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



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*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: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Friday, 11 September 2020

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held Remotely via Skype for Business on
Thursday, 17 September 2020 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. Approval of Minutes 3 - 6
To receive for approval the minutes of the 20/08/2020
4. Public Speakers
To advise Members of the names of the public speakers listed to speak at today's meeting (if any).
5. Amendment Sheet 7 - 10
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.
6. Development Control Committee Guidance 11 - 14
7. P/19/915/RES - Land West Of Maesteg Road, Tondu, CF32 9DF 15 - 72

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|-----|--|-----------|
| 8. | <u>P/20/285/RLX - Land At The Former Playground, Fountain Road, CF31 3XU</u> | 73 - 84 |
| 9. | <u>P/20/159/BCB - Plot 50a Village Farm Road, Village Farm Industrial Estate, Pyle, CF33 6BN</u> | 85 - 98 |
| 10. | <u>P/19/674/RLX - Land Off Parc Crescent, Waterton Industrial Estate (Storewithus), CF32 0EW</u> | 99 - 108 |
| 11. | <u>Appeals</u> | 109 - 130 |
| 12. | <u>Temporary Amendments to the DC Committee Site Visit Protocol</u> | 131 - 166 |
| 13. | <u>Nantymoel Conservation Area Article 4(2) Direction</u> | 167 - 176 |
| 14. | <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

Chief Officer, Legal, HR & Regulatory Services

Councillors:

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

Councillors

MJ Kearn
DRW Lewis
JE Lewis
JC Radcliffe
JC Spanswick
RME Stirman

Councillors

G Thomas
MC Voisey
KJ Watts
CA Webster
AJ Williams

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 20 AUGUST 2020

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN REMOTELY VIA SKYPE FOR BUSINESS ON THURSDAY, 20 AUGUST 2020 AT 14:00

Present

Councillor G Thomas – Chairperson

| | | | |
|--------------|--------------|------------|--------------|
| JPD Blundell | NA Burnett | RJ Collins | SK Dendy |
| DK Edwards | RM Granville | MJ Kearns | JC Radcliffe |
| JC Spanswick | RME Stirman | MC Voisey | KJ Watts |
| CA Webster | AJ Williams | | |

Apologies for Absence

DRW Lewis and JE Lewis

Officers:

| | |
|----------------|--|
| Rhodri Davies | Development & Building Control Manager |
| Gareth Denning | Policy Team Leader |
| Craig Flower | Planning Support Team Leader |
| Rod Jones | Senior Lawyer |
| Robert Morgan | Senior Development Control Officer |
| Adam Provoost | Senior Development Planning Officer |
| Andrew Rees | Democratic Services Manager |
| Philip Thomas | Principal Planning Officer |

393. DECLARATIONS OF INTEREST

None.

394. APPROVAL OF MINUTES

RESOLVED: That the minutes of a meeting of the Development Control Committee of 23 July 2020, be approved as a true and accurate record.

395. PUBLIC SPEAKERS

There were no public speakers.

396. 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 the Committee to consider necessary modifications to the Committee report, so as to take account of late representations and revisions that are required to be accommodated.

397. 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.

398. P/19/915/RES - LAND WEST OF MAESTEG ROAD, TONDU, CF32 9DF

RESOLVED: That the application be deferred at the request of the applicant to allow time to resolve outstanding highway related issues.

399. P/19/624/FUL - PARCEL R20, PARC DERWEN, COITY

Proposal: Construction of 102 dwellings together with associated infrastructure and landscaping

- RESOLVED:**
- (1) That the applicant enters into a Section 106 Agreement to provide financial contributions as follows:
 - i. Provide a financial contribution of £228,382 towards the provision of primary school places in Coety Primary School.
 - ii. Provide a minimum of 20% of the units as affordable housing consisting of 7 intermediate units on the site subject of this application site and 14 social rented units as part of the development on the District Centre site (P/19/656/RES refers). The Agreement will include a timeframe for delivery that will be concomitant to the construction of the market housing on Phase R20.
 - iii. Provide a financial contribution of £24,000.00 for Traffic Orders to cover the cost of publication of the Orders for this parcel and the development of the District Centre (P/19/656/RES refers) prior to the granting of any consent.

The Agreement will also include a Management Plan detailing a scheme for the future management and maintenance of the car parking and communal service areas on the District Centre Development (P/19/656/RES refers) to be submitted by the applicant company.

- (2) The Group Manager Planning and Development Services 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 conditions in the report and subject also to the amendment of condition 5 as follows:

Within 3 months of the date of this permission, a detailed scheme including all items of play, associated ground works and hard and soft landscaping works for the proposed Local Equipped Play Area on LEAP 10A on Phases R16 and R28, fronting no's 16-22 Llys Ceirios shall be submitted in writing to the Local Planning Authority for agreement. The scheme as agreed in writing by the Local Planning Authority shall be completed and in use prior to the occupation of the 50th dwelling on this phase (Parcel R20) of the development.

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

Note: Councillor Radcliffe wished it be noted that he would have voted for refusal on the past performance of the developer in providing play areas but this could not be used on this application.

400. **BRIDGEND LOCAL DEVELOPMENT PLAN (LDP) - REVISED DELIVERY AGREEMENT**

The Development Planning Team Leader advised Members of the necessity to revise the Local Development Plan Delivery Agreement (DA), previously approved by the Welsh Government (WG) in June 2018 and sought approval to make amendments to the Timetable for LDP preparation in light of the Covid-19 pandemic.

He reported that the Council received a letter from the Welsh Government on 7 July 2020 advising it to undertake an assessment of the technical evidence base underpinning the replacement LDP, alongside the preferred strategy and policies in terms of sensitivity to the consequences of the pandemic. He stated that this task had been completed with the findings outlined at Appendix 1 of the report for noting. The Welsh Government had also advised that Delivery Agreements should be adjusted to account for any necessary changes to the LDP timetable in light of delays caused by the pandemic. This should also include amendments to the Community Involvement Scheme (CIS) given the need to adjust to new patterns of working and consider alternative methods of stakeholder engagement brought about by the need to maintain social distancing. He outlined the proposed revisions to the timetable. The Deposit Plan should be subject to consultation between January and March 2021 (previously July - August 2020). An allowance had been made to extend the statutory consultation period of 6 weeks to 8 weeks to provide more time for people to provide their views whilst accounting for any further restrictions imposed due to the pandemic. He stated that the final adoption of the LDP is likely to be delayed by up to 6 months as a result, though the dates relating to the stages following submission of the plan to the Welsh Government are indicative. He outlined how the CIS has been amended to account for different methods of stakeholder engagement in order to maintain the social distancing measures that are likely to be required for the foreseeable future.

- RESOLVED:**
1. That the Committee agreed the revisions to the timetable and Statement of Community Involvement and authorised the Group Manager Planning and Development Services Communities to submit the revised Delivery Agreement (attached at Appendix 2 of the report) to Council for approval and to Welsh Government subject to approval by Council; and
 2. That delegated authority be given to the Group Manager Planning and Development Services to make any factual corrections or minor amendments to the Delivery Agreement as considered necessary.

401. **INTRODUCTION OF DEVELOPMENT VIABILITY MODEL**

The Principal Strategic Planning Policy Officer sought authorisation to consult with the housing industry and test the Development Viability Model (DVM) as a chargeable tool that can provide viability evidence in support of Candidate Sites and/or Planning Applications. The initial pilot would inform establishment of a new procedure and schedule of charges (to issue the Model to developers and/or site promoters), subject to Council approval.

He reported that the Council has worked in partnership with other Councils across the South East Region to develop the Development Viability Model (DVM) assessment tool.

The DVM has been created as a comprehensive, user-friendly model that can be used to assess the financial viability of development proposals. It is based on the same, well-received approach used by the Mid and South West Wales Strategic Planning Group. He stated that the model will eventually be adopted by all authorities within the Cardiff Capital Region and will be available to developers, site promoters, or any other individual/organisation to undertake a financial viability appraisal of a proposed development. This would equip site promoters with a tool that can be used to demonstrate site deliverability in accordance with the requirements of Planning Policy Wales.

He reported that the Council proposed to release the DVM to developers and site promoters in a site specific locked format with an accompanying user-guide subject to receipt of a standard fee. This mirrored the approach employed in the Mid and South West Region for consistency. He outlined the proposed fee schedule, which is intended to cover the Council's administrative costs of locking and distributing the model, verifying the completed appraisal and providing a high-level review to the developer/site promoter. The payment of a fee will not serve to guarantee site allocation within the Replacement LDP or directly result in the granting of planning permission. He stated that following completion of the high-level review, the Council will issue a statement to the developer/site promoter to indicate how far the submitted appraisal is considered to meet the tests outlined. He informed Committee that prior to formally recommending this approach for approval at Council, it was proposed to carry out an initial pilot to test the concept, enable a period of consultation with the housing industry and share the findings with Council.

RESOLVED:

1. That Committee authorised the Group Manager Planning and Development Services to consult with the housing industry and test the Development Viability Model (DVM) as a chargeable tool that can provide viability evidence in support of Candidate Sites and/or Planning Applications.
2. That Committee noted that a report will be taken to Council following consultation to advise Council of the results of the consultation and if deemed appropriate to request Council to formally adopt the model and charging structure.

402. **URGENT ITEMS**

There were no urgent items.

The meeting closed at 14:52

DEVELOPMENT CONTROL COMMITTEE 17 SEPTEMBER 2020

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> |
|-----------------|-----------------|------------------------|
| Item No. | Page No. | Application No. |
| 7 | 11 | P/19/915/RES |

Further representations have been received from the occupier of Ty Risca, Derllwyn Road and emailed communications sent directly to committee members from the Tondu and Aberkenfig Community Association and the Local Member, Cllr James Radcliffe.

The occupier of Ty Risca continues to oppose the development but no longer wishes to speak at the committee meeting. In summary, this latest communication expresses concerns as to the adequacy of the vegetation screen between Derllwyn Road and the top end of the development. The objector maintains that the planting does not have sufficient density to compensate for the trees that will be removed to accommodate the development. The proposed hedgerow will not safeguard privacy. The objector seeks assurances that mature planting will be provided and that any failures are replaced with similar, mature species.

The letters from the Tondu and Aberkenfig Community Association refers to the above concerns but address the existing and proposed highway infrastructure. The high volume of traffic and the lack of controlled crossing points proposed by the development, would in the view of the association be unsafe. Reconfigurations of the existing traffic light systems at Pentre Felin and beneath the Tondu/Aberkenfig Bridge are detailed in the letter. The association suggest that the money saved from not building the link road could be used towards the provision of medical/community facilities.

Cllr Radcliffe had intended to speak at committee but has presented his submission in writing proposing two amendments to the scheme. The Councillor has previously been informed that as a public speaker he cannot move an amendment but has requested that other Members do so. In summary, the amendments are as follows:

- To double the amount of affordable housing from 10% to 20%
- To remove the requirement for the construction of the link road, with improvements to the existing network and active travel as the preferred method for mitigating the traffic

Cllr Radcliffe's communication provides further details and also references the Well-being of Future Generations Act and Active Travel which he maintains are material planning considerations.

Comments in Response: The outline planning application was accompanied by a Tree Survey, Categorisation & Constraints Report undertaken by a qualified arboriculturist which objectively assessed the trees on site. The illustrative Masterplan that was approved as part of the consent identified that a block of woodland covered by the Tree Preservation Order to the south of the cycleway would be retained. However a large block of woodland would be lost from the north of the site to accommodate the development. The survey recognised that individual and groups of trees achieved only low to moderate quality. This area will also require significant excavation and clearance in connection with possible heritage assets and contamination.

The landscaping proposals that form part of this reserved matters application have been amended in the light of comments received from the Council's Conservation and Design Team. A native hedgerow will be planted along the north western boundary of the development site with Derllwyn Road, which will comprise smaller trees, shrubs and a percentage of field maple and birch trees. It has been designed to create a softer, greener edge to the development when viewed from the conservation area. Admittedly its screening properties will be limited in the early years but it is not intended to hide the development. Privacy standard between new and existing properties will be achieved. Concerns about replacing failed trees and shrubs are covered in the conditions imposed on the outline planning consent.

The implications of the development on the surrounding network were considered in detail at the Outline application stage and Members will recall that external consultants and officers of the Transportation and Development Control Section concluded that overall, the proposed development performed well against the principles of sustainable transportation as identified in Planning Policy Wales. Crossing points for existing and new residents will be delivered as part of the development and in a manner that will be safe to users. The light controlled crossing on the proposed by-pass road will benefit both pedestrian and cyclists. To aid pedestrian connectivity and safety, a number of formal and informal crossings are also proposed by the development.

Abandoning the construction of the link road is not before Members. The new route is a component part of the allocating policy and was considered necessary, acknowledging that the section of the A4063 from the traffic signals, beneath the Tondu railway bridge, was sub-standard. This current submission accords with both the policy and the outline consent and there is no justification to require such a significant change to the scheme at this stage

The proportion of Affordable Housing has been agreed and secured by the Section 106 on the Outline Consent. The Council is not in a position to force the developer to change that agreed position as to do so would be outside the scope of a Reserved Matters application. In the report on the outline application, Members were advised of the high development costs and their effect on development viability. In accordance with Policy SP14 of the Bridgend Local Development, a reduced provision of affordable housing was agreed.

In his submission Cllr Radcliffe has referenced the Well Being of Future Generations (Wales) Act 2015 and Active Travel Act 2013 and maintains that both should be afforded consideration in the determination of this application. Both acts are indeed material and were reported as material at the outline application stage. The Well Being of Future Generations (Wales) Act 2015 act places a duty on public bodies to carry out sustainable development but acknowledges that a plan-led approach is the most effective way of achieving this objective. The decision to grant the outline consent accorded with the Bridgend Local Development Plan (2013).

The following additional condition should be added to the report:

25. No development shall commence on any phase of the development until the applicant or their agents or successors in title has secured agreement for a written scheme of historic environment mitigation which has been submitted by the application and approved by the Local Planning Authority. The approved site investigation works shall be implemented prior to the commencement of development on Phase 3 or any infrastructure scheme or strategic landscaping area. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme and the developer shall afford access at all reasonable times during construction to a nominated archaeologist for the purpose of observing the excavations and recording items of interest and finds.

Reason: To safeguard the heritage assets that may be buried beneath ground in accordance with national and local planning policy.

The condition is included on the outline planning consent but is re-imposed on the basis that the phasing numbers have changed.

**JONATHAN PARSONS
GROUP MANAGER – PLANNING & DEVELOPMENT SERVICES
17 SEPTEMBER 2020**

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 cannot 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.

N.B. – Due to the Covid 19 pandemic, physical site visits will not be possible for the foreseeable future and virtual site visits will be provided where it is deemed necessary

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/19/915/RES

APPLICANT: Llanmoor Developments Ltd
63-65 Talbot Road, Talbot Green, CF72 8AE

LOCATION: Land west of Maesteg Road, Tondu CF32 9DF

PROPOSAL: Reserved Matters to P/16/366/OUT for 405 residential units, link road and temporary car park

BACKGROUND

This application was to be considered by the Development Control Committee at the meeting on 20 August 2020 but was deferred at the request of the applicant company to allow a review of the drafted planning conditions and more time to resolve outstanding highway related issues. The report reproduced below has been amended to include a summary of the observations received from the community since the publication of the previous report and changes to the planning conditions.

APPLICATION/SITE DESCRIPTION

Sullivan Land and Planning have submitted this Reserved Matters on behalf of Llanmoor Homes, seeking the agreement of all details for a development that includes the erection of 405 dwellings, the construction of a new link road and the formation of a temporary car park on approximately 21 hectares of land located off Maesteg Road, Tondu.

The application follows on from the Outline Planning consent issued on 13 December 2018 which agreed the principle of a development comprising up to 450 dwellings, 1000 square metres of business uses, highway improvement works along with the provision of public open space, green infrastructure, two attenuation ponds and all other associated works (P/16/366/OUT refers). The related S106 obligation secured financial contributions towards primary age education, off-site highway works, sustainable transport initiatives, the delivery of affordable housing and open space, compliance with the design principles of the submitted masterplan and established a management plan for the open space and surface water drainage on site. In accordance with conditions imposed on the Outline Planning consent, details for the following conditions have been agreed:-

- Condition 4: Site Wide Phasing Plan discharged on 14 November 2019 (P/19/633/DOC refers)
- Condition 5: Development Brief discharged on 14 November 2019 (P/19/633/DOC refers)
- Condition 6: Hydraulic Modelling Assessment discharged on 19 September 2019 (P/19/571/DOC refers)
- Condition 9: Strategic Landscaping Scheme discharged on 14 November 2019 (P/19/633/DOC refers)
- Condition 23: Site Investigation Methodology discharged on 13 November 2019 (P/19/595/NMA refers)
- Condition 36: Position and timing of provision of bus stops discharged on 14 November 2019 (P/19/633/DOC refers).

The application site lies within a larger area of 43 hectares identified in the adopted Bridgend Local Development Plan (LDP) 2013 as a regeneration and mixed use development on a former opencast site. Policy PLA3 (10) describes the site as one of a number of brownfield and under-utilised sites within a defined settlement. Some development has already taken place within the area identified in the Policy with residential development to both the north and the south of the application site. Retail uses including a supermarket and smaller units have been built in the southern part of the site along with a Waste Transfer Station.

The wider area is predominantly residential with some commercial uses along Maesteg Road. Parc Slip Nature Reserve adjoins the western boundary of the site. The railway line runs on a north-south line to the east of the main part of the application site and the proposed highway works include a scheme to improve the junction of the A4065 and A4063, close to the railway bridge. The northern portion of the site is located within the Derllwyn Road Conservation Area. There is one Scheduled Monument (Remains of Tondy Ironworks) to the north-east of the application site. There are three Listed Buildings located beyond the eastern edge of the site - two bridge piers on the incline plane and a mile marker on Maesteg Road.

This Reserved Matters submission presents the detailed design proposals for a development of 405 dwellings and a new link road from Ffordd Hearn (Iron Way) exiting at the highway roundabout spur adjacent to the Waste Transfer Station. Primary vehicular access to the site will be a continuation of the existing western arm of the Pentre Felin/Lidl/Proposed Link Road roundabout. Additionally, an emergency access is proposed to the north of the site onto Derllwyn Road.

The Design Principles document approved in discharge of conditions 4 and 5 of the Outline Planning consent established the key placemaking principles for the development that have shaped the details contained as part of this Reserved Matters submission. Overall the site has been divided into four development phases.



Figure 1 – Design Principles Framework

Phase 1, the Main Development Area (MDA), adjoins the existing Llanmoor estate to the east and south, Parc Slip to the west and the SINC and woodland area to the north. The development will comprise 300 dwellings, all two storey in scale and including a mix of 2, 3 and 4 bedroom semi-detached properties, detached properties and terraced units.

The layout of the MDA is formal in character with regular built form providing visual emphasis and continuity along this primary street. Park Square, a central neighbourhood green will form the main 'civic space' for the development connecting to key recreational walking and cycling routes and fronted on all sides by development. It is located off the primary access road for the development and will provide the main circulatory route for buses.



Figure 2 - Main Boulevard and Park Square

The Main Boulevard carriageway and footpaths will be separated by a planted verge with formal, large scale avenue tree planting proposed along the route. Park Square will incorporate both active and quiet areas and accommodate a wide range of activities. Formal tree planting and low formal hedgerows will define the edges of the square with scattered tree planting of mixed native species within its interior. Play will be incorporated formally and informally through Park Square as will the line of a Public Right of Way.

The Main Development Area will also front the Parc Tondu woodland corridor and Parc Slip Nature Reserve and SINC. Here the developer has sought to reduce the density of the development and vary the built form, architectural detailing and street design in a manner that seeks to reinforce the areas distinct and special character. The submitted layout incorporates an ecological buffer zone along the respective edges with the focus of the proposed dwellings being outward looking to benefit from the outward boundaries. A peripheral recreational route will be provided around the Main Development Area connecting into a number of the existing Public Rights of Way. Woodland planting will be within the ecological buffer zones with the area providing a transitional habitat along the woodland edges adjacent to new development. Proposed species selection has sought to complement the existing vegetation in Parc Slip. The layout seeks to preserve and enhance the existing watercourses and ponds and utilise it as part of a natural drainage strategy. Along Parc Slip edge, a mown grass path is proposed through a woodland glade to maximise biodiversity enhancement.

The Pentre Felin Edge is where the new development phase will come closest to existing properties and will be characterised by a linear landscaped corridor through which the proposed recreational route will run. New planting will be undertaken along the existing earth bund that was formed as part of the adjacent development.

The focus of residential buildings is outward to provide surveillance over the landscaped bund. Two parkland areas will be formed on the southern boundary, one of which includes a Local Area of Play.

The Main Development Area will be constructed in two phases (Phase 1a and 1b). The initial phase of development will deliver approximately 130 private dwellings and will also contain the two landscape filtration features shown in the southern parkland area, each of which will discharge either into the watercourse or existing adopted sewers in Pentre Felin. Also included within the southern parkland area are play facilities which will be delivered on completion of the attenuation areas.

The proposed area of open space at the entrance to this phase will also be created as part of a Local Area of Play. Whilst this phase is being developed the construction of the Link Road will be progressed. This is required to be completed before occupation of the 136th dwelling. Phase 1b will commence when Phase 1a has progressed towards completion and will deliver approximately 170 dwellings and 'Park Square' including LEAP/LAP facilities. The Park Square loop will allow the bus services to be extended further into the development

Phase 2 is the Old School Site and lies to the west of Bridgend Road. In recent years it has been used as a car park in connection with the Waste Transfer Station. The proposed development will comprise 30 one and two bedroom flats in a complex of two and three storey buildings designed around a central access and parking area served from a new access created off the stopped up section of highway fronting 47/48 Bridgend Road. The massing, scale and layout has been revised to create 'landmark' buildings at the new road interchange that will be formed through the construction of the new by-pass and re-aligned link road.

A terrace of 3 bedroom dwellings will also be developed as part of this phase with access directly from Maesteg Road. The design of the units follows the architectural rhythms of the adjacent church building in terms of form and scale. This site is more urban in character and can support the higher density of development proposed. Areas of green space will frame this phase of the development either through the retention of an existing wooded area or new tree and hedge planting along the western and southern flanks of the site. Phase 2 will include a high proportion of affordable housing and is likely to be delivered when the link road has been constructed and the stopping up works on Maesteg Road completed.

Phase 3 is partially located within the Derllwyn Road Conservation Area and fronts, in part, Derllwyn Road and the allotment gardens to the rear of Park Terrace. The site also shares its boundary with the Iron Works (Scheduled Ancient Monument) to the east. The development will comprise 72 dwellings, again being a mix of house types including 2 bedroom links and larger 4 bedroom detached units. Access from the Main Development Area will be along a new section of road that will cross the woodland and national cycle route and connect to the estate network.

A pedestrian/cycle route will be constructed on the north western edge of this phase connecting the highway network at Derllwyn Road to the site and National Cycle network. The road has also been designed to accommodate the 'emergency access'. Under the terms of the Outline consent this access should be available before the occupation of the 200th dwelling. This phase of the development, according to the Design Principles document, should have a pleasant and quiet character created by its limited access points and enclosed woodland setting.

The site's topographical character falls from Derllwyn Road Conservation Area down towards the former Iron Works. Significant earth works and vegetation clearance will be necessary for the construction of this phase of development, acknowledged at the time of the Outline consent and controlled through the conditions imposed.

The development will be outward facing fronting Derllwyn Road, the National Cycle Route and the woodland edges. Along the boundary with Derllwyn Road, a semi-formal transitional space is proposed incorporating retained vegetation and new planting. Landscape treatment has been designed to deter anti-social behaviour along development edges through planting on the northern side of the active travel route only so residential properties overlook this edge. These proposals have been enhanced to soften the impact of the built form on the Conservation Area and the setting of the Listed Buildings on Park Terrace. The woodland character on the sloping edge of this phase with the adjoining the Iron Works will also be enriched with tree planting and woodland meadow planting softening the interface between the new and existing development.

Development of Phase 3, the Derllwyn Road area, will commence as the development of Phase 1b progresses. The early commencement of development within this area is partly to deliver the emergency access point at occupation of the 200th unit. This is required within this part of the development unless an alternative is approved by the Council. Development of Phase 3 will comprise approximately 70 units including the balance of any required affordable housing. It will also deliver a contribution towards the upgrade of the adjacent Play Area at Derllwyn Road. Surface Water drainage will discharge to the existing ponds in the woodland area and Foul Drainage will connect to the sewers in the Purple land.

The designer's response to the Derllwyn Road Conservation Area is a variance in the built form with greater architectural detailing and more limited material palette but including the use of recon-stone detailing with pennant grey and red hues and rendered facades with stone lintels and quoins. Low recon-stone walls and hedgerows will define the site's boundary with Derllwyn Road to help create a distinctive sense of place. Roof material along the Derllwyn Road area will be slate with the remainder within the phase slate grey in colour. Chimneys will also be introduced to help vary the roof profile and complement with traditional properties along Derllwyn Road area

The materials and architectural detailing of all the phases will match the local palette of materials used in the adjacent development. The principal material used will be red or buff brickwork with the occasional use of render and stone on feature buildings. Some contrasting materials such as weatherboarding, stone and render have been introduced at a number of locations. As discussed above, the palette for the phase within the Conservation Area will differ.

Car parking for all phases has been designed to accord with the requirements of the Council's Supplementary Planning Guidance and reflects the number of units and number of bedrooms. Unallocated visitor parking will be evenly distributed across the site with spaces located on or near the road frontage.

The proposed development will provide a network of open spaces and green infrastructure that create space for play and community interaction. The main focus areas for open space will be at the entrance to the main development area (Arrival Space POS1), at the centre of the site (Park Square POS2) and along the southern boundary of the site (Southern Parkland POS3). These spaces will be over-looked by dwellings and will incorporate formal play equipment, natural play and will incorporate surface water landscape detention basins that provide amenity and biodiversity benefits.

This Reserved Matters submission also includes details of the by-pass and link road that were requirements of the Outline Planning consent and policies of the Bridgend Local Development Plan. The bypass road will commence its construction at its northern end, roughly opposite the vehicular access currently serving TM Car Sales. The new road will roughly follow a south westerly direction, passing the modified 'T' junction with Ffordd Haearn (Iron Way). The alignment of the new road away from the eastern side of Maesteg Road necessitates the formation of a new junction with a stopped up section of Maesteg Road. Some 25m from the stop line of this junction a secondary access will be formed to serve the stopped up section from the junction of Cross Street to 36 Maesteg Road.

Between the new section of roads and their respective junctions and behind a 1.6m high wall, an area of car parking will be formed creating nine spaces on the western side of the carriageway. It will serve approximately 9 properties (37-45 Maesteg Road). The proposed arrangement also retains vehicular access to 36 Maesteg Road and will include a small turning area.

From the newly formed junction of Maesteg Road with the by-pass road, the 7.3m wide carriageway will align to follow the remaining section of stopped up highway from 45 to 49 Maesteg Road which also serves the Wesley Methodist Church and Church Hall on the western side. Phase 2 of the development known as the Old School Site will also be served from this section of highway. At the termination of the road, on-street parking spaces will be created along with a series of cycleways/footways connecting to a new network to be constructed alongside the re-aligned linkroad which will be constructed from the railway bridge to the Pentre Felin/Lidl roundabout.

The northern spur on the Pentre Felin/Lidl roundabout is the southern end of the new by-pass road. From this point the road, with its 7.9m wide carriageway and 3.5m wide Active Travel route on its eastern side, will follow a north/north easterly route rising through a wooded area that will be cleared for construction and passing immediately adjacent to the Grade II Listed stone bridge abutments. A light controlled crossing will be formed at this location to allow pedestrians and users of the National Cycle Route to cross the by-pass road. A Heritage Impact Assessment which specifically considers the impact of the highway construction on the Listed structures has accompanied the application – the findings will be considered later in this report.

As the Reserved Matters submission seeks the agreement of all details, the application has been accompanied by detailed soft landscaping plans for all phases of the development. The design incorporates retained trees where possible with any removed off-set by new planting. Habitat buffers and ecological corridors will provide a landscape buffer where the development meets the woodland edge. Enhanced boundary planting will also be provided along the retained bund to screen the development from existing properties on Pentre Felin.

A comprehensive submission of external works drawings, house types, cross-sections and the details of all enclosures have accompanied this application.

RELEVANT HISTORY

P/16/366/OUT – Outline Planning consent was granted for a development comprising up to 450 dwellings, 1000 square metres of business uses, highway improvement works along with the provision of public open space, green infrastructure, two attenuation ponds and all other associated works – Conditional consent was issued on 13 December 2018.

PUBLICITY

The application has been advertised in the press and on site as a major development but one that also affects the setting of a Listed Building.

Neighbours have been notified of the receipt of the application and again following the submission of amended plans on 7 August 2020. The period allowed for response to consultations/publicity will expire on 21 August 2020.

CONSULTATION RESPONSES

Transportation Development Control Officer: No objection subject to conditions and informative notes.

Land Drainage Officer: No drainage information has been provided however, Section 3.7 of the Design Compliance Statement states '*Drainage features throughout the site will provide amenity space and biodiversity either by natural forms or by use of specialist landscaping proposals. SUDS features will be located within the Park Square and Southern Park. The existing ponds located within the woodland area in the north of the site will also function as flood out areas. Drainage for the link road will discharge into the existing watercourse and/or adopted sewers.*' The applicant has been in discussion with the land drainage team regarding discharge rates and have been advised that discharge rates shall be limited to Qbar for all storm events to ensure the flood risk to downstream is not increased. Existing drainage networks should not be removed and any watercourse should remain open, with culverting only for access purposes. In addition to the requirements of the Outline Planning consent, the applicant will be required to provide a construction management plan which outlines how the existing developments downstream will be protected from surface water/ground water issues.

Rights of Way Officer: In view of all the information provided in relation to the potential future provision of the public rights of way and cycle route network within the application site, the Rights of Way Section has no objection to the approval of the Planning application.

Building Conservation and Design Officer: Subject to further pre-application discussion with the applicant to inform a future Listed Building Consent application to include proposals for the comprehensive schedule of repairs and interpretation of the Listed structure(s) and the inclusion of the suggested conditions, the proposal can be supported.

Economy and Natural Resources Manager: The application as submitted doesn't include documentation to satisfy the nature conservation conditions associated with P/16/366/OUT. Therefore, I have no observations at this current time.

Natural Resources Wales: We have no comments to make regarding the above Reserved Matters application further to our response dated 13 June 2016 in relation to the original application P/16/366/OUT. We look forward to being consulted on the discharge of conditions in relation to P/16/366/OUT in due course.

Dwr Cymru Welsh Water: We acknowledge this is a Reserved Matters application for 405 dwellings approved under Outline Planning permission (ref: P/16/366/OUT). Whilst we confirm that we have no objections to this, acknowledge condition 7 of the original permission which requires the agreement of a comprehensive and integrated drainage scheme for the site before development commences. Therefore we kindly request to be consulted on any future application submitted to discharge condition 7 of the original Planning permission.

South Wales Police (Designing out Crime Officer): The Design and Access Statement for the proposed development states that the developer intends following the principles of 'Secured by Design'. I have provided a report that gives advice that if followed would allow the development to achieve the Secured by Design Award.

The Bridgend Ramblers: No objections.

REPRESENTATIONS RECEIVED

Cllr James Radcliffe – Local Member: I object to this application and request the matter is referred to Committee due to the considerable public interest in this application.

Cllr Radcliffe has made a detailed submission on changes he would wish to see to the scheme. The substance of Cllr Radcliffe's comments are set out as follows:

- “An increase in affordable housing from 10% to 20%
- Temporarily reserving space on the development for a GP surgery/health centre for a limited period (say 2 years). If the authority and NHS are unable to finance/agree to the creation of the health centre this condition expires. This means that after this period either the developer proceeds with the original plans or gets a health centre to make the estate attractive to buyers (in 2006 I understand that the original plans included a health centre but this fell through).
- Scrapping the link road and replacement with (cheaper) alternative scheme to mitigate traffic – this saves the developer money to make amendment 1 viable, and probably makes the scheme more profitable, as well as more acceptable and consistent with recent policy on climate change and active travel.

I would rather keep the wording of the amendment on what the alternatives were as flexible as possible (like some of the conditions for the Paper Mill, which were dependent on the outcome of a bid for active travel). However, for the purpose of an example of the thinking that we have done, below are proposed alternatives for traffic mitigation that don't require the construction of a new road (and I am not wedded to these proposals, they have been discussed locally as preferable but may need adjustment):

North of the Tondu Bridge:

- Mini Roundabout by retail park made more suitable for heavy goods vehicles (road widening)
- Pedestrian crossing at intersection of Derllwyn road and A4063 – slows traffic down and tackles dangerous blind spot.

South of Tondu Bridge:

- Traffic lights south of the bridge to change to purely a pedestrian crossing. This means no right turn into Aberkenfig (from the north) or Bryn Road (from the South) to be allowed on A4063 at this location.
- A Left turn only for cars exiting Aberkenfig or Bryn road here.
- Left turn only into Aberkenfig or Bryn Road from A4063 at this junction
- Additional Investments in active travel routes to Tondu School, Shops in Aberkenfig, and the train stations (i.e. CCTV, proper lighting, Pedestrian crossing for main road in Aberkenfig)
- If feasible, Active travel routes between Sarn Train Station and Macarthur Glen alongside A4063 – this would then combine with existing walking/cycle routes to ensure active travel routes from the new estate, Aberkenfig, and Sarn - to Macarthur glen (as well as effectively linking Macarthur glen to the rail network).”

Councillor Tim Thomas – Local Member: Queries the affordable housing contribution, traffic control measures and the ability of roundabouts to accommodate HGVs.

In a response to the most recent consultation **Cllr Tim Thomas** provided the following observations:

'I object due to the inadequate road lay out provided on the A4063/Maesteg Road and Bryn Road/Bridgend Road junction - this road regularly has traffic queuing back to the B4281/A4063 roundabout and cannot cope with the normal daily volume of traffic, adding 405 households extra of traffic will make a terrible situation worse. The proposed layout will also not be generous enough to large vehicles who will take up both lanes as they try to negotiate the Lidl roundabout. Removal of free traffic flow at lights is a mistake.'

Huw Irranca-Davies MS - Assembly Member for Ogmore passed on a letter of objection he had received from the Tondu and Aberkenfig Community Association.

A joint letter from the **Huw Irranca-Davies MS** and **Chris Elmore MP** has been received requesting that the following issues are taken into account before the determination of the application:

- i. The capacity of the new and proposed highways layout to better accommodate existing and foreseeable future traffic loads, including the congestion at peak times of traffic flow, and including large articulated vehicles (such as those from the paper mills, a manufacturer which will be expanding production soon);
- ii. The capacity of the new and proposed highways layout to properly accommodate active travel for walkers and cyclists, including possible future proposals for developing active travel and safe-routes along the length of the Llynfi valley;
- iii. The preservation of safe-crossings, and also the rights of way network across the roads and also allowing access to the countryside and footpaths;
- iv. The conservation and enhancement of woodland and green space, and the need for green corridors for wildlife and biodiversity;
- v. Sustainable drainage systems across the whole development area, and the impact of changes to the road system and hard-surfaces and raised barriers such as kerbs to the drainage and surface-water flows.

We ask you to take these and other issues raised with you in other representations fully into account in these significant changes to the local area, and to keep local residents and elected representatives fully informed and engaged in these and any related proposals'.

Ynysawdre Community Council: - BCBC have a duty of care to ensure the quality of life/H & S/health of residents are not disadvantaged by inadequate infrastructure.

My councillors have major concerns about the capacity of HGV vehicles using the roundabout at Pentre Felin. Although there are plans to widen the road near the roundabout, it is such a tight turning point. Maesteg Road is already a very busy and dangerous road with 40+ road accidents at the lights and no controlled crossings apart from lights at the junction to Pentre Felin. We feel that there should be improvements to the existing road structure: a dedicated filter light for vehicles turning right off Maesteg Road into Pentre Felin and the same for vehicles coming from Bridgend, a filter light for vehicles turning left into Pentre Felin. Residents have expressed concern at the cost of provision of a new road behind the Wesley Church when adaptations to Maesteg Road may be a better and less expensive option.

Funds then may be used for a new medical centre and village hall as promised in the original plans. Our area is crying out for a new medical centre and the current GP practice in Aberkenfig is inaccessible and full to capacity for patients.

If the new road goes ahead, we wonder if any thought has been given to keeping Maesteg Road open for HGV's and all other vehicles using the new road.

Residents have expressed concern at the emergency exit near Foxtroy nursing home. It seems to be inadequate to have only one access road to Pentre Felin and one small emergency exit. Is there a possibility of creating a further access and egress road onto Fountain Road?

The occupier(s) of the following addresses have submitted their concerns/objections to the scheme:

12 Clos Gwaith Brics
62 and 63 Clos Pwll Clai
Woodlands View & Ty Risca*, Derllwyn Road
1, 3, 4 and 47 Iron Way/Ffordd Haeearn
10 Llynfi Street
38, 40 and 43 Maesteg Road
2 Nicholls Road
2 Park Terrace
1 Pen-yr-heol, Penyfai

*(*Request to speak)*

The observations received from Tondu and Aberkenfig and Community Association* are reproduced in full below:

“Our Members have expressed their concerns regarding the proposed new road link and the impact the re-alignment of the Maesteg Road could have on traffic movements both along the Maesteg Rd and exiting from Pentre Felin and the new estate when it reaches its completion. The final traffic demands on the new roundabout could result in vast bottlenecks. We understand the traffic movements have been the subject of computer modelling but where does that leave us if the reality proves detrimental to expectations. Do we blame the computer or the information it's been fed? Have, for instance, the factored information taken into account not only the increased vehicle movements from the new development but the expected 30% increase in heavy goods vehicles resulting from the expansion at WEPA paper mill.

There is also serious concerns with regard to a suitable pedestrian crossing. The siting of pedestrian refuge crossings do not seem to be a very safe way of crossing such a busy road at peak time, especially if pushing a pram/buggy or with children. It can't all be about the vehicles the residents safety needs factoring in.

Once the traffic lights are removed at the junction between the end of Maesteg Road and the entrance to Pentre Felin and the road re-alignment is complete the opportunity to dash between stationary vehicles along the road will be lost. So a pedestrian crossing is essential, ideally between the bus stop at the bottom of Derllwyn Rd and the Llynfi Arms pub.

Residents of Derllwyn Road have also expressed concern about the added volume of traffic using Derllwyn Rd as a short cut to get through to Sarn and the possibility of heavy construction traffic using the road as access. The provision of an emergency exit onto Derllwyn Rd is the subject of some cynicism from the residents. If the computer modelling is proved wrong, will the emergency exit have its status changed to open access? How will the Emergency Exit onto Derllwyn Road be used and maintained?

The lack of proposed parking spaces for the Waste Transfer Station - 34 spaces is not enough. Hoping that Employees will car share is not a suitable consideration; many already park on the roads alongside and in the road adjacent to the WTS. Will the Council consider placing yellow lines on this road?

Residents who live directly next to the new development are concerned that although the present plans show an enhanced green embankment covered with shrubs/bushes and trees, they feel this may not happen in reality and the plans will be changed, as those of Pentre Felin were, and all we'll be left with is a few dead and dying trees!

These Residents are also concerned how Llanmoor propose to shield their houses from the added noise and disruption?

And in regard to when construction commences, have we a timescale as we are fast approaching the nesting season and how are Llanmoor proposing to protect the existing wildlife?

There is no doubt that the quality of life for residents living in Tondu will be adversely effected by these development decisions, decisions made by people who don't live in the area nor effected by the development. The council's endorsement of these concerns would show some alliance with the residents."

In response to the most recent consultation the Tondu and Aberkenfig and Community Association have provided the following observations:

"Although we may not like it, we understand housing is needed and we applaud Llanmoor Development's sympathetic design. However, the council have a duty of care to ensure that the quality of life and the health and safety of resident are not disadvantaged by inadequate infrastructure.

We trust and expect the authority to have used specialists to develop a sustainable road system, considering the road sector produces the highest level of greenhouse gas and noise pollution.

Those buying these new houses are to be given a voucher towards cycling equipment, but even the most ardent cyclist would not even attempt negotiating the proposed roundabout at peak times, having to cope with 16.5m articulate vehicles in such a tight turning circle Yet aren't we supposed to be encouraging other alternative forms of transport rather than the car.

Maesteg Road is dangerous as it is, with no controlled crossing points apart from the traffic lights at Pentre Felin. The re-alignment of the Maesteg Road offers a Pelican Crossing close to the rear of the Tondu Methodist Church, flanked by bus stops on either side. However, this is to the detriment of the Pentre Felin, who will be expected to manage with refuge crossings. Would you wish to use one, pushing a pram or stroller, walking the dog, or using a mobility scooter at peak times? Yet this is what this re-alignment demands of residents - that is not a reflection of a caring authority. The lack of safe crossings should not be a budget issue, its basic health and safety and environmentally essential. Surely there is a better alternative.

Has thought been given to improving the existing traffic lights at Pentre Felin, by the creation of a yellow box, with a dedicated left turn only filtered lane, for traffic wishing to turn north onto Maesteg Road. Likewise, the addition of a dedicated right turn filtered lane heading south, for those wishing to enter Pentre Felin. Money saved could be used towards providing better Medical and/or Community facilities for the area. And finally, the provision of an emergency exit near the retirement home along Derllwyn Rd is of concern. It seems poor planning to develop a large site with only one acceptable entrance from the Lidl end along with the lack of proposed parking spaces for the Waste Transfer Station.

There is no doubt that the quality of life for residents living in Tondu and Aberkenfig will be adversely affected by these development decisions; decisions made by people who don't necessarily live in the area or will be affected by the development. The council's endorsement of these concerns would show some alliance with the residents."

The occupier(s) of the following addresses have also submitted further concerns/objections to the scheme:

63 Clos Pwll Clai
Woodlands View & Ty Risca, Derllwyn Road
1 Iron Way/Ffordd Haearn
2 Park Terrace
1 Pen-yr-heol, Penyfai

The following is a summary of all objections received from residents:

Transport concerns/highway capacity/highway/pedestrian safety

- Road infrastructure cannot accommodate the additional housing - existing traffic light system cannot currently cope every morning and evening there are long tailbacks on Maesteg Road; increase traffic flow to a transport system that cannot sustain current levels is unacceptable - accidents have taken place on this section of highway; proposed roundabout design will not accommodate HGV traffic – similar to other roundabouts in county borough that are damaged by vehicles;
- it will be almost impossible to access/cross the network from existing properties on Maesteg Road and the Pentre Felin estate; pedestrian crossing points are inadequate; the link road should be constructed before any of the dwellings have been built – original TA did not factor in the traffic that would be generated by the expansion of WEPA; improvements to A4063 should be considered in the interest of pedestrians – the re-alignment will have no benefits; abandon idea of new link road and improve A4063;
- Concern that development could result in additional traffic along Derllwyn Road which is used as a rat-run to avoid the congested traffic light controlled junction;
- Emergency access is proposed onto Derllwyn Road - How will this be controlled and who has a right of access and what constitutes an emergency - Derllwyn Road could not accommodate any additional traffic –on street parking more of an issue since 'lockdown' – likely to be opened up due to congestion on the highway network; design must respect the conservation area setting;
- Parking arrangements for the residents on Maesteg Road and Cross Street are deficient;

- Loss of the Waste Transfer Station car park on Maesteg Road will result in on-street problems of parking on the Pentre Felin estate – the replacement car park is deficient in size;
- Number of residential units will be built on Footpath 17 Newcastle Higher obstructing the Right of Way;

Amenity issues

- Houses too close to Derllwyn Road – development will have an adverse impact on the Derllwyn Road Conservation Area (including Park Terrace)
- the proposed flats on the old school site are a horrendous example of poor quality, poor location housing that will quickly decline into an isolated community island;

Ecology: impact on trees and woods

- Some of the existing trees are formally protected and should not be removed, destruction of the local ecology, loss of natural habitat, ecology survey is incomplete
- Protected species on site, potential impact on the adjacent Nature Reserve;
- Insufficient screening/landscaping;
- The previously proposed wildlife ponds and lacks any pockets of habitat within the two building cores;

Drainage/Flooding issues

- Problems with drainage on the existing Llanmoor Homes site - additional dwellings will lead to greater problems;

Noise and air pollution associated with additional traffic and construction

- Noise and disturbance to residents will be horrendous during the construction process which could last for many years

Existing Medical Services cannot support development

- Impact on the well-being of residents in term of access to health services - existing GP surgery is already overstretched - facilities in the village cannot serve this level of development - part of the adjacent site was earmarked for a medical centre but that has not been developed;
- The Council has relaxed the requirement to provide a health centre on this development; overcrowding at local primary and secondary schools;

Bare minimum of affordable housing being provided

No consideration for PV solar energy, low carbon heating solution or carbon neutral technologies in the construction – lack of wider environmental considerations

COMMENTS ON REPRESENTATIONS RECEIVED

The following comments are provided in response to the other objections that have been received:

Transport concerns/highway capacity/highway/pedestrian safety

The implications of the development on the surrounding network were considered in detail

at the Outline application stage. Members may recall that external consultants and officers of the Transportation and Development Control Section had examined the Transport Assessment that accompanied the Outline Planning application and concluded that overall, the proposed development performed well against the principles of sustainable transportation as identified in Planning Policy Wales. The site was within walking and cycling distance of a number of local amenities in Tondu and Aberkenfig, as well as further afield in Bridgend and other neighbouring communities.

Public transport linkages from the site via bus and train exist. Opportunities to extend the current 70/71 bus route into the site thus minimising the distance from bus stops was also promoted and in this regard it should be noted that the site layout has been designed to accommodate a bus route around the Parc Square and the position of the bus stops have provisionally been agreed. Furthermore, routes from the site to the neighbouring schools and facilities were also deemed to be compliant although the subsequent consent secured improvements to those routes.

Crossing points for existing and new residents were promoted through the Outline Planning application and will be delivered as part of the development and in a manner that will be safe to users. A light controlled crossing on the proposed by-pass road will benefit both pedestrian and cyclists. To aid pedestrian connectivity and safety, a number of formal and informal crossings are also proposed by the development.

The design and layout of the proposed development, supported by the Walking Strategy and an Interim Travel Plan, will facilitate and encourage journeys on foot. The existing National Cycle Network (NCN) Route 4 is well used for recreational cycle trips and is more than likely to be utilised fully for commuting trips by new residents to the area.

The principle of developing the new link road has been agreed and this submission only relates to the agreement of the detail of the road design and junctions etc. A number of representations have been received questioning the design of the roundabout at the southern end of the new link road and whether its design will cater for the levels and type of traffic movements that use this strategic route. The principal objective of roundabout design is to minimise delay for vehicles whilst maintaining the safe passage of all road users through the junction. This is achieved by a combination of geometric layout features that, ideally, are matched to the flows in the traffic streams, their speed, and to any local topographical or other constraints such as land availability. The submitted design has been examined and deemed to be compliant with the Design Manual for Roads and Bridges CD116 Revision 2.

Representations made by a number of parties have suggested that the construction of the new link road be abandoned and that improvements be made to A4063 and surrounding network. Members are reminded that a component part of the allocating policy was the safeguarding of land to deliver an improvement to the transportation network, acknowledging that the section of the A4063 from the traffic signals, beneath the Tondu railway bridge, was sub-standard. To enable the application site to be fully developed, the Council agreed in the Bridgend Local Development Plan and subsequent outline planning consent that the A4063 (Maesteg Road) north of the existing traffic signals would be re-aligned. This current submission accords with both the policy and the outline consent and there is no justification to require such a significant change to the scheme at this stage.

The Transport Assessment that accompanied the outline planning application had a number of objectives, which included measuring the effect of development related traffic on the local highway network and presenting suitable mitigation measures to maximise the development's accessibility and connectivity. It acknowledged that the proposed development would have an impact on local congestion during peak hours but this impact was not deemed to be significant due to the limited number of additional vehicles as compared to the existing situation. The changes in demand were relatively small, peaking at about 6-7 vehicles close to the site every minute.

The Council accepted that the proposed development was not likely to materially add any existing congestion and that any slight harm in terms of congestion would be mitigated by the proposed sustainable transport initiatives proposed by the development. The provision of pedestrian and cycling facilities and appropriate road crossing points, secured by the Outline consent and proposed on the submitted application, will create an environment where less people automatically choose to use their cars but rather to walk, cycle or use public transport which is supported by the Council and national policy.

The assessment did not consider the expansion of the WEPA Paper Mills as that project was not known at that time.

In granting the Outline Planning consent, the Council accepted the impact of the development. The Council's Highways Officer considers that the impact of the proposed development on local highway network would be mitigated by the proposed sustainable transport initiatives which are likely to encourage non-car use and contribute towards a more sustainable means of travel in line with the requirements of local and national Planning policies. Furthermore, the new link road and proposed junction improvements that will be delivered at various stages of the development would ensure that the quantum of housing could be accommodated without there being detriment to highway safety.

The provision of an emergency access is a requirement of the Outline Planning consent. It will be designed and secured to prevent any unauthorised access as it is accepted that Derllwyn Road could not accommodate traffic generated by any phase on this development. The final design will be agreed by the Council before works commence and consideration will be given to design given the location in the conservation area.

The traffic surveys that were part of the Outline Planning application covered Bridgend Road and the northern access into the village of Aberkenfig. The 'T' junction of Derllwyn Road and the A4063 was not however reviewed as it was not deemed necessary. Whilst it is understood that some vehicles may use the aforesaid junction and travel along Derllwyn Road, New Road, Fountain Road and east along the B4281, such a route is far from a short cut. Furthermore, the construction of the link road, junction changes and the removal of a set of traffic lights should increase capacity along the A4063. This should dissuade road users from taking the 'short cut' via Derllwyn Road. Although it is not incumbent upon the developer to provide car parking for the Waste Transfer Station, the Council secured, through the Outline Planning consent, the provision of parking on land to the north west of the existing facility and that does form part of this application. The Council will also assess the need to restrict on-street parking in the vicinity of the site through Traffic Orders and again monies were secured for that process through the S106 obligation secured under the outline consent.

Parking arrangements for the residents on Maesteg Road/Cross Street are deficient

The area formed between the new by-pass road, the junction with Maesteg Road and the stopped up highway fronting 36-44 Maesteg Road will be utilised to provide parking

facilities for the nearby properties and commercial uses. The latest iteration of the proposed arrangements have been examined by the Council's Transportation Engineers and there remains concern that the design will restrict movements for users of the parking area. It is appreciated that there is little scope for generous turning areas owing to the proximity of the highway works but an improved scheme will be a requirement of a Planning condition. In these particular circumstances, the details of the scheme will be the subject of consultation with the residents on Maesteg Road.

A number of Public Rights of Way cross the development site and this was acknowledged at the time the Outline Planning consent was granted. A footpath diversion plan has been submitted as part of the application following discussions with the Public Rights of Way Section. It is intended that the Rights of Way will either follow their original alignment (Footpath 17) or will be diverted along new sections of footpath/cycleways through areas of open space or along sections of the new estate road. Such diversions will be progressed under Section 257 of the Town and Country Planning Act 1990, are subject to consultation and will be considered by the Rights of Way Section of the Council.

Amenity issues

The relationship of the proposed housing to properties on Derllwyn Road has been carefully examined with regard to the safeguarding of living conditions and the potential losses of privacy, overshadowing and domination of outlook. Overall, the proposed design accords with the Council's guideline. The only 'pinch point' of note is where the new units on Plots 334, 337-339 will adjoin the side boundary of Tawelwch (see *Figure 3 – Extract from Site Layout Plan* below):



Figure 3 – Extract from Site Layout Plan

Revised boundary edge cross section drawings have recently been submitted reflecting the changes in the site layout and confirming the finished site levels. The proposed relationship accords with the Council's Design Guide which should ensure that the amenities of the occupiers are protected. The cross-section is reproduced below for Members consideration

:

Figure 4 - Cross-section through Plot 334 and Tawelwch



A review of the proposed site layout relative to existing properties elsewhere is included in the appraisal section.

The Building Conservation and Design Officer advises that the preservation or enhancement of a Conservation Area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. This part of the Conservation Area consists of predominantly 19th Century buildings which possess slate roofs, pennant sandstone/rendered walls, plain doors, boundary walls, double hung sash windows and chimney stacks. The pleasant winding street pattern leads to New Road, a simple country road of rural character and great natural beauty and together with the grounds of the demolished Tondu House, they contribute greatly to the interest of the area.

Initial comments provided to the applicant both in terms of the design, materials, landscaping and layout of this part of the development site have been taken on board and have been incorporated into the revised proposal which, on balance, is considered to have a neutral effect on the special interest of the Conservation Area. The subsequent amendment of landscaping proposals for a green buffer/hedge with associated planting together with the retention of existing vegetation on adjacent land, will soften any impact on the setting of the 52 Listed buildings at Park Terrace.

The applicant nevertheless is asked to consider more native hedgerow trees on the space nearest houses and provide further information in relation to a landscape management plan. It is recommended that a condition be included for samples of the proposed materials to be submitted and agreed in the interests of preserving the character and appearance of the area.

Some concerns have been expressed about the design of the housing on the Old School site suggesting that, due to the location, the area will decline into an isolated community. The site does form part of the Outline Planning permission and is closely related to existing housing on Maesteg Road and nearby shops and amenities on Pentre Felin Retail Park. It is acknowledged that the design and layout of the units on the original submission was poor and through negotiations, changes to this phase of development have been made.

Ecology: impact on trees and woods

Concerns have been raised in relation to the effect of the proposed development on the ecology of the area and this will be considered again in the appraisal section. The decision to grant Outline Planning consent was informed by the Preliminary Ecological Appraisal and Level 2 Survey Reports. Both Natural Resources Wales and the Council's Ecologist accepted the findings of the reports although it was necessary to impose conditions that would relate to the protection and enhancement of ecology interest. The reports did not identify an ecological constraint that would prevent the development of this site.

In accordance with conditions 18 and 20 of the Outline consent, a Habitat Management Plan (HMP) and Landscape Ecology Management (LEMP) will be submitted to the Council before any development commences. Both reports will set out the mitigation strategies for habitats and species on site. The submitted landscape scheme has taken the ecology mitigation requirements into account with the buffer zones around the site including suitable habitat to translocate reptiles and dark corridors for foraging bats. Open spaces have also been designed to have an ecological focus.

Despite the concerns expressed, the two pond features in the Parc Tondu Woodland will

be retained albeit reduced in area. The southern park will incorporate not only a Local Landscaped Area of Play (LAP) but also an attenuation feature with associated wetland/wet meadow planting. This accords with the principles agreed at the Outline stage.

Drainage/Flooding issues

The high water table in the locale is one of the factors that will influence the future design of the drainage system and the submitted strategy suggests that positive site drainage will be installed with flow control measures and attenuation as part of a comprehensive scheme for the site that will be agreed by the various land drainage agencies including the Council before development commences.

In granting Outline Planning consent, the Council took account of the potential hazards that contamination presented to this development, the future occupants and the local environment. The report that accompanied the application considered the geotechnical and geo-environmental aspects of the proposed development and where necessary, it provided recommendations for remediation and reclamation strategies in order to make the site suitable for its intended end-uses. Compliance with the recommendations of the report were secured through planning conditions and those conditions will require agreement before any development commences. The Coal Authority also recommended that intrusive site investigations would be necessary to establish the exact situation regarding coal mining legacy issues on the site. Those investigations are still to be carried out. The submitted layout for the respective phases has identified a number of locations where coal mining entries have been recorded. On a worst case scenario, a number of dwellings may be removed from the development but this requires more detailed investigations and consideration by The Coal Authority. Sufficient controls are secured through the permission to safeguard the environment and the safety of future occupiers

Noise and air pollution associated with additional traffic and construction

Local Planning Authorities work closely with pollution control authorities when determining Planning applications. No adverse representations have been received from the Council's Public Protection Section concerning any issues of noise pollution associated with the development. Noise and dust that may be generated through the construction phases will be controlled through other legislation and conditions requiring the agreement of a Construction Management Plan and hours of operation.

Councils are also required to carry out periodic reviews of the air quality in their areas in relation to seven regulated pollutants and to assess this against the air quality objectives set out in the Regulations. Where a Local Authority believes that there is currently or that there is likely to be in future a breach in an air quality objective, it must declare an 'Air Quality Management Area'. No such area has been identified in the location of the application site

Existing Medical Services cannot support development

This is a matter that was addressed at the Outline application stage. Members will be aware that this Council works in partnership with the Health Trust to provide access to health care facilities. Under policies of the Bridgend Local Development Plan, the Council identified sites for new health and well-being facilities. Three sites are identified in the Plan which includes a site at Glanyrafon, Heol yr Ysgol, Ynysawdre. Despite the original Planning permission for development on the adjacent site including a medical centre, it was not formally allocated for such a provision in the Bridgend Local Development Plan and that site has now been developed for other uses. Whilst the Local Planning Authority can identify sites for health facilities, the delivery of medical or dental practices is outside the Council's control. The Health Board are consultees in the preparation of the Development Plan and are made aware of the strategic areas of growth in the County

Borough and the specific housing allocations. As indicated above, the Council can identify sites for new health facilities but it is for the Health Board to manage the provision.

Bare minimum of affordable housing being provided

Policy SP14 of the LDP acknowledges that the provision of planning obligations can affect the viability of residential development and therefore contributions towards affordable housing, open space, education and off-site highway works can be the subject of negotiation. The Outline Planning application was accompanied by a budget appraisal which provided information on the likely costs of the primary site infrastructures, off site highway improvements and site remediation/enabling works required to prepare the site for the proposed development. The high development costs which are estimated to be in the region of £12 million, significantly affected the viability of the site and the level of obligation that the Council could reasonably secure from this development. The strategic importance of this site in delivering regeneration led development with new housing, improved highway infrastructure and commercial development outweighed the benefits of securing all the infrastructural requirements and levels of obligation that are set by the Council's policies and guidelines. In this regard, the Outline Planning consent and related S106 obligation secured the levels of obligation and this application is not an opportunity to review those levels.

The provision of affordable housing to the levels required by policy would have significantly impacted development viability. To have failed to secure any provision would have contradicted local and national policy. Through the permission and agreement the developer is required to deliver 10% of the total number of dwellings on site as affordable housing units, in accordance with an agreed mix, tenure and timetable for delivery.

An objector has identified that the scheme has not incorporated any PV solar energy, low carbon heating solutions or other carbon neutral technologies. The energy efficiency of new dwellings is now controlled under the Building Regulations and whilst it would have been advantageous to couple high efficiency buildings with added passive energy solutions, there is no planning policy requirement to do so and ultimately such measures were not secured as part of the Outline Planning consent. Any future householder may seek to install such features through permitted development rights.

PLANNING POLICY CONTEXT

Up-to-date Local Development Plans are a fundamental part of a plan-led Planning system and set the context for rational and consistent decision making in line with national policies. Planning applications must be determined in accordance with the adopted Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers). The Well-being of Future Generations (Wales) Act 2015 places a duty on public bodies (including Welsh Ministers) that they must carry out sustainable development and it is accepted that a plan-led approach is the most effective way to secure sustainable development through the Planning system.

The adopted Bridgend Local Development Plan (2013) (LDP) identifies the settlements of Aberkenfig, Bryncethin, Brynmenyn, Sarn, Tondu and Ynysawdre, collectively defined as the Valleys Gateway Strategic Regeneration Growth Area, as the focus of regeneration led development. The application site is part of a larger allocation for Regeneration and Mixed Use

Development under Policy PLA3 (10) of the LDP. Appendix A1 of the Local Development Plan details the component parts of the policy and this is set out in the table below:

| A1.10 PLA3(10) Land West of Maesteg Road, Tondur | | | |
|--|---|-------------------------------------|---|
| Mixed Use Components | Total Area 43.0 Hectares | | Implementation and Funding Source |
| Policy Reference | Type | Amount | |
| COM1(31) | Residential | 538 units | Implemented and funded through the private sector (including Section 106) |
| REG1(21) | Employment | 1.00ha | |
| PLA8(3) | Improvement to the Transportation Network | Access to Land West of Maesteg Road | |

Policy PLA3 (10) requires that the implementation of each of the schemes identified should be in accordance with a Master Plan or Development Brief along with appropriate Planning and highway agreements.

Under Policy COM1 of the LDP, the application site is allocated for residential development with the policy estimating that 538 dwellings will be constructed on the site within the Plan period including 20% of the dwellings as affordable housing. To date 186 units have been approved within this allocation and the quantum of development proposed by this application exceeds the estimated figure by 98 units.

Under Policy REG1 (21) of the LDP, 1 hectare of land is allocated and protected for employment development on this site falling within Class B1 uses.

As part of this development, a further improvement to the A4063 is required and, to this end, an area of land has been safeguarded for an improvement to the transportation network. From the Council's perspective, the A4063 highway to the south of the nearby railway bridge is up to the necessary standard to accommodate the traffic movements related to the development proposed under the PLA3 (10) allocation however, as it proceeds north from the traffic signals, beneath the railway bridge, bearing sharply eastwards, the highway is sub-standard with poor visibility and several existing accesses. In order that the site can be developed fully and comprehensively, the A4063 (Maesteg Road) north of the existing traffic signals will need to be re-aligned to allow for an appropriate access to be constructed to serve the development (Policy PLA8 (3) refers).

The following non-site specific policies of the Bridgend Local Development Plan (2013) and Supplementary Planning Guidance are also of relevance:

Bridgend Local Development Plan (2013)

- Strategic Policy SP1 Regeneration Led Development
- Strategic Policy SP2 Design and Sustainable Place Making
- Strategic Policy SP3 Strategic Transport Planning Principles
- Strategic Policy SP4 Conservation and Enhancement of the Natural Environment
- Strategic Policy SP5 Conservation of the Built and Historic Environment
- Strategic Policy SP14 Infrastructure
- Policy PLA1 Settlement Hierarchy and Urban Management
- Policy PLA4 Climate Change and Peak Oil
- Policy PLA9 Development Affecting Public Rights of Way
- Policy PLA7 Transportation Proposals
- Policy PLA8 Development Led Improvements to the Transportation Network
- Policy PLA11 Parking Standards
- Policy ENV4 Local/Regional Nature Conservation Sites
- Policy ENV5 Green Infrastructure

| | |
|--------------|--|
| Policy ENV6 | Nature Conservation |
| Policy ENV7 | Natural Resources Protection and Public Health |
| Policy ENV8 | Heritage Assets and Regeneration |
| Policy COM3 | Residential Re-Use of a Building or Land |
| Policy COM4 | Residential Density |
| Policy COM5 | Affordable Housing |
| Policy COM11 | Provision of Outdoor Recreation Facilities |

Supplementary Planning Guidance:

| | |
|-------|--|
| SPG7 | Trees and Development |
| SPG8 | Residential Development |
| SPG12 | Sustainable Energy |
| SPG13 | Affordable Housing |
| SPG15 | Community Facilities and Residential Development |
| SPG16 | Educational Facilities and Residential Development |
| SPG17 | Vols. 1 & 2 Parking Standards |
| SPG19 | Biodiversity and Development |

Policy SP2 (Design and Sustainable Place Making) in particular 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 by:

- (1) Complying with all relevant national policy and guidance where appropriate;
- (2) Having a design of the highest quality possible, whilst respecting and enhancing local distinctiveness and landscape character;
- (3) Being of an appropriate scale, size and prominence;
- (4) Using land efficiently by:
 - (i) being of a density which maximises the development potential of the land whilst respecting that of the surrounding development; and
 - (ii) having a preference for development on previously developed land over greenfield land;
- (5) Providing for an appropriate mix of land uses;
- (6) Having good walking, cycling, public transport and road connections within and outside the site to ensure efficient access;
- (7) Minimising opportunities for crime to be generated or increased;
- (8) Avoiding or minimising noise, air, soil and water pollution;
- (9) Incorporating methods to ensure the site is free from contamination (including invasive species);
- (10) Safeguarding and enhancing biodiversity and green infrastructure;
- (11) Ensuring equality of access by all;
- (12) Ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected;
- (13) Incorporating appropriate arrangements for the disposal of foul sewage, waste and water;
- (14) Make a positive contribution towards tackling the causes of, and adapting to the impacts of Climate Change; and
- (15) Appropriately contributing towards local, physical, social and community infrastructure which is affected by the development.

The supporting text to this Policy advises that Policy SP2 demands a high quality of design incorporating equality of access in all development proposals and seeks to ensure that new built development is sensitive to its surrounding environment.

In the determination of Planning applications regard should also be given to the

requirements of National Planning Policy which are not duplicated within the Local Development Plan.

The following Welsh Government Planning Policy will be relevant to the determination of any future Planning application on this site:

Planning Policy Wales (PPW) 10 (December 2018)

TAN 5: Nature Conservation and Planning

TAN 11: Noise

TAN 12: Design

TAN 18: Transport

TAN 23: Economic Development

The primary objective of PPW is to ensure that the Planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation.

More specifically to this scheme, paragraph 5.4.4 states *Wherever possible, Planning Authorities should encourage and support developments which generate economic prosperity and regeneration.*

In terms of Active Travel, Active Travel (Wales) Act 2013 makes walking and cycling the preferred option for shorter journeys particularly everyday journeys such as to and from a workplace. The Act requires Local Authorities to produce Integrated Network Maps, identifying the walking and cycling routes required to create fully integrated networks for walking and cycling to access work, education, services and facilities.

APPRAISAL

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

This Reserved Matters application follows on from an Outline Planning consent issued on 13 December 2018 and seeks the agreement of all details for a development that includes the erection of 405 dwellings, the construction of a new link road and the formation of a temporary car park on approximately 21 hectares of land located off Maesteg Road, Tondu. The principle of the site being developed as a mixed use development of housing, commercial with associated improvements to the transport network follows on from the site's allocation under Policy PLA3 (10) of the Bridgend Local Development Plan 2013.

The main considerations in the determination of the application are whether the submitted details accord with the requirements of the Outline Planning permission and are acceptable against the aforementioned Policies and design guidance, having regard to all other material Planning considerations.

On the matter of compliance with the Outline consent, the following table is produced for Members consideration. It details all of the Planning conditions with a brief comment on whether this scheme addresses the condition or indeed whether the condition will need to be the subject of further submissions prior to any development commencing on site:

| | |
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| 1. | The development hereby permitted shall be carried out in accordance with the following approved documents: a) Application form dated 3 May 2016 |
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|-----------|---|
| | <p>b) Revised Site Location Plan - EX01 - Revision C provided by C.W. Architects Ltd received on 23 October 2017</p> <p>c) Proposed Pedestrian and Cycle Links - Drawing W152050_B05 Rev B provided by Vectos received on 3 October 2017</p> <p>d) Design and Access Statement, provided by C.W. Architects Ltd received on 9 May 2016.</p> <p>e) SP484 - Stage One Masterplan - Rev A (1:1250 @A1) provided by C.W. Architects Ltd received on 24 April 2017</p> <p>f) Archaeological and Heritage Assessment prepared by The Environmental Dimension Partnership Ltd (EDP)</p> <p>g) E1457501 R01 – Preliminary Ecological Appraisal Final As Issued 2014-12-12 provided by Soltys Brewster Ecology</p> <p>h) E1457501 R02 – Level 2 Survey Report Final As Issued 2016-03-10 provided by Soltys Brewster Ecology</p> <p>i) Preliminary Utility Strategy Issue 2 by ARUP dated April 2016</p> <p>j) Report 15-9428 Tondu Drainage Strategy 3 provided by ARUP</p> <p>k) Tree Survey, Categorisation and Constraints Report by Steve Ambler and Sons Tree Specialist Ltd dated 20 February 2016</p> <p>Reason: To ensure that the impact on amenity and character of the area is acceptable and to mitigate the impact in respect of site drainage, highway safety, contamination, ground conditions, the protection of heritage assets and the sites biodiversity interest.</p> |
| | <p>Comment: Agreed Design Principles document and Reserved Matters submission accords with the requirements of this condition. Ecology and site drainage are the subject of control through other conditions on this consent.</p> |
| <p>2.</p> | <p>No more than 450 dwellings and 1,000 sq.m m of commercial (B1 uses) shall be erected on the application site.</p> <p>Reason: To ensure that the final development is in accordance with the Outline submission to ensure that the impact on amenity and character of the area is acceptable and to mitigate the impact in respect of site drainage, highway safety, contamination, ground conditions, the protection of heritage assets and the site's biodiversity interest.</p> |
| | <p>Comment: Parameters of the development are in compliance with the Outline Planning consent.</p> |
| <p>3.</p> | <p>The mitigation measures set out in the documents listed below shall be carried out as prescribed in the documents:</p> |

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|-----------|--|
| | <p>a) Sections 7.0, 8.0, 9.0 10.0 and 11.0 in the Desk Study & Coal Mining Risk Assessment Report Tondu – Rev A April 2016 provided by Integral Geotechnique</p> <p>b) Section 6.0 Conclusions and Recommendations in the Level 2 Survey Report Final As Issued 2016-03-10 provided by Soltys Brewster Ecology</p> <p>c) Section 6 - Recommendations in the Tree Survey, Categorisation and Constraints Report by Steve Ambler and Sons Tree Specialist Ltd dated 20 February 2016.</p> <p>Reason: To avoid doubt and confusion as to the nature and extent of the approved development</p> |
| | <p>Comment: Measures to be carried out as part of development</p> |
| <p>4.</p> | <p>Prior to submission of the first of the Reserved Matters applications for residential development of the site, a comprehensive site-wide phasing plan, which accords with the conditions contained in this Notice shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include, as a minimum, the following elements:</p> <ul style="list-style-type: none"> a) the Reserved Matters phases; b) off site highways improvements; c) site accesses; d) major distributor roads/routes within the site; e) footpaths and cycleways; f) strategic landscaping; g) bus stops; h) strategic foul and surface water features; i) open space and play areas j) environmental mitigation measures; <p>The development shall be carried out in accordance with the agreed phasing plan.</p> <p>Reason: To avoid doubt and confusion as to the nature and extent of the approved development.</p> |
| | <p>Comment: Design Principles document agreed under P/19/633/DOC on 14 November 2019.</p> |
| <p>5.</p> | <p>Development proposals within each development phase shall be carried out in accordance with a Development Brief which shall have been submitted to and approved in writing by the Local Planning Authority prior to the submission of Reserved Matters for that phase. The Development Brief shall demonstrate how the development will conform to the supporting documents and mitigation measures referred to in Conditions 1 and 3 above.</p> <p>Reason: To avoid doubt and confusion as to the nature and extent of the approved development.</p> |

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| | Comment: Design Principles document agreed under P/19/633/DOC on 14 November 2019. |
| 6. | <p>Prior to submission of the first of the Reserved Matters applications for residential development on the site, a Hydraulic Modelling Assessment shall be submitted to and agreed in writing by the Local Planning Authority to identify a point of connection on the drinking water system. Thereafter the connection shall be made in accordance with the agreed connection option following the implementation of any necessary improvements to the system, as may be identified by the hydraulic modelling assessment. Such works as agreed shall be carried out prior to the occupation of any property on the development site.</p> <p>Reason: To ensure the development is served by an adequate supply of drinking water, to protect the health and safety of existing residents and to ensure no pollution of or detriment to the environment.</p> |
| | Comment: Details agreed on 19 September 2019 under P/19/571/DOC. |
| 7. | <p>No development shall commence on any phase of the development until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, roof/yard water, highway drainage and land drainage will be dealt with has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented through the various phases of the development and prior to any building being occupied.</p> <p>Reason: To ensure effective drainage facilities are provided for the proposed development.</p> |
| | Comment: Details will be submitted prior to development commencing |
| 8. | <p>No development shall commence until an Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement (in accordance with BS 5837:2012 - Trees in Relation to Design, Demolition and Construction - Recommendations) for the trees affected by the proposed link road and the proposed development have been submitted to and agreed in writing by the Local Planning Authority. The recommendations of the reports shall inform the layout of the phases of the proposed housing and all development thereafter shall be carried out in accordance with the agreed statements.</p> <p>Reason: To minimise the impact of the road construction on the woodland in the interests of the amenities of the wider area.</p> |
| | Comment: Details will be submitted prior to development commencing |
| 9. | <p>Prior to the submission of the first of the Reserved Matters applications for residential development on the site, a fully detailed strategic landscape scheme, including the</p> |

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| | <p>Informal Public Open Space, Walkways, Eco Corridors (buffer landscape scheme), Open Spaces, Informal Open Space, Retained Woodland and structure planting to the spine road and programme of implementation for the whole site has been submitted to and approved in writing by the Local Planning Authority. The detailed strategic landscape scheme shall be carried out in accordance with the approved schemes and programme and retained thereafter.</p> <p>Reason: In the interests of the residential amenities of future occupants.</p> |
| | <p>Comment: Details agreed on 14 November 2019 under P/19/633/DOC.</p> |
| <p>10.</p> | <p>If within a period of up to five years from the planting of any strategic landscaping, any tree or hedgerow planted is removed, uprooted or destroyed or dies (or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective), another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.</p> <p>Reason: For the avoidance of doubt as to the extent of the permission granted and to maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.</p> |
| | <p>Comment: Compliance as part of development</p> |
| <p>11.</p> | <p>Prior to the development of any development phase, a detailed landscaping scheme for that phase shall be submitted to and approved in writing by the Local Planning Authority. The plans and particulars to be submitted shall include:</p> <ul style="list-style-type: none"> (a) A plan showing the location of, and allocating a reference number to, each existing tree including crown spread, hedgerow and other soft landscape features to be removed or retained on the site. For the purpose of this condition trees are defined as those which have a stem with a diameter, measured over the bark at a point 1.5m above ground level, exceeding 75mm. (b) Details of the species, diameter (measured in accordance with paragraph (a) above) and the approximate height and an assessment of the general state of health and stability of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply. (c) Details of any proposed crown reduction or lopping of any retained tree or of any tree on land adjacent to the site. (d) Details of any proposed alterations in existing ground levels and of the position of any proposed excavation within the crown spread of any retained tree on land adjacent to the site or within a distance from any retained tree or any tree on land adjacent to the site equivalent to half the height of that tree. (e) Details of the specification and position of temporary fencing (and of any other measures to be taken) for the protection of any retained tree, hedgerow or other soft landscape feature from damage before or during the course of development. <p>In this condition and in Condition 12 below 'retained tree' means any existing tree, hedgerow or other feature which is to be retained in accordance with the plan referred to in paragraph (a) above.</p> |

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| | Reason: For the avoidance of doubt as to the extent of the permission granted and to maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation. |
| | Comment: Details will be submitted prior to development commencing |
| 12. | <p>In accordance with condition 11 (above) all works comprised in the approved details of landscaping, including public open spaces and landscape buffers, associated with each development phase shall be completed prior to the occupation of the penultimate dwelling of that phase and retained thereafter.</p> <p>Reason: For the avoidance of doubt as to the extent of the permission granted and to maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.</p> |
| | Comment: Compliance as part of development |
| 13. | <p>If within a period of up to five years from the date of first occupation of the last dwelling on a development phase, any retained tree/hedgerow or new tree/hedgerow planted within that phase is removed, uprooted or destroyed or dies (or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective), another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.</p> <p>Reason: For the avoidance of doubt as to the extent of the permission granted and to maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.</p> |
| | Comment: Compliance as part of development |
| 14. | <p>The details submitted pursuant to discharging landscaping as a Reserved Matter shall include a new buffer of woodland, open habitat and scrub at least 10m depth between the proposed development site and the Parc Slip Local Nature Reserve and Site of Importance for Nature Conservation (SINC). The landscaping scheme shall effectively protect the adjacent sites and should include a Landscape Management Plan that details how the new planting and retained habitats will be managed. No gardens of any adjacent dwellings shall be included within the 10m woodland buffer planting zone.</p> <p>Reason: For the avoidance of doubt as to the extent of the permission granted and to maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.</p> |
| | Comment: Details submitted as part of this reserved matters application – scheme compliant. |

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| 15. | <p>The details submitted pursuant to discharging landscaping as a Reserved Matter for any development phase shall provide for the:</p> <ul style="list-style-type: none"> a) Retention and protection of several priority habitats, including wet woodland, ponds and rush pasture (marshy grassland) - Reference the Preliminary Ecological Appraisal Final As Issued by Soltys Brewster Ecology and the Level 2 Survey Report Final As Issued by Soltys Brewster Ecology; b) Maintenance of habitat connectivity through the retention of the woodland along the eastern boundary and new planting bordering the cycleway and Derllwyn Road. Appropriate management of these areas will be required to offset the loss of the north-eastern area; c) A long-term net gain in local biodiversity through the removal of invasive species and the maintenance of a smaller area of marshy grassland habitat; d) Provision of a large attenuation pond in the south-west of the site, an area of more diverse marshy grassland, where careful development of the area will enable the retention of the existing botanical diversity. <p>Reason: For the avoidance of doubt as to the extent of the permission granted and to maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.</p> |
| | <p>Comment: Details submitted as part of this Reserved Matters submission – scheme compliant.</p> |
| 16. | <p>The development hereby permitted shall not be commenced and no demolition or partial demolition of any buildings or other structures or the felling of any trees shall take place until a programme and scheme for the carrying out of a survey to identify the presence or otherwise of bats on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme and programme shall take account of seasonal usage and the timing of development on each development phase. The survey shall be carried out in accordance with the approved scheme and programme and shall contain recommendations for measures to protect any bats found before, during and after development, which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The protection measures shall be fully implemented in accordance with the approved details.</p> <p>Reason: For the avoidance of doubt as to the extent of the permission granted and to promote nature conservation.</p> |
| | <p>Comment: Details will be submitted prior to development commencing</p> |
| 17. | <p>Prior to the commencement of any works within a particular development phase, further surveys shall be undertaken within that area to determine the presence and/or location of, but not limited to, the following species:</p> <ul style="list-style-type: none"> a) badgers and setts in current use b) dormice |

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| | <ul style="list-style-type: none"> c) otters and holts d) water voles e) crayfish f) reptiles (common lizard, slow worm, grass snake and adder) g) great crested newts h) invertebrates survey of key habitats i) breeding birds j) glow worms <p>The surveys shall be carried out in accordance with a programme which shall have been submitted to and approved in writing by the Local Planning Authority taking into account seasonal usage. The results of the surveys along with measures before, during and after development for the protection of any species found, shall be submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be fully implemented in accordance with the approved details and maintained thereafter.</p> <p>Reason: For the avoidance of doubt as to the extent of the permission granted and to promote nature conservation.</p> |
| | <p>Comment: Details will be submitted prior to development commencing</p> |
| <p>18.</p> | <p>The plans and particulars submitted in accordance with the Reserved Matters shall include a Habitat Management Plan (HMP) addressing avoidance, mitigation, compensation, enhancement and restoration of the site and shall include the following:</p> <ul style="list-style-type: none"> a) Purpose and conservation objectives for the proposed works b) Review of site potential and constraints c) Detailed design(s) and/or working method(s) to achieve stated objectives. d) Extent and location/area of proposed works on appropriate scale maps and plans. e) Type and source of materials to be used where appropriate, e.g. native species of local provenance. f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development. g) Persons responsible for implementing works. h) Details of initial aftercare and long-term maintenance. i) Details for monitoring and remedial measures. j) Details for disposal of any wastes arising from works. <p>No development shall commence until the HMP has been submitted to and agreed in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and all features shall be retained in that manner thereafter.</p> <p>Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.</p> |
| | <p>Comment: The requirements of the condition have informed the submitted layout and landscaping scheme – the condition requires the scheme to be agreed prior to development commencing.</p> |
| <p>19.</p> | <p>The plans and particulars submitted in accordance with the Reserved Matters shall</p> |

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| | <p>include a Construction Environment Management Plan (CEMP: Biodiversity) and shall include the following:</p> <ul style="list-style-type: none"> a) Risk assessment of potentially damaging construction activities. b) Identification "biodiversity protection zones". c) Practical measures (both physical and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). d) The location and timing of sensitive works to avoid harm to biodiversity features. e) The times during construction when specialist ecologists need to be present on site to oversee works. f) Responsible persons and lines of communication g) The role and responsibilities on site of an ecological clerk of works or similarly competent person. h) Use of protective fences, exclusion barriers and warning signs. <p>No development shall take place (including demolition, ground works and vegetation clearance) until the CEMP - Biodiversity has been submitted to and agreed in writing by the Local Planning Authority. The CEMP - Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the agreed details.</p> <p>Reason: To maintain and improve the appearance of the area in the interests of visual and residential amenity and to promote nature conservation.</p> |
| | <p>Comment: The requirements of the condition have informed the submitted layout and landscaping scheme – the condition requires the scheme to be agreed prior to development commencing.</p> |
| <p>20.</p> | <p>The plans and particulars submitted in accordance with the Reserved Matters shall include a Landscape and Ecological Management Plan (LEMP) addressing the following:</p> <ul style="list-style-type: none"> a) Description and evaluation of features to be managed. b) Ecological trends and constraints on site that might influence management. c) Aims and objectives of management. d) Appropriate management options for achieving aims and objectives. e) Prescriptions for management actions. f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period). g) Details of the body or organisation responsible for implementation of the plan. h) On-going monitoring and remedial measures. <p>No development shall take place (including demolition, ground works, vegetation clearance) until the LEMP has been submitted to and agreed in writing by the Local Planning Authority. The LEMP shall also set out where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally agreed scheme.</p> <p>The site shall be developed in accordance with the agreed details.</p> <p>Reason: To maintain and improve the appearance of the area in the interests of</p> |

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| | visual and residential amenity and to promote nature conservation. |
| | Comment: The requirements of the condition have informed the submitted layout and landscaping scheme – the condition requires the scheme to be agreed prior to development commencing. |
| 21. | <p>No development shall commence on any phase of the development until an invasive non-native species protocol has been submitted to and approved in writing by the Local Planning Authority detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme and throughout the development of the respective phases.</p> <p>Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.</p> |
| | Comment: Details agreed on 13 November 2019 under P/19/460/DOC |
| 22. | <p>Prior to the development on any phase, a detailed lighting strategy for that phase shall be submitted to and approved in writing by the Local Planning Authority. The lighting plans shall be implemented as approved.</p> <p>Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.</p> |
| | Comment: The requirements of the condition have informed the submitted layout and landscaping scheme – the condition requires the scheme to be agreed prior to development commencing. |
| 23. | <p>Prior to the undertaking of any site investigation works in respect of Coal Mining Risk, the methodology for such works shall first be submitted to and agreed in writing by the Local Planning Authority in respect of the following:</p> <p>(i) A scheme of intrusive investigations for mine entries or the submission of evidence that they have been removed by the surface mining operations;</p> <p>(ii) A scheme of intrusive site investigations for the shallow coal workings;</p> <p>(iii) A layout plan which identifies appropriate zones of influence for the mine entries on site and definition of suitable no build zones, following a detailed review of available information and based on a worst case scenario;</p> <p>No development shall commence within any individual phase until the results of the site investigation including any scheme of treatment/remedial works required for both the mine entries and shallow coal mine workings to ensure the safety and stability of the proposed development has been submitted to and agreed in writing by the Local Planning Authority. This submission shall include a programme for implementation of the aforesaid works.</p> |

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| | <p>The agreed treatment/remedial works shall be implemented on site prior to the commencement of development of the phase to which they relate)</p> <p>(P/19/460/DOC – Details agreed 13 November 2019 by Bridgend County Borough Council)</p> |
| | <p>Comment: The methodology for undertaking the site investigation works has been agreed on 13 November 2019 under P/19/460/DOC. The results of the site investigation works and any remedial works required will need to be agreed before any development commences.</p> |
| 24. | <p>No development shall commence on any phase of the development until 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 has been 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/WAG/EA guidance document ' Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation.</p> <p>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.</p> |
| | <p>Comment: Details will be submitted prior to development commencing</p> |
| 25. | <p>The remediation scheme approved under Condition 24 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/WAG/EA guidance document ' Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation.</p> <p>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</p> |

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| | without unacceptable risks to workers, neighbours and other offsite receptors. |
| | Comment: Remediation works undertaken before occupation |
| 26. | <p>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.</p> <p>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.</p> |
| | Comment: Remediation works undertaken before occupation |
| 27. | <p>Piling or any other foundation design using penetrative methods shall not be permitted unless otherwise agreed in writing by the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.</p> <p>Reason: To prevent pollution of controlled waters.</p> |
| | Comment: Restriction on development – developer to comply with requirements |
| 28. | <p>No development shall commence on any phase of the development until a Construction Environmental Management Plan (CEMP) to minimise dust emissions arising from construction activities on the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of dust suppression measures and the methods to monitor emissions of dust arising from the development and shall include the control measures of the air quality. The construction phase shall be implemented in accordance with the agreed scheme with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phases.</p> <p>Reason: In the interests of safeguarding the amenities of existing residents.</p> |
| | Comment: Details will be submitted prior to development commencing |

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| 29. | <p>No development shall commence on any phase of the development until a Construction Method Statement (CMS) has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Construction Method Statement.</p> <p>The Construction Method statement shall address the following matters:</p> <ol style="list-style-type: none"> 1. Details of the phasing of construction works, including timescales; 2. Details of equipment to be employed, operations to be carried out and hours of operation; 3. Mitigation measures to be applied in accordance with the guidance in BS228 (2014) 4. A scheme for implementing effective liaison with the local residents where they are likely to be affected by the noise/vibration at any particular phase of the work and details of how complaints will be dealt with. <p>Reason: In the interests of safeguarding the amenity of residents.</p> |
| | <p>Comment: Details will be submitted prior to development commencing</p> |
| 30. | <p>No development shall commence until a scheme for the provision of highway mitigation works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide improvements to:</p> <ol style="list-style-type: none"> 1. the A4063 (Maesteg Road) / A4065 (Bryn Road) / Bridgend Road, Aberkenfig signalised junction, 2. realignment of the Western arm of the junction to a revised roundabout junction serving the development 3. realignment of A4063 (Maesteg Road Tondu) to create a new link route to the site access roundabout and be in accordance with Vectos Drawing W152050/B/05 Rev C. <p>The scheme shall include:-</p> <ol style="list-style-type: none"> i. Phasing scheme including temporary traffic management proposals ii. revision of all traffic signing, road markings iii. provision of a 3.5m shared footway / cycleway on the Western side of A4065 (Bryn Road) from the signalised junction North to Station Approach, Tondu iv. realigned carriageway markings along the Eastbound arm of the signalised junction and (A4063) to provide an extended merge length to no less than 200m v. provision of a 3.5m shared footway / cycleway on the Northern side of the new Western arm from the signalised junction West to the site access roundabout and spur to the stub end of Maesteg Road, Tondu vi. provision of a 3.5m shared footway / cycleway on the Southern side of the new Western arm of the signalised junction from the existing cycle route connection to 12 Cwrt yr Hen Ysgol West to the site access roundabout vii. provision of an uncontrolled cycleway footway crossing with associated pedestrian refuge between the improved A4063 (Maesteg Road) / A4065 (Bryn Road) / Bridgend Road, Aberkenfig signalised junction and the realigned site access roundabout. viii. provision of a 3.5m shared footway / cycleway on the Western side of the new link road from Iron Way to the site access roundabout ix. signalised Toucan cycle / pedestrian crossing in the vicinity of the existing |

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| | <p>NCN4 with onward 3.5m shared footway / cycleway link to the redundant portion of Maesteg Road, Tondy</p> <ul style="list-style-type: none"> x. Removal of existing bus stops on the redundant portion of Maesteg Road and replacement with new bus stop facilities on the new realigned section of Maesteg Road (link road). xi. Vehicular turning facilities on the southern end of the redundant portion of Maesteg Road xii. New vehicular link from the new realigned section of Maesteg Road to the existing to the redundant portion of Maesteg Road xiii. Replacement off street parking for the loss of the existing parking layby between TM Cars and 37 Maesteg Road xiv. Scheme of waiting restrictions xv. Scheme of 20mph speed restrictions xvi. Scheme of cycle / pedestrian direction signage xvii. Supporting Stage 2 Road Safety Audit <p>The scheme of highway mitigation works shall be constructed in permanent materials in accordance in with the approved details prior to the beneficial occupation of the 136th dwelling.</p> <p>Reason: In the interests of highway network capacity, road safety and promoting sustainable travel patterns.</p> |
| | <p>Comment: Details included as part of this Reserved Matters submission. Engineering details to be agreed prior to development commencing</p> |
| <p>31.</p> | <p>Notwithstanding the provisions of the Town and Country Planning General Permitted Development) Order 1995, there shall be no vehicular access to the site other than the two approved access points being the continuation of the existing western arm of the Pentre Felin/Lidl/Proposed Link Road roundabout along the unnamed road and the "emergency vehicles" only access off Derllwyn Road.</p> <p>Reason: In the interests of highway safety.</p> |
| | <p>Comment: Submitted scheme is compliant.</p> |
| <p>32.</p> | <p>No development shall commence until a scheme for the provision of a scheme of highway mitigation works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide improvements to the geometry of the A4063 (Bridgend Road/Sarn Link)/ B4281 roundabout junction. Such scheme shall include for:</p> <ul style="list-style-type: none"> i. Phasing scheme including temporary traffic management proposals ii. revision of all traffic signing, road markings iii. Supporting Stage 2 Road Safety Audit <p>The scheme of highway mitigation works shall be constructed in permanent materials in accordance in with the approved details prior to the beneficial occupation of the 136th dwelling.</p> <p>Reason: In the interests of Highway network capacity and Road Safety.</p> |

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| | Comment: Details included as part of this Reserved Matters submission. Engineering details to be agreed prior to development commencing |
| 33. | <p>No development shall commence until a scheme for the provision of an emergency vehicular access linking the northern area of the site to the highway network at Derllwyn Road has been submitted to and approved in writing by the Local Planning Authority. The emergency access shall incorporate physical features preventing regular vehicular traffic traversing the route and shall be constructed in permanent materials in accordance with the approved layout prior to the 200th dwelling on the greater development parcel being brought into beneficial use and shall be retained for the free passage of pedestrians and cyclists in perpetuity.</p> <p>Reason: In the interests of highway safety.</p> |
| | Comment: Compliance as part of site development – details submitted on Reserved Matters submission |
| 34. | <p>No building shall be occupied until that part of the road system which provides access to it has been constructed to at least base course level in accordance with the approved plans.</p> <p>Reason: In the interests of highway safety.</p> |
| | Comment: Compliance as part of site development |
| 35. | <p>No building shall be occupied until parking has been provided in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Garages meant for parking shall have minimum internal dimensions of 6m x 3m. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order, with or without modification), all such garages and parking spaces shall thereafter be retained solely for the parking of vehicles in connection with the building they serve.</p> <p>Reason: In the interests of highway safety.</p> |
| | Comment: Garages and car parking space in compliance with this condition. |
| 36. | <p>Details of the position and timing of provision of bus stops throughout the site shall be submitted to and approved in writing by the Local Planning Authority prior to the submission of any Reserved Matters application for the site. Bus stops shall be provided in accordance with the approved details.</p> <p>Reason: In the interests of highway safety and to promote sustainable transport.</p> |

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| | Comment: Details agreed on 13 November 2019 under P/19/633/DOC |
| 37. | <p>No development shall commence on any phase of the development until the applicant or their agents or successors in title has secured agreement for a written scheme of historic environment mitigation which has been submitted by the application and approved by the Local Planning Authority. The approved site investigation works shall be implemented prior to the commencement of development on Phases 4 and 5 or any infrastructure scheme or strategic landscaping area. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme and the developer shall afford access at all reasonable times during construction to a nominated archaeologist for the purpose of observing the excavations and recording items of interest and finds.</p> <p>Reason: To safeguard the heritage assets that may be buried beneath ground in accordance with national and local planning policy.</p> |
| | Comment: Details will be submitted prior to development commencing |
| 38. | <p>No development shall commence until a scheme and phasing plan for the provision of a pedestrian/cycle route linking the site to the highway network at Derllwyn Road, adjacent residential development and the National Cycle Network has been submitted to and approved in writing by the Local Planning Authority. The pedestrian/cycle link shall be at a minimum width of 3m, within a corridor of 4m minimum width and provide physical features preventing vehicular traffic traversing along the pedestrian/cycle route and shall be constructed in permanent materials in accordance with the phasing plan and shall be retained for the free passage of pedestrians and cyclists in perpetuity.</p> <p>Reason: In the interests of promoting sustainable travel patterns.</p> |
| | Comment: Details will be submitted prior to development commencing |
| 39. | <p>The main site spine road of the greater development parcel (Phases 1-5 on the Phasing Plan in the Design and Access Statement, excluding Phase 2/3) shall be laid out to provide a circular route suitable for future public transport to permeate into the site and serve the development. The spine route and circular bus route shall be not less than 6.5m with appropriate lane widening on bends and bus stops.</p> <p>Reason: In the interests of promoting sustainable travel patterns.</p> |
| | Comment: Compliance as part of site development |
| 40. | <p>The main site spine roads of the greater development parcel (Phases 1-5 on the Phasing Plan in the Design and Access Statement, excluding Phase 2/3) shall be laid out to provide carriageways of no less than 5.5m, with a single cycleway footway of no less than 3.5m and a single footway of no less than 2.0m.</p> |

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| | Reason: In the interests of promoting sustainable travel patterns and highway safety. |
| | Comment: Compliance as part of site development |

Members will note that the Reserved Matters submission complies with those conditions that need to be agreed at this stage.

Policy SP2 of the Bridgend Local Development Plan and the suite of Supplementary Planning Guidance provide a robust framework for assessing the details of this application. All development is required to contribute to creating high quality attractive sustainable places which enhance the community in which they are located. The Policy establishes fifteen criteria against which development proposals will be assessed. As the principle of the development has been established it is considered that criteria 2), 3), 4), 5), 6), 7), 8), 9), 10), 11), 12) and 13) are relevant to this specific proposal and are addressed below:

Having a design of the highest quality possible, whilst respecting and enhancing local distinctiveness and landscape character

In accordance with the requirements of the Outline Planning consent, a Design Principles document has been agreed which translates the key elements of the Design and Access Statement and Masterplan from the initial consent and establishes key placemaking principles that have informed this Reserved Matters submission. In that regard, the submitted details demonstrate a cohesive design which should create a place with character that will enhance the natural environment through the provision of green infrastructure, delivering benefits for biodiversity through creation, enhancement and sensitive management of habitats. The proposed housing will be sustainably located close to recreational and retail facilities with an integrated and accessible transport system.

Where the higher test of design is required in the Derllwyn Road Conservation Area, the layout, architectural detailing and material palette will ensure that the development preserves and enhances the Conservation Area. Sensitive boundary treatment and an enhanced planting scheme along the north western edge with the rear of Park Terrace will soften the impact of the development on the setting of the Listed Buildings of Park Terrace.

Being of an appropriate scale, size and prominence and Using land efficiently by: (i) being of a density which maximises the development potential of the land whilst respecting that of the surrounding development; and (ii) having a preference for development on previously developed land over greenfield land;

The Outline Planning consent and Design Principle document established that the proposed building heights and scale of the development would be informed by the character and scale of the existing housing together with the landscape context and topography.

A mixture of detached, semi-detached, short terraces and flats are proposed. Generally, all dwellings will be two storey in height apart from the former school site where a complex of two and three storey buildings will occupy the corner of this gateway site overlooking the roundabout junction that will connect the new by-pass and link roads. The relative levels of the site, the retained landscaping and the distances from existing properties enables the increase in storey height. On all other phases of the development, the scale and size of the housing respects the context including the Derllwyn Road Conservation Area. Prior to works commencing on the respective phases details of the finished floor levels will be agreed as an additional safeguard.

Over all the phases of development, medium density levels will be achieved which is comparable to the surrounding development. It should be noted that the total number of units proposed as part of this application is below the 450 units approved at the Outline stage. As indicated above, an increase in density on the Old School site is supported and is off-set by a reduction in building densities along the southern and eastern boundaries which transition to area of open space.

Providing for an appropriate mix of land uses

The parameters of the development and the mix of uses were established by the Outline Planning consent and in this regard the development is compliant. The commercial area, (Phase 4) will be submitted as a separate Reserved Matters submission. A temporary car park will however be formed on this land to accommodate the over-spill parking associated with the Waste Transfer Station. This will be accessed directly from the main access road.

Having good walking, cycling, public transport and road connections within and outside the site to ensure efficient access

All development proposals should be designed in a manner that secures the safety of all highway users whilst also looking to improved opportunities for sustainable travel. The proposed movement and access arrangements for the development site are illustrated on the extract plan below:

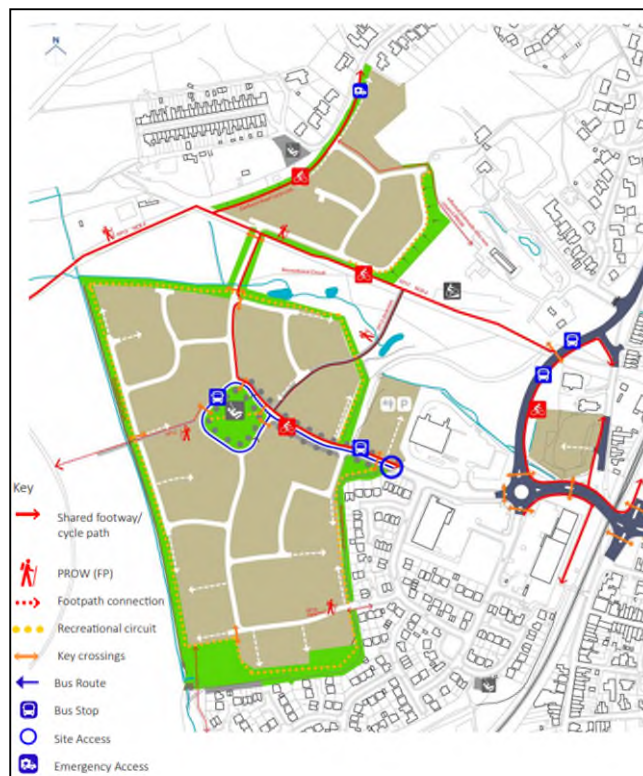


Figure 5 - Movement and Access Plan

The site will be served by one main access point being the continuation of the existing western arm of the Pentre Felin roundabout with the secondary access on Derllwyn Road only for use in times of emergency. A circular bus route has been incorporated into the road and the position of the bus stops have been agreed. Active Travel will be encouraged with a network of walking and cycling routes throughout the development with the necessary crossing facilities both formal and informal.

The parking, access and road layout arrangement have been examined by the Transportation and Engineering Section and generally deemed to be acceptable in the context of the Outline Planning consent and current Welsh Government guidance.

Notwithstanding the above, consideration of the submitted drawings has identified areas of the proposed highway which need addressing although the majority are matters of detail which can be resolved during the agreement of engineering details as part of the Highway adoption process.

There are some more fundamental concerns related to following matters:-

- Vehicle access arrangements for 36 Maesteg Road, Tondu.
- Lack of deflection for users of NCN4 on the downhill approach to the proposed link road Toucan crossing.
- Confirmation of the provision of a verge on the western side of the link road.
- Reverse curvature at the northern tie in of the new link road to Maesteg Road.

however, it is considered that these can be addressed via the imposition of suitable Planning conditions.

Whilst the internal site layout has been detailed with traffic calming measures (which are largely acceptable) it is considered that additional features are required in a number of areas. Again this can be overcome by the inclusion of suitably worded conditions. In order to facilitate the consultation process for the 20mph speed limit a consultation plan will be required to be submitted

In order to ensure that residents, service drivers, delivery drivers and visitors appropriately use the highway at the site access on the link road, the portion of Maesteg Road which will become a cul-de-sac and in the area of the emergency access onto Derllwyn Road and do not park inappropriately on the local highway to the detriment of highway safety, it is considered that some waiting/loading restrictions will be necessary in these areas which can be secured by condition.

Section 106 funding was sought at Outline stage to cover the cost of publication of the Orders (principally in the area around the site access) and whilst this may facilitate these wider areas to be consulted, it may be necessary due to phasing of the development, for the Traffic Orders to be considered separately. In such an instance, there may be additional legal costs to be paid during the highway adoption process.

Members will however note from the table of conditions above that the detail of a number of the highway schemes will need to be agreed before any development commences.

Minimising opportunities for crime to be generated or increased

Local Authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard must be given by Local Planning Authorities. The Secured by Design Officer is also generally amenable to the design, site layout and principles of the development. On the evidence before the Council, the requirement of the policy is addressed.

Avoiding or minimising noise, air, soil and water pollution

Noise and air pollution were not identified as constraints to this development at the Outline application stage despite a number of residents expressing concerns that the additional traffic on the road network would have a negative effect on health and well-being. As Members will know, Local Planning Authorities work closely with pollution control authorities when determining Planning applications and at no point have any adverse

representations been received from the Council's Public Protection Section concerning any issues of noise pollution associated with the development. Noise and dust that may be generated through the construction phases will be controlled through other legislation and conditions requiring the agreement of a Construction Management Plan and hours of operation. As indicated in an earlier part of this report, the site does not fall within an 'Air Quality Management Area'. Member's attention is drawn to conditions 28 and 29 in the table above which will require agreement before any development commences.

In addition, any issues associated with site contamination and possible water pollution will be addressed through the agreement of a site remediation scheme which again will be agreed before any development commences – conditions 24, 25 and 26 in the above table should be referenced.

Incorporating methods to ensure the site is free from contamination (including invasive species)

A protocol detailing the containment, control and removal of Japanese Knotweed and other invasive species on site has been agreed and will be followed throughout all the phases of this development.

Safeguarding and enhancing biodiversity and green infrastructure

Section 40 of the Natural Environment and Rural Communities Act 2006 states *every public authority must in exercising its function have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 which came into force on 21 March 2016. Section 6 (1) states *"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...*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.*

Biodiversity and landscape considerations were considered at the Outline stage and a series of planning conditions were imposed

The Outline Planning application was accompanied by a Preliminary Ecological Appraisal (PEA) (Soltys Brewster 2014) and a Level 2 Ecological Survey Report (Soltys Brewster 2016) which established the baseline ecological conditions at the site. Additional surveys for reptiles, bats and Great Crested Newts were subsequently undertaken.

The Green Infrastructure Approach which is promoted by both national and local Planning policies influenced the Master Plan that was approved as part of the Outline consent and which has formed the basis for the Design Principles document that has been agreed prior to the submission of the Reserved Matters. The general approach is to avoid and/or mitigate impact to existing habitats and wildlife following the general principle of retention and protection of as much of the existing green infrastructure as can practically be accommodated within the development. For this development, that includes the development of habitat buffers between the development and the woodland edge. The character of the woodland glades and watercourses on site will be retained and enhanced as access to the wooded areas will be restricted through a sensitive landscape strategy. A connected network of ecological 'buffer zone' corridors is also proposed as part of the

submitted layout, around the perimeter of the development, providing informal open space to be managed for wildlife. These corridors should provide a landscape buffer to sensitive edges and will incorporate wildlife sensitive planting and lighting schemes with particular emphasis on bat foraging routes.

The Preliminary Ecological Appraisal recommended that the small area of more diverse marshy grassland be retained within the buffer or as open space. This forms part of the Southern Park – POS 2 on the submitted layout plans.

Semi natural broadleaved woodland is the dominant habitat in the northern half of the site with several areas of quality and species composition present. Policy ENV6 - Nature Conservation indicates that proposals for development will be required to in the first instance retain, conserve, restore and enhance wherever possible existing woodland. A Tree Survey, Categorisation & Constraints Report accompanied the Outline application and objectively assessed the trees on site and assigns the trees to one of four categories depending on their overall health, size, condition, amenity, cultural and conservation value and their suitability in view of the increased usage that will arise following development. In allowing the Outline consent, the Council acknowledged that the block of woodland covered by the Tree Preservation Order to the south of the cycleway would be retained however, a large block of woodland to the north of the national cycle route where Phase 3 will be developed would be lost. Planning conditions have been imposed requiring the agreement of an Arboricultural Implications Assessment, Tree Protection Plan and Arboricultural Method Statement for the whole site prior to any development commencing. This approach accords with the requirements of Policies ENV5 and ENV6 of the LDP and whilst it is entirely probable that a number of trees will be lost to accommodate the development, this will be controlled through the Planning process. Any trees removed will be offset with new tree planting within the scheme

The presence of a species protected under European or UK legislation is a material consideration when a Local Planning Authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat. The ecology surveys that informed the Outline Planning consent confirmed that the site supports a number of protected/notable species with several trees having bat roosting potential. The Preliminary Ecological Appraisal identified a number of groups of trees with potential for roosting bats both within the main site boundary and along the highway improvement route. Additional survey work will be required and controlled through the conditions on the Outline consent. If a roost is discovered, a licence from Natural Resources Wales (NRW) and appropriate mitigation will be required before any works to the tree/s can be carried out.

Woodland across the site provides potentially suitable habitat for dormice particularly to the east and all the woodlands provide connectivity to larger woodland blocks in the surrounding landscape. The most suitable area of habitat for this species (the eastern woodland) is shown to be retained however, areas are required for removal for the associated highway improvement scheme and an area of lower quality woodland to the north allocated for housing. This area is however considered sub-optimal for dormice but provides habitat connectivity. Due to the lack of records of dormice in the area and suitable habitat being retained, it is not considered that further survey effort is required for dormice providing a sensitive clearance methodology is adhered to. Again, this is a matter that will be agreed before any development commences.

Historical surveys confirmed that the site was found to support a population of Slow Worm and a low population of Grass Snake and toads, all of which receive protection under Section 42 of the NERC Act 2006 and Schedule 7 of the Environment Act 2016. The Local

Authority has a biodiversity duty under both these Acts and must seek to protect these species and enhance the habitats where they occur. The report provided some recommendations that the development should include amphibian friendly features such as incorporating offset curbs/amphibian ladders in drains into the drainage design to prevent these species becoming trapped in gully pots.

In accordance with conditions 18 and 20 of the consent, a Habitat Management Plan (HMP) and Landscape Ecology Management Plan (LEMP) will be submitted before development commences and will set out in detail the mitigation strategies for habitats and species on-site. This will address reptile mitigation although it is the Council's preference for the reptile population to be retained on site. This could potentially be achieved by a combination of measures including new habitat creation within the adjacent Parc Slip Local Nature Reserve.

The applicant's consultant has confirmed that pre-commencement checks will be undertaken if any trees are to be felled that have the potential to support roosting bats. Overall, the proposed approach to the development with recommendations for avoidance and/or mitigation and the general principle of retention, protection and enhancement of as much of the existing green infrastructure as can practically be accommodated within the development is in line with Local Plan Policy and Supplementary Planning Guidance Green Infrastructure Approach. Furthermore, it will ensure that the development contributes to providing an ecosystem for the site and beyond which is both diverse and resilient as required under Section 6 of the Environment (Wales) Act 2016.

Ensuring equality of access by all

Developments must conform to the provisions of the Equality Act 2010 and it is understood that the site and dwellings have been designed to make it accessible for all those who might use the dwellings in the future.

Ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected

National policy confirms that new housing developments should be well integrated with and connected to the existing pattern of settlement and in determining applications for new housing, Local Planning Authorities should ensure that the proposed development does not damage an area's character and amenity.

The agreed Design Principles document sets out a framework for addressing issues of privacy and amenity and establishes criteria which have determined the submitted layout:

- Provide usable amenity space with private gardens being at least the same size as the dwelling footprint.
- Ensure new houses benefit from a satisfactory degree of privacy and daylight.
- Maintain minimum separation distances across the site in particular between habitable rooms. Where two rear habitable rooms face each other such that direct overlooking is physically possible, windows should be 21 metres apart.
- Maintain and enhance the existing landscape bund along the eastern and southern boundaries of the site where the scheme borders existing residential properties. Maintain a minimum width of 8m.
- Locate the recreational route on the internal edge of the bund. Increase planting to help further discourage access to the rear of existing properties and improve the aesthetics of the edge

Changes to the layout have however been necessary to ensure that the objectives set out above are achieved for the housing layout as it relates to the future occupiers of the housing. Nevertheless, the critical issue is whether the impacts of the development on the living conditions and well-being of existing residents are so significant as to be contrary to local policies and guidelines.

The key areas are where the southern and eastern boundaries of Phase 1 – the Main Development Area adjoin existing housing. Whilst the retention of the bund (to be landscaped) along the aforementioned boundaries is an important aspect of the design, a number of 'pinch-points' have been identified which are considered below:

Plot 99/68 Clos Pwll Clai (CPC)

Based on the submitted cross-section drawings, natural ground level rises in favour of the new development and will be increased. The side elevation of 68 CPC which faces the shared boundary with the development site has no side facing habitable room windows and a distance of 13.5m is measured between the side elevation of the respective properties which more than exceeds the guidelines.

The house type originally proposed on this plot included side facing bedroom windows which, in the interests of privacy would be fitted with obscure glazing by virtue of a condition that was to be imposed. The applicant company believed that such glazing would affect the saleability of the property and have changed the housetype to one that has no side facing habitable room windows

Plot 107/61 Clos Pwll Clai (CPC)

As above, the natural ground level rises in favour of the new development and will be increased. Again the side elevation of 61 CPC which faces the shared boundary with the development site has no side facing habitable room windows. In this case, a distance of 14.8m will separate the side elevation with the front elevation of Plot 107 which does have a number of habitable room windows on the ground and first floor. The distance accords with the guidelines but it should be noted that due to the proposed site levels there will be a degree of overlooking. Any loss of privacy is not considered to be sufficient to warrant a change in the submitted layout.

Plot 91/15 and 16 Clos Gwaith Brick (CGB)

Levels are again higher on the development site as confirmed by the Boundary Edge Cross Section drawing. 15 and 16 CGB are detached dwellings that share a rear boundary with the development site. Based on the submitted plans, the front elevation of Plot 91 (a two storey dwelling) will be 26m from the rear facing habitable room windows in 15 and 16 CGB and 16m from their rear boundary fence. Again levels on the development site are higher but even accounting for this change any changes to privacy of the existing residents would be acceptable. Overshadowing and domination of outlook are also not a consideration given the separation distances proposed.

Plots 92/93/94/10 Rhes Leith (RL) and 22 Clos Pwll y Clai (CPC)

The proposed units, again in a more elevated position will be separated from the side boundaries of the rear gardens of 10 RL and 22 CPC by a private drive, recreational path and existing earth bound. A separating distance of between 16-19m is recorded on the submitted layout plan. Whilst there will be a degree of overlooking and the levels of privacy currently enjoyed by the occupiers will be diminished it will not be to such a degree as to conflict with the Council's policies and guidelines.

Plot 88/5 Rhes Leith A distance of 26m will separate the front facing windows of the new dwelling with 5 Rhes Leith. The cross-section below does however confirm the levels of the existing and new dwelling. Privacy will again be compromised but in a manner that will not unacceptably affect the living conditions of residents. New planting along the bund will over time, minimise the impact of the development.



Figure 6 – Cross Section showing relationship between Plot 88 and 9 Rhes Leith

Plot 89/90 to 5 and 6 Rhes Leith (RL)

The new dwellings will overlook the side boundary of 5 and 6 RL, separated by the landscape bund, recreational footpath and a distance of 16.5m to the boundary fence.

Again existing levels of privacy will be compromised but in a manner that will not unacceptably affect the living conditions of residents and in an arrangement that is policy compliant.

Proposed Access Road and 10 Clos Gwaith Brick

This is the relationship between a new section of estate road and the side/rear garden of the aforementioned property - see extract plan below:

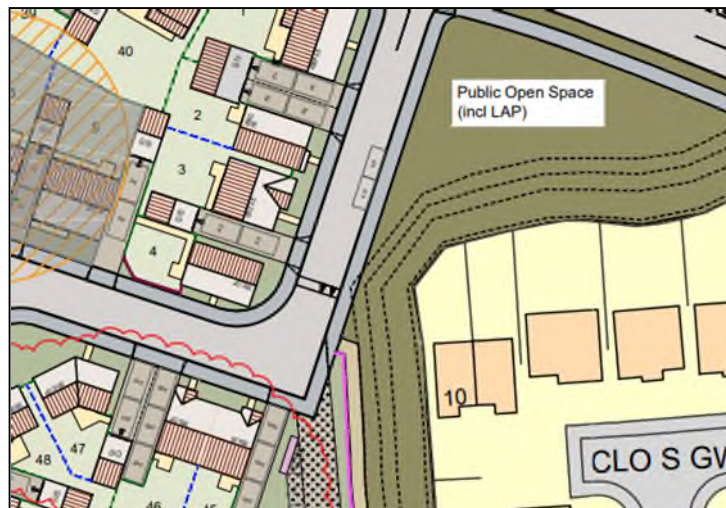


Figure 7 – Cross Section showing relationship between 10 Clos Gwaith Brics and Access Road

Based on the natural topography of the site, the road will cross a higher contour than the garden area of the nearest dwelling which could potentially impact on the living conditions of the occupiers particularly when the development is complete with the associated movement of vehicles and pedestrians. The existing bund is however being retained and will be enhanced with new landscaping. In this location that is critical to ensure that the amenities of the residents are not significantly affected.

The relationship of Plots 334, 337, 338 and 339 to Tawelwch has been considered in an earlier section of the report. The revised layout and updated site sections confirm that the

proposed relationship will comply with the Council's guidelines.

The Old School site which is Phase 2 of this development, lies opposite properties at the southern end of Maesteg Road. A three storey block of flats is proposed at the entrance to this phase directly west of 49 Maesteg Road and the relationship is detailed on the cross-section drawing below. As both the existing and proposed development front the highway, privacy standards will be achieved – a distance of 22m is indicated on the submitted plans.

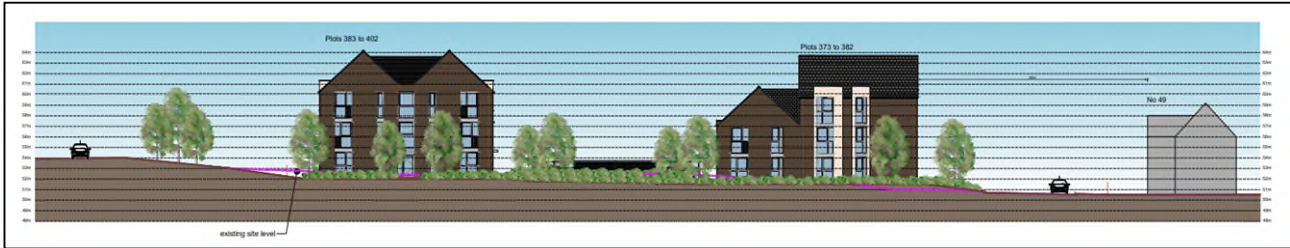


Figure 8 – Cross Section showing relationship between Plots 373-382 and 49 Maesteg Road

This three storey block is a building of considerable mass and scale being over 17m wide and over 11m in height. Whilst the design guidance that informed the Master Plan on the Outline application indicated that 3/4 storey development may be appropriate on this site, it will unquestionably dominate the street scene and the outlook from the front elevation of 49 Maesteg Road. It however stands in relative isolation with landscaped space either side offering some relief in terms of impact on the aforesaid property. In addition, the 22m that separates the front elevations of the properties should ensure that overshadowing is not a factor. Whilst acknowledging that the development will have an impact on 49 Maesteg Road, it is not considered so adverse as to require a further change to the layout of this phase and a scaling down of the block on Plots 373-382. In all other respects, the layout achieves the Council's standards as it relates to safeguarding the amenities of residents on Maesteg Road.

Incorporating appropriate arrangements for the disposal of foul sewage, waste and water

The adequacy of water supply and the sewage infrastructure were significant considerations at the Outline application stage. Members may recall that Dwr Cymru Welsh Water indicated that the development could affect the local drinking water supply system and requested that a Hydraulic Modelling Assessment be agreed before the submission of any Reserved Matters application. That was submitted and agreed in September 2019 and a suitable connection point has been agreed.

The previously submitted Drainage Strategy considers both the foul and surface water strategy including estimated discharge rates, storm water storage requirements and outfall/connection positions. The latest submission confirms that drainage features throughout the site will provide amenity space and biodiversity either by natural forms or by use of specialist landscaping proposals - "SUDS features will be located within the Park Square and Southern Park. The existing ponds located within the woodland area in the north of the site will also function as flood out areas. Drainage for the link road will discharge into the existing watercourse and/or adopted sewers".

The Council's Land Drainage Engineer has confirmed that discussion with the developer are on-going regarding the design and management framework for a comprehensive scheme of drainage for the site. The condition on the Outline consent will require its agreement before any works commence.

It is therefore considered that the proposed development complies with Policy SP2 of the Bridgend County Borough Council Local Development Plan (2013) and advice contained within SPG08, Planning Policy Wales 10 (December 2018) and TAN12: Design

Other Material Considerations – Impact on Heritage Assets

The Council has the responsibility for considering the historic environment as part of their role in determining Planning applications. An archaeological and heritage assessment and addendum accompanied the Outline Planning application. All the heritage assets both designated and non-designated were identified and the impacts of the development assessed.

The Scheduled Monument that is the Remains of Tondu Iron works and the three listed structures lie outside the application site. The historic and modern settings of each of these designated assets was assessed and it was determined that their significance would in no way be adversely affected by the form of development proposed within the site, either in terms of an effect on their physical form/fabric or through change to the contribution made by their setting.

The northern part of the site (Phase 3 on the current submission) is within the Derllwyn Road Conservation Area. The derelict and overgrown land presently makes no contribution to the special character or appearance of the designated area and it was considered that the implementation of the proposed development which could include a layout that is sensitive to the character of the wider Conservation Area, could both enhance this specific portion of the designated area and preserve and enhance the elements of the wider Conservation Area (including its Listed Buildings) which contribute to its character and appearance.

The Authority has a statutory duty to pay special regard to the desirability of preserving Listed Buildings and their settings and a general presumption in favour of the preservation or enhancement of the character or appearance of the Conservation area or its setting.

Changes to the site layout (omission of the garage on Plot 334, the inclusion of chimneys on a number of properties, the use of natural slate to reflect the sensitive position particularly in the context of the adjacent Listed Buildings, glazing bars on the windows, the omission of weatherboarding and the use of re-constituted stone on the boundary walls) are proposed on the latest drawings. Furthermore, the retention of trees and additional landscaping on the north western boundary will soften the impact of the new development on the Conservation Area but also retain the impression of the rural buffer that forms the setting of the Listed Buildings on Park Terrace.

The northern part of the site also lies within the locally identified Area of Archaeological Significance where there is potential for archaeological remains associated with the former 19th and 20th Century ironworks to be found. In the view of the assessor these would potentially be the truncated remains of the former beehive coking ovens, tram roads and coal crusher surviving beneath deposits of coke waste and demolition debris. It is the consultant's opinion that these are very unlikely to be worthy of preservation in situ and no further archaeological investigation is deemed to be warranted at this stage. A Planning condition was however attached to the Outline consent preventing any development on this phase until an archaeological investigation has been carried out.

A draft Heritage Impact Assessment (HIA) has recently been submitted to support this application but also a Listed Building (LB) application will need to be made for the link road and associated infrastructure which are located adjacent to two Grade II Listed structures comprising two parts of the same structure i.e. Bridge Over Incline Plain Tondu (Cadw Ref: 20758 and 19058).



Figure 9 -The Grade II Listed Structures and Bridge

The draft Heritage Impact Assessment (HIA) identifies the following changes to the existing environment in the bridge's surroundings:

- Loss of part of the embankment and former course of the Incline Plane to the east of the bridge;
- Rise in ground level in the footprint of the road, with construction of a raised walkway and small retaining wall to compensate for the change to present levels under the bridge;
- Retention of earth banks immediately south-east of the bridge structure with modern retaining walls to hold back material from the road edge; and
- Construction of fences to restrict access to the listed structure and adjacent banks.

The appearance of the different elements of the proposed development will be as follows:

- The road and adjacent areas will be of modern surfaces with the track running beneath the bridge opening onto a crossing, and with a 2m wide footway running alongside the road to the north
- The raised walkway proposed beneath the bridge will be finished in a composite material. The walkway will be c. 2m wide and will run centrally between the abutments rather than up against them;
- The associated retaining wall will support this structure running between the two abutments of the Listed bridge. The wall will be visible from the walkway and will be of modern concrete formation. It will be constructed in such a way as to have no direct impact on the adjacent abutment walls;
- The earth banks to the immediate south-east of the bridge will be increased slightly in height. As such, the abutments will not be undermined and will be cleared of vegetation. The retaining structure facing the road will be angled in accordance with the batter of the banks, although it will have a modern appearance distinct from the stone finish of the listed structure; and
- The fence will be of a modern appearance constructed in steel.

In addition to the above, the bridge will be subject to remedial and conservation works.

The applicant's heritage assessor has concluded that the adverse effects from the loss of aspects of the bridge's setting will be outweighed by the benefits to its significance from the proposed conservation works which will safeguard its future integrity as a historic asset.

The relevant factors to consider and weigh in the assessment in this case include;

- The significance of the asset and the contribution the setting makes to that significance
- The prominence of the historic asset
- Non visual factors affecting the setting of the historic asset e.g. noise
- Inter-visibility with other historic or natural features

The bridge is listed as a building of special architectural or historic interest as a mostly intact structure of a mid C19 industrial transport complex and representative of the second stage of development under John Brogden of the Tondy Ironworks founded in 1830s by Sir Robert Price as identified by the applicant has evidential and historical significance and value. The structure is relatively visually secluded and, with the exception of the incline plane, has limited inter-visibility with related historic assets in the local landscape. The site has a relatively tranquil setting.

The impact of the proposed development will result in:

- The loss of part of the embankment and former course of the incline to the east of the bridge
- A rise in ground level in the footprint of the proposed road realignment and the construction of a raised walkway and small retaining wall to compensate for change to present levels under the Bridge structure
- The retention of earth banks SE of the bridge structure and modern retaining walls
- The erection of fencing

The draft heritage impact assessment states that the incline plane/path, former track bed, earthwork banks and bridge to the South East make a moderate contribution to the significance and setting of the listed building.

It is considered that, on balance, any potential harm caused by the proposed works outlined above may be limited to an acceptable level by the careful selection of proposed materials that are not harmful to the setting of the historic asset and may be outweighed by the proposal subject to the timely sensitive repair and restoration of the bridge structure along with a proposal for the interpretation of the significance of the historic asset and its relationship with other features in the surrounding landscape.

It is recommended that an appropriate condition is therefore included to ensure the timely protection and subsequent repair of the structure in the interests of the preservation of the buildings of special architectural or historic interest. The proposed development whilst increasing the prominence and visibility of the historic asset, will also allow a fuller appreciation of the significance of the asset and its context.

Given the overall benefit of the development proposals to the significance of the two Listing designations, the proposals accord with legislation.

CONCLUSION

Section 38(6) of the 2004 Act requires that regard is to be had to the Development Plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. Factors to be taken into account in making Planning decisions (material considerations) must be Planning matters that is they must be relevant to the

regulation of the development and use of land in the public interest towards the goal of sustainability.

In this case the site is specifically allocated for residential in the Local Development Plan (LDP) adopted by this Council in 2013. The LDP is a robust document and was subject to considerable scrutiny, consultation and public examination by an outside planning inspector. The development proposed as part of this application is in accord with this allocation.

It is also considered in view of the comprehensive appraisal outlined in this report that this Reserved Matters submission accords with the Outline Planning consent. The placemaking objectives of national policy and the high quality development that is required by local policy will be achieved by virtue of the design being of an appropriate scale and size, good connections to walking, cycling and public transport connections, according with the framework of measures that seek to minimise noise, air and water pollution and the agreed areas of ecological enhancement.

The proposed development will make a significant contribution to housing land supply, is located in a sustainable location in terms of access to services, amenities and public transport and would not cause unacceptable harm to its surroundings. There is no evidence before the Council which would suggest there would be any unacceptable impacts on local economic, social and environmental infrastructure. The proposed development would not undermine the principles of sustainable development or the creation of cohesive communities, which forms the basis of local and national Planning policy.

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

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

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

The application is therefore recommended for approval

RECOMMENDATION

That permission be GRANTED subject to the following conditions:

| | |
|----|---|
| 1. | The development shall be carried out in accordance with the following approved plans and documents: plan numbers: Location Plan 1828-LP-01 |
|----|---|

External Works Drawing 1 of 5 – 1828-EW-01 – Revision C
External Works Drawing 2 of 5 – 1828-EW-02 – Revision C
External Works Drawing 3 of 5 – 1828-EW-03 – Revision C
External Works Drawing 4 of 5 – 1828-EW-04 – Revision C
External Works Drawing 5 of 5 – 1828-EW-05 – Revision B

House Finishes Layout Drawing 1 of 5 – 1828-HF-01 – Revision D
House Finishes Layout Drawing 2 of 5 – 1828-HF-02 – Revision D
House Finishes Layout Drawing 3 of 5 – 1828-HF-03 – Revision D
House Finishes Layout Drawing 4 of 5 – 1828-HF-04 – Revision C
House Finishes Layout Drawing 5 of 5 – 1828-HF-05 – Revision B

Parking Strategy 1828-PS-01 – Revision D

Site Cross Sections 1828-SCS-01 – Revision A
Street Cross Sections 1828-SCS-01 – Revision A
Site Layout 1828-TP-01 – Revision C
Site Layout 1828-TP-02 – Revision C
Site Layout 1828-TP-03 – Revision C
Site Layout 1828-TP-04 – Revision C
Site Layout 1828-TP-05 – Revision B

Overall Site Layout 1828-TP-1000 – Revision F

Phases 1 & 2 of the development shall be constructed in the following schedule of materials:

- Ibstock Welbeck Autumn Antique Facing Brick
- Ibstock Minster Beckstone Mix Facing Brick
- Forticrete Shearstone Pentstone Cottage walling stone
- Weber Pral M through Colour Render – Chalk
- Weber Pral M through Colour Render - Cream
- Weber Pral M through Colour Render – Granite Grey
- Cedral Weatherboard – C01 White
- Forticrete Cast Stone – Sherwood Forticrete Cast Stone – Bath
- Marley Duo Edgemere interlocking slate tile – Smooth Grey

House Types: 2B3-ST1-1; 2B3-ST2-1 3B12-ST1-1; 3B12-ST2-1; 3B12-ST2-1; 3B12-ST3-1; 3B12-ST5-1; 3B13-ST1-1; 3B13-ST2-1; 3B13-ST5-1; 3B16-ST1-1; 3B16-ST2-1; 3B18-ST1-1; 3B18-ST2-1; 3B18-ST4-1; 3B19D-ST1-1; 3B19D-ST2-1; 3B19D-ST5-1; 3B19S-ST1-1; 3B19S-ST2-1; 3B19S-ST4-1; 3B19S-ST5-1; 3B20SP-ST1-1; 3B20-ST1-1; 3B20-ST2-1; 3B4-ST1-1; 3B4-ST2-1A; 3B4-ST5-1; 3B5E-ST1-1; 3B5E-ST2-1; 3B5G-ST1-1; 3B5G-ST2-1; 3BC-ST1-1; 3BC-ST2-1; 3BC-ST4-1A; 4B13SP-ST3-1; 4B13SP-ST4-1; 4B13-ST1-1; 4B13-ST2-1; 4B13-ST3-1; 4B13-ST5-1; 4B17-ST1-1; 4B17-ST2-1; 4B17-ST3-1; 4B18N-ST1-1; 4B18N-ST2-1A; 4B18N-ST4-1A; 4B19SP-ST3-1; 4B19-ST1-1; 4B19-ST2-1; 4B19-ST3-1; 4B19-ST5-1; 4B1-ST1-1; 4B1-ST2-1; 4B1-ST3-1; 4B1-ST4-1; 4B1-ST5-1; 4B2SP-ST1-1; 4B2SP-ST2-1; 4B2SP-ST3-1; 4B2SP-ST5-1; 4B2-ST1-1; 4B2-ST2-1A; 4B2-ST3-1; 4B2-ST5-1; 4B3-ST1-1; 4B3-ST2-1A; 4B3-ST4-1A; 4B6-ST1-1; 4B6-ST2-1; 4B6-ST4-1A; 4B7-ST1-1; 4B7-ST2-1; 4B7-ST4-1A; 4BC-ST1-1; 4BC-ST2-1; 4BC-ST4-1A; 641-ST1-1A; 641-ST2-1;

Close Boarded FenceEN01

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| | <p>Post and Wire Fence – EN02 Timber and Knee Rail – EN03 Screen Wall – EN04 Close Board Gate – EN05 Hoop Top Railings – EN06 Stone Wall – EN010 Enclosures – EN01 Garages – G10-B-01</p> <p>Detailed Soft Landscaping Proposals 1 to 20 received on 3rd September 2020</p> <p>Footpath Diversion Plan – FDP-01 – Revision C 17-03-20</p> <p>7066-WSP-DR-C-20111 General arrangement (Sheet 1 of 3) 1:500 A1 P07 7066-WSP-DR-C-20112 General arrangement (Sheet 2 of 3) 1:500 A1 P05 7066-WSP-DR-C-20113 General arrangement (Sheet 3 of 3) 1:500 A1 P04</p> <p>7066-WSP-DR-C-20131 Proposed contours (Sheet 1 of 2) 1:500 A1 P02 7066-WSP-DR-C-20132 Proposed contours (Sheet 2 of 2) 1:500 A1 P01</p> <p>7066-WSP-DR-C-10111 General arrangement (Sheet 1 of 4) 1:500 A1 P06 7066-WSP-DR-C-10112 General arrangement (Sheet 2 of 4) 1:500 A1 P07 7066-WSP-DR-C-10113 General arrangement (Sheet 3 of 4) 1:500 A1 P07 7066-WSP-DR-C-10114 General arrangement (Sheet 4 of 4) 1:500 A1 P07</p> <p>7066-WSP-DR-C-10115 General arrangement details (Sheet 1 of 2) 1:200 A1 P02 7066-WSP-DR-C-10116 General arrangement details (Sheet 2 of 2) 1:200 A1 P03</p> <p>7066-WSP-DR-C-10120 Typical carriageway sections NTS A1 P02 7066-WSP-DR-C-10125 Vehicle tracking 1:250 A1 P04</p> <p>Reason: To avoid doubt and confusion as to the nature and extent of the approved development.</p> |
| 2. | <p>Prior to the commencement of the development of Phase 3 as identified in the Design Principles document, detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. The detailed specifications shall be submitted no less than 28 days prior to works on the phase commencing. Development shall be carried out in accordance with the agreed details</p> <p>Reason: To ensure that the proposed materials of construction are appropriate for use on the development to protect the visual amenities of the area</p> |
| 3. | <p>Prior to the commencement of each development phase identified in the Design Principles document, a detailed scheme including a timetable for implementation, all items of play, associated grounds works and hard and soft landscaping works for the proposed Local Area of Play and Local Equipped Play Area on the respective phases shall be submitted to and agreed in writing by the Local Planning Authority. The detailed specifications shall be submitted no less than 28 days prior to works on the phase commencing. Development shall be carried out in accordance with the agreed details.</p> <p>Reason: In the interests of the residential amenities of future occupants.</p> |

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| 4. | <p>Prior to the commencement of each development phase identified in the Design Principles document, details of the proposed floor levels of the buildings in relation to existing ground levels and the finished levels of the site have been submitted to and agreed in writing by the Local Planning Authority. The details shall be submitted no less than 28 days prior to works on the phase commencing. Development shall be carried out in accordance with the agreed details.</p> <p>Reason: To ensure that development relates appropriately to the topography of the site and the surrounding area.</p> |
| 5. | <p>No development shall commence on any phase of the development until the applicant or their agents or successors in title has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the Local Planning Authority. The approved site investigation works shall be implemented prior to the commencement of development on Phase 3 or any infrastructure scheme or strategic landscaping area. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme and the developer shall afford access at all reasonable times during construction to a nominated archaeologist for the purpose of observing the excavations and recording items of interest and finds.</p> <p>Reason: To safeguard the heritage assets that may be buried beneath ground in accordance with national and local planning policy.</p> |
| 6 | <p>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.</p> <p>Reason: In the interests of highway safety</p> |
| 7. | <p>No development shall commence on site until a Construction Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Construction Management Plan shall be divided into phases of construction and include:-</p> <ul style="list-style-type: none"> • Timing and routing of construction and delivery vehicles • Provision of a temporary compound for the storage of construction materials and plant; • Parking for contractor's vehicles throughout the construction; • Parking of vehicles for site operatives and visitors; • Wheel washing to prevent mud and debris from the construction traffic being carried out onto the existing highway network within the existing Estate; • The methodology and details required as to how the Listed bridge will be protected both during the construction phases (including the removal of vegetation) and from noise/vibration caused by construction and future vehicular traffic <p>The construction works shall thereafter be undertaken in accordance with the agreed Construction Management Plan throughout the construction phases.</p> <p>Reason: In the interests of highway safety.</p> |
| 8 | <p>Notwithstanding the approved layout plan no development shall commence in respect of the link road until a scheme for vehicle access arrangements for 36 Maesteg Road has</p> |

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| | <p>been submitted to and approved in writing by the Local Planning Authority. The vehicle access arrangements shall be implemented as agreed in permanent materials before the link road is brought into beneficial use.</p> <p>Reason: In the interests of highway safety.</p> |
| 9 | <p>Notwithstanding the approved layout plan no development shall commence in respect of the link road until a revised scheme for NCN Route 4 pedestrian and cycle crossing arrangements over the link road in the vicinity of the Listed abutment structure has been submitted to and approved in writing by the Local Planning Authority. The crossing arrangements shall be implemented as agreed in permanent materials before the link road is brought into beneficial use.</p> <p>Reason: In the interests of highway safety.</p> |
| 10 | <p>Notwithstanding the approved layout plan, no development shall commence in respect of the link road until a scheme for a continuous margin on the western side of the link road between the site access roundabout and the agreed NCN Route 4 pedestrian and cycle crossing (condition 9 refers) and from the agreed crossing to the junction for Ffordd Haearn (Iron Way) has been submitted to and approved in writing by the Local Planning Authority. Where achievable the margin will be 2.5m wide and shall be laid out before the link road is brought into beneficial use.</p> <p>Reason: In the interests of highway safety</p> |
| 11 | <p>Notwithstanding the approved layout plans no development shall commence in respect of the link road until a revised arrangement at the northern tie-in point of the link road with Maesteg Road (south east of 5 Ffordd Haearn (Iron Way)) has been submitted to and approved in writing by the Local Planning Authority. The link road tie-in arrangements shall be implemented as agreed in permanent materials before the link road is brought into beneficial use.</p> <p>Reason: In the interests of highway safety.</p> |
| 12 | <p>Prior to the commencement of each development phase identified in the Design Principles document, a comprehensive scheme for traffic calming restricting 85% tile traffic speeds to 20mph shall be submitted to the Local Planning Authority. The scheme as agreed in writing by the Local Planning Authority shall be implemented before any dwelling in the respective phases is occupied.</p> <p>Reason: In the interests of highway safety.</p> |
| 13 | <p>The proposed means of access to the temporary car park shall be laid out in permanent materials for a distance of no less than 5m from the back of the active travel route and with cycle vision splays of 2.4m (measured from the back of the active travel route) x 15m to the West 10m to the East (or as shown on drawing 7066-WSP-DR-C-10114 Rev P07) before the car park is brought into beneficial use and retained as such thereafter.</p> <p>Reason: In the interests of highway safety.</p> |

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| 14 | <p>The proposed temporary car park shall be laid out before the commencement of Phase 2 of the development.</p> <p>Reason: In the interests of highway safety.</p> |
| 15 | <p>The proposed means of access to Plots 248 – 257 and 285 – 288 (inclusive) shall be laid out with the cycle vision splays shown on drawing 7066-WSP-DR-C-10112 Rev P07 cycle vision splays of before the dwellings are brought into beneficial use and retained as such thereafter in perpetuity.</p> <p>Reason: In the interests of highway safety.</p> |
| 16 | <p>The proposed junction of the pedestrian path adjoining Plots 284 and 285 with the active travel route fronting Plots 255-289 shall be laid out with pedestrian vision splays of 1m (measured from the back of active travel route) 15m to the West 10m to the East as shown on drawing 7066-WSP-DR-C-10112 Rev P07 before the pedestrian route is brought into beneficial use and retained as such thereafter in perpetuity.</p> <p>Reason: In the interests of highway safety.</p> |
| 17 | <p>Within 3 months of the date of this decision, a scheme of waiting and loading restrictions along the site access road fronting the “waste transfer station” from the site access roundabout to the junctions adjacent to Plots 1 and 289 shall be submitted to the Local Planning Authority. The scheme as agreed in writing by the Local Planning Authority shall include for road markings and signage and shall be implemented within 6 months of the occupation of the dwellings on Plots 1 and 289.</p> <p>Reason: In the interests of highway safety.</p> |
| 18 | <p>No development of the link road shall commence until a scheme of waiting and loading restrictions along the link road from the site access roundabout to the northern tie-in with Maesteg Road (south east of 5 Ffordd Haearn (Iron Way)) has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall include for road markings and signage. Such scheme shall be implemented as approved by the Local Planning Authority within 6 months of the date of the opening of the link/by-pass road.</p> <p>Reason: In the interests of highway safety.</p> |
| 19 | <p>No development of the link road shall commence until a scheme of waiting and loading restrictions along Maesteg Road between numbers 16 and 49 including the junction with the link road has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall include for road markings and signage. Such scheme shall be implemented as approved by the Local Planning Authority within 6 months of the date of the opening of the link/by-pass road.</p> <p>Reason: In the interests of highway safety.</p> |
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| 20 | <p>No development of Phase 3 shall commence until a scheme of waiting and loading restrictions along Road 7 and Derllwyn Road in the vicinity of the emergency access has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall include for road markings and signage. Such scheme shall be implemented as approved by the Local Planning Authority prior to any dwelling on Phase 3 of the development being occupied or within 6 months of the emergency access being constructed, whichever is the sooner.</p> <p>Reason: In the interests of highway safety.</p> |
| 21 | <p>No dwelling shall be occupied until the shared and individual driveways 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. The parking bays shall be retained thereafter for parking purposes in perpetuity.</p> <p>Reason: To ensure the provision and retention of sufficient off street parking in the interests of highway safety.</p> |
| 22 | <p>No dwelling shall be occupied until the individual or shared driveways serving the dwelling has been laid out with a 1m x 1m pedestrian vision splays. The vision splays shall be retained as such thereafter in perpetuity.</p> <p>Reason: In the interests of highway safety.</p> |
| 23 | <p>The proposed junction and forward vision splays as shown on drawing numbers: 7066-WSP-DR-C-10111 Rev P06; 7066-WSP-DR-C-10112 Rev P07; 7066-WSP-DR-C-10113 Rev P07; 7066-WSP-DR-C-10114 Rev P07 and 7066-WSP-DR-C-20111 Rev P07 shall be provided in both directions prior to the beneficial use of any unit served by that junction and shall be retained as such thereafter in perpetuity.</p> <p>Reason: In the interests of highway safety</p> |
| 24 | <p>The proposed temporary car park access junction shall be laid out in accordance with Drawing 7066-WSP-DR-C-10114 Rev P07 prior to the car park being brought into beneficial use.</p> <p>Reason: In the interests of highway safety.</p> |
| 25. | <p>* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *</p> <p>Section 38(6) of the 2004 Act requires that if regard is to be had to the Development Plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. Factors to be taken into account in making Planning decisions (material considerations) must be Planning matters that is they must be relevant to the regulation of the development and use of land in the public interest towards the goal of sustainability.</p> |

In this case it is considered that this Reserved Matters submission accords with the Outline Planning consent. The placemaking objectives of national policy and the high quality development that is required by local policy will be achieved by virtue of the design being of an appropriate scale and size, good connections to walking, cycling and public transport connections, according with the framework of measures that seek to minimise noise, air and water pollution and the agreed areas of ecological enhancement.

The proposed development will make a significant contribution to housing land supply, is located in a sustainable location in terms of access to services, amenities and public transport and would not cause unacceptable harm to its surroundings. There is no evidence before the Council which would suggest there would be any unacceptable impacts on local economic, social and environmental infrastructure. The proposed development would not undermine the principles of sustainable development or the creation of cohesive communities, which forms the basis of local and national Planning policy.

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

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

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

The proposed works for the repair and alteration of the Listed structures will be considered in detail as part of a separate application for Listed Building Consent. Prior to the submission of the Listed Building Consent application, the applicant must seek pre-application advice from the Local Planning Authority and the Building Conservation and Design Team and the application must include an updated Heritage Impact Assessment as follows:

- The need for a summary options appraisal that have been considered since the granting of Outline consent for the site to demonstrate why this is the option that in the applicant's judgement "minimises any harm" to the structure, with reference to Cadw's Heritage Impact Assessment Guidance)
- To supplement the photographs submitted, a plan indicating the inter-relationship of the historic elements should be included in the Heritage Impact Assessment to assist with the assessment of harm to the Listed structure and its significance
- Sensitive repair and restoration of the structure is welcomed but a detailed schedule of repairs and alterations and a maintenance/management plan will be required as part of any Listed Building Consent application.
- Further consideration needs to be given to the principle and selection of the use of "modern materials" within the context of the Listed structure as the embankment and revetment walls form part of the Listing including methodology and details of the fixing/anchoring of fencing and the method of how the embankment walls will be retained.

- Due to the poor condition of the structure, an updated structural survey of the structure will be required along with a programme of works and methodology to ensure the protection of the structure during construction works and early phasing of repair works.
- Assessment of and proposed mitigation (including a detailed methodology) of the impact of the removal of trees and any vegetation affecting the Listed structure.
- The proposed location and details of interpretation proposals at their site
- An assessment of potential vibration damage to the structure both during construction and due to proximity of vehicular traffic if approved – what measures will be taken to protect the structure during construction and thereafter.

There is a requirement for the timely and sensitive repair and restoration of the bridge structure along with a proposal for the interpretation of the significance of the historic asset and its relationship with other features in the surrounding landscape.

The Highway Authority will require the Developer to enter into legally binding Section 111 Licence Agreement including an appropriate bond to secure the proper implementation of the proposed highway works and the adoption of the same as part of the maintainable highway. The commencement of the works on or abutting the existing maintainable highway will not be permitted until such time as the Agreement has been concluded.

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.

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.

REFERENCE: P/20/285/RLX

APPLICANT: Mr F & H Janes
Land at Former Playground, Fountain Road, Aberkenfig CF32 0EW

LOCATION: Land at former Playground, Fountain Road, Aberkenfig CF32 0EW

PROPOSAL: Vary condition 1 of appeal decision A/18/3198111 (relating to P/17/891/FUL) to amend the approved plans to include a larger amenity block

RECEIVED: 16 April 2020

EOT AGREED: 17 September 2020

APPLICATION/SITE DESCRIPTION

The application seeks to vary condition 1 of appeal decision A/18/3198111 (relating to P/17/891/FUL) to amend the approved plans to include a larger amenity block and revise the approved layout of the site on land at the former playground on Fountain Road in Aberkenfig,

A previous Planning application (reference P/17/891/FUL) was submitted in October 2017 for the change of use of the land for the siting of two static residential gypsy caravans together with the erection of a day/utility room, two touring caravans and a relocated access driveway. The application was refused by the Local Planning Authority on 12 February 2018 however, the subsequent appeal to the Planning Inspectorate (reference APP/F6915/A/18/3198111) was allowed on 20 July 2018 subject to conditions. The approved site layout is set out below:

Figure 1 – Approved Site Layout under P/17/891/FUL



The application now proposes a larger utility/day room building which has separate facilities to serve two separate families living on the site rather than a shared unit. The two families comprise 4 adults and 7 children. The application also proposes a revised site layout as a result of the proposed change to the amenity building.

Initially, the Local Planning Authority raised concerns regarding the proposed size of the amenity block as it was proposed to cover the entire width of the site with the two static caravans being turned 90 degrees to face into the site rather than face the road and

the touring caravans being repositioned within the site. On 2 June 2020 the applicant's agent submitted amended plans which proposed reducing the overall size of the amenity block by a third and retaining the static caravan located to the west of the site in its approved position, however it was still proposed to relocate the static caravan located to the east of the site rotated 90 degrees to face into the site rather than face the road.

The main elements to be considered therefore are:-

- The proposed new/replacement utility/day room would be sited in the same position on site but would have a greater width across the site;
- The static caravan located to the eastern side of the site would be turned through 90 degrees such that it would face into the site rather than towards the road;
- A total of 6 parking spaces would be retained on the amended layout as approved;
- The main vehicular access point from Fountain Road (B4281) and the internal access/turning road would remain as approved.

Figure 2 - Proposed Site Layout:



The proposal involves the provision of a larger building than approved which would provide separate facilities for the two families. Each of the units would have internal dimensions of 6.1 metres x 4.8 metres with the building having overall external dimensions of 13.5 metres x 5.8 metres (giving a total floor area of approximately 60 square metres). Heights to eaves and ridge heights would be 2.4 metres and 4 metres respectively.

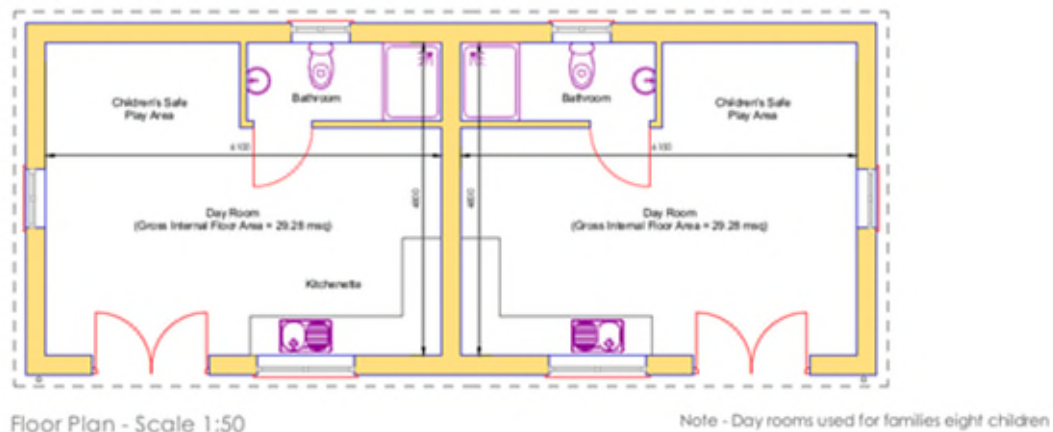
Figure 3 – Proposed Elevations



The building will be finished with a pitched black/blue natural slate roof and the external walls will be a mixture of rendered blockwork and stone, the stone being predominant on

the more visible front and side elevations. The doors, windows and guttering would be in black or white uPVC materials.

Figure 4 – Proposed Layout of Day Room



The adjoining units would be accessed via patio doors in each section and there would be 4 external light fittings. The building will be separated internally to create separate facilities for the two families which will include a kitchen area, bathroom and a children's play area.

As mentioned above, the main vehicular access point from Fountain Road (B4281) and the internal access/turning road would remain as approved as would a total of 6 parking spaces be retained as per the original approved plan.

The application site is located adjacent to Fountain Road approximately 1 kilometre from the settlement of Aberkenfig. The site is currently occupied by one static caravan and was formerly occupied by a play area. The site is located outside of any settlement boundary as defined by Policy PLA1 of the Bridgend Local Development Plan 2013.

RELEVANT HISTORY

P/17/891/FUL – Refused – Appeal Allowed (with Conditions) – 20 July 2018

Two static residential gypsy caravans together with the erection of day/utility room, two touring caravans and relocated access driveway

P/17/199/FUL – Refused 19 May 2017

Two static residential gypsy caravans together with the erection of day/utility room, two touring caravans and relocated access driveway

P/16/630/OUT – Refused 28 September 2016 - Appeal Withdrawn

2 self-catering single storey log cabin holiday let units

P/14/794/OUT – Refused – Appeal dismissed 13 July 2015

Erection of a two storey dwelling with access driveway and garage

P/14/605/FUL – Withdrawn

Erection of detached bungalow

RELEVANT POLICIES

Planning Policies and Guidance

Adopted Bridgend Local Development Plan 2006-2021

POLICY SP2 – DESIGN AND SUSTAINABLE PLACE MAKING

POLICY SP3 – STRATEGIC TRANSPORT PLANNING PRINCIPLES

POLICY PLA1 – SETTLEMENT BOUNDARY AND URBAN MANAGEMENT

Planning Policy Wales:

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. Technical Advice Note 12 – Design is of relevance

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG) - SPG02: Householder Development is of relevance:

Other relevant evidence or policy guidance:

E.g. Circulars, Corporate documents, Technical Reports, DCLG guidance. Letters from Minister etc.

- Manual for Streets 1 & 2 (Welsh Assembly Government, DCLG and DfT - March 2007);
- Housing Act (Wales) 2014;
- Circular 30/2007: Planning for Gypsy and Traveller Caravan Sites;
- Welsh Office Circular 76/94 Gypsy Sites Policy and Unauthorised Camping;
- Welsh Government guidance “Designing Gypsy and Traveller Sites” May 2015.

Well Being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven sustainable development (or wellbeing) goals/objectives. This report has been prepared in consideration of the Council’s duty and the “sustainable development principle” as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 20 May 2020.

A re-consultation was undertaken due to the submission of amended plans and this expired on 17 June 2020.

CONSULTATION RESPONSES

Transportation Officer (Highways) – no objection to the proposed development.

Land Drainage Officer – No objection.

Welsh Water Developer Services – No objection subject to standard conditions and advisory notes.

REPRESENTATIONS RECEIVED

Cllr J Radcliffe (Local Ward Member) – no objection to minor changes to the site but would not wish the development to become much larger or the site to expand to accommodate more people as this would be contrary to the condition attached to the original appeal.

6 letters of objection have been received from local residents in relation to the amended proposed development and layout. The concerns are summarised as follows:

- Proposed amenity block too big resulting in over-intensification of the site;
- Out of keeping and will affect the character of the area;
- Impact of noise and light as a result of the proposed development;
- Impact on privacy of neighbouring properties due to change in position of caravans and elevated site levels;
- Negative visual impact on the hamlet;
- Proposal will create less space inside the site for parking resulting in road safety issues;
- BCBC has no right to sell the land;
- Unfair to consult on such an application due to current COVID19 lockdown restrictions.

COMMENTS ON REPRESENTATIONS RECEIVED

The majority of the concerns raised above are addressed within the appraisal section of this report however, the following is a response to two specific areas of concern:-

- Land ownership matters are not a material planning consideration.
- During the COVID19 pandemic, all reasonable steps were taken by the Local Planning Authority to ensure formal consultation was undertaken as per the normal Planning process and access to all the relevant information was available for viewing on the Council's website. Anyone who was unable to access the plans online was able to contact the Case Officer directly to discuss the matter further.

APPRAISAL

The application is referred to Committee for consideration due to the number of objections received from local residents.

The main issues to consider in this application are the justification of the development, the proposed scale, design and materials and impact on the character of the street scene and wider area, impact on the neighbouring amenities, drainage and highway safety.

Members are advised that the principle of the development for the use of the site as a 2 pitch gypsy site was approved on appeal by the Planning Inspectorate under the previous application P/17/891/FUL and therefore, the assessment of this application relates solely to the increase in size of the approved amenity block and, as a result of this change, a revised arrangement to the approved layout of the site.

Justification for the proposed development

In view of the applicant's family circumstances, a larger utility/day room building which has separate facilities for each of the two families rather than a single shared unit is required and is now proposed. The two families consist of 4 adults and 7 children and the proposed change results in a revision of the wider layout of the site.

The amended site layout has regard to the national guidance set out in 'Designing Gypsy and Traveler Sites'. For example, it takes account of the particular requirements of the applicants and to the type and location of facilities to be accommodated (paragraphs 3.8/3.9/3.37), ensures a degree of privacy for on-site residents (paragraph 3.10) and maintains landscaping/trees (paragraph 3.13/3.14). Paragraphs 4.1-4.7 relate to children's play areas and explains that the type of provision depends upon various factors,

such as the size of site. In this case, as the site is relatively small it is designed to accommodate two families and the proposed type of provision is considered to be appropriate.

Accordingly, it is considered that the proposed changes are justified and accord with Policy ENV1 and COM6 of the BLDP (2013).

Proposed scale, design and materials and Impact on the character of the street scene and wider area

The overall number of residential pitches on the site is to remain unchanged but with a re-arrangement to the various elements on site. The size and scale of the proposed utility/day room facilities building would be increased from 41.34 sqm to 60 sqm but it would remain single storey in form, sited in the same position and fit within the overall development site parameters. The repositioning of the static caravan to the east of the site is considered to reduce the overall bulk and mass in terms of its visual appearance from the public highway.

The vehicular access and traffic implications would remain largely unaffected. The site would still be of a suitable size to allow for the planned number of caravans, single utility/day room block and parking and amenity/place space for residents around the site.

The proposed changes are still wholly within the confines of the site parameters and with the additional landscaping proposed to boundaries, the development would remain well screened to the sides and rear. The overall approved landscaping scheme for the site would not be compromised and there is extensive woodland beyond the site to the rear.

Whilst the site is (and would still be) visible from the road, it is considered that the additional development proposed (size of utility/day room building) and the re-arrangement of the site layout would not result in the development being unduly visually intrusive or materially detract from the street scene having regard to the approved appeal scheme.

Each utility unit would be of a standard size and internal layout with the width of each unit being marginally wider than that previously approved under the appeal scheme. In effect, there would be two utility units rather than a single utility unit on site but in the form of a shared building. Whilst arranged in a different way, the overall size and design of the proposed building is considered to accord with the Welsh Government guidance set out in Designing Gypsy and Traveller Sites.

The proposed new and enlarged utility/day room building would present a greater built frontage of some 5.5m (being increased from 7.5m to 13m). However the buildings are still positioned at the rear of the site and they are only marginally closer to the road than on the approved layout.

In addition, the design of the proposed building has been revised to provide a faux 'barn conversion' type aesthetic with the incorporation of stone sections in the front and side elevations which is considered to result in an improvement to its visual appearance in this location. The revised site layout now proposes one static mobile home located to the east of the site which will be repositioned and rotated 90 degrees with the end elevation being set-back from the highway frontage by 6.5m. The second static mobile home will remain in its approved position, however, the touring space for pitch 1 would be sited further back into the site with two parking spaces being repositioned in front of the touring caravan and closer to the highway.

Whilst a greater part of the site frontage would be given over to the relocated parking, a significant proportion of the site would remain as open amenity space and/or substantially landscaped. As such, although this amended proposal would be more prominent, it is considered that it would not cause a significant visual intrusion or adverse change in the character of the street scene.

The amended scheme would be seen within the context of existing residential development particularly to the west. There would not be an intensification in the approved use and the revised scheme respects the existing site features, such as boundary trees and vegetation. Overall, the amended proposal is considered to be of an appropriate scale, form and detail for its context and would be acceptable in terms of its layout, pitches, facilities and landscaping in accordance with Policy SP2, ENV1 and COM6 of the BLDP(2013).

Impact on neighbouring amenities

With regard to the impact on the residential amenities of the existing neighbouring properties, it is considered that the proposed changes and re-arrangement of the site would keep the different elements away from the site boundaries. Although the positioning of the static mobile home to the east would be adjusted, the eastern common boundary to the residential property to the east, Cwm Llwyderw, would remain well screened by trees/vegetation. This dwelling is located to the south-east of the development site with part of its garden area to the east.

The property to the west, Fountain Bungalow, would remain separated by an open strip of land but additional screening will be provided along the site boundary which should mitigate any potential additional impact. Initially, concerns were raised regarding the re-orientation of the static caravan resulting in a number of windows facing Fountain Bungalow and the impact it would have on the existing bedroom window located within the side elevation of that property. From an inspection of the site, it was noted that the side bedroom window in question is located within the apex of the roof (see photo below) and therefore it is considered that there would be no adverse impact on the privacy this property currently enjoys as a result of the development due to its elevated position compared to the application site. Furthermore, from assessing the submitted plan, it is noted that the repositioned caravan would be located approximately 19m away from the side elevation of the property and separated by an access lane (see photos below).

Figure 5 – Relationship of application site with Fountain Cottage



N.B. The static mobile home located to the west of the site is sited in the approved location.

Accordingly, it is considered the proposed changes will not have a significantly adverse impact on the residential amenities that the neighbouring properties currently enjoy with particular reference to Fountain Bungalow and the revised scheme will not have a greater impact than the approved scheme. Therefore, the proposed development is considered to be acceptable and accords with Policy SP2(12) of the BLDP(2013) and the Council's Supplementary Planning Guidance SPG02:Householder Development.

Drainage

The Council's Drainage Officer has assessed the submitted scheme and initially raised concerns regarding the lack of drainage information submitted for the site. However, on the 25 August 2020, the applicant's agent submitted additional drainage information, which includes a site plan which now shows a permeable surface, which was previously grass and a geo-cellular soakaway is also proposed for the day room surface water drainage. The applicant has also provided infiltration test results along with details of the proposed soakaway, which has been sized to accommodate a 1 in 100yr + 40% CC storm based on the infiltration test results which are considered acceptable and accord with Policy SP2(8) of the BLDP(2013).

Highway Safety

The Transportation Officer has assessed the submitted scheme and noted that the proposal seeks to increase the size of the Day Room which will result in the re-orientation of the static and touring caravans and that there will not be an increase in the number of static and touring caravans above the quantum approved.

As a result of the above, the Transportation Officer considers that the proposal will not increase the amount of vehicular traffic generated by the site on the local highway network and, as such, is acceptable and accords with Policies SP2(6) and PLA11 of the BLDP(2013) and the Council's Supplementary Planning Guidance SPG17: Parking Standards.

Biodiversity/Ecology

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

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

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

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

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

Given the nature of the development and the application site and the fact that extensive ground works have already commenced on site, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity.

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

CONCLUSION

This application is recommended for approval because the development complies with Council policy and guidelines and is considered justified development which would not adversely affect the character of the existing street scene or wider area, prejudice highway safety, drainage, ecology, privacy or visual amenities nor so significantly harm neighbours' amenities.

The concerns raised by the neighbours are acknowledged, however, in this case and on balance, they are not considered to outweigh the other material issues connected to the development such as to warrant refusal on those grounds.

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:

Site location Plan received on 16 April 2020;
Amended Drawing Nos, 04d – AVH345(C) – Proposed Utility Block and 05c – AVH345(C) – Proposed Site Plan received on 2 June 2020;
Drainage Details received by email dated 25th August 2020
Drawing No. 1305-01 – Drainage Site Plan;
Drawing No. 1315-02 – Proposed Drainage Layout;
Drawing No. 1315-03 – Soakaway Details;
Infiltration tests results – 1315 1315 – Storm Water soakaway calculations received on 25 August 2020.

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

2. The occupation of the site shall be limited to Gypsies and Travellers only as defined by Welsh Government Circular 0005/2018.

Reason: The residential use of the site in this rural location would not be permitted unless occupied by a Gypsy or Traveller and in order to ensure that the site is kept available to meet the needs of other Gypsies or Travellers in the future.

3. No more than one commercial vehicle per plot shall be kept on the land for use by the

occupiers of the caravans hereby permitted which shall not exceed 3.5 tonnes in weight.

Reason: In the interest of visual amenity and highway safety

4. No commercial activities shall take place on the land including the storage of commercial plant or material.

Reason: In the interest of visual amenity, neighbouring amenity and highway safety.

5. No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 2 shall be a static caravan) shall be stationed on the site at any one time. Any caravans positioned on the site shall be capable of being lawfully moved onto the public highway without division into separate parts.

Reason: To protect the safety and free flow of traffic on the surrounding highway network and to protect public amenity.

6. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The external lighting shall be installed in accordance with the approved details and retained as such in perpetuity.

Reason: To protect the visual amenities of the open countryside and amenities of neighbouring properties.

7. Any entrance gates shall be set back not less than 7 metres from the nearside edge of the carriageway.

Reason: In the interests of highway safety

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

Reason: In the interests of highway and pedestrian safety.

9. The approved hard and soft landscaping scheme for the site shall be carried out in accordance with the approved details stated on Amended Drawing No. 04d – AVH345(C) - Proposed Site Plan received on 2 June 2020.

Reason: In the interest of visual and residential amenities.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried in the first planting and seeding seasons following its approval 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 or similar size and species. The planting and hedgerows shall be retained at all times.

Reason: In the interest of visual and residential amenities.

11. The approved scheme for the provision of an access drive, turning area and 6 off street parking spaces shall be carried out in accordance with the approved details stated on Amended Drawing No. 04d – AVH345(C) - Proposed Site Plan received on 2 June 2020.

Reason: In the interest of highway safety.

12. The proposed vision splays shown on Amended Drawing No. 04d – AVH345(C) - Proposed Site Plan received on 2 June 2020 shall be provided before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interest of highway safety.

JONATHAN PARSONS
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES

Background papers

None

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REFERENCE: P/20/159/BCB

APPLICANT: Bridgend County Borough Council
c/o KEW Planning, PO Box 5245, Cardiff CF5 9GQ

LOCATION: Plot 50a Village Farm Road
Village Farm Industrial Estate Pyle CF33 6BN

PROPOSAL: Erection of 8 new build industrial units in a single block consisting of 3 large units and 5 small units with associated vehicular and cycle parking.

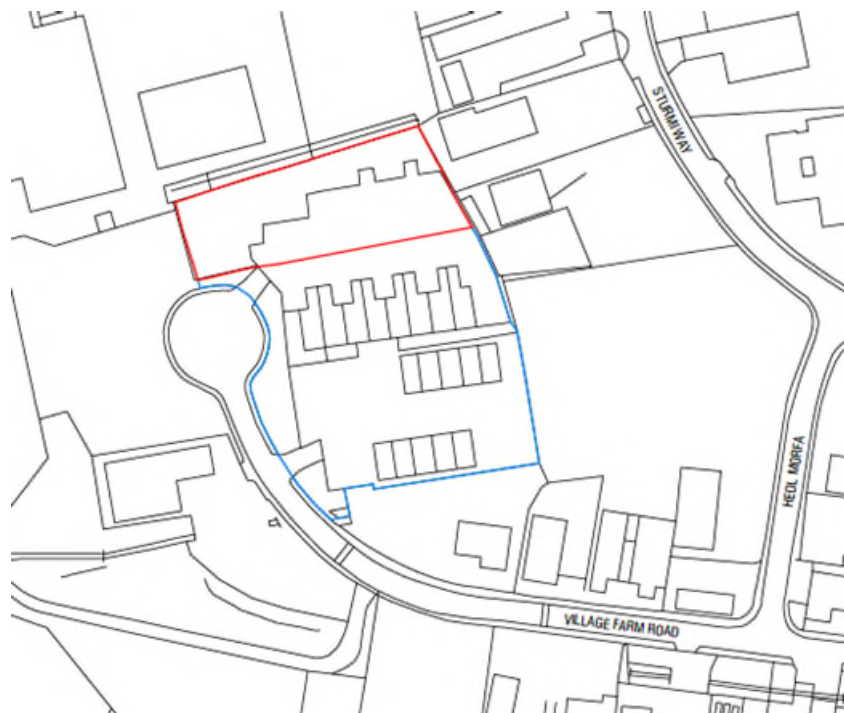
RECEIVED: 19 February 2020

APPLICATION/SITE DESCRIPTION

The application seeks full planning permission for the erection of 8 new build industrial units in a single block consisting of 3 large units and 5 small units with associated vehicular and cycle parking at Plot 50a Village Farm Road, Village Farm Industrial Estate, Pyle, Bridgend.

The application site is located within the existing Village Farm Industrial Estate and is surrounded by similarly designed buildings and industrial uses as to that subject of this application. The site is currently an open, grassed, vacant area and is used for informal parking by the surrounding industrial units with vehicular access to the site gained via Village Farm Road.

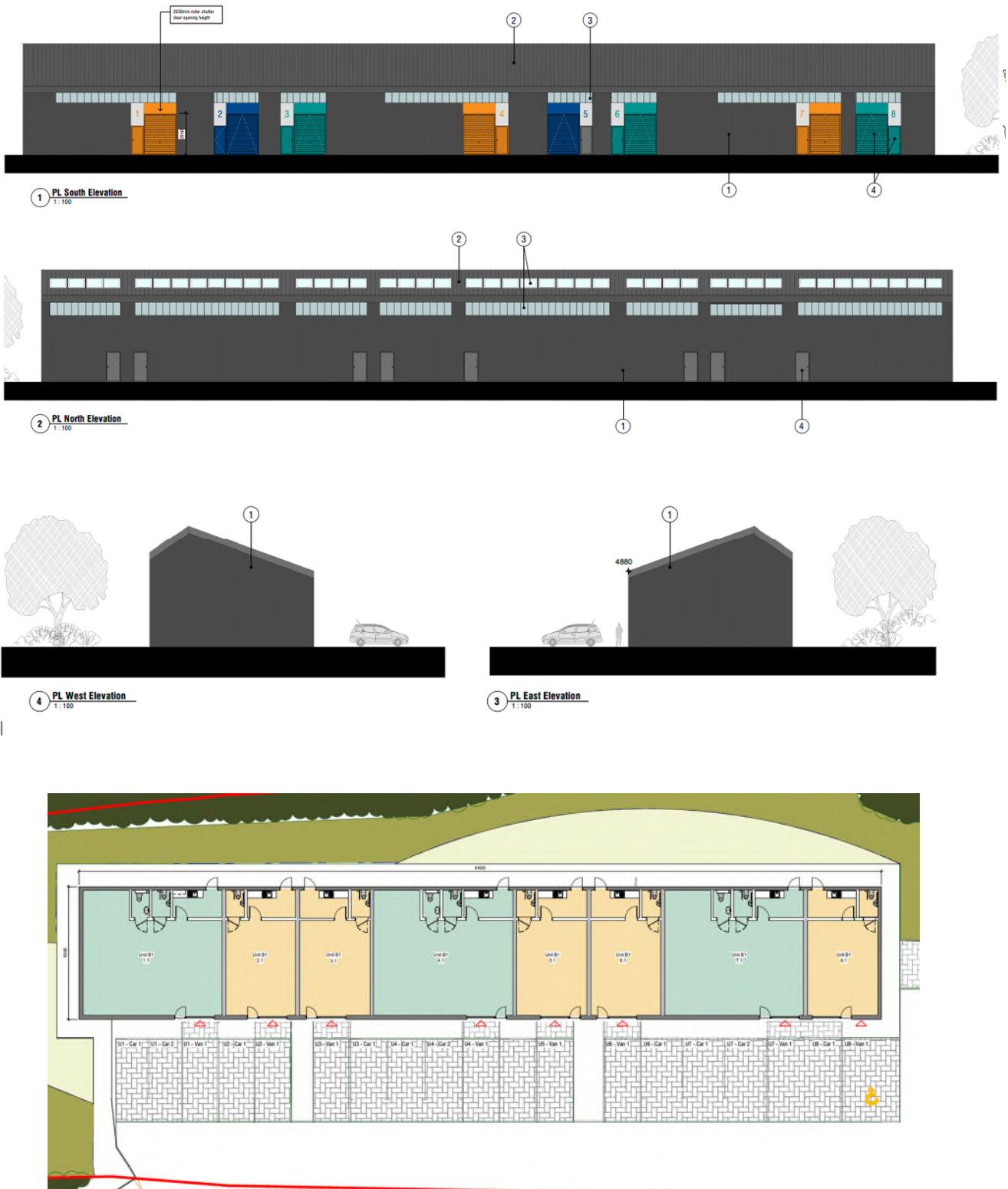
Figure 1 – Site Location Plan:



The proposed scheme comprises 8 new build industrial units with a combined gross internal floor area of 634 sq m. The scheme proposes a single block building consisting of three larger units (111 sq m) and five smaller units (56 sq m) with associated vehicular and cycle parking. The proposed building is to be single storey measuring approximately 63.5m x 10.5m and to a height of 7.8m with a pitched roof to the front and a cat slide roof to the rear. The building will be finished with standing seam metal roofing, profile metal cladding, polycarbonate glazed windows and metal door sets with accent coloured roller

shutters for each individual unit. The majority of the windows will be located in the rear elevation of the building with a number of velux roof lights located within the roof slope.

Figure 2 - Proposed Elevations and Floor Plan:



The application proposes the use of the starter units to fall within B1, B2 and B8 uses of the Town and Country Planning Act (Use Classes Order) 1987.

The site will be accessed off an existing access known as Village Farm Road with 18 off-street parking spaces located to the front of the units, one disabled parking space and 2 cycle stands which will be located to the side of the proposed building. There will be an

attenuation pond located at the entrance to the site with small scale landscaping also proposed within the site. The application site is also located within a Flood C2 Zone.

Figure 3 - Proposed Site Layout:



The following documents has been submitted in support of the application:

- Transport Assessment prepared by Curtins;
- Interim Travel Plan;
- Flood Consequence Assessment and Drainage Strategy prepared by Curtins;
- Landscaping Details;
- Detailed Elevations and Floor Plans;
- Design and Access Statement

RELEVANT HISTORY

None

PUBLICITY

The application was advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 24 April 2020.

CONSULTATION RESPONSES

Transportation Officer (Highways) – No objection subject to a number of conditions and a Traffic Order for a scheme for road markings (double yellow lines and double kerb lines) and signage at the site.

Land Drainage Officer – No objection subject to a condition for the submission of a comprehensive drainage scheme prior to development commencing on site.

Natural Resource Wales (NRW) – objection to the proposed development as the Flood Consequence Assessment (FCA) fails to demonstrate the risks and consequences of flooding and how they can be managed to an acceptable level in line with TAN15 and

there has been no assessment of third party impacts.

Welsh Water Developer Services – Initially raised concerns regarding the close proximity of the development to a main sewer at the site however, further surveys have been undertaken and submitted which shows the proposed development is located outside of the 3m protection zone and DCWW therefore raises no objection to the proposed development subject to the standard advisory notes.

Destination and Countryside Manager (Ecology) – Initially raised concerns regarding the proposed type of invasive shrubs to be used on the site however, this has now been amended by the applicant. No objection subject to advisory notes regarding the inclusion of nesting bird and bat boxes within the development.

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

REPRESENTATIONS RECEIVED

One letter of concern has been received from Celtic Recycling stating that they do not object to the principle of developing the site however, they have concerns regarding the impact of the proposed development on the use of their existing access that they have used for over 20 years and which serves their business.

RELEVANT POLICIES

Planning Policies and Guidance

Adopted Bridgend Local Development Plan 2006-2021

Policy SP1 – REGENERATION LED DEVELOPMENT

Policy SP2 – DESIGN AND SUSTAINABLE PLACE MAKING

Policy SP3 – STRATEGIC TRANSPORT PLANNING PRINCIPLES

Policy PLA1 – SETTLEMENT BOUNDARY AND URBAN MANAGEMENT

Policy PLA11 – PARKING STANDARDS

Policy ENV5 – GREEN INFRASTRUCTURE

Policy ENV6 – NATURE CONSERVATION

Policy ENV7 – NATURE RESOURCE PROTECTION AND PUBLIC HEALTH

Policy ENV15 – WASTE MANAGEMENT IN NEW DEVELOPMENT

Policy REG1 – EMPLOYMENT SITES

Planning Policy Wales:

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. Technical Advice Note 12 – Design and Technical Advice Note 15 – Development and Flood Risk is of relevance

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG) – SPG19: Biodiversity and Development is of relevance.

Well Being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven sustainable development (or wellbeing) goals/objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle" as set out

in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

COMMENTS ON REPRESENTATIONS RECEIVED

The concerns raised above have been addressed within the highway appraisal section of this report.

APPRAISAL

The application is referred to Committee for consideration due to the formal objection received from Natural Resource Wales regarding flood risk at the site.

The main issues for consideration in the assessment of this application are the principle of the development, visual impact regarding proposed scale, design and materials, impact on neighbouring properties, ecology, drainage, flood risk and highway safety.

Principle of Development

The application seeks consent for the erection of 8 industrial units on Village Farm Industrial Estate, Pyle.

The application site is located on the Village Farm Industrial Estate which is allocated and protected for development falling within B1, B2 and B8 employment uses under Policy REG1 (36) in the Bridgend Local Development Plan 2006-2021. Although no end users have been identified at this point, the applicant's agent has confirmed that the units are to be used for B2 – General Industrial Use. In view of the proposed use of the industrial units, it is considered that their use for general industrial purpose (B2) is acceptable due to their location within an existing industrial estate. The application site is surrounded by a number of other industrial units which are similar to that being proposed. The application site is located next to a number of existing business including Celtic Recycling.

As the development will result in 8 new industrial units within the existing industrial estate, the proposed development is in keeping with the use of the wider industrial estate and therefore accords with Policy REG1 (36) of the Bridgend Local Development Plan 2006-2021 and the Council's SPG21 – Safeguarding Employment Areas.

Design and Visual impact

The application site is currently vacant and is a grassed open area which is currently used for informal parking by existing industrial units adjacent to the site. The application proposes 8 new units comprising of three larger units and five smaller units with associated vehicle and cycle parking on the site.

The overall design and scale of the proposed building is considered to be acceptable with all units contained within one profiled metal clad building. The roller doors for Units 1, 4 and 7 will be finished in an orange colour, Units 2 and 5 in a deep blue shade and Units 3, 6 and 8 finished in a light green colour. The proposed design and materials of the proposed building are also considered to reflect the existing industrial units surrounding the site.

The layout and number of units proposed is also considered acceptable in view of the size of the application site and they are considered to integrate well within the existing context of the site. In view of the above, it is considered that the proposed development accords with Policy SP2 of the BLDP (2013).

Access and Parking

The Transportation Officer has assessed the scheme and notes that the applicant has submitted a revised site layout plan which addresses a number of concerns raised by the Highway Authority and an adjacent business.

The revised plan ref A-PL52 rev 4 (received on 3 September 2020) evidences via a swept path analysis that the proposal will not affect the ability of the existing businesses to the rear to receive goods and deliveries. In addition, the swept path analysis required certain changes to the layout which have now been incorporated into the scheme as follows:-

- Relocation of the cycle storage to a more prominent place to encourage usage.
- Removal off the footway along the eastern side of Unit 8 to accommodate HGV/forklift truck movements.
- Scheme of white lining for parking bays, double yellow lines/hatching protecting the HGV turning areas within the site.
- Parking as per SPG 17.
- The provision of a new footway linking the site to the existing footway on Village Farm Road.

In support of the planning application, the applicant has submitted a Transport Assessment to quantify the likely impact on the local highway network and to provide evidence that the proposed development will not materially impact the network or highway and pedestrian safety.

The Transport Assessment also concludes that the traffic generated by this development would result in a 3% increase in traffic in the AM peak and a 2% increase in the PM peak. This percentage increase is below the 5% materiality threshold and demonstrates that the development will not have a severe impact on the local highway network and will not give rise to an unacceptable impact on highway and pedestrian safety. The Highway Authority broadly agrees with the outcomes and conclusions of the Transport Assessment however, to ensure that any impact is further reduced the Highway Authority has requested additional footpath and cycle linkages to encourage the use of sustainable modes of transport to access the site.

It is also noted that Village Farm Road benefits from road markings that provide a 1 metre wide cycle segregation space on the carriageway. The markings terminate some 100 metres from the access to the proposal site. Therefore, to increase the sustainability credentials of the site, it is considered necessary to attach a condition requesting a scheme of segregated cycle lane road markings to be submitted and agreed by the Local Planning Authority.

Finally, in order to protect the turning head of Village Farm Road from indiscriminate on-street parking to the detriment of highway safety, a condition for a scheme for double yellow lines with double kerb lines in the turning head is to be submitted and agreed by the Local Planning Authority.

This parking restriction scheme should be agreed in the first instance with the Highway Authority's traffic management section and should be implemented within 12 months from the date of any planning consent. Monies to pay for the associated Traffic Order would normally be secured through a S106 obligation but as the Council is landowner and Local Planning Authority that route is not necessary. Arrangements for payment will need to be made between the respective departments and the applicant has agreed to pay the required sum.

Accordingly, it is considered that the proposed development is acceptable in highway terms and accords with Policy SP2(6) and Policy PLA11 of the BLDP(2013) and the Council's Supplementary Planning Guidance SPG17: Parking Standards.

Noise

In view of the proposed B2 use of the site and although the nearest residential property to the site is located approximately 250m away, it is considered appropriate to attach a condition to the consent restricting the hours of operation of the units in order to safeguard the residential amenities of the surrounding area to accord with Policy SP2 of the Bridgend Local Development Plan 2006-2021 and guidance contained in Technical Advice Note (TAN) 11 – Noise.

Drainage

The Council's Land Drainage Officer has assessed the submitted scheme and notes that the proposed development is located within Flood Risk Zone C2, is located within 20m of a watercourse and does not propose to increase flood risk elsewhere.

The application states that the surface water will be disposed via a sustainable drainage system however, no surface water drainage layout has been provided. The mapping database does not identify any public sewers located within the vicinity of the proposed development. The applicant has been in discussions with the BCBC SuDS Approval Body and a connection to the existing highway drainage network is proposed (as existing) via a SuDS system. In view of this, it is considered necessary to attach a condition to the consent requiring the submission of a comprehensive drainage scheme in accordance with Policy SP2 (13) of the BLDP (2013).

Flood Risk

The application site lies within a Flood Risk C2 Zone (as identified in the Welsh Government Development Advice Map (DAM) contained in TAN15). A C2 Flood Risk Zone is classified as an area of the floodplain without significant flood defence infrastructure and is used to indicate that only less vulnerable development should be considered subject to the application of justification tests, including acceptability of the consequences of flooding. Emergency services and highly vulnerable development should not be considered in this zone. The proposed development use (as an industrial unit) would be classed as less vulnerable development as stated within TAN15 and as demonstrated in the table below:

Table 2: (Extract TAN 15) Flood Risk Vulnerability Classification

| Development category | Types |
|-------------------------------|---|
| Emergency services | hospitals, ambulance stations, fire stations, police stations, coastguard stations, command centres, emergency depots and buildings used to provide emergency shelter in time of flood |
| Highly vulnerable development | all residential premises (including hotels and caravan parks), public buildings (e.g. schools, libraries, leisure centres), especially vulnerable industrial development (e.g. power stations, chemical plants, incinerators), and waste disposal sites |
| Less vulnerable development | General industrial, employment, commercial and retail development, transport and utilities infrastructure, car parks, mineral extraction sites and associated processing facilities, excluding waste disposal sites |

As a result of this, a Flood Consequence Assessment (FCA) was submitted to support the application. Following further consultation with Natural Resource Wales (NRW), a formal objection to the proposed scheme was raised as the FCA failed to demonstrate that the risks and consequences of flooding could be managed to an acceptable level in accordance with national guidance over the lifetime of the development and that there had been no assessment of 3rd party impacts as a result of the proposed development.

The applicant's agent was advised of the comments from NRW who responded that the development is unlikely to meet the requirements set out in TAN15 and therefore the building has been designed to be flood resilient to account for this. Also, as the proposal relates to an industrial use, it is reasonably considered to be a less vulnerable development which is supported to be located within a Flood C2 Zone by TAN15.

With regard to third party impacts, the submitted FCA demonstrates that there will be an overall uplift of water on the site of 300 sq m and therefore, it is not considered to have any significant additional adverse impacts by way of water displacement onto the surrounding areas and units. Furthermore, Village Farm Industrial Estate is allocated within the BLDP(2013) as a Strategic Employment Site - Policy REG1(36) and therefore the proposed scheme is considered to contribute to new employment and the protection of employment uses within the Country Borough.

Overall, whilst NRW concerns have been taken into account, in view of the proposed flood resilient design of the building, the proposed industrial use as a less vulnerable development, the minimal risk of displacement of water to third parties and the economic benefits of the scheme by way of providing suitable accommodation for start ups and fledgling businesses, it is considered that the development is acceptable and generally accords with Policy ENV7 of the BLDP(2013).

Landscaping

From assessing the submitted plans it is evident that a small amount of planting has been proposed within the site. Details have been provided showing the proposed hard and soft landscaping to be implemented at the site including details of species, plant size and densities along with means of enclosure, car parking layouts and other vehicle and pedestrian access areas. Initially, the Council's Ecologist raised concerns regarding invasive species however, amended plans were received on 5 May 2020 which addressed this issues and these are now considered acceptable to accord with Policy ENV6 of the BLDP(2013).

Biodiversity/Ecology

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

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

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

(e) the adaptability of ecosystems.”

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

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

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

CONCLUSION

This application is recommended for approval because the development complies with Council policy and the Council’s guidelines in terms of its proposed use, scale and design and does not adversely affect visual amenities, neighbouring amenities, noise, ecology, drainage, flood risk or highway safety to warrant refusal.

Whilst NRW concerns have been taken into account, on balance it is considered that the scheme can be supported due to the proposed flood resilient design of the building, the intended industrial use of the units as a less vulnerable development, the minimal risk of displacement of water to third party land and the positive economic benefits of the scheme, it is considered that the development is acceptable and accords with Policies REG1, SP2, SP3, PLA1, ENV6 and ENV7 of the BLDP(2013), Council’s Supplementary Planning Guidance SPG02: Householder Development and SPG17: Parking Standards and advice contained in Planning Policy Wales (Ed.10) December 2018 and Technical Advice Note 12: Design and Technical Advice Note 15: Development and Flood Risk.

RECOMMENDATION

(R28) That for the purposes of Regulation 4 of the Town and Country Planning Regulations 1992 that permission be deemed to be GRANTED subject to the following conditions:-

1. The development shall be carried out in accordance with the following approved plans and documents:
Drawing No. PL50 – Site Location Plan;
Drawing No. PL53 – Ground Floor Plan;
Drawing No. PL54 – Roof Plan;
Drawing No. PL55 – Site Sections;
Drawing No. PL56 – Building Sections;
Drawing No. PL57 – Elevations 01;
Transport Assessment prepared by Curtins;
Flood Consequence Assessment and Drainage Strategy prepared by Curtins received on the 19 February 2020;
Amended Landscaping Plans 002 Rev E and 004 Rev A received on 5 May 2020;

Swept Path Analysis – received on 12 August 2020; and
Amended Site Layout Drawing No PL53 Rev 4 received on 3 September 2020.

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

2. The use of the 8 industrial units hereby approved shall be limited to uses falling within Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987.

Reason: For the avoidance of doubt as to the extent of permission granted and to ensure that the Local Planning Authority retain effective control over the use of the land.

3. No machinery shall be operated, no process carried out, no deliveries taken or dispatched and no waste shall be collected from the site outside the times of 07:30 hours and 19:30 hours Monday-Saturday nor at any times on Sundays or Bank Holidays.

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

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

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

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out 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 five 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: To ensure that the visual amenities in the area are protected.

6. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. The means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use and shall thereafter be retained in perpetuity.

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

7. No development shall commence until a scheme for the provision of segregated cycle lane road markings to link to the existing marking on Village Farm Road has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use.

Reason: In the interests of highway safety and promoting sustainable modes of transport to and from the site and meeting the requirements of PPW10 and Active Travel Act.

8. Within 12 months from the date of consent the necessary Road Traffic Order(s), road markings (double yellow lines and double kerb lines) and signage shall have been implemented.

Reason: In the interests of highway safety.

THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

- a. This application is recommended for approval because the development complies with Council policy and the Council's guidelines in terms of its proposed use, scale and design and does not adversely affect visual amenities, neighbouring amenities, noise, ecology, drainage, flood risk or highway safety to warrant refusal.
- b. Whilst NRW concerns have been taken into account, on balance it is considered that the scheme can be supported due to the proposed flood resilient design of the building, the intended industrial use of the units as a less vulnerable development, the minimal risk of displacement of water to third party land and the positive economic benefits of the scheme, it is considered that the development is acceptable and accords with Policies REG1, SP2, SP3, PLA1, ENV6 and ENV7 of the BLDP(2013), Council's Supplementary Planning Guidance SPG02: Householder Development and SPG17: Parking Standards and advice contained in Planning Policy Wales (Ed.10) December 2018 and Technical Advice Note 12: Design and Technical Advice Note 15: Development and Flood Risk.
- c. The applicant may need to apply to Dwr Cymru/Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com
- d. In order to satisfy the drainage condition, the following supplementary information is required:
 - Provide an agreement in principle with DCWW for the proposed foul connection to the public sewer;
 - Provide an agreement in principle from NRW with regards to the findings and recommendations of the FCA.
- e. The applicant is advised that businesses that wish to occupy this site and undertake B2 activities that may give rise to noise, odour or dust problems will require a full review of the proposed use of the building. This may include the submission of any specialist reports where deemed necessary by the Local Planning Authority. Any mitigation measures that are identified as a result of the review shall be implemented in full.
- f. The developer will be required to enter into an agreement with the Highway Authority to fund a Traffic Order for the implementation of parking restrictions and road markings. The agreement should be agreed on consent being granted and the required funding will be in the sum of £8000.00 to cover the legal costs and publication of the Order etc. Failure to enter into the agreement or provide the

funding will result in a reversion to a highway objection on the basis of highway safety concerns and impact on the surrounding properties.

- g. The Developer is reminded that consent under the Town and Country Planning Act 1990 conveys no approval under the Highways Act 1980 for works to be undertaken affecting any part of the public highway including verges and footways and that before any such works are commenced the developer must:
- obtain the approval of Bridgend County Borough Council as Highway Authority to the details of any works to be undertaken affecting the public highway;
 - indemnify the County Borough Council against any and all claims arising from such works;
 - give not less than one calendar months' notice in writing of the date that the works are to be commenced to the Policy, Development and Transport Team Leader, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.
- h. The Public Protection Section draws your attention to the possibility of gases (landfill gases, vapours from contaminated land sites and naturally occurring methane and carbon dioxide but not radon gas) being generated at the site or land adjoining thereto and recommend investigation and monitoring of the area.
- i. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing within 2 days to the Public Protection Section, all associated works should stop and no further development should take place until a scheme to deal with the contamination found has been approved.
- j. Any topsoil [natural or manufactured] or subsoil, to be imported, should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.
- k. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.
- l. Any site won material including soils, aggregates, recycled materials should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants material should be reused.
- m. The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for the safe development and secure occupancy of the site rests with the development.
- n. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
- Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to Section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed.

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

Background papers

None

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REFERENCE: P/19/674/RLX

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

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

PROPOSAL: Retention of development as implemented in accord with P/16/379/FUL (updated by P/16/836/NMA, P/16/850/DOC and P/17/343/DOC) and P/16/833/FUL (updated by P/17/311/DOC); Vary condition 1 of P/16/379/FUL and condition 2 of P/16/833/FUL to allow a washdown facility; vary condition 3 of P/16/833/FUL to include earth bund along eastern and southern boundary of site

RECEIVED: 4 September 2019

SITE INSPECTED: 29 August 2020

APPLICATION/SITE DESCRIPTION

This application was originally submitted in September 2019 and sought consent to vary condition 1 of P/16/379/FUL and condition 2 of P/16/833/FUL to allow additional uses to include the storage of cars, trailers, boats, vans and catering trailers with a washdown facility at the site and to vary condition 3 of P/16/833/FUL to include an earth bund along the eastern boundary of the site.

After many iterations, the final proposal is to vary condition 1 of P/16/379/FUL and condition 2 of P/16/833/FUL to allow a washdown facility at the site and vary condition 3 of P/16/833/FUL to include earth bunds along the eastern and the southern boundaries of the site.



Extract from Google Maps 2019 Storewithus site and retained earth mound grassed over

In August 2016 Planning permission was granted to develop a green field site on Waterton Industrial Estate as a compound to be used for the storage of caravans (P/16/379/FUL refers). A subsequent application permitted the extension of the caravan storage operation across the whole of the eastern part of the site which is bounded by an existing hedgerow that separates the site from a paddock that is owned by the residents of Parc Newydd in the village of Treoes (P/16/833/FUL refers).

The compounds were formed by excavating the existing topsoil and the importation of a layer of compacted crushed stone to create a permeable surface on which the caravans are currently stored. Significant quantities of the excavated material have been retained and occupy an area of approximately 3,000 square metres in the north eastern part of the site.

The grass covered earth mound reaches a maximum height of 5m (approx.) and occupies a site that should have been developed for approximately 35 caravan pitches. This application seeks to utilise part of the stockpile of material by constructing earth bunds along the southern and eastern boundaries of the site with the remainder of the stockpile being removed in accordance with the Breach of Condition Notice issued.

RELEVANT HISTORY

P/16/379/FUL Conditional Consent 4 August 2016

Change use to caravan storage compound including security fencing, stone surfacing, lighting, access road and office building

P/16/833/FUL Conditional Consent 17 March 2017

Change of use from agricultural to Use Class B8 storage - remove topsoil and formation of compacted hardcore surface to create a caravan storage compound to extend the compound approved under P/16/379/FUL

P/16/850/DOC Agreed 2 February 2017

Approval of details for conditions 4, 5, 7, 8, 9, 10, 11 and 14 of P/16/379/FUL

P/17/311/DOC Agreed 12 March 2018

Discharge of conditions 4, 5 and 6 of P/16/833/FUL

P/17/343/DOC Agreed on 16 March 2018

Approval of details for conditions 3 and 14 of P/16/379/FUL

P/18/891/RLX Refused 31 January 2019

Vary condition 2 of P/16/833/FUL to include the storage of soil

P/18/900/RLX Refused 22 January 2019

Remove condition 4 (landscaping condition) of P/16/833/FUL

PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application and the subsequent iterations.

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

PLANNING POLICIES

Local Policies

The Development Plan for the area comprises the Bridgend Local Development Plan

(LDP) 2006-2021, which was formally adopted by the Council in September 2013 within which the following Policies are of relevance:

| | |
|-------------------------------|---|
| Policies SP1& PLA1 | Settlement Hierarchy – Main Settlement - Bridgend |
| Policy REG1 (8) | Employment Site (inside Bridgend Strategic Regeneration Growth Area) – Waterton Industrial Estate – the land is allocated and protected for employment development falling within Uses within Classes B1, B2 and B8 |
| Policy REG 2 | Protection of Identified Employment Sites |
| Strategic Policy SP2 | Design and Sustainable Place Making |
| Policy PLA11 | Parking Standards |

Supplementary Planning Guidance

SPG21 – Safeguarding Employment Sites

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. It states that the Planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. (Paragraph 2.3 of PPW refer).

For Planning purposes the Welsh Government defines economic development as the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes. The Planning system should ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses. Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing) as well as uses such as retail, tourism and public services. The construction, energy, minerals, waste and telecommunications sectors are also essential to the economy and are sensitive to Planning policy (Paragraphs 5.4.1 and 5.4.2 refer).

Local authorities are required to identify employment land requirements, allocate an appropriate mix of sites to meet need and provide a framework for the protection of existing employment sites of strategic and local importance. Wherever possible, Planning Authorities should encourage and support developments which generate economic prosperity and regeneration. Sites identified for employment use in a Development Plan should be protected from inappropriate development.

Technical Advice Note 23 - Economic Development (February 2014) provides guidance on weighing the economic benefits against any possible harm to the environment and sets three tests that should assist the Planning decision making process – alternatives; jobs accommodated; special merit. In all cases robust evidence should be provided to support the tests.

CONSULTATION RESPONSES

Coychurch Lower Community Council advises that there is no provision to remove the excess material.

Vale of Glamorgan Council has no objection to the proposals.

Land Drainage has no objection to the proposals.

Dwr Cymru Welsh Water has no objection to the proposals.

Natural Resources Wales has no comment.

Structural Engineer has no issues with the construction of the bunds as shown.

Council's Ecologist has no objection to the proposals.

Public Protection (Shared Regulatory Services) has no objection to the washdown facility subject to conditions.

REPRESENTATIONS RECEIVED

Initially letters were received from Llangan Community Council, the owner/occupiers of Carreg Melin, Parc Newydd, Gwyndy, Rhoslanog, Ty Onnen and Bodafon which were generally in favour of the bund but objected to the changes to the type of storage and the washdown area. It was also considered that this development should not proceed (Parc Newydd) until all conditions of previous consents had been complied with.

Following the various iterations of the application and further consultation, objection to the washdown area was maintained, the stability of the proposed bunds was questioned, the state of the emergency access gate was queried, concern was expressed as to the excess material not required by the bunds and the occupier of Cae Ffynnon objected to the current operation on the basis of disruption by light and noise.

COMMENTS ON REPRESENTATIONS RECEIVED

In response to the objections raised by the residents of Treoes:-

- The Drainage Officer considers the details submitted to be acceptable and the Public Protection Officer has assessed the information supplied on behalf of the developer in respect of the washdown facility and considers the details to be acceptable subject to conditions;
- The Council's Structural Engineer has assessed the details supplied in respect of the bunds and considers them to be acceptable;
- The emergency access gate has been viewed on site and it was unobstructed and there was no reason it wouldn't operate as required if necessary;
- There is a current live Breach of Condition Notice which will cover the removal of the material left over from the construction of the bunds;
- The current operation as a caravan/motorhome storage facility is authorised and complaints regarding noise and light pollution have been investigated separately and, following the Enforcement Officer's intervention, the cases have been resolved.

APPRAISAL

The application is referred to the Development Control Committee for consideration in respect of the final iteration of the bunds and the washdown facility given the objections received from residents of Treoes.

C5 Business Centre Ltd, the operators of the caravan storage facility have submitted this application under S73 of the Town and Country Planning Act that seeks to vary condition 1 of P/16/379/FUL and condition 2 of P/16/833/FUL to allow a washdown facility at the site and vary condition 3 of P/16/833/FUL to include earth bunds along the eastern and the southern boundaries of the site.

The main issues to consider in the determination of this application are whether the variation of the conditions and the use of the material on site to construct the bunds accords with national and local Planning policy which safeguard the application site for employment uses and to what extent the bunds and washdown facility will affect the amenities of the area and the living conditions of the nearest residents in the village of Treoes.

Principle of Development

The application site is allocated and protected for employment development falling within uses B1, B2 and B8 under Policy REG1 (8) of the LDP. The Schedule to the Use Classes Order defines a B8 as storage or distribution, including open air storage. The use of land therefore accords with the allocating Policy. Local Authorities are required to determine applications in accordance with the adopted Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers).

Identifying land that will generate sustainable long term prosperity, jobs and incomes is one of the functions of the Planning system and there has been a longstanding commitment to develop Waterton Industrial Estate for a range of commercial and industrial uses in various iterations of the Development Plan over a number of years. National policy requires Local Authorities to place a greater emphasis on the likely economic benefits of a development with the numbers and types of jobs expected to be created or retained on a site, in the determination of any Planning application for economic development. In permitting the caravan storage operation, it was acknowledged that the economic benefits of the development would be limited but that the use would meet a local need in a relatively sustainable location. The stockpiling of material was considered previously as having no obvious connections to the permitted uses on site and no economic benefits other than removing the costs to the site owner of excavating and transporting the material from site. That application was refused and subsequently dismissed on appeal. A Breach of Condition Notice was issued and, following non-compliance with the Notice, proceeded to Court. It should be noted that prosecution of non-compliance with a Breach of Condition Notice does not ensure the work is undertaken, it merely fines those responsible.

It is now proposed to re-cycle/re-use the material on site (as much as is necessary) to construct the 2 bunds and remove the excess material once they are completed. The proposal is to provide a landscaped screen between the residents of Treoes and this part of Waterton Industrial Estate. As such, it is considered that these measures together with the extant use of land will achieve the national and local objectives of contributing positively to the local economy and therefore to deliver the objectives of both national and local Planning policy.

The washdown facility is considered to be an ancillary part of the storage of caravans and motorhomes which would be acceptable in principle.



Impact of the bunds and the washdown facility on the amenities and the living conditions of residents

All development, including sites on the industrial estates of Bridgend, are required to contribute towards creating a high quality place which enhances the community having full regard to the natural, historic and built environment (Policy SP2 of the LDP refers). Located at the southern end of Brocastle Avenue, the site is readily visible from the public highway fronting the site although existing buildings and caravans provide some partial foreground screening from the western approach (see above).

The visual impact of the proposed development has been assessed with regard to the current situation and the future appearance of the landscaped bunds. In the view of the residents, the stored soil represents a blot on the landscape and as such its partial redistribution to form the bunds on the southern and eastern boundaries should alleviate the visual concerns from Treoes and their appearance will accord with the policy objective of the Council to create developments that respect and enhance local landscape character and protect visual amenities.

The washdown facility will mainly be screened from view by the caravans/motorhomes on the site and as such, will not affect the visual amenities of the area.

Other considerations

Flooding and Site Drainage

The northern boundary of the storage facility (points of access/egress to site) is located in Zone C2 of the Development Advice Map as defined under Technical Advice Note (TAN) 15. The bunds however lie outside this area and there is no requirement for the developer to undertake a Flood Consequence Assessment. A requirement of the original planning permission was the agreement of a Flood Emergency Plan and the provision of an emergency escape/evacuation route from the site which has been formed in the southern boundary, onto an existing farm access. This route has been viewed and there is no reason to believe it will not operate successfully should it be required.

The Land Drainage Officer has considered the information submitted by the applicant and acknowledges that Dwr Cymru Welsh Water are content that the washdown facility will not discharge water in to the public foul sewerage network or into the reed beds. The Drainage Officer considers the information submitted (latest 4 September 2020) satisfies the drainage requirement and has no objection to the proposed washdown facility.

Ecology

The Council's Ecologist has considered the Ecology Report and recommends that the actions identified in the report are included in the conditions of approval. He also requests that the applicant's Ecologist as part of their monitoring duties monitors the bund for invasive species and provides the applicant with an Invasive Species Management Plan if they are found to be colonising it which should be agreed with the Local Planning Authority before being implemented. A condition to this effect will be included on any Planning permission. The Ecologist has no observations concerning the tree planting scheme as submitted.

Noise

The Public Protection Officer has reviewed the Noise Assessment which has been submitted in support of the application and advises that the Assessment shows that with the proposed washer permanently dialled back (which is a lot quieter than was originally proposed), provided there is a time out switch installed to cut off its use after a certain time, the noise should not cause an unacceptable impact to residents. Notwithstanding

the above, the Officer considers that further measurements should be taken on site following its installation to ensure that the 'dialled back pressure' which was set at the other site has been maintained and has not changed when the washer is moved from its current location. Subject to conditions therefore the Public Protection Officer has no objection to the washdown facility.

CONCLUSION

The objections raised by the residents have been taken into account as part of the determination of this application, however, it is not considered they outweigh the planning merits of the proposal and on balance the appearance of the landscaped bunds will be a visual improvement of the boundaries of the site to the nearest residents in Treoes. Also, subject to conditions the washdown facility will not be detrimental to the amenities of the users of Waterton Industrial Estate and the nearest residents in Treoes to warrant refusal. As such the proposal is considered to comply with national and local planning policy and is recommended for approval.

RECOMMENDATION

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

1. The development shall be carried out in accordance with the following approved plans and documents:
Sheet Number PD3 - Site Layout Plan (received 4 September 2020);
Noise Assessment of Caravan Wash produced by inacoustic dated 11 July 2020 (received 13 July 2020);
Proposed Landscaping of Southern and Eastern Boundaries (received 13 March 2020);
Recommendations of Wildwood Ecology dated 19 February 2020 (received 13 July 2020)

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

2. The landscaping/tree planting shall be undertaken in accordance with the scheme submitted in the first planting season following the completion of the bunds.

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

3. If within a period of three years from the date of the planting of any tree that tree or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

4. The material remaining following the completion of the bunds shall be removed from the site within 6 months of the date of this consent.

Reason: The retention of any surplus soil would be detrimental to the visual amenities of the area.

5. The washer shall be restricted to the area shown on the amended site plan. No other washing or valeting activity shall take place at any other location on the site, including any mobile washing and valeting activities.

Reason: In the interests of general amenity.

6. Any washing activity shall be restricted to the hours of 08:00 to 20:00. Such an operational control shall be implemented by means of installing an in-line timed cut-off switch or equivalent, ensuring that no power is sent to the unit outside of the agreed operational hours.

Reason: In the interests of general amenity

7. The noise rating level of the washer when in operation and assessed in accordance with BS4142:2014+A1:2019 in free field conditions at any residential premises shall not exceed 31dB (LAeq, 1 hour).

Reason: In the interests of general amenity.

8. Prior to the washer being brought into beneficial use at Store With Us, Parc Crescent, a noise report shall be submitted to and agreed by the Local Planning Authority demonstrating by means of direct measurement or where this is not possible, a combination of measurement and calculation, to demonstrate that the rating level of the washer when in operation does not exceed the noise rating level specified in condition 7. Should the report conclude that these levels are not being met then the report should include a scheme of mitigation required to achieve these levels which must be carried out in full within a timescale agreed with the Local Planning Authority.

Reason: In the interests of general amenity.

9. The washer to be installed and retained shall be in accordance with the details submitted in section 4.2 of the Acoustic Report by Inacoustic dated 11th July 2020, project number 20-156.

Reason: In the interests of general amenity.

10. The drainage scheme as detailed in the details submitted on 4 September 2020 shall be implemented prior to the commencement of the operation of the washer and retained thereafter in perpetuity.

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

11. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *

- a. This application is recommended for approval on the basis that the appearance of the landscaped bunds will be a visual improvement of the boundaries of the site to the nearest residents in Treoes and the washdown facility will not be detrimental to the amenities of the users of Waterton Industrial Estate and the nearest residents in Treoes.
- b. The bund should be constructed by a competent person using the appropriate plant with the soil used in the bund being substantially dry when placed, inert and compactable.
- c. The applicant is advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water's (DCWW) 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 on 0800 917 2652 to establish the location and status of the apparatus.

- d. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- e. The applicant is advised that any change in washer will required a new application to include details of the new washer, including noise levels.

JONATHAN PARSONS
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES

Background papers

None

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APPEALS

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

| | |
|--------------------------|---|
| CODE NO. | D/20/3256506 (1997) |
| APPLICATION NO. | P/20/327/FUL |
| APPELLANT | MR R RAWLES |
| SUBJECT OF APPEAL | SINGLE STOREY EXTENSION TO REAR 20 UPPER STREET, MAESTEG |
| PROCEDURE | HOUSEHOLDER APPEAL |
| DECISION LEVEL | DELEGATED OFFICER |

The application was refused for the following reason:

1. The proposed extension, by reason of its siting, scale and proximity to 21 Upper Street, to the north, would have an unreasonably dominant and imposing impact on this property to the detriment of the residential amenities enjoyed by the occupiers of that property. The proposal is therefore contrary to Policy SP2 of the Bridgend Local Development Plan (2013) and the principles of Supplementary Planning Guidance 02: Householder Development (2008).

| | |
|--------------------------|---|
| CODE NO. | D/20/3257637 (1998) |
| APPLICATION NO. | P/20/49/FUL |
| APPELLANT | MR M ROSSINI |
| SUBJECT OF APPEAL | DEMOLISH EXISTING SIDE STRUCTURE AND REPLACE WITH 2 STOREY EXTENSION; RAISE ROOF OF DWELLING TO PROVIDE FIRST FLOOR ACCOMMODATION; DORMER TO FRONT ELEVATION WITH JULIET BALCONY 45 WEST DRIVE, PORTHCAWL |
| PROCEDURE | HOUSEHOLDER APPEAL |
| DECISION LEVEL | DELEGATED OFFICER |

The application was refused for the following reason:

1. The proposed development by reason of its scale, siting, fenestration detailing and the introduction of some new materials to the external finishes of the property, would be visually obtrusive and prominent and generally out of character with the existing dwelling and would unbalance the pair of semi-detached properties to the detriment of the visual amenities of the area contrary to Policy SP2 of the Bridgend Local Development Plan, SPG 02 : Householder Development and advice contained in Planning Policy Wales (10 - Dec, 2018).

| | |
|--------------------------|--|
| CODE NO. | A/20/3250766 (1899) |
| APPLICATION NO. | P/20/297/FUL |
| APPELLANT | MR D HALES |
| SUBJECT OF APPEAL | CONSTRUCT A SINGLE GARAGE (RE-SUBMISSION OF P/19/949/FUL) 20 BRIDGEND ROAD, PORTHCAWL |
| PROCEDURE | HOUSEHOLDER APPEAL |
| DECISION LEVEL | HOUSEHOLDER |

The application was refused for the following reason:

1. The proposed garage by reason of its scale, siting and design would represent an incongruous and prominent addition to the streetscene to the detriment of local visual amenities and the nearby Newton Conservation Area, contrary to Policies SP2 and SP5 of the Local Development Plan (2013), Supplementary Planning Guidance Note 02 Householder Development and advice contained within Planning Policy Wales (Edition 10 - December 2018).
-

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

| | |
|--------------------------|---|
| CODE NO. | A/20/3245529 (1886) |
| APPLICATION NO. | P/19/590/FUL |
| APPELLANT | G B PROPERTY COMPANY LTD |
| SUBJECT OF APPEAL | THREE PAIRS OF 3 BED SEMI-DETACHED DWELLINGS (6 DWELLINGS IN TOTAL) WITH ASSOCIATED CAR PARKING LAND NORTH OF 12 BRIDGEND ROAD, PONTYCYMMER |
| PROCEDURE | WRITTEN REPS |
| 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 A**

CODE NO. A/20/3246041 (1887)
APPLICATION NO. P/19/590/FUL

APPELLANT HAFOD HOUSING ASSOCIATION & JEHU

SUBJECT OF APPEAL ERECTION OF 41 AFFORDABLE RESIDENTIAL DWELLINGS WITH ASSOCIATED ON SITE CAR PARKING, ACCESS AND ASSOCIATED WORKS:
LAND SOUTH OF WYNDHAM CLOSE, BRACKLA INDUSTRIAL ESTATE, BRIDGEND

PROCEDURE WRITTEN REPS

DECISION LEVEL COMMITTEE

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/20/3246041 (1891)
APPLICATION NO. P/20/11/OUT

APPELLANT MR P EVANS

SUBJECT OF APPEAL OUTLINE APPLICATION FOR UP TO 9 DWELLINGS AND ASSOCIATED WORKS
LAND OFF TONDU ROAD, NORTH OF PASCOES AVENUE, BRIDGEND

PROCEDURE WRITTEN REPS

DECISION LEVEL COMMITTEE

DECISION THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED AND THE COSTS APPLICATION REFUSED

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

CODE NO. D/20/3253435 (1893)
APPLICATION NO. P/20/194/FUL

APPELLANT MR W HOPKINS

SUBJECT OF APPEAL FIRST FLOOR EXTENSION ABOVE EXISTING SIDE ANNEX
7 PARK AVENUE, PORTHCAWL

PROCEDURE WRITTEN REPS

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 is attached as **APPENDIX D**

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)

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 02/06/20 & 01/07/20

gan H C Davies BA (Hons) Dip UP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 14.08.2020

Appeal Decision

Site visit made on 02/06/20 & 01/07/20

by H C Davies BA (Hons) Dip UP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 14.08.2020

Appeal Ref: APP/F6915/A/20/3245529

Site address: Land north of 12 Bridgend Road, Pontycymmer CF32 8EH

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 failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by G B Property Company Ltd against Bridgend County Borough Council.
- The application Ref P/18/590/FUL, is dated 19 July 2018.
- The development proposed is 'Three pairs of 3 bed semi-detached dwellings with associated car parking.

Decision

1. The appeal is dismissed, and planning permission is refused.

Procedural Matter

2. I initially visited the appeal property on 2 June 2020 but was unable to complete my inspection as I could not gain access to the neighbouring properties. I completed my inspection on 01 July 2020.

Background and Main Issues

3. After the appeal against the Council's failure to determine the application was made, the Council issued its decision on 1 February 2020 within the dual jurisdiction period. In that light I consider that the main issues in this case to be the effect of the proposal on the living conditions of existing residents and future occupants of the development; and the sustainability of the location for residential development.

Reasons

Living Conditions

4. The appeal site lies within the settlement boundary of Pontycymmer, as identified in the Bridgend Local Development Plan (LDP), and comprises a steeply sloping site, fronting onto Bridgend Road. The surrounding residential area is characterised by rows of semi-detached and terraced dwellings with varying garden sizes. Elevated above the appeal site, immediately west, are 4 residential properties fronting onto Braichycymer Road. The proposed development comprises three pairs of semi-detached dwellings, fronting onto the road, all of which are three-storey dormer-style, designed in a split-level fashion taking into account the sloping nature of the site.

5. My attention has been drawn to Supplementary Planning Guidance : 02 Householder Development (SPG) which recommends standards in regards to space about dwellings and their relationship with other properties. As the appeal scheme relates to new residential development rather than household development the SPG does not specifically apply to the circumstances of this case. Nevertheless, in the absence of any other relevant SPG on the issue being presented, it provides useful guidance on establishing circumstances when an impact of a development on neighbours' living conditions can be harmful. From my experience, the residential amenity standards set out in the SPG are consistent with those used by other Local Planning Authorities.
6. The SPG provides guidance of minimum distances between directly facing habitable room windows in adjacent properties and whilst this advice represents guidance only, 21 m between windows to habitable rooms has long been used as a standard to maintain privacy. In this case, the separation distances between Nos 1,2 and 3 Braichycymer Road and the proposed dwellings on Plots 5 and 6 would be just under 21 meters, whilst the separation distance between 6 Braichycymer Road and the proposed dwellings at Plots 3 & 4 would be significantly below the 21 metres. Given the intervening distances and topography of the surrounding area, occupiers of properties on Braichycymer Road would be able to look directly into the first and second floor windows incorporated in the rear elevations of the proposed dwellings at plots 3,4,5 and 6. As such, the privacy of future occupants of the scheme would be detrimentally affected by substantial overlooking from existing dwellings.
7. By virtue of the different ground levels and boundary treatments, the siting of the proposed dwellings is likely to lead to some views into the rear gardens of existing properties on Braichycymer Road, however, not to the extent that it would result in unacceptable harm to the privacy of users of those gardens.
8. Notwithstanding that the appellant considers the provision of private outdoor amenity space may be adequate in terms of size, the useable garden areas would back onto engineered retaining walls, which, at a height of 3 m, would be considerably overbearing for users of the gardens. This would compromise the quality of the outdoor amenity space for future occupants. The retaining walls would also be domineering when viewed from the rear windows of the proposed dwellings and in this regard, the dual aspect windows would provide limited mitigation. The proposed houses would be set further down the bank than existing properties on Braichycymer Road and due to the difference in levels, the existing properties would loom over the amenity spaces and rear elevation ground floor windows of the proposed dwellings in plots 3,4,5 & 6. As such, the outlook from the proposed dwellings and associated gardens would appear oppressive and given the existing properties would be highly visible, it would give rise to a strong sense of being overlooked.
9. I conclude therefore that although the development may not have a detrimental impact on the living conditions of existing residents it would be harm the living conditions of the future occupants. As such, the proposal would conflict with Policy SP2 of the LDP which states, amongst other things, that all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located.

Highway Safety / Sustainability of location

10. The site is within a reasonable walking distance of the village centre, and whilst I do not dispute the proximity to local facilities and services, I consider this section of Bridgend Road would not represent a particularly attractive or safe route for pedestrians or cyclists. I observed that the width of Bridgend Road does vary and at

the point where the Braichycymer Road, Chapel Street, William Street and Prospect Place junctions all converge with Bridgend Road, the road narrows considerably. As the road currently incorporates poor vertical and horizontal alignment at this point, the necessary width for two vehicles to pass would prove challenging. Furthermore, visibility at the point of egress from Braichycymer Road to Bridgend Road is sub-standard, as are the visibility distances from Chapel Street and William Street.

11. Motorists travelling along this section are likely to reduce their speed when approaching these junctions, nevertheless, the segregated footways beyond the former public house are substantially limited, and, in some areas non-existent. Achieving safe refuge from passing cars would be particularly challenging for residents using wheelchairs or pushchairs, or where northbound drivers meet with vehicles travelling south. I am also concerned by the varying width of the footways beyond Braichycymer Road junction, insofar as its narrowness has the potential to result in pedestrians stepping onto the carriageway in order to pass others. I consider that the absence of demarcated footways, together with sub-standard footways and limited visibility at the various junctions would materially increase the risk of vehicle and pedestrian conflicts.
12. My attention has been drawn to an alternative route into the village centre which would require pedestrians to walk along Bridgend Road in a southerly direction away from the village for over 1km before accessing the right of way which heads back into the village. Given its distance and lack of segregated footways, I consider it highly unlikely that residents would walk to Pantycymmer via this alternative route. There is a bus stop in close proximity, however the Council has confirmed that a bus service no longer operates along this route.
13. Although the appeal site lies within a reasonable walking distance to the village centre, the unsafe pedestrian route in my view, would discourage future occupants of the development from walking to the nearest facilities and services. Consequently, occupiers of dwellings on the appeal site would be reliant upon a car for most day-to-day activities, such that the appeal site cannot be considered to be a sustainable location for housing. I therefore conclude that the proposal would conflict with LDP Policy SP2 which requires all development to contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located.

Other Matters

14. I acknowledge that the proposal would reuse under-utilised land within the village settlement, however this does not outweigh the harm that I have identified.
15. 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.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed and planning permission is refused.

H C Davies

INSPECTOR



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 19/05/20

gan Nicola Gulley MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 03.06.2020

Appeal Decision

Site visit made on 19/05/20

by Nicola Gulley MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 03.06.2020

Appeal Ref: APP/F6915/A/20/3246041

Site address: Land south of Wyndham Close, Brackla Industrial Estate, Bridgend

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hafod Housing Association and JEHU against the decision of Bridgend County Borough Council.
 - The application ref P/18/945/FUL, dated 29 November 2018, refused by notice dated 12 September 2019.
 - The development proposed is the erection of 41 affordable residential dwellings, with associated on site car parking, access arrangements and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the impact of the proposed development on: sustainable travel; the living conditions of the future residents of the properties by virtue of noise; and the siting of parking on the character and appearance of the area and pedestrian and highway safety.

Procedural Matters

3. A Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act was submitted with the appeal. The UU makes provision of £114,191 for nursery and primary schools places and £42,599 for outdoor sports and children's play provision at the Gerddi Castell Estate. I am satisfied that the UU would accord with the tests set out in the Community Infrastructure Levy Regulations (2010) and have had regard to its' provisions in the consideration of this appeal.
 4. I have had regard to the Minister for Housing and Local Government's letter dated 26 March 2020, which sets out that high quality new homes in the right locations are essential for our future wellbeing and amends the provisions of national guidance through the: revisions to the 'Housing Delivery' section of Planning Policy Wales, edition 10 (PPW); revocation of Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (January 2015); and publication of the Development Planning
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Manual, Edition 3 (DPM). Further comments on the implications of these changes were invited and have been taken into account in my consideration of this appeal.

5. I have also had regard to the Minister for Housing and Local Government's letter of 8th July 2019 which outlines proposals for increasing the supply of affordable housing. The letter makes clear that sites identified for the provision of affordable housing should not be inferior in any way to sites promoted for market housing.

Reasons

Background

6. The appeal site is located on the eastern edge of Brackla Industrial Estate, Bridgend. The site comprises two small elevated plateaus of overgrown brownfield land which are enclosed by the industrial buildings on Wyndham Close and Heol Ffaldau, the modern residential development centred around St Michael's Way and St Illtyd's Close and the escarpment which forms the boundary with the Brackla Ridge and Associated Area green space. Access to the site would be afforded via Wyndham Close, which is one of the main distributor roads serving the industrial estate. Immediately to the north east of the site is the residential estate of Gerddi Castell, which at the time of my visit was under construction.
7. Policy SP2 of the Adopted Bridgend Local Development Plan (LDP) (2013) requires, amongst other things, that proposals for new development: contribute to creating high quality, attractive and sustainable places that; have good and equitable walking, cycling, public transport and road connections; and do not adversely impact on the viability and amenity of neighbouring uses and their users/occupiers. Additional guidance is contained in the Council's adopted Supplementary Planning Guidance 17 (SPG 17)- Parking Standards. National guidance in relation to the national sustainable planning outcomes, soundscapes and sustainable transport is contained in Planning Policy Wales, Edition 10 (2018) (PPW 10).

Provision of Affordable Housing

8. In support of the proposal the appellant has drawn my attention to the shortfall in the provision of market and affordable housing in the County Borough. The appellant's statement indicates that: the provision of market housing in Bridgend fell below the levels outlined in the LDP trajectory consistently between 2013-18 resulting in a 'critical' under supply of new market and affordable housing; and, that the latest Local Housing Market Assessment shows a need for 411 affordable dwellings per annum in the County Borough. The appellant contends that the development of schemes such as that proposed, which it is suggested could be delivered within 18 months, would assist in alleviating the need for social rented and intermediate housing in the short term.
9. The Council accepts that there has been a shortfall in provision of new affordable and market housing but contends that this, and future need will be addressed in the emerging replacement LDP.
10. Based on the evidence presented, it is clear that there is a need for, and shortfall in, the provision of, affordable housing in the County Borough which, because of the requirements of the statutory plan making process, will not be addressed in the short term. I consider that the need to ameliorate the short fall in affordable housing is a significant factor that weighs in favour of the proposed development.

Sustainable Travel

11. The National Sustainable Planning Outcomes seek to ensure that new development creates accessible and healthy environments, where everyone can live, work and travel and play in a way that supports good physical and mental health¹. In this case, the Council contends that the lack of suitable walking, cycling and public transport facilities would result in a development where future residents would be dependent on private car. For its part the appellant maintains that site is in a sustainable location and close to: public transport facilities, which offer access to Bridgend Town Centre and the wider area; foot/cycle routes; employment opportunities at the Brackla Industrial Estate; and the planned outdoor sports, children's play and commercial facilities at the nearby Gerddi Castell Estate. In addition, to improve accessibility the appellant has indicated a willingness to include a new footpath/cycleway along the site access road and a crossing point on the road frontage with Wyndham Close within the scheme.
12. I note the proximity of the appeal site to the bus stop and employment opportunities on Brackla Industrial Estate. I am mindful however, that the limited nature of the bus service² is likely to restrict the ability of future residents to use it to commute for work, education or leisure purposes on a daily basis. With regard to the proximity of Brackla, although jobs may be available at the industrial estate, they will not necessarily provide appropriate opportunities for residents.
13. Access to educational, community and commercial facilities in the area surrounding the appeal site, by mode other than private car, is largely, achieved through the use of a network of foot/cycle paths. Whilst it is clear from the submitted documents that there are existing foot/cycle paths close to the site, and that provision can be made to connect the site to this network, I am mindful that anyone wishing to walk or cycle to or from the site to access facilities, currently, would need to travel along Wyndham Close, a heavily trafficked industrial road. With regard to the provision of a new crossing point, I consider that its siting, immediately adjacent to an existing industrial building, would only serve to exacerbate the situation I have described.
14. In relation to the provision of community and commercial facilities at the Gerddi Castell Estate, I accept that this provision would serve the future residents of the appeal site. However, the facilities do not currently exist and, I am advised, are unlikely to be built for some time. In view of this I consider it unlikely that the facilities would meet the short or medium-term needs of residents.

Noise

15. A key principle of the National Sustainable Planning Outcomes is to ensure that new development in Wales maximises environmental protection and limits environmental impact. An important element of this is ensuring that proposals create appropriate soundscapes. In this regard PPW 10³ requires that proposals for new development should address the implications arising from inappropriate noise levels, in order to ensure that the places created have appropriate soundscapes, and amenity is protected. In this case the proximity of the appeal site to Wyndham Close and Heol Ffaldau and the associated industrial buildings gives rise to concerns that the area surrounding the appeal site would not provide an appropriate soundscape for the development. In order to address these concerns and achieve appropriate noise levels

¹ Planning Policy Wales, Edition 10, figure 3

² Bus services from Church Acre operates on an hourly service between 9.30 and 19.30

³ Planning Policy Wales, Edition 10, paragraphs 152 -157

the development proposes internal and external mitigation measures in the layout of the estate and the design of the dwellings. The approach is supported by the findings of a Noise Impact Assessment.

16. The appellant contends that the approach to the design of the proposed development, and the findings of the submitted noise impact assessment, clearly demonstrate that the relevant noise requirements for good acoustic conditions can be achieved both internally and externally in a manner that meets the requirements of national and local policy. In support of this, my attention has been drawn to a number of residential schemes, most notably that at the Gerddi Castell Estate, which it is suggested are similar to that proposed and which have been subject to similar acoustic mitigation measures.
17. The Council accepts that the proposed mitigation measures would achieve the required internal and external noise levels but contends that the resultant dwellings would be "acoustic prisons", sealed from the outside world and behind high acoustic fences.
18. Unlike the other developments cited by the appellant, which were approved prior to the issuing of PPW or have different development characteristics, the appeal proposal requires that external and internal and mitigation measures are carried out for the whole development. Externally, the development proposes the erection of acoustic fencing of up to 2 metres in height around most of the outer perimeter of the development, only the dwellings adjacent to the estate access would be visible from outside the development. Whilst I accept this approach is necessary to mitigate the impact of noise, I nevertheless consider that the height and length of the enclosure would result in a form of development which would appear isolated and would fail to integrate into the surrounding area. With regard to internal mitigation measures, I note that every window opening in the development would be sealed and would need to remain so if ambient noise levels within individual dwellings are to be maintained. Clean air would be provided by a mechanical ventilation system. Although I am content that this approach would be effective, to my mind the need for every window in a dwelling to be sealed to maintain acceptable noise levels would be oppressive and would fail to create an appropriate living environment for future residence.

Pedestrian and highway safety

19. SPG 17 requires the provision of one parking space per bedroom up to a maximum of three spaces per dwelling, plus an additional space for every five dwellings for visitors. The SPG makes clear that residential developments will not necessarily warrant specific reductions in the level of parking required, although some degree of flexibility may be applied depending on local circumstances and the impact on unallocated on street parking.
20. The Council contends that the provision of parking within plots 6, 10, 14, 15, 35 and 36 and the number of visitor spaces, would be below the level required in the SPG and, as a consequence, the development would be dominated by on-street parking which would in turn affect the safe movement of pedestrians and highway users.
21. In response the appellant; has drawn my attention to Census data which suggests that the levels of car ownership amongst the residents of affordable housing schemes in Bridgend is lower than the ownership levels on schemes for market housing; and, suggests that, if the application of the standards were adjusted to take account of lower car ownership rates, the development would comply with the requirements of the SPG.

22. Whilst I note the appellants concerns, I am conscious that data presented in relation to car ownership levels on affordable housing schemes is based on the findings of the 2011 Census and that no up to date evidence in respect of these trends has been submitted. In the absence of current data, I do not consider that the flexible application of the parking standards would be justified. Moreover, I consider that the failure to provide sufficient parking within the site when considered in conjunction with my earlier findings, that future residents would be reliant on private cars, would result in an increase in vehicles parking on pavements and in turning areas to the detriment of the visual amenities of the estate, and pedestrian and highway safety.

Conclusions

23. 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.
24. In reaching my decision I have had regard to all the matters raised in support of the scheme. Whilst I consider that the proposal would assist in meeting the short fall in affordable housing in Bridgend, this does not outweigh my concerns regarding the effect of the proposed development on sustainable travel, the living conditions of the future residents of the properties by virtue of noise and the siting of parking on the character and appearance of the area and pedestrian and highway safety. As such I consider that the proposed development would be contrary to the objectives of Policy SP2 of the LDP, SPG 17 and PPW 10 in national sustainable planning outcomes, soundscapes and the sustainable transport hierarchy.
25. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Gulley

INSPECTOR

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 01/07/20

gan A L McCooey BA MSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 18.08.2020

Appeal Decision

Site visit made on 01/07/20

by A L McCooey BA MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 18.08.2020

Appeal Ref: APP/F6915/A/20/3249034

Site address: Land off Tondu Road, North of 5 Pascoes Avenue, Bridgend

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr P Evans against the decision of Bridgend County Borough Council.
 - The application Ref P/20/11/OUT, dated 2 January 2020, was refused by notice dated 2 April 2020.
 - The development proposed is an Outline Planning Application for up to 9 dwellings and associated works.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr P Evans against Bridgend County Borough Council. This application is the subject of a separate Decision.

Background

3. The appeal was submitted against the non-determination of the application. However, the Council issued its decision within the 4-week dual jurisdiction period. In these circumstances the appeal is against the refusal of planning permission. An appeal decision related to a proposal for 24 dwellings on the site was dismissed in December 2019¹.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - whether the proposal would be detrimental to highway safety in terms of the access to the site and footways leading to the site; and
 - the effect of the proposal on a site of importance for nature conservation, an area of woodland and the visual amenities of the landscape.

¹ APP/F6915/A/19/3237153

Reasons

5. The site comprises sloping tree covered land on the western side of the A4063, which is a wide dual carriageway as it passes the site that continues for some distance northwards. There are several road accesses opposite leading to commercial and residential areas. There are two cottages to the south at the junction with Mill Lane. The dwellings to the south west of the site are at a considerably higher level. As well as the trees there is a small disused quarry in the northern portion of the site. The site is within a Site of Importance for Nature Conservation (SINC).

Character and Appearance of the Area

6. Whilst scale is a reserved matter in this application, the relevant legislation² requires that the scale parameters for an outline application must be specified. They are therefore a material consideration. The specified parameters mean that the block of up to 9 dwellings would occupy most of the site frontage. They would be 9.5 – 10.5m high in views from the road. A pull-in with an access in and out arrangement is shown on the indicative layout. This scale of development would be out of keeping with the smaller scale dwellings in the local area. The only similar scale building in the locality is on the other side of the road, set well back and at a lower level. In contrast, the proposal would be more prominent and of a scale that would conflict with the local context.
7. The site is part of an attractive woodland that extends to the north. The inevitable loss of trees as a result of development on the site would also be detrimental to the character of this part of Tondu Road. For these reasons the proposal would be contrary to Policy SP2 of the Bridgend Local Development Plan (LDP), which seeks development that contributes to high quality, attractive places. This aim accords with the placemaking priorities set out in Planning Policy Wales.
8. A great deal is made of whether the site is brownfield land or not due to the presence of a quarry within the site. The site is within the built-up area of the principal town of Bridgend, where the principle of development is generally acceptable subject to detailed considerations. I consider that this issue is not significant in the consideration of this proposal.

Highway and Pedestrian Safety

9. As clarified in the previous appeal decision, the details of the access are reserved for subsequent determination. However, the ability to deliver a safe access is clearly a material consideration at outline stage. The Local Planning Authority has considered the principle of the access on that basis, as guided by an appeal decision. It was not incumbent on the Council to seek to consider access independently from the other reserved matters.
10. It is clear that access is intended to be provided from Tondu Road. The A4063 is not a trunk road but it is an inter-urban dual carriageway subject to a 50-mph speed limit. I noted that traffic travels at around the speed limit, as did the previous Inspector. The provision of an access would be hazardous and a reduction of the speed limit to 30 mph would be necessary. The Council indicates that in these cases a Traffic Order is required and that it would not support such an Order. Given the effect of such an Order on the free flow of traffic and highway safety, I agree with the Council's

² Point 4 of Part 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012

assessment. This is in line with the previous appeal decision. The appellant claims that the indicated access would not require a traffic Order. No technical or expert evidence is submitted to support this. In contrast, the transport report³ submitted by the appellant confirms that all options for accessing the site will inevitably mean reducing the speed limit on Tondu Road to 30mph.

11. The appellant argues that the A4063 is a street with the definition in the Manual for Streets (MfS) and so priority should be given to the needs of pedestrians as part of the public realm. He contends that an access of the type illustrated should be allowed because it could follow guidance in MfS. MfS is advice aimed principally at the designers of new streets as part of new developments. It is expected to be used predominantly for the design, construction, adoption and maintenance of new residential streets, but it is also applicable to existing residential streets subject to re-design⁴. Its applicability to existing roads is therefore more limited. MfS paragraph 1.17 defines a street for its purposes as a highway that has important public realm functions beyond the movement of traffic. This part of Tondu Road (A4063) does not fall within this definition of a street. Even if it were to, I am not persuaded that advice in a design guide alters the status of this existing public highway. I agree with the previous Inspector that it is an inter-urban dual carriageway and its principal function is the movement of traffic with little or no public realm function. The bulk of the dwellings and businesses in this area are served off side roads set back from Tondu Road itself.
12. I have carefully considered all the evidence and have no doubt that a Traffic Order would be needed and would be unlikely to be supported. I agree with the 2019 appeal decision that the highway implications of such an order, including the effect on the free flow of traffic, would not be justified. The indicative plans submitted with the application refer to a reduction in the width of the carriageway. This would also be detrimental to the free flow of traffic and the safety of cyclists. The advice from a highways officer referred to is not binding on the Council and does not make any formal guarantee of the acceptability of the current indicative access arrangements.
13. The appellant has submitted every postal address on Tondu Road as evidence that there are many individual accesses and it should therefore be regarded as a street. There are few individual accesses on this part of Tondu Road and on the dual carriageway portion. There are several road junctions, but these are not private accesses. The Council has confirmed that there are few individual properties served by direct access onto Tondu Road, particularly along the 50mph dual carriageway section and the few that there are benefit from historic access rights over which the Council has no control.
14. The Council is concerned that the proposal would lead to hazardous U-turn manoeuvres by traffic approaching and leaving the site because the access is onto a dual carriageway. The appellant contends that no factual evidence has been submitted to support this claim. Given the distance that southbound and northbound traffic would have to travel to turn around on entering or leaving the site, I consider that the Council has made a reasonable assumption that U-turn movements would arise. The Council also refers to a recent accident at one of the potential U-turn locations near the appeal site. I give this matter weight in my decision.

³ Vectos Accessibility Report September 2018

⁴ Paragraph 1.1.3 of MfS

15. The dotted lines shown on the adopted highway plans supplied by the appellant show highway verge and not a footway. There are no footpaths along the site frontage or safe links to the footpath network to the south (at the bus stop). In the absence of proposals for footways and safe crossing points to enable pedestrians to negotiate a dual carriageway, I consider that the proposal would be detrimental to pedestrian safety. The site would not be a safe walkable journey from the town centre for similar reasons. I also note that PPG 13⁵ was cancelled in 2012.
16. For the above reasons, I conclude that the proposal would be detrimental to highway and pedestrian safety and the free flow of traffic on a principal inter-urban dual carriageway (A4063) at this location. The development would therefore be contrary to LDP Policies SP2 and SP3 and the related national policy in Planning Policy Wales and Technical Advice Note 18: Transport.

Trees and Ecology

17. The appellant's tree survey notes that the site is an area of Restored Ancient Woodland (RAW) and the trees are subject to a Tree Preservation Order (TPO). The report portrays the trees as young and semi-mature, based on the Ordnance Survey (OS) classifying the area as a treeless quarry in 1993. The appellant has supplied many OS maps of the quarry for various dates from 1877 to present. All of these maps show the symbols for woodland within the appeal site. Even if the trees are around 30 years old as claimed, they are well-established and have a lengthy lifespan ahead of them. They make an important contribution to the character of the area as recognised by the TPO. The Council refers to the Tree Constraints Plan attached to the survey and contends that the site would have to be largely cleared of trees to facilitate the proposal. I consider that this is a fair assessment and that the retained trees and mitigation planting would be confined to a small area close to the western boundary of the site.
18. The preliminary ecological appraisal was undertaken in January, which is outside the optimal period for ecological surveys. The appraisal assesses the habitats present on site and indicates that there is the potential for protected species to be present and recommends precautionary methods for the site clearance in order to avoid impacts on protected species. The appraisal recommends further survey work. It also recommends that a masterplan should seek to retain, protect and enhance woodland vegetation as far as possible. Given the relatively poor condition of woodland habitat it states that there is the potential to enhance retained vegetation through new native shrub planting, aimed at reinforcing site boundaries combined with its sensitive management over the long-term. This will be combined with new tree and shrub planting in compensation for loss elsewhere. Provided those recommendations detailed within the report in respect of mitigation and further survey effort are implemented, the appraisal considers that the proposals could proceed lawfully and in line with planning policy requirements. Notwithstanding, it is difficult to see how the measures outlined in paragraph 4.6 in terms of compensatory planting, creation of glades, wildlife meadows, etc. could be accommodated within this site given the scale of the proposed development.
19. Both these reports appear to argue that because the site is relatively small then the loss of the woodland habitats and the potential impact on protected species, would not be significant. However, the site is within a SINC and is an area of RAW subject to a TPO – Policies ENV4 and ENV6 introduce a presumption against development that

⁵ Referred to as PPS134 by the parties from a mistaken reference in paragraph 4.4.1 in MfS

would adversely affect such designated sites and where the benefits of the proposal outweigh the harm, appropriate mitigation and compensation should be provided. This accords with guidance in Planning Policy Wales and TAN 5 Nature Conservation. As stated above, it is difficult to see how appropriate mitigation and compensation could be provided on the appeal site. I have also considered the effect of the loss of the trees on the site on the character and appearance of the area above. I conclude that the proposal would result in the loss of trees and habitats that are important features of the SINC. The scale of the development means that the amenity of the area could not be compensated for with appropriate mitigation and compensation. The proposal would therefore be contrary to LDP Policies SP2, SP4, ENV4 and ENV6 and conflict with the relevant provisions of Planning Policy Wales and TAN5.

Other matters

20. The Council raises concerns over the available private garden areas for the proposed dwellings in the southern part of the site, which has a more restricted depth. As the application is in outline and for up to 9 dwellings, the details of individual garden areas would be a reserved matter. The Council's delegated report considers that issues of noise from the A4063, contamination and land stability, raised by an objector, could be addressed by the imposition of suitable conditions. I have no reason to disagree with this assessment, which accords with the previous appeal decision.
21. I note that the requirement for various planning obligations to be entered into based on LDP Policies SP2 and SP4, was outlined in the delegated report. No obligations or Unilateral Undertakings have been provided. The Council notes that such obligations are necessary but did not form a reason for refusal. As I have found the development to be unacceptable for other reasons, I need not consider the implications of the lack of such planning obligations further in this decision.

Conclusion

22. I have found that the proposal would be contrary to Policies SP2 and SP3 and national policy in Planning Policy Wales and Technical Advice Note 18: Transport. For the reasons given, I also conclude that the proposal would adversely affect the character and appearance of the area. The submitted Tree Survey and Ecological Appraisal do not alter the fact that the proposal must involve the loss of trees and habitat within a SINC, comprising RAW with trees covered by a TPO. The argument that the site is covered by poor quality trees and scrub is not supported. I consider that the proposal would therefore be contrary to LDP Policies SP2, SP4, ENV4 and ENV6 and conflict with the relevant provisions of Planning Policy Wales and TAN5. I have considered all the matters raised including the benefits of the proposal advanced by the appellant. These matters do not alter my conclusion that the appeal should be dismissed.
23. 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' revised well-being objectives to build healthier, more resilient communities and environments.

A L McCooey

Inspector



Penderfyniad ar gostau

Ymweliad â safle a wnaed ar 01/07/20

gan **A L McCooey BA MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 18.08.2020

Costs Decision

Site visit made on 01/07/20

by **A L McCooey BA MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 18.08.2020

Costs application in relation to Appeal Ref: APP/F6915 /A/20/3249034

Site address: Land off Tondu Road, North of 5 Pascoes Avenue, Bridgend

The Welsh Ministers have transferred the authority to decide this application for costs to me as the appointed Inspector.

- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
 - The application is made by Mr P Evans for a full award of costs against Bridgend County Borough Council.
 - The appeal was against the refusal of planning permission for outline planning permission for up to 9 dwellings and associated works.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Development Management Manual Section 12 Annex: Award of Costs (the Annex) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. It also explains that applications for costs must clearly demonstrate how any unreasonable behaviour has resulted in unnecessary or wasted expense. There are two types of cost awards: procedural – when a party has delayed or disrupted the process for determining an application or appeal and substantive issues where unreasonable behaviour relates to issues of substance arising from the merits of the case and this has led to unnecessary or wasted expense.
 3. The original costs application displays a lack of understanding of the dual jurisdiction period in non-determination appeals. The Local Planning Authority has 4 weeks from the receipt of such an appeal to issue a decision on the application. The Council issued a decision within this period. There is no obligation on the Local Planning Authority to inform the appellant that it intends to issue a decision. Indeed, the Council had requested an extension of time to enable a decision to be issued. The appellant did not respond but instead chose to appeal. Whether the Council then wrote to the appellant to inform him that a decision would be issued or not would have made no material difference to the appellant's submissions. The Inspectorate must write to the appellant and offer him the opportunity to revise his grounds of appeal if the Local Planning Authority issues a decision within the dual jurisdiction period.
-

4. The appellant was able to revise his grounds with the benefit of a clear understanding of the Council's case. The Local Planning Authority correctly followed procedures. The appellant has not incurred unnecessary costs in availing of the opportunity to submit revised grounds of appeal. I find that there has been no unreasonable behaviour by the Council in these circumstances.
5. The appellant's final comments consist of lengthy repetition of the Annex with little explanation of the relevance of the text quoted. The Local Planning Authority has produced evidence to substantiate each of the reasons for refusal. The appellant's claims to the contrary are not supported by any cogent evidence.
6. The Council supplied a chronology of the processing of the application. The appellant criticises this chronology because it omits reference to a memorandum of 8 June from the Council's Transportation Policy and Development Section and he claims that it was deliberately withheld. Normal appeal procedures allow parties to submit statements of case and comment on opposing parties' evidence. The Council's statement of case is dated 5 June and clearly states that a separate statement from the Highway Authority will be submitted for the appeal. The Highway Authority memorandum of 8 June is the statement referred to and is part of the Council's evidence. It was not withheld from the appellant. Nor was the Council's delegated report on the application, which was provided with the Council's questionnaire in May 2020. The Council's chronology clearly sets out why the decision on the application was delayed. The appellant then lists further examples of unreasonable behaviour from the annex without any explanation of their applicability. In summary, I find that points 6 to 15 and points 1 to 7 under the heading substantive on pages 37-38 have no bearing to this case, are unsupported by any evidence or have been addressed in paragraph 5 above.
7. In his final comments (but not within the costs application) the appellant takes issue with the Council's statement of case being in excess of 3000 words. As noted above, there are two statements: the planning statement is 10 pages (excluding suggested planning conditions) and the Highway's statement is 9 pages. In the context of the appellant's Design and Access statement (38 pages), revised grounds of appeal (20 pages) and final comments (39 pages), I do not find the Council's statements to be excessively lengthy.

Conclusion

8. Having taken into account all the matters raised I conclude that an award of costs is not justified for the reasons set out above. There has not been unreasonable behaviour resulting in unnecessary or wasted expense, as described in Section 12 Annex: Award of Costs, on the part of the Council. The application for costs is therefore refused.

A L McCooey

Inspector



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 06/07/20

gan Clive Nield BSc(Hon), CEng,
MICE, MCIWEM, C.WEM

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 14.08.2020

Appeal Decision

Site visit made on 06/07/20

by Clive Nield BSc(Hon), CEng, MICE,
MCIWEM, C.WEM

an Inspector appointed by the Welsh Ministers

Date: 14.08.2020

Appeal Ref: APP/F6915/D/20/3253435

Site address: 7 Park Avenue, Porthcawl, Bridgend, CF36 3EP

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 Winsor Hopkins against the decision of Bridgend County Borough Council.
- The application Ref P/20/194/FUL, dated 28 February 2020, was refused by notice dated 12 May 2020.
- The development proposed is a first floor extension above an existing side annex.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effects of the proposed development on the visual amenities of the existing property, the street scene and the surrounding area.

Reasons

3. The proposed first-floor extension would be set back slightly from the front elevation of the present ground floor accommodation but would follow the same line along the side boundary with the adjoining property, 5 Park Avenue. As such, it would be contrary to the guidance in the Council's Supplementary Planning Guidance (SPG) Note 2: Householder Development, which advises against first floor extensions up to the side boundary. It says that such arrangements can give the impression of closing the gap between properties, particularly if repeated by the adjoining property, which can materially affect the character of the street.
4. In this case, a side extension is currently under construction at the adjoining property (started since the Council made its decision), and it is evident that only a very small gap would be left between the 2 buildings. Consequently, the terracing effect advised against by SPG Note 2 would certainly occur.
5. However, this is not the only, or even the main harmful effect that the proposed development would cause. It is poorly designed in the context of the existing host building and its surroundings. In particular, its window design and proposed roof

shape do not reflect those of the host building, contrary to other advice in SPG Note 2. Consequently, the proposed extension would look out of place and incongruent, and it would be unacceptably harmful to the character and appearance of the appeal property itself, to the street scene and to the surrounding area. The proposal would be contrary to Local Development Plan Policy SP2, which requires new development to be of high quality design, respecting and enhancing local character.

6. The Appellant has taken issue with the side extension granted planning permission at the adjoining property, No. 5, and says the Council has been inconsistent in making the 2 decisions. That is a matter best taken up with the Council. My assessment of this appeal is based on the merits of the particular proposal before me.
7. My conclusion, in this case, is that the proposed development would be unacceptably harmful, as explained above, and contrary to development plan policy. I therefore conclude that the appeal should be unsuccessful.
8. 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 people and businesses to drive prosperity.

Clive Nield

Inspector

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO DEVELOPMENT CONTROL COMMITTEE

17 SEPTEMBER 2020

REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES

TEMPORARY AMENDMENTS TO THE DC COMMITTEE SITE VISIT PROTOCOL

1. Purpose of report

- 1.1 The purpose of this report is to advise Members of the necessity to temporarily revise the Development Control Committee Code of Practice with regard to Committee site visits in light of the ongoing Covid-19 restrictions.

2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This report refers to the implementation of the statutory Town and Country Planning system which assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-

1. **Supporting a successful sustainable economy** – taking steps to make the County Borough a great place to do business, for people to live, work, study and visit and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the County Borough.
2. **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience and enable them to develop solutions to have active, healthy and independent lives.

3. Background

- 3.1 The current Planning Code of Practice was adopted by the Development Control Committee in April 2017 and a copy of this document is attached at Appendix 1. Section 9 refers to Committee site visits and outlines the criteria for undertaking a site visit and the procedures to be followed during the visit. Committee site visits may either be in the form of a Panel, i.e. Chair, Vice-Chair and Third Member or as a full site visit comprising all members of the DC Committee. In either situation, the local Ward Member, Town/Community Council Representative together with an objector who has requested to speak, the applicant/agent and relevant Officers will also normally attend.
- 3.2 Committee site visits are not a statutory requirement but may be useful in assisting Members with appreciating certain site conditions prior to making decisions. Covid-19 lockdown measures imposed since March 2020 have prevented any visits being undertaken during this period however, with the lifting of some restrictions it may be possible to resume site visits in some exceptional circumstances where social distancing rules allow and it is safe to do so although normal working conditions may not resume for some time. This will require a temporary change to the Code of

Practice and the format of the meeting. This report will set out the proposed changes for Members discussion and approval.

4. Current situation/proposal

- 4.1 The Code of Practice states that Development Control Committee site visits can be costly and cause delays. As such, it is important that they only be held where necessary (normally on the day prior to Committee) and where there is a material Planning objection. They are not meetings where decisions are made and neither are they public meetings but are essentially fact-finding exercises held for the benefit of Members where a proposed development may be difficult to visualise from the plans and supporting material. They may also be necessary for careful consideration of relationships to adjoining property or the general vicinity of the proposal due to its scale or effect on a Listed Building or Conservation Area for example.
- 4.2 Site visits must never be called simply to expose other Members to the strength of public opinion. The public speaking policy exists for the public to be heard at Planning Committee. The volume of objectors or supporters to a Planning application is not relevant if the basis of their opinion is based upon non-material Planning considerations.
- 4.3 Site visits cannot be undertaken for inappropriate reasons for example:-
- Where purely policy matters or issues of principle are at issue.
 - To consider boundary or neighbour disputes
 - Issues of competition.
 - Loss of property values.
 - Any other issues which are not material Planning considerations.
 - Where Councilors have already visited the site within the last 12 months.
- 4.4 Site visits whether Site Panel or Full Committee are held pursuant to:-
- (1) a decision of the Chair of the Development Control Committee (or in his/her absence the Vice Chair) or
 - (2) a request received within the prescribed consultation period from a local Ward Member (or another Member consulted because the application significantly affects the other ward) and where a material Planning objection has been received by the Planning & Development Service from a statutory consultee or local resident.
- 4.5 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 notification of the application and shall clearly indicate the material Planning reasons for the visit.

5 Proposal

- 5.1 Whilst any such request will be taken into consideration in terms of necessity, safety and expediency, it may not be possible to arrange a site visit as a matter of course

and Members should be aware that we have not yet returned to a business as usual approach. The Chair will be the arbiter in these circumstances.

- 5.2 It should be pointed out that Officers will continue to visit sites where safe to do so and endeavor to provide as much information as possible including photographs, maps, aerial imagery and other relevant material such as 'street viewing' technology to assist members to make decisions on Planning applications.
- 5.3 In view of the current rules regarding social distancing, Committee Site visits will be extremely difficult to undertake safely under the current protocols. This is mainly due to the numbers of persons attending and the subsequent inability to observe safe distances as well as increased risk of encroaching onto highways or entering people's homes. It should be considered that a Committee site visit should only be undertaken in exceptional circumstances.
- 5.4 Where it is agreed with the Chair that a site visit may be undertaken, it will be necessary to restrict the number of participants in order to comply with social distancing rules and should be in the form of a panel or an expanded panel involving a small number of additional DC Committee members (make up and numbers to be determined). Conditions on the ground will vary from site to site with some areas allowing more attendees. In any event, risk assessments will be required for each visit. Expanded panels will comprise of the normal panel (Chair, Vice and third Member) as well as up to three additional members to be drawn from a pool of volunteers from the DC Committee.
- 5.5 It is proposed to add an additional paragraph to Section 9.2.1 of the Code of Practice as follows:-

During times of restriction and in order to comply with social distancing protocols, full Committee site visits will be suspended. Where site visits are deemed by the Chair to be essential they shall be in the form of a Panel or an Expanded Panel. The Expanded Panel will comprise of the normal Panel (Chair, Vice and third Member) as well as up to three additional members to be drawn from a pool of volunteers from the DC Committee. It is reiterated that an Expanded Panel visit should only be necessary in exceptional circumstances and where a Panel visit would not be sufficient however, the ability to undertake site visits may be overridden by any subsequent national or local restrictions imposed as the result of national emergency or public safety.

- 5.6 It is considered that the proposals described above will be sufficient to allow some site visits to resume albeit in a restricted form and in exceptional circumstances. Members should note however, that any subsequent change in national or local Covid-19 regulations or advice may have an impact on the ability to carry out Committee site visits.

6. Effect upon policy framework and procedure rules

- 6.1 The statutory Town & Country Planning system requires Local Planning Authorities must determine Planning applications in accordance with the relevant regulations and policy.

7. Equality Impact Assessment

7.1 There are no direct implications associated with this report.

8. Well-being of Future Generations (Wales) Act 2015 implications

8.1 The statutory Town & Country Planning System and associated Planning policy is aligned in accordance with the seven Wellbeing goals and the five ways of working as identified in the Act.

9. Financial implications

9.1 The cost of the conducting site visits is largely absorbed into the overall budget of the Planning Service.

10. Recommendation(s)

10.1 That Members agree the temporary change to the Code of Practice in relation to Committee site visits, agrees where necessary to the setting up of expanded site visit panels and that the Group Manager Planning & Development Services and the Development & Building Control Manager be authorised to make the necessary arrangements in conjunction with the Chair.

10.2 That the temporary change stays in place for a period not exceeding 12 months from the date of decision or when Covid-19 restrictions are lifted, whichever is the soonest.

Jonathan Parsons
Group Manager Planning & Development Services
17 September 2020

Contact Officer: Rhodri Davies
Development & Building Control Manager

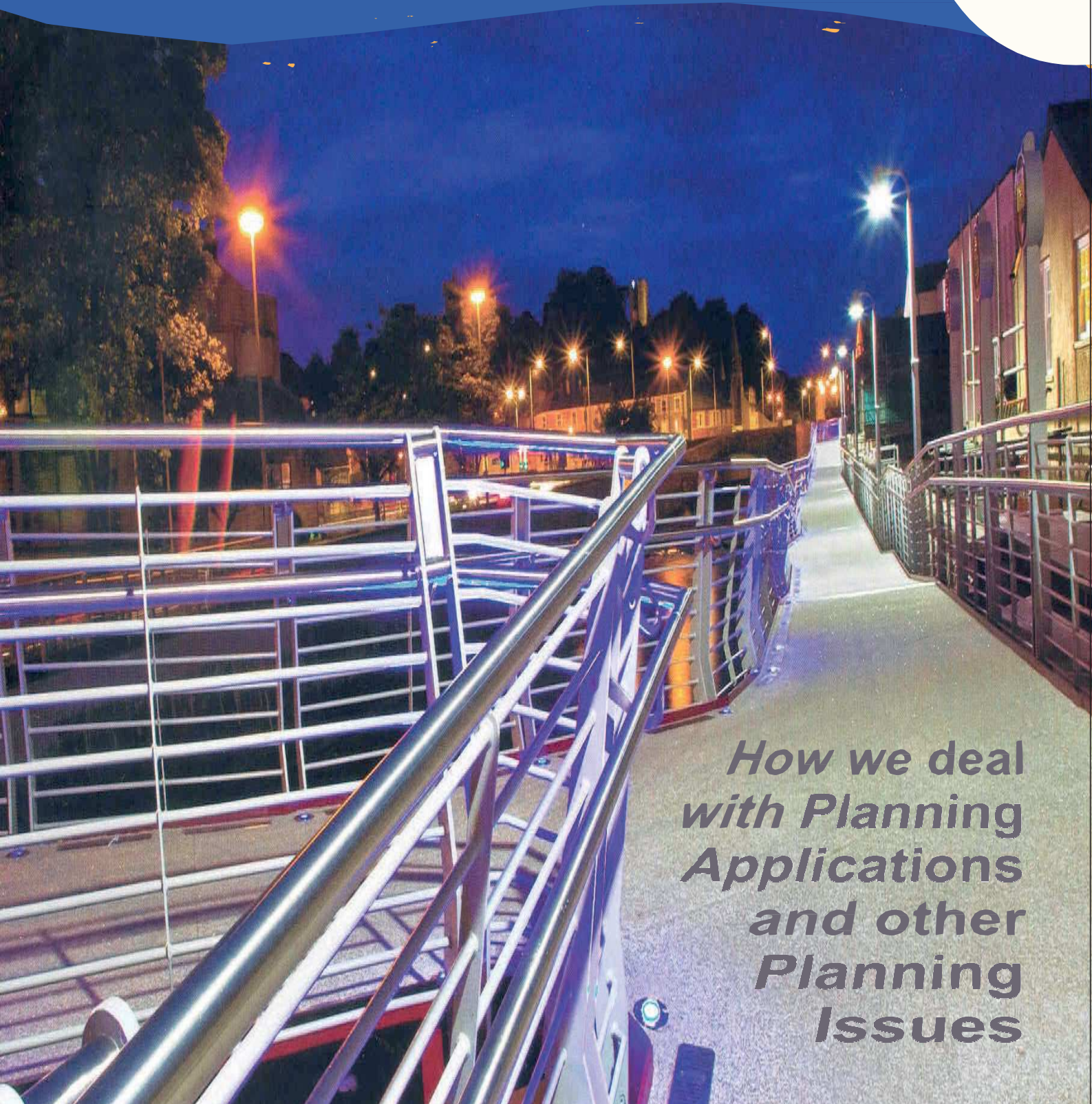
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Background documents: Appendix 1 – Covid-19 Replacement LDP Review
Appendix 2 - Revised Delivery Agreement

Planning Code of Practice



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

Bridgend County Borough Council

Updated April 2017

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1. INTRODUCTION

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

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

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

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

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

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

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

2. ROLE OF MEMBERS AND OFFICERS

2.1 General

2.1.1 Differing Roles

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

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

2.1.2 Relationship and Trust

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

2.2 Role of Officers

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

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

2.3 Role of Councillors

2.3.1 Upholding Policy

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

2.3.2 Planning consideration

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

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

2.3.3 Ward Member Views

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

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

2.3.4 Development Control Committee

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

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

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

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

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

2.4 Member/Officer Contact

2.4.1 *Understanding roles*

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

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

2.4.2 *Contact & Appointments*

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

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

2.4.3 *Assistance from Officers*

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

2.4.4 *Non-interference*

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

3. TRAINING

3.1 Undertaking training

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

3.2 Core/Fundamental training

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

3.3 Other training

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

3.4 Attendance & Monitoring

Members of the Development Control Committee must attend the core training sessions and should attend a minimum of 75% of the training arranged.

4. REGISTRATION AND DECLARATION OF INTERESTS

4.1 Code of Conduct

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

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

4.2 Relationship with Third Parties

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

4.3 Personal and Prejudicial Interests

4.3.1 Disclosure

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

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

4.3.2 Interests

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

4.3.3 Action when interest declared

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

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

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

4.4 Declaration of Interest

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

4.5 Register

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

4.6 Dual Community/Town Council Membership

4.6.1 Interest

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

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

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

4.6.2 Town & Community Applications

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

5. LOBBYING

5.1 Lobbying

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

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

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

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

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

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

5.2 Decision on Merits

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

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

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

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

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

5.3 Contact

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

5.4 Ward Councillors

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

5.5 Monitoring Officer

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

5.6 Predetermination

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

5.7 Members function

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

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

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

5.8 Disclosure

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

6. APPLICATIONS SUBMITTED BY MEMBERS AND OFFICERS

6.1 Not to be delegated

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

6.2 Declaration of Interest

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

6.3 Officer affected

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

7. APPLICATIONS SUBMITTED BY THE COUNCIL

7.1 Equal footing Council Applications

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

7.2 Council applications – Consultation

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

7.3 Transparency

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

8. PRE-APPLICATION

8.1 Pre-Application Advice

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

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

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

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

Pre application discussions will be conducted in private.

8.2 Pre-Application Consultation on Major Developments

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

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

“Community consultees” comprise:

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

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

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

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

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

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

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

9. DEVELOPMENT CONTROL COMMITTEE SITE VISITS

9.1 Purpose

9.1.1 *Fact Finding*

Development Control Committee site visits are not meetings where decisions are made and neither are they public meetings. They are essentially fact finding exercises held for the benefit of Members where a proposed development may be difficult to visualise from the plans and supporting material.

They may also be necessary for careful consideration of relationships to adjoining property or the general vicinity of the proposal due to its scale or effect on a listed building or conservation area for example.

9.2 Request for a Site Visit

9.2.1 *Ward Member request for Site Visit*

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

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

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

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

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

9.2.2 *Inappropriate Site Visit*

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

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

9.3 Format and Conduct at the Site Visit

9.3.1 Attendance

Members of the Development Control Committee, the local Ward Member(s) and the relevant Town or Community Council will be notified in advance of any visit.

The applicant and/or the applicant's agent will also be informed as will any person who has registered an intention to speak at Committee but it will be made clear that representations cannot be made during the course of the visit.

9.3.2 Officer Advice

The Chair will invite the Planning Officer to briefly outline the proposals and point out the key issues raised by the application and of any vantage points from which the site should be viewed.

Members may ask questions and seek clarification and Officers will respond. The applicant or agent will be invited by the Chairman to clarify aspects of the development and the local Ward Member(s) and one objector who has registered a request to speak at Committee and a Town/Community Council representative will be allowed to clarify any points of objection, both only in respect of any features of the site or its locality which are relevant to the determination of the planning application. Any statement or discussion concerning the principles and policies applicable to the development or to the merits of the proposal will not be allowed.

9.3.3 Code of Conduct

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

9.3.4 Record keeping

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

9.3.5 Site Visit Summary

In summary site visits are:-

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

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

10. PROCEDURE AT DEVELOPMENT CONTROL COMMITTEE

10.1 Delegation

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

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

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

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

10.2 Reports

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

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

10.3 Late observations

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

10.4 Officer Report at Committee

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

10.5 Deferment

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

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

11. DECISIONS CONTRARY TO OFFICER RECOMMENDATION

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

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

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

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

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

12. APPEALS AGAINST COUNCIL DECISIONS

12.1 Officers Role

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

12.2 Committee Members Role

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

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

12.3 Members support of an appellant

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

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

12.4 RTPI Code of Conduct

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

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

13. PLANNING AGREEMENTS AND SECTION 106s

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

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

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

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

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

14. REGULAR REVIEW OF DECISIONS

14.1 Reviewing Decisions

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

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

15. COMPLAINTS PROCEDURE

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

Appendix 1

SCHEME OF DELEGATION

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

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

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

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

household be treated as one neighbour objection.

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

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

Appendix 2 – Planning Considerations

Relevant or Material Planning Considerations:

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

- √ Local and National planning policies e.g. the Local Development Plan and Planning Policy Wales.
- √ EU Law and Regulations.
- √ Government circulars, orders, statutory instruments, guidance and advice e.g. Technical Advice Notes.
- √ Planning history including appeal decisions and pre-application consultation with the Local Planning Authority.
- √ Case law.
- √ Socio economic benefits e.g. employment generation.
- √ Sustainability.
- √ Nature conservation including habitat and biodiversity opportunities.
- √ Loss of outlook or overshadowing (not loss of view).
- √ Flood risk.
- √ Overlooking and loss of privacy.
- √ Highway issues e.g. traffic generation, access, highway safety.
- √ General noise or disturbance resulting from use, including proposed hours of operation.
- √ Odours, air quality and emissions.
- √ Archaeology.
- √ Capacity of infrastructure, e.g. public drainage systems.
- √ Deficiencies in social facilities, e.g. spaces in schools.
- √ Contaminated land.
- √ Loss of or effect on trees.
- √ Disabled access to existing buildings.
- √ Effect on listed buildings and conservation areas.
- √ Layout, scale, appearance and density of buildings.
- √ Landscaping and means of enclosure.
- √ Loss of open space.
- √ Section 106 Legal Agreement or Community Infrastructure Levy.

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

Non-material or Irrelevant Planning Considerations:

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

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

Appendix 3

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

Introduction

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

The Meetings

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

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

Webcasting of meetings

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

Are you eligible?

You should be one of the following:-

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

How do I go about it?

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

When can I see the Officer's report?

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

How can I register my desire to speak?

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

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

How is the speaking organised?

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

How will the scheme work for Applicants/Agents?

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

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

How the scheme will work for Town and Community Councils?

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

How long can I speak?

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

Extraordinary Applications

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

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

What can be said at Committee?

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

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

Matters that cannot be considered by Committee include:-

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

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

Who else can speak?

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

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

When is the decision made?

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

Can I appeal against the decision?

Only if you are the applicant.

What happens after the Committee?

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

What happens once a decision is made?

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

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO DEVELOPMENT CONTROL COMMITTEE

17 SEPTEMBER 2020

REPORT OF THE CHIEF EXECUTIVE

NANTYMOEL CONSERVATION AREA ARTICLE 4(2) DIRECTION

1. Purpose of report

- 1.1 The purpose of this report is to update Members on a decision made on 27 May 2020 via delegated powers to agree and subsequently confirm (through the signing and sealing) an Article 4(2) Direction in Nantymoel Conservation Area on 8 June 2020. As Members are aware, the Article 4(2) Direction removed certain permitted development rights from the properties included in the Direction and the effect was immediate when Members agreed they were made at Development Control Committee on 16 January 2020. If the Directions were not confirmed within 6 months of being made (by 17 June 2020) they would have lapsed.

2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objective under the **Well-being of Future Generations (Wales) Act 2015:-**
1. **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
 - 2.2 Local Authorities have a duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 and Historic Environment Act 2016 to pay “special” regard to the setting of buildings of special architectural or historic interest (Listed Buildings) and to review their areas from time to time for potential Conservation Area designation. They also have a statutory duty to preserve or enhance the character or appearance of Conservation Areas when assessing development proposals.

3. Background

- 3.1 Members are aware that at a meeting of Development Control Committee on 16 January 2020 it was agreed to make an Article 4 (2) Direction in Nantymoel Conservation Area. The effect of this Direction is the withdrawal of what would otherwise be permitted development rights relating to the demolition of front boundary walls. Members are reminded of the scope of the Direction and the properties that are affected, details of which are contained in Appendix 1.

- 3.2 As soon as the Direction was signed and sealed, notice was given by publication in the local newspaper and by serving notice on the owners and occupiers covered by the Direction in order to give the opportunity to make representations. A draft guidance leaflet was also issued to assist owners and occupiers to understand the implication of the proposed Article 4 Direction.

4. Current situation/proposal

- 4.1 The effect of the Article 4 (2) Direction was immediate and controls over what was previously permitted development were therefore in place from 16 January 2020. An Article 4 Direction will lapse unless it is confirmed within 6 months.
- 4.2 As a direct response to the Article 4 letter of notification being issued, five responses were received from owners and occupiers of the properties. The content of these responses is summarised in Appendix 2 for Members information only. Three telephone callers did not object but wanted further clarification. Two written responses were received, one misunderstood the letter and wanted clarification regarding Conservation Area status and one objected because too much historic character had already been removed.
- 4.3 To avoid the expiry of the Article 4 (2) Direction, Bridgend County Borough Council needed to confirm it by 17 June 2020 and due to COVID 19 lockdown and the subsequent postponement of Development Control Committee meetings, a decision was taken on 27 May 2020 under emergency delegated powers (Ref CMM-PRU-20-23) in consultation with Officers and Members to confirm the Article 4 Direction without modification. A copy of the confirmed signed and sealed direction is enclosed as Appendix 1.
- 4.4 As soon as the direction was confirmed letters were sent to all owners / occupiers of the affected properties along with a final copy of the guidance leaflet produced. It is proposed that the final version of the leaflet contained in Appendix 3 is adopted for Development Control purposes.

5. Effect upon policy framework and procedure rules

- 5.1 In addition to supporting the Authority's statutory duties with regard to Conservation Areas, the Article 4 Direction concurs with Strategic Policy SP5 of the Adopted Local Development Plan and will also be relevant in the determination of Planning applications.

6. Equality Impact Assessment

- 6.1 A screening exercise using the Equality Impact Assessment Toolkit was undertaken before the decision to confirm the Article 4(2) Direction was made. It was concluded that there could potentially be a minor impact on disabled people, where permitted development rights are removed under Part 2: Minor Operations Class A, with regard to the opportunity to park vehicles within the curtilage of a dwelling house in a Conservation Area. The demolition of a boundary wall will not be permitted development within the Conservation Area and would require Planning permission. The inclusion of Class A will only therefore marginally impact on this group. All communications will be presented bilingually.

7. Well-being of Future Generations (Wales) Act 2015 Implications

7.1 Places which are distinctive and natural contribute to the goals of the Well Being of Future Generations (Wales) Act 2015 in the following ways;

- A Prosperous Wales can be realised by valuing the quality of landscapes and historic environment for tourism, and using locally sourced building products to be used and enjoyed by local communities.
- A Resilient Wales can be created by promoting opportunities for social and economic activity based on valuing and enabling access to the natural historic and built environment.
- A Healthier Wales can be achieved by enabling opportunities for connecting with the historic environment with the benefit of improving physical and mental well-being.
- A More Equal Wales can be achieved via regeneration which should promote beneficial use of historical mining and industrial legacies in a sensitive way to allow communities to thrive.
- A Vibrant Culture means building on those unique and special characteristics which gives places their distinct “feel” and identity. This can be done through fostering and sustaining a sense of place through the protection and enhancement of the natural historic and built environment.

Planning Policy Wales (Edition 10) states that Development Plan policies and strategies should be formulated to look at the long term protection and enhancement of the special characteristics and intrinsic quality of places ensuring longevity in the face of change. This means protecting the historic environment in its own right. The Article 4 (2) Direction and Conservation area status contributes to all of the above goals and there will be no negative impact.

8. Financial implications

8.1 There are potential financial implications for the Council as a result of the Direction being implemented.

8.2 If a Direction is made under Article 4, no fee is payable for a Planning application made in respect of what would have been permitted development had there been no Article 4 Direction.

8.3 If consent is refused or granted subject to conditions by the Council following an application for Planning consent for development which would have been permitted development before the making of the Article 4 Direction, an applicant might seek to use the compensation provisions of Section 108 of the Town and Country Planning Act 1990 to claim compensation against the Council. If such a claim is made successfully the amount of compensation will be assessed in accordance with the provisions set out in Section 107 of the Town and Country Planning Act 1990. In broad terms compensation is available for abortive expenditure incurred in pursuance of an application and also for any other loss or damage directly attributable to the refusal of the planning application. Each case would be assessed separately and it is not possible to suggest any figures for compensation for any future claims.

9. Recommendations

9.1 Members are recommended to:

- Note that the Direction under Article 4 (2) of the Town and Country Planning (General Permitted Development) Order 1995 to remove permitted development rights from those owners and occupiers of dwelling houses contained within the Nantymoel Conservation Area under the terms set out in Appendix 1 was confirmed without modification on 8 June 2020.
- Adopt the guidance leaflet in Appendix 3 for Development Control purposes.

Mark Shephard
CHIEF EXECUTIVE
17 September 2020

Contact officer: Claire Hamm
Team Leader Conservation and Design

Telephone: (01656) 643164

Email: claire.hamm@bridgend.gov.uk

Postal address: Civic Offices
Angel Street
Bridgend
CF31 4WB

Background documents: None

Schedule of residential properties in the Nantymoel Conservation Area affected by this Article 4(2) Direction

Blaenogwr Terrace

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, Blaenogwr Terrace

Chapel Terrace

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, Chapel Terrace

Dinam Street

Site of former Gilead Methodist Chapel, 32, 33b, 34, 35, 36, 37, 41, Tan y Bryn, Dinam Street

Ogmore Terrace

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, Ogmore Terrace

Cardigan Terrace

1, 1a, 2, 2a, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, Cardigan Terrace

Commercial Street

36, Mountain View, Commercial Street

Given under the Common Seal of the County Borough Council of Bridgend this.....17th.....day of ~~DECEMBER~~.....2019.

THE COMMON SEAL of)
BRIDGEND COUNTY BOROUGH)
COUNCIL was hereunto affixed)
in the presence of:-)

LEADER)
MAYOR:) *K.D.J.*



AUTHORISED SIGNATORY: *K. Watson*

THIS DIRECTION WAS CONFIRMED BY BRIDGEND COUNTY BOROUGH COUNCIL WITHOUT MODIFICATIONS ON THE 8TH JUNE 2020.

Huw David

L. G. Thomas

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED
DEVELOPMENT) ORDER 1995**

DIRECTION UNDER ARTICLE 4(2)

WHEREAS the Council of the County Borough of Bridgend being the appropriate local planning authority within the meaning of Article 4(6) of the Town and Country Planning (General Permitted Development) Order 1995, are satisfied that it is expedient that development of the description(s) set out in the Schedule below should not be carried out to the properties identified in the same schedule and situate within the area shown edged green on the attached plan, unless permission is granted on an application made under Part III of the Town and Country Planning Act 1990,

AND WHEREAS the Council consider that development of the said description would be prejudicial to the proper planning of their area and would constitute a threat to the amenities of their area and that the provisions of paragraph 7 of Article 6 of the Town and Country Planning (General Permitted Development) Order 1995 apply,

NOW THEREFORE the said Council in pursuance of the power conferred on them by Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995 hereby direct that the permission granted by Article 3 of the said Order shall not apply to development on the said land of the description set out in the schedule below.

THIS DIRECTION is made under Article 4(2) of the said Order and, in accordance with Article 6(7), shall remain in force until 17 JUNE, 2020. (being six months from the date of this Direction) and shall then expire unless it has been approved by the Council.

SCHEDULE

List of Permitted Development Rights to be removed from residential properties located within the Nantymoel Conservation Area through the implementation of an Article 4(2) Direction under the Town and Country Planning (General Permitted Development) Order 1995.

The following 'schedule' and 'part' references relate to the Town and Country Planning (Permitted Development) Order 1995 Schedule 2.

Part 2: Minor Operations

Class A: The erection or demolition of a gate, fence, wall or other means of enclosure within the curtilage of a dwellinghouse fronting a highway or open space.

Nantymoel Conservation Area


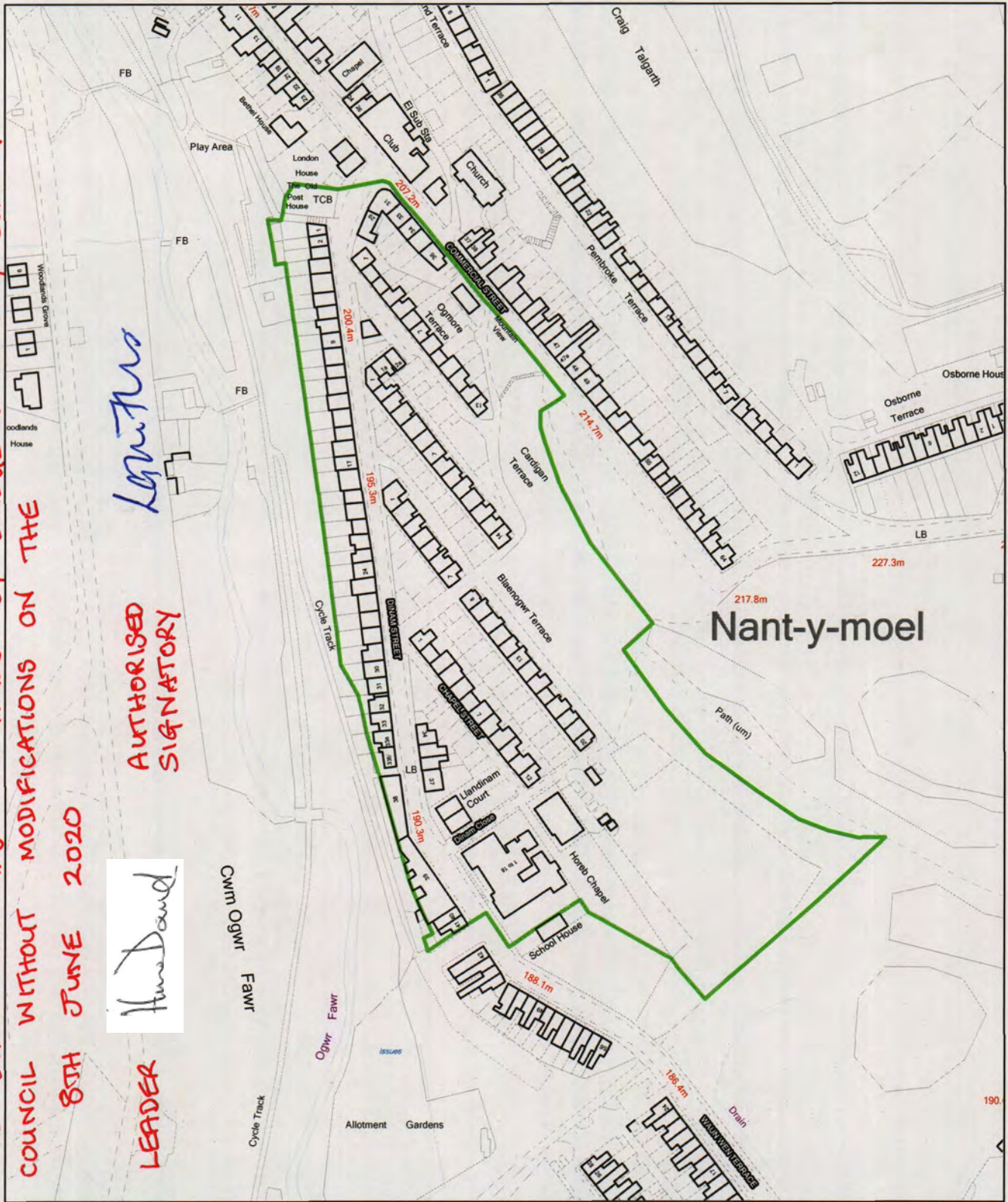


THIS DIRECTION WAS CONFIRMED BY BRIDGEND COUNTY BOROUGH
COUNCIL WITHOUT MODIFICATIONS ON THE
8TH JUNE 2020

Lynne

AUTHORISED
SIGNATORY

LEADER

**BRIDGEND COUNTY
BOROUGH COUNCIL**

Jonathan Parsons
Group Manager - Planning and Dev. Services
Communities Directorate
Divic Offices
Angel Street
Bridgend CF31 4WB

Scale 1 : 2,500

Date 02/12/2019

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Forestry Commission,
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Appendix 2

Summary of Responses

Five responses were received upon notification of the Article 4 Direction. Three telephone calls and two written responses were received.

No. 13 Blaenogwr Terrace (telephone)

The Owner/occupier didn't receive an English leaflet, so wasn't sure what the implications were, but expressed no objections.

No. 8 Dinam Street (telephone)

The tenant hadn't received an English leaflet so the landlord contacted us to find out what the implications were, but expressed no objections.

No. 3 Ogmores Terrace (telephone)

The Owner/occupier wasn't aware that it was a conservation area, said it was a beautiful area and was pleased that it was protected.

No. 6 Dinam Street (email and letter)

Owner/occupier had misunderstood the notification letter and leaflet, and thought that conservation area status had previously been withdrawn and that it was being reinstated. The questions posed weren't related to the Direction itself, but rather to permitted development rights within a conservation area, and the owner/occupier thought that the Direction was insisting that certain features had to be reinstated.

Tanybryn, Dinam Street (email)

The Owner/occupier was not aware that it was a conservation area and complained about the procedure of notification, and said that that controls should have been put in place before houses were modernised and that it was a bit late to bring them in now. They felt that the Direction might affect the value of the property and put off future buyers.



Design Guidance for Nantymoel Conservation Area:

If your property is in a Conservation Area some alterations / additions may require consent. It is always better to check with your conservation officer in the local planning authority. The following general guidance will assist owners when considering repairs or alterations to their property, to preserve and enhance the distinctive character or appearance of Nantymoel Conservation Area.

| Proposed Work | All properties |
|-------------------------------------|--|
| Chimneys | To be retained and repaired as existing. |
| Roof | Additions or alterations to the roof are unlikely to be permitted. |
| External wall finishes | The application of cladding any part of the exterior with stone, artificial stone, pebble dash, render, timber, plastic or metal or tiles will not be permitted. |
| Windows and doors | Opening sizes to remain as existing, design of windows and doors to be agreed. |
| Roof light | Insertion of a roof light into a roof slope in main elevation will not be permitted. |
| Satellite dishes/ antennae/ aerials | To be located in least prominent location, position to be agreed. |
| Trees | Works to trees*, including topping, lopping, felling etc requires prior notification to Planning. |



Design Guidance (continued):

| Proposed work | Properties affected by Article 4(2) Direction |
|---|---|
| Boundary treatments to rear gardens | Walls or close boarded timber fencing to max. 1.8m height or lower. Fencing should be painted in dark brown/black to be consistent. |
| Boundary treatments to front gardens | Existing stone boundary walls, and hedges to be retained whenever possible. |
| * although there are very few trees within the conservation area, legislation stipulates that works carried out to trees with a diameter of 75mm or greater at 1.5m above ground level in a conservation area will need planning consent. | |

Further information and advice:

Information and advice on listed buildings and conservation areas is available at the Conservation and Design Team on (01656) 643614, (01656) 643175 or (01656) 815214, or by email on conservation&design@bridgend.gov.uk.

If you are unsure whether planning permission or any other consent may be required for alterations to your property please contact the Planning Department in writing, and copy the Conservation & Design team into correspondence. Contact details:

Planning Department
 Bridgend County Borough Council
 Civic Offices
 Angel Street
 Bridgend CF31 4WB
planning@bridgend.gov.uk



**NANTYMOEL
 CONSERVATION AREA
 ARTICLE 4 (2) DIRECTION &
 CONSERVATION AREA GUIDE**



**CONSERVATION AREAS IN
 BRIDGEND COUNTY BOROUGH**





Nantymoel Conservation Area:

Special Architectural and Historic Interest

Nantymoel is located at the head of the Ogmere Valley, and developed as part of David Davies' great coal-mining enterprise that owes its existence to the sinking of the Western Colliery in the first half of the nineteenth century. Prior to the motor car it was important to have the workforce living close to the colliery, particularly as it was then a remote valley head. So the early village of Nantymoel was rapidly developed in the shadow of the winding gear of the colliery.

Nantymoel Conservation Area was designated in August 1973, and includes five terraces, Dinam Street, Ogmere Terrace, Cardigan Terrace, Blaenogwr Terrace and Chapel Terrace, as well as a small section of Commercial Street. Although built prior to the implementation of the 1875 Public Health Act, the terraced properties incorporate many of the better features which later became mandatory in housing provision, this was possibly due to the enlightened attitude of the Colliery Company of the well-being of its workforce, or by the need to attract people to a then remote village.

The industrial vernacular style houses are fine examples of unique single aspect and double-fronted design. Though the town economy has suffered from the closure of mining and the need for most people to travel down the valley in search of work, this has inhibited significant redevelopment, leaving streetscapes that retain the integrity and completeness of their original form. A non-conformist chapel overlooks the terraced houses along with a section of the Local Authority School now serving as sheltered housing accommodation that lies below it.

The significance of the built form at Nantymoel Conservation Area:

The distinctive character of the Conservation Area is determined by the terraced form on the sloping hillside with a layout including four terraces at an angle to the main through road and facing terrace. They appear to sprawl up the valley in a ribbon effect. The contours of the rural landscape add to the appearance of this characteristic coal mining community.

Individual gardens are provided in front of the angled rows of houses and a continuous footpath provides access with links at the end rear of each terrace. The terrace gardens aid the merger between the physical and natural elements of the setting, with the mountains in the distance acting as borrowed views. The area illustrates an early example of the application of the principles of pedestrian and vehicular segregation in housing layout.

The terraced houses are built of pennant sandstone and the associated terraced gardens are protected by matching stone boundary walls. These stone boundary walls are an important feature of this mainly treeless environment. They link together with the stone terraces providing a consistent setting, creating a coherent and harmonious heritage environment. Where the stone boundary walls have been replaced by other materials i.e. modern cement blocks, brick walls, and lapped fencing the character of the streetscapes has changed, causing a threat to the character of the area, particularly when gardens are replaced with tarmacked car parking areas. It's important therefore to preserve, or even reinstate where possible the natural stone walls that provide such an important cohesive role.

Planning authorities are required to preserve and enhance the character and appearance of conservation areas as a whole, and not just the buildings within them. It is with that in mind that an Article 4(2) Direction has been put on certain properties within the Conservation Area. Those properties affected by the direction are listed below, and any of those properties proposing to carry out works to a boundary wall in the conservation area must contact the Local Planning Authority.

Properties affected by the Article 4(2) Direction:

Blaenogwr Terrace Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 & 20

Chapel Terrace, Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 12

Dinam Street, Site of former Gilead Methodist Chapel & Nos. 32, 33b, 34, 35, 36, 37, 41 & Tan y Bryn

Ogmere Terrace, Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 13

Cardigan Terrace, Nos. 1, 1a, 2, 2a, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 & 14

Commercial Street, No. 36 & Mountain View.

