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Bridgend County Borough Council



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

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

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



**Cyfarwyddiaeth y Prif Weithredwr / Chief  
Executive's Directorate**

Deialu uniongyrchol / Direct line /: 01656 643148 /  
643147

Gofynnwch am / Ask for: Andrew Rees

Ein cyf / Our ref:

Eich cyf / Your ref:

**Dyddiad/Date:** Friday, 13 July 2018

Dear Councillor,

**DEVELOPMENT CONTROL COMMITTEE**

A meeting of the Development Control Committee will be held in the Council Chamber - Civic Offices Angel Street Bridgend CF31 4WB on **Thursday, 19 July 2018 at 14:00.**

**AGENDA**

1. Apologies for Absence  
To receive apologies for absence from Members.
2. Declarations of Interest  
To receive declarations of personal and prejudicial interest (if any) from Members/Officers including those who are also Town and Community Councillors, in accordance with the provisions of the Members' Code of Conduct adopted by Council from 1 September 2008. Members having such dual roles should declare a personal interest in respect of their membership of such Town/Community Council and a prejudicial interest if they have taken part in the consideration of an item at that Town/Community Council contained in the Officer's Reports below.
3. Site Visits  
To confirm a date of Wednesday 29/08/2018 for proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.
4. Approval of Minutes 3 - 8  
To receive for approval the minutes of the 07/06/2018
5. Public Speakers  
To advise Members of the names of the public speakers listed to speak at today's meeting (if any).
6. Amendment Sheet 9 - 12  
That the Chairperson accepts the Development Control Committee Amendment Sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be

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accommodated.

- |     |                                                                                                                                                                                                                                                                                                                                                  |         |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
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| 14. | <u>Training Log</u>                                                                                                                                                                                                                                                                                                                              | 83 - 84 |
| 15. | <u>Urgent Items</u><br>To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency. |         |

Yours faithfully

**K Watson**

Head of Legal and Regulatory Services

Councillors:

JPD Blundell  
NA Burnett  
RJ Collins  
SK Dendy  
DK Edwards  
RM Granville

Councillors

MJ Kearns  
DRW Lewis  
JE Lewis  
JC Spanswick  
RME Stirman  
G Thomas

Councillors

T Thomas  
MC Voisey  
KJ Watts  
CA Webster  
A Williams  
AJ Williams

## DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 7 JUNE 2018

### MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN COUNCIL CHAMBER - CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 7 JUNE 2018 AT 14:00

#### Present

Councillor G Thomas – Chairperson

JPD Blundell	DK Edwards	RM Granville	MJ Kearn
DRW Lewis	JE Lewis	JC Spanswick	T Thomas
MC Voisey	KJ Watts	CA Webster	AJ Williams

#### Apologies for Absence

SK Dendy and A Williams

#### Officers:

Rhodri Davies	Development & Building Control Manager
Craig Flower	Planning Support Team Leader
Tony Godsall	Traffic & Transportation Manager
Julie Jenkins	Team Leader Development Control
Rod Jones	Senior Lawyer
Ingrid Lekaj	Trainee Solicitor
Robert Morgan	Senior Development Control Officer
Michael Pitman	Business & Administrative Apprentice
Andrew Rees	Senior Democratic Services Officer - Committees
Kevin Stephens	Democratic Services Assistant
Leigh Tuck	Senior Development Control Officer

#### 118. MR TONY GODSALL

The Chairperson announced that Mr Tony Godsall, Traffic and Transportation Manager would be attending his last meeting of the Committee prior to his retirement.

Members of the Committee thanked Mr Godsall for his service to the authority since 1999 and in particular his advice to the Committee and wished him well for a long and happy retirement. Mr Godsall responded by thanking the Committee for its support and for being receptive to his advice.

#### 119. DECLARATIONS OF INTEREST

The following Declarations of Interest were made:

Councillor DRW Lewis declared a personal interest in agenda item 8 – Planning Application P/17/1073/FUL as he has relatives living nearby to the application site.

Councillor JP Blundell declared a personal interest in agenda item 9 – Planning Application P/17/824/FUL as a member of Laleston Community Council but takes no part in the consideration of planning matters.

Councillor JE Lewis declared a personal interest in agenda item 8 – Planning Application P/17/1073/FUL as she has relatives living nearby to the application site.

**DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 7 JUNE 2018**

120. SITE VISITS

RESOLVED: That a date of Wednesday 18 July 2018 be confirmed for proposed site inspections arising at the meeting or identified in advance of the next Committee meeting by the Chairperson.

121. APPROVAL OF MINUTES

RESOLVED: That the Minutes of the meeting of the Development Control Committee of 26 April 2018, be approved as a true and accurate record.

122. PUBLIC SPEAKERS

The following public speakers were listed to speak at the meeting:-

<u>Planning Application No.</u>	<u>Speaker</u>
P/17/1073/FUL	Councillor A Hussain (Objector)
P/17/1073/FUL	Mrs K Lang (Objector)
P/17/1073/FUL	Mr L Grattarola (on behalf of the applicant)

123. AMENDMENT SHEET

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

124. P/17/1073/FUL - LAND OFF ALL SAINTS WAY, PENYFAI

RESOLVED: That the following application be deferred as Committee were not happy to approve the application on the basis of the information before them and required further information on drainage and land stability be reported to the next meeting of the Committee for consideration.

Proposal

Residential development of 20 dwellings including 3 affordable dwellings plus access, car parking, open space, landscaping, drainage and associated engineering works

Conditions 5,6 and 7 were amended as follows:

Conditions 5, 6 and 7 which relate to removing permitted development rights should refer to the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) rather than the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013.

125. P/17/824/FUL - AR GRAIG, LALESTON

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

Proposal

Change of use of the land from residential to a mixed use for residential and a dog breeding business and the erection of a new building for a dog breeding facility

Condition 7 was amended as follows:

Condition 7, which relates to removing permitted development rights, should refer to the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) rather than the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013.

126. P/18/63/FUL - LAND OFF DYFFRYN MADOC, MAESTEG

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

Proposal

Erection of agricultural barn

127. APPEALS

The Development and Building Control Manager presented a report, on Appeals received since the last Committee meeting.

RESOLVED: That the following Appeals received since the last meeting, be noted:-

Code No

Subject of Appeal

A/18/3200227 (1828) Conversion of 3 lock-up garages into a small shop garages to rear of 67 John Street, Porthcawl

A/18/3200555 (1829) New dwelling land off Albany Road, Pontycymmer

D/18/3201727 (1830) Retention of decking to the rear of the property 9 Bryn Cottages, Pontyrhyl

A/18/3202759 (1831) New three bedroom dwelling land at 49 Albany Road, Pontycymmer

128. BCBC RESPONSE TO THE WELSH GOVERNMENT CONSULTATION ON DRAFT PLANNING POLICY WALES (EDITION 10)

The Development and Building Control Manager referred to the meeting of the Committee of 15 March 2018 wherein Welsh Government proposals to revise Planning Policy Wales in light of the Wellbeing of Future Generation (Wales) Act 2015 were reported.

He reported that the consultation period on the Draft Planning Policy Wales: Edition 10 expired on 18 May 2018. The consultation sought views on the new structure of Planning Policy Wales, the place making concept and the new or revised policy requirements and 36 specific questions relating to the draft document. He outlined the responses submitted by the Local Planning Authority and the Building Conservation and Design Team.

**RESOLVED:** That the content of the Council's consultation responses to the Draft Planning Policy Wales (Edition 10) be noted.

129. **SCHEDULE 3 OF THE FLOOD AND WATER MANAGEMENT ACT 2010 - THE MANDATORY USE OF SUDS ON NEW DEVELOPMENTS AND THEIR APPROVAL AND ADOPTION BY THE SUDS APPROVING BODY (THE SAB)**

The Development and Building Control Manager reported that the Welsh Government is proposing a policy objective to deliver effective, multipurpose SuDS (Sustainable Drainage Systems) in new developments that will be maintained for the life-time of the developments they serve. He stated that for every new development from January 7<sup>th</sup> 2019 surface water drainage systems will have to be approved by a SAB. The Welsh Ministers expect SABs to seek an overall reduction in, or significant attenuation of, surface water volumes reaching public sewers and combined systems as part of the aim of 'Ensuring the stability and durability of drainage systems' in a sustainable way.

The Development and Building Control Manager also reported that the SuDS Approval Process will be separate from, but coincidental with, the Planning Process but the developer would not be able to commence works until both forms of approval are secured. He stated that the Commencement Order was signed 1 May 2018 and will become law from 7 January 2019. He stated that surface water flooding is a serious problem, identified in the National Strategy for Flood and Coastal Erosion Risk Management as a major cause of flooding of homes and the impact on citizens, communities and cost to the Welsh economy is significant. The risk of flooding is on the rise owing to climate change and urbanisation. He stated that the responsibility for delivery of the SAB functions rests with the 22 Local Authority's in Wales alongside their duties as Lead Local Flood Authorities (LLFAs).

The Development and Building Control Manager reported that Schedule 3 of the Flood and Water Management Act 2010 (the 2010 Act) provides a framework for the approval and adoption of surface water systems serving new developments. It does not apply retrospectively to retrofit existing drainage systems. He stated that the Welsh Government consulted on its implementation from May to August 2017 and a further consultation on the Statutory Instruments required to deliver this followed the announcement in November 2017 by the Cabinet Secretary of the intention to introduce the Schedule 3 requirements for new developments.

**RESOLVED:** That the Committee noted the content of the report and the implementation of Schedule 3 of the 2010 Act as law from 7 January 2019 onwards.

130. **ENFORCEMENT AND ADVERTISEMENTS**

The Development and Building Control Manager reported that the display of advertisements is subject to a separate consent process within the planning system and they are controlled with reference to their effect on amenity and public safety only and is principally set out in the Town and Country Planning (Control of Advertisements) Regulations 1992.

He informed the Committee in 2017; the Enforcement Officer investigated 51 cases where advertisements were being displayed without the appropriate consent. He stated that this is a criminal offence and the companies concerned were advised that they were contravening the Advertisement Regulations with a Caution also being issued. In the majority of cases the advertisements were removed however, where they were not removed the matter was referred to the Legal Section for prosecution. He outlined the results of the prosecutions taken by the Legal Section in March 2018.

RESOLVED: That the report be noted.

131. TRAINING LOG

The Development and Building Control Manager reported on an updated training log and advised that future training will be formulated soon.

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

132. DEVELOPMENT CONTROL COMMITTEE SITE VISIT PANEL

The Corporate Director – Operational and Partnership Services submitted a report, the purpose of which, was for the Development Control Committee to nominate three Members to form the Committee’s Site Visit Panel, which is to comprise of the Chairperson, Vice-Chairperson and a third Members, and also to nominate a reserve Member to sit on the Panel should any of the three nominated Panel Members be unavailable.

RESOLVED: That the Committee nominated the following Members to sit as its Site Visit Panel:-

- Chairperson of the Development Control Committee
- Vice-Chairperson of the Development Control Committee
- Councillor C Webster (Third Member)
- Councillor DRW Lewis (Reserve Member)

133. NOMINATION AND APPOINTMENT TO THE RIGHTS OF WAY SUB-COMMITTEE

The Corporate Director – Operational and Partnership Services presented a report, the purpose of which was to nominate and appoint Members to the Rights of Way Sub-Committee.

RESOLVED: That the Committee nominated the following Members to form the Rights of Way Sub-Committee:-

- Chairperson of the Development Control Committee
- Vice-Chairperson of the Development Control Committee
- Councillor R Stirman
- Councillor C Webster
- Councillor DK Edwards
- Councillor T Thomas

134. URGENT ITEMS

There were no urgent items.

**DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 7 JUNE 2018**

The meeting closed at 15:59



**DEVELOPMENT CONTROL COMMITTEE on 19 JULY 2018**

**AMENDMENT SHEET**

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

<u>ITEM NO.</u>	<u>PAGE NO.</u>	<u>APPLICATION NO.</u>
8	13	P/17/1073/FUL

A late representation letter was received by the Local Planning Authority on 16 July 2018 from Lisa and Ioan Jenkins of 1 Healthy Close, Pen Y Fai and this letter has been sent to all Members of the Planning Committee. The letter raises a number of concerns regarding:

- Land stability and structural damage;
- Changes to the Public Rights of Way.
- Clearance of trees and vegetation without the appropriate licence from NRW

#### LPA Response

- Firstly, the letter states that the application has been refused. This is incorrect as the application was deferred at the last committee (7 June 2018) for further information to be reported regarding land drainage and ground stability/suitability.
- With regard to land stability and structural damage, the site investigation report has been undertaken by Integral Geotechnique and submitted with the planning application. The document has been fully assessed by the Council's Structural Engineer who has raised no objections to the proposed development. With regard to structural damage to private property as a result of the proposed development, this is a civil matter between the developer and any affected party although it is obviously within the developer's interests to ensure that their development does not have any detrimental impact on any adjoining properties.
- With regard to the proposed changes to the Public Right of Way, the current Row is not DDA compliant and although a scheme for the implementation of 12 steps has been proposed, a condition has been attached to the recommendation requesting details of a scheme for the provision of a shared use pedestrian/cycle route linking the northern plateau to the southern plateau to be submitted and agreed by the LPA. The Council's Rights of Way section raised no objection to the proposed changes.
- Prior to the submission of this application, clearance works were undertaken by the applicant such as the removal of vegetation and works to trees that are not protected. These works did not require the benefit of formal planning permission and whilst these works are subject to a separate licensing regime operated by Natural Resources Wales, this is not a material planning consideration and separate action will be taken by NRW if required.

In addition, a late representation was hand delivered to the Planning Department on the 12 July 2018 by Cllr David Lewis on behalf of Mr and Mrs Nicholas of 6 Clos Smyrna. The submitted documents are a copy of the original letters of objection received in relation to the proposed development and the concerns raised have been summarised and addressed within the appraisal section of the Officer's report. As a result of the concerns raised regarding overlooking and privacy issues, an instant 2.4m high hedge is to be planted to the rear of 5 and 6 Clos Smyrna and a condition is attached to the recommendation requiring the re-positioning of the hedge closer to the footpath to provide an access corridor to ensure that the hedge is maintained.

A late representation letter was received by the Local Planning Authority on 16 July 2018 from Mr and Mrs G Edwards 5 Clos Smyrna, Pen Y Fai and this letter has been sent to all Members of the Planning Committee. The letter raises a number of concerns regarding:

- Topographical Survey;
- Public Rights of Way and access to playing field;
- Visibility splays;
- Impact on daylight protection zones on existing houses of Plot 20; and;
- Boundary Treatments

#### LPA Response

- The topographical details are included on the submitted Engineering Strategy Drawing No. 2209 – 500K and these details have been exported onto the Council's website for viewing by the public.
- With regard to the proposed changes to the Public Right of Way, the current Row is not DDA compliant and although a scheme for the implementation of 12 steps has been proposed, a condition has been attached to the recommendation requesting details of a scheme for the provision of a shared use pedestrian/cycle route linking the northern plateau to the southern plateau to be submitted and agreed by the LPA. The Council's Rights of Way section raised no objection to the proposed changes. The new access to the playing fields is to improve the access for both pedestrian and maintenance vehicles into the playing fields
- With regard to the visibility splays, the Council's Highway Officer has raised no concerns regarding this matter and therefore the proposed development complies with current policies and legislation.
- With regard to the impact of the proposed development on the daylight protection zone in relation to 5 Clos Smyrna, the LPA are satisfied that the proposed development does not have an unacceptable impact and accords with the guidance set out in the Council's Supplementary Planning Guidance SPG02: Householder Development Note 2.
- The proposed hedge will be erected in order to protect the privacy of the neighbouring properties known as 5 and 6 Clos Smyrna and will be re-positioned closer to the footpath in order to allow for a maintenance corridor and these details are required to be submitted under Condition 8 attached to the recommendation. Once these details are received by the LPA, they can then be fully assessed and consultation undertaken with the local residents prior to formal discharge of the condition.

**10**

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**P/18/174/FUL**

Whilst the report on the agenda is for noting and a full report on the application will be presented to the DC Committee on 30 August 2018 for determination, a full Development Control Committee site visit was undertaken on Wednesday 18 July 2018.

The Local Ward Member (Cllr. Alex Williams) who is also a DC Committee Member and the agent(s) for the scheme (Asbri Planning Ltd) attended the site visit.

**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**  
**19 JULY 2018**



## Development Control Committee Guidance

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

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

### STANDARD CONDITIONS

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

#### Time-limits on full permission

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

#### Time-limits on outline permissions

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

#### Variation from standard time-limits

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

### STANDARD NOTES

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

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

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

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

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

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

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

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

## **THE SITE INSPECTION PROTOCOL**

The Site Inspection Protocol is as follows:-

### **Purpose**

#### **Fact Finding**

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

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

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

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

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

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

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

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

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

### **Inappropriate Site Visit**

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

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

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

#### **Attendance**

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

### **Officer Advice**

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

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

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

### **Code of Conduct**

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

### **Record Keeping**

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

### **Site Visit Summary**

In summary site visits are: -

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

### **Frequently Used Planning Acronyms**

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



**REFERENCE:** P/17/1073/FUL

**APPLICANT:** Morganstone Ltd & Pennant Homes Ltd Morganstone House, Unit 3, Llys Aur, Llanelli Gate, Llanelli, SA14 8LQ

**LOCATION:** Land off All Saints Way, Penyfai CF31 4BT

**PROPOSAL:** Residential development of 20 dwellings including 3 affordable dwellings plus access, car parking, open space, landscaping, drainage and associated engineering works

The above application was reported to the Development Control Committee on 7 June 2018.

The Officer's recommendation was for approval subject to a S106 Legal Agreement and conditions.

A copy of the Officer's report, amendment sheet and recommendation presented to the previous Committee are attached as **Appendix A**.

Members did not approve the recommendation of the Officers and resolved to defer the report for further information.

The main areas of concern raised by Members were as follows:

- (i) Ground stability/suitability.
- (ii) Drainage

During the initial marketing of the site by the Council's Property Section, a Flood Consequence Assessment (FCA) and Drainage Strategy were prepared by Transport Planning Associates (February 2016) and a Desktop Report undertaken by Integral Geotechnique (February 2015) was also prepared on behalf of the Council.

This information was also referred to in the marketing particulars for the site (see attached as **Appendix B**).

With regard to the issue of ground stability/suitability, as mentioned above, a Desktop Assessment was initially carried out by Integral Geotechnique (ground condition specialists) in February 2015 and then the developer undertook a more detailed Site Investigation Report, also prepared by Integral Geotechnique, in January 2018 which was submitted with the formal planning application.

This information has been assessed by the Council's Structural Engineer with no objections raised regarding the ability of the site to accommodate the proposed number of dwellings subject to conditions 16 and 17 requiring further details of retaining structures and land contamination.

With regard to the drainage at the site, as mentioned above, a Flood Consequence Assessment (FCA) and Drainage Strategy were prepared by Transport Planning Associates in February 2016.

Furthermore, the Council's Land Drainage Officer raised no objection to the proposed development subject to the imposition of Condition 4 of the officer's report which requires a comprehensive and integrated drainage scheme to be submitted prior to any works

commencing on the site.

The Council's Land Drainage Officer has also confirmed that no further information is required to be submitted at this stage in relation to drainage at the site.

Members will also note that Dwr Cymru/Welsh Water (DC/WW) do not have any objections to the proposals and, as advised at the last Committee meeting, has accepted that surface water could enter the foul system here if necessary. This is an indication that there is sufficient capacity in the system to accommodate the extra foul and surface water and that DC/WW are satisfied that a successful drainage scheme can be installed on this site.

In view of the submission and assessment of the above reports which were prepared and assessed by qualified Officers and Statutory Consultees, it is considered that the Members' concerns raised at the June meeting regarding the ground stability and drainage at the site have been addressed.

Therefore, the recommendation is as per the original report.

#### **RECOMMENDATION:**

- a) That Members consider the content of this report and Appendices.
- b) The Corporate Director Communities be given plenary powers to issue a decision notice granting conditional consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement.

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

##### **Background Papers**

- |                   |                                                                                                                              |
|-------------------|------------------------------------------------------------------------------------------------------------------------------|
| <b>Appendix A</b> | <b>Original Committee Report, Amendment Sheet and recommendation reported to Members at the DC Committee on 7 June 2018.</b> |
| <b>Appendix B</b> | <b>Original Marketing Particulars for the site.</b>                                                                          |

**REFERENCE:** P/17/1073/FUL

**APPLICANT:** Morganstone Ltd & Pennant Homes Ltd Morganstone House, Unit 3,  
Llys Aur, Llanelli Gate, Llanelli, SA14 8LQ

**LOCATION:** Land off All Saints Way Penyfai CF31 4BT

**PROPOSAL:** Residential development of 20 dwellings including 3 affordable dwellings plus access, car parking, open space, landscaping, drainage and associated engineering works

**RECEIVED:** 20 December 2017

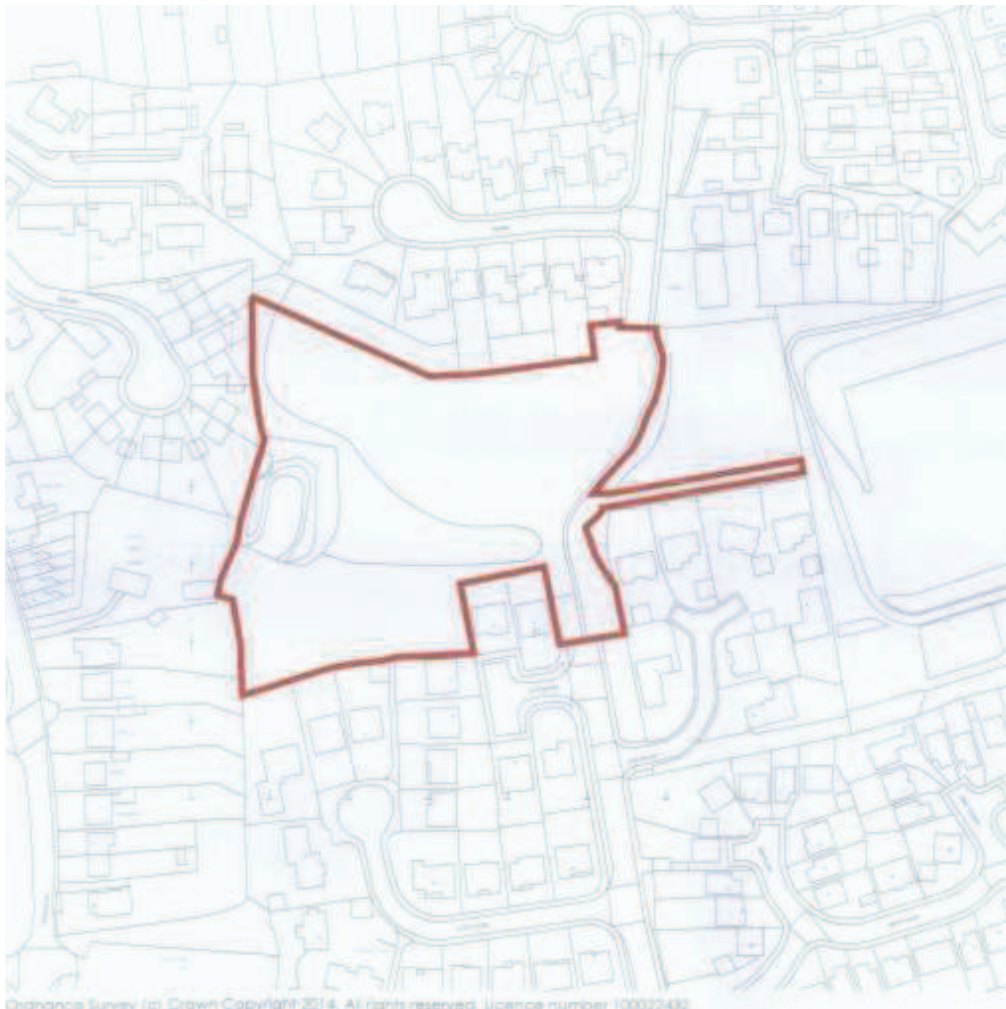
**SITE INSPECTED:** 16 January 2018

#### **APPLICATION/SITE DESCRIPTION**

The application seeks full planning permission for the proposed residential development of 20 dwellings including 3 affordable dwellings plus access, car parking, open space, landscaping, drainage and associated engineering works on land south of All Saints Way, Pen y Fai, Bridgend.

The site is approximately 1.14 hectares (2.8 acres) and comprises an area of vegetated sloping scrub and woodland, within an established residential area. The site is currently vacant and in the ownership of Bridgend County Borough Council. The western side of the site includes a small quarried area and the site is subject to part Himalayan Balsam colonisation with no protected trees present on the site.

Site Location Plan:



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Application Number

P/17/1073/FUL



W  
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S

Page 20

Scale 1:1,750

Date Issued:  
29/05/2018

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  
Ffeir-y-bont ar Ogwr

**BRIDGEND**  
County Borough Council



A Public Right of Way runs through the site from north to south known as Footpath 29 – Newcastle Higher. The application proposes to slightly divert the footpath to align with the proposed development. The site is surrounded by existing residential development on 3 sides comprising of small cul-de-sacs of detached houses. The western part of the site also shares a boundary with Smyrna Baptist Church. Located to the east of the site is a parcel of land which is in private ownership and is subject to a recent planning application approved for the erection of 4 detached residential dwellings.

An area of informal recreation space is provided in the central part of the site. This area will also include landscaping, planting and ecological mitigation. An engineered bank will separate the northern and southern part of the site with trees and landscape planting provided throughout the site.

The application also proposes to create a 12m x 3m wide access into the Cavendish Park playing/sports field to the east of the site. This will comprise a level surfaced vehicular and pedestrian pathway from the footpath to the playing field.

The proposed site layout comprises 20 dwellings, including 3 affordable homes, with the majority of the properties being 4 and 5 bedroom homes with a short terrace of three 2 bedroom dwellings as the affordable housing provision. The site will be split into two sections, north and south with access to the site from All Saints Way to the north and off Clos Smyrna to the south. An amended site layout plan was submitted on 10 May 2018 which illustrates the correct Public Right of Way route which is to be diverted and re-routed and now incorporates approximately 150m of ARMCO barrier to the northern plateau.

#### Proposed Site Layout:



The proposed dwellings will be two storeys in height in the northern part of the scheme, however due to the site levels, properties to the southern part of the site will be split level, with two storeys to the front and three storeys to the rear. At the northern end of the site, a new embankment is proposed to the rear gardens to accommodate site levels and to provide flat gardens. There are 6 house types proposed and these all consist of dark grey ridge tiles, reconstituted roof tiles, smooth render to upper floors painted white with red brickwork plinth to the ground floor, UPVC windows and doors and aluminium up and over garage doors. There are elements of facing stone brickwork on the front elevation of the dwellings which increases with the size of the properties. House Type A comprises a kitchen, hall, dining room and living room at ground floor and two bedrooms and a bathroom at first floor level with one off street parking space allocated to each dwelling located to the side of the dwellings. House types B,C,D and E comprise an internal garage, lounge, dining room, kitchen, utility room and WC at ground floor level and four/five bedrooms, en-suite and family bathroom at first floor level with two off street parking spaces accommodated on the front driveway. House Types F and F1 are three storey properties and comprise the above with a family room located on the lower ground floor and rear balconies located at first floor level.

Example of the F1 House type:



The application site lies within the residential settlement boundary of Pen y Fai as defined by Policy PLA1 of the LDP 2013 and lies approximately 2 miles from Bridgend. The application site is located close to the local facilities of Pen y Fai such as the primary school, local shops and playing fields as well as the village pub, church buildings and bus stops. The site is currently vacant and comprises trees and scrub land and is surrounded by existing residential dwellings.

The following documents have been submitted with the planning application:

- Design and Access Statement;
- Ecological Assessment by David Clements Ecology;
- Transport Statement;
- Pre-Application Consultation (PAC) Report;
- Tree Survey and Tree Constraints Plan by Tree Scene;
- Detailed Site Layout Plan, Elevations and Floor Plans;
- Engineering Strategy;
- Site Cross Sections;
- Landscape Strategy;
- Site Location Plan;
- Site Layout Plan;
- Site Investigation Report by Integral Geotechnique;
- Invasive species survey and method statement by David Clements Ecology;
- 3D images of the proposed development

## **RELEVANT HISTORY**

None

## **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 12 February 2018

## **CONSULTATION RESPONSES**

**Newcastle Higher Community Council** – Objects to the proposed development on the impact on highway, ecology, drainage, character, scale and privacy.

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

**Head of Street Scene (Drainage)** – No objection subject to standard conditions and advisory notes.

**Head of Street Scene (Waste and Recycling)** - Raises concerns over width of proposed roads and room for waste vehicles to manoeuvre within the site.

**Head of Public Protection** – No objection subject to advisory notes.

**Public Rights of Way Manager** – No objection to the revised plans and diversion of Footpath 29 Newcastle Higher.

**Welsh Water Developer Services** – advise that surface water shall only be discharged into the public sewer as a last resort and the developer will have to demonstrate that all other options have been explored and exhausted with consideration given to sustainable methods of drainage. DC/WW has therefore requested a condition be attached for the submission of a drainage scheme prior to works commencing on site.

**Designing Out Crime Officer** - No objection to the site layout but requests that the residential properties overlook the public right of way to provide natural surveillance to prevent the creation of 'rat runs'.

**Natural Resource Wales (NRW)** – No objection to the proposed development and advises to contact the Authority’s Ecologist in relation to European Protected Species such as bats and dormice.

**Destination and Countryside Manager** – No objection following further assessment of additional information regarding invasive species survey and method statement.

## **REPRESENTATIONS RECEIVED**

Cllr. Altaf Hussain (Local Member) objects to the proposed development has requested to speak at Committee.

25 letters of objection were received regarding the proposed development and the concerns have been summarized as follows:

- Overdevelopment of the site;
- Increased traffic;
- Impact on ecology/wildlife;
- Privacy/overlooking/overshadowing/overbearing;
- Loss of light and views;
- Concerns over safety issues and pedestrian access;
- Noise pollution
- Surface water concerns due to loss of trees and vegetation;
- Covenant to prevent development of the site;
- Impact on the public footpath;
- Lack of parking;
- Loss of trees/wildlife/plants;
- No provision of new facilities;
- Out of character with area;
- Impact on highway;
- Concerns over narrow road within site and refuse collection;
- Impact of excavation works;
- Stability of land;
- Damage to boundary walls;
- Decrease in value of properties;
- Clearance of the site prior to planning permission being granted;
- Concerns over safety and impact of development on public right of way;
- Concerns of flooding and drainage on the site;
- Concerns over access for emergency vehicles to the proposed site;
- Site former quarry – not suitable for development;
- Inadequate consultation with local residents;
- Conflict of interest with BCBC and sale of land;
- Impact on local school

A further re-consultation was undertaken and 4 objections were received to the amended plans which were received on 3 April 2018 which related to the site levels/cross section plans and a new site layout plan showing changes to the PROW and some minor works to the proposed footpaths within the site and proposed access to the playing fields. The majority of the representations re-iterated the concerns raised above, however the following points were raised in relation to the amended plans:

- Concerns over the proposed changes to the footpath with its series of 12 steps and its steepness preventing families with small children and prams from using the route and elderly residents who regularly use the path.



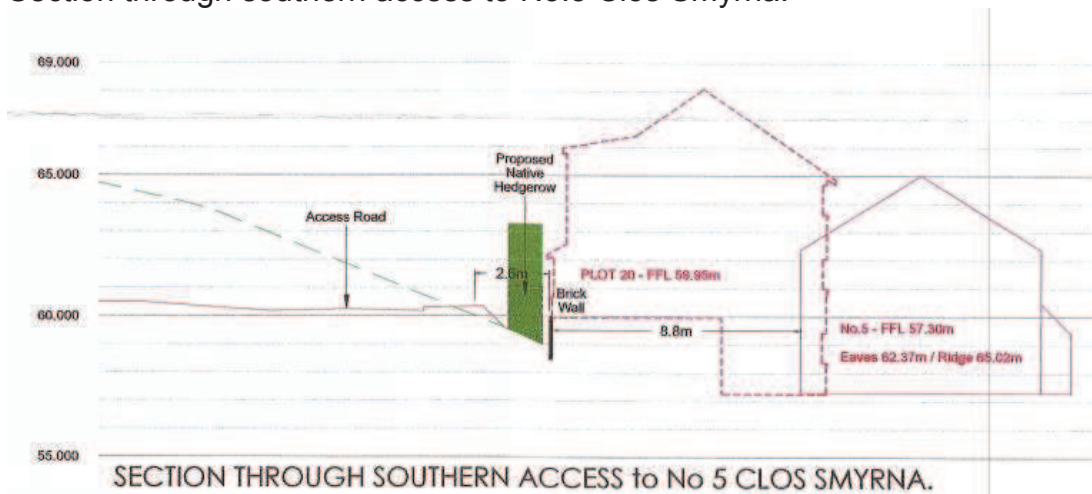
- Lack of privacy for 5 and 6 Clos Smyrna as proposed road is located at a higher level than the houses.
- Concerns over the safety of the use of the public footpath and its relationship with moving vehicles.

Further to a number of concerns and comments made at the Full Development Control Committee site visit, undertaken on 25 April 2018, further amended plans were received on 10 May 2018 to address the concerns regarding the distances and site levels of the new access road in relation to the neighbouring properties of 5 and 6 Clos Smyrna. At the site meeting, members visited the rear gardens of 4 and 5 Clos Smyrna to view the site from existing properties and it was suggested that the submitted sections were inaccurate. The agent was at the site visit and officer's requested that they address this concern. In response, the agent has advised that they have utilised the complainant's drawing and has merged them with their own topographical data and as a result, the revised plan is now based on more detailed information and fully represents the situation on the ground. It should be noted that the neighbour has not re-iterated his initial concerns regarding the inaccuracy of the plans and has only queried the proposed hedgerow between their rear wall and the proposed access road and footpath.

Sections between proposed and existing homes:



Section through southern access to No.5 Clos Smyrna:



A revised site layout plan was also submitted, which incorporated the ARMCO barrier and a revised landscaping scheme. Additional details were also submitted regarding boundary treatments, a Construction Environmental Management Plan and an email from the Council's Property Section confirming details of the surface water drainage that is located within the quarry. A further consultation was undertaken with neighbouring properties and an additional 12 letters of objection were received including an additional response from the Local Ward Member, Councillor Altaf Hussain. The majority of the representations reiterated the concerns raised previously, however, the following points were raised in relation to the amended plans:-

- Visual impact of proposed retaining wall along the path to the playing fields;
- Storage and handling of hazardous materials and development of contaminated land;
- Concerns over the height and location of the proposed hedge to the rear of 5 and 6 Clos Smyrna in relation to loss of light, privacy and maintenance;
- Concerns over land stability, subsidence, flooding and damage to properties;
- Concerns over the use of cellular storage drainage at the site and maintenance;
- Concerns over lack of details of the wildlife corridors and its maintenance;
- Limited private zone spaces for 4 Clos Smyrna and 7, 8 and 9 Clos y Talcen;
- Discrepancies in the labelling of engineering strategy plan 2209-500L and site cross section plan 2209-503B;
- Concerns over the content of the Construction Environmental Management Plan with specific reference to wheel washing;
- Concerns over viewing amended plans on line as the Council's website has been inaccessible
- Concerns regarding the proposed changes to the PROW.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The majority of the concerns raised above have been addressed within the appraisal section of the report, however, specifically:-

- Devaluation of properties and land covenants are not material planning considerations.
- Local residents have been consulted on the application by the Local Planning Authority as stated under Section 12 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
- The sale of the land has been subject to a separate process with the Council's Property Section and the LDP is a different function to other Committee activities.

- Prior to the submission of this application, clearance works were undertaken by the applicant such as the removal of vegetation and works to trees that are not protected. These works did not require the benefit of formal planning permission and were approved under a separate licensing regime operated by Natural Resources Wales.
- The Council were aware that the website was unavailable due to the implementation of recent changes. In view of this, the re-consultation letter gave a direct link to the application in order to avoid residents experiencing any problems in viewing the amended plans.
- Discrepancies in the labelling of engineering strategy plan 2209-500L and site cross section plan 2209-503B are a result of a typographical error and should read the following:-

Engineering Strategy Plan 2209-500L – Plots 15-20 are to be split level bespoke units 2 storey to front and 3 storey to rear; and

Site Cross Section Plan 2209-503B section through Plot 20 to 5 and 6 Clos Smyrna

- Details of the proposed planting of the wildlife corridors are stated on the Landscape strategy plan ref 389.01 Revision B,
- With regard to land stability and contamination, it has not been possible to produce a full contaminated land assessment or a risk assessment for subsidence since the site visit. However, a condition is attached to the recommendation requiring a contaminated land assessment and report with recommendations to be submitted to and agreed by the Local Planning Authority prior to the construction of the dwellings on the site. Likewise, in terms of land stability, this issue was raised at the site visit and members and local residents were advised that any damage to private property is a civil matter between the developer and any affected party.
- With regard to the maintenance of the proposed landscaping on site, the applicant will be required to enter into a S106 agreement to provide details of a Management Company including funding and maintenance for landscape on the site.

## **PLANNING POLICIES**

### **National Planning Policy and Guidance**

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

Chapter 4 of PPW deals with planning for sustainability – Chapter 4 is important as most other chapters of PPW refer back to it.

Chapter 9 of PPW is of relevance in terms of the advice it provides regarding new housing. Whilst the bulk of Chapter 9 covers housing proposals in general, the following is considered to be of specific relevance to this proposal:

*9.3.2 Sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area. Significant incremental expansion of housing in rural settlements and small towns should be avoided where this is likely to result in unacceptable expansion of travel demand to urban centres and where travel needs are unlikely to be well served by public*

transport. Residential development in the vicinity of existing industrial uses should be restricted if the presence of houses is likely to lead residents to try to curtail the industrial use.

#### **Technical Advice Notes:**

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

Technical Advice Note 2 – Planning and Affordable Housing (2006)  
Technical Advice Note 5 – Nature Conservation and Planning (2009)  
Technical Advice Note 12 – Design (2016)  
Technical Advice Note 18 – Transport (2013)

#### **APPRASIAL**

A full Development Control Committee site visit was undertaken on Wednesday 25 April 2018.

The application was deferred following the full Committee Site Visit to allow the developer to provide additional information and clarity regarding the levels and distances between the application site (access road) and existing properties, together with another consultation exercise.

Amended plans were received on 9 May 2018 to address the concerns regarding the site levels of the new access road in relation to the neighbouring properties of 5 and 6 Clos Smyrna along with a revised site layout plan which incorporates the ARMCO barrier and a revised landscaping scheme. Additional details were also submitted regarding boundary treatments, a Construction Environmental Management Plan and an email from the Council's Property Section confirming details of the drainage that is located within the quarry. A further consultation was undertaken with neighbouring properties.

The application is referred to the Development Control Committee due to the number of neighbour objections received regarding the proposed development.

The main issues to consider in this application are the principle of the development, the impact of the proposed development on the character and appearance of the street scene and wider area, impact on the neighbouring properties, ecology, drainage, public right of way and consideration of access and parking.

#### Principle of the Development

The application site lies within the residential settlement boundary of Pen-y-Fai as defined by Policy PLA1 of the Local Development Plan (LDP) 2013. Policy COM3 *Residential Re-Use of a Building or Land* of the LDP states that residential developments within settlement boundaries defined in Policy PLA1 on windfall and small scale sites for the conversion of existing buildings or the re-use of vacant or under-utilised land, will be permitted where no other policy protects the building or land for an existing or alternative use. The proposed site would classify as a vacant site under Policy COM3, which makes an important contribution to the overall housing supply and introduce an important element of choice and flexibility into the housing market. The site is not allocated for a specific use, therefore residential development would be acceptable in principle subject to other LDP Policies.

In conclusion, the principle of residential development accords with Policies PLA1 and COM3 of the LDP and is therefore considered acceptable.

### Impact on character and appearance of the street scene and wider area

The application site is located within the predominantly residential area of Pen y Fai and currently comprises vacant, sloping scrub land and woodland. Whilst the site currently provides an area of openness and foliage, it is considered that the introduction of 20 new residential dwellings would be in keeping with the residential area. Following an assessment of the submitted plans and proposed house types, it is considered that the overall design, scale and materials proposed reflect that of the surrounding existing residential housing located at Clos Smyrna, Clos Yechyd and Hillside as they are large dwellings which sit within relatively large plots. The proposed development will also result in an adequate level of amenity space to serve the development. Concerns were initially raised by the Local Planning Authority (LPA) regarding the impact of the proposed parking on the appearance of the street scene. From viewing the submitted plans, it was noted that particularly in the southern plateau and the row of three storey dwellings, the street frontage would be dominated by the appearance of off street parking. The applicant has now provided justification and 3D views/images which provides an impression of how the vehicles will sit within the development. The use of soft landscaping such as green hedges and trees is considered to help to reduce the impact and will improve the overall appearance of the development. In view of this, the proposed development is considered to sit well within the site and relate well with the surrounding properties which seeks to enhance the character and appearance of the existing area.

Accordingly, it is considered that the proposed development accords with Policies SP2 (2) and SP2 (3) of the LDP 2013.

### Impact on the neighbouring properties

As mentioned above, the site is located within a predominately residential area and is surrounded by a number of existing properties.

The proposed dwellings located on the northern plateau of the site are located approximately 35m away from the rear of the properties of Hillside and is therefore not considered to have an unacceptable impact on the privacy and residential amenities that the occupiers of these properties currently enjoy. Also, the proposed three properties located at the entrance of the site are set back into the site and are separated by the access road and Public Right of Way from the new dwellings that have been erected opposite the site. Accordingly, the proposed development is not considered to have a significant adverse impact on the residential amenities of these properties.

With regard to the southern plateau, whilst it is noted that the site is sloping, the applicant has provided amended plans to show the site levels/ cross section of the site and how the proposed dwellings sit in relation to the existing dwellings at Clos Smyrna and Clos y Talcen. The proposed dwellings are located at a slightly higher level than the existing properties. However, due to the sloping nature of the site, it is acknowledged that some views maybe afforded into the properties, however having regard to the distances between the properties, which comply with the Council's standards as set out in the Council's SPG02: Householder Development, these views are not considered to result in a significant adverse impact on the privacy and residential amenities these properties currently enjoy.

In relation to 5 Clos Smyrna, whilst Plot 20 is located within close proximity to this dwelling, due to the setback position of the dwelling within the plot and the design of the proposed dwelling (no windows located in the side elevation), it is considered that there will be no unacceptable impact on the privacy that this property currently receives as a result of the development. Whilst the proposed dwelling will be located slightly higher than the existing dwelling, Plot 20 is to be set back off the boundary by approximately 3metres



and the implementation of appropriate landscaping will assist in reducing any further impacts on the existing property.

In relation to the impact of Plot 20 on 4 Clos Smyrna, it is noted that there is a first floor frosted window that serves as a bathroom on the side elevation of the existing property and in view of this it is not considered to have an unacceptable impact on the privacy and residential amenities of this property. With regard to the impact on the rear conservatory and private rear garden of this property, whilst it is noted that some views maybe afforded into the rear garden area, due to the distance between the two properties of 13.5m and the proposed planting of trees and vegetation within the wildlife corridor that will be located along the boundary between this property and the proposed dwellings, it is considered that there will be no significant adverse impact on the residential amenities that this property currently enjoy. It is also worth noting that the Council's Supplementary Planning Guidance: Householder Development SPG02 states, '*the minimum distance from new habitable room windows to the boundary should be 10.5m, increasing to 12 metres if the window is to a first floor living room*'. As stated above, the distance between the two properties measures 13.5m which is considered acceptable and accords with the above guidance.

As a result of a number of concerns raised at the Development Control Committee site visit regarding the impact on 5 and 6 Clos Smyrna as a result of the proposed access road, an additional cross sectional plan was submitted regarding the site levels. As a result, a 2.4m high green hedge is to be planted along the rear of these properties in order to reduce the impact on the privacy of these properties. Following further assessment of the proposal, it is considered necessary to attach a condition requesting further details regarding the re-location of the hedge closer to the footpath and located further away from the rear boundary wall of the properties in order to allow for a maintenance corridor for the hedge. It is also considered that whilst there will be a greater impact on 5 and 6 Clos Smyrna as a result of the location of the proposed access road into the site, the amount of noise generated is considered to be limited due to the number of properties which the road will serve and the impact on privacy will be reduced via the planting of native hedgerow to obscure any views into the rear gardens.

Accordingly, it is considered that the proposed development will not have a significant adverse impact on the residential amenities currently enjoyed by the neighbouring properties with particular reference to 4, 5 and 6 Clos Smyrna and the proposal, therefore accords with Policy SP2 (12) of the LDP and the Council's Supplementary Planning Guidance SPG02: Householder Development.

#### Access and Parking.

The Council's Transportation Officer has assessed the submitted scheme and has noted that the applicant has provided comprehensive site layout details which have been agreed through a number of iterations during the consultation process. However the applicant has not provided adequate detail regarding the relationship of the existing footpath, the proposed access into the sports field and also the change in surface from the existing footpath and the diverted footpath. It is considered that the existing footpath at the northern end of the development should be completed in a surface that matches the diverted footpath at the southern end of the site to encourage active travel and adhere to the Active Travel Act 2013 and this can be addressed via condition.

With regards to the proposed Green Slope embankment which will support the highway at the northern end, it is noted that this will be designed by a specialist appointed by the applicant. However to ensure that the retaining structure meets the requirements of the Highway Authority, it is considered necessary to attach a condition to request the submission of this information. In addition, the applicant provided details of the vehicle

and pedestrian restraint system to be implemented at the top of the embankment, however further details will be requested to be submitted via condition regarding its design and construction and its certification from a structural engineer. The applicant has provided off-street parking and visitor parking which now meets the Council's adopted parking standards, SPG17, for new residential dwellings.

Finally to protect the residential amenity of the existing residents and protect the free flow of traffic on the surrounding highway network, a Construction Management Plan (CEMP) is required to be submitted and agreed by the LPA which seeks to restrict vehicle movements during peak periods and avoid heavy goods vehicles during school drop off and collection times. The submitted CEMP contained insufficient information in order to agree the details and therefore a condition is necessary to be attached to any consent granted requesting further details regarding the construction of the proposed development.

Accordingly, it is considered that the proposed development accords with Policies SP2(6), SP3 and PLA11 of the LDP2013 and the Council's Supplementary Planning Guidance SPG17: Householder Development.

#### Drainage

The Council's Drainage Officer has assessed the submitted plans and has raised no objection to the proposed development subject to the imposition of a condition to any granted consent regarding a drainage scheme to be submitted and agreed by the LPA prior to any works commencing on the site, which accords with Policy SP2 (13) of the LDP.

Concerns were raised regarding the lack of details regarding the proposed drainage at the site to support the proposed development but this is to be addressed via the imposition of a drainage condition and these details will be formally submitted, assessed and agreed by the Council's Land Drainage Officer. This condition will also address concerns raised at the Development Control Committee site visit regarding the existing surface water drainage system that drains into the disused quarry on the site. BCBC Property Section has confirmed that they are aware of the capture of off-site surface water within the site and this was highlighted in the marketing information. It is envisaged that the drainage scheme will provide sustainable solution for foul and surface water drainage.

The application site does not lie within a Flood Risk Zone as defined by the Welsh Government Development Advice Maps and the disposal of surface water from the site will be dealt with via the imposition of the above condition.

#### Proposed new access to playing fields

As part of the proposed scheme, there is to be a new 12m x 3m wide vehicular and pedestrian access created to the Cavendish Park Playing fields. The applicant has provided details of the construction of the access and how it will be retained in relation to the change in level by the insertion of steps, the Public Right of Way and the neighbouring residential development of four dwellings. However, it is considered necessary to attach a condition requesting detailed drawings of the above and of the surface finish of the access track to be submitted and approved by the LPA prior to the commencement of works on site to ensure the materials are in keeping with the area and accord with Policies SP2 and SP3 of the LDP.

#### Green Bank Area/Retaining Wall

The applicant has submitted a site investigation report into the stability of the green bank area and the proposed retaining walls. The green bank area is to be planted up and grassed over and used as informal open space. The Council's Structural Engineer has

assessed the submitted information and the information is considered acceptable and accords with Policy ENV13 of the LDP 2013.

**Landscaping**

The applicant has submitted a landscaping plan and strategy for the site. The strategy includes native planting and the use of trees and hedge planting within the development.

A copy of the landscaping strategy is provided below:



The proposed landscaping seeks to provide adequate screening and mitigation for the existing residential properties and retain as much biodiversity at the site as possible which seeks to enhance the character and appearance of the area. In view of this, the landscaping proposals are considered acceptable and accord with Policies SP2 (10) and ENV6 of the LDP and the Council's Supplementary planning Guidance SPG19: Biodiversity and Development.

**Public Right of Way**

A Public Right of Way (PROW) Footpath 29 Newcastle Higher runs through the eastern part of the site. The applicant has proposed and has submitted the relevant application to divert the PROW along the new entrance to the playing field and to join the main highway at Clos Smyrna with the introduction of 12 steps. In view of this, it is considered necessary to attach a condition to any consent granted to request details of a scheme for a pedestrian link to connect both the northern and southern plateaus of the site. The Council's Rights of Way officer has been consulted on this matter and has raised no objection to the proposed diversion.



## Other Matters

### 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"

Prior to the submission of this application, clearance works were undertaken by the applicant such as the removal of vegetation and works to trees that are not protected. These works did not require the benefit of formal planning permission and were approved under a separate licence granted by Natural Resources Wales.

An ecological assessment of the site has been prepared by David Clements Ecology Ltd and has been assessed by the Council's Ecologist.

The submitted report states that the existing woodland supports a population of slow worm and other reptiles such as the common lizard. Bat activity surveys found at least four species of bat using the site for foraging, including brown long eared bats and myotis bat and that roosting opportunities appear limited. The site supports at least 10 common bird species but the site does not contain or lie immediately adjacent to any statutory sites of nature conservation interests such as Sites of Special Scientific Interest (SSSIs) or Sites for Importance for nature Conservation (SINC). Further information was submitted by David Clement on 28 February 2018 regarding the works at the site and this was also assessed by the Council's Countryside Officer.

In view of above, the Council's Countryside Officer has raised no objection to the development subject to the works being carried out in accordance with the submitted information and pending the submission of an invasive species survey. On 27 March

2018, an invasive species survey and method statement was submitted and assessed by the Council's Countryside Officer which was considered acceptable. Overall, it is considered that 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 Act imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

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

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

#### S106 Obligations

Initially, the applicant was advised that, as the application proposes the erection of 20 dwellings, Policy COM5 - Affordable Housing and Policy COM11 - Outdoor Recreation Facilities of the LDP are triggered. With regard to education, no financial contribution would be required as there is currently sufficient capacity provided for in the local catchment schools to accommodate new pupils.

The applicant has engaged in discussions with BCBC throughout the pre-application period with a focus on the viability of the site and the need to meet the requirements of Policy COM5. There are various challenges to the development of this site, each of which has an impact on the profitability of a residential led scheme. These include the topography of the land, the presence of a previously quarried area, the necessary treatment of partial Himalayan Balsam colonisation and the drainage and access solutions required to facilitate the development. The viability appraisal produced by the applicant quantifies all of these abnormal development costs and includes for the provision of 3 units of affordable housing on-site, the costs of meeting highway requirements for two separate access points and provision of a new access to Cavendish Park Playing Field & Play Area to the east to satisfy the requirements of Policy COM11.

The provision of 3 of the 20 units as affordable housing is equal to 15% as opposed to the 20% required by Policy COM5. The affordable provision has been arrived at by a process of negotiation which the applicant has sought to justify through their viability appraisal which has been closely scrutinised. The abnormal costs referred to above have been challenged where felt necessary and the figures relating to construction, revenue and developer profit have been analysed against comparable schemes. The provision of 3 units of affordable housing on-site is felt to be a reasonable compromise between enabling a fair land value to be realised (thus allowing the scheme to proceed) and meeting the affordable housing policy.

The provision of a new access to the adjacent playing fields is considered to fulfil the requirements of Policy COM11 as it will facilitate use by the new residents as well as those residing in adjacent streets subject to its design and finish.

## **CONCLUSION**

The application is recommended for approval because the development complies with Council policy and guidelines and does not have a significantly adverse effect on the character and appearance of the residential area or on the amenities of existing residential properties. All material considerations have been addressed, together with the issues raised at the full Development Control committee site visit, and officers have fully considered and responded to the concerns of local residents. Whilst it is inevitable that new development will have some impact on existing residents, it is considered that the impact will not be unacceptable in planning terms, particularly having regard to the mitigation measures proposed. In addition, it is considered that the development will not have an adverse effect on the biodiversity of the site, drainage, the public right of way or highway safety in and around the site.

## **RECOMMENDATION**

(R34)

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

### **AFFORDABLE HOUSING**

The Owner/Developer to provide 3 affordable housing units on the site to be delivered in accordance with a scheme agreed in writing between the Owner, the Council and a nominated Registered Social Landlord. The affordable housing scheme will include details of the type of units, location within the site, affordable tenure and timescale for delivery.

### **PUBLIC OPEN SPACE**

Establish a 'Management Company' for the future maintenance of the open space and landscaping serving the development. Details of the Management Company, including the funding of the Management Company, and the maintenance regime shall be agreed in writing by the Local Planning Authority to ensure that the maintenance works are carried out in perpetuity.

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

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:-
  - Application Forms dated 20 December 2017.
  - Amended Site Layout Plan – 2209-01R received on 10 May 2018.
  - Planning Statement prepared by Geraint John Planning received on 20 December 2017.
  - Pre-Application Consultation Report prepared by Geraint John Planning received on 20 December 2017.
  - Design and Access Statement prepared by Geraint John Planning received on 20 December 2017.
  - Tree Survey and Tree Constraints Plans prepared by Tree scene received on 20 December 2017.
  - Ecological assessment prepared by David Clements Ecology Limited received on 20 December 2017.
  - Amended Engineering Strategy – 2209 – 500L received on 10 May 2018.

- Site Investigation Report prepared by Integral Geotechnique received on 8 March 2018.
- Amended Landscaping Strategy Drawing No/ 387.01 REV B received on 10 May 2018.
- Site Location Plan - 2209- 100 received on 20 December 2017.
- Invasive Species Protocol and Method Statement prepared by David Clements Ecology Limited received on 27 March 2018.
- House Type A – 2209 – 101/A Floor Plans received on 20 December 2017 and amended plan House Type A – 2209-102/A Elevations received on 3 April 2018. House Type B – 2209/103/A, 2209 – 104/A, House Type C – 2209/105/A, 2209-106/A, House Type D – 2209-107/A, 2209-108/A, House Type F – 2209-109/A, 2209-110/A and House Type F1 2209-112 received on 20 December 2017.
- Playing Field Link – 2209- 503 received on 9 April 2018.
- Amended site cross sections - 2209-503B received on 10 May 2018.
- 3D images of the development received on 3 April 2018.
- Swept Path Analysis 2209/SK650 received on 7 March 2018.

Reason: To ensure that the impact on amenity and character of the area is acceptable and to mitigate the impact in respect of site drainage, highway safety, contamination, ground conditions, the protection of heritage assets and the sites biodiversity interest.

2. Prior to the construction of the dwellings on site, a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

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

3. Prior to the construction of the dwellings on site, a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed plan and timetable and maintained in perpetuity.

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

4. 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 of the site commencing and retained in perpetuity.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) (as amended), no development shall be carried out which comes within Parts 1 (Classes A, B and C) of Schedule 2 of this Order, without the prior permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority future control over the scale of development as well as the installation of new windows or dormers or the extension of the properties to the rear, in the interests of the residential amenities of adjacent properties

and to protect the amenity space provided within the property.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) (as amended), no building, structure or enclosure required for a purpose incidental to the enjoyment of any dwelling-house shall be constructed, erected or placed within the curtilage without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the scale of development.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, or any Order revoking or re-enacting that Order (as amended), no windows other than as hereby approved shall be inserted into the side elevations of the dwellings hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To safeguard the privacy and residential amenities of adjoining neighbouring occupiers.

8. Notwithstanding the details hereby approved under the submitted Site Cross Section and Landscaping Strategy, prior to the construction of any dwellings on the site, revised details of the re-positioning of the hedge to the rear of Nos. 5 and 6 Clos Smyrna, including a planting timetable and schedule, shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial occupation of the dwellings and shall thereafter be retained in perpetuity.

Reason: To protect the privacy and residential amenities of the occupiers of 5 and 6 Clos Smyrna and to allow sufficient space to maintain the hedgerow.

9. No development shall commence until a scheme for the construction of the proposed access to the sports field detailing any retaining structures, site levels, boundary treatments, surface material to be used on the sports field access and the vehicle restraints used at the entrance of the sports field access route located on the southern plateau, has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented within 12 months of the date of this consent and retained in perpetuity.

Reason: In the interests of highway and pedestrian safety and to prevent the impact on the approved neighbouring development.

10. No development shall commence until a scheme for the provision of a shared use pedestrian/cycle route linking the northern plateau to the southern plateau has been submitted to and approved in writing by the Local Planning Authority. The shared use route shall be implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of pedestrian and highway safety in and around the site.

11. No development shall commence on site until there has been deposited with the Local Planning Authority a Certificate from a Structural Engineer certifying that the details of the ARMCO vehicle and pedestrian restraint system will be designed and constructed to British Standard EN 1317-1 to -3 and DD ENV 1317-4:2002. The design and constructional details so certified shall be implemented before the development is brought into beneficial use and retained in perpetuity.



Reason: In the interests of highway safety.

12. The access road and turning facility for the northern and southern plateaus shall be completed in permanent materials in accordance with the details prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

13. No development shall take place 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 parking of vehicles of site operatives and visitors
  - ii. Loading and unloading of plant and materials
  - iii. Storage of plant and materials used in constructing the development
  - iv. The erection and maintenance of security hoarding
  - v. Wheel washing facilities
  - vi. Measures to control the emission of dust and dirt during construction
  - vii. A scheme for recycling/disposing of waste resulting from demolition and construction works
  - viii. The segregation of users of Footpath 29 Newcastle Higher from the development.

Reason: In the interests of highway and pedestrian safety and to ensure that the highway amenities of the area are not unduly affected.

14. The individual dwelling parking areas shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and retained for the purpose of parking in perpetuity.

Reason: In the interests of highway safety.

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

Reason: In the interests of public and highway safety.

16. Prior to the construction of any highway to serve the proposed development, engineering details of any retaining structure abutting or affecting the highway, including calculations certified by a professional engineer, shall be submitted to and approved in writing by the Local Planning Authority. The retaining walls shall be constructed in accordance with the approved details prior to the completion of the first dwelling and maintained in perpetuity.
17. Prior to the commencement of the development, an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. The report of the findings shall include a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters; an intrusive investigation to assess the extent, scale and nature of contamination which may be present; an assessment of the potential risks, and; an appraisal of remedial options, and a justification for the preferred remedial option(s). The development shall be implemented in accordance with the approved remediation measures.

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

18. Site preparation or construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays or Public Holidays.

Reason: In the interests of neighbouring residential amenities.

19. Prior to the construction of the dwellings on site, details of existing ground levels within and adjacent to the site and the proposed finished ground and floor levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

- a) The application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect the character and appearance of the street scene or wider area. The development does not adversely affect the privacy or visual amenities nor so significantly harms neighbours amenities ecology, drainage, public right of way or highway safety as to warrant refusal
- b) 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](http://www.dwrcymru.com)
- c) 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.
- d) The Public Protection Section draws 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 recommends investigation and monitoring of the area.
- e) 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.

- f) 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.
- g) 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.
- h) 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.
- i) The contamination assessments and the affects 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.
- j) 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.
- k) In respect of Condition 4, the following information is required:-
  - Confirmation of agreement from DCWW regarding the acceptance of connections to the public sewers for foul, surface water and highway drainage.
  - A final foul, surface water and highway drainage layout.
  - A S104 plan outlining what elements of the surface water network are being offered for adoption to DCWW.
  - A maintenance plan for the highway drainage systems, including proposed maintenance responsibility.
  - Hydraulic calculations to confirm sufficient surface water attenuation has been provided for storm events and sewer networks have been adequately sized for the proposed development.
  - Technical and maintenance details associated with the proposed cellular storage.
  - A maintenance schedule associated with the site wide surface water network.

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

**Background Papers**

None



**DEVELOPMENT CONTROL COMMITTEE on 7 JUNE 2018**

**AMENDMENT SHEET**

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

<u>ITEM NO.</u>	<u>PAGE NO.</u>	<u>APPLICATION NO.</u>
8	11	P/17/1073/FUL

Conditions 5, 6 and 7 which relate to removing permitted development rights should refer to the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) rather than the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013.

9	33	P/17/824/FUL
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Condition 7, which relates to removing permitted development rights, should refer to the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) rather than the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013.

**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**  
**7 JUNE 2018**



*Prime Residential  
Development Opportunity*

PENYFAI, BRIDGEND

Excellent opportunity to acquire Prime Development Land  
**2.7 acres (1.09 hectares)**

**hrt**  
herbert r thomas  
[www.hrt.uk.com](http://www.hrt.uk.com)

*Land South of All Saints Way*

Penyfaï, **Bridgend**  
CF31 4BX



*Excellent opportunity to  
acquire Prime  
Development Land*

**Situation**

The land is located within the village of Pen y Fai, Bridgend. Access is available from All Saints Way, at the northern end of the site and off Clos Smyrna at the southern end. A public footpath runs through the site, north to south.

Bridgend benefits from excellent transport links and is accessed off Junctions 35 and 36 of the M4 Motorway which is situated less than 3 miles from the town centre to the north west. Bridgend benefits from a mainline railway station which has regular services to Cardiff Central, Bristol Parkway and London Paddington to the east; Neath, Port Talbot Parkway, Swansea and West Wales to the west; and Maesteg to the north. There are also services to Manchester Piccadilly. Bridgend bus station has services to urban and rural areas in South Wales.

Bridgend is served by Cardiff International Airport, to which there are direct rail and bus services.

**Planning**

Any planning application on the site will be considered under the Local Development Plan (LDP) Windfall policy and will be subject to S.106 obligations and affordable housing provisions at 20% over 5 units. A planning statement has been prepared by BCBC.

**Tenure**

Freehold with vacant possession on completion.

**Description**

The sloping site measures approximately 2.7 acres (1.09 hectares) and is located within the village of Pen y Fai, close to Bridgend town centre. Pen y Fai has a resident population of approximately 2,000 and includes a number of local amenities including village shop, public house, primary school, private nursery and several playing fields.

The site sits within the "small settlement" boundary of Pen y Fai, Bridgend, as defined by Policy PLA1 of the adopted Bridgend Local Development Plan (LDP). As such there is potential for development of the site for alternative use as, in general, development is encouraged in accordance with Policy PLA1. Neighbouring uses include residential alongside three of the ownership boundaries and a vacant parcel of land, in private ownership, adjoins the eastern boundary. The adjoining parcel of land, in private ownership, is currently the subject of a planning application for residential development.







#### Services

The site is close to a 11KVA electricity supply, mains water/drainage and telephone connections. A gas supply is nearby the subject site, but not immediately connected. The adequacy of the services have not been tested.

#### Information Pack

(By request)

#### Legal Information

1. Title Report
2. Search Results
3. Tender Instructions in Process

#### Site Information

1. Planning Statement
2. Drainage Report
3. Plans
4. Topographic Survey
5. Site Investigation Report



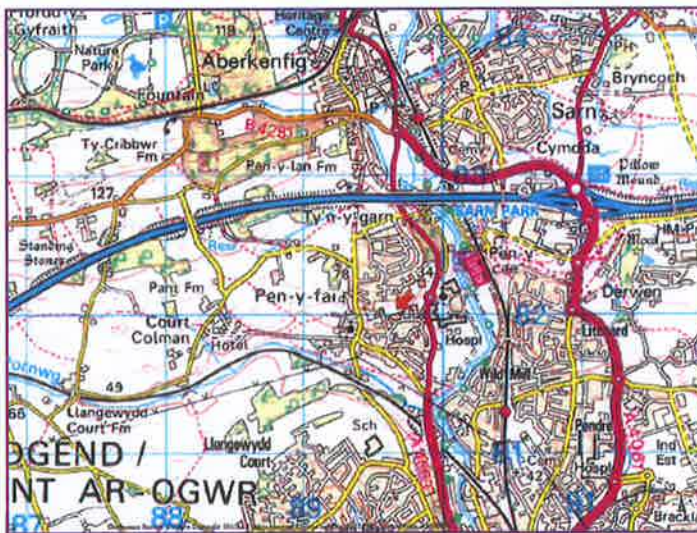
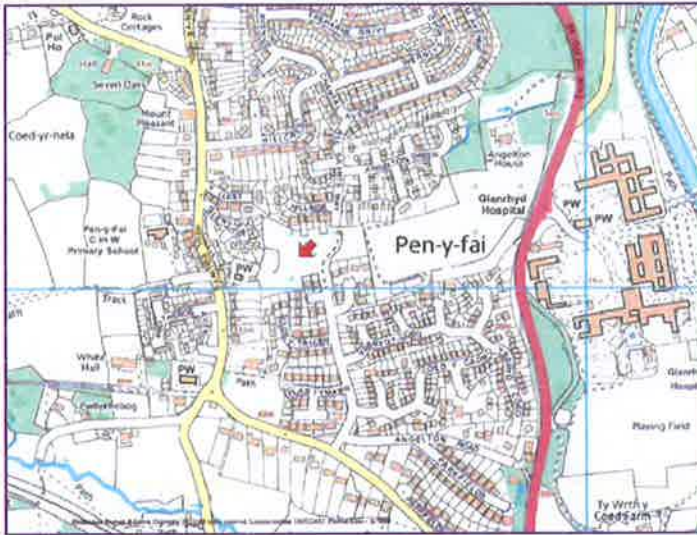
#### Method of Sale

Conditional and Unconditional Offers are invited on an informal basis, tenders in the format provided are to be submitted to:

Bridgend County Borough Council  
 Property Services  
 Ravens Court  
 Brewery Lane  
 Bridgend  
 CF31 4AP

Closing date for tenders 2nd September 2016 at 12 noon.  
 A tender pack is available on request.





Sat Nav. CF31 4BX



On the instructions of Bridgend County Borough Council

**Viewing Arrangements**

Viewing is strictly by appointment with the selling agents. Prospective purchasers should be aware inspections are made entirely at their own risk and the vendor or their agents accept no liability arising from such inspections.

Please contact  
**James Mordecai**  
 01446 776385  
 jamesmordecai@hrt.uk.com



**hrt**  
 herbert r thomas

hrt.uk.com

**MISREPRESENTATION ACT** (The Herbert R Thomas) Limited is applicable for themselves and for the vendors or lessor of this property for whom they act, and notice that the particulars are a general outline only, for the guidance of prospective purchasers or tenants, and do not constitute the whole or any part of an offer or contract. hrt (Herbert R Thomas) Limited cannot guarantee the accuracy of any description, dimensions, references to covenants, easements, necessary permissions for use and occupation and other details contained herein and prospective purchasers or tenants must not rely on them as statements of fact or representations and must satisfy themselves as to their accuracy; all rents quoted in these particulars are payable subject to VAT in addition (VAT (Herbert R Thomas) will not be liable, in negligence or otherwise, for any loss arising from the use of these particulars, and v) the enclosure to any plant, machinery, equipment, services, fixtures or fittings of the property shall not constitute a representation (unless otherwise stated) as to its state or condition or that it is capable of fulfilling its intended function. Prospective purchasers or tenants should satisfy themselves as to the fitness of such items for their requirements. No employee of hrt (Herbert R Thomas) has any authority to make or give any representation or warranty or enter into any contract whatsoever in relation to the property.

**90**  
 Est. 1926

CELEBRATING  
 90 YEARS

**REFERENCE:** P/18/163/FUL

**APPLICANT:** Club Penybont Ltd c/o John Matthews Planning & Development  
47 Anglesey Way, Porthcawl CF36 3QP

**LOCATION:** Penybont Football Club, Llangewydd Road, Bridgend CF31 4JU

**PROPOSAL:** Provision of a second stand (250 seater) plus tv gantry

**RECEIVED:** 7 March 2018

## **APPLICATION/SITE DESCRIPTION**

The application relates to the existing playing field and clubhouse facility at Llangewydd Road and comprises the provision of a second stand (250 seater) plus tv gantry on the northern side of the football pitch.

The site lies outside the defined settlement boundary and within a designated landscape protection area (SLA). The built up settlement of Bryntirion bounds the site to the south and east and is primarily residential in nature. The land to the north is allocated for residential development in the LDP (Policy COM2(6)) and is also the subject of outline approvals for residential development (P/15/358/OUT & P/17/1043/RLX refer).

The site is surrounded by mature trees and hedgerows, protected under a Tree Preservation Order.

The stand approved under P/16/547/FUL complies with the Football Association of Wales' requirements for the Welsh Football League and, to facilitate the Club's aspirations for promotion to the Welsh Premier League, a further 250 capacity stand and a tv gantry is proposed.

The applicant's agent has provided the following:-

*In support of the application, and taking account of the Planning Officer's report assessment of the P/16/547/FUL planning application, it is submitted that the proposed development will be satisfactorily accommodated within the existing Penybont Football Club site:*

- a) *Without any unacceptable visual, noise or other environmental impacts with regards to the needs to protect the countryside, the Laleston Special Landscape Area, the environmental quality of the surrounding areas, and the amenity and privacy of neighbouring residential areas; and,*
- b) *Without any unacceptable access and parking implications as the current access and parking arrangements as approved by the P/16/547/FUL planning permission are sufficient to satisfactorily accommodate the additional 250-seater stand. In this respect, the Authority's SPG17 indicates a requirement of 1 parking space per 15 seats for stadia, and this amounts to a requirement of 34 spaces for the already approved 250-seater stand plus the now proposed additional 250-seater stand. The already approved 44 parking spaces and 10 staff parking spaces are accordingly sufficient to satisfy the requirements of the 2 x 250-seater stands plus the existing clubhouse facility.*

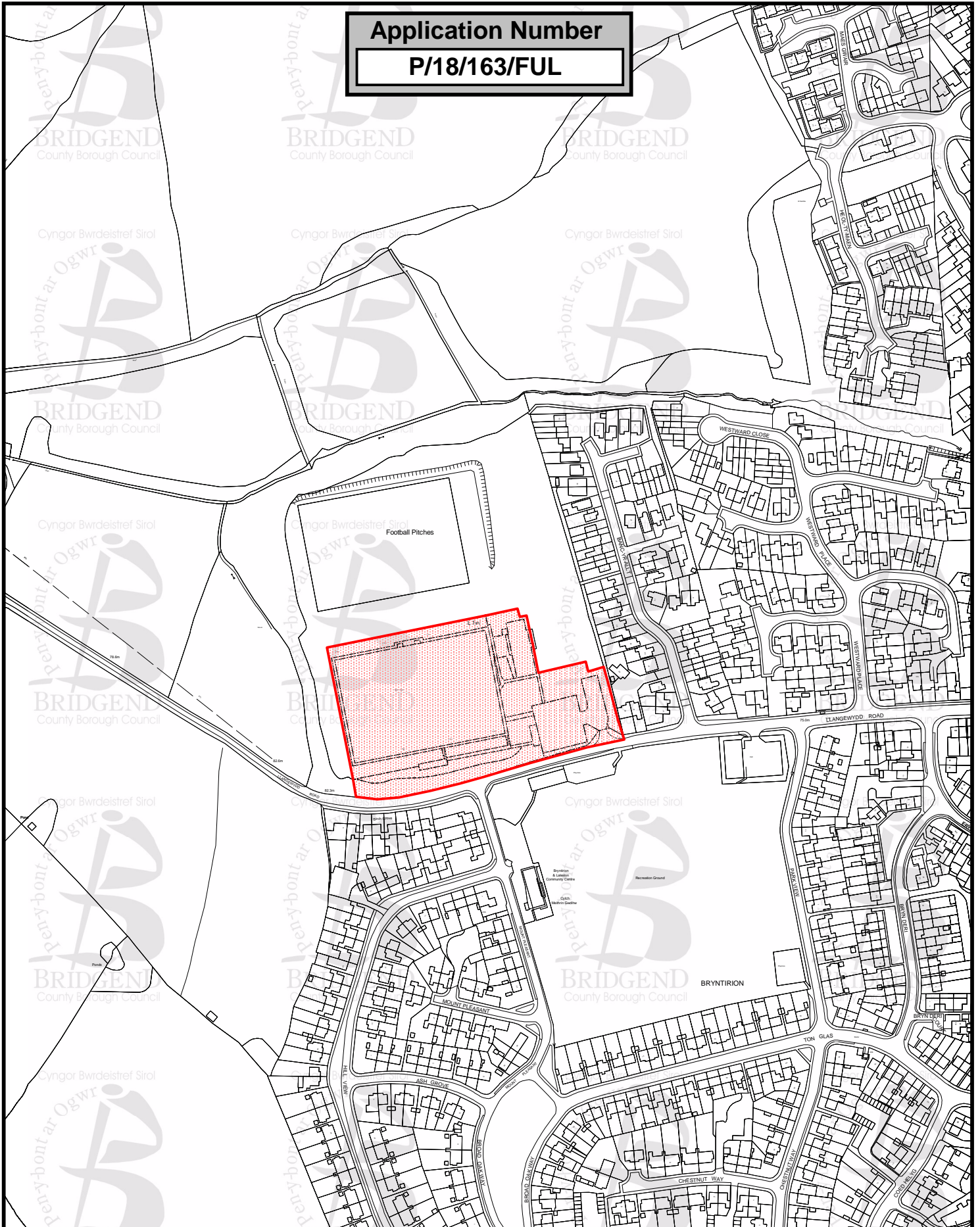
## **RELEVANT HISTORY**

**P/97/858/FUL** - New clubhouse, floodlights, spectator stand and ancillary works, pitch drainage and car park extension  
Conditional Consent - 23 December 1997



**Application Number**

**P/18/163/FUL**



**Scale 1:1,750**

**Date Issued:  
11/07/2018**

**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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(2018) Ordnance Survey (100023405)

(c) Hawlfraint a hawliau cronfa ddata'r Goron  
(2018) Rhif Trwydded yr Arolwg Ordnans  
(100023405)

(c) Cities Revealed Aerial Photography  
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**P/01/553FUL** - Viewing area

Conditional Consent - 6 August 2001

**P/06/289/FUL** - 2 add pitch floodlighting columns

Conditional Consent 13 April 2006

**P/06/935/FUL** - Palisade fence enclosure to football pitch

Consent 12 September 2006

**P/11/218/FUL** - 4 additional flood lights to training area (2 x lamps/10m high columns)

Conditional Consent 13 May 2011

**P/16/547/FUL** - Extension & enhancement of existing facilities

Conditional consent 13 February 2017

**P/17/746/FUL** - Rear single storey extension for family room

Conditional consent 5 October 2017

## **PUBLICITY**

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 9 April 2018

## **CONSULTATION RESPONSES**

Welsh Water Developer Services request advisory notes be included on any consent to ensure no detriment to existing residents, the environment or Dwr Cymru/Welsh Water's assets.

The Head of Street Scene (Highways) has no objection subject to the inclusion of conditions on any consent.

The Head of Street Scene (Drainage) requests the inclusion of conditions on any consent.

## **REPRESENTATIONS RECEIVED**

Representations have been received from 43, 45 and 54 (registered a request to speak at Committee) Banc yr Allt as follows:-

- existing problems with parking and obstruction and existing inconsiderate speeding drivers and therefore more people will create chaos and the area/streets surrounding the club;
- existing problems with noise and foul language;
- floodlights being left on after 10:00pm (sometimes all night);
- the club could not accommodate that amount of people.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

- Whilst the Department can seek to provide facilities for parking through the Planning system, it cannot force people to use the facilities and the problems of parking, speeding drivers and obstruction are a Police matter.
- Noise is a matter for investigation as a Statutory Nuisance by the Public Protection Section.
- The 2011 consent restricted the hours that the floodlights could operate and the Club will be reminded of the condition.
- There is no current limit on the use of the site and capacity issues are outside the scope of the planning process.

## **APPRAISAL**

The application is referred to Committee to consider the objections received.

The site lies within the open countryside where development is strictly controlled. Policy ENV1 of the LDP identifies types of development that may be acceptable and this

includes outdoor recreational and sporting activities. Where development is considered in principle to be acceptable in the countryside then it should, where possible, utilise existing buildings. In this case the site is an existing facility with a stand, clubhouse and car parking already in position and the proposal will not extend beyond current established boundaries. The proposal therefore does not conflict with countryside protection policies.

The land also forms part of the Laleston Special Landscape Area (SLA). Under Policy ENV3(7) of the LDP, development in SLAs is also strictly controlled. However, the site is an existing facility comprising buildings and supporting infrastructure, is located on the very fringe of the SLA and is separated from the wider SLA by mature trees and hedgerows. The development, when seen in the context of the SLA, will be seen against the back drop of the established settlement, which is located directly adjacent. As the development involves the consolidation and extension of the current facility and will not be prominent in the landscape, it is considered that the proposal will not adversely impact on the designated area.

With respect to the visual impact on the local area, the development proposes the replacement of the existing stand. The closest dwellings are approximately 100 metres from the stand. The structure will measure approximately 33 metres in length by 4.0 metres in depth and 4.0m in height, with the tv gantry centrally located and measuring 7.4m in length, 3.4m in depth and 7.2m in height. Externally, the stand will be coloured blue to match the football club's main kit colour and the existing approved stand. The stand is located centrally within the playing fields but will be substantially screened by the existing treeline and hedgerow along the boundaries of the site.

The proposed residential development to the north and the existing residential development to the east are similarly separated by a mature treeline and are some 250 metres and 100 metres respectively from the stand.

Access to the site is gained directly from Llangewydd Road which forms part of the unclassified highway network serving north-west Bridgend and which in turn links to the wider classified highway network serving Bridgend and beyond.

This application is in addition to the already consented 259 seater stand (P/16/547/FUL refers) and as such brings the total quantum to 509 seats. That 2016 planning application originally sought consent for a 500 seater stadium which attracted a number of highway safety related planning conditions to enable that development to go ahead, however, the applicant was not in a position at that time to be able to implement the recommended conditions and the 2016 application was subsequently reduced to a 259 seater stand which, in turn, reduced the number of highway related planning conditions.

It is considered that in order for this application to be progressed the original planning conditions required for the 500 seater stand are now applicable to ensure that the increase in users can access the stadium safely and park appropriately.

In order to prevent any on street parking/loading/unloading, it is considered necessary to prevent inappropriate parking around the site generated by this development and, in this respect, double yellow lines are proposed around the site access, opposite the site access and any other areas deemed necessary to stop vehicles parking indiscriminately and affecting the free flow of traffic.

In addition and in order to improve the sustainability credentials of the site to meet the requirements of the Active Travel Act 2013, a condition requiring the provision of cycle parking spaces to promote alternative sustainable transport modes is recommended.

Some concern has been raised that the development will result in the intensification of the facility and increased use resulting in further amenity problems including noise. In planning terms there is no current limit on the use of the site and capacity issues are outside the scope of the planning process. The development must be assessed on its own merits and whilst the applicant's intention may be to facilitate further use, intensification is not in itself a sufficient reason to withhold consent. The site is constrained by its physical boundaries and the development retains existing parking levels and turning facilities within the site. This will not address some of the concerns raised, however, the Local Planning Authority cannot control inconsiderate parking and obstruction is a Police matter. The issue of noise as statutory nuisance is governed by other legislation.

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

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular:-

- (a) diversity between and within ecosystems;
- (b) the connections between and within ecosystems;
- (c) the scale of ecosystems;
- (d) the condition of ecosystems (including their structure and functioning);
- (e) the adaptability of ecosystems."

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

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

Given the nature of the development on a previously developed site, it is considered that there will be no significant adverse residual impacts on biodiversity.

Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

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

The well-being goals identified in the Act are:

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

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development, which will also extend the provision of recreational facilities in the area.

## **CONCLUSION**

This application can be recommended for approval because the development complies with Council policy and guidelines and will not adversely affect highway safety or visual amenities.

The proposed overall layout and appearance is considered to be compatible with the character and appearance of the countryside and Special Landscape Area and is designed so as to have a minimal impact on the privacy and amenity of neighbouring residential occupiers.

The proposed development will also enhance the level of existing facilities provided at the site and will be of benefit to a range of existing and potential new recreation and social participants as well as to the local community in general.

The proposed content, layout and design of the development has taken full and appropriate account of all the relevant planning and transport considerations and is accordingly consistent with all applicable national and local planning policy intentions and aspirations.

## **RECOMMENDATION (R34)**

**A.** The applicant enters into a Section 106 Agreement to:-

- a. provide a contribution of £8000 for the application of double yellow lines around the site access, opposite the site access and any areas deemed necessary to stop vehicles parking indiscriminately and affecting the free flow of traffic.
- b. undertake that planning permission P/17/744/FUL will not be implemented.

**B.** That the Corporate Director Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement and subject to the conditions as follows:-

1. The development shall be carried out in accordance with the following approved plans Job No 781-16-10 and Job No 781-16-11 received 7 March 2018.

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

2. Notwithstanding condition 1, no development shall commence until a scheme of 150 off street parking spaces, 10 staff parking spaces, 1 commercial/TV Media parking space and 1 coach parking space has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall make adequate provision for circulatory vehicular movements and road markings together with a dedicated pedestrian route from the site access to the facilities. The parking area and pedestrian route shall be completed in permanent materials with the individual spaces and circulatory markings clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and retained for parking purposes thereafter in perpetuity.

Reason: In the interests of highway safety.

3. Notwithstanding condition 1, no development shall commence until a scheme detailing a widened vehicular access of 6m and segregated pedestrian access has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include for site frontage set back and vision splays of 2.4m x 43m, shall be implemented in permanent materials before the development is brought into beneficial use and shall thereafter be retained in perpetuity.

Reason: In the interests of pedestrian and highway safety.

4. No development shall commence until a scheme for the provision of 6 cycle parking stands has been submitted to and approved in writing by the Local Planning Authority. The stands shall be implemented before the development is brought into beneficial use and retained as such thereafter in perpetuity.

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

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

Reason: In the interests of highway safety.

6. 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 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 commencing.

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

7. If an infiltration system is proposed for surface water disposal, no development shall commence on site until suitable infiltration tests, sufficient to support the design parameters and suitability of any proposed infiltration system, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to beneficial use commencing.

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

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

- (a) This application can be recommended for approval because the development complies with Council policy and guidelines and will not adversely affect highway safety or visual amenities.

The proposed overall layout and appearance is considered to be compatible with the character and appearance of the countryside and Special Landscape Area and is designed so as to have a minimal impact on the privacy and amenity of neighbouring residential occupiers.

The proposed development will also enhance the level of existing facilities provided at the site and will be of benefit to a range of existing and potential new recreation and social participants as well as to the local community in general.

The proposed content, layout and design of the development has taken full and appropriate account of all the relevant planning and transport considerations and is accordingly consistent with all applicable national and local planning policy intentions and aspirations.

- (b) The Developer is reminded that consent under the Town and Country Planning Act 1990 conveys no approval under the Highways Act 1980 for works to be undertaken affecting any part of the public highway including verges and footways and that before any such works are commenced the developer must:-

- obtain the approval of Bridgend County Borough Council as Highway Authority to the details of any works to be undertaken affecting the public highway;
- indemnify the County Borough Council against any and all claims arising from such works;
- give not less than one calendar months' notice in writing of the date that the works are to be commenced to the Policy, Development and Transport Team Leader, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

- (c) In order to satisfy the drainage conditions the following supplementary information is required:-

- Provide a surface water drainage layout;
- Provide infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE 365.
- Provide a plan showing locations of trial holes and at least 3 separate tests at each trial hole location.
- Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system.
- Provide a timetable for its implementation; and
- Provide a management and maintenance plan, for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

- (d) No surface water is allowed to discharge to the public highway.

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

- (f) The applicant may need to apply to Dwr Cymru/Welsh Water for any connection to

the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com).

- (g) Some public sewers and lateral drains may not be recorded on Dwr Cymru/Welsh Water's 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 Dwr Cymru/Welsh Water in dealing with the proposal the applicant may contact Dwr Cymru/Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

**Background Papers**

None



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**REFERENCE:** P/18/174/FUL

**APPLICANT:** Jehu Group c/o Asbri Planning Ltd, Unit 9 Oak Tree Court,  
Cardiff Gate Business Park, Cardiff CF23 8RS

**LOCATION:** **Former Pencoed Primary School site**  
**Penprysg Road Pencoed CF35 6RH**

**PROPOSAL:** Demolition of Pencoed Primary School and construct 40 residential units and associated work

## **APPLICATION/SITE DESCRIPTION**

Asbri Planning has submitted a full planning application on behalf of Jehu Group for the demolition of Pencoed Primary School and the construction of 40 residential units and associated works.

The site measures approximately 0.72 ha and adjoins Penprysg Road to the east with the side and rear boundaries of 2-12 (evens) Wimborne Road and a section of the public highway forming the southern site boundary. The western boundary immediately adjoins the northern arm of Wimborne Road with 19-35 (odds) Wimborne Road facing the development site. The curtilage of St David's Church (a Grade II Listed Building) forms the majority of the northern boundary which is also shared with the side and rear garden of 14 Wimborne Road.

The immediate surroundings of the site are residential in character with a mix of terraced, semi-detached, detached two storey properties and a number of bungalows providing the built context for the development along with the Listed Church Building to the north.

The proposed 40 residential units will comprise twelve 1-bed apartments, fifteen 2-bed houses, seven 3-bed houses and six 4-bed houses. The Planning Statement confirms that the development will be 100% affordable housing.

Vehicular access to the site will be in two locations. The main access to the greater part of the site (28 units) will be on the western boundary centrally positioned on the development site frontage onto Wimborne Road. The proposed access road will be 5.5m for the first 23m which will then become a shared surface arrangement within the site. A 3m wide shared footway/cycleway is proposed along the northern kerbline of the new access, connecting Wimborne Road to Penprysg Road through the development site. The second vehicular access will serve the flatted development and will be positioned along the southern site boundary onto Wimborne Road, approximately 20m from the existing road junction with Penprysg Road.

An additional highway improvement is promoted through the application with the re-development including the demolition of the existing stone wall and railings along the eastern boundary along Penprysg Road. The new boundary which will comprise brick piers with intermittent high railings will be set back to allow the existing footway to be widened to 3m.

The majority of the units on the development will be two storeys high which reflects the general scale and form of the surrounding development. The exception being the flatted accommodation block at the junction of Wimborne Road and Penprysg Road which is to be three storeys high. The applicant's agent maintains that acceptable separation distances will be achieved throughout the development.

The Planning Statement indicates that a palette of construction material will be used that will be 'sympathetic to and reflect the existing residential vernacular' in Pencoed. The main facing materials for the houses comprise red facing brickwork to upper levels with Ashlar 'effect' colour render to the ground floor. Contrasting brick headers pre-cast concrete banding and cills are also proposed along with grey roof tiles to all properties. In seeking to respect the setting of the Listed Church, the application proposes the retention of the stone wall but does introduce a trellis landscaping feature inside the wall to give the necessary screening and privacy to the properties on the northern part of the site.

Parking provision on site has been increased to accord with the Council's Supplementary Planning Guidance for Car Parking.

A full report on this application was to be presented to this Development Control Committee meeting but has been deferred following the late receipt of amended plans, submitted to address matters highlighted by the Head of Street Scene (Highways).

It will be necessary to formally re-consult and invite revised comments from residents and consultees. Members of the Committee, the local Ward Member and representatives of the Town Council are however invited to visit the site on Wednesday 18 July 2018 to consider the development with regard to its relationship with adjoining property and its impact on the highway network. A full report on the application will then be presented to the Development Control Committee on 30 August 2018.

## **RECOMMENDATION**

That the report be noted.

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

## **Background Papers**

None

## APPEALS

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

**CODE NO.** D/18/3202925 (1832)

**APPLICATION NO.** P/18/118/FUL

**APPELLANT** MR A WILLIAMS

**SUBJECT OF APPEAL** FIRST FLOOR EXTENSION TO SIDE & LOFT CONVERSION  
10 RHODFAR COED, MAESTEG

**PROCEDURE** HOUSEHOLDER

**DECISION LEVEL** DELEGATED OFFICER

The application was refused for the following reasons:

1. In the absence of adequate off street parking facilities the development would generate additional on street parking in and around the site, particularly in close proximity to the turning head of Rhodfa'r Coed to the detriment of highway and pedestrian safety contrary to Policies SP2 and PLA11 of Bridgend County Borough Council's Local Development Plan (2013).

**CODE NO.** X/18/3202838 (1833)

**APPLICATION NO.** P/17/932/LAE

**APPELLANT** TYTHEGSTON GREEN VENTURES LTD

**SUBJECT OF APPEAL** CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OF  
LAND AND BUILDINGS AS A GASIFICATION PLANT (USE CLASS  
B2)  
NEWTON DOWN INDUSTRIAL ESTATE, TYTHEGSTON

**PROCEDURE** INQUIRY

**DECISION LEVEL** DELEGATED OFFICER

This appeal has been lodged against non-determination of the application. The appellants have recently re-submitted a new application for a Certificate of Lawfulness (Existing) for the site.

**CODE NO.** D/18/3203035 (1834)  
**APPLICATION NO.** P/17/958/FUL  
**APPELLANT** MR N G THOMAS  
**SUBJECT OF APPEAL** RE-MODELLING OF DWELLING TO INCLUDE NEW ROOF SHAPE, ALTERATIONS, EXTENSION AND LOFT CONVERSION INCLUDING DORMERS; RAISING OF GROUND LEVELS TO ACCOMMODATE THE ERECTION OF A DETACHED GARAGE; INSTALLATION OF RETAINING WALLS TO SUPPORT CHANGE IN GROUND LEVELS  
PENYBRYN, BRIDGEND ROAD, BRYNCETHIN  
**PROCEDURE** HOUSEHOLDER  
**DECISION LEVEL** DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed rear extension, by reason of its scale and proximity to neighbouring properties, particularly Royston House to the north, would result in an overbearing and overshadowing form of development having a detrimental impact on the residential amenities of the occupiers of the neighbouring property, contrary to Notes 1 and 2 of Supplementary Planning Guidance Note 02 Householder Development, Policy SP2 of the Local Development Plan (2013) and paragraph 1.2.1 of Planning Policy Wales (Edition 9) (2016)
2. The proposed first floor bedroom windows, by reason of their number and proximity to the boundary with the adjoining property to the south (Tre Thomas) would result in an overlooking impact to the detriment of the residential amenities of the neighbouring property, contrary to Note 6 Supplementary Planning Guidance Note 02 Householder Development, Policy SP2 of the Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 9)(2016)
3. Insufficient details in respect of the retaining structure have been submitted to enable the structural soundness of the proposal to be properly evaluated by the Local Planning Authority, contrary to Policy SP2 of the Council's Local Development Plan (2013)

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**CODE NO.** A/18/3203880 (1835)  
**APPLICATION NO.** P/18/158/FUL  
**APPELLANT** MR A WOODHALL  
**SUBJECT OF APPEAL** DEMOLITION OF EXISTING FLATS AND CONSTRUCTION OF  
NEW 5 BEDROOM DETACHED HOUSE WITH ATTIC ROOM AND  
CAR PARKING

**PROCEDURE** WRITTEN REPRESENTATION

**DECISION LEVEL** DELEGATED OFFICER

The application was refused for the following reasons:

- 1 The proposal, by reason of its increased ridge height will be out of keeping with the adjoining properties and will have an unacceptable impact on the character and appearance of the area contrary to Policy SP2 of the Bridgend Local Development Plan, the Council Supplementary Planning Guidance SPG02: Householder Development, advice contained in Planning Policy Wales (Edition 9, November 2016) and Technical Advice Note 12 - Design (2016)
- 2 The proposed development, by reason of its height and proximity to boundary with The Glade, would have an unacceptable overbearing and overshadowing impact on the private rear garden and conservatory of that property, and having a detrimental impact on the residential amenities of the adjoining occupiers, contrary to Policy SP2 of the Policy SP2 of the Bridgend Local Development Plan, the Council Supplementary Planning Guidance SPG02: Householder Development.

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

<b>CODE NO.</b>	A/18/3197583 (1821)
<b>APPLICATION NO.</b>	P/17/906/FUL
<b>APPELLANT</b>	MR GERALD EDWARDS
<b>SUBJECT OF APPEAL</b>	PART CONVERSION OF EXISTING OUTBUILDING TO 1NO. HOLIDAY LET WITH ASSOCIATED EXTERNAL ALTERATIONS (RE-SUBMISSION) THE COPPINGS, BRYNCETHIN, BRIDGEND
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	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 A**

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**CODE NO.** A/18/3197604 (1822)

**APPLICATION NO.** P/17/1003/OUT

**APPELLANT** MR FRANCIS MCDONALD

**SUBJECT OF APPEAL** DETACHED 2 BEDROOM TWO STOREY DWELLING  
(RESUBMISSION OF PREVIOUS REFUSAL): 2 HEOL Y BERLLAN  
PYLE

**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**

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**CODE NO.** A/18/3197570 (APPEAL A)  
A/18/3197606 (APPEAL B)  
A/19/3197617 (APPEAL C)

**APPLICATION NO.** P/17/1000/FUL  
P/17/999/FUL  
P/17/1001/FUL

**APPELLANT** MR & MRS T & C GREEN (APPEAL A)  
B FROST & S ROGERS (APPEAL B)  
MR & MRS B & C THOMAS (APPEAL C)

**SUBJECT OF APPEAL** INCLUSION OF AGRICULTURAL LAND WITHIN CURTILAGE OF  
DWELLINGS  
LAND REAR OF 51, 53 & 55 HIGH STREET, LALESTON

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** DELEGATED OFFICER

**DECISION** THE INSPECTOR APPOINTED BY THE WELSH MINISTERS  
TO DETERMINE THE APPEALS DIRECTED THAT THE APPEALS  
BE DISMISSED.

A copy of the appeal decision is attached as **APPENDIX C**

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<b>CODE NO.</b>	D/18/3201727 (1830)
<b>APPLICATION NO.</b>	P/17/465/FUL
<b>APPELLANT</b>	MR RYAN ELWARD
<b>SUBJECT OF APPEAL</b>	RETENTION OF DECKING TO THE REAR OF THE PROPERTY 9 BRYN COTTAGES, PONTYRHYL
<b>PROCEDURE</b>	HOUSEHOLDER
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	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 D**

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**RECOMMENDATION:**

That the report of the Corporate Director Communities be noted.

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

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



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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 01/06/18

gan **Melissa Hall BA(Hons), BTP, MSc, MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad : 26 Mehefin 2018

## Appeal Decision

Site visit made on 01/06/18

by **Melissa Hall BA(Hons), BTP, MSc, MRTPI**

an Inspector appointed by the Welsh Ministers

Date : 26 June 2018

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**Appeal Ref: APP/F6915/A/18/3197583**

**Site address: The Coppings, Bryncethin, Bridgend, CF32 9YR**

**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 Gerald Edwards against the decision of Bridgend County Borough Council.
  - The application Ref P/17/906/FUL, dated 19 October 2017, was refused by notice dated 9 January 2018.
  - The development proposed is described as 'Part conversion of existing outbuilding to 1no. holiday let with associated external alterations (re-submission)'.
- 

### Decision

1. The appeal is dismissed.

### Background and Procedural Matters

2. Although the Council has stated in its submissions that the development would be detrimental to the living conditions of the occupants of the existing dwelling, its delegated report relates mainly to the effect of the development on the amenities of future occupants of the holiday let. That is, the Council does not provide any substantive evidence regarding the nature of the harm it considers the development would have on the living conditions of the existing residents, other than to say that a fence has been proposed in close proximity to the habitable room windows of the existing dwelling in order to protect the privacy of its occupants. As the fence may overcome any harm associated with the comings and goings of the future occupants of the holiday let, it seems to me that the Council's concern relates to the resultant impact of its siting on the outlook from the habitable room windows of the existing dwelling.

### Main Issue

3. Against this background, the main issue is the effect of the proposed development on the living conditions of the occupants of the existing dwelling and the amenities of the future occupants of the holiday let.
-

## Reasons

4. The Coppings is a detached dormer bungalow set centrally in its plot with the garden on all sides, which lies within the settlement of Bryncethin. The proposal relates to part of an existing domestic outbuilding in the curtilage of the Coppings. The outbuilding is situated towards the rear of the existing dwelling, fronting onto the side garden. It has fenestration in its north, west and south facing elevations.
5. No physical works are proposed to the outbuilding itself that would significantly alter its scale, form, mass or siting. However, its part conversion would result in alterations to the existing fenestration in the north facing front elevation to facilitate the main entrance into the holiday let and the western elevation to serve the proposed bedroom. A new window is shown on the eastern elevation to serve the kitchen / dining area of the open plan living space, which would face onto the heavily vegetated common boundary with the neighbouring dwelling known as The Lodge.
6. In order to protect the privacy of the occupants of the host dwelling, a 1.8 metre high close boarded fence is proposed in the small gap between the side elevation of the outbuilding and the side elevation of the existing dwelling. The effect of this is that there would be a high fence sited approximately 1 metre from the bedroom window of the holiday let.
7. Clearly the nature and pattern of use, as a holiday let, is different from a permanent residential use. However, there should still be an expectation of a satisfactory level of amenity for future occupants, albeit on a short term basis, consistent with the aims of Policy SP11 of the adopted Bridgend Local Development Plan 2013 (LDP) which supports high quality tourist accommodation. LDP Policy SP2 also requires all development to create high quality, attractive, sustainable places, ensuring that the amenities of neighbouring uses are not adversely affected.
8. In this context, I note that the windows in the western elevation of the proposed holiday let would provide the only outlook from the bedroom. Given that the fence would be situated in such close proximity, I am concerned that it would create a dark and gloomy environment in this room.
9. The holiday let would have its principal outlook onto a fence which encloses a patio area some 4 metres in depth. Together with the high boundary fence to one side and the dense vegetated boundary to the other, this amenity area would be enclosed to the extent that it would create an oppressive environment. In my view, it would result in a poor outlook overall and would be likely to have limited use as a result. Furthermore, it would not represent a pleasant or welcoming approach to the holiday let from the parking spaces, which themselves would benefit from little natural surveillance.
10. The view from the habitable room windows in the eastern elevation of the existing dwelling would also be directly onto this fence, which would have a harmful effect on the residents' outlook. This further convinces me of the sensitive nature of the siting relationship between the existing dwelling and its outbuilding, and a proposal which fails to satisfactorily address this matter in its design.
11. It therefore leads me to the conclusion that the constraints of the site, and the layout and design of the proposal, are such that it would not create a satisfactory environment as a holiday let or protect the living conditions of the occupants of the existing dwelling. Consequently, it would not represent good design and the development would conflict with LDP Policies SP2 and SP11.

12. I also note the Council's concern that the close proximity to commercial premises, namely a Builders Merchants, would compromise the ability to provide high quality accommodation promoted by LDP Policy SP11. However, in my view, the unit is sited a sufficient distance away from the Builders Merchants, separated by a main highway, the curtilage of The Lodge and considerable boundary screening, such that this matter in itself would not justify withholding planning permission. Be that as it may, it does not outweigh the harm to the amenities of future occupants of the holiday let and the living conditions of the residents of the existing dwelling for the reasons I have already given.
13. I have had regard to the principles of sustainable development and I do not dispute that the development may have a positive contribution to make in economic terms and that the principle of tourism development may be acceptable; in this regard, I accept that it may well accord with some criteria of the relevant LDP policies. However, its effect on the amenities of future occupants of the holiday let and the living conditions of the occupants of the existing dwelling would result in the development failing to meet the overall sustainability objectives of the Development Plan and Planning Policy Wales.
14. The appellant argues that the occupancy of the holiday let could be controlled by way of a condition and that market forces would determine whether the scheme proves sufficiently attractive to potential customers. I do not consider that a condition would overcome the harm that I have identified. Neither does the ability for future occupants of the holiday let to choose whether they wish to stay or not justify what is otherwise an unacceptable form of development. The aim of the Council's policies is *inter alia* to encourage a better environment and quality of life for existing and future occupants and, for the reasons I have given, the development fails in this regard.

### **Conclusions**

15. In conclusion, and having regard to all matters raised, the appeal is dismissed.
16. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

*Melissa Hall*

Inspector



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**Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 18/06/18

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

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 05/07/18**

**Appeal Decision**

Site visit made on 18/06/18

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

**an Inspector appointed by the Welsh Ministers**

**Date: 05/07/18**

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**Appeal Ref: APP/F6915/A/18/3197604**

**Site address: 2 Heol Y Berllan, Pyle, Bridgend, CF33 6LE**

**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 Mr Francis McDonald against the decision of Bridgend County Borough Council.
  - The application Ref: P/17/1003/OUT, dated 15 December 2017, was refused by notice dated 6 February 2018.
  - The development proposed is detached two bedroom two storey dwelling (resubmission of previous refusal).
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**Decision**

1. The appeal is dismissed.

**Procedural Matters**

2. I have taken the description of development from the Council's Notice of Decision as it provides a more concise and accurate description than that outlined on the original planning application form. As the amended description is consistent with that outlined on the Appeal Form, I am satisfied that there would be no prejudice in this respect.
3. The application was submitted in outline with all matters reserved for subsequent approval. There is sufficient information provided to deal with the appeal on this basis.

**Main Issues**

4. These are: whether the development would provide acceptable living conditions for the occupiers of neighbouring residential properties and the future occupiers of the proposed dwelling, with particular reference to levels of outlook, natural light, privacy and amenity space; and whether the development would make provision for the satisfactory drainage of surface water.

**Reasons**

5. The appeal relates to a broadly rectangular parcel of land located to the rear of No.2 Heol Y Berllan in Pyle. The site currently forms part of the residential curtilage of No.2, although the appeal proposal seeks outline planning permission to sub-divide that plot and to erect a detached two bedroom two storey dwelling fronting
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Simpson's Way. The dwelling would be between 6 and 6.5 metres in length, 5 and 6 metres in width and would incorporate a height of between 8 and 9 metres. Vehicular and pedestrian access would be achieved via the existing vehicular access point off Simpson's Way.

### **Living Conditions**

6. I was able to confirm at my site inspection that, by virtue of the proposed scale and siting, the development would result in significant overbearing and overshadowing impacts upon the occupiers of No.2. Indeed, such impacts would be exacerbated by the orientation of the proposed dwelling to the south of No.2. Such impacts would be further exaggerated by the fact that the proposed dwelling would be located at a higher ground level than the existing dwelling. Details of fenestration are reserved for subsequent determination. However, the combination of the scale and siting of the proposed dwelling within such close proximity to the shared boundary with No.4 Heol Y Berllan would mean that it is likely that the proposed dwelling would also result in significant overlooking of the rear amenity space of that property. Collectively, such concerns lead me to conclude that the proposed development would cause material harm to the living conditions of the occupiers of neighbouring residential properties, with particular reference to levels of outlook, natural light and privacy.
7. In addition to such concerns, the rear amenity space serving the proposed dwelling would be significantly overlooked by virtue of its close proximity to the habitable room windows located in the rear elevation of No.2. This means that the proposed development would lack suitable private amenity space and would thereby fail to provide acceptable living conditions for future occupiers of the property.
8. I therefore conclude that the proposed development would run counter to the general thrust of Policy SP2 of the Bridgend Local Development Plan 2006- 2021 (adopted 2013) (LDP). It would also conflict with Notes 1, 2, 6 and 8 of the Council's adopted Supplementary Planning Guidance entitled '*SPG02: Householder Development*' (2008) which respectively relate to outlook, overshadowing, privacy and garden areas. For the same reasons, it would also run counter to the general thrust of the advice contained within national planning policy, including that set out in Planning Policy Wales (Edition 9, Nov 2016) (PPW).

### **Surface Water Drainage**

9. Given the fact that the scheme represents a form of infill development, there is sufficient doubt as to whether surface water could adequately drain to a soakaway. The Council has objected on such grounds and, in the absence of any information to satisfactorily evaluate the effect of such matters, I have no reason to come to an alternative conclusion. The development therefore runs counter to the general thrust of national planning policy, including that set out in PPW and Technical Advice Note 15: *Development and Flood Risk* (2004) (TAN15).

### **Overall Conclusions**

10. Based on the foregoing, I have found that the proposed development would cause material harm to the living conditions of the occupiers of neighbouring residential properties and fail to provide adequate living conditions for future occupiers of the proposed dwelling. I have also found that inadequate information has been provided to effectively evaluate the implications of surface water drainage. I have fully considered all material considerations advanced in favour of the appeal. However, I have seen nothing that individually or cumulatively outweighs the aforementioned



concerns. For these reasons, and having considered all matters raised, I conclude that the appeal should be dismissed.

11. In coming to this conclusion, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). 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*

INSPECTOR



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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 18/06/18

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 10/07/18

## Appeal Decision

Site visit made on 18/06/18

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

an Inspector appointed by the Welsh Ministers

Date: 10/07/18

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### Appeal A - Ref: APP/F6915/A/18/3197570

Site address: Land rear of 55 High Street, Laleston, Bridgend, CF32 0HL

**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 and Mrs T & C Green against the decision of Bridgend County Borough Council.
  - The application Ref: P/17/1000/FUL, dated 23 November 2017, was refused by notice dated 22 January 2018.
  - The development proposed is the inclusion of agricultural land within curtilage of dwelling.
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### Appeal B - Ref: APP/F6915/A/18/3197606

Site address: Land to the rear of 53 High Street, Laleston, Bridgend, CF32 0HL

**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 & Miss Billy and Sarah Frost and Rogers against the decision of Bridgend County Borough Council.
  - The application Ref: P/17/999/FUL, dated 23 November 2017, was refused by notice dated 22 January 2018.
  - The development proposed is the inclusion of agricultural land within curtilage of dwelling.
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### Appeal C - Ref: APP/F6915/A/18/3197617

Site address: Land to the rear of 51 High Street, Laleston, Bridgend, CF32 0HL

**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 & Mrs B & C Thomas against the decision of Bridgend County Borough Council.
  - The application Ref: P/17/1001/FUL, dated 23 November 2017, was refused by notice dated 22 January 2018.
  - The development proposed is the inclusion of agricultural land within curtilage of dwelling.
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## Decision

### **Appeal A - Ref: APP/F6915/A/18/3197570**

1. The appeal is dismissed.

### **Appeal B - Ref: APP/F6915/A/18/3197606**

2. The appeal is dismissed.

### **Appeal C - Ref: APP/F6915/A/18/3197617**

3. The appeal is dismissed.

## Procedural Matters

4. As set out in the header above, the three appeals relate to Nos. 51<sup>1</sup>, 53<sup>2</sup> and 55<sup>3</sup> High Street in Laleston, Bridgend. Whilst the appeals relate to different parcels of land, each of the proposals seek to include agricultural land to the rear of the respective properties within the associated residential curtilages. The development proposals have been submitted in a coordinated manner, with the same grounds of appeal advanced in each case. Accordingly, whilst I shall determine each proposal on its own individual merits, to avoid any duplication, I shall report on the three schemes together in a single document, albeit with three separate formal decisions.

## Main Issues

5. These are: whether the development proposed is acceptable in principle, having particular regard to the planning policy framework; the effect of the proposed development upon the character and appearance of the area, including whether the development would preserve or enhance the character or appearance of the Conservation Area; and the effect of the proposed development upon the openness of the Green Wedge, including whether any identified harm would be clearly outweighed by very exceptional circumstances.

## Reasons

6. Each of the parcels of land proposed for inclusion within the residential curtilages of the above properties is located outside of the settlement boundaries defined by Policy PLA1: '*Settlement Hierarchy and Urban Management*' of the adopted Bridgend Local Development Plan (2013) (LDP). The land is therefore classified as 'countryside' for the purposes of planning. Policy ENV1: '*Development in the Countryside*' seeks to ensure that development is strictly controlled within such locations. Indeed, the extension of residential land into such areas is not identified as a policy exemption to the general presumption against development in such areas. The principle of development therefore runs counter to the strategy of the adopted development plan.
7. The land is also located within the Bridgend and Laleston Green Wedge as defined by Policy ENV2(4): '*Development in Green Wedges*' of the adopted LDP. That policy states that development that causes or contributes to the coalescence of settlements, or reduces the openness of land between settlements, will not be permitted. Planning Policy Wales (Edition 9, 2016) (PPW) sets a similar stance at a national level, specifically stating that the most important attribute of a Green Wedge is its

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<sup>1</sup> Appeal C

<sup>2</sup> Appeal B

<sup>3</sup> Appeal A

openness. That same document also goes on to clarify that within such designations there will be a presumption against inappropriate development which, by definition, would be harmful to a Green Wedge.

8. I have not seen anything to indicate that the proposed extension of the residential curtilages outside of an established settlement would fall outside of the definition of inappropriate development. Moreover, even if permitted development rights were to be removed and the detail of the proposed boundary treatments to be controlled via the imposition of suitably worded planning conditions, there is little doubt in my mind that the proposed changes of use would both individually and cumulatively have an incremental urbanising impact that would fail to maintain the openness of the existing agricultural field. It therefore follows that the development would run counter to the legitimate aim of including the land within the Green Wedge designation.
9. PPW states that inappropriate development within Green Wedges should not be granted planning permission except in very exceptional circumstances where other material considerations clearly outweigh the harm. I have fully considered the matters raised by the appellants. Specifically, I note the lack of uniformity to the settlement boundary in Laleston and acknowledge the fact that the garden areas would be largely screened from public vantage points. However, given the incursion into open land I do not consider that the development proposed falls within the category of 'infill development' and it is well-established that the concept of openness should not be confined to public viewpoints. I have fully noted the benefits associated with the provision of additional amenity space at the properties. However, having regard to the existing levels of amenity space at each of the properties, I do not consider that such matters merit significant weight in the planning balance. As such, and bearing in mind the fact that PPW states that substantial weight should be attributed to any harmful impacts to Green Wedge designations, I do not consider that the adverse consequences of allowing the appeal would be clearly outweighed by very exceptional circumstances, as required by PPW.
10. The land in question is also located within the Laleston Special Landscape Area (SLA), as defined by Policy ENV3(7): '*Special Landscape Areas*' of the adopted LDP. Whilst PPW states that SLA designations should not unduly restrict acceptable development, the development proposed in this case would undoubtedly have an urbanising impact on the rural character of the agricultural field and thereby run counter to the aims of that designation. Similarly, the existing rear boundary walls of Nos. 51, 53 and 55 form the boundary to the Laleston Conservation Area, as referred within Policy SP5(2): '*Conservation of the Built and Historic Environment*' of the adopted LDP. Such a feature is considered to form part of the special interest of the Conservation Area and would be lost as a consequence of the development. I therefore concur with the Council's assessment that the development would also run counter to the general thrust of Policy SP5 and the statutory duty arising from the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
11. Based on the foregoing, I conclude that the proposed development would represent an urbanising and unjustified form of development within the countryside that would fail to maintain the openness of the Green Wedge and fail to preserve or enhance the character or appearance of the Conservation Area. Such concerns are not clearly outweighed by matters that comprise very exceptional circumstances. The development therefore runs counter to the general thrust of Policies PLA1, ENV1, ENV2(4), ENV3(7) and SP5(2) of the adopted LDP. For the same reasons, it would also run counter to the general thrust of national planning policy and fail to satisfy the

statutory duty under the Planning (Listed Buildings and Conservation Areas) Act. Therefore, having considered all matters raised, I conclude that the appeals should be dismissed.

12. In coming to these conclusions, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that these decisions are 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*

INSPECTOR

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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 12/06/18

gan Vicki Hirst BA(Hons) PG Dip TP  
MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 28/06/2018

## Appeal Decision

Site visit made on 12/06/18

by Vicki Hirst BA(Hons) PG Dip TP MA  
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 28/06/2018

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**Appeal Ref: APP/F6915/D/18/3201727**

**Site address: 9 Bryn Cottages, Pontyrhyl, Bridgend, Mid Glamorgan, CF32 8PX.**

**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 Ryan Elward against the decision of Bridgend County Borough Council.
  - The application Ref P/17/465/FUL, dated 26 May 2017, was refused by notice dated 21 March 2018.
  - The development proposed is the building of decking at the rear of the house.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. It is noted that the Council has used a different description in its decision notice referring to the "retention" of the decking. Neither of the main parties has provided written confirmation that a revised description has been agreed. Accordingly I have used the one given in the original application.
3. Nonetheless, it is evident that the construction of the decking has been commenced although at the time of my visit was not complete. As such I have determined the appeal on the basis that it seeks partially retrospective permission for the erection of decking.

### Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

### Reasons

5. The appeal dwelling is located within a row of terrace houses situated fronting the A4064 in Pontyrhyl. The rear of the property overlooks the surrounding valley with a steeply sloping garden dropping to a public footpath laid to grass and a tarmac path following the railway line beyond. To the south west lies a further row of terraced



- properties, Station Row, located on much lower ground at the foot of the valley. Station Row connects with the public footpaths. There are several stepped pathways that provide access between the A4064 on the higher level and Station Row below.
6. Whilst the frontage of the appeal terrace has a relatively consistent rhythm and form in design terms, I noted on my site visit that the rear of the properties in the terrace have been altered and extended with a number of variants in design and form. This provides a somewhat confusing and random appearance. Nonetheless, the steeply sloping gardens, in the main, have been utilised with level patio areas close to the house and grassed or planted terracing of the lower gardens. A number remain with a sloping gradient. Away from the houses, the gardens predominantly retain established vegetation and an overall verdant appearance. This provides a soft edge to the footpaths that lie immediately behind the appeal site.
  7. The decking is provided on three different tiered levels. The top two levels closest to the rear of the house do not form part of the development before me. The third level, the subject of this appeal, is located on a lower level and projects beyond the two other decks to the furthest extremity of the garden from the house adjacent to the public footpath. The deck is an irregular shape to take advantage of the full shape and extent of the garden and is elevated above the surroundings.
  8. The decking projects considerably beyond the extent of other patios and terraced areas within the terrace and results in the total garden being covered with decking. Its considerable projection out from the rear of the house results in it appearing divorced from the property that it relates to and has little visual relationship with the surrounding built form. This is emphasised by its position between the more verdant and vegetated part of the surrounding gardens. It is visible from neighbouring properties and the wider surrounds.
  9. Furthermore, it is elevated above the surroundings due to the sloping ground beneath and as a result of its height and proximity it dominates the section of footpath immediately to the rear. The decking is in stark contrast to the remainder of the route which provides a pleasant outlook across the adjacent gardens to one side and the tree covered valley to the other. I find the decking to be an imposing and dominating feature within the surroundings and which is harmful to the character and appearance of the area. This harm would not be materially altered by its completion with light wood, feather edged fencing and astro turf.
  10. I note the appellant's desire to provide a safe place for children to play in. Whilst this is acknowledged, I have no reason to believe that the garden could not be altered in a different way to provide a safe play space without the associated harm that this particular development causes. I also note the reference to another refusal and dismissed appeal for decking at No 29 Bryn Terrace<sup>1</sup>. I have not been provided with the full details or the appeal decision, but I note from the information that has been provided that the decking was materially different to the development before me in that it was proposed closer to the house with access to the rear garden area. It was also determined prior to the adoption of the current development plan. Notwithstanding, I am required to consider the particular development before me and this decision does not alter my conclusions with regard to the harm that I find would arise from this development in its own specific context.
  11. Policy SP2 of the adopted Bridgend Local Development Plan (2013) (the LDP) and Householder Supplementary Planning Guidance (SPG) require, amongst other things,

<sup>1</sup> LPA Ref: P/02/735/FUL



development to have a design of the highest quality possible whilst respecting and enhancing local character and distinctiveness and landscape character, be of an appropriate scale, size and prominence, and to be of a high standard that will result in a benefit in environmental and landscape terms and create a positive area image and sense of local identity. For the reasons given above, I conclude that the development would not be in accord with the requirements of the relevant policy SP2 of the LDP and related SPG.

12. The Council has referred me to policies in the LDP that are concerned with the impact of development on residential amenity and privacy. Nonetheless I concur with the Council's view that given the position of the decking on the lower slopes of the garden that there is no unacceptable degree of overlooking to other properties. Given that the decking is located at a considerably lower level than the adjacent houses and some distance from any habitable windows, I do not find that the development causes any significant overbearing effect to the living conditions of the occupants of nearby dwellings. Notwithstanding, this does not outweigh my conclusions on the main issue.
13. I have had regard to all other matters raised, including the lack of objection by other consultees within the Council, the support from the next door neighbour and the withdrawal of objection to the scheme by a nearby resident. However, no matters outweigh the harm that I have identified arises from the current development. For the reasons above I dismiss the appeal.
14. In reaching this decision, I have taken into account 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 Minister's well-being objectives as required by section 8 of the WCFG Act.

*Vicki Hirst*

INSPECTOR

## REPORT TO DEVELOPMENT CONTROL COMMITTEE

19 July 2018

### REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

#### Suggested Changes to the Planning Enforcement System in Wales – Update

**1. Purpose of Report**

1.1 At the meeting of the Development Control Committee on 21 December 2017 Members resolved to forward a report to the Welsh Assembly Cabinet Secretary for Energy, Planning and Rural Affairs and Bridgend Assembly Members outlining a number of suggested changes to the Planning Enforcement System in Wales. This report provides Members with an update on progress since the report was sent to the Cabinet Secretary.

**2. Connection to Corporate Improvement Plan/Other Corporate Priorities**

2.1 The delivery of the County Borough’s statutory planning function has links to the Council’s corporate priorities in particular number 1 – supporting a successful economy.

**3. Background**

3.1 Following a number of concerns raised by MPs, AMs and Members regarding the effectiveness of the planning enforcement system in controlling major polluting activities that raise significant amenity issues, Bridgend County Borough Council (BCBC) was asked to compile a list of potential improvements to the planning enforcement system that would provide greater strength to the local planning authorities to effectively and swiftly control development. BCBC has raised this issue with other authorities and regional planning groups and it was discussed and debated at the Wales Planning Enforcement Conference.

3.2 The report provides an outline of the current enforcement system and suggests a number of changes and improvements to planning enforcement and these are grouped under the following headings:-

- Principle of enforcement action – criminal and proportionate?
- Fiscal measures
- Role of Welsh Government
- Enforcement Appeals
- Relationship between Planning and other Environmental Agencies
- Advertisement Controls
- Other areas for improvement

3.3 Most of the suggested changes require new or alterations to primary or secondary legislation or national policy although there are other improvements that can be made under current powers.

3.4 Following distribution of the report, Huw Irranca Davies AM offered to facilitate a meeting with the Cabinet Secretary, Lesley Griffiths AM, in order to discuss the report in more detail.

- 3.5 The Cabinet Member Communities, Chair of the DC Committee, Corporate Director Communities and the Group Manager Development attended the meeting on 11 June 2018 with the Cabinet Secretary, Ogmores AM and an official from the Welsh Government Planning Division.
- 3.6 The Cabinet Secretary was sympathetic to the challenges facing Bridgend and other local planning authorities with regard to the enforcement of land use planning and, in particular, where there are significant environmental and amenity issues arising from some unauthorised activities.
- 3.7 The Cabinet Secretary indicated that any legislative changes would not be likely given the challenging law making workload currently facing the National Assembly, however, there may be scope to look at how the current system operates in order to encourage more effective use of existing powers and smarter working between the enforcement agencies.
- 3.8 To this end a task group will be set up comprising representatives from local planning authorities, Natural Resources Wales, Public Protection Officers and Welsh Government.
- 3.9 The first meeting will take place early Autumn and Members will be updated with a progress report in due course.

#### **4. Equality Impact Assessment**

- 4.1 The report raises no issues that impact on equality.

#### **5. Financial Implications**

- 5.1 The cost of the enforcement service is met from the Development budget and any work arising from the task group will be carried out by planning staff.

#### **6. Wellbeing of Future Generations (Wales) Act 2015**

- 6.1 The planning service operates in accordance with the 7 Wellbeing goals and the 5 ways of working as identified in the Act.

#### **7. Recommendation**

That the Development Control Committee notes the content of the report.

**Mark Shephard**  
**Corporate Director Communities**

**Contact Officer:** Jonathan Parsons - Group Manager Development

**Telephone Number:** 01656 643153 e-mail: [jonathan.parsons@bridgend.gov.uk](mailto:jonathan.parsons@bridgend.gov.uk)

#### **Background Papers**

Suggested Changes to the Planning Enforcement System in Wales – a discussion paper presented by Bridgend County Borough Council – January 2018.

## REPORT TO DEVELOPMENT CONTROL COMMITTEE

19 July 2018

### REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

#### Royal Town Planning Institute (RTPI) – The Value of Planning in Wales

#### 1. Purpose of Report

- 1.1 The report advises Members of the work carried out by RTPI Cymru about the value of planning in Wales and Bridgend. RTPI Cymru has developed a toolkit that captures the economic, social and environmental value of planning as delivered by local planning authorities and translates it into monetary terms.
- 1.2 The Royal Town Planning Institute (RTPI) is the UK's leading planning body for spatial, sustainable and inclusive planning and is the largest planning institute in Europe with over 25,000 members. It is also a membership organisation, a Chartered Institute and a learned society responsible for maintaining professional standards as well as a charity whose purpose is to advance the science and art of planning (including town and country and spatial planning) for the benefit of the public.
- 1.3 Wales has its own National organisation – RTPI Cymru.

#### 2. Connection to Corporate Improvement Plan/Other Corporate Priorities

- 2.1 The delivery of the County Borough's statutory planning function has links to the Council's corporate priorities in particular number 1 – supporting a successful economy.

#### 3. Background

- 3.1 The toolkit devised by RTPI Cymru was derived from considerable stakeholder engagement in order to fully understand the scope of which values should be measured. A report entitled *The Value of Planning in Wales* identified that planning has contributed £2.35 billion to Welsh society in 2016/17.
- 3.2 This figure can be proportioned as follows: £122.4 million of developers' contributions to public infrastructure and projects, £2.47 million of recreational benefits through open spaces, £750,000 of community benefits and over £17 million of planning fee income.
- 3.3 Granting planning permission and enabling the completion of development has uplifted land values by £2.2 billion thus facilitating a more positive investment environment for the delivery of homes and infrastructure. It is estimated that 29% of the homes built in 2016/17 were affordable.

- 3.4 When applied to Bridgend the toolkit indicates that the value of planning is estimated to be £89.5 million in 2016/17. A full breakdown of this benefit is outlined in Appendix A to this report.
- 3.5 This interesting and valuable piece of work highlights the importance the planning service provides in contributing to the social, economic and environmental wellbeing of our communities.
- 3.6 Further information about the RTPI's Value of Planning Programme can be found at:

[www.rtpi.org.uk/knowledge/research/projects/value-of-planning/](http://www.rtpi.org.uk/knowledge/research/projects/value-of-planning/)

Details of the value of planning in Wales can be found at:

[www.rtpi.org.uk/media/2896429/Value-of-Planning-Handout.pdf](http://www.rtpi.org.uk/media/2896429/Value-of-Planning-Handout.pdf)

#### **4. Equality Impact Assessment**

- 4.1 The report raises no issues that impact on equality.

#### **5. Financial Implications**

- 5.1 None

#### **6. Wellbeing of Future Generations (Wales) Act 2015**

- 6.1 The planning service operates in accordance with the 7 Wellbeing goals and the 5 ways of working as identified in the Act.

#### **7. Recommendation**

That the Development Control Committee notes the content of the report.

**Mark Shephard**

**Corporate Director Communities**

**Contact Officer:** Jonathan Parsons - Group Manager Development

**Telephone Number:** 01656 643153 e-mail: [jonathan.parsons@bridgend.gov.uk](mailto:jonathan.parsons@bridgend.gov.uk)

**Background Papers**

None

# Value of Planning in Bridgend 2016/17

## Planning service key data

- 19 FTE jobs in planning service
- 933 applications handled
- £ £0.6m collected in fees

### Narrative

- 0 ha Special Landscape Area
  - 0 ha Green Wedge
  - 0 ha Local Nature Reserve
  - 0 ha open space
  - 0 ha minerals
  - 280 ha Residential
  - 2 ha Retail & leisure
  - 108 ha Commercial
  - 0 ha Waste
- Value adding policies ✓ 89%

### LDP Land Safeguarded

### LDP Land Allocated

### LDP Value

Commercial £2.4m uplift value (based on land allocated for whole plan period)

## Contributions Completions

**Section 106** £1.7m  
**CIL** £0 total

**Breakdown**

- Training and employment
- Sports and leisure
- Environmental
- Community/cultural
- Formal open space
- Recreation
- Education
- Infrastructure
- Active travel
- Highways
- Affordable housing

**Commercial**  
2,120 m²  
£2.3m uplift value  
48 gross FTE jobs  
£0.1m business rates p.a

**Residential**  
406 units  
23% affordable  
£51.7m uplift value  
£0.5m council tax p.a

**Retail & leisure**  
1,475 m²  
£2.3m uplift value  
42 gross FTE jobs  
£0.1m business rates p.a

**Renewables**  
30 MW  
£150,000 community benefit

**Tourism**  
0 bedspaces  
0 self catering units  
0 FTE jobs

## Enforcement Wider indicators

309 enforcement complaints  
 18 planning contraventions  
 1 enforcement notices  
 3 breach of condition notices  
 0 stop notices  
 1 section 125 notices

£9,000 spend on consultancy fees  
 18 internal consultees

£20,000 health benefits of affordable housing provision p.a  
 £130,000 recreational benefits from open space created p.a

0 Energy statements  
 0 EqAs  
 1 Environmental statements

0 HIAs  
 10 Transport assessments  
 13 Travel plans

### Applications

28 major  
 252 other  
 653 minor

Statutory  
 Discretionary

### Decisions

✓ 715 approvals (77%)  
 x 89 refusals (10%)  
 0 subject to pre app

Delegated  
 Committee

### Permissions

Consistent with local plan  
 Departures from local plan

**Residential**  
1,028 units  
£32.0m uplift value  
15% affordable

**Retail & leisure**  
2,942 m²  
£0.2m uplift value

**Commercial**  
3,685 m²  
£0.0m uplift value

**Renewables & other**  
3 MW  
0 tonnes waste throughput  
0 tonnes minerals  
0 ha remediation  
4 ha formal open space

**Tourism**  
0 bedspaces  
0 self catering units

# In 2016/17 the total value of planning was

# £89.5m

was

SOURCES: Planning function outputs (LPA survey), Land and property value data (JLL estimates), business rates valuations (Valuation Office Agency), employment densities (English Homes & Communities Agency), Council tax rates (Stats Wales), Health benefits from Affordable Housing (Department for Communities and Local Government/Appraisal Guide, based on various studies outlined in appraisal database), Community benefit from renewables (Renewable Energy Foundation), Recreation benefits from open space (Local Enterprise Notebooks), Bed and breakfast, Bed and breakfast (100% occupancy), Some of the assumptions required to calculate uplift value are based on national averages, not specifically for Bridgend. Business rates, business rates and FTE jobs are based on 2016/17 figures.

Value added in any application, 'Value adding policies' refers to the proportion of applications and decisions are unlikely to match up as these can take place in different financial years for any given application. 'Value added policies' refers to the proportion of applications and decisions are unlikely to match up as these can take place in different financial years for any given application. 'Value adding policies' refers to the proportion of applications and decisions are unlikely to match up as these can take place in different financial years for any given application. 'Value adding policies' refers to the proportion of applications and decisions are unlikely to match up as these can take place in different financial years for any given application. 'Value adding policies' refers to the proportion of applications and decisions are unlikely to match up as these can take place in different financial years for any given application.

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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>
Cenin Renewables at Stormy Down	Member training site visit at Cenin Renewables to view wind turbine, solar panels, cement labs, anaerobic digestion plant, battery bank	18 July 2018	10.00am
Gareth Denning, <i>Section 106 Officer</i> & Rod Jones, <i>Senior Lawyer</i>	“Section 106 legal agreements – basics and limitations”	19 July 2018	12.45pm
Rosin Willmott, <i>RTPI Wales</i>	“Value of Planning study”	30 August 2018	12.45pm
Rhodri Davies, <i>Development &amp; Building Control Manager</i>	“The Use Classes Order and proposed changes as part of the WG consultation”	11 October 2018	12.45pm
Richard Matthams, <i>Development Planning Team Leader</i>	“NSIP, NDF, DNS, SDP, LDP, SPG, Place Plans etc”	22 November 2018	12.45pm
Jonathan Parsons, <i>Group Manager Development</i> / Rhodri Davies, <i>Development &amp; Building Control Manager</i>	“End of year performance report”	3 January 2019	12.45pm
Rhodri Davies, <i>Development &amp; Building Control Manager</i>	“Houses in Multiple Occupation (HMOs)”	14 February 2019	12.45pm
Gethin Powell, <i>Highways &amp; SUDS Drainage Engineer</i> / Rhodri Davies, <i>Development &amp; Building Control Manager</i>	“Sustainable Drainage Systems and SuDS Approving Bodies – The New System”	28 March 2019	12.45pm
Rhodri Davies, <i>Development &amp; Building Control Manager</i>	“Section 215 notices and procedures”	9 May 2019	12.45pm
Richard Matthams, <i>Development Planning Team Leader</i>	“The disapplication of paragraph 6.2 of TAN1 – Joint Housing Land Availability Studies and the impact on decision making”	20 June 2019	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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