

Public Document Pack

Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

Bridgend County Borough Council



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

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

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



Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate

Deialu uniongyrchol / Direct line /: 01656 643148 / 643147 / 643694

Gofynnwch am / Ask for: Mark Anthony Galvin

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Friday, 26 July 2019

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, 1 August 2019 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 11/09/2019 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 20/06/2019
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 accommodated.

By receiving this Agenda Pack electronically you will save the Authority approx. £2.28 in printing costs

7.	<u>Development Control Committee Guidance</u>	13 - 16
8.	<u>P/18/1006/FUL - Former Ysgol Bryn Castell site, Llangewydd Road, Bridgend</u>	17 - 54
9.	<u>P/19/366/RLX - 11 Eweny Road, Bridgend</u>	55 - 60
10.	<u>P/19/368/RLX - Former Portway Surgery, 1 The Portway, Porthcawl</u>	61 - 66
11.	<u>P/19/380/FUL - The School House, School Terrace, North Cornelly</u>	67 - 74
12.	<u>Appeals</u>	75 - 88
13.	<u>Bridgend County Borough Council - Joint Housing Land Availability Study 2019</u>	89 - 112
14.	<u>Training Log</u>	113 - 114
15.	<u>Urgent Items</u> To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.	

Yours faithfully

K Watson

Head of Legal and Regulatory Services

Councillors:

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

Councillors

MJ Kearn
DRW Lewis
JE Lewis
DG Owen
JC Radcliffe
JC Spanswick

Councillors

RME Stirman
G Thomas
MC Voisey
KJ Watts
CA Webster
AJ Williams

Agenda Item 4

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 20 JUNE 2019

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 20 JUNE 2019 AT 14:00

Present

Councillor G Thomas – Chairperson

JPD Blundell	NA Burnett	RJ Collins	SK Dendy
DK Edwards	RM Granville	DG Owen	JC Radcliffe
JC Spanswick	RME Stirman	KJ Watts	CA Webster
AJ Williams			

Apologies for Absence

MJ Kearns, DRW Lewis, JE Lewis and MC Voisey

Officers:

Rhodri Davies	Development & Building Control Manager
Craig Flower	Planning Support Team Leader
Mark Galvin	Senior Democratic Services Officer - Committees
Rod Jones	Senior Lawyer
Ingrid Lekaj	Trainee Solicitor
Robert Morgan	Senior Development Control Officer
Jonathan Parsons	Group Manager Development
Peter Remedios	Senior Regeneration Officer
Leigh Tuck	Senior Development Control Officer

265. DECLARATIONS OF INTEREST

The Senior Development Control Officer, Leigh Tuck, declared a prejudicial interest in Agenda item 8. in that he resided within the street in question and knew an objector to the application.

266. SITE VISITS

RESOLVED: That a date of Wednesday 31 July 2019 was agreed by Committee for proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.

267. APPROVAL OF MINUTES

RESOLVED: That the Minutes of a meeting of the Development Control Committee dated 9 May 2019, be approved as a true and accurate record.

268. PUBLIC SPEAKERS

<u>Application No.</u>	<u>Site</u>	<u>Objector</u>	<u>Applicant</u>
P/19/166/FUL	Bryn y Mor Heol Broom Mawdlum	Cllr JH Tildesley	Mr Robert Chichester C2J Architects

269. AMENDMENT SHEET

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

270. DEVELOPMENT CONTROL COMMITTEE GUIDANCE

RESOLVED: That the summary of Development Control Committee Guidance as detailed in the report of the Corporate Director – Communities, be noted.

271. P/18/635/FUL - REAR OF 23 NOTTAGE MEAD, PORTHCAWL

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

Proposal

Erection of a detached 4 bed dwelling.

272. P/19/166/FUL - BRYN Y MOR, HEOL BROOM, MAWDLAM

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

Proposal

Demolition of existing dwelling and construct a replacement dwelling.

273. P/19/256/FUL - 2 BRAGDY COTTAGES, COITY

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

Proposal

Detached double garage with store over.

Subject to the inclusion of the following Condition 3.

‘The garage shall be used for domestic purposes only and for no other purposes whatsoever, including the carrying out of a trade or business.’

Reason: To safeguard the character and amenity of the area.

274. FOODSTORE SITE, SALT LAKE NORTH, PORTHCAWL, PLANNING DEVELOPMENT BRIEF

The Group Manager, Planning and Development Services submitted a report, in order that the Committee could consider the Foodstore Site, north end of Salt Lake, Planning Development Brief (attached as Appendix 1 to the report) and to approve its content as a material consideration in the determination of any future planning application for the site.

The Senior Regeneration Officer advised that the Planning Development Brief considered the context for the redevelopment of the site and put forward a number of development parameters and design principles, which could be used to guide the sites redevelopment.

Paragraph 4.2 then gave a summary of what the document comprised of, in bullet point format.

RESOLVED: That the Development Control Committee:

- (1) Approved the Foodstore Site, Salt Lake North, Porthcawl, Planning Development Brief as Development Control Guidance, to be used as a material consideration in the determination of future planning applications for the site.
- (2) Delegate authority to the Group Manager, Planning and Development, to make any necessary factual and/or cartographical amendments to the document that may be required prior to formal publication.

275. **DEVELOPMENT CONTROL SITE VISIT PANEL NOMINATIONS**

The Head of Legal and Regulatory Services submitted a report, requesting the Committee to nominate three Members to form its Site Visit Panel, to comprise of the Chairperson, Vice-Chairperson and a third Member, as well as nominating a reserve Member to sit on the Panel should any of the three nominated Panel Members be unavailable.

RESOLVED: That the Development Control Committee Site Visit Panel comprise of the following Members:-

- The Chairperson of the Committee
- The Vice-Chairperson of the Committee
- Councillor C Webster – Third Member
- Councillor DRW Lewis – Reserve Member

276. **RIGHTS OF WAY SUB-COMMITTEE NOMINATIONS**

The Head of Legal and Regulatory Services presented a report, the purpose of which, was for the Development Control Committee to nominate and appoint Members to the Rights of Way Sub-Committee.

The political balance of the Sub-Committee based upon the number of Members it comprises, is as follows:-

Labour – 2 Members
Conservative – 1 Member
Independent/Alliance – 1 Member
Llynfi Independents – 1 Member
Plaid Cymru – 1 Member

It was further proposed that the membership of the Rights of Way Sub-Committee include the Chairperson and Vice-Chairperson of the Development Control Committee.

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

Councillor G Thomas (Chairperson)
Councillor RM Granville (Vice-Chairperson)
Councillor C Webster
Councillor S Dendy
Councillor DK Edwards
Councillor R Stirman

277. APPEALS

RESOLVED: (1) That the two Appeals as detailed in the report of the Corporate Director – Communities, received since his last report to Committee, be noted.

<u>Code No.</u>	<u>Subject of Appeal</u>
C/19/3220905 (1850)	Unauthorised change of use of land to domestic garden area, 1 Blackfield Row, Cefn Cribwr.
	(2) That the Inspector appointed by the Welsh Ministers to determine the above Appeal has directed that the Enforcement Notice be corrected and the appeal is ALLOWED and the Enforcement Notice is quashed (See Appendix A to the report)

<u>Code No.</u>	<u>Subject of Appeal</u>
A/19/3220903 (1851)	Inclusion of land to north of existing property into domestic curtilage, 1 Blackfield Row, Cefn Cribwr.
	(3) That the Inspector appointed by the Welsh Ministers to determine the above Appeal has directed that the Appeal be ALLOWED (See Appendix A to the report)

<u>Code No.</u>	<u>Subject of Appeals</u>
A/19/3221703 (1853)	Outline application for 3 dwellings, land off Convil Road, Blaengarw.
	(4) That the Inspector appointed by the Welsh Ministers to determine the above Appeal has directed that the Appeal be DISMISSED (See Appendix B to the report).
A/19/3221795 (1854)	Conversion of existing disused bakery to one bedroom dwelling, former Bakery, rear of 77 Nolton Street, Bridgend.
	(5) That the Inspector appointed by the Welsh Ministers to determine the above appeal has directed that the Appeal be DISMISSED (See Appendix C to the report).

278. TRAINING LOG

The Corporate Director – Communities submitted a report, that outlined up and upcoming Member Training sessions planned, as part of the overall Committee Training Log.

RESOLVED: That the report be noted.

279. URGENT ITEMS

None.

The meeting closed at 14:47

This page is intentionally left blank

DEVELOPMENT CONTROL COMMITTEE 1 AUGUST 2019

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/18/1006/FUL

A Full Committee Site Visit was undertaken on Wednesday 31 July, 2019.

A representative from the Town Council (Town Cllr. Unwin) and the applicant for the development (Kate Harrison of Persimmon Homes) attended the site visit.

11	63	P/19/380/FUL
----	----	--------------

An email was received on the 28 July 2019 from the applicant's agent Mr John Matthews requesting that the following further comments and attachments are made available for the Committee member's consideration. The LPA's responses are in **bold**.

1) The photograph included within the report showing the work undertaken to date:

a) Does not fully reflect what the application proposes. In this respect, I respectfully suggest that the Committee members should have sight of the attached copy of the proposed elevation plan as this demonstrates what is actually proposed compared with what currently exists and that which was the subject of the Enforcement Appeal, i.e., that the heights of the pillars are to be reduced and that the finished colours of the canopy ridge tiles and supporting pillars are to be changed to match those of the dwelling's existing roof and walls; and,

Members of the Planning Committee will be presented with the proposed elevations and Google Street View images of the application site and street scene.

b) Does not show the existing bus stop shelter which is located directly in front of the eastern end of the dwelling. I therefore attach a separate photograph which I again respectfully suggest that the Committee members should have sight of because the structure is clearly an important element in the street scene context. In particular, it projects forward onto the highway pavement in the same way as the canopy does, and yet is a far less visually attractive publicly owned structure.

Members of the Planning Committee will be presented with Google Street View images of the application site and street scene.

2) The minutes of the meeting of the Cornelly Community Council held on the 26th June 2019 confirm as follows with regard to the planning application "There were no comments/objections on this application". The Community Council therefore effectively supports the application insofar as it has concluded that there is no reason why planning permission should be refused.

No formal comments or response has been received by the Local Planning Authority from Cornelly Community Council in respect of this application.

3) The applicant has already obtained a signed petition confirming the support of many neighbouring residents living in close proximity to the application site, and who are therefore those

most directly affected by the development on a day-to-day basis. He has been unable to complete this exercise to date with regard to a few addresses, but it is intended that a copy of the then up-to-date petition will be emailed to the Planning Department either the Wednesday evening or Thursday morning before the Committee meeting.

A signed petition was received by the Local Planning Authority at 10pm last night.

The petition was signed by 11 local residents on the following basis:

We wish to offer our full support for Steve Rudd's planning application to keep the canopy he has built at the front of his house. We welcomed the appearance of the canopy as part of the great improvement he has made to the property which had previously fallen into poor condition.

We, like our local Cornelly Community Council, represent local feeling and cannot understand why the Bridgend County Borough Council, supported by the Welsh Government, feel it is right to make him have to remove the canopy. This is totally unnecessary as we believe it helps to upgrade the area's appearance and benefit the locality and those who live here.

We therefore urge Bridgend County Borough Council to acknowledge the local support for the canopy in question and to grant permission for it to be kept in place. Please have the courtesy to take this local support seriously.

**JONATHAN PARSONS
GROUP MANAGER – PLANNING & DEVELOPMENT SERVICES
1 AUGUST 2019**

This page is intentionally left blank

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

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

STANDARD CONDITIONS

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

Time-limits on full permission

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

Time-limits on outline permissions

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

Variation from standard time-limits

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

STANDARD NOTES

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

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

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

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

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

To determine whether your building work requires Building Regulation approval, or for other services

provided by the Council's Building Control Section, you should contact that Section on 01656 643408 or at:- <http://www.bridgend.gov.uk/buildingcontrol>

- d. Developers are advised to contact the statutory undertakers as to whether any of their apparatus would be affected by the development
- e. Attention is drawn to the provisions of the party wall etc. act 1996
- f. Attention is drawn to the provisions of the Wildlife and Countryside Act 1981 and in particular to the need to not disturb nesting bird and protected species and their habitats.
- g. If your proposal relates to residential development requiring street naming you need to contact 01656 643136
- h. If you are participating in the DIY House Builders and Converters scheme the resultant VAT reclaim will be dealt with at the Chester VAT office (tel: 01244 684221)
- i. Developers are advised to contact the Environment and Energy helpline (tel: 0800 585794) and/or the energy efficiency advice centre (tel: 0800 512012) for advice on the efficient use of resources. Developers are also referred to Welsh Government Practice Guidance: Renewable and Low Carbon Energy in Buildings (July 2012):-
<http://wales.gov.uk/topics/planning/policy/guidanceandleaflets/energyinbuildings/?lang=en>
- j. Where appropriate, in order to make the development accessible for all those who might use the facility, the scheme must conform to the provisions of the Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005. Your attention is also drawn to the Code of Practice relating to the Disability Discrimination Act 1995 Part iii (Rights of Access to Goods, Facilities and Services)
- k. If your development lies within a coal mining area, you should take account of any coal mining related hazards to stability in your proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 7626848 or www.coal.gov.uk
- l. If your development lies within a limestone area you should take account of any limestone hazards to stability in your proposals. You are advised to engage a Consultant Engineer prior to commencing development in order to certify that proper site investigations have been carried out at the site sufficient to establish the ground precautions in relation to the proposed development and what precautions should be adopted in the design and construction of the proposed building(s) in order to minimise any damage which might arise as a result of the ground conditions.
- m. The Local Planning Authority will only consider minor amendments to approved development by the submission of an application under section 96A of the Town and Country Planning Act 1990. The following amendments will require a fresh application:-
 - re-siting of building(s) nearer any existing building or more than 250mm in any other direction;
 - increase in the volume of a building;
 - increase in the height of a building;
 - changes to the site area;
 - changes which conflict with a condition;
 - additional or repositioned windows / doors / openings within 21m of an existing building;
 - changes which alter the nature or description of the development;
 - new works or elements not part of the original scheme;
 - new works or elements not considered by an environmental statement submitted with the application.
- n. The developer shall notify the Planning Department on 01656 643155 / 643157 of the date of commencement of development or complete and return the Commencement Card (enclosed with this Notice).

- o. The presence of any significant unsuspected contamination, which becomes evident during the development of the site, should be brought to the attention of the Public Protection section of the Legal and Regulatory Services directorate. Developers may wish to refer to 'Land Contamination: A Guide for Developers' on the Public Protection Web Page.
- p. Any builder's debris/rubble must be disposed of in an authorised manner in accordance with the Duty of Care under the Waste Regulations.

THE SITE INSPECTION PROTOCOL

The Site Inspection Protocol is as follows:-

Purpose

Fact Finding

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

Request for a Site Visit

Ward Member request for Site Visit

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

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

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

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

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

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

Inappropriate Site Visit

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

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

Format and Conduct at the Site Visit

Attendance

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

Officer Advice

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

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

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

Code of Conduct

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

Record Keeping

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

Site Visit Summary

In summary site visits are: -

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

Frequently Used Planning Acronyms

AONB	Area Of Outstanding Natural Beauty	PINS	Planning Inspectorate
APN	Agricultural Prior Notification	PPW	Planning Policy Wales
BREEAM	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	SUDS	Sustainable Drainage Systems
FCA	Flood Consequences Assessment	TAN	Technical Advice Note
GPDO	General Permitted Development Order	TIA	Transport Impact Assessment
LB	Listed Building	TPN	Telecommunications Prior Notification
LBC	Listed Building Consent	TPO	Tree Preservation Order
LDP	Local Development Plan	UCO	Use Classes Order
LPA	Local Planning Authority	UDP	Unitary Development Plan

REFERENCE: P/18/1006/FUL

APPLICANT: Persimmon Homes West Wales Dragon House,
Parc y Ddraig, Penllergaer Business Park, Swansea SA4 9HJ

LOCATION: Former Ysgol Bryn Castell site,
Llangewydd Road, Bridgend CF31 4JP

PROPOSAL: Residential development of 127 dwellings and associated infrastructure

RECEIVED: 19 December 2018

SITE INSPECTED: 25 January 2019 & 05 July 2019

APPLICATION/SITE DESCRIPTION

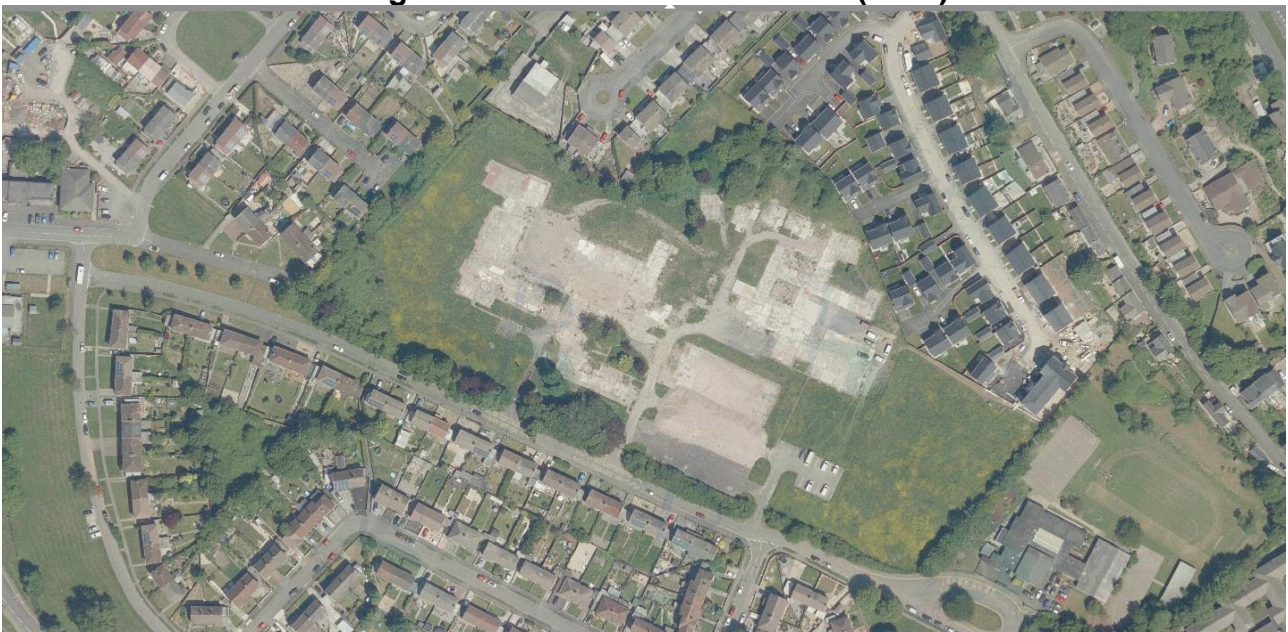
The application seeks full planning permission for the erection of 127 dwellings on the former 'Ysgol Bryn Castell' school site, Cefn Glas, Bridgend.

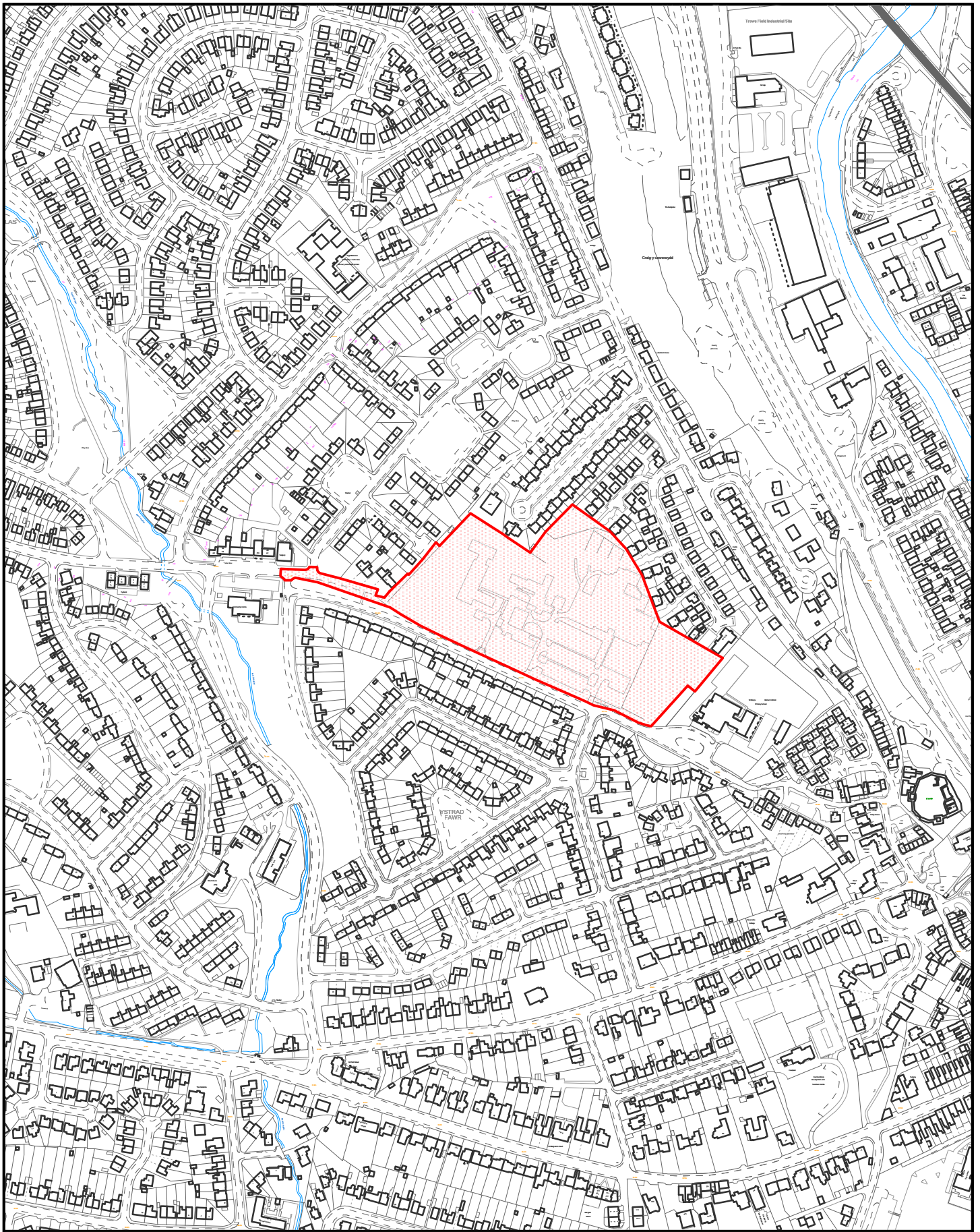
The proposed development area comprises an irregular shaped parcel of land that covers an area of approximately 3.7 hectares. The site is specifically allocated for residential development under the provisions of policy COM2 (7) of the Bridgend Local Development Plan, adopted 2013.

In terms of site context the application site comprises the grounds of the former 'Ysgol Bryn Castell' school site that has previously been demolished at the site under application ref.no. P/15/457/DPN. Whilst the site previously comprised a mixture of educational buildings ranging between 1 and 4 storeys in height, the ground is now predominantly a mixture of hard standing and grassed areas with a number of individual trees and groups of trees scattered over the site. A number of rubble mounds are also present on the site following the demolition of the school buildings.

There are a number of trees on the boundaries of the site which are covered by a Tree Preservation Order (TPO). A peripheral, linear tree belt is located along the southern and southwestern boundaries of the site adjacent to Llangewydd Road. These are protected by BCBC Tree Preservation Order No.3 (1954). The boundaries of the site are also largely defined by perimeter fencing.

Figure 1 – Aerial view of the site (2017)





Jonathan Parsons
Group Manager - Planning &
Development Services

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

P/18/1006/FUL

**Former Ysgol Bryn
Castell Site,
Llangewydd Road
Bridgend**



Scale: 1: 1,5000

Date: 23/07/19

©Crown Copyright and database right 2019. Ordnance Survey 100023405.
©Hawlfraint a hawliau cronfa ddata? Goron 2019 Rhif Trwydded yr Arolwg Ordnans 100023405.
Aerial Imagery: Cities Revealed aerial photography copyright The GeoInformation Group 2011.
Copyright Getmapping plc.
Countryside Council for Wales, ©Crown Copyright and database right 2011.
Ordnance Survey 100018813.
Forestry Commission, ©Crown Copyright and database right 2011. Ordnance Survey 100025498.

The proposed means of vehicle access to the site would be via an improved means of access to the south western corner of the development site via Llangewydd Road (to the front of 32 - 38 Llangewydd Road). Pedestrian and cycle linkages would also be created across the site. There are no Public Rights of Way that currently cross the development site.

The application site is located within an established residential locality with the boundaries of the site predominantly being made up of residential properties which are situated along Llangewydd Road (to the south and south west), St John's Road (to the west), Cefn Coed and Pen Y Berllan (to the north). The surrounding area is characterised by primarily detached and semi-detached dwellings at relatively medium density. Towards the eastern boundaries of the site is St. Mary's Catholic Primary School.

The application site is situated approximately 1km to the north west of Bridgend Town Centre within the Newcastle ward. Towards the west of the development site, further along Llangewydd Road (approximately 140m from the site) is a local service centre that comprises a number of small shops including a 'Spar' convenience store and a pharmacy.

The former school site has effectively been divided into two separate development phases, with this application relating to Phase 2 of the development. Phase 1, which now relates to the Pen y Berllan (Barratt Homes) development that flanks the immediate north/ north east of the application site obtained planning permission under reference P/15/25/FUL in September 2015 for the construction of 67 dwellings which are now completed and occupied.

In September 2016 The Development Control Committee approved a Development and Planning Brief for Phase 2 (the current application site) that was to provide a detailed overview of the development principles and constraints that would shape the development of the overall site. The approved Development Brief is a material consideration in the determination of the current planning application on the site and is available to view at:- <https://democratic.bridgend.gov.uk/documents/s9858/YBC%20report%20and%20appx.pdf>

The application under consideration has been subject to a substantial level of negotiation and discussion with the applicants/agents to meet the requirements of the approved Development Brief whilst also maximizing the planning merits of the scheme. The scheme proposes the erection of 127 residential units on the site with areas of public open space, including the provision of a Local Equipped Area for Play (LEAP) and a Local Area for Play (LAP) on the site. The scheme seeks to incorporate and retain a reasonable amount of the trees currently on site whilst also seeking to establish a further level of landscaping and tree planting. An active travel route would also be created and linked from the front of the site into the existing active travel route along Llangewydd Road/Heol y Nant.

The proposed residential units are predominantly 2 storeys in height with the only exception being the 2.5 storey 'Souter/Windermere' house type that would be constructed in a row of three units towards the north eastern corner of the site (adjacent to a three storey development on the neighbouring Pen y Berllan site). The development comprises 31 two bedroom dwellings, 67 three bedroom dwellings and 29 four bedroom dwellings. A total of 127 units are proposed with each dwelling house being served by private parking spaces (in line with Council guidance) and private amenity space.

In addition to the detailed plans, cross sections and engineering drawings submitted, the application has been accompanied by the following documentation:

- Design and Access Statement
- Planning Statement
- Air Quality Assessment

- Transport Assessment
- Construction Method/Management Plan
- Dust Emission Control Plan
- Site Waste Management Plan
- Arboricultural/Tree Reports
- Historic Environment Desk Based Assessment
- Preliminary and Updated Ecological Appraisals
- Reptile Report
- Pre Application Consultation Report (PAC)

Figure 2 - Proposed Layout of the site



RELEVANT HISTORY

P/15/25/FUL – Granted 01/09/2015

Erection of 67 dwellings, new access, car parking, open space, landscaping & associated works

Playing Field at Ysgol Bryn Castell, Llangewydd Road, Bryntirion

P/15/457/DPN – Granted 01/09/2015

Demolition of all buildings within the school site

Ysgol Bryn Castell, Llangewydd Road, Bridgend

NEGOTIATIONS

The applicant/agent was requested to reduce the overall number of residential units being proposed at the site (from 135 to 127 units), increase the level of public open space provision on the site including the creation of a LEAP and LAP, retain more trees on site and improve the design and layout of the scheme whilst also addressing highway safety considerations. The applicant was also requested to submit an Air Quality Assessment for the development.

PLANNING POLICIES

Local Policies

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

Policy PLA1	Settlement Hierarchy and Urban Management
Policy PLA11	Parking Standards
Policy SP1	Regeneration-Led Development
Policy SP2	Design and Sustainable Place Making
Policy SP3	Strategic Transport Planning Principles
Policy SP4	Conservation and Enhancement of the Natural Environment
Policy SP5	Conservation of the Built and Historic Environment
Policy SP14	Infrastructure
Policy SP12	Housing
Policy COM3	Residential Re-Use of a Building or Land
Policy COM7	Protection of Social and Community Facilities
Policy COM11	Provision of Outdoor Recreation Facilities
Policy ENV6	Nature Conservation
Policy ENV7	Natural Resource Protection and Public Health
Policy ENV15	Waste Management in New Development

Supplementary Planning Guidance

SPG 02	Householder Development
SPG 07	Trees & Development
SPG 08	Residential Development
SPG 13	Affordable Housing
SPG 16	Educational Facilities & Residential Development
SPG 17	Parking Standards
SPG 19	Biodiversity and Development

Development Brief for Phase 2

National Planning Policy and Guidance

National planning guidance in the form of Planning Policy Wales (Edition 10 December 2018) (PPW) is of relevance to the determination of this application.

Paragraph 1.30 confirms ... *Development management is the positive and proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding planning applications.*

All development decisions...should seek to contribute towards the making of sustainable places and improved well-being. (Paragraph 2.2 of PPW refers)

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.(Paragraph 2.3 of PPW refers)

Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people. (Paragraph 2.7 of PPW refers)

Green infrastructure can be an effective means of enhancing health and well-being, through linking dwellings, workplaces and community facilities and providing high quality, accessible

green spaces. In all development and in public spaces especially, there should be sensitive management of light, and exposure to airborne pollution should be kept as low as reasonably practicable. (Paragraph 3.23 of PPW refers)

Planning authorities should adopt policies to locate major generators of travel demand, such as housing (amongst others), within existing urban areas or areas which are, or can be, easily reached by walking or cycling, and are well served by public transport. (Paragraph 3.46 of PPW refers)

Previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. (Paragraph 3.51 of PPW refers)

The Welsh Government is committed to reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Delivering this objective will make an important contribution to decarbonisation, improving air quality, increasing physical activity, improving the health of the nation and realising the goals of the Well-being of Future Generations Act. (Paragraph 4.1.8 of PPW refers)

Planning authorities will need to ensure...through the development management process they make the most efficient use of land and buildings in their areas. Higher densities must be encouraged on sites in town centres and other sites which have good walking, cycling and public transport links.(Paragraph 4.2.22 of PPW refers)

Infill and windfall sites can make a useful contribution to the delivery of housing. Proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes. (Paragraph 4.2.23 of PPW refers)

A community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications. (Paragraph 4.2.25 of PPW refers)

Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting. (Paragraph 6.4.25 of PPW refers)

Taking a sustainable approach will mean balancing short-term needs against long-term objectives to reduce public exposure to airborne pollution and giving particular consideration to the presence of air quality management areas, noise action planning priority areas and areas with sensitive receptors when proposing new development and particularly when preparing development plans. It will be important to identify wider mitigation solutions to reduce air and noise pollution and to avoid exacerbating problems in existing air quality management areas or noise hotspots through the provision of green infrastructure identified as part of Green Infrastructure Assessments, by the provision of electric vehicle charging infrastructure or through promoting the need to consider effective design solutions. Planning authorities should work closely with bodies such as the Public Service Boards in the preparation of their well-being plans and seek input from their own

Environmental Health departments. (Paragraph 6.7.10 of PPW refers)

Proposed development should be designed wherever possible to prevent adverse effects to amenity, health and the environment but as a minimum to limit or constrain any effects that do occur. In circumstances where impacts are unacceptable, for example where adequate mitigation is unlikely to be sufficient to safeguard local amenity in terms of air quality and the acoustic environment it will be appropriate to refuse permission. (Paragraph 6.7.14 of PPW refers).

Technical Advice Notes:

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

TAN 2 - Planning and Affordable Housing (2006)

TAN 5 - Nature Conservation and Planning (2009)

TAN 10 - Tree Preservation Orders (1997)

TAN 12 - Design (2016)

TAN 16 - Sport, Recreation and Open Space (2009)

TAN 18 - Transport (2007)

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.

PUBLICITY

Neighbours have been notified of the receipt of the application.

The application was also advertised by means of press and site notices.

The period allowed for response to consultations/publicity expired on 07 June 2019 (following the re-submission of amended plans and additional information).

CONSULTATION RESPONSES

Councillor Carolyn Webster requests that the application should be reported to Development Control Committee for consideration given the size of the application and the comments raised from local residents.

Bridgend Town Council - No objection.

Welsh Water Developer Services – No objections subject to a condition and advisory notes.

Natural Resources & Sustainability Team (Ecologist) - Raises no objection to the revised planning application. It is commented that the applicant has appropriately revised the scheme allowing more consideration to the existing tree stock on the site. On the basis the landscaping scheme is implemented as proposed and conditions are imposed in relation to biodiversity enhancement/management of the site, the submission of an Ecological Construction Method Statement and the provision of a sensitive lighting plan for the development, then no objections are raised.

Waste & Recycling Section - Advise private access roads can limit accessibility by the Council's waste contractor. This may result in residents having to deposit waste and recyclates for collection beside the nearest adopted footpath. The developer should therefore consider provision of suitable collection points to avoid inconveniencing other residents.

Highways Officer - No objections subject to conditions.

Crime Prevention Design South Wales Police - Comment they are generally pleased with the site layout and general advice is provided regarding (amongst others) site layout, landscaping, boundaries, lighting, parking/bicycle stores, green spaces, utilities, bin storage, door and window security and dwelling identification.

Drainage Officer - No objections subject to the imposition of a drainage condition and advisory notes.

Shared Regulatory Services/Public Protection (Land Contamination) - No objection to the scheme although comments are raised that the site has been identified as a former school with associated, electricity sub-station and car-parking. Activities associated with this use may have caused the land to become contaminated and therefore may give rise to potential risks to human health and the environment for the proposed end use. In addition, historical quarrying activity has been identified within close proximity to the site and the nature and extent of any infilling of these sites is unknown. Consequently the inclusion of conditions requiring a contamination assessment and any necessary remediation are requested. Further conditions/advisory notes are recommended in relation to the importation of materials and unstable land.

Shared Regulatory Services/Public Protection (Air Quality) - No objection to the planning application on the basis appropriate mitigation measures are introduced to safeguard air quality.

Natural Resources Wales - No objection.

Glamorgan Gwent Archaeological Trust - No objection to the application. It is advised they have reviewed the Desk Based Assessment prepared by Trysor (dated December 2018) submitted in support of the application. The report notes that there is limited potential to encounter archaeological remains within the proposed development area, specific mention is made of the construction of the former school which required extensive ground disturbance. The report makes an appropriate assessment of the available information and meets the requirements of current professional standards. The report concludes that given the low potential to encounter buried archaeological remains, that there is no need for further archaeological mitigation in this instance. GGAT confirm they concur with the conclusion of the submitted report and as such raise no archaeological objection to the positive determination of this application.

REPRESENTATIONS RECEIVED

The owner/occupier of 1 Glannant Road, supports the proposal.

Objections to the planning application have been received from the occupiers/owners of the following properties:

12 Cefn Coed
19 Cefn Coed
21 Cefn Coed
34 Llangewydd Road
36 Llangewydd Road
37 Llangewydd Road
38 Llangewydd Road
48 Cefn Glas Road
46 Wood Green
5 St Teilos Road
8 West Road
8 Pen y Berllan
12 Pen y Berllan

St Marys Catholic Primary School (observations received from the Head Teacher and Friends of the school).

The objections raised are summarised as follows:

Loss of privacy and amenity

The scheme would affect the light levels reaching the rear of 21 Cefn Coed;
Loss of privacy to number 12 Cefn Coed;
Negative impact on the privacy and enjoyment of 12 Pen y Berllan, with the garden area of this property being overlooked by the new development;
Impact on privacy and existing peace enjoyed in the area with new residents generating noise issues;
Loss of available natural light;
Increase in artificial light.

Construction noise and disruption

There will be an increase in unhealthy noise pollution, especially during construction;
Sleep patterns for shift workers would be disrupted;
Wellbeing and health would be affected;
Noise and disruption during the build process.

Loss of trees

The development involves cutting down established trees;
Wildlife impact and loss of habitat;
Trees support numerous nesting birds on the site;
The scheme should seek to retain the trees on the site;
Loss of trees and green areas would be detrimental to mental health;
BCBC should be responsible for protecting the environment;
Any developer needs to ensure the wildlife continues to thrive on the site so that future generations can enjoy the simple pleasures of seeing wildlife in an urban environment;
The trees surveys undertaken are several years old and should be updated;
Whilst the revised proposal seeks to retain more trees on site which is pleasing, the application includes a proposal to remove all the trees along the boundary adjacent to Pen y Berllan which is not acceptable;
The tree survey identifies the landscape implications from the tree loss to be major, particularly for neighbouring residents;

An up to date bat survey should also be submitted for the development;
The current plans regarding the trees do not comply with Council policy or SPG 07 and SPG 08;
Dwellings being proposed immediately adjacent to a number of properties in Pen y Berllan with the removal of the ecological buffer provided by the existing trees being proposed.

Highway safety concerns

Added traffic on the roads adversely impacting the area;
There is no pavement proposed to the front of 32, 34, 36 and 38 Llangewydd Road which is a safety issue for people including children residing within or visiting the property and a disabled occupant;
The area is dangerously over congested at school start and finish times;
The nearby shops are busy and access is already problematic;
Access to the school and local housing already compromised for emergency services without further traffic;
The development will cause the area to gridlock with the nearby school site already causing congestion particularly at the start and finish of the school day;
The proposed three parking spaces on Llangewydd Road are not acceptable;
High congestion of traffic and commercial vehicles accessing local stores designed and built in the early 50s with inadequate parking facilities;
Many incidences of minor accidents around the community centre and local stores;
The proposed means of access would negatively impact on the four dwellings that flank the means of access into the site;
Whilst the new development would be allocated one car parking space per bedroom the street to be used as the means of access has only been allocated three car parking spaces for four residential properties, which will not be enough;
No pathway for children to walk on to get to school safely;
The existing cul-de-sac development serving 4 dwellings should not be allowed to turn into a through road - the increase in traffic would have a harmful impact on the residents.

Increased demands on local infrastructure

There would be a further increase in the demands of an already overstretched refuse collection service and sewer maintenance;
The area is overpopulated and the schools in the area are already oversubscribed and overcrowded.

Contamination issues

There is Japanese Knotweed on the site;
The rubble of the demolished buildings may contain Asbestos and assurances need to be made that any removal would not present any health and safety implications for nearby residents.

Air Quality

Recent press coverage of air quality pollution on Park Street, Bridgend has burdened BCBC with the responsibility of rectifying this by whatever means they can devise - new housing at the site will further impact the air pollution problem.

The Air Quality Assessment does not identify properties along Pen y Berllan, that fall within 20m of the site, as receptors which is a concern. The report recommends mitigation to reduce the health risk to children in St Mary's School, there is no similar recommendation to protect children playing in the gardens of neighbouring residential properties.

The land should be used for residents leisure use

The area of land next to St Mary's School was bequeathed to residents of the area for their leisure use.

Three storey properties not in keeping with the local area.

The 'Souter/ Windermere' house types that are three storey houses, are not in keeping with the local area.

Drainage

The site is at a higher level than Pen y Berllan and measures must therefore be taken to ensure that the new development does not negatively affect the existing, neighbouring residents, particularly given trees and permeable surfaces would be replaced with tarmac; Run off to Pen y Berllan must be carefully controlled.

Impact and relationship to adjacent school grounds

Compatibility and proximity of row of three dwellings (Plots 88-90) to school grounds is questioned - these plots lie in very close proximity to the school playground;

There is the potential for the school play area to generate noise issues for future residents of the development and thus give rise to complaints to the school;

The proposed residential properties are sited to close to the school MUGA contrary to guidance in the Fields in Trust 'Guidance for Outdoor Recreation and Play – Beyond the 6 Acre standard, Wales (2017) that has been adopted by the Council;

Persimmon have designed in substantial separation distances between the LEAP and residential properties but not between the existing school grounds and the residential properties;

The properties raise issues of overlooking and would be visually prominent from the school grounds and have an overbearing effect impacting on the privacy of the school grounds and that of the schoolchildren (contrary to Policy SP2 (12) of the LDP);

The plots of concern should be replaced by a green space and more tree planting to act as a buffer between the site and the school playing areas and school building. This would also allow for more green space to be created on the site and better meet the requirements of Policy COM 11 of the LDP;

Limited information for the boundary treatment between Plot 90 and the school grounds and clarification should be sought on this matter;

Issues for the safety of children during the construction phase;

Given the proximity to the school (St Mary's Catholic Primary School) this would place a demand from future occupiers for places at the school placing further demands on the existing school infrastructure. There should be appropriate S106 obligations in relation to education facilities negotiated for the site.

As part of this proposal, the strip of land being maintained between the houses and the school premises along the eastern boundary, should be utilised to provide an appropriate parking area for the school. Provision of a parking area would embrace the requirements of the Well Being and Future Generations Act and provide a community benefit not only for the school but the residents of the immediate area, which would contribute to meeting the requirements of Policy SP2 (15) of the LDP;

Careful mitigation is required to control the construction phase and subsequent dust impact on school children as a result of the development;

The revised proposal highlights that construction traffic would utilise the former school site access off Llangewydd Road for a temporary period although this would cause significant safety issues and congestion as it would conflict with school traffic using these roads. The optimal solution is that no construction traffic utilises Llangewydd Road and comes through the new access only;

Clarity is also required on the direction construction traffic is proposed to follow when they exit the site, which shouldn't conflict with school traffic.

COMMENTS ON REPRESENTATIONS RECEIVED

Loss of privacy and amenity

In terms of the specific impact of the scheme on the occupiers of 21 Cefn Coed, which flanks the north western corner of the site, the proposal is considered acceptable. The nearest, proposed residential building to this existing property, following the submission of amended plans, would be orientated at a right angle and sited in excess of 10.5 metres from the main rear elevation of the existing property. A proposed single garage and area of proposed planting would also screen the proposed dwelling from the rear aspect of 21 Cefn Coed with the scheme having no serious overbearing or harmful loss of light impact on this existing property.

12 Cefn Coed is offset and screened from the boundaries of the development site by existing dwellings and their associated rear garden space with the development proposal having no adverse impact on the levels of amenity currently enjoyed by this property.

12 Pen y Berllan is positioned on the northern boundary of the site within the relatively new development that was formed as Phase I of the redevelopment of the former school site (P/15/25/FUL refers). This property is orientated at a right angle to the development site with its primary habitable room windows facing away from the development site. The nearest, proposed dwelling would be erected broadly alongside, to the south of this neighbouring property with comparable building lines. The proposal would therefore have no dominating or direct overlooking impact on this existing property, particularly the main habitable room windows. The submitted information and supporting plans illustrate the scheme would not have such an adverse impact on the existing neighbouring properties, including 12 Pen y Berllan to warrant a recommendation to refuse the planning application in this regard.

Whilst appreciating the level of noise and artificial light levels in the area are likely to increase as a result of the development, residential development is considered a compatible form of development in this locality with the site previously being occupied by a large school building.

Overall, the scheme does not infringe the Authority's privacy standards. Appropriate distances and orientations of properties exist within the proposed development site and in terms of the relationship with existing, neighbouring land uses.

Construction noise and disruption

Inevitably a development of the scale proposed in such close proximity to existing properties is going to result in some inconvenience, general noise and disturbance during the construction period. Nevertheless, this is not a valid reason to justify the refusal of the Planning application with such disturbance being of a temporary nature. Given the scale of development it would, however, be reasonable to impose planning conditions to control the hours of construction and the implementation of a construction traffic management plan throughout the period of construction. Statutory noise nuisance is governed under separate legislation.

Loss of trees

The original planning application proposed a significant level of tree loss on the site however the revised proposal, following a level of negotiation and input from the Council's Ecologist is considered acceptable. The revised proposal, as detailed within the Arboricultural Report dated May 2019, involves a more appropriate level of tree retention including the integration of existing trees on the site into areas of public open space. The majority of trees to be removed from the site to facilitate the development (24 individual

trees) have been assessed as having low or poor quality with an appropriate re-planting and landscaping scheme for the site also being indicated.

The planning application is also accompanied by a Preliminary Ecological Appraisal dated October 2015, an updated Ecological Appraisal dated April 2017 and a Reptile Report dated December 2018. The reports highlight that to facilitate the development appropriate mitigation measures should be implemented, including the appropriate timing of works to minimise impacts on breeding birds, appropriate tree retention, monitoring and retention of the bat boxes on the site and the translocation of any reptiles found on the site. The Council's Ecologist and Natural Resources Wales have carefully considered all the supporting documentation and evidence submitted with the planning application and raise no objections against the proposal.

Highway safety concerns

Following careful consideration of the Planning application and the comments raised by the local residents, the Highway Officer has raised no objections against the Planning application. The highway safety aspects of the scheme are further addressed in the Appraisal Section of this report.

Increased demands on local infrastructure

It is acknowledged new development often creates a need for additional or improved community services and facilities without which the development could have an adverse effect upon amenity, safety, or the environment. Planning obligations are legally binding agreements between a local authority and a developer/landowner and are the means through which these deficiencies are to be mitigated. In this respect and as further detailed in the Appraisal Section of this report, appropriate contributions in relation to education, affordable accommodation provision, open space and highway infrastructure are being sought from the developer which are considered reasonable and fair in this instance.

It is also acknowledged that the Council's Waste & Recycling Section, Welsh Water and the Council's Land Drainage Section have raised no objections against the planning application.

Contamination issues

The Council's Shared Regulatory Services (Land Contamination) Section have considered the matter of contamination on the site and raised no objection against the proposal. Conditions are advised to be attached to any planning consent to ensure an assessment of the nature and extent of any contamination on site including appropriate mitigation.

Air Quality

Following careful consideration and negotiation, and the submission of an Air Quality Assessment, the Council's Specialist Services Officer (Shared Regulatory Services - Air Quality) raises no objection against the planning application. Subject to a number of mitigation measures which the applicant is committed to implementing that include:

- *The provision of a ghost island on Park Street onto Heol y Nant to reduce congestion and hence pollution;*
- *The inclusion of the link to the active travel network including a 3 metre wide cycle/pedestrian route (encouraging a modal shift away from cars);*
- *A travel plan including details of public transport, active travel routes and potentially any car sharing opportunities in the area; and*
- *The provision of green infrastructure through a detailed landscaping scheme with the inclusion of tree, hedgerow and shrub planting,*

the proposal is considered acceptable in this respect, as further discussed in the Appraisal Section of this report.

The land should be used for residents leisure use

The application site comprises a brownfield site that was formerly occupied by a large school premises. The site is allocated solely for residential purposes in the BLDP and in land use planning terms residential use that also incorporates areas of public open space represents an appropriate and compatible use of the site. Any matter in relation to historic rights or covenants restricting the site to a leisure use are not planning issues for the Committee to consider. The Council's Property Section have also confirmed they are not aware of any such restriction on the application site. In any event the Local Planning Authority must determine the application submitted and not any other alternative development.

Three storey properties not in keeping with the local area.

The application proposes the erection of three link properties of the 'Souter/Windermere' house type that comprise roof dormers to their front roof planes. Erected to the north eastern corner of the development site in close proximity to a three storey building on the adjacent Barratt's site (Phase 1) these properties are considered visually acceptable and will not have such an adverse impact on the visual amenities of the area to warrant a recommendation to refuse the planning application.

Drainage

The Council's Land Drainage Section, Welsh Water and Natural Resources Wales raise no objections against the proposal although a condition to ensure a comprehensive and integrated drainage scheme for the development is recommended.

Impact and relationship to adjacent school grounds

On balance, the relationship and impact of the proposed development on the adjacent school grounds is considered acceptable and compliant with the requirements of Policy SP2 of the BLDP. The row of three dwellings (Plots 88-90) sited in closest proximity to the rear of the school grounds would be orientated at a right angle to the school premises with only a small obscurely glazed bathroom window being positioned within the side elevation of this row of dwellings. A recommended condition, should Members be minded to approve the scheme, would ensure this small window remains non-opening and obscurely glazed in perpetuity to prevent any adverse overlooking of the school site. There is also an existing three storey building in close proximity to the school grounds on the adjacent Pen y Berllan development and it is not uncommon for dwellings to be sited close to school grounds. Any future occupiers of the new dwellings would also be fully aware of the situation and relationship of the dwelling houses to the school site. An existing tree line/boundary planting also exists along the western boundary of the school site which adds a level of screening between the development site and the school grounds and an appropriate boundary treatment (secured by means of a planning condition) would further define and form a solid buffer between the sites. Guidance quoted in relation to the proximity of the school MUGA (Multi Use Games Area) to residential properties is noted although given the existing site context and relationship between the sites in this instance as highlighted, on balance, the scheme is unlikely to have such an adverse impact on the school premises to warrant the refusal of the planning application in this regard.

In terms of issues for safety of children during the construction phase, this would be a matter for the developers to monitor and ensure there is no risk to the school children by appropriately safeguarding and erecting necessary boundary fencing and ensuring the security of the site for example during the construction phase. Conditions are however suggested in relation to the hours of operation of the development and in relation to the

control of construction traffic during the construction phase of the development.

The supporting information submitted with the planning application, including the Construction Management Plan and the Air Quality Assessments have been carefully considered by the Council's Shared Regulatory Service Officers and no objections have been raised against the planning application in this regard. A priority dust mitigation zone would be employed during the construction phase of the development along the eastern side of the application site adjacent to the school premises. In this area of the application site, dust generating activities must be avoided during the construction phase of the development.

Appropriate S106 obligations in relation to Education facilities have been negotiated for the site to reflect the requirements and needs of local school infrastructure as discussed further in the Appraisal Section of the report.

The request to provide a school parking facility upon the strip of land being maintained between the proposed new houses and the adjacent school site is noted and whilst numerous Legal Obligations are being sought from the developer, the provision of a school car park is not considered a reasonable or fair request in this instance that meets the requirements of Policy SP14 of the BLDP and Circular 13/97 Planning Obligations.

The revised application highlights that for a temporary period the existing/former school access would be utilised to access the site whilst the main, proposed means of access to the site is being constructed. Following discussion and consideration of this matter with the Highways Officer it is considered reasonable to allow the use of the former school access point, on a temporary basis only, to access the development site during the early stages of construction works. A condition is however recommended to ensure that there is no construction traffic accessing or egressing the site during peak times (so as not to conflict with the school opening and closing times). Conditions are also suggested to ensure an appropriate route is clarified and agreed, in terms of the direction of construction traffic, and a reasonable timescale is agreed for the use of the temporary construction access to the satisfaction of the Local Planning Authority.

APPRAISAL

The application is reported to Development Control Committee in view of the level of objection received from local residents and at the request of the Local Member.

The proposal seeks full planning permission for the erection of 127 residential units on the former school site, known as Ysgol Bryn Castell, Cefn Glas. The scheme proposes a mix of house types with associated parking, garages, infrastructure and areas of public open space across the site. Access would be gained from the south west of the site, off Llangewydd Road.

The key issues to consider in the determination of this application are

- the principle of the development,
- the impact of the development on the visual amenities of the existing locality,
- the impact on neighbouring amenity levels,
- air quality impact,
- the potential implications of the development on the surrounding highway network, highway safety and whether sufficient parking facilities can/are being provided,
- ecology and tree loss,
- land drainage,
- whether contributions need to be secured through a Section 106 Legal Agreement to mitigate the impact of the development and to comply with policy.

The Principle of the Development

Planning Policy Wales (Edition 10, December 2018) advises that in line with the presumption in favour of sustainable development, planning applications must be determined in accordance with the adopted plan (development plan for the area) unless material considerations indicate otherwise.

The Bridgend Local Development Plan 2013 (LDP) is the adopted plan for the area with the application site being located within the development settlement boundary as defined by Policy PLA1 Settlement Hierarchy and Urban Management of the LDP. Policy PLA1 states that development in the County Borough will be permitted where it provides the maximum benefits to regeneration at a scale that reflects the role and function of the settlement. Policy COM3 Residential Re-Use of a Building or Land states that residential developments within settlement boundaries defined in 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 site is also allocated specifically for residential development under Policy COM 2 (7) Residential Allocations outside the Strategic Regeneration Growth Areas and is not subject to any specific policy constraints. The principle of the development is therefore compliant with the key requirements of the LDP, the scheme providing a valuable contribution to the Borough's housing needs and contributing to the Authority's strategic aim of providing 9,690 new dwellings in Bridgend County Borough up to 2021.

Paragraph 3.51 of PPW10 also advises that previously developed land such as this site should, wherever possible, be used in preference to greenfield sites where it is suitable for development and, in settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome.

Furthermore, in September 2016, the Development Control Committee endorsed the Ysgol Bryn Castell, Development and Planning Brief – Phase 2 that is a material consideration in the determination of this planning application. The approved Development and Planning Brief – Phase 2 sets an overview for the potential offered by the site and sets out a series of development principles and parameters to give certainty over the form, scale and character of development that could be achieved at the site. The Development and Planning Brief states *The site has been identified (phase 2) as having the potential for between 120-130 dwellings (based on a development density of 35 dwellings per hectare)*. The principle of the proposed development is therefore of a scale and nature that accords with the requirements of the approved Development and Planning Brief.

LDP Policy COM 7 seeks to protect community facilities including educational establishments, however, in this case, the former school use has ceased and all buildings demolished and it is not considered that this policy is applicable in this case.

The surrounding area to the north, south and west is dominated by residential properties and the development of the site for residential purposes is, in principle, compatible with neighbouring uses and represents a sustainable and appropriate use of the existing brownfield site. In addition, for a 3.7 hectare site the provision of 127 units broadly conforms to Policy COM4 of the Local Development Plan that requires a density of 35 dwellings per hectare.

Visual Impact

Policy SP2 of the BLDP establishes the criteria for acceptable design and sustainable

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

Following a level of negotiation and discussion and the submission of a design and access statement that aims to demonstrate that the development is justified and would not have a detrimental impact on the surrounding area, the application proposes the construction of a mixture of detached, semi-detached and link properties that would not appear so out of character with the locality so as to be detrimental to the visual amenities of the area.

In detail, the scheme proposes the construction of a total of 127 residential units of a traditional two-storey building design with the exception of three units (Windermere house type) that would incorporate roof dormers to their front roof slopes. These three 2.5 storey units would be erected in close proximity to an existing three storey development on the adjacent Barratt Home's site (Pen y Berllan) which abuts the northern boundary of the application site.

Figure 3 – Elevation details of the Windermere house type.



The remaining two, three and four bedroom units would all have a two storey design that is reflective and in keeping with the style and general appearance of the majority of the existing residential properties that surround the application site.

The layout of the scheme establishes a primary spine road traversing the site from the proposed point of access off Llangewydd Road in the southwest corner of the site across the site to its eastern boundaries. From the main route through the site a number of secondary private drives would be formed. The largest area of public open space on the site including the provision of a LEAP would be created along the southern boundary of the site and incorporate a number of mature trees that currently exist in this area. Two smaller areas of public open space (including a LAP) would be created further north on the site in closer proximity to the Phase 1 Barratt's Development (Pen y Berllan). It is detailed the existing pedestrian and cycle link would be extended from Pen y Berllan into the application site in close proximity to the area of public open space. A further active travel route (pedestrian and cycle link) would be created towards the front of the site adjacent to the site access and a further pedestrian and cycle link into and from the site would be created towards the southern boundary of the site (opposite 29 Llangewydd Road).

Figure 4 – Proposed Street Scene facing Llangewydd Road



The proposed layout is considered to form a reasonable and appropriate level of amenity for future occupiers of the properties with an appropriate relationship being formed between the built form, highways infrastructure and both public and private amenity spaces across the site. The development would arguably form a new residential estate with its own character and identity whilst at the same time integrating with its existing surroundings. The discussions held with the applicant have aimed to retain as much as reasonably possible, the visually pleasing tree lines that run along the periphery of the site, particularly the south and south/western boundaries along Llangewydd Road. The submission of amended plans has ensured the retention of much of the tree line along the southern boundary of the site and the replanting of replacement trees where a grouping of trees are to be removed. The retention and replacement planting scheme for the site would therefore facilitate the integration of the new development with its existing surroundings with the scheme not raising such adverse visual amenity concerns to warrant a recommendation to refuse the planning application in this regard.

Conditions are however attached to the recommendation requiring additional detailed specifications/samples of the materials/finishes proposed for the development and the means of boundary treatments to ensure the proposal successfully assimilates with its surroundings, without an unreasonable adverse impact on the surrounding character and appearance of the area.

Overall, it is therefore considered the proposed development accords with Policy SP2 of the LDP in terms of safeguarding visual amenities.

Impact on Neighbouring Amenity

Having regard to the submitted layout, elevation and cross section plans, including the size of the site, its' characteristics and level of screening/planting and the scale parameters of the dwellings, it is considered that the site is capable of accommodating a substantial number of residential units which would benefit from a reasonable degree of amenity and include necessary highway requirements such as access and off-street parking. This can be achieved without unreasonably affecting the amenities of neighbouring properties, particularly with regards to dominance and loss of light, outlook and privacy.

Strategic Policy SP2 relates to design and sustainable place making and the proposed scheme should comply with the criteria of Policy SP2 of the BLDP. Policy SP2 states *All development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment.* The policy continues by listing fifteen relevant criteria all development proposals should meet with criterion 12 stating that it should be ensured

that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected by new development.

The formally adopted Supplementary Planning Guidance (SPG) 02 - Householder Development (adopted on 12/12/2008), sets out objectives that define development that is likely to be acceptable. Whilst the SPG relates to householder development it is considered that the principles of the SPG are generally relevant to this application.

The layout originally submitted has been significantly amended by the applicant to, amongst other reasons, take account of concerns raised about the positioning of the individual units and the possible impact on the amenity of adjacent residents. Furthermore, during the processing of the application the applicant was requested to submit cross sections through the northern area of the site to demonstrate the impact of the new development on the existing properties on the adjacent Pen y Berllan site. The submitted information and supporting plans illustrate the scheme would not have a significant adverse impact on the existing neighbouring properties.

Pen y Berllan, the relatively new residential site that abuts the north of the application site, is generally set on a marginally lower land level than the application site that falls away from the level of the proposed dwellings however, the plots proposed in this area of the development (along the northern boundary) generally follow the building lines and siting of the existing plots and would not be so significantly elevated to appear dominating or overbearing on the existing properties. Plots orientated at a right angle to the existing properties would benefit from rear garden spaces in excess of 10.5 metres (in line with Council guidance) to not harmfully overlook the existing properties, with no habitable room windows within the proposed development adversely overlooking the properties to the north of the site within Pen y Berllan.

To the south, existing properties would be offset from the development site by the existing vehicle and pedestrian highway known as Llangewydd Road with a number of existing tree lines along this boundary also being retained and enhanced as part of the proposal, which would further ensure none of the proposed properties infringe on the privacy and level of amenity currently enjoyed by properties along Llangewydd Road to the south of the development site.

To the west - north/west the application site is predominantly adjoined by further residential properties (along Llangewydd Road, St Johns Road and Cefn Coed) although the development incorporates appropriate offsets and separation distances to prevent the scheme raising any overbearing, overshadowing or loss of privacy concerns. The means of access to the site is proposed via an extension to the cul-de-sac of four properties along Llangewydd Road (Nos 32 -38), which is in accordance with the Development Brief that has previously been approved for the site (September 2016) and does not raise serious amenity issues.

To the eastern side of the application site is St Mary's Catholic Primary School. An existing, relatively mature tree line along the western boundary of the school site provides a level of screening between the sites. An area of land that falls outside the red line boundary submission is also being retained between the boundaries of the front aspect of the school site and the development site which would form a further buffer between the two sites. It is fully acknowledged that an end of link property (Plot 90) would be developed in close proximity to the rear school yard and associated playing area. This property would however be orientated at a right angle to the school grounds with its predominantly blank, gable elevation facing the school yard. One small first floor bathroom window would be positioned within the gable end of this building although this would be obscurely glazed in nature (and conditioned to be non-opening) to prevent any adverse overlooking of the school grounds.

An appropriate boundary scheme (controlled by condition) along the eastern boundary of Plot 90 that could include the provision of a solid, high fence and a level of landscaping where appropriate, could further reduce the impact of the building on the school grounds and ensure that an acceptable relationship is retained. With the school also benefitting from a substantial play area and amenity space that would remain largely unaffected by the proposal, on balance, it is considered the scheme would not have such a harmful impact on the existing school premises to warrant a recommendation to refuse the planning application in this regard.

Accordingly, it is considered that the proposed development will have no significant adverse impact on the residential amenities of existing neighbouring properties and uses and accords with Policy SP2 (12) of the LDP (2013) and the Council's Supplementary Planning Guidance SPG02: Householder Development.

Air Quality Impact

Policy SP4 of the LDP promotes the conservation and enhancement of the natural environment. The Policy illustrates that development proposals will not be permitted where they have an adverse impact upon the quality of natural resources, including water air and soil.

Policy ENV7 of the LDP states that development proposals will only be permitted where it can be demonstrated that they would not cause a new, or exacerbate an existing, unacceptable risk of harm to health, biodiversity and/or local amenity.

Paragraph 6.7.1 of PPW10 suggests clean air and an appropriate soundscape, contribute to a positive experience of place as well as being necessary for public health, amenity and well-being. They are indicators of local environmental quality and integral qualities of place which should be protected through preventative or proactive action through the Planning system.

Paragraph 6.7.14 of PPW10 states that proposed development should be designed wherever possible to prevent adverse effects to amenity, health and the environment but as a minimum to limit or constrain any effects that do occur.

An Air Quality Assessment (AQA) has been undertaken to ascertain the likely air quality impacts associated with the proposed development through its construction and operational phases.

Following the submission and review of the original AQA (April 2019) by Shared Regulatory Services it was deemed necessary for the applicant to expand the AQA (June 2019) and submit an emissions mitigation statement (EMS).

For the construction phase of the proposed development, a high risk has been identified with respect to dust as a result of construction phase activities (Earthworks, Construction & Trackout). Persimmon Homes West Wales has produced a Dust Emission Control Plan (April 2019) which outlines key measures to control any dust generating activity associated with the proposal. Having reviewed this documentation Shared Regulatory Services are satisfied that the suggested mitigation measures will look to offset and suppress the high risk concerns expected with the proposal. It is therefore essential that this Dust Emission Control Plan is utilised as a control document during the construction of the proposal to alleviate concerns associated with dust, with a recommended condition ensuring the development proceeds in line with the Dust Emission Control Plan.

For the operational phase of the development, the report utilises detailed dispersion modelling (ADMS- Roads) to predict whether existing and future residents will be made

susceptible to any adverse changes in air quality levels, particularly focusing upon transport derived nitrogen dioxide (NO₂) and particulate matter (PM₁₀ & PM_{2.5}).

Bridgend's Park Street Air Quality Management Area (AQMA) was established due to elevated and exceeding levels of annual mean nitrogen dioxide. Sensitive receptor R5 lies within the boundary of the AQMA, and it is apparent from the modelling undertaken that annual mean NO₂ levels are forecast to worsen with the proposed development in place. Without the guarantee of sufficient mitigation measures local residents occupying the Park Street AQMA will be made susceptible to worsened air quality.

The AQA specifically outlines a number of proposed mitigation measures which the applicant is committed to implementing to help minimise the impact of the development on air quality and reduce pollution concentrations off-site. The mitigation measures include:

-The provision of a ghost island on Park Street onto Heol Y Nant to reduce congestion and hence pollution;

-The inclusion of the link to the active travel network including a 3 metre wide cycle/pedestrian route (encouraging a modal shift away from cars);

-A travel plan including details of public transport, active travel routes and potentially any car sharing opportunities in the area; and

-The provision of green infrastructure through a detailed landscaping scheme with the inclusion of tree, hedgerow and shrub planting.

These measures would be implemented prior to the first occupation of the dwelling houses with the proposed LEAP and LAP areas being implemented prior to the occupation of the 50th dwelling on site should planning permission be granted. On the basis the mitigation measures are fully implemented and a condition is attached to any approved consent to ensure the applicant provides evidence of how the mitigation scheme will provide positive benefits to air quality at identified sensitive receptors within the Park Street AQMA boundary, on balance, Shared Regulatory Services raise no objection against the planning application.

Having considered the public protection impacts of the proposed development, particularly on the nearby AQMA at Park Street, it is considered that, through the implementation appropriate mitigation measures, the scheme would not have a significant and detrimental impact on the environment and air quality to such a degree to warrant the refusal of the planning application. It is considered the proposal accords with Policies SP2 and ENV7 of the Bridgend County Borough Council Local Development Plan (2013) and advice contained within Planning Policy Wales 10 (December 2018).

Highway Safety

Following careful consideration of the planning application and the letters of concern raised against the planning application by neighbouring residents as earlier detailed, the Highway Authority have raised no objection against the proposal.

The Highway Authority comments this proposal has been supported by a Transportation Assessment (TA) which indicates that the development would not generate additional vehicle movements on the local highway network to such a level that would be detrimental to the free flow of traffic. It also indicates that the volume of traffic generated in the peak hours is not considered to be a significant intensification of existing traffic levels on Llangewydd Road, Heol y Nant and the A473/Park Street.

In order to validate the developers TA conclusions, the Highway Officer instructed the external transport consultants Redstart to audit the TA. Redstart highlighted a number of points the developers' TA had not addressed which mainly consisted of the lack of active travel and public transport provision. These concerns have been addressed by the Highway Authority through the imposition of suitable planning conditions.

Redstart concluded the audit with the following statement *based on the size of the development and the detail provided within the Transport Assessment/planning layout drawing PL03 rev G, the proposal is generally acceptable in traffic and transportation terms.* This was further caveated with improvements to the walking and cycling provision for the area.

Notwithstanding the above, in 2016 a Development Brief was prepared and supplemented by a Transport Assessment (TA) for the site. That TA concluded that the junction of A473 /Park Street – Heol y Nant failed in its capacity to support the additional traffic generated by the development, without further highway improvements. The introduction of a right hand holding/turning lane was considered necessary at that time, whilst the TA to support this application does not come to the same conclusion.

However, the Highway Officer's highway safety concerns remain with the current junction arrangement. In addition it is also noted from an Air Quality Management perspective, the through flow of traffic on the A473/Park Street – Heol y Nant junction is fundamental to the acceptability of this application to reduce the impact of the additional traffic on local air quality. Therefore, the provision of a scheme to provide a right hand holding/turning lane to be secured through the imposition of a planning condition is required.

As a result of the above it is considered appropriate to request highway junction improvements and also request conditions to address the requirements of national and local policy. In addition, a construction traffic management plan and an internal traffic calming scheme will be required.

The developer will also be required to enter into a Section 106 Agreement to fund a financial contribution of £8,000 for a 20mph Traffic Order to cover the cost of publication of the Order prior to the granting of any consent.

In view of the above the development is considered acceptable in highway safety terms.

Ecology and Tree Loss

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"

Paragraph 6.4.25 of PPW10 advises that planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality or perform a beneficial and identified green infrastructure function. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.

The planning application is accompanied by a Preliminary Ecological Appraisal dated October 2015, an updated Ecological Appraisal dated April 2017 and a Reptile Report dated December 2018.

The reports highlight that all onsite buildings have now been demolished on site (with several done so under ecological supervision). There is a large rubble pile to the south of the site where the school sports hall originally stood, with smaller rubble piles across the site. The fence line bounding the site to the north is now a close-boarded wooden fence running along the new residential development. The grassland areas are now unmanaged on the site. The bat boxes installed on site (3 in total) as mitigation for the loss of the roosts within the demolished school buildings have been checked and there was no evidence of any bat use although there is evidence of use by roosting birds.

The reports conclude that following the demolition of the buildings the overall ecological value of the site has not changed significantly with there remaining habitat suitable for use by reptiles and breeding birds and mitigation measures are present for bats. To facilitate the development, appropriate mitigation measures should be implemented, including the appropriate timing of works to minimise impacts on breeding birds, retention of tree lines, monitoring and retention of the bat boxes on the site and the translocation of any reptiles on site. The Council's Ecologist and Natural Resources Wales have carefully considered all the supporting documentation and evidence submitted with the planning application and raise no objections against the proposal.

The originally submitted planning application proposed a significant level of tree loss on the site (60 individual trees and three groupings of trees originally being proposed to be removed). However, following a level of negotiation and discussion with the Council's Ecologist, the revised submission seeks to retain a greater number of trees and tree groups on site which is considered more acceptable. The revised proposal, as detailed within the Arboricultural Report dated May 2019, involves a more appropriate level of tree retention including the integration of existing trees on the site into areas of public open space. The majority of trees to be removed from the site to facilitate the development (24 individual trees) have been assessed as having low or poor quality with an appropriate re-planting and landscaping scheme for the site also being indicated. Importantly, much of the tree grouping that exists along the southern boundary of the site and protected under BCBC

Tree Preservation Order No.3 (1954) would be retained and integrated into the new development with an area of Public Open Space also being created within this area of the development. None of the three high priority trees on site that are the most desirable for retention are to be removed. The three trees containing bat boxes (positioned on site following the demolition of the school buildings as a mitigation measure), albeit the most recent survey of these boxes found no evidence of bats using these features, would also be retained.

On the basis of the submitted documents and the revisions undertaken to the scheme, the Council's Ecologist does not object to the application however, he considers the tree felling should be limited to an absolute minimum and trees to be retained should be protected during the course of the construction period. Furthermore, conditions are attached to the recommendation to secure the following:

- An Ecological Construction Method Statement to show how wildlife will be protected during works, and shall include the reptile mitigation strategy. This plan should include who is responsible for implementation;
- A 5-year Biodiversity Management Plan for all habitats within the site boundary which will aim to ensure that retained and newly created habitats are managed appropriately and become suitably established. This Plan should include who is responsible for implementation;
- A sensitive lighting plan showing how lighting will not impact upon sensitive habitats, especially where the bat boxes are located;
- A Biodiversity Enhancement Strategy incorporating measures to enhance wildlife opportunities throughout the site.

In conclusion, the revised proposal seeks to retain as far as reasonably possible, the majority of existing trees and tree groups that are primarily worthy of protection on a site that is of limited ecological interest whilst also allowing the development to proceed. Therefore, it is considered that, overall, there will be no significant adverse residual impacts on the natural environment and biodiversity provided that the suggested conditions are attached to the recommendation. The development therefore accords with Policies SP2, SP4, ENV5 and ENV6 of the LDP and advice contained within SPG07 and SPG19, Planning Policy Wales 10 (December 2018) and TAN5.

Drainage

In terms of foul drainage from the site, Dwr Cymru/Welsh Water (DCWW) has previously been informed of the proposed development and responded through the formal pre-application consultation process as a Statutory Consultee.

DCWW advise that there is no objection to the development subject to standing advice.

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site and there are no issues with water supply at this site.

The Council's Land Drainage Team and Natural Resources Wales have also carefully considered the planning application and raise no adverse concerns with this brownfield development in this regard. A condition is suggested however to ensure that no development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how road and roof/yard water will be dealt with, including future maintenance requirements is first submitted to and approved by the Local Planning Authority. The development would then proceed in accordance with the agreed drainage details.

Section 106 Requirements

Policy SP14 of the LDP requires applicants to provide planning obligations or contributions if they are necessary to offset any negative consequences of the development and/or help to meet local needs and priorities.

Due regard is also given to the Development Brief for the site that was approved by the Development Control Committee for use as a material consideration in the determination of future planning applications at the site in September 2016.

In this respect, as a proposal for over 5 units the proposal triggers Policy COM5 Affordable Housing which requires an appropriate element of affordable housing. The site is located within the Bridgend housing sub-market where a target of 20% applies, which would equate to 25 dwellings. As stated in the Development Brief, a financial contribution has been deemed to be the most appropriate form of meeting the affordable housing need in this instance. In accordance with SPG13: Affordable Housing, a sum of £1,414,644 has been calculated as the equivalent of on-site provision.

In accordance with the formula in SPG16: Educational Facilities & Residential Development, the following number of pupils will be generated by a scheme of 127 dwellings:

- 6 Nursery places
- 12 Infant School places
- 16 Junior School places
- 23 Secondary School Places
- 5 Post-16 places

The site lies within the catchment of Cefn Glas Infant, Llangewydd Junior and Bryntirion Comprehensive schools and the Development Brief (2016) identified a need for a contribution to Primary School places based on capacity issues at that time.

Notwithstanding the above, capacity at Primary level is no longer an issue however, there are now capacity issues at Bryntirion Comprehensive School and in light of this and to account for the updated school numbers, a contribution of £541,111 has been calculated in accordance with SPG16 to provide additional Secondary school and post-16 places within the catchment.

Policy COM11 requires the provision of satisfactory standards of open space from all residential developments which is defined as 2.4ha per 1,000 people to consist of a combination of outdoor sport, children's play space, amenity space and/or allotment provision. In this context, the inclusion of areas of public open space is welcomed on the submitted layout plan for the development (approximately 2,500 square metres being provided) with the application also proposing the retention and enhancement of a number of the existing vegetation and tree lines that are situated on the periphery of the site.

The Development Brief for the site sets a requirement based on Policy COM11 Provision of Outdoor Recreation Facilities for the provision of on-site children's play facilities within this element of the scheme. Following negotiation, the applicant has proposed the provision of a LEAP and LAP on site. An appropriately worded planning condition is attached to the recommendation to secure this element of the development and to ensure the design and size of these facilities. Following discussions with the Parks Section of the Council, it has been confirmed that BCBC would adopt the proposed play areas on the proviso that they are constructed to their approval and fully equipped. The Council's Finance department confirmed the contribution secured from the first phase of the development (from the

adjacent Barratts site) can be used towards the maintenance of the LEAP and LAP on Phase II (£31,490).

CONCLUSION

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

The development can contribute to creating a high quality, attractive, sustainable place compatible with the surrounding area and Policy SP2 of the Local Development Plan.

Legislation and national planning policy dictates that planning applications must be determined in accordance with the approved development plan unless material circumstances suggest otherwise. In this case, notwithstanding the objections received, it is considered that, on balance, there are no material reasons why planning permission should be refused. The development proposal represents an appropriate residential development on a site specifically allocated for residential purposes by the Bridgend Local Development Plan. The scheme is also in compliance with the approved Development Brief that has previously been approved for the site.

RECOMMENDATION

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

- i. Provide a financial contribution of £1,414,644 in accordance with Supplementary Planning Guidance (SPG13): Affordable Housing towards meeting the affordable housing need in the locality of the development site.
- ii. Provide a financial contribution of £541,111 in accordance with the Educational Facilities Supplementary Planning Guidance (SPG) formula towards the provision of additional Secondary school and post -16 places serving the development.
- iii. Provide outdoor recreation space in accordance with Policy COM11 of the Bridgend Local Development Plan with arrangements for future management and maintenance to be agreed in writing by the Council.
- iv. Provide a financial contribution of £8,000 to fund a Road Traffic Order to designate the development site as a 20mph zone.

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

1. The development shall be carried out in accordance with the following approved plans and documents:
 - Planning Layout - Draw.no. PL03 Revision G received 21 May 2019
 - Engineering Planning Sheet 1 – Draw.no. 10193-100-01 Rev H received 21 May 2019
 - Engineering Planning Sheet 2 – Draw.no. 10193-100-02 Rev G received 21 May 2019
 - Detailed Soft Landscape Proposals – Draw.no. TDA.2435.01 Sheet 1 received 21 May 2019
 - Detailed Soft Landscape Proposals – Draw.no. TDA.2435.01 Sheet 2 received 21 May 2019
 - Site Sections – Draw.no. SS01 Rev A received 21 May 2019
 - Street Elevation – Draw.no. SE01 received 23 May 2019
 - Plans and Elevations Lockwood house type – Draw.no. CCA-WD10 received 21 May 2019

Plans and Elevations Windermere house type – Draw.no. SU-WD10 received 21 May 2019
Plans and Elevations Coniston house type – Draw.no. CD-WD10 received 21 May 2019
Plans and Elevations The Alnwick house type – Draw.no. AN-WD10 received 21 May 2019
Plans and Elevations Barton house type – Draw.no. HB-WD10 received 21 May 2019
Plans and Elevations Derwent house type – Draw.no. HT-WD10 received 21 May 2019
Plans and Elevations (planning) - Draw.no. 0993 CT-WD10 received 21 May 2019
Plans and Elevations (planning) - Draw.no. 1114-WD10 received 21 May 2019
Single/Double Garage plans & elevations – Draw.no. – SGD-01 received 21 May 2019

Arboricultural Report (May 2019) undertaken by Arboricultural Technician Services (Tree Consultancy Services) received 21 May 2019.

Air Quality Assessment 'Former site of Ysgol Bryn Castell', June 2019, undertaken by Phlorum – received 25 June 2019.

Construction Method Statement received 21 May 2019.

Site Waste Management Plan dated April 2019, received 21 May 2019.

Dust Emission Control Plan dated April 2019, received 21 May 2019.

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

2. Notwithstanding the requirements of condition 1, no development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

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

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

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

4. 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 the beneficial use of any of the dwellings commencing.

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

5. No development shall take place until an Ecological Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall provide full details of the works undertaken including construction timescale, details of the means of avoidance and mitigation of any impacts on the species and habitats recorded within and adjacent to the development site. The development shall thereafter be implemented in accordance with the approved Ecological Construction Method Statement. The Ecological Construction Method Statement shall include the reptile mitigation strategy, and who is responsible for its implementation.

Reason: In the interests of biodiversity and nature conservation.

6. The landscaping works shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of biodiversity.

7. A 5 year landscape management plan, including management responsibilities and maintenance schedules for all habitat and landscaped areas, other than domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of any of the dwellings on the site. The landscape management plan shall be carried out as approved.

Reason: In the interests of biodiversity.

8. Prior to the beneficial use of the site, a biodiversity enhancement strategy incorporating measures to enhance wildlife opportunities throughout the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out as approved and retained in perpetuity.

Reason: In the interests of biodiversity.

9. Notwithstanding the requirements of condition 1, prior to the occupation of the dwellings hereby permitted, a lighting design strategy for biodiversity for the development site shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy in perpetuity.

Reason: In the interests of biodiversity.

10. All the trees and planting shown on the landscaping details as "to be retained" shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

Reason: In the interests of biodiversity.

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

08:00 hours to 18:00 hours Mondays to Fridays

08:00 hours to 13:00 hours on Saturdays

No work shall take place on Sundays or Bank Holidays.

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

12. Notwithstanding the requirements of condition 1, the first floor window opening positioned within the east facing side elevation of Plot 90 (facing St Mary's Roman Catholic School) shall be fitted with fixed pane / obscure glazing to a minimum of Level 5 on the Pilkington index of obscurity and be non-opening. The window shall be fitted prior to the beneficial use of the dwelling hereby approved (Plot 90) commencing and shall then be retained in perpetuity.

Reason: In the interests of safeguarding privacy and general amenities.

13. Notwithstanding the requirements of condition 1 and 3 no development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment (including soft landscaping) to be implemented and a timetable for its implementation along the eastern boundary of Plot 90 (facing St Mary's Roman Catholic School). Development shall be carried out in accordance with the agreed plan and timetable and thereafter retained in perpetuity.

Reason: To ensure that the general amenities of the area are protected and to safeguard privacy levels.

14. Notwithstanding the requirements of condition 1, any first floor window openings positioned within the north facing, side elevation of Plot 66, (facing 23 Pen y Berllan) shall be fitted with fixed pane / obscure glazing to a minimum of Level 5 on the Pilkington index of obscurity. The window shall be fitted prior to the beneficial use of the dwelling hereby approved (Plot 66) commencing and shall then be retained in perpetuity.

Reason: In the interests of safeguarding privacy and general amenities.

15. No development shall take place until there has been deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that any retaining wall necessary due to differences in levels including that having an influence on the highway will be designed and constructed so as to prevent subsequent ground movement. Any retaining wall shall then be constructed in accordance with the agreed details prior to the development being brought into beneficial use and thereafter retained and maintained in perpetuity.

Reason: In the interests of public and highway safety.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) the integral garages and detached garages to the individual plots shall be retained as such at all times and shall not be converted into living accommodation or business usage.

Reason: To ensure the retention of adequate off-street parking space and minimise on-street parking in the interests of highway safety.

17. Notwithstanding the requirements of condition 1, no works shall commence on site until full details of the design, layout and appearance of the proposed Local Equipped Area for Play (LEAP) and the Local Area for Play (LAP) hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

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

18. Prior to the commencement of the construction phase 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. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:
- i. 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. The desk study shall establish a 'Conceptual Site Model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
 - ii. an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
 - iii. an assessment of the potential risks to:
 - human health,
 - groundwaters and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops livestock, pets, woodland and service lines and pipes,
 - ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)
 - iv. an appraisal of remedial options and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

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.

19. Prior to the commencement of the construction phase of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

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

20. The remediation scheme approved by condition 19 must be fully undertaken in accordance with its terms prior to the occupation of any part of the development. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

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

21. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop and no further development shall take place until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

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

22. Any topsoil [natural or manufactured] or subsoil to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced.

23. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced.

24. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason: To ensure that the safety of future occupiers is not prejudiced.

25. Prior to the commencement of development, full details and timescales of the mitigation measures as recommended and set out in the Air Quality Assessment, June 2019, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details and timescales.

Reason: In the interests of safeguarding residential amenities and air quality.

26. No dwelling on the site shall be occupied until the pedestrian/cycle link to the north of Plots 35 - 36 is constructed in permanent materials connecting the application site to the highway network within the adjacent Phase 1 - Pen y Berllan site (fronting 11 & 12 Pen y Berllan) and the existing timber fence has been removed. The pedestrian/cycle link shall be at a minimum width of 3m, within a corridor of 4m minimum width and shall be retained for the free passage of pedestrians and cyclists in perpetuity.

Reason: In the interests of highway safety.

27. No development shall commence until a scheme for the provision of a right hand holding turning lane on the A473/Park Street – Heol y Nant Junction has been submitted to and approved in writing by the Local Planning Authority. The approved holding/turning lane shall be safety audited to stage 2/3, constructed and implemented in permanent materials prior to the first occupation of any dwellings on site and retained thereafter in perpetuity.

Reason: In the interests of highway safety and to safeguard air quality.

28. Notwithstanding the requirements of condition 1, no development shall commence until a scheme for the provision of traffic calming features between the Heol y Nant junction and

the new site access including a pedestrian crossing point on Llangewydd Road, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be safety audited to stage 2/3, constructed and implemented in permanent materials prior to the first occupation of any dwellings on site and retained thereafter in perpetuity.

Reason: In the interests of highway and pedestrian safety.

29. No development shall commence until a scheme for the provision of an Active Travel Route comprising a 3metre wide shared use path to link the existing facility on Heol y Nant to the new site access, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be constructed and implemented in permanent materials prior to the first occupation of any dwellings on site and retained thereafter in perpetuity.

Reason: In the interests of highway and pedestrian safety.

30. No development shall commence until a scheme for the provision of a gated emergency access adjacent to Plots 101 and 102 providing emergency vehicular access from the site onto Llangewydd Road has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of any dwellings on site and retained thereafter in perpetuity.

Reason: In the interests of highway and public safety.

31. No development shall commence until a scheme for a cycle and pedestrian route of 3 metres with a 4 metre corridor between the highway fronting Plot 104 and Llangewydd Road has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of any dwellings on site and retained thereafter in perpetuity.

Reason: In the interests of highway and pedestrian safety.

32. No development shall commence until a scheme which sets back the southern frontage/boundary of Plot 101 and provides a link from the condition 31 route to link to the boundaries of the adjoining school site, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be constructed and implemented in permanent materials prior to the first occupation of any dwellings on site and retained thereafter in perpetuity.

Reason: In the interests of highway and pedestrian safety.

33. No development shall commence until a scheme for the provision of bollards or vehicle restraints on the proposed 3 metre cycle/pedestrian route between Plot 36 and 11 Pen y Berllan has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be constructed and implemented in permanent materials prior to the first occupation of any dwellings on site and retained thereafter in perpetuity.

Reason: In the interests of highway and pedestrian safety.

34. No development shall commence on site until a Construction Traffic Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Construction Management Plan shall provide for and where necessary detail on a plan the following

measures:

- The routing of HGV construction traffic to/from the site in order to avoid the local school opening and closing times.
- The proposed temporary construction vehicle entrance into the site for the construction of the road.
- The parking of vehicles of site operatives and visitors.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development.
- Wheel washing to prevent mud and debris from the construction traffic being carried out onto the existing local highway network.
- Measures to control the emission of dust and dirt during construction.
- The provision of temporary traffic and pedestrian management along the proposed new access into the site off the stub arm of Llangewydd Road.
- Phasing of development.

The construction works and traffic shall thereafter be undertaken in accordance with the agreed Construction Management Plan throughout the construction phase.

Reason: In the interests of highway and pedestrian safety.

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

Reason: To ensure the provision and retention of sufficient off street parking in the interests of highway safety.

36. No dwelling shall be occupied until the internal access roads serving the dwellings and visitor parking bays have been laid out as approved and completed in permanent materials at gradients that do not exceed 8.33% (1 in 12) in accordance with the approved layout.

Reason: In the interests of highway safety.

37. Notwithstanding the approved layout plan, no development shall commence in respect of the dwellings on Plots 14-15, 33-38, 39-42, 63-68, 118-120 & 83-90, inclusive until a scheme for the location and design of refuse and recycling collection points has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall detail collection points located within a maximum of 30m of each dwelling. The collection points shall thereafter be constructed in accordance with the agreed design prior to the dwellings which they serve being brought into beneficial occupation and thereafter retained in perpetuity.

Reason: In the interests of highway safety.

38. No individual vehicular access from this development onto Llangewydd Road will be permitted.

Reason: In the interests of highway safety and the free flow of traffic.

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

Reason: In the interests of highway safety.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *

- a. The proposed development accords with both national and local policy and represents an opportunity to utilise a brownfield site for the delivery of housing. The development should not be detrimental to highway safety and will not adversely affect the character of the area or the amenities of residents to warrant a refusal of planning permission.
- b. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
- c. 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
- d. 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.
- e. The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for
 - i. determining the extent and effects of such constraints;
 - ii. ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. 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; and
- iii. the safe development and secure occupancy of the site rests with the developer.
- f. Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

- g. The applicant should be made aware that the site has the potential to provide habitat for nesting birds. The applicant is therefore referred to SPG 19 Biodiversity and Development as they may encounter nesting birds. This document is available via the planning pages of the Council's website.
- h. In order to satisfy the drainage condition the following supplementary information is required:
- Provide foul and surface water layout for individual plots;
 - Provide agreement in principle from DCWW with regards to foul water disposal to the public sewer;
 - Provide agreement in principle from DCWW with regards to adoption of foul and surface water sewers serving the development;
 - Provide agreement in principle from DCWW with regards to S185 sewer diversion of existing combined sewer;
 - Provide additional detailed drawings/information of the drainage network including, but not limited to; attenuation crates, longitudinal sections, manhole schedules, hydrobrake chambers;
 - Provide hydraulic calculations associated with attenuation volumes;
 - Provide maintenance plan for the drainage network;
 - Submit an ordinary watercourse consent application for works associated with the new outfall to the Nant Cefn Glas.
- i. Private access roads can limit accessibility by the Council's waste contractor. This may result in residents having to deposit waste and recyclates for collection beside the nearest adopted footpath. The developer should therefore consider the provision of suitable collection points within the development to avoid inconveniencing other residents.
- j. 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 Council prior to beneficial occupation of the first dwelling house in the street that has been so allocated.
- k. An information pack containing public transport information including timetables shall be provided by the developer on occupation of each residential unit.

Jonathan Parsons
Group Manager Planning & Development Services

Background Papers

None.

This page is intentionally left blank

REFERENCE: P/19/366/RLX

APPLICANT: C Howley & X Yardley c/o Plan R Ltd, 39 Merthyr Mawr Road, Bridgend, CF31 3NN

LOCATION: 11 Ewenny Road Bridgend CF31 3HN

PROPOSAL: Vary Condition 2 of P/18/839/RLX to change closing time from 23:00 to 23:30 and vary the wording of Condition 4.

RECEIVED: 24 May 2019

SITE INSPECTED: 22 May 2017 (under planning application P/17/397/FUL)

DESCRIPTION OF PROPOSED DEVELOPMENT

This application seeks to vary Condition 2 imposed upon planning permission reference P/18/839/RLX which reads as follows:

The premises shall be used as a café bar only, and for no other purpose including any other purpose in class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, being open to customers between the following times:-

*Monday to Saturday between 08:00 and 23:00;
Sundays and Bank Holidays between 08:00 and 23:00.*

Reason: In the interests of residential amenities.

The proposal seeks to vary the condition to extend the operating hours of the café bar to be open between the hours of 08:00 and 23:30.

In addition, the condition seeks to vary the wording of Condition 4 to read as follows:

Prior to the installation of any cooking equipment that requires a grease trap to be fitted, details of the proposed grease trap shall be submitted to and agreed in writing by the Local Planning Authority. The grease trap shall be fitted in accordance with the details agreed prior to the commencement of use of the cooking equipment and thereafter, maintained so as to prevent grease entering the public sewerage system.

SITE DESCRIPTION

The application site is located within the Primary Key Settlement of Bridgend, as defined by Bridgend County Borough Council's adopted Local Development Plan (2013). It is located approximately 65 metres south of Cowbridge Road, the A473 Primary Route and is around 650 metres north of the A48 bypass road. The site is positioned within the Local Service Centre of Five Bells Road, which contains numerous small stores operating within predominantly A1 and A3 use classes.

The site comprises a two storey, semi-detached property that faces west. The western boundary of the application site lies adjacent to Ewenny Road, the B4265. The ground floor of the property is currently occupied by a café bar known as No11 café bar. Access to the ground floor is via the existing entrance-way adjacent to Ewenny Road. The first floor is accessed via the side entrance only.



Jonathan Parsons
Group Manager - Planning & Development Services

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

P/19/366.RLX

11 Ewenny Road
Bridgend

Scale: 1: 1,1250

Date: 23/07/19

©Crown Copyright and database right 2019. Ordnance Survey 100023405.
 ©Hwffraint a hawliau cronfa ddata? Goron 2019 Rhif Trwydded yr Arolwg Ordnans 100023405.
 Aerial Imagery: Cities Revealed aerial photography copyright The GeoInformation Group 2011.
 Copyright Getmapping plc.
 Countryside Council for Wales, ©Crown Copyright and database right 2011.
 Ordnance Survey 100018813.
 Forestry Commission, ©Crown Copyright and database right 2011. Ordnance Survey 100025498.

RELEVANT HISTORY

Application Reference	Description	Decision	Date
A/00/36/ADV	Internally illuminated wall mounted display unit	Conditional Consent	14/02/2001
P/03/1410/FUL	Change of use from flat to office	Unconditional Consent	16/02/2004
P/10/147/FUL	Change of use (sun bed shop) into coffee shop/café	Conditional Consent	14/04/2010
P/13/381/FUL	Change of use on ground floor from A3 to dog grooming parlour (sui generis)	Unconditional Consent	18/07/2013
P/16/948/FUL	One bed self contained flat	Refused	26/01/2017
P/17/188/FUL	Retention of 5 x bedsits at first floor level (retrospective application)	Conditional Consent	12/05/2017
P/17/187/FUL	Ground floor one bed self contained flat to rear of property (retrospective application)	Conditional Consent	12/05/2017
P/17/397/FUL	Change of use from dog grooming parlour to A3 (café bar) on ground floor	Conditional Consent	19/06/2017
P/17/949/RLX	Remove condition 2 of P/17/188/FUL (relating to the prevention of access/egress from flat roof)	Conditional Consent	10/01/2018
P/18/383/RLX	Remove conditions 2 & 3 of P/17/949/RLX	Conditional Consent	31/07/2018
P/18/384/FUL	Retention of ground floor one bed self contained residential unit	Refused	31/07/2018
P/18/839/RLX	Variation of condition 3 of P/17/397/FUL to allow hot and cold food takeaway	Conditional Consent	20/05/2019

PUBLICITY

This application has been advertised through direct neighbour notification and the erection of a site notice. A total of four objections have been received within the consultation period which expired on 21 June 2019.

The letters of objection were received on 20 June 2019 from the occupier(s) of the following properties:

- 15a Ewenny Road, Bridgend;
- 15 Ewenny Road, Bridgend;
- 18 Ewenny Road, Bridgend;
- 20 Ewenny Road, Bridgend.

The objections refer to the amenities of occupier(s) within the vicinity of the application site and the applicant's disregard to the current operating hours imposed upon the premises. Each letter refers to an incident in which the business has operated in breach of the operating hours which is detrimental to the amenities of the nearby occupier(s).

The letters refer to the noise levels emitted from the café bar, particularly when patrons exit later than the existing operating hours permit.

CONSULTATION RESPONSES

CONSULTEE

COMMENTS

Cllr L Walters
3 June 2019

No objection.

Bridgend Town Council
14 June 2019

No objection.

Transportation, Policy
and Development
14 June 2019

No objection subject to the conditions from P/18/89/RLX being re-imposed as previously recommended.

RELEVANT POLICIES

The relevant policies and supplementary planning guidance are highlighted below:

Policy PLA1	Settlement Hierarchy and Urban Management
Policy SP2	Design and Sustainable Place Making
Policy PLA11	Parking Standards
Policy SP10	Retail and Commercial Hierarchy

Bridgend Town Centre Masterplan

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

Planning Policy Wales Edition 10

Planning Policy Wales TAN 4

Retail and Commercial Development

Planning Policy Wales TAN 23

Economic Development

APPRAISAL

This application is presented to the Development Control Committee to consider the objections received from the occupier(s) of neighbouring properties.

CONDITION 2

The application seeks to vary Condition 2 imposed upon planning permission reference P/18/839/RLX to extend the operating hours from 23:00 hours to 23:30 hours.

Condition 2 was imposed upon planning permission reference P/18/839/RLX to ensure that the hours of operation were limited in the interests of residential amenity. The planning agent has stated that the proposal seeks to align the existing planning permission and the existing licence for the property. The licence for the property limits the supply of alcohol to 23:00.

Given that alcohol can be sold at the premises until 23:00, it is not considered reasonable to expect customers to vacate the premises at 23:00. For example, if customers buy alcohol at 22:50, it is unreasonable to expect them to vacate the premises within 10 minutes. Therefore, given that the licence allows the applicant to serve alcohol until 23:00, it is considered reasonable to allow a period of grace for customers to vacate the premises and for staff to clean up and shut the property.

The concerns raised by the neighbouring residents about patron noise outside of the permitted operating hours are noted, however, on balance, it is considered that the extension of 30 minutes will not be so damaging to the amenities of occupiers to warrant a refusal on such grounds.

The concerns predominantly relate to the noise emanating from patrons using the café bar once they have left the premises. This is difficult to control/limit in planning terms, given that the applicant of the Local Planning Authority is not responsible for the behaviour of patrons. Time constraints imposed upon a premises cannot control the behaviour of individuals who use and who vacate the premises. Therefore, whilst the objections are noted, it is considered, on balance, that the extension of operating hours by 30 minutes from 23:00 to 23:30 would not be so detrimental to the residential amenities of neighbouring occupier(s) to warrant a refusal on such grounds, given that the hours will be extended to accommodate the closure of the premises and to align with the licence granted to the applicant.

The proposed variation of Condition 2 imposed upon planning permission reference P/18/839/RLX is therefore considered to be acceptable in planning terms.

CONDITION 4

The variation of Condition 4 imposed upon planning permission reference P/19/366/RLX is sought because hot food cooked within the café bar is currently cooked in a convection and/or microwave oven and a grease trap for the purposes of serving food is not required at present.

The applicant proposes to reword the condition so that in the event that the type of food sold alters and requires the installation of a grease trap, details of the cooking equipment are to be submitted to the Local Planning Authority prior to the commencement of any such use.

Given the above, the variation of the wording of the planning condition is considered to be acceptable to the Local Planning Authority.

CONCLUSION

The application is recommended for approval. It is not considered that the extension of the operating hours from 23:00 to 23:30 will be so detrimental to the residential amenities of neighbouring occupier(s) to warrant a refusal on such grounds and the proposed variation of Condition 2 is therefore considered acceptable.

The variation of Condition 4 is considered to be reasonable, given that the existing hot food sold at the premises is cooked in a convection/microwave oven which does not require the installation of a grease trap.

RECOMMENDATION

(R53) That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the "Site Location Plan" and "Floor Plan" received on 8 May 2017.

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

2. The premises shall be used as a café bar only, and for no other purpose including any other purpose in class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, open between the following times:-

Monday to Saturday between 08:00 and 23:30;
Sundays and Bank Holidays between 08:00 and 23:30.

Reason: In the interests of residential amenities.

3. The use of hot and cold food takeaway in connection with the use of the premises as a café bar is hereby permitted, only between the following hours:

Mondays to Fridays 09:00 – 16:00
Saturdays 10:00 – 15:00
and not at all on Sundays and Bank Holidays.

Reason: To retain effective control over the use of the site and in the interests of highway safety.

4. Prior to the installation of any cooking equipment that requires a grease trap to be fitted, details of the proposed grease trap shall be submitted to and agreed in writing by the Local Planning Authority. The grease trap shall be fitted in accordance with the details agreed prior to the commencement of use of the cooking equipment and thereafter, maintained so as to prevent grease entering the public sewerage system.

Reason: To protect the integrity of the public sewage system and ensure the free flow of sewage.

5. * THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION

The application is recommended for approval. It is not considered that the extension of the operating hours from 23:00 to 23:30 will be so detrimental to the residential amenities of neighbouring occupier(s) to warrant a refusal on such grounds and the proposed variation of Condition 2 is therefore considered acceptable.

The variation of Condition 4 is considered to be reasonable, given that the existing hot food sold at the premises is cooked in a convection/microwave oven which does not require the installation of a grease trap.

JONATHAN PARSONS
GROUP MANAGER PLANNING AND DEVELOPMENT SERVICES

Background papers
None

REFERENCE: P/19/368/RLX

APPLICANT: Mr G Cull c/o John Matthews Planning & Development
47 Anglesey Way, Porthcawl CF36 3QP

LOCATION: Former Portway Surgery, 1 The Portway, Porthcawl CF36 3XB

PROPOSAL: Vary condition 4 of P/19/116/FUL to extend the closing time from 17:00 to: funeral director and office until 18:00 and pizza takeaway until 23:30 Sunday to Thursdays and 01:00 Saturdays and Sundays

RECEIVED: 24 May 2019

APPLICATION/SITE DESCRIPTION

Planning permission was granted on 17 May 2019 for the change use of the ground floor of the former Portway Surgery to a Funeral Directors (Use Class A1), offices (Use Class A2) and a Domino's pizza takeaway (Use Class A3) with the first floor remaining as offices (P/19/116/FUL refers).

The consent was subject to conditions including:-

*The uses hereby permitted shall not be open to customers outside the following times:-
0800 hours-1700 hours*

The condition was imposed in the interests of residential amenities and as per the opening hours stipulated by the Agent on the application form.

The principle of the Change of Use was established under the previous consent.

The current proposal seeks to vary this condition to extend the closing times for the Funeral Directors and offices until 1800 hours and the takeaway until 2300 hours Sunday to Thursday and 0100 hours on Friday nights/Saturday mornings and Saturday nights/Sunday mornings.

RELEVANT HISTORY

P/19/116/FUL Conditional consent 17 May 2019

Change use of the ground floor from surgery to a Funeral Directors (Use Class A1), offices (Use Class A2) and a Domino's pizza takeaway (Use Class A3) with the first floor remaining as offices

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 20 June 2019

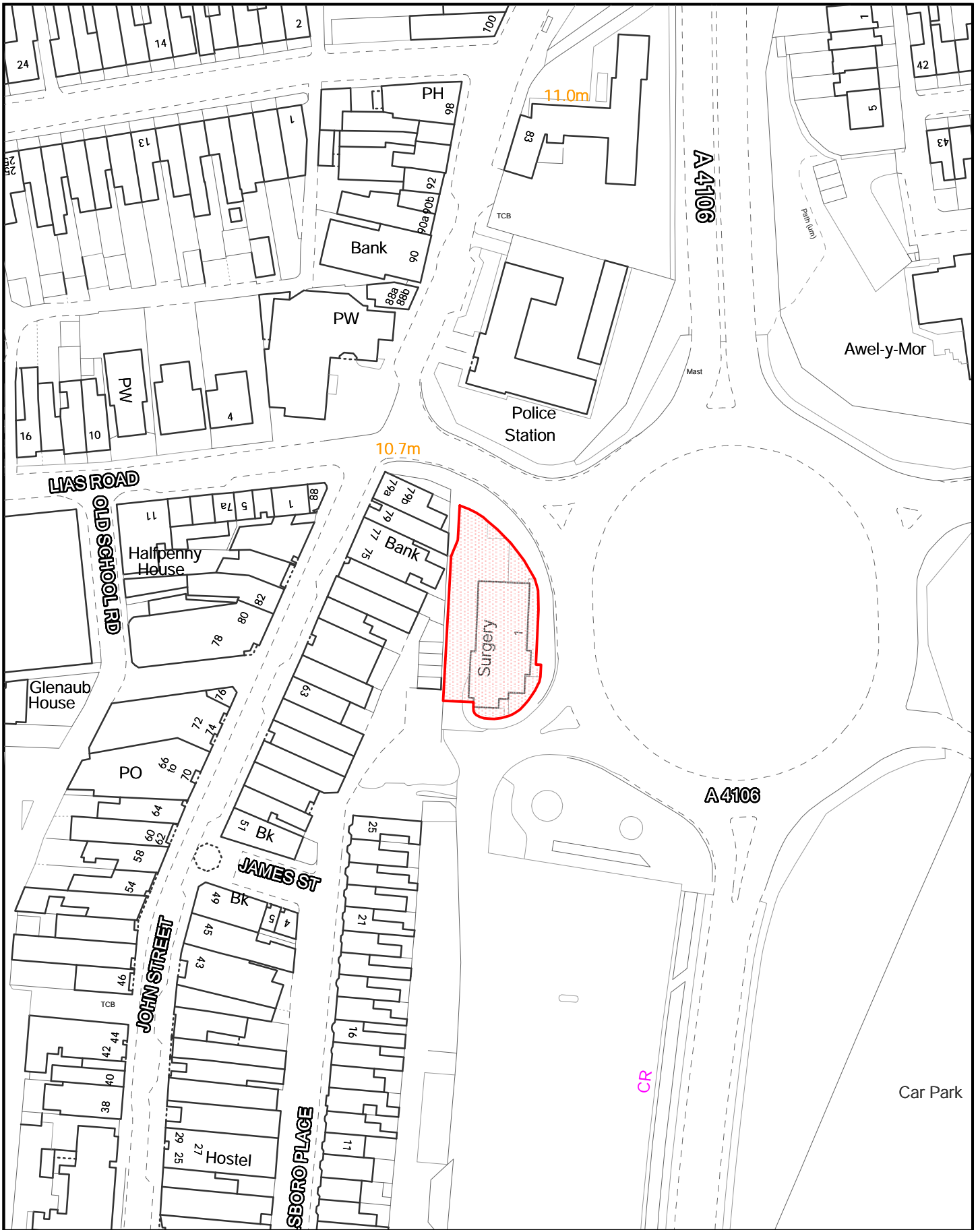
CONSULTATION RESPONSES

Porthcawl Town Council strongly objects to the variation on the following grounds:-

- Proposed hours are in excess of existing establishments;
- Increased vehicles at pizza takeaway and residential areas (Hillsboro Place and John Street);
- Impact on neighbours.

Since the objection the hours of operation have been redefined and Porthcawl Town Council has been reconsulted. Any additional comments will be reported at Committee.

The Highways Officer has no objection to the variation of the condition.



Jonathan Parsons
 Group Manager - Planning &
 Development Services

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

P/19/368/RLX

**Former Portway Surgery,
 Porthcawl**

Scale: 1: 1,250
 Date: 23/07/19

©Crown Copyright and database right 2019. Ordnance Survey 100023405.
 ©Hawlfraint a hawliau cronfa ddataŷ Geron 2019 Rhif Trwydded yr Arolwg Ordnans 100023405.
 Aerial Imagery: Cities Revealed aerial photography copyright The GeoInformation Group 2011.
 Copyright Getmapping plc.
 Countryside Council for Wales, ©Crown Copyright and database right 2011.
 Ordnance Survey 100018813.
 Forestry Commission, ©Crown Copyright and database right 2011. Ordnance Survey 100025498.

REPRESENTATIONS RECEIVED

79a John Street - supports the opening times for the Funeral Directors but objects to the closing time for the Pizza Takeaway due to possible disturbance.

Our Pet Shop, 55 John Street supports the proposal.

Aqua Tech, 55a John Street supports the proposal.

COMMENTS ON REPRESENTATIONS RECEIVED

The objection to the closing hours for the takeaway is acknowledged and is addressed in the Appraisal Section.

APPRAISAL

The application is referred to Committee as Porthcawl Town Council and one local resident have objected to the proposal.

The premises is currently vacant however, up until December 2018, it was occupied as a Doctor's Surgery. The application site is located within the Main Settlement boundary of Porthcawl, as defined by Policy PLA1 of Bridgend County Borough Council's adopted Local Development Plan (2013). It is situated within Porthcawl Town Centre and is just outside Porthcawl Conservation Area.

As such, Policy SP10 is relevant. This Policy provides for retail, community or commercial floorspace on the ground floor. The proposed uses were considered under the original application (P/19/116/FUL refers) and as they fall within these categories the proposed uses were considered acceptable.

Policy SP2 requires all development to contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment and establishes criteria against which development should be assessed. Given the limited changes to the elevations and the positive re-use of an existing building, the development was considered to comply with Policy SP2.

The proposed changes of use were not considered to impact the character or appearance of the building or wider area, as limited alterations were proposed to the external layout with a window on the front elevation being replaced with a door (to serve the reception area of the A2 use) and two windows on the rear elevation being replaced with doors (one serving a holding room for the A1 use and one creating an entrance for deliveries for the A3 use).

The applicant indicated on the submitted application form, for the original application, the hours of operation Mondays to Saturdays with the hours for Sundays and Bank Holidays to be confirmed by the end users. On this basis condition 4 was imposed.

It now transpires that the operators do not feel the restricted hours of operation reflect their businesses and the proposal seeks to vary condition 4 of P/19/116/FUL (which restricted operating hours at the premises to between 08:00 hours – 17:00 hours) to extend the closing times for the Funeral Directors and offices until 1800 hours and the takeaway until 23:00 hours Sunday to Thursday and 01:00 hours on Friday nights/Saturday mornings and Saturday nights/Sunday mornings.

In considering time limits for takeaways, SPG 14 – Hot Food Takeaway Establishments is relevant. This document divides areas into 4 categories:-

- LOCATION CATEGORY 1 - A location in an otherwise completely residential area.
- LOCATION CATEGORY 2 - A location in a small retail area in an otherwise residential area.
- LOCATION CATEGORY 3 - A location within a generally commercial area with a mixture of commercial uses on the ground floor but residential flats above or residential premises in close proximity.
- LOCATION CATEGORY 4 - A location within a commercial area with a mixture of commercial uses with little or no residential premises above them or in the nearby vicinity.

It is considered that these premises are located within a Category 3 area whereby SPG 14 advises:-

Location Category 3 areas are characterised by a mix of residential and commercial uses. Hence, by their very nature, some disturbance to residential premises late at night or early morning may already occur. Notwithstanding this, residents should still have the expectancy that existing amenity should not be worsened unreasonably, whilst acknowledging that it will continue to be less than in predominant residential areas. Therefore any permission for a hot food takeaway in a category 3 location will be conditioned so that it shall not be open to customers later than 1am.

Paragraph 4.3.34 of Planning Policy Wales (Edition 10) states that food and drink uses can benefit retail and commercial centres and with adequate attention to safeguarding amenities can contribute to a successful evening economy.

One resident who lives approximately 20m from the building itself and backs onto the application site has no objection to the change in hours for the Funeral Directors or the officers but does object to the proposed change in the hours for the takeaway as he considers there could be a problem with disturbance.

It is acknowledged that noise and disturbance from patrons of takeaways congregating outside establishments and noise from vehicles pulling-up outside premises with car doors opening and closing and car radios is a perceived problem however, in this case, the A3 unit is the furthest from the objector at some 35m and access for all the units is from the front with access onto Portway roundabout with parking available in Hillsboro Place car park (see below).



**Hillsboro Place
Car Park**

**Proposed A3 Unit, Offices, Funeral Directors
Former Portway Surgery**

**Objector's
Property**

**Pavement
to Lias Road**

Whilst determining the application Policies SP2 and SP10 of the Bridgend Local Development Plan and SPG 14 were considered.

CONCLUSION

The uses of the premises are considered to be acceptable in accord with Council Policy SP10 and given the limited changes to the external appearance, in accord with Council Policy SP2. The proposed operating hours accord with a Location Category 3 of SPG 14 – Hot Food Takeaway Establishments and the proposal is considered acceptable.

RECOMMENDATION

(R53) That permission be GRANTED subject to the following condition(s):-

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

Proposed ground floor plan - date stamped received 20 February 2019

Elevations - date stamped received 20 February 2019

Parking layout - date stamped received 16 May 2019

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

2. The parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to any part of the development being brought into beneficial use and retained for the purpose of parking in perpetuity.

Reason: In the interests of highway safety.

3. The cycle parking area shall be completed with Sheffield cycle stands in accordance with the approved layout prior to any part of the development being brought into beneficial use and retained for the purpose of cycle parking in perpetuity.

Reason: In the interests of promoting active travel and sustainable travel modes.

4. The offices and Funeral Directors hereby permitted shall not be open to customers outside the following times:-

08:00 hours -18:00 hours

Reason: In the interests of residential amenities.

5. The A3 use hereby permitted shall not be open to customers outside the following times:-

Sunday to Thursday 08:00 hours - 23:00 hours

Friday 08:00 hours - 01:00 hours (Saturday)

Saturday 08:00 hours - 01:00 hours (Sunday)

Reason: In the interests of residential amenities.

6. * THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION *

This application is considered to be acceptable in accord with Council Policy SP10, given the limited changes to the external appearance, in accord with Council Policy SP2 and SPG 14 - Hot Food Takeaway Establishments.

**JONATHAN PARSONS
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES**

Background papers

None

REFERENCE: P/19/380/FUL

APPLICANT: Mr S Rudd c/o John Matthews, 47 Anglesey Way, Porthcawl, CF36 3QP

LOCATION: **The School House School Terrace North Cornelly CF33 4HU**

PROPOSAL: New front boundary wall 1m high with 1.35m high pillars and an entrance canopy to front elevation

RECEIVED: 31 May 2019

APPLICATION/SITE DESCRIPTION

The application seeks full planning permission for the alteration to the existing boundary wall, pillars and entrance canopy to the front elevation of the property known as The School House, School terrace, North Cornelly following a previous application (P/18/366/FUL refers) which was refused and dismissed on appeal. The respective Enforcement Notice was partially allowed on appeal.

This application has been submitted and proposes the following changes:

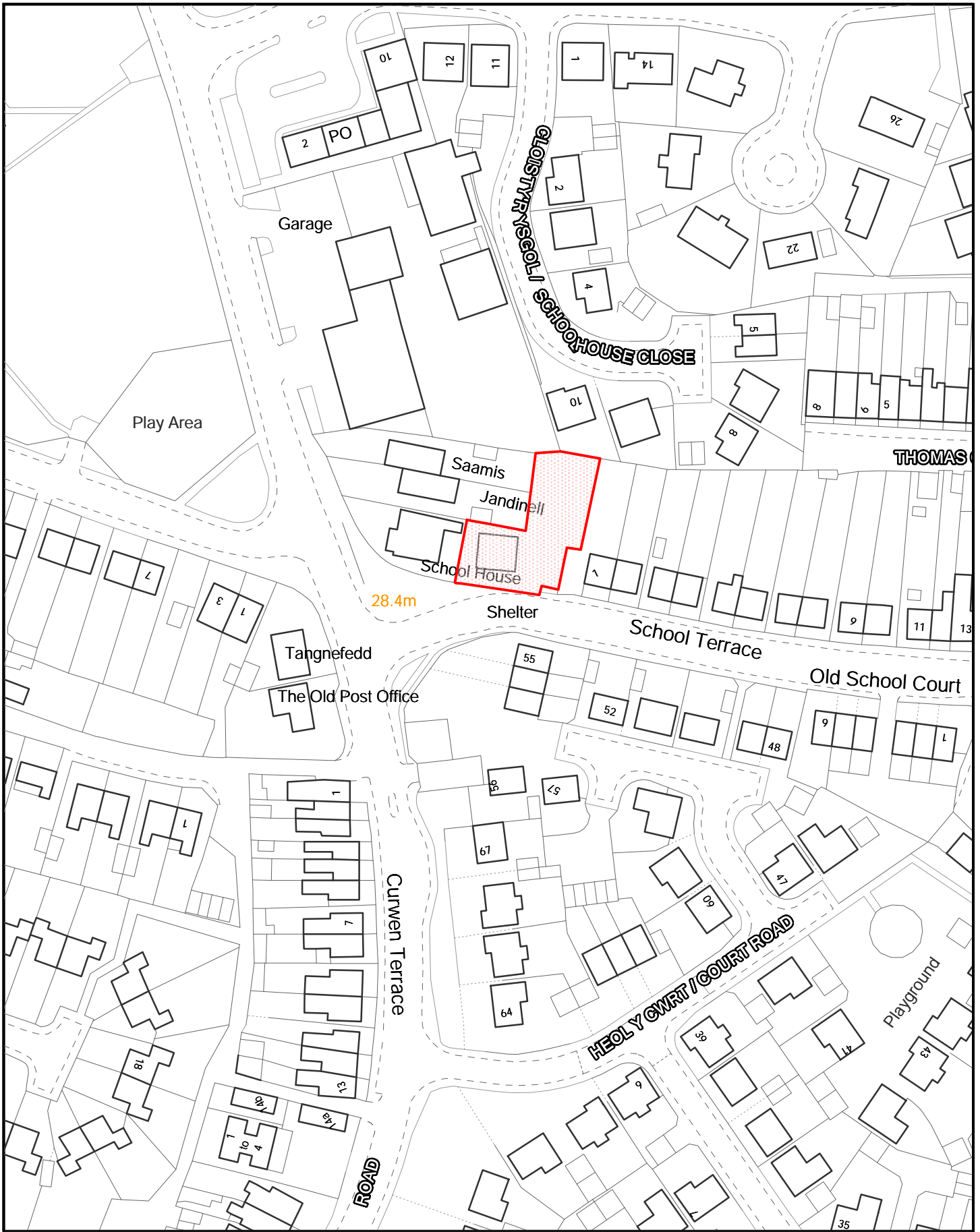
- Existing red brick wall to be 1m high with existing pillars to be reduced to 1.35m in height including coping stones;
- Existing portico ridge tiles to be painted to match slate roof colour; and
- Existing portico pillars to be painted to match house render colour.

Figure 1 - Photograph of existing works



The application site is located within the residential settlement boundary of North Cornelly as defined by Policy PLA1 of the LDP. The application site is a two storey, detached property which is situated on a prominent junction and is surrounded by similarly design residential dwellings.

The application proposes to retain the boundary wall and portico.



Jonathan Parsons
 Group Manager - Planning &
 Development Services

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

P/19/380/FUL

The School House
 School Terrace
 North Cornelly

Scale: 1: 1,250
 Date: 23/07/19

©Crown Copyright and database right 2019. Ordnance Survey 100023405.
 ©Hwfframant a hawliau cronfa ddataŷ Goron 2019 RNI Trwydded yr Arolwg Ordnans 100023405.
 Aerial Imagery: Cities Revealed aerial photography copyright The GeoInformation Group 2011.
 Copyright GeoSwiss pic.
 Countryside Council for Wales. ©Crown Copyright and database right 2011.
 Ordnance Survey 100018813.
 Forestry Commission. ©Crown Copyright and database right 2011. Ordnance Survey 100025498.

RELEVANT HISTORY

P/18/366/FUL - Retention of boundary wall 1.8m in height (wall pillars) and entrance canopy to front elevation – Refused – 25/07/2018. Enforcement Notice served on 4 October 2018 and an appeal lodged with the Planning Inspectorate. Appeal allowed in respect of ground (g) and to a limited extent under ground (f) with the enforcement notice varied to extend the time period for compliance to 6 months and to allow the applicant to reduce the height of the wall and retain it under permitted development.

P/13/425/FUL - Two Storey Side Extension With Under Croft Parking At Ground Floor Level – Approved (with conditions) – 28/08/2013.

P/16/797/NMA - Non material amendment to P/13/425/FUL - make entrance in front of new extension, erect double gates, lower kerb and re tarmac to match the existing – Refused – 01/11/2016.

PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 4 July 2019.

CONSULTATION RESPONSES

Head of Street Scene (Highways) – No objection subject to a condition which requires a scheme to be submitted which shows the pillar and any part of the boundary wall within the vision splays reduced in height to 0.9m.

REPRESENTATIONS RECEIVED

One letter of support for the development have been received from 10 Clos Ty'r Ysgol, North Cornelly.

Councillor. R. Granville – No objection to the application.

Councillor. J. H. Tildesley (Local Ward Member) – strongly supports the application and has requested that it be reported to the Council's Planning Committee on the following grounds:

- The development differs from that which was the subject of the recent rejected planning enforcement appeal to the extent that the differences go some way to meeting the requirements set out in your department's 8th August 2019 letter addressed to the applicant Mr Stephen Rudd; and;
- The Inspector's reasons for rejecting the planning department enforcement appeal were based entirely on her (and your department's) opinions and that the development's design has an unacceptable visual impact on the amenity and character of its surroundings. Whilst I have no doubt that these opinions are well intentioned, it must be recognised that such design impact are open to subjective opinions to the extent of the opinions of lay persons are no less valid than that of professional planners. On this basis, I cannot agree that the development in question causes any visual or amenity harm – indeed, it is my opinion that it makes a positive and enhancing contribution to the appearance of the locality which possesses to particular special character;
- I firmly believe that there can be exceptional circumstances when it is very important that the Development Control Committee should be able to take account of the subjective views of those more directly affected by the

development where the design impacts are confirmed to localised areas. I believe that this is such an exceptional circumstances case because I am aware that there is strong support for the planning application from neighbouring residents who feel that the development helps to upgrade the residential quality of the locality;

- a) I understand that the Cornelly Community Council supports the planning application;
- b) I understand that support for the planning application has also been separately registered by occupiers) of a neighbouring property; and
- c) I am aware that a petition supporting the planning application has been signed by neighbouring properties, a copy of which will shortly be submitted to your department.

PLANNING POLICIES

Local Policies

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

- Strategic Policy SP2 – Design and Sustainable Place Making
- Policy PLA1 – Settlement Hierarchy and Urban Management

Supplementary Planning Guidance

SPG02 – Householder Development

National Planning Policy and Guidance

National planning guidance in the form of Planning Policy Wales (Edition 10, December 2018) (PPW) is of relevance to the determination of this application.

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 12 – Design (2016)

COMMENTS ON REPRESENTATIONS RECEIVED

The majority of the concerns raised by the Local Member have been addressed within the appraisal section of this report.

Whilst the comments of the Local Member are noted regarding the subjective opinions regarding design and the local support for the proposed development, the professional opinion of the case officer and a Planning Inspector which were made in line with national and local planning policies, are very relevant and hold significant weight in the determination of this application.

The Local Planning Authority considers that there are no exceptional circumstances which outweigh the concerns raised and the previous Inspector's decision regarding the development subject to this application.

No comments on this application have been received by the Local Planning Authority from Cornelly Community Council in respect of this application to date.

No neighbouring petition has been submitted to the Local Planning Authority in support of this application to date, with only one letter of support from 10 Clos Ty'r Ysgol, North Cornelly being received to date.

APPRAISAL

The application is referred to the Development Control Committee as requested by the Local Member.

The main issues to consider in this application are the impact of the development on the character and appearance of the existing dwelling and street scene as well as impact on neighbouring amenities and the previous Inspector's decision.

Background

The original application was the result of an enforcement investigation. It sought to retain the 1.8m high boundary wall and pillars finished in red brick at the front of the site and with a privet/box hedging to infill between the pillars. It also sought to retain the existing canopy measuring approximately 3.5m x 1.8m and to a height of 3.4m, finished with a slate roof to match the existing dwelling with terracotta detailed tiles and stone pillars. The canopy projects out from the main dwelling by approximately 2 metres towards the front wall. This application was refused on the 25 July 2018 and an Enforcement Notice was served on the 4 October 2018 to remove the development from the site. The applicant appealed the Enforcement Notice and this was later allowed but only under ground (g) and to a limited extent under ground (f) by varying the Enforcement Notice to extend the time period for compliance to 6 months and to allow the applicant to reduce the height of the wall and retain it under permitted development.

Impact on the character of the existing dwelling and street scene.

As stated above, the canopy, pillars and wall have already been erected to the front of the property. In view of the previous appeal decision, the applicant has proposed the following changes:

- Existing red brick wall to be 1m high with existing pillars to be reduced to 1.35m in height including coping stones;
- Existing portico ridge tiles to be painted to match slate roof colour; and
- Existing portico pillars to be painted to match house render colour.

The applicant states in the supporting statement that this application has been submitted based on the opinions, wishes and support of the local community.

From reviewing the Inspector's previous decision, she states in Paragraph 15 and 16:

15. *I note the appellant's willingness to replace the orange coloured ridge tiles on the canopy roof and paint the columns in cream to match the colour of the existing dwelling. The appellant has also suggested that the development could be made acceptable through the imposition of conditions dealing with such matters and by the submission of a scheme to agree details of the proposed new access and the retention of vision splays.*
16. *Be that as it may, I am not satisfied that changing the ridge tiles or painting the columns would overcome the harm caused by the scale and design of the entrance canopy. Furthermore, in this case where a Notice has been served, it would not be appropriate to attach a condition requiring the submission of a scheme for the creation of a new vehicular access that may or may not be acceptable to the Council for highway safety or other reasons. Unlike an application for planning permission for development yet to*

commence, the development has already occurred and I am required to consider the acceptability of the development the subject of the Notice under the ground (a) appeal / deemed planning application, rather than an alternative scheme.

In addition to the above, it is considered that the proposed changes to the canopy, wall and pillars are still out of keeping and do not respect the character and appearance of the dwelling. The minimal cosmetic changes to the finishes of the canopy and columns and the limited reduction in the height of the wall and pillars, do not overcome the concerns about the scale, design and prominence of the features at the front of the building. Whilst it is noted that the neighbouring properties have erected similarly designed red brick wall to the front of their properties, the Inspector clearly addressed this matter in her decision in Paragraph 12 where she states:

In particular, the appellant has drawn my attention to the front property boundary of the dwelling opposite the appeal site, which consists of a red brick wall with high pillars and railing infills. I do not consider that the presence of this means of enclosure justifies what is otherwise an unacceptable form of development. Rather, it only serves to reinforce my concern regarding the adverse visual impact of the development before me.

With regard to the previous correspondence between the applicant and the Local Planning Authority regarding the proposed development, it is considered that the Inspector clearly addresses this matter in her decision. Paragraph 19 states:

I have not been party to any discussions that took place between the appellant and the Council prior to the serving of the Notice, albeit I have had sight of a letter from the Council to the appellant dated 8 August 2018 advising that in order to address the Council's reasons for refusal², the red brick pillars should be removed, the orange roof tiles of the canopy replaced and that the red brick walls should be rendered and painted cream. However, the Council's decision notice in respect of application Ref P18/366/FUL and its subsequent Enforcement Notice clearly take issue with the design and scale of the development. The Council's appeal statement also makes reference to the unacceptable impact arising from the projection and design of the canopy. That is, the Council's concerns do not relate solely to external finishes, despite the opinions expressed in its correspondence. As I have found that the development has an adverse effect on the character and appearance of the area, allowing the pillars and entrance canopy to remain would not overcome the harm I have identified.

The site is located on a prominent junction and is therefore highly visible from the main highway and the protrusion and design of the portico and its finished materials which is constructed up to the back edge of the boundary, are not considered to respect or enhance the street scene or wider area and therefore the development is considered to be contrary to Policy SP2 (2) and SP2 (3) of the LDP (2013).

Impact on neighbouring properties

Due to the location of the development to the front of the detached dwelling, the erection of the canopy, pillars and wall are not considered to have an adverse impact on the residential amenities of the neighbouring properties in terms of overlooking and overshadowing and in this respect the proposal accords with Policy SP2 (12) of the LDP (2013) and the Council's Supplementary Planning Guidance SPG02: Householder Development.

Highway Safety

The comments of the Transportation Officer made in respect of the previous application reference P/18/366/FUL have been re-applied to the submitted scheme as it is considered that the western most pillar of the wall restricts the vision spay to the east to

the detriment of highway and pedestrian safety. However, if the overall scheme is deemed acceptable, it is considered that this could be dealt with by way of a suitably worded planning condition to require a scheme to be submitted which shows the pillar and any part of the boundary wall within the vision splays reduced in height to 0.9m. Accordingly, it is considered that the proposed development could successfully accord with Policy SP2(6) of the LDP (2013) and the Council's Supplementary Planning Guidance SPG17: Parking Standards.

CONCLUSION

The application is recommended for refusal because the proposed changes to the development fail to comply with National, Council policy and guidelines and the previous appeal decision. The scale, siting and design of the development will have an unacceptable impact on the character and appearance of the existing property and a detrimental visual impact on the street scene and wider area.

RECOMMENDATION

(R30) That permission be REFUSED for the following reason(s):-

1. The proposal, by reason of its scale, siting and design represents an incongruous development that is out of keeping with the character and appearance of the existing dwelling, having an unreasonably detrimental impact on the visual amenities of the street scene and wider area contrary to Policy SP2 of the Bridgend Local Development Plan 2013, advice contained in Planning Policy Wales (Edition 10, December 2018) and Technical Advice Note - 12 - Design (2016).

JONATHAN PARSONS

GROUP MANAGER PLANNING & DEVELOPMENT SERVICES

Background papers

None

This page is intentionally left blank

APPEALS

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

CODE NO.	C/19/3221289 (1855)
ENFORCEMENT NO.	ENF/191/18/ACK
APPELLANT	REV DR A J BROWN
SUBJECT OF APPEAL	UNAUTHORISED USE FOR BED & BREAKFAST TREE TOPS, 18 THE WOODLANDS, BRACKLA
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	ENFORCEMENT NOTICE
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL IS DISMISSED AND THE ENFORCEMENT NOTICE IS UPHELD.

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

CODE NO.	A/19/3225665 (1858)
APPLICATION NO.	P/18/907/RLX
APPELLANT	MR & MRS BATER
SUBJECT OF APPEAL	VARY CONDITION 2 OF P/16/660/FUL TO PROVIDE A SOLID SCREEN TO THE EAST FACING ELEVATION ONLY WHITEHALL COTTAGE, PENYFAI
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

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

CODE NO.	A/19/3225665 (1857)
APPLICATION NO.	P/18/547/FUL
APPELLANT	MR SHAUN MIDDLETON
SUBJECT OF APPEAL	REGULARISATION OF EXTERNAL FINISHES TO DWELLING THE HAVEN, 21 ABERGARW MEADOW, BRYNMENYN

PROCEDURE

WRITTEN REPRESENTATIONS

DECISION

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

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

RECOMMENDATION

That the report of the Group Manager Planning & Development Services be noted.

JONATHAN PARSONS

GROUP MANAGER PLANNING & DEVELOPMENT SERVICES

Background Papers

(see application reference number)



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 04/06/19

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 05.07.2019

Appeal Decision

Site visit made on 04/06/19

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

an Inspector appointed by the Welsh Ministers

Date: 05.07.2019

Appeal Ref: APP/F6915/C/19/3221289

Site address: Tree Tops, 18 The Woodlands, Brackla, Bridgend, CF31 2JF

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

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Rev Dr AJ Brown against an enforcement notice issued by Bridgend County Borough Council.
 - The enforcement notice, numbered ENF/191/18/ACK, was issued on 20 December 2018.
 - The breach of planning control as alleged in the notice is without planning permission, the change of use of the property known as 18 The Woodlands, Brackla to a mixed use of residential and bed and breakfast.
 - The requirements of the notice are to cease the use of the property as a bed and breakfast.
 - The period for compliance with the requirements is three months after this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(c) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Application for costs

2. An application for costs was made by Rev Dr AJ Brown against Bridgend County Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. I carried out an accompanied site visit on 4 June 2019. At my visit I was unable to gain access into one first floor room. The parties were in agreement that this was the appellants' son's bedroom and I have made my decision on this basis.

The appeal on ground (c)

4. An appeal on ground (c) is that there has not been a breach of planning control. The appellants contend that the use is permitted development as she is not letting out more than 50% of the total floorspace of the house and she no longer provides breakfast with guests being able to share all the facilities.
-

5. It would appear from the evidence before me that the alleged bed and breakfast use falls under use Class C1 as defined in the Town and Country Planning (Use Classes Order) 1987 (as amended) (the Use Classes Order). The residential use of the property would fall under Class C3 of the Use Classes Order. The Town and Country Planning (General Permitted Development) Order 1995 (as amended) does not permit the change of use from C3 to C1 uses without planning permission. Therefore, under ground (c) it must be shown that the change of use is not material and planning permission would not, therefore, be required to authorise it. The onus of proof is on the appellant to show that there has not been a breach.
6. The appeal premises consists of a detached dwelling within an estate of dwellings. From the evidence before me it would appear that the appellant does not dispute that she lets out three bedrooms to paying guests. Whilst I note her contention that the master bedroom could be split into two rooms, thus resulting in the total number of bedrooms being used for guests being less than 50% of the total number of bedrooms, it was apparent at the time of my site visit that the property contained five bedrooms, one on the ground floor and four on the first floor.
7. I noted on my site visit that three rooms contained tea and coffee making facilities and towels were laid out on the beds. A TV was also provided in two of the rooms. Two rooms contained a double and single bed and the third contained a single bed.
8. The appellant has stated that breakfast is no longer made available to guests and that all guests can use the kitchen facilities and are treated as family guests. However, I noted on my site visit that there was a microwave, fridge, toaster and individually boxed cereals provided within the hallway separate from the main kitchen suggesting that breakfast is provided separately for guests.
9. Whilst the appellant states that the kitchen, bathroom and lounge may be shared by guests, facilities within the rooms and within the hallway indicate that guests have independence and do not live together as a household. Furthermore, the evidence before me shows that guests stay for short periods and pay for their stay which in my assessment represents a different character to that associated with a residential use.
10. Notwithstanding the appellant's view that the guest use of the property amounts to less than 50% of the dwelling's floorspace, I find that the use of three out of the five bedrooms for paying, short term guests would generate a significant amount of activity to and from the property. It would amount to a degree of use that is not of an ancillary scale or character to the use of the property as a dwelling.
11. In reaching this view I have taken into account the court judgements that I have been referred to¹. The judgements, which were based on the specific circumstances of the properties concerned, do not alter my conclusions that in the context of the particular case before me I find that the scale and degree of the use is such that a material change of use has occurred.
12. I have been provided with a considerable amount of information about the merits of the use, including its benefits to the local area and in respect of parking. However, such matters are not relevant to considerations relating to a ground (c) appeal and I have therefore given them no weight in reaching my decision.

¹ *Moore v SSCLG & Suffolk CDC*, [2012] EWCA Civ 1202; *Gravesham BC v SSE* [1984], 47 P&CR 142

13. The appellant has stated that the EN implies that she can have no paying guests. She contends that this contravenes discussions with the Council that have suggested that providing no more than 50% of the home is used by paying guests that no planning permission is required. I am required to consider the specific requirements of the EN before me and find that the current use of the property amounts to a material change of use. As such planning permission would be needed to authorise it. The cessation of the use would ensure that the breach and any harm to amenity were remedied. Any lesser steps to remedy the breach are not before me as no ground (f) appeal has been made.
14. I conclude that the use of the property as a mixed residential and bed and breakfast amounts to a material change of use for which planning permission is required. The appeal on ground (c) therefore fails.

Conclusion

15. I have taken into account all other matters raised including a letter of support but find none that alter the above findings. For the reasons given above I conclude that the appeal should not succeed and the enforcement notice is upheld.

Vicki Hirst

INSPECTOR

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 03/06/19

gan Richard Duggan BSc (Hons) DipTP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 27.06.2019

Appeal Decision

Site visit made on 03/06/19

by Richard Duggan BSc (Hons) DipTP
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 27.06.2019

Appeal Ref: APP/F6915/A/19/3225746

Site address: Whitehall Cottage, Pen-Y-Fai, Bridgend CF31 4NE

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 under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr & Mrs Bater against the decision of Bridgend County Borough Council.
 - The application Ref P/18/907/RLX, dated 14 November 2018, was refused by notice dated 15 January 2019.
 - The application sought planning permission to: *Vary condition 2 of P/16/660/FUL to provide a solid screen to the east facing elevation only.*
 - The condition in dispute is No 2 which states that: *Prior to the beneficial use of the balcony/ roof terrace hereby approved, a 1.8m high solid and obscure screen shall be erected along both side elevations of the roof terrace (facing east and west). The screening shall be retained in perpetuity.*
 - The reason given for the condition is: *In the interests of residential amenity.*
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. In November 2016 planning permission was granted for refurbishment works at the appeal property to include an extension with an elevated balcony/roof terrace allowing residents additional external amenity space (LPA Ref: P/16/660/FUL). The planning permission contained a condition (condition 2) which required a 1.8m high solid obscure screen to be erected on both side elevations (east and west) of the roof terrace. The appeal proposes to vary the wording of condition 2 to remove the requirement to erect a 1.8m obscure screen on the western elevation.

Main Issue

3. I consider the main issue to be the effect of varying the disputed condition on the living conditions of the occupiers of the neighbouring dwelling of Green Meadow, with particular regard to overlooking and loss of privacy
-

Reasons

4. I saw on my site visit that the refurbishment works and the extension to the appeal property were largely completed, but the 1.8m obscure screens had not been erected. This allowed me to stand out on the roof terrace thus providing me with a view east and west over the neighbouring properties, including Green Meadow.
5. The Appellant states that a distance of 21.7 metres exists between the proposed roof terrace and the boundary with the neighbouring property of Green Meadow, and I note that a comparison is made with the minimum distances set out within the Council's Adopted Supplementary Planning Guidance (SPG) 02 – Householder Development, 2008. The Appellant specifically highlights Paragraph 4.6.3 which refers to overlooking and the privacy of neighbours, and states that; *Two-storey extensions to the rear of houses can affect privacy if first floor habitable room windows overlook the backs of adjacent properties. To reduce the loss of privacy it is recommended that the minimum distance from the new habitable room window to the boundary should be 10.5 metres, increasing to 12 metres if the window is to a first floor living room.*
6. However, Paragraph 4.6.5 of the SPG refers directly to balconies and states that; *While few rear gardens are entirely private some features can create a sense of unreasonable overlooking in neighbouring property. Balconies often cause the greatest difficulty, but sideways facing windows can also be undesirable. If a balcony is proposed it should be located or screened to prevent or minimise overlooking.*
7. Notwithstanding the distances between the properties, and that Whitehall Cottage may be lower in elevation, I saw for myself when standing within the garden of Green Meadow that the roof terrace is raised above the boundary wall and provides uninterrupted views into the main rear amenity space resulting in a high degree of perceived overlooking. The existing high level of privacy and amenity enjoyed by the occupiers would be significantly and harmfully diminished as a result of having no privacy screen on the western elevation facing Green Meadow. This would be exacerbated by the fact that prior to the refurbishment works and the erection of the extension the occupiers of Green Meadow have been able to use their private rear amenity space without any overlooking from neighbouring properties.
8. I therefore conclude that it is necessary to continue to impose the requirement to erect a 1.8m high solid and obscure screen on the western elevation of the roof terrace as set out in Condition No 2 of planning permission Ref: P/16/660/FUL. To allow the removal of this obscure screen would, on the evidence before me and from my own observations on the ground, result in harm to the living conditions of the occupants of Green Meadow. Therefore, the appeal proposal would conflict with Policy SP2 of the Adopted Bridgend Local Development Plan, 2013 which requires all development to contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment by ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected by development proposals (criterion 12).
9. In reaching my 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 the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

10. Having regard to the above and considered all other matters raised, I conclude that the appeal should be dismissed.

Richard Duggan

INSPECTOR



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 03/06/19

gan Richard Duggan BSc (Hons) DipTP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 02.07.2019

Appeal Decision

Site visit made on 03/06/19

by Richard Duggan BSc (Hons) DipTP
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 02.07.2019

Appeal Ref: APP/F6915/A/19/3225665

Site address: The Haven, 21 Abergarw Meadow, Brynmenyn, Bridgend CF32 8YG

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 Shaun Middleton against the decision of Bridgend County Borough Council.
 - The application Ref P/18/547/FUL, dated 3 July 2018, was refused by notice dated 12 November 2018.
 - The development proposed is the regularisation of external finishes to dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the regularisation of external finishes to dwelling at The Haven, 21 Abergarw Meadow, Brynmenyn, Bridgend CF32 8YG in accordance with the terms of the application, Ref P/18/547/FUL, dated 3 July 2018 subject to the conditions set out in the annex to this decision.

Procedural Matters

2. Planning permission was granted in May 2016¹ for the construction of a detached 5-bedroom dwelling on plot 10. The Council subsequently agreed details² submitted to discharge a number of conditions, including Condition 2 which related to the materials to be used in the external surfaces of the dwelling. However, the dwelling has not been constructed in accordance with the approved details. Therefore, the planning application subject of this appeal was submitted to seek consent for the materials used on the external surfaces of the 'as built' and completed dwelling. This is confirmed by the Appellant's reference to condition 2 in the description set out on the application form and the absence of any other plans other than the elevation plan 15/AF/SM/06.
3. Therefore, it is clear from the evidence before me that the planning application did not seek to get permission to regularise the details of hard and soft landscaping or the

¹ Planning application reference: P/16/239/FUL

² Planning application reference: P/17/7/DOC

boundary treatment³ on the appeal site. As such, this appeal only deals with the materials used on the external surfaces of the dwelling.

4. Although Section E of the appeal form states that the description of the development has not changed from that stated on the application form, the Appellant has used the same description as that set out in the Council's decision notice. This description has been included in the banner heading above as I consider it to be a more precise and accurate description.

Main Issues

5. The main issues are the effect of the appeal property on the character and appearance of the area and on the living conditions of the future occupiers of Plots 6 and 7 through overlooking.

Reasons

6. The appeal property is a recently completed large detached dwelling located within a new residential development of 26 building plots. A number of other large detached houses have been completed around the development and are occupied, and a number of others are currently under construction. The development is located on higher ground above the village and I saw that it can be readily seen from surrounding viewpoints, including the nearby community route, Abergarw Trading Estate and the adjoining residential development at Dol yr Ysgol.
7. A Development Brief (DB) has been prepared by the Council which accompanied the outline planning permission for the site. It provides a list of guidelines under a number of headings, including 'Roof Coverings' and 'Materials Palette (Elevations)', to assist in raising the quality of the development and help with co-ordination and integration of individual schemes. I note that the DB was prepared at the same time as the outline application which was subject to a Section 106 Agreement and a condition requiring compliance with the DB. Nonetheless, no details have been provided by the Council as to whether the DB was subject to any public consultation or has been formally adopted by the Council.
8. I have treated the document as providing no more than guidance which can assist in the assessment of applications for dwellings and the discharge of conditions. I have had regard to the DB as I am satisfied that it does not introduce new policy, but rather provides a context upon which to determine planning applications and implement adopted development plan policy. There is no doubt that despite meriting some weight the DB represents guidance only, and I consider that the guidelines set out within the document should not be treated as prescriptive. Indeed, the Council correctly points out in its delegated report and appeal statement that the DB does not specifically limit the palette materials that should be used within the development.
9. Whilst the Council states that it has attempted to restrict the materials used within the houses on the development, I saw that there was a wide variety used within the completed dwellings on the site, including a mix of similar greyer coloured Bradstone, local limestone, natural stone, smooth render and a range of multi-face bricks including orange/red and buff brown. In this regard, I note that the Council has approved multi face red/brown buff bricks on the now completed plot 15 which lies to the west of the application site in a more prominent position on the estate road.

³ Conditions 4 and 6 attached to planning permission P/16/239/FUL

10. Having regard to the wide variety of materials approved in the overall development, I find that the materials used on the appeal property, including the stonework, roof tiles, the framework on the doors and windows as well as the fascias, soffits and bargeboard, are not visually obtrusive and have not led to a dwelling that appears out of character with the remainder of the development.
11. Although the Council has approved the increase in the height of the appeal property⁴ which authorised the raising of the roof from 9.25m to 10m, the Council remains concerned with the scale, size and extent of the changes, including the redesigned dormers and fenestration on the eastern elevation, the omission of a chimney stack and the insertion, enlargement and replacement of various windows throughout the property.
12. Whilst there are some design elements that are generally consistent within the properties across the site, such as the roof and dormer designs, I noted that there was a significant difference in the form, scale, layout, orientation and elevational design of the houses. The re-design of the dormer windows on the eastern elevation are similar to those already approved by the Council and are comparable to other that I saw around the development.
13. Overall, I consider that the as built appeal property does not have a detrimental impact on the character and appearance of the area. Therefore, it does not conflict with Policy SP2 of the Adopted Bridgend Local Development Plan, 2013 which requires all development to contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment by having a design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character (criterion 2); and being of an appropriate scale, size and prominence (criterion 3).
14. Whilst not forming part of the reason for refusal, the Council's delegated officer report and appeal statement refer to the potential for overlooking towards plots 6 and 7 from the new second floor window within the northern elevation of the appeal property.
15. I saw that the ground levels across the site vary significantly as it slopes down from north to south, resulting in the appeal property being sited at a lower level than plots 6 and 7 above. Due to the differences in land levels the second floor window will be at approximately the same height as the first floor windows of the dwellings on plots 6 and 7 to the north, with a separation distance of approximately 12 – 13 metres to the approved property on Plot 7. In order to prevent any potential overlooking I will impose a condition requiring the second floor window to be changed and fitted with non-opening window with obscure glazing. I regard this as being warranted to safeguard privacy, which would also be reasonable in terms of the effect on natural light and outlook for the second floor accommodation of the appeal property given the other clear glazed windows that serve that room.

Other matters

16. The Council has also raised concerns in its' appeal statement regarding the materials used within the outdoor space of the dwelling and particularly the treatment of the eastern boundary. However, as I have already set out above, this appeal only relates

⁴ Planning application reference: P/16/826/RLX

to the assessment of the materials used on the external surfaces of the dwelling and not the details of landscaping or boundary treatment.

Conditions

17. I have considered the suggested conditions and reasons put forward by the Council and, having had regard to the advice in Welsh Government Circular 016/2014: *The Use of Planning Conditions for Development Management* (October 2014).
18. In order to address any overlooking of Plot 6 and 7 the Council has put forward a condition requiring the second floor window on the northern elevation to be removed. However, I have imposed a condition requiring the window to be fitted with non-opening obscure glass as this would be an equally effective measure in protecting the privacy of the occupiers of Plots 6 and 7 and would address the concerns of the Council. The Council has put forward a condition requiring the removal of various materials and other aspects of the 'as built' dwelling and replacing them with materials that it has specified. However, given my conclusions above this is not necessary. The Council has also suggested conditions relating to car parking and removing permitted development rights. These do not meet the tests set out within circular 016/2014 as they are not relevant to the development permitted and are unnecessary within the context of this appeal.
19. The conditions and their associated reasons are set out in the annex below.

Conclusion

20. In reaching my 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 the Welsh Ministers' well-being objective of supporting safe, cohesive, resilient, healthier and equal communities.
21. Having regard to the above and considered all other matters raised, including the concerns of the Community Council, I conclude that the appeal should be allowed, subject to the conditions set out in the annex attached to this decision.

Richard Duggan

INSPECTOR

ANNEX TO APPEAL DECISION APP/F6915/A/19/3225665

- 1) The development shall be retained in accordance with the following approved plan: 15/AF/SM/06A received on 5 October 2018.

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application.

- 2) The second floor window on the northern elevation shall only be fitted with non-opening obscured glazing within 3 calendar months of this decision. The window shall be permanently retained in that condition thereafter.

Reason: In order to safeguard the privacy of neighbouring residents in accordance with Policy SP2 of the Adopted Bridgend Local Development Plan, 2013.

This page is intentionally left blank

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO DEVELOPMENT CONTROL COMMITTEE

1 August 2019

BRIDGEND COUNTY BOROUGH COUNCIL

JOINT HOUSING LAND AVAILABILITY STUDY 2019

1. Purpose of the Report

- 1.1 The purpose of this Report is to inform the Development Control Committee of the outcome of the Joint Housing Land Availability Study (JHLAS) 2019 (attached at Appendix 1).

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 The Bridgend Local Development Plan is a high level strategy which must be prepared by the Council. The Local Development Plan sets out in land-use terms all the priorities and objectives of the Corporate Plan. The Replacement Local Development Plan will express in land-use terms the wellbeing objectives and priorities of the Bridgend Public Services Board's Well-being Plan.

3. Introduction and Background

- 3.1 The requirement to maintain a 5-year supply of readily developable housing land in each Local Planning Authority across Wales is a key planning policy requirement of the Welsh Government. The planning system, through the Local Development Plan process, must provide the land that is needed to allow for new home building and Local Planning Authorities are required to ensure that sufficient land is genuinely available to provide a 5-year supply of land for housing.
- 3.2 The JHLAS is the mechanism for Local Planning Authorities to demonstrate that they have a five year housing land supply by providing an agreed statement of housing land availability set against the housing requirements of an adopted Local Development Plan.
- 3.3 Technical Advice Note 1 (TAN 1) provides the guidance on how to prepare a JHLAS. The guidance reinforces the Welsh Government's plan-led system and advises that the JHLAS is a key mechanism for monitoring the effectiveness of the Local Development Plan. The housing supply figure from the JHLAS must be included in the Local Development Plan's Annual Monitoring Report (AMR).
- 3.4 As part of the AMR process, where there is a shortfall, i.e. less than a 5 year housing land supply, the Local Planning Authority should consider the reasons for the shortfall and whether the Local Development Plan should be reviewed in whole or in part.

4. Current Situation

- 4.1 It should be noted that as at 1 April 2018, 18 out of the 25 Local Planning Authorities in Wales were unable to demonstrate a 5 year housing land supply. This has resulted in an increase in the number of speculative planning applications for housing.
- 4.2 In terms of the Development Control process, paragraph 6.2 of TAN 1 guidance advises that the housing land supply figure will be treated as a material consideration in determining planning applications. When a study shows supply being less than 5

years, the need to increase supply will be given considerable weight when dealing with planning applications.

- 4.3 However, in July 2018, Welsh Government temporarily dis-applied paragraph 6.2 of Technical Advice Note 1, Joint Housing Land Availability Studies (TAN 1), to remove the reference to attaching “considerable” weight to the lack of a five-year housing land supply as a material consideration in determining planning applications for housing. This is to ensure the most appropriate housing sites are brought forward as part of a systematic and rigorous Local Development Plan process.
- 4.4 Bridgend’s latest 2019 JHLAS is attached at Appendix 1. Set against the housing requirement of the adopted Local Development Plan the Study demonstrates that Bridgend County Borough has a 2.9 year housing land supply (representing a shortfall in the TAN 1, 5 year requirement) with a total land supply within the 5 year study period of 3033 units.
- 4.5 As there are only 2 years remaining (up to 2021) of the Local Development Plan period, which is less than the 5 year JHLAS period up to 2023, a mathematical method prescribed by TAN 1 guidance has been used to calculate the annual average requirement as part of the 5 year land supply calculation.
- 4.6 The Council is the responsible body for preparing the JHLAS which is subject to an agreed timetable. In preparing the document, the Council consulted with the Study Group, which consisted of house builders’ representatives, including the Home Builders Federation (HBF), landowners, Registered Social Landlords, statutory undertakers and infrastructure providers.
- 4.7 In consultation with the Study Group, the Council subsequently prepared a Statement of Common Ground, setting out the extent of agreement on site delivery. In this respect there were no matters of dispute and the final 2019 JHLAS report has been prepared on this basis.
- 4.8 In accordance with TAN 1 guidance, the 2019 Joint Housing Land Availability Study will be published on the Local Planning Authority’s website and a hyperlink sent to the Welsh Government and to all members of the Study Group.
- 4.9 There is a statutory requirement to undertake a JHLAS on an annual basis. The preparation timetable of the 2020 Study will be agreed by the Study Group early next year.
- 4.10 The outcome of this Study will also be reported in the Local Development Plan’s Annual Monitoring Report with the reasons why there is a shortfall in the required 5-year housing land supply. This will be addressed through the Replacement Local Development Plan process.

5. Effect upon Policy Framework

- 5.1 Section 61 of the 2004 Procedure Rules Act requires Local Planning Authorities to keep all matters under review which are expected to have an effect on development in their area.
- 5.2 The JHLAS is an extremely important piece of evidence to inform the strategy, policies and allocations in the future Replacement Local Development Plan. It is also a key mechanism for monitoring the effectiveness of the existing Local Development Plan.

6. Equality Impact Assessment

6.1 The policies contained within the Replacement Local Development Plan will require an Equalities Impact Assessment to be carried out.

7. Financial Implications

7.1 There are no financial implications.

8. Wellbeing and Future Generations (Wales) Act 2015

8.1 The Replacement Local Development Plan will be prepared in accordance with the 7 Wellbeing goals and the 5 ways of working as identified in the Act.

9. Recommendation

9.1 That the 2019 Joint Housing Land Availability Study be noted.

Jonathan Parsons
Group Manager Planning and Development Services

1 August 2019

Contact Officer: Richard Matthams - Development Planning Manager /
Adam Provoost - Senior Development Planning Officer

Telephone: (01656) 643169 / 643166

E-mail: richard.matthams@bridgend.gov.uk /
adam.provoost@bridgend.gov.uk

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

Background documents

Bridgend Local Development Plan

APPENDIX 1

**Bridgend County Borough Council
Local Planning Authority**

**Joint Housing Land Availability Study 2019
Report**

Between

Bridgend County Borough Council

and

**The Home Builders Federation
Barratt & David Wilson Homes South Wales
Boyer Planning
Persimmon Homes
Sullivan Land & Planning
Bellway
Taylor Wimpey
Hafod Housing Association
Jehu
Redrow Homes South Wales
Wales and West Housing
Valleys 2 Coast
Linc-Cymru Housing Association
Llanmoor Homes
Coastal Housing Group
United Welsh Housing Association
Lovell
Dwr Cymru / Welsh Water
Western Power Distribution
Cyfoeth Naturiol Cymru / Natural Resources Wales**

Publication Date: 1 August 2019

Contents

1 Summary

2 Housing Land Supply

Appendix 1 – Site Schedules

Appendix 2 – Past Completions Data

Appendix 3 – Previous Land Supply Data

1. Summary

- 1.1 This is the Bridgend County Borough Council Joint Housing Land Availability Study (JHLAS) for 2019, which presents the housing land supply for the area at the base date of 1 April 2019. It replaces the report for the previous base date of 2018.
- 1.2 The JHLAS has been prepared in accordance with the requirements of *Planning Policy Wales* (PPW) and Technical Advice Note 1 (TAN 1). Please refer to these documents for details of the requirements for the maintenance of a five year housing land supply in each Local Planning Authority area and the process for undertaking JHLASs.
- <https://gov.wales/technical-advice-note-tan-1-joint-housing-land-availability-studies>
- 1.3 Section 2 sets out details of the housing land supply and how it has been calculated. It shows that based on the residual method set out in TAN 1 Bridgend County Borough Council has **2.9 years** housing land supply.

Involvement

- 1.4 The housing land supply has been assessed in consultation with:
- The Home Builders Federation
 - Barratt & David Wilson Homes South Wales
 - Boyer Planning
 - Linc-Cymru Housing Association
 - Llanmoor Homes
 - Valleys 2 Coast
 - Wales and West Housing

Report Production

- 1.5 Bridgend County Borough Council issued draft site schedules and site proformas for consultation between 16 and 30 April 2019. Comments were provided by the Home Builders Federation, Barratt & David Wilson Homes South Wales, Boyer Planning, Linc-Cymru Housing Association, Llanmoor Homes, Valleys 2 Coast, Wales and West Housing and Dwr Cymru/Welsh Water within this period. A draft Statement of Common Ground (SoCG) was subsequently prepared following consultation with the Study Group.
- 1.6 All matters were agreed following the consultation and set out in the SoCG.
- 1.7 This JHLAS report has been prepared on the basis of the SoCG.

2. Housing Land Supply

2.1 The five year land supply comprises sites with outline or full planning permission, sites with a resolution to grant planning permission subject to the signing of a Section 106 agreement and sites allocated for housing in adopted development plans, categorised as prescribed in TAN 1.

2.2 The land supply has been calculated using the residual methodology, based on the Bridgend County Borough Council Local Development Plan 2006 – 2021, adopted on 18 September 2013.

Table 1 - Identified Housing Land Supply

Housing Land Supply 1 st April 2019 – 2024 (Large Sites)						
	Proposed Homes	5 Year Land Supply		Beyond 5 Years		Homes completed since last study
		Category 1	Category 2	Category 3	Category 4	
Total	5097	221	2812	109	1955	521

2.3 Five year land supply breakdown (i.e. Categories 1 and 2):

Private	2405
Public	
Housing Association	628
Total	3033

2.4 **Small Site Supply** – The contribution from small sites of less than 10 dwellings is based on the completions for the last five years.

Table 2 – Small Site Completions for Previous 5 years

2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	Total
39	51	42	66	58	256

2.5 The overall **total 5 year land supply** (large and small sites) is 3289

Table 3 – Five Year Land Supply Calculation
Five year land supply calculation table

A	Total Housing Requirement (as set out in the adopted Development Plan)	9690
B	Completions from 2006 – 2018 (large and small sites)	5947
C	Residual Requirement (A-B)	3743
D	5 year requirement *	5681
E	Annual Need *	1136
F	Total 5 year land supply	3289
G	Land Supply in years	2.9

* The plan period expires in 2021 (2 years), part-way through the JHLAS period; as such in accordance with the requirements of TAN 1 the following equation has been used to calculate the average annual requirement

$$\frac{\frac{H \times N}{P} + (H - C)}{5}$$

$$\frac{\frac{9690 \times 3}{15} + (9690 - 5947)}{5}$$

$$\frac{1938 + 3743}{5} = 1136$$

Where:

H = Total Housing Requirement (as set out in the adopted Development Plan)

N = Number of years left in JHLAS period after the plan period expires

P = Total number of years in plan period

C = Completions from start of plan period to JHLAS base date

2.6 The housing land supply in years is **2.9**.

THIS PAGE INTENTIONALLY LEFT BLANK

APPENDIX 1 – SITE SCHEDULES

THIS PAGE INTENTIONALLY LEFT BLANK

Bridgend

Penybont ar Ogwr
BridgendAmserlen tir preswyl sydd ar gael
Residential Land Availability ScheduleSafleoedd ar gyfer 10 neu fwy o unedau a 01-04-2019
Sites for 10 or more Units as at 01-04-2019Safleoedd â chaniatâd cynllunio neu mewn
cynlluniau a fabwysiadwyd
Sites with Planning permission or in Adopted Plans

Rhif Polisi	Rhif Cyf ACLI	Cyfeiriad	Unedau a Adeiladwyd Ers yr Astudiaeth Ddiwethaf	Cyfanswm Nifer O Unedau Wedi Eu Hadeiladu Hyd Yma	Cyfanswm Unedau	Nifer Ohonynt Yn Fforddiadwy	Unedau sydd Ar Ôl	Hectarau sydd Ar Ôl	W/A	Categori Categori						
										Units Built Since Last Study	Total Number of Units Build to Date	Total Units Capacity	No of which are Affordable	Units Remaining	Hectares Remaining	U/C
COM 1(1)	ID 37	PARC DERWEN	157	1342	1555	153	213	8.6	19	94	100	0	0	0	0	0
COM 1(2)	ID 45 & ID 1000 ID 2028	NORTH EAST BRACKLA REGENERATION AREA	147	268	558	111	290	6.76	89	100	101	0	0	0	0	0
COM 1(3)	ID 871	PARC AFON EWENNI REGENERATION AREA	0	0	650	130	650	16.3	0	50	100	150	150	0	0	200
COM 1(4)	ID 38	COITY ROAD SIDINGS	0	0	140	28	140	5.47	0	0	0	0	0	0	0	140
COM 1(7)	ID 873	LAND AT WATERTON LANE	0	0	42	9	42	1.2	0	0	0	42	0	0	0	0
COM 1(8)	ID 11	JUBILEE CRESCENT	48	48	48	48	0	0	0	0	0	0	0	0	0	0
COM 1(10)	ID 402	BROCASTLE ESTATE	0	42	72	0	30	2.29	0	0	0	30	0	0	0	0
COM 1(5)	ID 872	SOUTH WALES POLICE, COWBRIDGE ROAD	0	0	138	28	138	4	0	0	0	0	0	0	0	138
COM 1(11) & COM 1(14)	ID 874 & ID 705	WATERTON MANOR & LANE (LAND AT) WATERTON	0	0	39	26	39	1.46	0	0	0	26	13	0	0	0

COM 1(12)	ID 755	RHIW / BRACKLA STREET SHOPPING CENTRE	0	28	38	38	10	0	10	0	0	0	0	0	0	0
COM 1(13)	ID 878	PARC FARM, NORTH EAST OF PARC DERWEN	24	24	24	24	0	0	0	0	0	0	0	0	0	0
COM 1(15)	ID 757	QUEEN STREET 6-10	0	0	10	0	10	0.04	0	0	0	0	0	0	0	10
COM 2(6)	ID 914	LAND AT LLANGEWYDD ROAD, CEFN GLAS	1	1	194	39	193	5.96	15	40	40	40	40	18	0	0
COM 2(7)	ID 915	YSGOL BRYN CASTELL	0	67	202	14	135	3.62	0	25	50	50	10	0	0	0
COM 2(10)	ID 30	CEFN GLAS ROAD	0	6	10	0	4	0.12	0	0	0	0	0	0	0	4
COM 2(11)	D 916	COED PARC	0	0	15	0	15	1.43	0	10	5	0	0	0	0	0
COM 3	ID 869	OYSTERCATCHER PH, CAR PARK AND LAND BEHIND, HIGH STREET, LALESTON	1	8	10	0	2	0	2	0	0	0	0	0	0	0
COM 3	ID 990	SUNNYSIDE ROAD (LAND OFF)	0	0	59	59	59	1.31	0	0	59	0	0	0	0	0
COM 3	ID 1025	COWBRIDGE ROAD (REAR OF)	0	0	10	2	10	0.06	0	0	10	0	0	0	0	0
COM 3	ID 1064	COURT ROAD 11, GAYLARD BUILDINGS	17	17	17	0	0	0	0	0	0	0	0	0	0	0
COM 3	ID 1014	ALL SAINTS WAY (LAND SOUTH OF)	0	0	20	3	20	1.11	0	20	0	0	0	0	0	0
COM 3	ID 1071	FORMER OCLP CLUBHOUSE, ELM CRESCENT, BRIDGEND	18	18	18	18	0	0	0	0	0	0	0	0	0	0
COM3	ID 1108	BRYN BRAGL	0	0	14	14	14	0.46	0	0	14	0	0	0	0	0
CYFANSWM TOTAL		BRIDGEND	413	1869	3883	744	2014	60.19	135	339	479	338	213	18	0	492

LLYNFI VALLEY

Rhif Polisi	Rhif Cyf ACLI	Cyfeiriad	Unedau a Adeiladwyd Ers yr Astudiaeth Ddiwethaf	Cyfanswm Nifer O Unedau Wedi Eu Hadeiladu Hyd Yma	Cyfanswm Unedau	Nifer Ohonynt Yn Fforddiadwy	Unedau sydd Ar Ôl	Hectarau sydd Ar Ôl	W/A	Categori Categori						
Policy Number	LPA Ref No	Address	Units Built Since Last Study	Total Number of Units Build to Date	Total Units Capacity	No of which are Affordable	Units Remaining	Hectares Remaining	U/C	2020	2021	2022	2023	2024	3	4
COM 1(16)	ID 3	FORMER WASHERY SITE	0	0	135	21	135	5	0	0	0	30	30	30	0	45
COM 1(17)	ID 921	EWENNY ROAD	0	0	138	0	138	4	0	0	20	40	40	38	0	0
COM 1(18)	ID 922	COEGNANT RECLAMATION SITE	0	0	100	15	100	3	0	0	0	0	0	0	0	100
COM 1(19)	ID 1	CROWN ROAD	0	0	40	6	40	1.38	0	0	0	0	0	0	0	40
COM 1(20)	ID 923	FORMER BLAENCAERAU JUNIOR SCHOOL	0	0	35	5	35	0.55	0	0	0	0	0	0	0	35
COM 1(21)	ID 875	Y PARC	0	0	51	8	51	1.6	0	0	0	0	0	0	0	51
COM 1(22)	ID 924	LAND S. OF CWMFELIN PRIMARY SCHOOL	0	0	20	3	20	0.56	0	0	20	0	0	0	0	0
COM 1(23)	ID 501	LLYNFI LODGE	0	0	14	0	14	0.26	0	0	0	0	0	0	0	14
COM 1(24)	ID 9	LAND ADJ. TO 50 HEOL TYWITH	0	0	13	2	13	0.4	0	0	0	0	0	0	0	13
COM 3	ID 8	62A & 63 PICTON STREET FORMER NANTYFFYLLON RFC	0	0	36	0	36	0.28	2	0	11	11	12	0	0	0
COM 3	ID 798	HEOL GELLI LENOR / LANSBURY CRESCENT	0	2	14	12	12	1.14	0	0	0	0	0	0	12	0
COM3	ID 1059	FMR BLAENLLYNFI INFANTS SCHOOL	0	0	14	2	14	0.45	0	0	14	0	0	0	0	0
COM3	ID 1065	BRIDGEND ROAD, FORMER SCHOOL PLAYING FIELD	0	0	37	37	37	0	37	0	0	0	0	0	0	0
CYFANSWM TOTAL		LLYNFI VALLEY	0	2	647	111	645	18.62	39	0	65	81	82	68	12	298

Rhif Polisi	Rhif Cyf ACLI	Cyfeiriad	Unedau a Adeiladwyd Ers yr Astudiaeth Ddiwethaf	Cyfanswm Nifer o Unedau Wedi Eu Hadeiladu Hyd Yma	Cyfanswm Unedau	Nifer Ohonynt Yn Fforddiadwy	Unedau sydd Ar Ôl	Hectarau sydd Ar Ôl	W/A	Categori Categori						
Policy Number	LPA Ref No	Address	Units Built Since Last Study	Total Number of Units Built to Date	Total Units Capacity	No of which are Affordable	Units Remaining	Hectares Remaining	U/C	2020	2021	2022	2023	2024	3	4
									1	2	2	2	2	2		
COM 2(1)	ID 912	LAND SOUTH WEST OF CITY ROAD	0	8	80	12	72	2.25	0	0	0	0	0	0	72	0
COM 2(2)	ID 60	CITY FARM	0	0	40	2	40	1.02	0	0	0	10	30	0	0	0
COM 2(3)	ID 61	HEOL DEWI SANT (REAR OF)	0	22	23	0	1	0.06	0	1	0	0	0	0	0	0
COM 2(4)	ID 913	LAND ADJOINING CWM OGWR FACH	0	0	39	0	39	1.22	0	0	20	19	0	0	0	0
COM 2 (13)	ID 530	FORMER ABERCERDIN SCHOOL, KENRY STREET	0	11	21	3	10	0.31	0	0	5	5	0	0	0	0
COM 2 (14)	ID 917	CORONATION WORKS	0	0	11	2	11	0.32	0	0	0	5	6	0	0	0
COM 2(18)	ID 66	LAND AT TY-NANT, LLANGEINOR	0	0	10	0	10	0.59	0	0	0	3	3	4	0	0
COM 2(19)	ID 69	WAUNWEN	0	0	35	5	35	0.97	0	0	0	0	0	0	0	35
COM 2(20)	ID 67	CWRT COLMAN ST.	0	1	22	0	21	1.57	0	0	0	0	0	0	0	21
COM 2(21)	ID 68	HEOL Y FEDWEN/HAUL BRYN	0	10	14	0	4	0.09	2	0	2	0	0	0	0	0
COM 3	ID 71	LAND AT NORTH ROAD, OGMORE VALE	0	6	13	0	7	0.09	3	0	2	2	0	0	0	0
CYFANSWM TOTAL		OGMORE AND GARW VALLEYS	0	58	308	24	250	8.49	5	1	29	44	39	4	72	56

Rhif Polisi Policy Number	Rhif Cyf ACLI LPA Ref No	Cyfeiriad Address	Unedau a Adeiladwyd Ers yr Astudiaeth Ddiwethaf Units Built Since Last Study	Cyfanswm Nifer o Unedau Wedi Eu Hadeiladu Hyd Yma Total Number of Units Built to Date	Cyfanswm Unedau Total Units Capacity	Nifer Ohonynt Yn Fforddiadwy No of which are Affordable	Unedau sydd Ar Ôl Units Remaining	Hectarau sydd Ar Ôl Hectares Remaining	W/A U/C 1	Categoriadau Categorisation						
										2020 2	2021 2	2022 2	2023 2	2024 2	3	4
COM 2(27)	ID 54	LAND SOUTH OF HENDRE ROAD	2	201	205	0	4	0.15	2	2	0	0	0	0	0	0
COM 2(29)	ID 807	FORMER SURGERY SITE COYCHURCH ROAD	0	6	13	0	7	0.28	0	0	7	0	0	0	0	0
COM 2(30)	ID 919	PENCOED PRIMARY SCHOOL	0	0	40	40	40	0.73	0	0	40	0	0	0	0	0
COM3	ID 860	HEOL Y CYW PRIMARY SCHOOL	0	0	13	13	13	0.3	0	0	13	0	0	0	0	0
CYFANSWM TOTAL		PENCOED	2	207	271	53	64	1.46	2	2	60	0	0	0	0	0

Rhif Polisi	Rhif Cyf ACLI	Cyfeiriad	Unedau a Adeiladwyd Ers yr Astudiaeth Ddiwethaf	Cyfanswm Nifer o Unedau Wedi Eu Hadeiladu Hyd Yma	Cyfanswm Unedau	Nifer Ohonynt Yn Fforddiadwy	Unedau sydd Ar Ôl	Hectarau sydd Ar Ôl	W/A	Categori Categori						
Policy Number	LPA Ref No	Address	Units Built Since Last Study	Total Number of Units Build to Date	Total Units Capacity	No of which are Affordable	Units Remaining	Hectares Remaining	U/C	2020	2021	2022	2023	2024	3	4
									1	2	2	2	2	2		
COM 1 (25)	ID 81	PORTHCAWL REGENERATION AREA	0	13	1050	315	1037	18.76	0	0	0	100	100	100	0	737
COM 1(28)	ID 691	ALBERT EDWARDS, PRINCE OF WALES COURT, PENYLAN AVENUE	0	0	35	11	35	1	0	0	0	0	0	0	0	35
COM 1(29)	ID 592	STATION HILL MOT BUILDING SITE	0	0	11	0	11	0.08	0	0	0	0	0	0	11	0
COM 3	ID 842	NEW ROAD 9,11,13,15 STATION HILL	0	0	14	0	14	0.09	0	0	0	0	0	0	14	0
COM 3	ID 876	ST CLARES CONVENT, CLEVIS HILL	0	0	12	0	12	1.07	0	0	4	4	4	0	0	0
COM3	ID 942	THE REST CONVALESCENT HOME	0	0	69	0	69	4.84	34	35	0	0	0	0	0	0
COM 3	ID 1141	MEADOW LANE (LAND AT)	0	0	24	24	24	0.28	0	0	24	0	0	0	0	0
COM 3	ID 1144	7 - 11 JOHN STREET	0	0	26	8	26	0.08	0	0	26	0	0	0	0	0
COM3	ID 1145	RONNIES COMMERCIAL,CLOS YR ORSAF	0	0	10	10	10	0.08	0	0	10	0	0	0	0	0
COM3	ID 1146	47 - 49 WOODLAND AVENUE (Land Between)	0	0	10	10	10	10	0	0	10	0	0	0	0	0
CYFANSWM TOTAL		PORTHCAWL	0	13	1261	378	1248	36.28	34	35	74	104	104	100	25	772

Rhif Polisi	Rhif Cyf ACLI	Cyfeiriad	Unedau a Adeiladwyd Ers yr Astudiaeth Ddiwethaf	Cyfanswm Nifer o Unedau Wedi Eu Hadeiladu Hyd Yma	Cyfanswm Unedau	Nifer Ohonynt Yn Fforddiadwy	Unedau sydd Ar Ôl	Hectarau sydd Ar Ôl	W/A	Categoriadau Categorisation						
Policy Number	LPA Ref No	Address	Units Built Since Last Study	Total Number of Units Built to Date	Total Units Capacity	No of which are Affordable	Units Remaining	Hectares Remaining	U/C 1	2020 2	2021 2	2022 2	2023 2	2024 2	3	4
COM 2(24)	ID 642	LAND AT GIBBONS WAY	0	8	45	45	37	1.04	0	0	0	0	25	12	0	0
COM 2(31)	ID 920	TY DRAW CLOSE (REAR OF)	0	0	30	30	30	0.76	0	0	0	0	0	0	0	30
COM 3	ID 779	BEDFORD ROAD, CEFN CRIBBWR	0	0	12	12	12	0.11	0	0	12	0	0	0	0	0
COM 3	ID 186	CEFN ROAD (CEFN CRIBBWR RESERVOIR), CEFN CRIBBWR	0	0	14	0	14	0.42	0	0	14	0	0	0	0	0
COM 3	ID 712	AEL Y BRYN 65 - 66 (LAND TO REAR OF), NORTH CORNELLY	0	0	23	23	23	0.94	0	0	23	0	0	0	0	0
COM 3	ID 1147	CROFT GOCH ROAD (LAND N. E. OF)	0	0	21	21	21	0.61	0	0	21	0	0	0	0	0
CYFANSWM TOTAL		PYLE/KENFIG/CORNELLY	0	8	145	131	137	3.88	0	0	70	0	25	12	0	30

Rhif Polisi	Rhif Cyf ACLI	Cyfeiriad	Unedau a Adeiladwyd Ers yr Astudiaeth Ddiwethaf	Cyfanswm Nifer o Unedau Wedi Eu Hadeiladu Hyd Yma	Cyfanswm Unedau	Nifer Ohonynt Yn Fforddiadwy	Unedau sydd Ar Ôl	Hectarau sydd Ar Ôl	W/A	Categori Categori						
Policy Number	LPA Ref No	Address	Units Built Since Last Study	Total Number of Units Build to Date	Total Units Capacity	No of which are Affordable	Units Remaining	Hectares Remaining	U/C	2020	2021	2022	2023	2024	3	4
									1	2	2	2	2	2		
COM 1(31)	ID 58	LAND OFF MAESTEG ROAD	0	226	676	68	450	28.62	0	0	60	60	60	60	0	210
COM 1 (32)	ID 46	PARC TYN Y COED	0	264	370	50	106	2.61	0	0	9	0	0	0	0	97
COM 1(33)	ID 925	OGMORE COMPREHENSIVE SCHOOL	53	110	117	0	7	0.16	2	5	0	0	0	0	0	0
COM 1(34)	ID 1068	GATEWAY TO THE VALLEYS (Site A) Former Archbishop McGrath School (Land at)	44	44	44	44	0	0	0	0	0	0	0	0	0	0
COM 1(34)	ID 926	GATEWAY TO THE VALLEYS (Site B) Former Archbishop McGrath School (Land at)	0	0	106	0	106	3.44	0	0	0	0	53	53	0	0
COM 1(36)	ID 927	BRYNCETHIN DEPOT	0	0	25	5	25	2	0	0	0	25	0	0	0	0
COM 1(37)	ID 928	LAND AT ABERGARW FARM	9	11	26	0	15	0.71	4	6	5	0	0	0	0	0
COM 1(38)	ID 929	GLANYRAFON	0	0	30	0	30	0.58	0	0	0	30	0	0	0	0
CYFANSWM TOTAL		VALLEYS GATEWAY	106	655	1394	167	739	38.12	6	11	74	115	113	113	0	307

CYFANSWM TOTAL	521	2812	7909	1608	5097	167.04	1	2: 2812						3	4
							221	388	851	682	576	315	109	1955	

APPENDIX 2 – PAST COMPLETION DATA
APPENDIX 3 – PREVIOUS LAND SUPPLY DATA

THIS PAGE INTENTIONALLY LEFT BLANK

Appendix 2 – Past Completion Data

Number of Homes Completed On			
Year	Large Sites	Small Sites	Total Completions
2007	548	87	635
2008	417	97	514
2009	326	62	388
2010	215	77	292
2011	227	79	306
2012	400	47	447
2013	266	66	332
2014	460	57	517
2015	582	39	621
2016	469	51	520
2017	364	42	406
2018	324	66	390
2019	521	58	579

Appendix 3 – Previous Land Supply Data

Year	5 year supply - Number of homes (TAN 1 categories)		Number of years supply	Supply beyond 5 years - Number of homes	
	Category 1	Category 2		Category 3	Category 4
2007	455	2577	8.1	0	2490
2008	291	2093	6.6	0	2799
2009	249	2030	6.2	0	2715
2010	252	1735	5.2	0	2803
2011	332	1914	5.5	0	2722
2012	388	1736	5.1	0	2661
2013	375	2212	5.7	0	2007
2014	521	4269	6.0	0	1477
2015	775	4043	5.4	0	1459
2016	701	4240	5.1	0	1160
2017	615	3367	4	0	1745
2018	763	2845	3.4	0	1846
2019	221	2812	2.9	109	1955

This page is intentionally left blank

TRAINING LOG

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

<u>Facilitator</u>	<u>Subject</u>	<u>Date</u>	<u>Time</u>
Jonathan Parsons, <i>Group Manager Development</i> / Richard Matthams, <i>Development Planning Manager</i>	“SDP – Strategic Development Plans – progress update”	1 August 2019	12.45pm
Richard Matthams, <i>Development Planning Manager</i> / Gareth Denning, <i>Policy Team Leader</i> / Adam Provoost, <i>Senior Development Planning Officer</i>	“Open Space SPG Workshop”	12 September 2019	12.45pm
Gaynor Thomas, <i>School Programme Manager</i>	“Education contributions – new draft SPG Workshop”	24 October 2019	12.45pm

Recommendation:

That the report of the Corporate Director Communities be noted.

**JONATHAN PARSONS
GROUP MANAGER – PLANNING & DEVELOPMENT SERVICES**

Background Papers

None.

This page is intentionally left blank