreed scheme 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.

9. No development shall commence until a drainage scheme for the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter, the scheme shall be implemented in accordance with the agreed drainage scheme prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

10. No development shall commence until details of the specification and position of protective fencing along the northern site boundary with the Coed Y Morfa SINIC and of any other measures to be taken for the protection of the trees along this boundary from damage before or during the course of development have been submitted to and approved by the Local Planning Authority. The protective fencing shall be erected in accordance with the agreed details and retained in place for the duration of the works.

Reason: In the interests of nature conservation.

11. Notwithstanding the approved plans, within three months of the date of commencement of construction of the dwellings hereby approved, details of a scheme for the provision of an equipped play area on the amenity/playground area, which shall include a programme for its implementation and ongoing maintenance, shall be submitted to and agreed in writing by the Local Planning Authority. The equipped play area shall thereafter be provided in accordance with the agreed scheme and programme of implementation and maintenance and shall be so retained in perpetuity thereafter.

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

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

Reason: In the interests of visual and residential amenities.

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

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

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

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

15. 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.

16. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for the equipped play area and all landscape areas, other than small, privately owned, domestic gardens, 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.

17. No development shall commence on site until there has been submitted to and agreed in writing by the Local Planning Authority an invasive non-native species protocol, which shall detail the method of containment, control and removal of invasive non-native Montbretia. The measures identified in the scheme shall thereafter be undertaken strictly in accordance with the agreed protocol prior to development commencing.

Reason : In the interests of prevention of pollution

18. Notwithstanding the approved plans, no development shall commence on site until there has been submitted to and agreed in writing by the Local Planning Authority details of a refuse and recycling storage facility/area serving the apartments in Block 4 Units 7,8,9 &

10. The refuse and recycling storage facility/area shall be provided in accordance with the agreed details prior to the apartment building being brought into beneficial use and retained thereafter for that purpose in perpetuity.

Reason: In the interests of residential amenity.

19. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

(a) The application, as amended, can be recommended for approval because the development is considered to comply with national and Council policies and guidelines. Whilst the proposed development would result in the loss of part of an identified area of natural greenspace and children's play facility, it will retain an area for children's play which will be suitably equipped in accordance with a scheme to be further agreed thereby satisfying the deficit of such facilities identified in the Outdoor Sports and Children's Playing Space Audit, 2017. In terms of access, the Highways Department is satisfied that, subject to conditions, the proposed arrangement is not detrimental to highway safety and incorporates sufficient vehicle parking facilities. Notwithstanding the objections raised by an occupier of an existing property in Rhiw Tremaen, it is considered that the revised proposals do not so significantly impact on the amenities of these neighbouring dwellings as to warrant refusal of the scheme. The proposed development provides affordable housing in buildings that are designed to be low carbon, incorporating sustainable building technologies and small scale renewable energy equipment.

(b) The observations received from Dwr Cymru/Welsh Water which contains advisory notes in respect of the connections to the public sewerage system and provision of water supply are available for the developer's information and consideration at:-
<http://planning.bridgend.gov.uk/plastandard.aspx> (Application No. P/17/393/FUL)

(c) The observations received from South Wales Police Authority's Design Out Crime Officer are available for the developer's information and consideration at:-
<http://planning.bridgend.gov.uk/plastandard.aspx> (Application No. P/17/393/FUL)

(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.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background papers
None

REFERENCE: P/17/1043/RLX

APPLICANT: Barratt Homes Oak House, Village Way, Tongwynlais, Cardiff, CF15 7NE

LOCATION: Land west of Heol Ty Maen Cefn Glas CF31 4QF

PROPOSAL: Variation of condition 14 of P/15/358/OUT to increase the number of residential units to 200

RECEIVED: 8 December 2017

SITE INSPECTED: 11 January 2018

APPLICATION/SITE DESCRIPTION

Outline planning consent was granted for residential development with a vehicular access point from Heol Ty Maen on land to the west of Heol Ty Maen, Cefn Glas on 30 November 2017 (P/15/358/OUT refers). Condition 14 of the consent states:

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

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

On 11 December 2017, Barratt Homes submitted an application under Section 73 of the Planning Act to vary the above condition, in advance of a Reserved Matters application for the housing development.

This S73 application seeks to vary condition 14 of P/15/358/OUT to increase the housing numbers for the development up to 200 residential units.

A Transport Technical Report produced by Lime Transport accompanies the S73 application which considers the impact of the additional housing number on the highway network.

As a result, this report does not seek to revisit the merits of the entire development, but focuses solely on the condition in question (condition 14 of P/15/358/OUT) that was effectively imposed to protect the safety and free flow of traffic on the surrounding highway network. It is, however, acknowledged that the original Transport Assessment undertaken in support of Outline application P/15/358/OUT demonstrated that 228 residential units could be accommodated on the site in line with the policy allocation (Policy COM2 (6) of the Bridgend Local Development Plan (2013) refers).

RELEVANT HISTORY

P/15/358/OUT – Residential development with vehicular access point from Heol Ty Maen – Granted 30 November 2017.

PUBLICITY

The application has been advertised by means of press and site notice.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 24 January 2018.

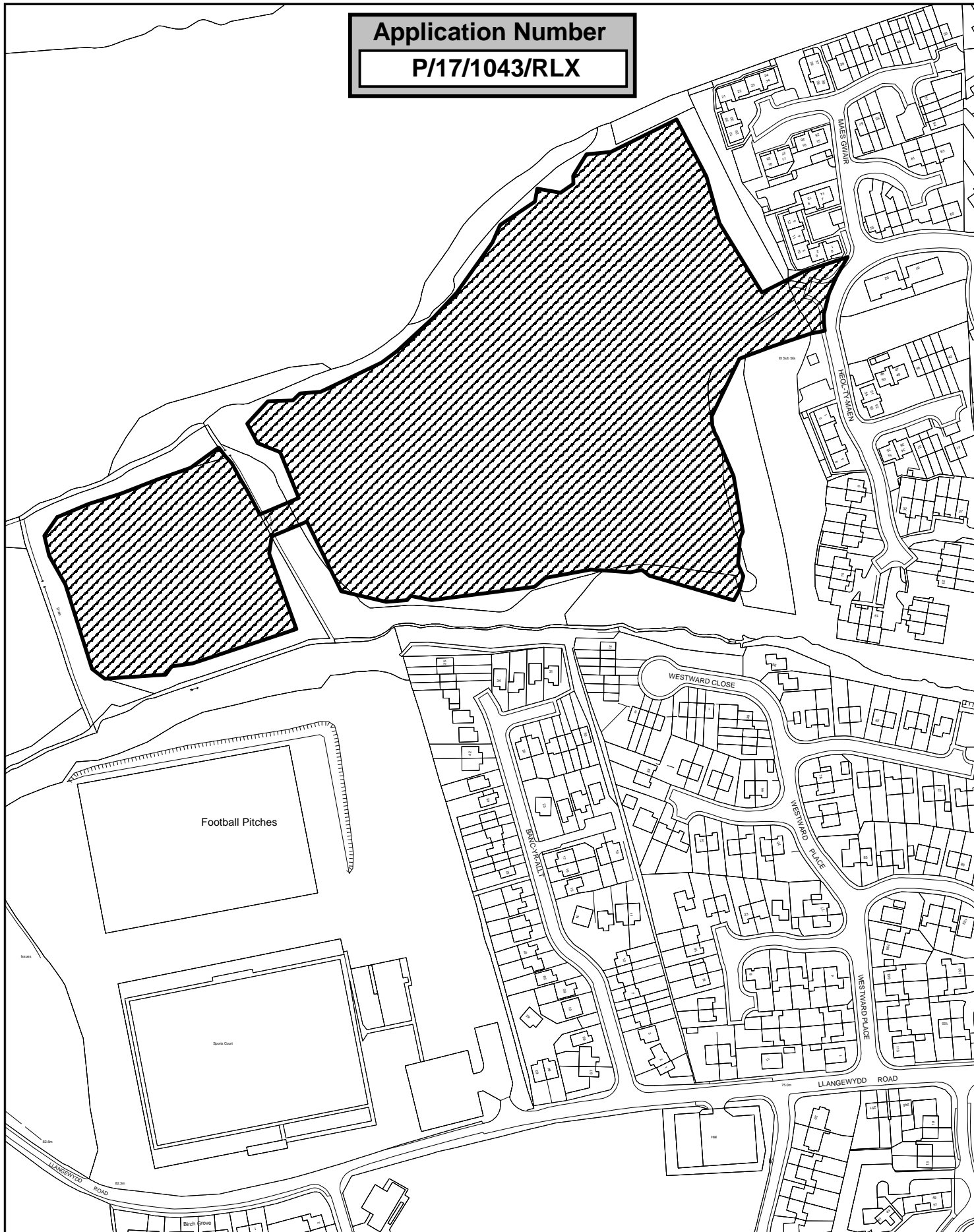
CONSULTATION RESPONSES

Head of Street Scene (Drainage) - No objection subject to the imposition of a standard drainage condition for the development proposal.

Head of Street Scene (Highways) - No objection.

Application Number

P/17/1043/RLX



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Scale 1:2,500

Date Issued:
25/01/2018

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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Cyngor Bwrdeistref Sirol



Laleston Community Council - Consulted 19/12/2017 - no comments received on the planning application.

REPRESENTATIONS RECEIVED

The occupiers of 3 and 8 Westward Close have raised objections against the Section 73 application. The comments raised are summarised as follows:

There is a concern that there would be a loss of wildlife habitat and green space for people in the area to enjoy. There would be increased noise, pollution and traffic in the area.

The impact of the scheme on the tree lines surrounding the site is queried and being a new resident to the locality the occupiers of 8 Westward Close highlight they were not previously made aware of this proposal.

COMMENTS ON REPRESENTATIONS RECEIVED

The concerns raised are similar to those highlighted and addressed in the original application at the site (P/15/358/OUT refers – Committee Report attached as **Appendix 1**). The application site is a purposely allocated site that is identified for residential development, approximately 228 units, within the Bridgend Local Development Plan (2013). The original application was accompanied by an appropriate ecological assessment that was undertaken for a proposal in excess of 200 units and is therefore considered relevant to the current application. Whilst such a large residential scheme would inevitably result in a level of noise and general disruption particularly during the construction phase this would be of a temporary nature and is not considered a justified reason to warrant the refusal of such an application.

The Transportation Development Control Officer has raised no objections against the proposal. Furthermore, the submitted redline boundary for the development would remain unchanged as a result of the proposal with the outline scheme seeking to retain the tree bands (protected under a Tree Preservation Order) that surround the site. The planning application has also been correctly advertised by means of direct neighbour notification letters, site notice and press notice.

APPRAISAL

The application is referred to the Development Control Committee for determination as the original resolution to approve the scheme was made by the Committee in October 2016.

Section 73 of the Town and Country Planning Act 1990 provides for applications to be made for planning permission to develop land without complying with conditions previously imposed on a planning permission i.e. to vary or remove a condition. The Circular on planning conditions (WGC 016/2014) confirms that the Local Planning Authority can grant such permission unconditionally or subject to conditions. The Council can however refuse the application if they decide the original condition(s) should continue. In dealing with applications for the removal/variation of a condition under Section 73, a condition should not be retained unless there are sound and clear reasons for doing so. Where a Section 73 application is granted, it takes effect as a new planning permission.

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

The Bridgend Local Development Plan (2013) is the adopted plan for the area with the application site being specifically allocated for residential development under the

provisions of Policy COM2 (6). The site is allocated for the development of approximately 228 units.

The development of the site for housing up to 200 units therefore accords with the key provisions of the Bridgend Local Development Plan (2013) and would provide a valuable contribution to the Borough's housing demand, contributing to the Authority's strategic aim of providing 9,690 new dwellings in Bridgend County Borough up to 2021.

On a matter of principle, the primary consideration in the assessment of this application is whether the variation of the condition and the subsequent uplift in the number of residential units at the site raises any adverse highway safety issues. The proposed variation of the condition has been the subject of discussions with the Highways Authority and there are no objections.

The application is accompanied by a Transport Technical Note that confirms that there is no highway safety or free flow of traffic issues on the surrounding highway network to prevent the development of up to 200 units at the site. This statement outlines the expected trip generation for 200 dwellings as compared to the previously consented 165 dwellings and it concludes that, with the mitigation agreed in the 2015 outline consent, the highway network can accommodate the increase. In addition, the original Transport Assessment that was undertaken for the development of up to 228 units on the site, also demonstrated that such a scheme would have no adverse impact on highway safety.

Whilst the development would increase traffic in the locality, monies will be secured through the Planning Obligation to appropriately mitigate the impact of the development on highway safety. Notably a financial contribution of £72,000 towards enhanced highway facilities on the local highway network will be provided 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. In addition, 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 will also be provided.

Based on the above and the level of contributions already being sought for the development to mitigate its impact, it is considered the increase in dwellings proposed at the site would not raise serious highway safety concerns or warrant a further financial contribution to the Planning Obligation requirement in relation to the highway infrastructure improvements proposed in the locality.

The existing Section 106 Agreement also contains Planning Obligations relating to affordable housing, ecological mitigation, provision of recreation space and education contributions. The existing Section 106 Agreement will therefore need to now relate to the new planning permission (S73 application). The existing obligations in relation to affordable housing and recreation space shall apply to the revised scheme to ensure the scheme complies with Local Planning Policy in the form of Policies COM5 – Affordable Housing and COM11 – Provision of Outdoor Recreation Facilities of the Bridgend Local Development Plan (2013). The ecological mitigation obligation is based on the originally submitted Ecology Report undertaken by David Clements Ecology LTD that was undertaken for a proposal in excess of 200 units and is therefore considered relevant to the revised scheme. The obligation relating to a contribution towards Primary education provision is based on the formula and cost guidance in the Council's Supplementary Planning Guidance 16 – Educational Facilities and Residential Development. The exact amount will be dependent on the final housing numbers and mix which will apply to the revised consent. On this basis the existing S106 Agreement attached to extant consent

P/15/358/OUT is recommended to be attached to the Section 73 consent by means of a deed to confirm that all the obligations in the existing Section 106 Agreement apply to the Section 73 consent.

Those conditions that were imposed on the Outline planning permission that sought to control the design of the development in terms of safeguarding amenities, visual amenity, highway safety, land drainage and nature conservation will be imposed again to control any Reserved Matters application that may be submitted on this site in the future.

CONCLUSION

This Section 73 application proposes a revision to condition 14 of the previously approved residential development. It is not considered that the increase in residential units will adversely impact on highway safety or amenity to warrant a refusal of permission. As such, the proposal is considered acceptable and in accordance with the Council's policies and guidelines. As this is a Section 73 application all relevant conditions attached to the approved P/15/358/OUT application will be repeated on this application.

RECOMMENDATION

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

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

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

Site boundary plan received 08 December 2017

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

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

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

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

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

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

Development shall be carried out in accordance with the agreed plan and timetable.

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

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

Reason: To ensure safe drainage of the site.

6. No development shall take place until full details of both hard and soft landscape works have been submitted to and agreed in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant. The agreed landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed by the Local Planning Authority prior to any development commencing on site.

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

7. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 3 years from the date of the occupation of the building for its permitted use
 - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written agreement of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].
 - (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
 - (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.

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

8. The detailed plans to be submitted shall make adequate provision for public open space, in accordance with the Council's guidelines (Policy COM 11 of the Local Development Plan), and such public open space shall be laid out, landscaped, completed and

maintained in accordance with a scheme and timetable to be agreed in writing by the Local Planning Authority prior to the commencement of work on site.

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

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

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

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

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

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

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

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

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

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

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

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

- Soil handling & storage methods including phased soil stripping of the site, and soil preservation - in line with the DEFRA 'Construction Code of Practice for the Sustainable Use of Soils on Construction sites'
- Surface water management and treatment during construction, procedures for de-

watering of excavations, storage of: mortars, fuels & oils, environmental incident response plan etc.

- Details of emergency contacts e.g. Natural Resources Wales Pollution Hotline (0800 807 060)

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

Reason: To prevent pollution.

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

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

14. The consent hereby granted shall be limited to the construction of no more than 200 residential units.

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

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

ADVISORY NOTES

a. Further information on wildlife and development and opportunities for enhancements can be found in SPG 19 Biodiversity and Development: A Green Infrastructure Approach – <http://www1.bridgend.gov.uk/media/227718/final-green-infrastructure-spg-for-web.pdf>

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

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

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

e. The plans and particulars submitted in accordance with the Reserved Matters for this development should accord with the recommendations set out in Section 6

'Recommendations to avoid or minimise adverse impacts to wildlife features and protected

species' of the David Clements Ecology, Ecological Assessment for land off Llangewydd Road, Bridgend dated May 2015 and submitted with application P/15/358/OUT.

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

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

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

BACKGROUND PAPERS

**Planning Committee Report presented to Planning Committee on 16 March 2017
(P/15/358/OUT) – Appendix 1**

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

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

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

BACKGROUND

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

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

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

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

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

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

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

POST RESOLUTION

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

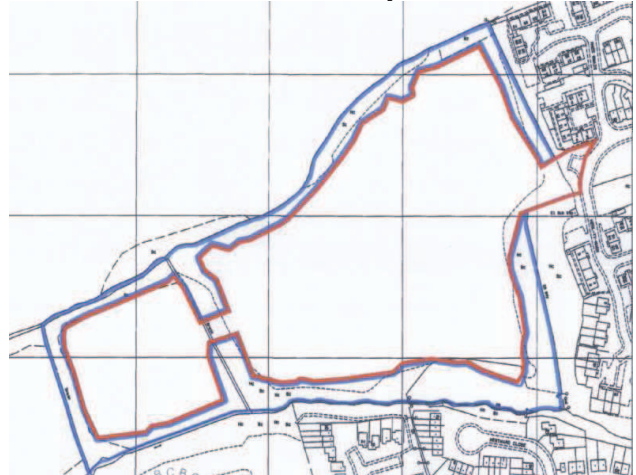
comprehensive Land Registry Search, it has emerged there is a small area of land to the south of the site that falls under third party ownership and is outside the control of the applicant (Title Deed number WA884886 retained by Tudor Jenkins). As such a ransom strip effectively exists along the southern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

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

Previous site location plan



Amended site location plan



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

PUBLICITY

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

APPRAISAL

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

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

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

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

AMENDMENT TO SECTION 106 HEADS OF TERMS

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

CONDITIONS

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

CONCLUSION

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

RECOMMENDATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To ensure safe drainage of the site.

6. No development shall take place until full details of both hard and soft landscape works have been submitted to and agreed in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant. The agreed landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed by the Local Planning Authority prior to any development commencing on site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To prevent pollution.

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

07:30 hours to 17:30 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

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

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

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

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

ADVISORY NOTES

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

MARK SHEPHARD

CORPORATE DIRECTOR COMMUNITIES

BACKGROUND PAPERS

None

APPENDIX A

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

Appendix A

REFERENCE: P/15/358/OUT

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

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

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

RECEIVED: 11 July 2016

SITE INSPECTED: 19 July 2016

APPLICATION / SITE DESCRIPTION

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

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

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

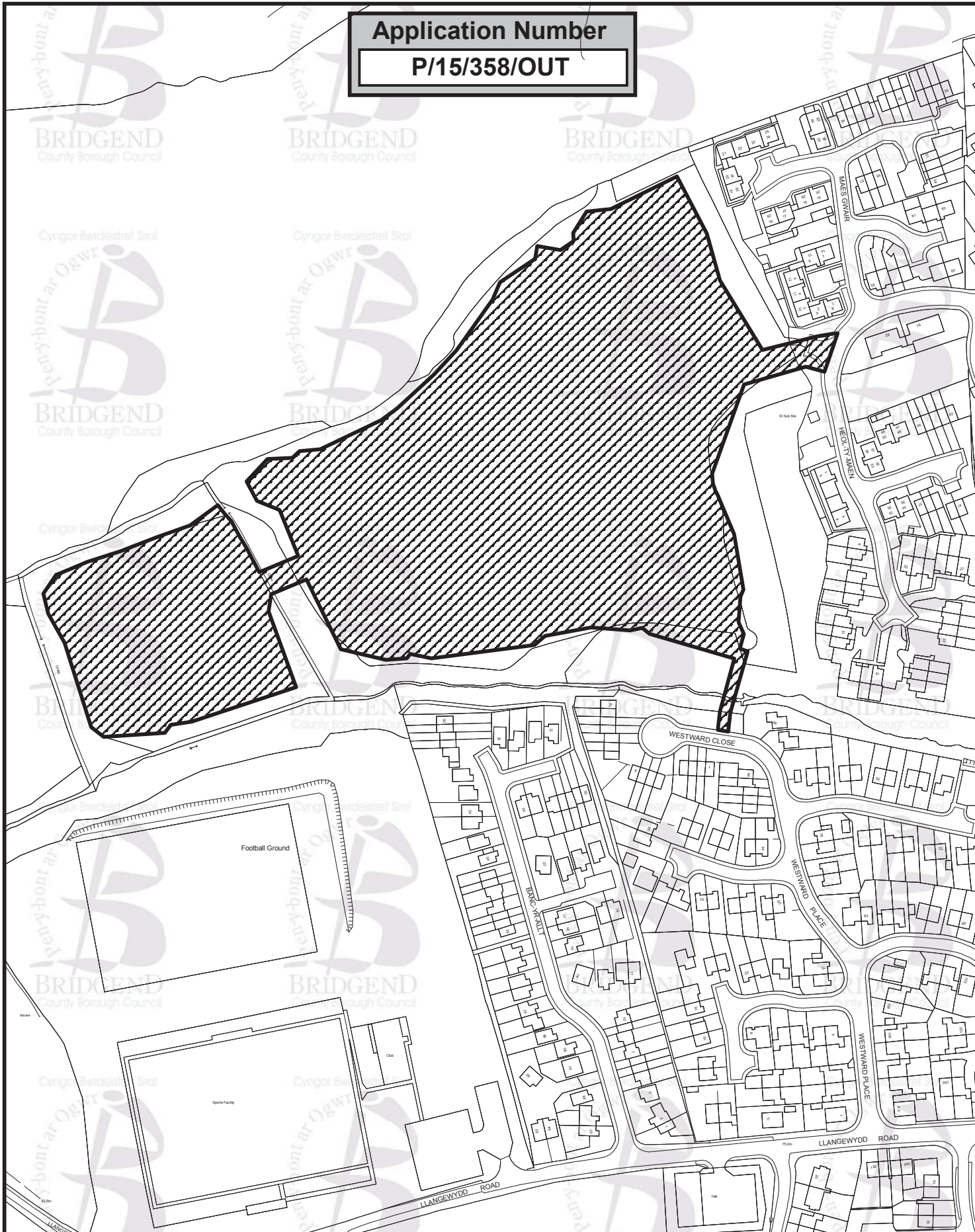
Further to the west and north, the application site is abutted by open countryside. To the east and south of the site are built up, predominantly residential localities. Further east is Byntirion Comprehensive School. To the south west of the site are football playing fields (Club Penybont). The majority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

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

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

Application Number

P/15/358/OUT



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Scale 1:2500

Date Issued:
20/10/2016

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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Cyngor Bwrdeistref Sirol



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

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

The application has also been accompanied by the following documentation:

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

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

RELEVANT HISTORY

None.

PUBLICITY

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

NEGOTIATIONS

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

CONSULTATION RESPONSES

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

Destination & Countryside Management - No objection subject to condition.

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

Natural Resources Wales - No objection subject to condition.

Welsh Water Developer Services - No objection subject to condition.

Crime Prevention Design S.Wales Police – No objection.

Head of Parks & Playing Fields - No objection.

Highways Development Control – No objections subject to the following:

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

REPRESENTATIONS RECEIVED

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

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

Objections have been received from the occupiers of :

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

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

The objections can be summarised as follows :-

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

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

10 Maes Gwair

COMMENTS ON REPRESENTATIONS RECEIVED

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

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

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

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

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

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

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

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

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

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

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

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

APPRAISAL

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

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

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

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

Planning Policy Wales (Edition 8, January 2016) states that, in line with the presumption in favour of sustainable development, applications for planning permission should be determined in accordance with the adopted development plan for the area, unless material considerations indicate otherwise.

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

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

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

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

For the proposed 165 unit scheme it is not envisaged that there would be a requirement for a formal playing pitch, although initial calculations, whilst acknowledging the Outline nature of the proposal, would equate to a total amount of outdoor recreation space requirement of 9,264 m². This should consist of approximately 6,176 m² of outdoor sport space and 3,088 m² of children's play space (split between equipped play space of 957 m² and informal amenity space of 2,131 m²). These figures are however subject to negotiation and may be provided on or off site. The open space provision may for example take the form, in part, of accessible pedestrian linkages throughout the woodland areas of the site (immediately adjoining the site) which would take a more inclusive view of open space provision whilst ensuring appropriate pedestrian linkages throughout the site. An existing playing field and football facility is located directly to the south of the site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSION

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

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

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

RECOMMENDATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To ensure safe drainage of the site.

6. No development shall take place until full details of both hard and soft landscape works have been submitted to and agreed in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant. The agreed landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed by the Local Planning Authority prior to any development commencing on site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To prevent pollution.

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

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

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

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

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

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

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

ADVISORY NOTES

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

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

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

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

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

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

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

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

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background papers

None

APPEALS

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

CODE NO.	D/17/3190447 (1820)
APPLICATION NO.	P/17/557/FUL
APPELLANT	MR V HUGHES
SUBJECT OF APPEAL	RE-FURBISHMENT OF EXISTING DWELLING, NEW ENTRANCE PORCH, RAISE HEIGHT OF ROOF TO ACCOMMODATE LOFT CONVERSION/SECOND FLOOR, VEHICLE PARKING MAESGWYN HOUSE, 63 BLACKMILL ROAD, BRYNCETHIN
PROCEDURE	HOUSEHOLDER
DECISION LEVEL	DELEGATED OFFICER

The application was REFUSED for the following reasons:-

1. The proposed dormer windows, by reason of their design, size, scale and prominence, would introduce excessive, incongruous and overly prominent features to this traditional building that would have a detrimental impact on the character of the host dwellinghouse, contrary to Policy SP2 of the Bridgend County Borough Council Local Development Plan (2013), Notes 12 and 14 of adopted Supplementary Planning Guidance Note 02: Householder Development, and advice contained within Planning Policy Wales (Edition 9) (2016).
2. The proposed materials and finishes are considered to be inappropriate and out of keeping with the host building that will, therefore, have an adverse effect of the visual character and appearance of the dwellinghouse, contrary to Policy SP2(2) of the Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 9)(2016).

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

CODE NO.	C/17/3179866 (1808)
ENFORCEMENT NO.	ENF/3/16/C
APPELLANT	MR M ARTHUR
SUBJECT OF APPEAL	UNAUTHORISED USE FOR ACCOUNTANCY BUSINESS 2 TYTHEGSTON CLOSE, NOTTAGE, PORTHCAWL
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED AND THE ENFORCEMENT NOTICE BE UPHOLD.

A copy of the appeal decision is attached as APPENDIX A

CODE NO.	A/17/3184080 (1817)
APPLICATION NO.	P/17/206/OUT
APPELLANT	MRS SHARON ENGLISH
SUBJECT OF APPEAL	DEMOLITION AND REPLACEMENT OF AN EXISTING BUNGALOW WITH 3 TWO STOREY DETACHED DWELLINGS SUMMERVILLE BUNGALOW, HEOL LAS, MAWDLAM
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.
	A copy of the appeal decision is attached as APPENDIX B

CODE NO.	A/17/3186945 (1816)
APPLICATION NO.	P/16/848/FUL
APPELLANT	FIELD BAY LTD
SUBJECT OF APPEAL	CHANGE USE OF SINGLE RESIDENTIAL DWELLING (C3) INTO A 10 BEDROOM ASSISTED LIVING CARE HOME (C2) AND ASSOCIATED WORKS INCLUDING CONVERSION OF GARAGE INTO 3 BEDROOMS, EXISTING ANNEX INTO 2 SELF CONTAINED UNITS AND INFILL PORCH EXTENSION NORTH LODGE, PENYFAI
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE ALLOWED SUBJECT TO CONDITIONS.
	A copy of the appeal decision is attached as APPENDIX C

RECOMMENDATION:

That the report of the Corporate Director Communities be noted.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers (see application reference number)



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 06/11/17

gan **Richard E. Jenkins BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 08/01/18

Appeal Decision

Site visit made on 06/11/17

by **Richard E. Jenkins BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 08/01/18

Appeal Ref: APP/F6915/C/17/3179866

Site address: 2 Tythegston Close, Nottage, Porthcawl, Bridgend, CF36 3HJ

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

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Martyn Arthur against an enforcement notice issued by Bridgend County Borough Council.
- The enforcement notice, numbered ENF/3/16/C, was issued on 5 June 2017.
- The breach of planning control as alleged in the notice is without planning permission, the unauthorised change of use of the land from residential to a mixed use of residential and commercial business.
- The requirements of the notice are to cease the mixed use of the land for residential and commercial business use by ceasing the running of a commercial business at the land.
- The period for compliance is one month after the Notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act, as amended.

Procedural Matter

2. The appeal was lodged under the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990, as amended. That ground of appeal, hereinafter referred as ground (a), is that planning permission should be granted for what is alleged in the enforcement notice. On the basis of the breach of planning control alleged within the notice, it follows that planning permission is sought for the change of use of the land from residential to a mixed use of residential and commercial business.
3. Despite not indicating on the appeal form that any of the other grounds of appeal are being pursued, the appellant's written evidence clearly states that there has not been a material change of use at the property. Such a matter falls under the grounds set out in section 174(2)(b) of the aforementioned Act, hereinafter referred as ground (b), which is that the breach of planning control has not occurred as a matter of fact. Despite not being explicitly pleaded on the appeal form, I shall consider this issue before going on to consider the planning merits under the ground (a) appeal.

Reasons

4. The appeal relates to a typical semi-detached residential dwelling with a single storey rear extension and a detached garage. The property is located in a residential area of Porthcawl and is currently occupied by the appellant's grandson. The appellant trades as a forensic accountant and the evidence indicates that his business employs six members of staff, with his wife and one other person also undertaking 'general duties' and 'errands'. Whilst the employees are provided with the facilities to work remotely, the appellant's evidence acknowledges that there is a general agreement that staff may attend the appeal property between 0930 hours and 1630 hours on weekdays. Specifically, the appellant states that such an arrangement provides the employees with an opportunity to 'work together on cases' and undertake tasks such as the 'printing of bulky material'.
5. Despite the acknowledgement of such working arrangements, the appellant's written evidence indicates that the material change of use alleged in the enforcement notice has not occurred as a matter of fact. In contrast, the Local Planning Authority (LPA) refers to the fact that, at the time of its site visit, the rooms to the rear of the dwelling and the converted garage were being used for commercial purposes. Specifically, the Council contends that the garage had been fitted with a long counter accommodating four desktop computers and some laptops. Whilst such internal arrangements had been altered by the time of the Council's subsequent site visits, a large desk remained in the centre of the room and the LPA contends that the use of the rooms had not changed during this time. The evidence also indicates that there was a range of employees working at the premises at the time of the Council's site visits and such assertions are corroborated by the appellant's response to the Planning Contravention Notice (PCN) which indicates that four people work from the property on a weekly basis, with another employee occasionally using the property for work purposes. It is also notable that, at the time of the Council's site visit, toilet arrangements were specifically designated for staff use.
6. Unlike the Council's observations, I did not find a functioning office at the time of my site visit. Specifically, the rooms to the rear of the dwelling were largely vacant, with only a sofa and office chair occupying one room and boxes and a shelving unit occupying another. Given the arrangement of the furniture and the untidy nature of the rooms, it appeared that the premises may have been recently cleared, with no evidence of any formal use. Even the laser printer which the appellant refers to in his own Grounds of Appeal was not readily visible. In addition to this, there was no sign of any office use in the converted garage. Specifically, storage shelves and equipment for the growing of plants occupied the largest room within the garage, with the other rooms simply providing bathroom facilities.
7. Despite the clear differences between my observations and those submitted by the Council, it was notable at the time of my visit that the front and first floor levels of the property were functionally separate from the rear rooms which are alleged to be in commercial use. Indeed, the appellant advised at the time of my site visit that it was not possible to access the front of the dwelling via the available internal door and that the easiest way to move from the rear of the dwelling to the front of the dwelling would be to exit the property and re-enter via the external doors located in the side elevation of the property. Such evidence clearly supports the allegation that the property had been separated and subject to a mix of uses.
8. Notwithstanding this, it is well established principle of planning that an enforcement appeal, such as that being considered in this case, should be considered on the basis of the use of the property at the time the enforcement notice was issued. In this

respect, the Council's evidence is consistent and compelling, with large parts of the appellant's own evidence corroborating the Council's allegation. It is also notable that the LPA's reasons for issuing the notice are supported by representations submitted by interested parties. It is for these reasons that I consider that, on the balance of probability, the scale of business operations at the time of the Enforcement Notice being issued can be differentiated from typical 'home working' arrangements and that a material change of use of the property had occurred.

9. In terms of the ground (a) appeal, planning permission is sought for the change of use of the appeal property from residential to a mixed use of residential and commercial business. There is no doubt that the appeal property is located within a predominantly residential area and it was clear at the time of my site visit that the property does not provide sufficient off-street parking for the proposed mixed use. Indeed, as well as any parking needs arising from the residential use, the appeal proposal could see up to six members of staff visit the premises at any one time, with further increases in staff possible if the business element remained unrestricted. I observed at the time of my site visit that there are a high number of dropped curbs within the area and that the carriageway comprises a curved design. As such, and bearing in mind the lack of sufficient off-street parking, I consider that the proposed use would inevitably lead to indiscriminate parking of vehicles which would represent a material threat to highway safety in the area.
10. In addition to such matters, there is little doubt that the comings and goings associated with the proposed mixed use would have potential to result in unacceptable levels of noise and general disturbance, to the detriment of the living conditions of the occupiers of neighbouring residential properties. It is also clear that the comings and goings would injuriously alter the quiet residential character of the area. Indeed, such concerns are consistent with the general thrust of the written representations submitted by local residents. I recognise the fact that, under the working arrangements specified by the appellant, it would be unlikely that all of the members of staff would be at the premises at the same time. I also recognise that regular deliveries to the property are not anticipated. However, once a business use is established within such a residential area, it would be difficult for the LPA to effectively monitor such matters. Similarly, it would be difficult for the LPA to ensure that staffing numbers are maintained at permitted levels.
11. For these reasons, I find that the proposed change of use would undermine highway safety in the area. It would also represent a material threat to the quiet residential character of the area and have potential to cause material harm to the living conditions of the occupiers of neighbouring residential properties. As such, I consider that the change of use would run counter to the general thrust of Policy SP2 of the adopted Bridgend County Borough Council Local Development Plan 2006- 2021 (LDP)(2013). The identified adverse consequences of the mixed use amount to compelling reasons why planning permission should not be granted and, for this reason, I consider that the ground (a) appeal should fail. Therefore, having considered all matters raised, I conclude that the appeal should be dismissed and that the enforcement notice should be upheld.
12. In coming to this conclusion I have considered where relevant 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). I have taken into account the ways of working set out at section 5 of the WBFG Act and 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, as required by section 8 of the WBFG Act.

Richard E. Jenkins

INSPOECTOR

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 11/12/17

gan P J Davies BSc (Hons) MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 4/1/18

Appeal Decision

Site visit made on 11/12/17

by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 4/1/18

Appeal Ref: APP/F6915/A/17/3184080

Site address: Summerville Bungalow, Heol Las, Mawdlam, Bridgend CF33 4PH

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 Sharon English against the decision of Bridgend County Borough Council.
 - The application Ref P/17/206/OUT, dated 20 March 2017, was refused by notice dated 13 June 2017.
 - The development proposed is demolition and replacement of an existing bungalow with 3 No two storey detached dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

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

Main Issues

3. The main issues are the effect of the proposal on: the character and appearance of the area; residents' living conditions; highway safety; ecology; and, whether the development would make adequate provision for drainage.

Reasons

4. This part of Heol Las is characterised by mixed housing styles and has an informal layout with evidence of some backland development nearby. Plot sizes also vary but the general impression is of being within a built-up area on the outer fringes of a settlement. Given the diverse context, 2-storey development of the scale indicated would not be out of place. The tandem nature of the development would also be consistent with the varied housing pattern. In terms of site coverage, the proposed plots would compare with others nearby and the dwellings would benefit from adequate space between and around them. In these circumstances, the site would not appear cramped or overdeveloped and I find that there would be no harm to the character or appearance of the area.
-

5. The neighbouring dwelling, Byways Cottage, is set back from the site boundary at a higher level to Plot 2 and is orientated so that its principal elevation is turned away from Plot 3. Given the angles and distances involved I am satisfied that a dwelling on Plot 3 could be suitably designed and landscaped to ensure that there is no material loss of privacy for the occupiers concerned. Given the elevation of Plot 3, there are existing views over the neighbouring garden of Ty Gwyn. However, owing to the distances, considerations of siting, landscaping and design at the reserved matters stage would ensure that the amenities of the occupiers of that property are also safeguarded. Similarly, although the proposed access would run close to the boundary with Ty Gwyn, it would relate to a private drive which would be limited to traffic associated mostly with the development. Part of the boundary is flanked by a large outbuilding and the side wall of Ty Gwyn does not contain any principal windows. Screening could also be provided along the boundary which would provide suitable mitigation. I find that the proposal would not cause any material harm to residents' living conditions.
6. The turning head for the development would be located some distance from Plot 3, but even so, it would appear that there is sufficient space within the plot to provide for manoeuvring space. This is therefore a matter that can be addressed at the more detailed stage.
7. However, owing to the siting of the proposed access close to the boundary with Ty Gwyn, visibility to the east is restricted by the adjacent boundary wall / hedgerow and a telegraph pole, which are outside the appellant's control. Vehicles emerging from the access would therefore need to move partly out into the road to assess oncoming traffic. Whilst traffic flow is relatively low due to the termination of the road at the eastern end, it nevertheless serves a number of dwellings and allotments. It also serves Heol Broom which provides an alternative route for some drivers wishing to take a shorter route. At peak times therefore the road is likely to accommodate some heavier traffic flows.
8. Heol Las is subject to a 30mph speed limit, but because it does not provide for through traffic, speeds are likely to be lower than a standard road. In terms of the vision splay requirements set out in Manual for Streets, I therefore accept that there could be some relaxation. However, the visibility to the east of the access falls well below these standards and drivers emerging from the access would have inadequate warning of oncoming traffic and /or pedestrians. Although in the context of this existing built-up area three dwellings would not generate a significant volume of traffic, I consider that relative to the substandard visibility the increase would be material and would result in an unacceptable risk to highway safety.
9. The appeal property is overgrown and appears to have been vacant for some time. It is close to a habitat suitable for bats, and there are records of bats in the area. The likelihood of bats being present is therefore significant, but a survey to fully assess this potential is not available to me. A planning condition to require an ecological survey would not be appropriate because without the necessary information I do not know if all material considerations have been addressed. Similarly without an assessment to determine if the development can make adequate provision for surface water drainage in the light of constraints which include a risk of limestone cavities and associated swallow holes, I cannot be assured that it would be a safe and satisfactory form of development.
10. I conclude that whilst I have found no unacceptable harm to the character or appearance of the area, or residents' living conditions, there would be significant adverse effects on highway safety and ecology. Moreover, it has not been

demonstrated that the proposal would make adequate provision for drainage. In these respects, the proposal conflicts with the relevant objectives of Policies SP2 and ENV6 of the Bridgend Local Development Plan, and the Council's supplementary guidance SPG 19 'Biodiversity & Development'.

Other Matters

11. I do not dispute that the proposal would represent an efficient and sustainable use of previously developed land consistent with national policy. However this must be balanced with all other material considerations and in this case there are overriding factors that lead me to dismiss the appeal.
12. I note concerns relating to private access arrangements at the rear of the site, possible damage to a sewer pipe, and the relationship of the proposal to the keeping of poultry in a neighbouring garden. However, any disputes over a right of access or potential damage to pipes are civil matters that do not fall before me for jurisdiction in this case. Similarly, I have no reason to believe that the keeping of poultry on a domestic scale and in appropriate cared for conditions would give rise to an unacceptable relationship between dwellings.
13. In reaching my decision, I have taken account of the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's 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.

Conclusions

14. For the above reasons and having regard to all other matters raised, the appeal is dismissed.

P J Davies

INSPECTOR

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 11/12/17

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 19/01/18

Appeal Decision

Site visit made on 11/12/17

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

an Inspector appointed by the Welsh Ministers

Date: 19/01/18

Appeal Ref: APP/F6915/A/17/3186945

Site address: North Lodge, Court Colman, Pen-y-Fai, Bridgend CF31 4NG

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 Rylan Lopez against the decision of Bridgend County Borough Council.
 - The application Ref P/16/848/FUL, dated 10 October 2016, was refused by notice dated 13 April 2017.
 - The development proposed is change of use of single residential dwelling (C3) into a 10 No. bedroom assisted living care home (C2) and associated works including conversion of garage into 3 No. bedroom, existing annex into 2 No. self contained units, infill porch extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a change of use of single residential dwelling (C3) into a 10 No. bedroom assisted living care home (C2) and associated works including conversion of garage into 3 No. bedroom, existing annex into 2 No. self contained units, infill porch extension at North Lodge, Court Colman, Pen-y-Fai, Bridgend CF31 4NG in accordance with the terms of the application, Ref P/16/848/FUL, dated 10 October 2016, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The appeal development has commenced in part and much of the alterations are complete. The appeal therefore seeks retrospective planning permission.

Main Issues

3. The main issues are the effect of the proposal on highway safety, and on the demand for travel having particular regard to local and national planning policies relating to sustainable development.

Reasons

Highway Safety

4. Access to the site is from two entrances, one that is intended to serve staff only although it also serves a farm gate, and one that would facilitate visitor, service and delivery traffic as well as other dwellings that lie beyond the site on a private lane.
-

Access to both entrances is from a minor road, which is rural in nature and narrow and winding in parts.

5. In terms of vision splay requirements, the Council's accepted minimums are based on an 'x' distance of 2.4m from the nearside edge of the carriageway. Manual for Streets (MfS)¹ advises that a minimum figure of 2m may be considered in some very lightly trafficked and slow speed situations. The Council does not dispute that the road is lightly trafficked however it does not regard the measured speeds of between 20 and 30mph at the approaches to the junctions to be slow. Using information from 'Vehicle Speeds Compliance Statistics' produced by the Department for Transport, the Council considers 11 - 20mph to be representative of slow speeds. However, the government's statistics are intended to establish insights into the recorded speeds at which drivers choose to travel. The rationale for establishing a definition of slow speed in that case is to try and avoid erroneous data in certain situations such as congestion on motorways. It should not therefore be taken as a general indication of what comprises slow speeds in planning terms, which will usually depend on the individual circumstances of each case. I therefore give this little weight in the context of this appeal.
6. The road serving the junctions is subject to the national speed limit, however its winding rural nature does not allow for significant free or fast flow by vehicles or cyclists. In addition, traffic is single flow in places where the width of the road requires vehicles to slow down and pass with care. At the proposed staff entrance, the Council measures approach speeds in the order of 25mph southbound and 30mph northbound, and at the private lane entrance, 20mph southbound and 30mph northbound. From my own observations vehicles using the road were moving at a sensible speed and with due care given the highway geometry. In the circumstances I am satisfied that it would be appropriate to apply an 'x' distance of 2m from the nearside edge of the road in accordance with MfS. Even so, from what I saw, visibility is compromised at both entrances, particularly to the south. When measured in accordance with MfS, the entrances would in all likelihood fall below the vision splay guidelines. Furthermore the ability to improve vision is restricted either by land subject to a Tree Preservation Order or third party land, and there is little substantiated information before me to suggest that these are matters that could be resolved.
7. However, I must have regard to all material considerations and in this case there are mitigating factors. Firstly, the building has an existing lawful use as a large dwelling and it is accepted that there are permitted development rights for up to 6 persons in care living together as a household. The nature of the proposed use varies to these uses insofar as it would attract additional staff with transport requirements and includes alterations to the building, but in principle the lawful and permitted uses would in themselves generate traffic demands of their own. In addition, the extra traffic demands generated by 4 additional persons would be absorbed to some degree by shared and combined visits made by health professionals and delivery/service traffic.
8. I accept that 24 hour survey data on an isolated basis would not be a robust basis for establishing the extent of traffic movement generated by the proposal. Based on predicted staffing / visitor levels, the appellant's Transport Statement estimates some 36 daily vehicular movements arising from the proposal. The Council considers this to be a robust estimate and given the remoteness of the site has largely equated person

¹ Paragraph 7.7.7 Manual for Streets (2007)

and vehicle movements. Whilst I do not necessarily disagree with this approach, it is also the case that some trips would invariably be shared between visiting healthcare professionals for example. I therefore consider the suggested 36 movements to be a maximum figure. This compares with 20 person/vehicular movements arising from the formerly large dwelling. The increase in traffic from the development in isolation would therefore be material but relative to the light traffic and slow speeds, I would not directly associate this with any significant harm. In particular, the access from the private lane is used by some eight other dwellings with associated service and delivery traffic. Taking the existing use of the access as a whole, the increase in traffic arising from the development would be less material.

9. For both entrances there is ample turning space within the site to allow for forward ingress and egress and the staff entrance would be mostly limited to staff so that the amount of traffic using that entrance would be low. Although the absence of any recorded personal injury incidents in the vicinity of the site does not preclude more minor incidents or near misses, there is nonetheless no empirical evidence before me to indicate that this particular section of the road and the existing entrances are associated with any significant highway safety problems that would be exacerbated by the extra traffic arising from the proposal. In addition, given the nature of the use which would support persons with significant mobility problems, and the limited pedestrian facilities such as footpaths and lighting, the likelihood of any high pedestrian movements along the lane is small. The potential for vehicular / pedestrian conflict is therefore minimal.
10. The entrances would have to be used with care but taking all of the above into consideration, I am satisfied that the increase in traffic generated by the development could be safely accommodated and would not result in any significant additional risk to highway safety interests. The proposal therefore complies with Policy SP2 and SP3 of the Bridgend Local Development Plan (LDP).

Demand for Travel

11. Planning Policy Wales (PPW)² sets out Welsh Government's objectives to reduce the need to travel especially by private car. In this case, it is general consensus that the use of private transport is the most realistic and feasible option for the proposed use. Given the location of the site outside the settlement along country lanes that for the most part are lacking footpaths and lighting, I do not disagree. However, travel journeys to the nearby settlement would be short and the proposal relates to an existing residential site that would have previously generated traffic movements reliant on private means. Moreover the proposed use would provide a choice of semi-independent living in a tranquil and verdant setting that would contribute to the quality of life for its residents. This would be consistent with other sustainability objectives to achieve a healthier Wales. On balance, I find that the development would not be so unsustainable as to result in conflict with the objectives of PPW or LDP Policy SP2.
12. I note the appeals quoted by the Council but I do not know the full circumstances of two of those cases, albeit the Cefn Cribwr proposal would have appeared to have resulted in an absolute change to transport patterns, and the proposal in Shwt involved new dwellings. I do not find them comparable to this appeal which I have determined on its own merits.

Conditions

² Planning Policy Wales Edition 9 paragraph 8.1.5

13. I have had regard to the Council's suggested conditions. Given that the proposal would not generate any significant pedestrian flows, a condition to require road signage is not reasonable or necessary. The requirements to provide and maintain a vision splay at the northern site access is also not necessary in the light my conclusions on the highway safety implications of the development. A condition to require the provision of a marked out parking area is required to ensure orderly and safe parking within the site. A condition to require the provision of 2 cycle stands is necessary to promote sustainable transport choices. However, given the relatively small scale of the development and its acknowledged reliance on private transport, it would be unreasonable to require a travel plan.

Other Matters

14. My attention is drawn to a number of local concerns which include management issues relating to waste and electricity / water supply. I am also informed of restrictions in the property register. However these matters are civil matters which are not particularly relevant to the planning merits of this appeal. Although there are objections to the visual impact of the development, the external alterations are of a minor scale and have no significant adverse effect on the rural setting or adjacent historic park and garden.
15. In reaching my decision, I have taken account of the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's 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.

Conclusions

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

P J Davies

INSPECTOR

Schedule of Conditions

- 1) The development shall be carried out in accordance with the following approved plans and documents: Drawing Nos: HD1949 PL04 REV.D; HD1949 PL05 REV.A; HD1949 PL06 REV.B; HD1949 PL07 REV.A
- 2) Within 3 months of the date of this permission, the parking area shown on drawing no. HD1949 PL07 Rev A shall be implemented and demarcated in permanent materials and retained for parking purposes in perpetuity.
- 3) Within 6 months of the date of this permission, 2 cycle parking stands shall be provided in accordance with details that shall have been first submitted to and agreed in writing by the local planning authority. The stands shall be retained in accordance with the approved details for the duration of the development.

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TRAINING LOG

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

<u>Facilitator</u>	<u>Subject</u>	<u>Date</u>	<u>Time</u>
Rhodri Davies, <i>Development Group, BCBC</i>	"Advertisement control"	1 February 2018	12.45pm
Tony Godsall, <i>Highway Services, BCBC</i>	"Traffic Regulations/Orders"	15 March 2018	12.45pm
Kwaku Opoku-Addo, <i>Highway Services, BCBC</i>	"Community Transport"	26 April 2018	12.45pm

Recommendation:

That the report of the Corporate Director Communities be noted.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None.

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO DEVELOPMENT CONTROL COMMITTEE

1 FEBRUARY 2018

REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES

Update on the response to the Cabinet Secretary's letter regarding Joint Local Development Plans and a regional Strategic Development Plan

1. Background

- 1.1 On 13 December 2017 the Cabinet Secretary for Energy, Planning and Rural Affairs wrote to the Leader and Chief Executive with an invitation to give serious consideration to preparing a Joint Local Development Plan (JLDP) with other Local Planning Authorities within the South East Wales comprising Bridgend, RCT and Caerphilly. A separate letter inviting Local Planning Authorities to give serious consideration to preparing a Strategic Development Plan (SDP) was also sent on the same day. The letters are attached at **Appendix 1**.
- 1.2 The Cabinet Secretary has invited positive responses to the JLDP letter to be submitted back to Welsh Government by 28 February 2018 and until such time Welsh Government will not agree to any plan progressing individually.
- 1.3 As the content of the letters will potentially have a wide reaching impact on the Council progressing with its own LDP, it is appropriate to report the matter to Council and a more detailed report and appraisal is due to be reported to Council on 28 February 2018.
- 1.4 The purpose of this report is to update the Development Control Committee on the preparation of Bridgend County Borough Council's response to the Cabinet Secretary.

Joint Local Development Plans

- 1.5 On 13 December 2017 the Cabinet Secretary for Energy, Planning and Rural Affairs wrote to the Leader and Chief Executive inviting the Local Planning Authority to give serious consideration to preparing a Joint Local Development Plan with other Local Planning Authorities within the South East Wales - West Area (comprising of Bridgend, RCT and Caerphilly). This letter is attached at **Appendix 1**. The Council's response is required to be reported back to Welsh Government by 28 February 2018 and until such time Welsh Government will not agree to any plan progressing individually.
- 1.6 The timing of the Cabinet Secretary's letter has significant implications for this Authority given the imperative to start work on the review of its LDP as a matter of urgency to maintain up-to-date policy coverage post 2021 when the current LDP expires.
- 1.7 The rationale for the Cabinet Secretary's invitation is outlined in the letter and is based on the premise that a JLDP will deliver improved planning outcomes as well as sharing resources and encouraging collaboration. No evidence to support this position has been submitted however, the Council will need to consider both the potential outcomes as well as the process of how they will be achieved as part of its response.

What are the implications of preparing a 'Joint LDP'?

- 1.8 The Bridgend Local Development Plan expires in 2021 which effectively means that the

County Borough will not have an up-to-date statutory development plan in place to guide sustainable development and prevent inappropriate forms of development. It is therefore imperative that work commences on a replacement LDP as soon as possible, however, the Cabinet Secretary's invitation to prepare a 'Joint LDP' must be given due consideration and, as such, substantive work on a replacement LDP has been put on hold.

- 1.9 In order to determine the most appropriate way forward for this Council to maintain up-to-date development plan coverage when the current Bridgend LDP expires in 2021 it is imperative that all the realistic 'options' are considered, tested and risk assessed and this is intended to inform this Council's response to the Ministerial letter. The following options are being considered:-
- Option 1: Local Planning Authorities in the region prepare a SDP only and forgo individual reviews of their respective LDPs until the SDP is adopted.
 - Option 2: An individual review of Bridgend's LDP whilst simultaneously working collaboratively with the region to prepare a SDP.
 - Option 3: Collaboration 'Plus' (an individual review of Bridgend's LDP whilst simultaneously working collaboratively with RCT to prepare a joint evidence base and with the region to prepare a SDP.
 - Option 4: Joint Local Plan (incorporating Caerphilly, RCT & Bridgend) whilst simultaneously working collaboratively with the region to prepare a SDP.
 - Option 5: Joint Local Plan (Incorporating RCT & Bridgend) whilst simultaneously working collaboratively with the region to prepare an SDP.
- 1.10 These options are discussed in more detail below and will be included in the report to Council on 28 February 2018.

Strategic Development Plan (SDP)

- 1.11 Strategic Development Plans were introduced in the Planning Wales Act 2015 and are intended to provide a regional spatial framework for the future development and use of land within a defined region. In this case Bridgend forms part of the Cardiff Capital Region and there is broad agreement that this be taken forward as the basis for the footprint of a SE Wales SDP. This would allow larger than local issues, such as housing and infrastructure, which cut across Local Planning Authorities boundaries to be considered in a comprehensive way.
- 1.12 The SDP is currently being considered by the Leaders of the 10 South East Wales Authorities and any update on this position will be included in the report to Council on 28 February 2018.

Option 1: Local Planning Authorities in the region prepare a SDP and forgo individual reviews of their respective LDPs.

- 1.13 Option 1 presents a significant 'risk' of a 'policy vacuum' for this Authority. Whilst it has been suggested that an SDP could be adopted as soon as 2022, in reality given that this is a new and untested process, building and maintaining a political consensus and establishing fair and effective governance is likely to push back the adoption of the SDP until 2023 and in a worst case scenario 2024, thus potentially leaving a period of 2-3 years where Bridgend LPA could have a 'policy vacuum'. In addition a relaxation of the plan's end-date (which is also being presented as a solution to avoiding a potential policy vacuum by LPAs in the region) beyond 2021 would not provide a temporary solution for Bridgend until such time as a SDP is adopted. Bridgend's LDP has been very successful in delivering most of its allocated sites and there is

an imperative to produce a new plan as soon as possible to replenish housing and investment opportunities and maintain housing delivery, which is an objective of the Welsh Government.

Option 2: An individual review of Bridgend's LDP whilst simultaneously working collaboratively with the region to prepare a SDP & Option 3: Collaboration 'Plus' An individual review of Bridgend's LDP whilst simultaneously working collaboratively with RCT to prepare a joint evidence base and with the region to prepare a SDP.

- 1.14 Options 2 and 3 would be relatively simple and 'quick-fix' solution to avoiding a policy vacuum in Bridgend. In essence both options would involve a relatively straight forward refresh of the existing evidence base and identification of new allocations. In the case of 'Collaboration Plus' there would be the opportunity to share evidence base studies with RCT and other LPAs as part of the wider collaboration agenda, substantially reducing the duplication of work and in theory resulting in financial savings.

Option 4: Joint Local Plan (Incorporating Caerphilly, RCT & Bridgend) whilst simultaneously working collaboratively with the region to prepare a SDP & Option 5: Joint Local Plan (Incorporating RCT & Bridgend) whilst simultaneously working collaboratively with the region to prepare a SDP.

- 1.15 Options 4 requires this Authority to prepare a Joint LDP with Caerphilly and RCT and Option 5 with RCT only. The perceived rationale for a 'Joint LDP' incorporating Caerphilly, RCT and Bridgend is based upon the respective LDPs expiring in 2021. Welsh Government makes the case that to create such an administrative planning boundary with 'cross-boundary issues' can be dealt with more effectively.
- 1.15 In theory, both options are achievable however, the practicalities and potentially lengthy timescales involved in setting up and preparing such a large LDP requires further consideration. For example establishing a 'Joint Planning Board' or determining alternative suitable governance arrangements, aligning political differences and Officer working practices could take up to 2 years. Although there are planning merits to working at such a scale, as proposed by the Cabinet Secretary, there are undoubtedly practical and logistical issues that could take a considerable time to resolve. It is the view of Officers that the benefits of a larger scale footprint to resolve cross-boundary issues should be fully exploited at the SDP regional scale and not at a sub-regional basis of Bridgend/RCT and Caerphilly only.
- 1.16 In view of the governance issues described above and the delay this could create, a Joint LDP incorporating Caerphilly, RCT and Bridgend is unlikely to be adopted by 2021 therefore undermining full plan coverage and subsequently resulting in a 'policy vacuum'. Neither would a relaxation of the plan's end date beyond 2021 be a temporary solution for Bridgend until such time as a new 'Joint Plan' is in place.

Why would a relaxation of the plan's end date beyond 2021 be problematic?

- 1.17 Firstly, the evidence that underpins the strategy and policies would also be out of date and could easily be challenged by developers likely resulting in a situation of 'planning by appeal'.
- 1.18 Secondly, the recently published 2017 JHLAS shows that the County Borough has housing land supply, assessed against the housing requirement of the Bridgend LDP, of 4.0 years. This is the first year since the LDP adoption in 2013 that the land supply has fallen below the 5 year target. Where the land supply is less than 5 years, TAN1 states that local planning authorities should consider the reasons for the shortfall and whether the LDP should be reviewed either in whole or in part. It is considered that the most effective way of rectifying this

issue is through an early review/revision of the adopted LDP given the importance attached to the land supply issue.

So why is the 'land supply' issue so important for Bridgend?

- 1.19 Both RCT and Caerphilly are also in a position of not having a 5 year housing land supply, however, in the case of RCT, they have a substantive number of undeveloped housing sites however, viability issues mean that it is challenging for larger developments especially in the north of RCT to proceed. Development sites are available but they are generally considered unviable.
- 1.20 In respect of Bridgend, the Annual Monitoring Report evidences that the LDP has been successful and, as such, the majority of allocations have been delivered with the exception of some challenging brownfield sites in primarily in our valley communities that have stalled due to viability issues. Effectively this means the LDP exhausted deliverable housing sites. The majority of the County Borough of Bridgend is considered as a viable location to develop by housebuilders and as such significant pressure exists from the development industry for the Council to identify new sites for residential development.

What happens if we don't identify new sites?

- 1.21 There is a significant 'risk' of an ad-hoc approach leading to a flurry of speculative planning applications from the development industry seeking to exploit the current shortfall in land supply.
- 1.22 The LPA would be in a situation of 'planning by appeal' which will have a significant impact on the Communities Directorate's budget as staff resources will be diverted and concentrated on fighting appeals. This will also lead to a lack of co-ordination of S106 monies and a risk of receiving no Section 106 monies at appeal.
- 1.23 Bridgend Local Planning Authority will have significantly less control of its planning function and Councillors will have a reduced ability to influence the future strategy for growth in the County Borough. In reality, this means that developers will be deciding where development and new homes should be built and not the Local Planning Authority. It is the Local Planning Authority's role to direct growth - to the preferred and most sustainable locations.

Option 5: Joint Local Plan (Incorporating RCT & Bridgend) whilst simultaneously working collaboratively with the region to prepare a SDP.

- 1.24 Option 5 (involves preparing a Joint LDP with RCT and Bridgend) would face similar issues as Option 4 however, by virtue of only having one partner the logistical practicalities and political differences would, in theory, be easier to align and manage.
- 1.25 Both Options 4 and 5 would create a geographically large LDP area covering a significant part of South East Wales. In theory, such a large administrative area would allow for 'cross-boundary' issues to be managed more effectively however, it is the role of a SDP to deal with regional wide strategic planning matters and in the interim 'cross-boundary' issues could be managed effectively through a review of the respective LDPs.
- 1.26 With a likely consensus from the region to prepare a SDP, the need for a Joint LDP incorporating RCT, Caerphilly and Bridgend requiring a new evidence base, vision and land-use strategy (sub-regional approach to planning) is considered unnecessary and unlikely to achieve better planning outcomes in the short to medium term.

- 1.27 Also, in the context of the wider Local Government Re-organisation agenda a joint plan area of Caerphilly, RCT and Bridgend would also encompass 3 separate Health Boards – ABM, Cwm Taff and Aneurin Bevan which is not considered logical and could present difficulties in alignment and engagement in the Joint LDP preparation process.

The main 'risk' for Bridgend

- 1.28 A scenario where a 'policy vacuum' exists when the current LDP expires in 2021 presents the most significant threat to Bridgend. A relaxation of the plan's end date beyond 2021 would not be a temporary solution for Bridgend until such time as a new 'Joint Plan' or the 'SDP' is in place.
- 1.29 An overview of all the financial and social 'risks' that are posed to both the LPA and our communities, in the short to medium term, by not having an up-to-date Local Development Plan in place by 2021 is attached as **Appendix 2**.

2. Current Situation

- 2.2 Discussions in respect of the Joint Local Development Plan are on-going between the respective authorities, the outcomes of which will be reported to Council on 28 February 2018.
- 2.1 Leaders of the 10 South East Wales (CCR) Authorities are considering the prospects of progressing a Strategic Development Plan and any outcomes will be reported to Council on 28 February 2018.

3. Next Steps

- 3.1 Officers will continue to work on the options assessment and prepare a response to the Cabinet Secretary's letter, the contents of which will be presented to Council on 28 February 2018.

4. Recommendation

- 4.1 That the contents of this report be noted.

Mark Shephard
Corporate Director - Communities
1 February 2018

Contact Officer: Susan Jones
Development Planning Manager

Richard Matthams
Development Planning Team Leader

Telephone: (01656) 643162

E-mail: richard.matthams@bridgend.gov.uk

Postal Address Development Planning, Communities Directorate
Civic Offices, Angel Street
BRIDGEND CF31 4WB

Background documents

None

Appendix 1 –

Copy of the Cabinet Secretary for Energy, Planning and Rural Affairs letter to the Leader and Chief Executive inviting Local Planning Authorities to give serious consideration to preparing a Strategic Development Plan (SDP) and for this Local Planning Authority to give serious consideration to preparing a Joint Local Development Plan.

Lesley Griffiths AC/AM

Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig
Cabinet Secretary for Energy planning and Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf : Our ref : QA1282787

Cllr Huw David and Mr Darren Mephram
Leader and Chief Executive of
Bridgend County Council
Civic Offices
Angel Street
Bridgend
CF31 4WB

13

December 2017

Dear Huw and Darren

Invitation to prepare a Joint Local Development Plan (LDP) South East Wales - West

It is almost 14 years since the Planning and Compulsory Purchase Act (2004) introduced the requirement for Local Planning Authorities to prepare, monitor and keep review Local Development Plans. Progress has been made with 20 adopted LDPs in place.

The latest round of LDP Annual Monitoring Reports, submitted in October, has demonstrated mixed success for plans adopted between 2010 and 2015. This is particularly evident for critical planning outcomes, including supporting the delivery of housing in sustainable locations. With this in mind, it is right to pause and reflect on the correct path to take to maintain effective LDP coverage ahead of adoption of a Strategic Development Plan (SDP) for the region. It is also necessary to provide a robust framework for the delivery of the land use implications of the Cardiff Capital Region City Deal proposals.

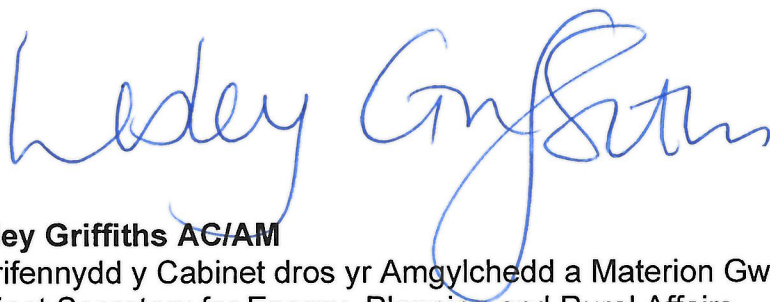
The role of the planning system in delivering excellent outcomes for Wales at national, regional and local levels has never been more prominent. Our newly adopted National Strategy: Prosperity for All acknowledges the key role the planning system must play by recognising planning decisions as a critical lever to deliver the central goal of prosperity for all. It notes planning decisions affect every area of a person's life. They determine where homes are built, where services are provided, the quality of the local environment, the promotion of sustainable economic growth and access to open space. The right planning system is critical in delivering the objectives of the strategy – this includes ensuring better LDPs are produced in the future.

Our vision for LDPs is not just to have full plan coverage, but achieve this in the most effective and efficient way, whilst also making a real difference for people and places. This does not mean replicating the procedures of the past, such as preparing plans on an individual basis. Often this has led to lengthy timescales for preparing plans, numerous delays in the process, a lack of effective consideration for issues transcending administrative boundaries and a difficulty in demonstrating the benefits of the system. The average time taken to prepare a first generation LDP was almost 6½ years which is totally unacceptable and cannot be replicated in the future. Evidence for the Planning (Wales) Bill demonstrated the cost of preparing a LDP to be between £1.4 and £2.2 million. Since then local government expenditure on planning services declined by 53% between 2009/10 and 2016/17 as a result of the UK Government austerity programme imposed on Wales with many of these reductions borne by your LDP teams. I do not believe many authorities currently have the capacity, capability or resilience necessary to progress LDPs on an individual authority basis.

For the reasons identified above we must approach the future with a new outlook, embracing the benefits from undertaking Joint LDPs. Maximising efficiency savings, both staffing and financial; delivering better outcomes on a more consistent basis; reaping the financial benefits through economies of scale and avoiding the pitfalls of duplication and repetition are all there to be seized. For the South East Wales - West area there are significant opportunities and challenges which are best addressed through the preparation of Joint Local Development Plans. These include maximising the take up of brownfield land to strengthen communities, minimising green field site releases and ensuring comprehensive planning of development opportunities on local authority boundaries. Realising the benefits provided by new infrastructure, such as the Metro, taking advantage of increased connectivity, accessibility and resilience of public transport corridors by identifying and implementing an area wide sustainable settlement strategy will be important considerations.

This approach aligns with emerging Local Government Reform proposals and stated intention of local government to work more collaboratively in the future. For the compelling reasons set out in this letter. I invite you to give serious consideration to improving the effectiveness of the planning system by preparing a Joint Local Development Plan. I am seeking positive responses to this invitation by the **28 February 2018**. Until such time I will not agree any plan progressing individually.

Yours sincerely,



Lesley Griffiths AC/AM

Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig
Cabinet Secretary for Energy, Planning and Rural Affairs

Leader and Chief Executive Caerphilly County Council
Leader and Chief Executive Rhondda Cynon Taff County Borough Council



Ein cyf : Our ref : QA1282787

Leader and Chief Executive of the Council

13 December 2017

Dear Colleague,

Invitation to Local Planning Authorities to prepare a Strategic Development Plan (SDP)

The Planning (Wales) Act 2015 included the legislation necessary to produce Strategic Development Plans (SDPs). SDPs allow larger than local issues such as housing, employment and infrastructure which cut across a number of Local Planning Authorities (LPAs) boundaries to be considered in an integrated and comprehensive way.

The role of the planning system in delivering excellent outcomes for Wales at national, regional and local levels has never been more prominent. Our new National Strategy: Prosperity for All acknowledges the key role the planning system must play by recognising planning decisions as a critical lever to deliver the central goal of prosperity for all. It notes planning decisions affect every area of a person's life. They determine where homes are built, where services are provided, the quality of the local environment, the promotion of sustainable economic growth and access to open space. The right planning system is critical in delivering the objectives of the strategy – this includes ensuring better LDPs and SDPs are produced in the future.

SDPs have the potential to reduce complexity and repetition currently contained in LDPs and make more effective use of resources. The ability to pool resources, reduce preparation costs, undertake more joint technical work, utilise existing skills and expertise and rationalise issues crossing administrative boundaries should not be lost. SDPs are also necessary to provide a robust framework for the delivery of the land use implications of existing and emerging City Deal and Growth Deal proposals.

My vision for the development plan system is to achieve the most expedient way of maintaining LDP coverage through the production of Joint LDPs, while encouraging and facilitating a strategic approach through SDPs to deal with issues of regional importance. This is not about setting up parallel or competing plans, rather a streamlined suite of plans that complement and integrate as one.

To date, no proposals have been forthcoming. I consider preparing SDPs on a consistent basis for each of the three regions of South East, Mid and West and North Wales will ensure the most efficient use of resources, maintain an effective decision making framework and deliver high quality planning outcomes. **I am therefore inviting proposals for SDPs, based on the 3 regional footprints, to come forward.**

Yours sincerely,



Lesley Griffiths AC/AM

Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig
Cabinet Secretary for Energy, Planning and Rural Affairs

Lesley Griffiths AC/AM

Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig
Cabinet Secretary for Economy and Transport



Llywodraeth Cymru
Welsh Government

Ein cyf : Our ref: QA1282787

Arweinydd a Phrif Weithredwr y Cyngor

13

Rhagfyr 2017

Annwyl Gyfaill,

Gwahoddiad i Awdurdodau Cynllunio Lleol baratoi Cynllun Datblygu Strategol

Roedd Deddf Cynllunio (Cymru) 2015 yn cynnwys y ddeddfwriaeth angenrheidiol i greu Cynlluniau Datblygu Strategol. Mae'r Cynlluniau yn caniatáu i faterion mwy na materion lleol megis tai, cyflogaeth a seilwaith sy'n cynnwys nifer o ffiniau Awdurdodau Cynllunio Lleol i gael eu hystyried mewn dull integredig a chynhwysfawr.

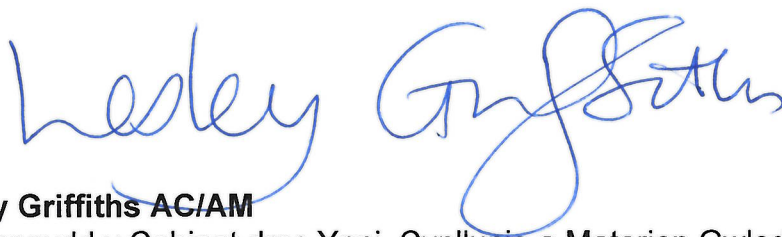
Nid yw swyddogaeth y system gynllunio wrth ddarparu canlyniadau rhagorol i Gymru ar lefelau cenedlaethol, rhanbarthol a lleol erioed wedi bod mor amlwg. Ein Strategaeth Genedlaethol newydd: Mae Ffyniant i Bawb yn cydnabod y swyddogaeth allweddol sydd gan y system gynllunio i gydnabod penderfyniadau cynllunio fel dull hollbwysig o ddarparu'r nod canolog o ffyniant i bawb. Mae'n nodi bod penderfyniadau cynllunio yn cael effaith ar bob agwedd ar fywyd person. Maent yn penderfynu ble y caiff tai ei hadeiladu, ble y darperir gwasanaethau, ansawdd yr amgylchedd lleol, hyrwyddo twf economaidd cynaliadwy a mynediad i fannau agored. Mae'r system gynllunio iawn yn hollbwysig wrth ddarparu amcanion y strategaeth - mae hyn yn cynnwys sicrhau bod Cynlluniau Datblygu Lleol a Chynlluniau Datblygu Strategol yn cael eu datblygu ar gyfer y dyfodol.

Mae gan Gynlluniau Datblygu Strategol y posibilrwydd o leihau y cymhlethdod a'r ail-adrodd sydd o fewn Cynlluniau Datblygu Lleol i wneud defnydd mwy effeithiol o adnoddau. Ni ddylid colli'r gallu i gronni adnoddau, lleihau costau paratoi, cynnal mwy o waith technegol ar y cyd, defnyddio sgiliau ac arbenigedd presennol a rhesymoli materion sy'n mynd ar draws ffiniau gweinyddol. Mae Cynlluniau Datblygu Strategol yn angenrheidiol hefyd er mwyn cynnig fframwaith cadarn ar gyfer darparu goblygiadau defnydd tir cynigion presennol a newydd Bargeinion Dinesig a'r Bargeinion Twf.

Fy ngweledigaeth ar gyfer y system cynllunio datblygiadau yw sicrhau'r dull mwyaf hwylus o gynnal Cynlluniau Datblygu Lleol drwy gynhyrchu Cynlluniau Datblygu ar y Cyd, tra'n annog a hwyluso dulliau strategol drwy'r Cynlluniau Datblygu Strategol i ddelio gyda materion sydd o bwys rhanbarthol. Nid yw hyn yn golygu sefydlu cynlluniau ar y cyd neu gynlluniau sy'n cystadlu, yn hytrach, cyfres syml o gynlluniau sy'n ategu ac yn integreiddio fel un.

Mae pedwar prosiect wedi'u cymeradwyo hyd yma. Rwy'n teimlo y bydd paratoi Cynlluniau Datblygu Strategol yn gyson ar gyfer pob un o'r tri rhanbarth, y De-ddwyrain, y Canolbarth a' Gogledd a'r Gorllewin a Gogledd Cymru yn sicrhau y defnydd mwyaf effeithiol o adnoddau, gan gynnal fframwaith effeithiol ar gyfer gwneud penderfyniadau a sicrhau canlyniadau cynllunio o safon uchel. **Rwyf felly'n gwahodd cynigion ar gyfer Cynlluniau Datblygu Lleol, yn seiliedig ar y 3 model rhanbarthol.**

Yn gywir,



Lesley Griffiths AC/AM

Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig
Cabinet Secretary for Energy, Planning and Rural Affairs

Appendix 2 –

Risks associated with not having an up-to-date Local Development Plan in place by 2021.

Appendix 2 – Risks associated with not having an up-to-date Local Development Plan in place by 2021.

Less control for Bridgend Local Planning Authority

- Bridgend Local Planning Authority will have significantly less control of its planning function and Councillors will have a reduced ability to influence the future strategy for growth in the borough. In reality this means that developers will be deciding where new homes should be built and not the Local Planning Authority. It is the Local Planning Authority's role to direct growth - to the 'right' place and not be dictated to by developers.

Inappropriate development

- The Local Development Plan is in the final stage of its 'life-cycle' and as a result the county borough does not have a 5 year housing land supply (2017 JHLAS 4.0 years).
- It is inevitable that there will be inappropriate ad-hoc development at locations that may prejudice the future LDP strategy and a likely 'Transport Led' SDP Strategy based on the Cardiff Capital Region. In addition, there is concern that this ad-hoc approach could lead to a flurry of speculative planning applications from the development industry seeking to exploit the current shortfall in land supply to 'landbank' sites.
- The LPA would be in a situation of 'planning by appeal' which will have a significant impact on the Communities Directorates budget as staff resources will be concentrated on fighting appeals. This will also lead to a lack of co-ordination of S106 monies and a risk of receiving no Section 106 monies at appeal.

Lower levels of new affordable homes for our communities

- The lack of an uncoordinated approach to the delivery of new homes accompanied by appropriate infrastructure for our younger generation may be significantly compromised.
- Well planned high quality homes are a vital ingredient in developing a sustainable economy. New homes play an important role in attracting new businesses to the area.

New infrastructure and funding would be severely compromised

- New development delivers essential infrastructure for our communities. An up-to-date LDP is essential to ensure a co-ordinated approach to infrastructure delivery and the mechanism for securing scarce finances for new infrastructure.

- The current state of public sector budgets places greater emphasis on the LDP as one of the most important sources of funding for the Council through planning contributions to deliver new essential infrastructure.

Other issues

- The lack of a Local Development Plan would seriously compromise future external funding bids for regeneration projects that could result in the Council missing out on millions of pounds of investment.
- Risk of the current LDP not adequately taking on board new legislation, resulting in decisions that maybe challenged in the courts.
- The lack of an up-to-date LDP may compromise the LPA's ability to proceed with Compulsory Purchase Orders (CPOs).
- The Welsh Government could direct Bridgend LPA to prepare a joint LDP with another LPA which would require the setting up of a joint planning panel and risk of delaying plan coverage beyond 2021.
- Growth links to the wider region would be uncoordinated which could undermine regional aspirations and any future Strategic Development Plan (SDP).

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO THE DEVELOPMENT CONTROL COMMITTEE

1 FEBRUARY 2018

REPORT OF THE CORPORATE DIRECTOR OPERATIONAL AND PARTNERSHIP SERVICES

RESULT OF TIMINGS OF MEETINGS SURVEY – DEVELOPMENT CONTROL COMMITTEE STARTING TIME

1. Purpose of Report

1.1 The purpose of this report is for the Development Control Committee to:-

- note the results of a second timings of meeting survey recently undertaken at the request of Members of the Committee.
- propose any revision to the timings of its meetings to be included in the development of the future calendar of meetings planned to be presented to Council in May 2018.

2. Connection to Corporate Improvement Objectives / Other Corporate Priorities

2.1 The establishment of necessary Committees and other bodies, including the timing and cycle of these, fulfils the requirements of the Constitution and enables the Authority to work towards the successful achievement of all its Corporate Priorities.

3. Background

3.1 The Democratic Services Section of the Directorate, in accordance with a provision of the Local Government Measure (Wales) Act 2011, carried out a timings of meetings survey in August 2017 which was completed by Members of all Council Committees following the composition of these bodies at the Annual meeting of Council on 17 May 2017. This exercise was completed in order to establish a starting time for each particular Committee meeting based on the majority of preference of Members of that Committee.

3.2 It is incumbent upon the Authority to carry out this exercise at least once in any new term of office following the local government elections, under the above legislation.

4. Current situation/proposal

4.1 At the last meeting of the Development Control Committee, held on 21 December 2017, and as a result of some minor changes to the membership of this Committee since the timings of meetings survey was carried out last August, Members were of the opinion that a further timings of meetings survey should be completed, in order to establish whether or not there should be a change in the starting time of these meetings in the future. It was resolved that the outcome of this be reported to the next Committee meeting.

- 4.2 The above was undertaken on 5 January 2017 and completed by all Members of the Committee. The results of this survey are as follows:-

Preferred Starting time (for Future Meetings)			
9.00am	10.00am	2.00pm	No Preference
1 Member	4 Members	8 Members	5 Members

- 4.3 Any change that may be put in place as a result of the survey may, in turn, have an effect upon timings of the Committee pre-meetings, Training Log sessions and Development Control Committee Site Inspections.
- 4.4 Should the Committee be minded to propose a change to future meeting times, as indicated in paragraph 4.2, this will impact on the current schedule of meetings for 2017- 2018 as approved by Council. The Development Control Committee meeting scheduled on 26 April 2018 would clash with a meeting of the Audit Committee on the same date and time.
- 4.5 The Committee is requested to recommend that any revision to the timings of its meetings be included in the development of the future calendar of meetings planned to be presented to Council in May 2018.

5. Effect upon Policy Framework and Procedure Rules

- 5.1 The provisions of this report do not have any effect upon the Policy Framework of the Council nor the Council Procedure Rules as set out in Part 4 of the Authority's Constitution.

6. Equality Impact Assessment

- 6.1 There are no equality implications regarding this report.

7. Financial Implications

- 7.1 There are no financial implications regarding this report.

8. Recommendations

- 8.1 (1) that Members note the outcome of the Development Control Committee timings of meetings survey.
- (2) that any revision to the timings of its meetings be included in the development of the future calendar of meetings planned to be presented to Council in May 2018.

P A Jolley
CORPORATE DIRECTOR - OPERATIONAL AND PARTNERSHIP SERVICES
January 2018

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Background documents:

There are no background documents in relation to this report other than the results of the previous Timing of Meeting Survey for this Committee undertaken in August 2017, which was subsequently forwarded onto Council for noting as part of the overall timings of meetings survey for all Committees, Sub-Committees and Panels, etc.

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO DEVELOPMENT CONTROL COMMITTEE

1 FEBRUARY 2018

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

The All Wales Annual Performance Report 2016-2017

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

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

Following adoption of the performance framework indicators in November 2014, local planning authorities must submit an APR every November with the first BCBC report submitted in November 2015, the second report submitted in October 2016 and the third (and latest) report submitted in November 2017 and reported to the December 2017 Development Control Committee.

It is also a requirement for Welsh Government to produce a Wales wide APR. A copy of the All Wales Annual Performance Report for the period 2016-2017 and published in January 2018, together with the Planning Performance Framework Table for 2016-2017, can be found using this link:

<http://gov.wales/topics/planning/planningstats/annual-performance-report/planning-annual-performance-report-2016-17/?lang=en>

The report summarises the performance of the Welsh Government Planning Division and the Planning Inspectorate (Section 2), Statutory Consultees (Section 3) and all 25 LPAs in Wales (Section 4) against the agreed indicators over the period April 2016 to March 2017.

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

This All-Wales APR focuses on the performance trend over the duration for which the WG has been collecting Performance Framework data, in order to inform the future direction of service delivery. For the first time, the Annual Performance Report also considers the role of Statutory Consultees in the operation and delivery of planning services.

As mentioned in the Cabinet Secretary’s Introduction, the report highlights areas of innovation and collaboration which demonstrates the creativity and commitment of planning officers working within Local Government and she is pleased by the effort undertaken across Wales to strive for quality local services, despite decreasing resources. However, she also considers that there is still significant scope for LPAs to

achieve more by working closely together and that limited progress has been made in this area.

Broadly, performance against the majority of indicators has improved when compared to the 2015-16 reporting period.

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

- *The LPA had a 5.1 year housing land supply when the All Wales was 2.9 years (ranked joint 3rd out of 25)*
- *The LPA took an average of 171 days to determine major applications against the All Wales average of 250.2 days (ranked 10th out of 25)*
- *The LPA took an average time of 60.3 days to determine all planning applications when the All Wales average was 75.9 days (ranked 4th out of 25)*
- *The LPA had 0% of planning applications determined contrary to officer advice (ranked 1st out of 25)*
- *The LPA had 73.1% of planning appeals dismissed in this period when the All Wales average was 60.9% (ranked 5th out of 25)*
- *The LPA investigated 84.9% of all Enforcement cases within 84 days compared to the All Wales average of 85% (ranked 16th out of 25) but only took an average of 48.3 days to investigate a complaint compared to the All Wales average of 88.1 days*
- *The LPA resolved 86.5% of Enforcement cases within 180 days compared to the all Wales average of 72.8% (ranked 3rd out of 25) but only took an average of 81.8 days to resolve a complaint compared to the All Wales average of 201.1 days*

Recommendation:

That the content of the report of the Corporate Director Communities and the All Wales Planning Performance Report 2016-2017 be noted.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None