

Public Document Pack

Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

Bridgend County Borough Council



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

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

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



Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate

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

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Friday, 15 January 2021

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held remotely via Microsoft Teams on **Thursday, 21 January 2021 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 - 8
To receive for approval the minutes of the 10/12/2020
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 9 - 16
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 17 - 20
7. P/20/552/RLX - South West Wood Products site, Heol Llan, Coity, CF35 6BU 21 - 50

By receiving this Agenda Pack electronically you will save the Authority approx. £2.48 in printing costs

- | | | |
|-----|--|-----------|
| 8. | <u>P/20/553/FUL - Lock Complex, south east of South West Wood Products site, Heol Llan, Coity CF35 6BU</u> | 51 - 68 |
| 9. | <u>P/20/346/FUL - Lidl Regional Distribution Centre, Waterton Industrial Estate, Bridgend, CF31 3PH</u> | 69 - 88 |
| 10. | <u>Appeals</u> | 89 - 104 |
| 11. | <u>Educational Facilities and Residential Development SPG</u> | 105 - 132 |
| 12. | <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. | |

Note: Please note: Due to the current requirement for social distancing this meeting will not be held at its usual location. This will be a virtual meeting and Members and Officers will be attending remotely. The meeting will be recorded for subsequent transmission via the Council's internet site which will be available as soon as practicable after the meeting. If you have any queries regarding this, please contact cabinet_committee@bridgend.gov.uk or tel. 01656 643147 / 643148.

Yours faithfully

K Watson

Chief Officer, Legal, HR & Regulatory Services

Councillors:

SE Baldwin
JPD Blundell
RJ Collins
SK Dendy
DK Edwards
RM Granville

Councillors

A Hussain
MJ Kearn
DRW Lewis
JE Lewis
JC Radcliffe
JC Spanswick

Councillors

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

Agenda Item 3

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 10 DECEMBER 2020

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN REMOTELY VIA SKYPE FOR BUSINESS ON THURSDAY, 10 DECEMBER 2020 AT 14:00

Present

Councillor G Thomas – Chairperson

| | | | |
|--------------|-------------|------------|--------------|
| JPD Blundell | SK Dendy | DK Edwards | RM Granville |
| A Hussain | MJ Kearn | DRW Lewis | JE Lewis |
| JC Radcliffe | RME Stirman | MC Voisey | KJ Watts |
| CA Webster | AJ Williams | | |

Apologies for Absence

SE Baldwin, RJ Collins and JC Spanswick

Officers:

| | |
|------------------|---|
| Rhodri Davies | Development & Building Control Manager |
| Gareth Denning | Policy Team Leader |
| Lee Evans | Senior Planning Officer |
| Craig Flower | Planning Support Team Leader |
| Mark Galvin | Senior Democratic Services Officer - Committees |
| Rod Jones | Senior Lawyer |
| Hayley Kemp | Principal Planning Officer |
| Robert Morgan | Senior Development Control Officer |
| Jonathan Parsons | Group Manager Development |
| Michael Pitman | Democratic Services Officer - Committees |
| Philip Thomas | Principal Planning Officer |
| Leigh Tuck | Senior Development Control Officer |

428. DECLARATIONS OF INTEREST

None.

429. APPROVAL OF MINUTES

RESOLVED:

That the Minutes of a meeting of the Development Control Committee dated 29 October 2020, be approved as a true and accurate record.

430. PUBLIC SPEAKERS

The following objector's registered to speak on the undermentioned planning applications. As they could not attend the meeting, the Legal Officer read out their respective written representations in their absence at the meeting. The applicant's agent attended the meeting and responded to these, as part of his right of reply to the representations so made, in respect of each application:-

| <u>Objector</u> | <u>Applicant's Agent</u> | <u>Planning Applications</u> |
|-----------------|--------------------------|------------------------------|
| A Corrigan | S Courtney | P/20/263/FUL |
| A Frisswell | S Courtney | P/20/266/CAC |

431. AMENDMENT SHEET

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 10 DECEMBER 2020

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.

432. **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.

433. **P/20/263/FUL - LAND AT FORMER ST. JOHN'S SCHOOL, NEWTON, PORTHCAWL, CF36 5SJ**

RESOLVED: (1) That having regard to the above application, the applicant enters into a Section 106 Agreement to provide:-

- i. 8 affordable housing units on site and an off-site contribution for 9 affordable housing units which will be of equivalent value to the provision of 4 Social Rented and 5 Intermediate dwellings on site. The off-site contribution will be calculated in accordance with SPG13 Affordable Housing as it will be subject to adjustment in line with market prices at the time of construction.
- ii. a financial contribution of £75,450 to improve provision off-site to the local children's play area to improve the existing LEAP facility.
- iii. a financial contribution of £8,000 to fund a Road Traffic Order to designate the development site as a 20mph zone.
- iv. a Public Art Strategy/Plan to be agreed by BCBC to include details of:
 - a costed scheme for the provision of public art, including detailed drawings;
 - a schedule for implementation;
 - a description of commission or selection process;
 - evidence of consultation with local residents and Members; and
 - details of future care and maintenance of the art work/s.

(2) The Corporate Director Communities be given delegated powers to issue a decision notice granting conditional consent in respect of this proposal, once the applicant has entered into the aforementioned Section 106 Agreement, subject to the Conditions contained in the report of the Group Manager Planning and Development Services.

Proposal

Demolition of the existing buildings and construction of 57 dwellings, including 8 affordable apartments, landscaping, public open space, SUDS and associated works.

Note:

Subject to reference to Bryneglwys Gardens in Condition 23 of the report, being amended to Bryneglwys Avenue.

434. P/20/266/CAC - LAND AT FORMER ST. JOHN'S SCHOOL, NEWTON, PORTHCAWL, CF36 5SJ

RESOLVED: That Conservation Area Consent be granted for the above application, subject to the Conditions contained in the report of the Group Manager Planning and Development Services.

Proposal

Conservation Area Consent for the demolition of the existing school buildings within Newton Conservation Area.

435. P/19/659/FUL - PLOT ADJOINING 40 BRYN ROAD, OGMORE VALE, CF32 7DW

RESOLVED: That planning permission be granted for the above application, subject to the Conditions contained in the report of the Group Manager Planning and Development Services.

Proposal

Construction of two pairs of semi-detached houses.

436. APPEALS

RESOLVED:

- (1) That the Appeal received since the last Committee meeting as detailed in the report of the Group Manager Planning and Development Services, be noted.
- (2) That the following Appeal Decision as contained in the report of the Group Manager Planning and Development Services and decided by the Inspector appointed by the Welsh Ministers since the last report to Committee, be noted:-

C/20/3250570 (1889) – Unauthorised use as a holiday let, Ivy Cottage, Court Colman, CF31 4NG - DECISION – Appeal be Dismissed (see Appendix A to the report).

437. USE OF PLANNING PERFORMANCE AGREEMENTS AND OTHER COST RECOVERY MEASURES FOR THE DETERMINATION OF PLANNING APPLICATIONS

The Group Manager – Planning and Development Services presented a report, to advise Members of the potential to use Planning Performance Agreements (PPAs) with developers as part of a system of cost recovery in dealing with (mainly) major development proposals, with the principle equally also being applicable to smaller scale developments.

By way of background information, he confirmed that the main purpose of a PPA is to provide a framework agreed between the Local Planning Authority (LPA) and the applicant or potential applicant, about the process for considering a major development proposal. A PPA was a flexible mechanism adaptable to proposals where the issues raised are relatively straightforward to those where the issues are complex, a number of parties may be involved and the process may be staged over a long period. In the case of a Planning application this could range from the pre-application submission to the final

agreement of Planning conditions. There was no standard PPA as each one is likely to be unique to its particular circumstances. A PPA is viewed as an efficiency tool which provides a clear timeframe to progress significant development and associated economic benefits, as well as where necessary additional resource to ensure service continuity.

The lack of adequate resource of Planning functions within local Authorities in Wales is a national issue identified by both Welsh Government and the Royal Town Planning Institute (RTPI). It is apparent that there is a critical loss of Planning and related skills within local Authorities together with a corresponding impact on the ability to deliver sustainable development in line with national policy. Lack of adequate resource within Planning Authorities is also identified as one of the principal reasons behind delays in the Planning system.

The Auditor General for Wales undertook a thorough examination of the Planning System in Wales and specifically its ability to implement the aims and objectives of the Wellbeing of Future Generations Act (Effectiveness of Local Planning Authorities in Wales, June 2019). Further to this, both the Welsh Parliament Public Accounts Committee (Effectiveness of Local Planning Authorities in Wales, June 2020) and Future Generations Commissioner (The Future Generations Report 2020) raised concerns on the ability of Planning teams to deliver key national legislation and policy. Lack of adequate resource within Planning teams was cited as a key risk factor across all these independent reports.

The Group Manager – Planning and Development Services, advised that Bridgend was no exception to this national picture and staffing levels within the area of Planning had reduced by 50% over the last 8 years together with a loss of specialist roles including GIS, Minerals Planning and urban design expertise. In order to meet the challenge of resource issues against a need to deliver a vital service against a challenging backdrop of radical changes to policy and legislation, the service had been rationalised and restructured on a number of previous occasions.

He continued by stating, that due to high workloads, increasing complexity of technical submissions as well as the implementation of far reaching national legislation and policy including the critical place making agenda, the Service is losing the gains made through efficiency over the last decade and is at risk of failure and potentially considering a reduction in service levels to provide a focus on core statutory functions only.

The above pressures had been exacerbated also, by the number of planning applications submitted for large scale developments in the last 12 months or so and ongoing work being progressed in terms of the Local Development Plan (LDP), he added.

The use of a PPA in these circumstances, would provide an agreed framework for the processing of the application from pre-application stage through to the discharge of conditions, as well as the potential to secure additional resource to assist in covering those staff members fully engaged on the project.

Bridgend is seen as a key area of growth and is identified as such in the forthcoming National Development Framework (NDF) or Future Wales. It is highly likely that other key inward investment proposals will be forthcoming. Added to this is the Replacement Local Development Plan (LDP), due for adoption in mid-2022, which will identify a number of key strategic sites within the County Borough together with the corresponding need for Planning consent. There was demonstrative need for a system of PPAs to be introduced in time to meet the challenge. Furthermore, there is increasing

evidence of the willingness of developers to enter PPA's as part of the regular Planning process.

It was therefore proposed, to consider the potential for this system within Bridgend with a view to introduce a system of PPAs to be included as part of a revised and updated Pre- Application Advice Service.

Principally, PPAs would be used for larger development schemes (major and above) but could also be used for any type of development that requires an extraordinary response from the LPA.

The Group Manager – Planning and Development Services concluded, by confirming that in light of the above and other information contained within the report, Members were requested to authorise Officers to explore the use of PPAs within Bridgend and to review its paid for pre-application advice service, with a view to seeking the subsequent approval of Cabinet for a new charging structure in due course. Added resource secured through PPAs would assist in longer viability and resilience of the Planning and Development service area.

He then responded to a number of Members questions, following which it was

- RESOLVED:**
- (1) That Members agreed to the principle of introducing a system of Planning Performance Agreements in Bridgend and authorised the Group Manager Planning and Development Services to seek Cabinet approval to take forward a formal system of agreement and charging.
 - (2) That authority be given to the Group Manager - Planning and Development Services to review and make changes to the current Pre-Application Advice Service and scale of charges.

438. **WELSH GOVERNMENT CONSULTATION DOCUMENT REGULATIONS ESTABLISHING THE PROCEDURE FOR THE PREPARATION OF STRATEGIC DEVELOPMENT PLAN AND ASSOCIATED MATTERS**

The Corporate Director Communities submitted a report, the purpose of which, was to inform Development Control Committee that Welsh Government are seeking views on their policy intent for the subordinate legislation required to establish the procedure for Strategic Development Plans, to be prepared across Wales by Corporate Joint Committees.

The report set out in detail the legislative background to the making and adoption of Local Development Plans (LDPs) and Strategic Development Plans (SDPs) in Wales. The policy intent in respect of SDPs is to introduce a more strategic approach to plan making at a scale greater than individual LDPs. Welsh Government state that there is an identified need to improve how the Planning system addresses issues that cross local authority boundaries to reflect how people live their lives today and in the future. SDPs should provide a more consistent, cost effective and efficient approach to Plan Making with key decisions taken once at the strategic level.

The Local Government Elections Bill (LGEB) was introduced into the Senedd in November 2019. It introduces Corporate Joint Committees (CJCs) as the Welsh Ministers' preferred means of preparing an SDP. The LGEB confers a power on the Welsh Ministers to establish CJCs via Regulations. The Minister for Housing and Local Government has confirmed the Welsh Government's intention to establish the first CJCs

as soon as possible. The Regulations will be called the Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021 (the SDP Regulations).

Once a S D P is adopted an LDP will still need to be prepared by the local authority. LDPs prepared under an adopted SDP will be more focussed in nature, dealing with local issues and policies, that will identify site specific allocations, prepared in general conformity with the adopted SDP.

Welsh Government's consultation document sought the Planning Authority's views on 9 specific questions. The questions were detailed in the report, together with a proposed response to each of the questions.

RESOLVED:

That the Development Control Committee noted the contents of the report and authorised the Group Manager – Planning & Development Services (in consultation with the Cabinet Member for Communities) to formally respond to the 9 specific consultation questions.

439. URGENT ITEMS

None.

The meeting closed at 16:00

DEVELOPMENT CONTROL COMMITTEE 21 JANUARY 2021

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> |
|-----------------|-----------------|-------------------------------|
| 7 and 8 | 13 and 43 | P/20/552/RLX and P/20/553/FUL |

Cllr. Alex Williams has confirmed that his original comments received by the LPA were inaccurate and in fact he does not own a field in the vicinity of the site.

His original comments were as follows:

"I owe a field adjacent to the river that runs down steam of this facility. It is often polluted with run off from the wood yard with dead aquatic life and foaming chemicals. Increasing the storage at the yard would increase chemicals in the ground water. Which is currently unmonitored. In addition the air pollution is inappropriately monitored with inadequate dust suppression and no evidence of filters to protect neighbours."

In addition, Cllr. Alex Williams has made the following comments:

"In both papers, please can you ensure that the following representations are replicated in full and unedited and that all Members receive an amended pack of papers and that the online versions are changed as some Members and the public may wrongly feel that I am objecting on the basis of having an interest in land and that this is a conflict of interest.

Many thanks and could you ensure that I also receive an amended copy of the papers.

Kind regards

Alex

Cllr. Alex Williams (Penprysg)

I am writing in response to the planning applications submitted by South West Wood Products (SWWP) - P/20/552/RLX – to vary its conditions and stack heights, and P/20/553/FUL on use of land for storage of end of life timber for a temporary period of 3 years.

My understanding is that these applications will seek to vary the permission at the existing wood recycling operation to change the site layout and storage arrangements and, in tandem, to apply for an extension of existing yard for the storage of waste initially for a temporary 3 year period.

I kindly request that these applications are considered by the full Planning Committee on the following material planning grounds:-

- *Site History*
- *Overlooking/loss of privacy*
- *Highway safety*
- *Access/Traffic*
- *Government Policy (Glastir)*
- *Potential implications of the Development Plan*
- *Previous planning decisions/enforcement*
- *Nature conservation*

- *Noise/Light/Visual Amenity*

I would also like to request an opportunity to speak at the Committee.

While this site is located in the ward represented by Cllr. Gary Thomas, it is in close proximity to the community of Heol-y-Cyw which I represent. In this response, I am making representations on behalf of my constituents, and also offer my own observations as County Borough Councillor for Penprysg.

I attended a site visit on 1st October 2020, in the company of Cllr. Gary Thomas and BCBC Planning Officers, during which the applicant proceeded to say that unless this application was approved, they would cancel the contract which Bridgend County Borough Council and Kier currently have with them.

The applicant's agent has also previously said in writing: "On securing appropriate planning and permitting amendments, SWWP are prepared to take on the liabilities left on the site by the previous operator. Otherwise, as things currently stand, these costs and liabilities will be for the crown/taxpayer to pay."

I believe that combined, these statements are tantamount to blackmail and I have informed the Leader of the Council of my concerns. As a result, I do not believe that the applicant is fit and proper to operate this site under the planning conditions which it seeks in such close proximity to residential properties.

I would encourage all members of the committee to insist upon the opportunity to undertake a site visit before coming to a decision on these applications.

Compliance History

The site has a long history of non-compliance and the previous operators of the site were to be prosecuted for several incidences of non-compliance, maladministration and negligence, all of which have been averted due to going into administration.

However, in spite of assurances to the contrary from the applicant and current operators of the site, South West Wood Products, there has been no effort to comply with current planning restrictions and NRW regulations since SWWP started managing the site since February 2019. They have been responsible for many of the breaches of current conditions and enforcement notices issued by NRW and BCBC. It is simply not acceptable that the restrictions are changed because they are unable to comply with them.

The applicant's assertion that the site has had a challenging compliance history is somewhat of an understatement. There has been a flagrant disregard for planning control, environmental permits and (as a result of the number of fire incidents which have occurred), there is a great deal of scepticism within the public domain about the management of the site. The applicant has been managing the site for some time, during which there have been a number of breaches of the conditions. The applicant has provided insufficient assurances that these breaches will not continue under its operational management and, in my view, is simply trying to relax the conditions to ensure future compliance.

Both BCBC planning enforcement and Natural Resources Wales (NRW) have previously written to me to say that "when a site is non-compliant, we work to bring them back into compliance." In the case of the South West Wood Products site, it would appear that compliance is achieved by increasing their permit conditions rather than enforcing current conditions.

For example, their permitted tonnage has been increased from 25,000 tonnes per annum of Grade B/C/D wood to 125,000 tonnes per annum because they were found to be in non-compliance as they had been accepting well in excess of their permitted limits. This increase had no relationship whatsoever to the new site area and was only done due to their infringement.

The way of bringing operators back into compliance would appear to be to amend their permits so that they no longer have a problem.

Site Boundaries & Surroundings

The site boundaries are not well defined at present. Processing has taken place within 20m of the boundary and the dust suppression netting has long since disintegrated through the stockpiling of waste wood against it.

The boundary has been breached by waste wood and is clearly visible from Heol Llan. One area of the boundary fence between the Locks Yard Complex and the common land has been overwhelmed and buried by waste wood stored on site causing farmers to enter the site on several occasions to recover livestock.

Additional landscaping and tree planting is required. The site is not well screened for a stack height of 5m not alone 7m. This boundary is not well enough landscaped and if stack heights are to increase, there is an additional need to improve the long term screening. There ought to be commitment that the boundary to the site will be repaired and maintained.

As far as I am aware, the applicant has not consulted Coity Wallia Board of Conservators and Coity Wallia Commoners Association on the proposals. Both organisations have an interest in the land to the North and East of the site and should be formally consulted.

It would also be prudent to check with the current owners of the site that they have negotiated and agreed access to the site from the B4280. It is my understanding that no access has been granted.

Proximity to Residential Premises – Overlooking/Privacy

I would dispute the applicant's assertion that there are few residential properties in the immediate vicinity which are affected by the operations at the site. Given the traffic movements through the village of Heol-y-Cyw, the opinions of residents of Mount Pleasant and other residents in the vicinity should be a material consideration.

The 7 metre high (over 21ft) wood piles will completely overwhelm the bungalow, Mount Pleasant, preventing light and visual amenity as well as causing noise and dust pollution. I would kindly suggest that a new and up to date dust and noise management plan should be provided and that the Health & Safety Executive should be consulted.

Throughput, Height of Stacks & Storage of Waste Wood

Given the applicant's assurance that there will be no increase in throughput at the site, I question why the applicant is seeking to change the height of the stockpiles from 5m to 7m and seeking to increase the site area for stockpiling of unprocessed wood.

This increase in height should be accompanied by a new Fire Prevention and Mitigation Plan.

There is currently inadequate information in the planning statement as to why additional storage capacity is necessary or why the increase in height of stacks is justified. Furthermore, there is inadequate information about how the proposed amendment will meet the previous reason for the condition i.e. visual amenity and the prevention of pollution.

The applicant indicates that pre-selected wood would be brought to site for storage. I believe that it is essential that conditions are placed on the applicant which prevents any grade C or D hazardous wood to be processed at the site.

It is also my view that any unassessed wood should be stored in a dedicated quarantined area for the storage of waste wood deemed to be unacceptable.

The applicant states that site throughput is not limited by planning restrictions but that environmental permitting has allowed up to 195k tpa. My understanding was that the original throughput of 25k tpa was amended to 120k tpa and agreed by Natural Resources Wales.

The applicant should clarify its understanding regarding permitted throughput; provide the documentation to support this; and make a statement about what is the current annual throughput at the site.

If the applicant does not intend to increase historic levels of production at the site, will the applicant voluntarily set a condition on annual throughput at its current level?

If waste wood deteriorates over time, will the applicant voluntarily set a condition on planning consent; within its environmental permit; and fire prevention and mitigation plan on the length of time that waste wood will be stored to prevent a repeat of the storage issues which have occurred historically at the site.

NRW's own guidance 'Fire Prevention and mitigation plan guidance – Waste' states that "this guidance document represents the minimum appropriate measures required to be put in place by waste operators to ensure that fires are prevented." The first line of the Summary section states: "You must follow this guidance if you are storing combustible waste at permitted sites." This guidance clearly states that unprocessed wood should be stored at a maximum height of 5m and processed wood at a maximum of 3m (page 10).

Transport/Highways

There have been a number of occasions whereby vehicles have left the highway and vehicles continue to regularly deposit woodchip on the highway causing a risk to damaging vehicles and risk seriously injuring pedestrians.

This raises questions about the suitability of the highway for such HGVs. This was previously raised following the successful planning application from Rockwool to expand its site. It is therefore a moot point about whether or not traffic is "accommodated" on the local highway network.

The applicant notes that there is no need to undertake a Transport Plan because the operation of the site will not be materially altering but by definition, the extra storage allowed by the increased stack height to meet the varying demands from Margam power station through the year implies a change to the pattern of operation of the site which would impact on the movement of vehicles. This, coupled with an intention to amend the NRW permit, should surely require a revisit of the Transport Plan.

Furthermore, if the applicant has no intention to "increase traffic movements over and above that generated by the existing operations, will it voluntarily submit to a traffic monitoring assessment and commit to an agreed level of traffic flow which can be inserted as a condition of planning approval?

Pollution of Waterways/Conservation

Natural Resources for Wales has recently attributed the pollution of the waterways to the site at the Locks Yard Complex. A heavy, dark brown discharge, has entered the waterways which flows directly into the Nant Crymlyn, a tributary of the Ewenny river. The Ewenny river and its tributaries have populations of brown trout and sea trout, both of which spawn in the headwaters during winter months. In March, tiny fry hatch and rely on clean water and insect life to survive for 12 to 14 months, before they migrate downstream to continue their respective life cycles.

I have received representations which suggest that no insect or fry have survived along approximately 2 miles of the Nant Crymlyn this year due to the pollution which can be directly attributed to the Locks Yard Complex.

Furthermore, the common land to the East and North of the Locks Yard Complex has, for the last 5 years, been subject to a Welsh Government Environmental scheme (Glastir Advanced) with an emphasis of promoting biodiversity by mechanical means and careful management with grazing livestock. Several graziers were advised during this period by NRW to remove livestock, in particular sheep and cattle suckling young from this area of common land.

While this may not be the direct responsibility of the applicant, it does not suggest that the application to increase capacity for the storage of waste wood will improve the risk of further pollution to our local waterways and to our livestock. This is not a potential pollution, it is actual pollution occurring right now, and is a criminal offence.

The applicant fails to address all of these environmental concerns so it is requested that the applicant present a drainage plan as a condition of planning consent to prevent a reoccurrence of this pollution and minimise the environmental impact by isolating the source of leachate.

Site drainage does not currently comply with the recommendations set out in application P/16/659/RLX Para 14 d) e) and f) regarding foul and surface water drainage. All run-off is to be prevented from entering the natural drainage system by removal through discreet drainage system or bulk removal. The applicants should be required to produce detailed plans to mitigate pollution as the current measures are insufficient.

Health & Safety

I have received representations from constituents who suffer from respiratory and other health conditions which are exacerbated by the dust from the Locks Yard Complex. I would welcome the applicant's assurance that it will further review the monitoring findings, but the applicant should also confirm that dust suppression will take place at this site as there is some scepticism about whether this is actually occurring at present with regular complaints of dust on vehicles along Pant Hirwaun.

Has the applicant taken notice of the gas main which runs across the proposed area? Please ask for confirmation as a Civil Engineer has advised against any HGV passage.

Hours of Operation

Previous operators of the site have failed to comply with the hours of operation. There are numerous recent examples which have shown that the operator of the site (the applicant) is continuing to flout these operating conditions.

The applicant states that it does "not anticipate a fundamental change to throughputs that would generate any significant changes to traffic generation." The applicant should be obliged to provide more detail on what it considers as "significant changes" and it should provide more detail on what changes (if any) it foresees in traffic movement including the frequency of lorries travelling on the B4280 through Heol-y-Cyw.

Residents and I would contend that "loads" are not always fully enclosed. This results in waste wood, some of which have metallic debris, deposited on Pant Hirwaun and the B4280. This has caused damage on numerous occasions to people's tyres and vehicles and is also a potential hazard to pedestrians, many of whom are elderly or children. There should be an assurance from the applicant that it will seek to address this and the applicant should commit to sweeping

the street on a regular basis, something which hasn't occurred as regularly as was previously promised.

The applicant should consider diverting all site traffic so that articulated trailers do not travel through Heol-y-Cyw at all. I understand that a similar voluntary arrangement is in place with Rockwool avoiding any traffic movement through the village of Heol-y-Cyw. This would be a welcome development.

The applicant should be obliged to resolve the issue of stationary traffic on the highway at Heol Llan. Lorries wait to access the site before hours of operation. This has caused numerous road blockages in recent times.

Local Development Plan

The applicant has not adequately considered the replacement Bridgend Local Development Plan which must be nearing deposit and which surely must be referenced.

P/20/553/FUL on use of land for storage of end of life timber for a temporary period of 3 years

I see no reason why the applicant is seeking temporary planning permission for a period of three years. Temporary planning permission should be granted for one year to demonstrate operational compliance and acceptability before seeking a longer extension.

Residents are also concerned about the potential increase in rodents as a result of storing end of life timber alongside common land. I would be grateful for an environmental impact assessment on the increased storage of end of life timber and the increase of stack heights. I'm grateful for the opportunity to contribute my own views and that of my constituents.

Kind regards

Alex

Cllr. Alex Williams (Penprysg)"

Members will note that these comments are included in full on Agenda item 7 (P/20/552/RLX) and the relevant elements to Application No. P/20/553/FUL are included in Agenda Item 8.

9

61

P/20/346/FUL

The following additional condition should be added to the report:

12. No construction works shall take place outside the following times:

08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:30 and 13:00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

Reason: In the interests of safeguarding the amenities of the occupiers of the nearest residential properties.

**JONATHAN PARSONS
GROUP MANAGER – PLANNING & DEVELOPMENT SERVICES
21 JANUARY 2021**

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/20/552/RLX

APPLICANT: South West Wood Products Limited,
Clifton Moor, Clifton, Penrith CA10 2EY

LOCATION: **South West Wood Products site, Heol Llan, Coity CF35 6BU**

PROPOSAL: Variation of conditions 1 (approved plans), 5 (stack heights) and 6 (authorised works) of P/16/659/RLX through the submission of amended plans and wording

RECEIVED: 4 August 2020

SITE INSPECTED: 1 October 2020

APPLICATION/SITE DESCRIPTION

The application seeks to vary conditions 1, 5 and 6 of P/16/659/RLX which was itself an amendment to the original consent (P/14/711/FUL) for the change of use of the former Bryncethin Nursery & dwelling to vehicle storage, new buildings, access, wood fuelled boilers and a wood drying facility.

The consent to be varied was granted on 9 June 2017 and Conditions 1, 5 and 6 relate to the approved layout and plans for the site, the maximum stack heights and the range of works that are authorised on this site respectively.

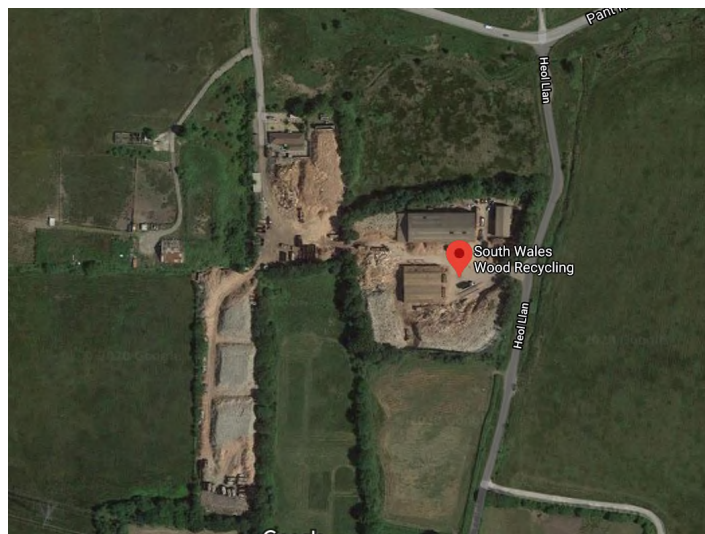


Fig. 1 - Aerial View of Site

More specifically, condition 1 currently states:

The development shall be carried out in accordance with the following approved plans and documents: Plan Numbers 10914-000B, 10914-00-C, 10914-00-D, 10914-000-E, 10914-001-A and 10914-001-B and the Dust Management Plan (dated 18th March, 2015).

It is proposed that the condition will now read:

The development shall be carried out in accordance with the following approved plans and documents: Plan Numbers 10914-000B, 10914-00-C, 10914-00-D, LMM/039/02 Rev A, 10914-001-A and 10914-001-B and the Dust Management Plan (dated 18th March, 2015).

Condition 5 currently states:

The height of all external stock piles shall not exceed 5m at any time.

It is proposed that the condition will now read:

The height of all external unprocessed stock piles shall not exceed 7m at any time.

Condition 6 relates to the type of works that can be undertaken at the site and currently states:

The premises shall be used for the storage and processing of wood, drying the wood within the drying shed with associated boiler and for no other purpose including any wood pelleting processing or any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 or any statutory instrument revoking or re-enacting that Order and the staff, visitor and HGV parking areas, workshops and container storage shall remain, in perpetuity, ancillary to the main use of the premises as defined within this condition.

It is proposed to change the condition to include the seasonal preparation of domestic garden waste collected by BCBC/Kier so that the material can be shredded on site and prepared for bulk transfer to a site near Wells for composting. This element of the business is undertaken at the site under a T6 permit exemption from NRW held by the site. The condition will therefore be reworded as follows to regularise the Planning status of the works carried out on the site as follows:

*The premises shall be used for the storage and processing of wood, drying the wood within the drying shed with associated boiler and for the **preparation of garden waste/plant to be transferred to another site for composting** and for no other purpose including any wood pelleting processing or any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 or any statutory instrument revoking or re-enacting that Order and the staff, visitor and HGV parking areas, workshops and container storage shall remain, in perpetuity, ancillary to the main use of the premises as defined within this condition.*

The operator must comply with the conditions within their permit including but not limited to those around maximum tonnage per annum. SWWP Ltd must also comply with all other relevant legislation as part of their operations on site such as any activities undertaken via an exemption.

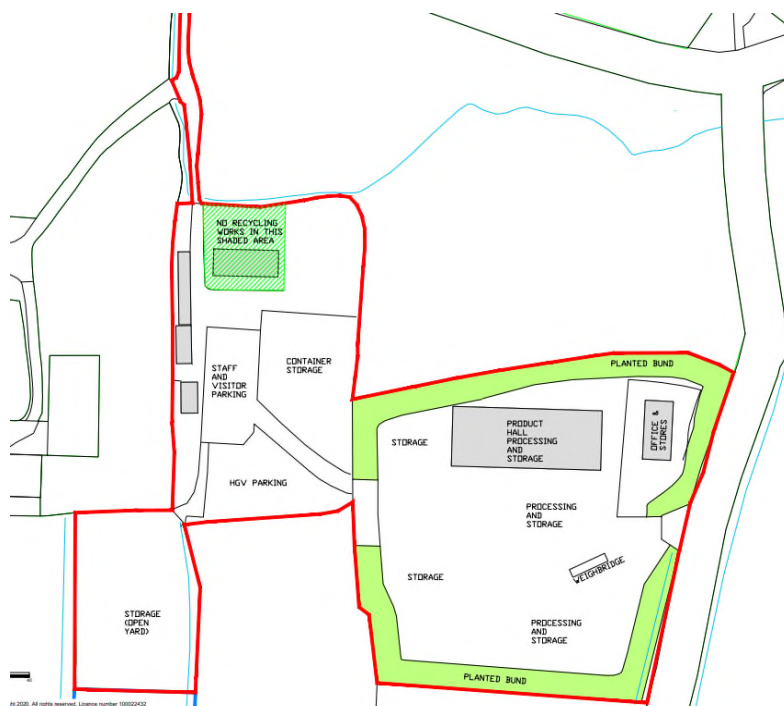


Fig. 2 – Proposed Site Layout Plan

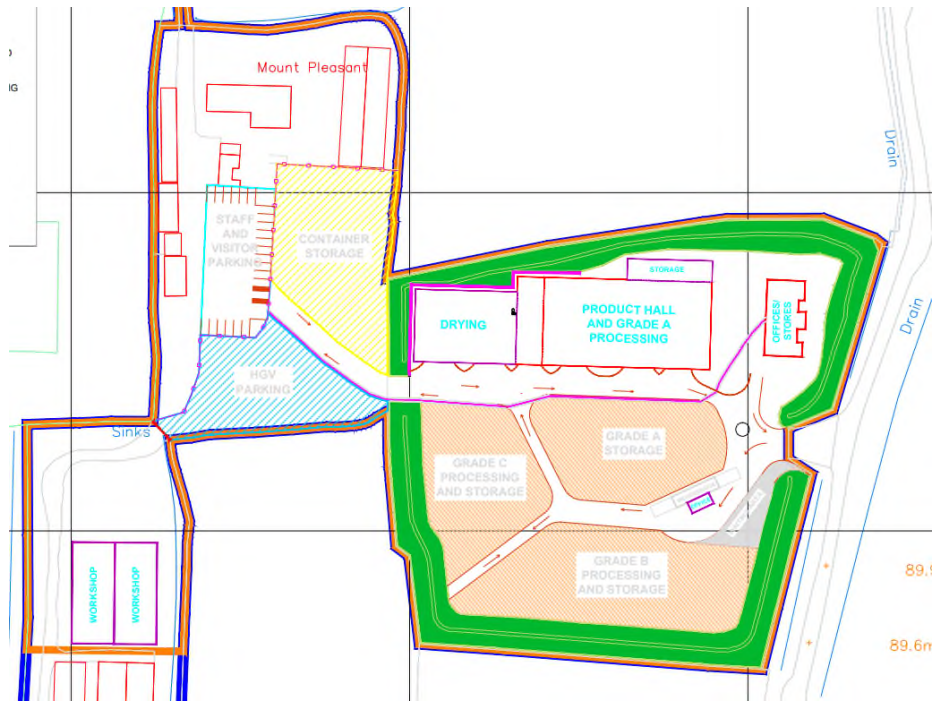
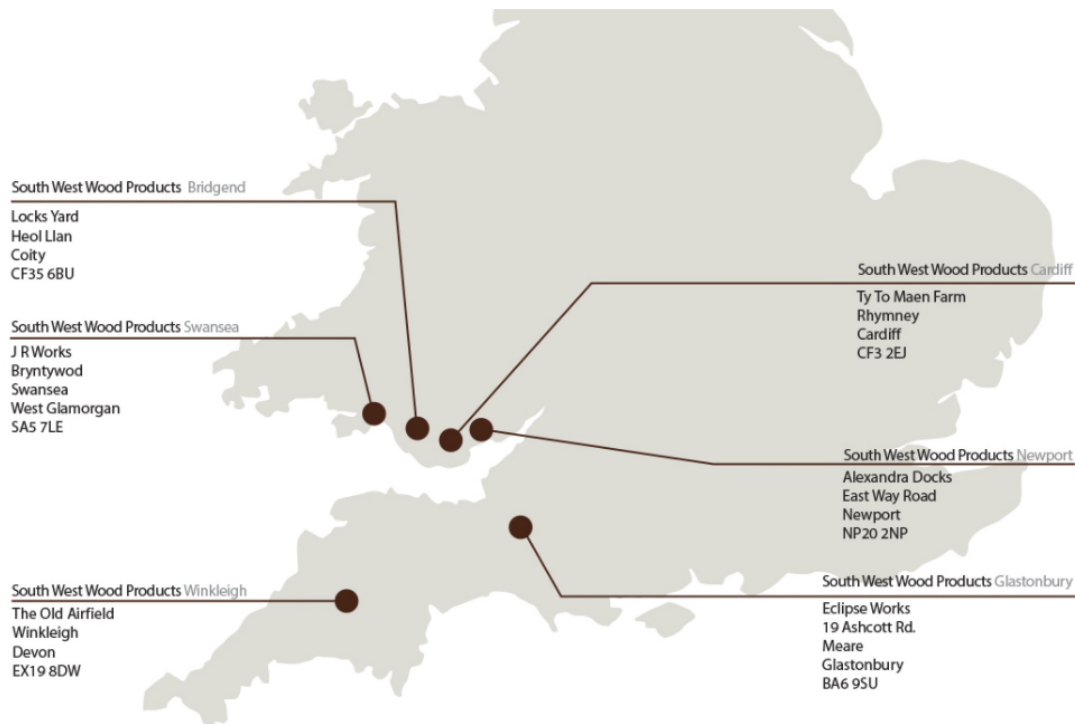


Fig. 3 – Previously Approved Site Layout Plan under P/16/659/RLX

Lock's Yard (the front eastern part of the site) has operated as a wood recycling facility for a number of years and it was extended to include the adjacent former Bryncethin Nurseries site in 2014.

The applicant, South West Wood Products Ltd, has recently taken on the site as the previous operator (South Wales Wood Recycling Ltd) has gone into administration. This is one of several such sites that they control throughout the UK.



South West Wood Products Site Map

Fig. 4 – South West Wood Products Locations

There is a separate Planning application to regularise the use of additional land for the storage of end of life timber for a temporary period of 3 years (P/20/553/FUL). This area has been the subject of unauthorised storage of poor quality wood waste since a fire on the site in 2016 and it is intended to “blend” this wood with better quality wood to get it to a standard that can be accepted and used at Kronospan or Margam. Once a temporary consent is issued the applicant can formally apply for a permit from NRW to remove this historic end of life wood.

As it stands there is no requirement for the applicant to remove and process this end of life legacy timber as the company responsible for depositing the wood there has gone into administration and the land has reverted to the Crown.

RELEVANT HISTORY

P/14/711/FUL - C/U former Nursery & Dwelling to Vehicle Storage, new buildings, access, wood fuelled boilers and wood drying facility - Approved with conds - 05/09/15

P/15/792/DOC - Discharge of Cond 14 - Drainage - Agreed 16/12/15

P/16/203/DOC - Discharge of Cond 12 - Not Agreed 04/05/16

P/16/276/DOC - Discharge of Conds 1 & 8 - Split Decision - 14/07/16

P/16/596/DOC - Discharge of Cond 8 - Agreed - 16/03/17

P/16/659/RLX - Relax condition 12 of P/14/711/FUL to extend the time period in which to submit the Noise Management Plan – Agreed – 09/06/17

P/17/706/DOC – Discharge of Conds 10 and 11 of P/16/659/RLX – Agreed – 23/08/17

P/20/553/FUL - Use of land for storage of end of life timber for a temporary period of 3 years – to be considered at DC Committee

PUBLICITY

The application has been advertised on site. Neighbours have been notified of the receipt of the application and the subsequent additional information. The period allowed for response to consultations/publicity has expired.

CONSULTATION RESPONSES

The Coal Authority – No objection

Public Protection – No objection subject to conditions to preserve the residential amenities of the occupiers of Mount Pleasant Bungalow to the north of the site.

Biodiversity/Ecologist – no observations.

St Brides Minor Community Council - The Members of St Brides Minor Community Council wish to object to this application and make the following comments:

Any expansion of wood deliveries and productivity in wood recycling at this site is harmful to the residents in the local environment and routes to and from the facility. With this in mind it would be appropriate that a Traffic Assessment and Environmental Impact Assessment is conducted to assess the impact upon the volume of traffic through Bryncethin along the A4061 to and from the M4 interchange at Sarn Services. In addition the impact upon the environment and local air quality as these vehicles are significantly

larger than the normal heavy goods vehicle. We are also mindful that there was an incident in Pencoed where one such vehicle tipped over and it is concerning that these lorries will pass a Primary School in Bryncethin. See this link:

<https://www.walesonline.co.uk/news/wales-news/live-updates-road-closed-overtuned-14474149>

Over a 17 year period along the A4061 there has been a 18.9% increase in overall average daily traffic, with a 72.4% increase in Large Good Vehicles. A further increase of LGVs caused by an expanding wood recycling business will have an impact upon road safety, air quality and the general quality of life for people living alongside the road in Bryncethin and Bryncoch. Such tall and heavy vehicles should not be allowed to pass through residential areas.

Coychurch Higher Community Council – Members of Coychurch Higher Community are gravely concerned about this Planning application not least with the previous history from this site. Conditions have not been adhered to and the stacks are considered too high as it. Additionally, the dust this will create during the warm weather will be a hazard to both people and livestock. Members of Coychurch Higher object to this application in the strongest possible terms and comment:-

Whilst this Planning Application lies outside the boundary of Coychurch Higher, because of its' close proximity to Heol-y-Cyw, any problems which may arise impact on the village of Heol-y-Cyw and its residents.

There have been serious problems in the past which is why Members of Coychurch Higher Community Council wish to make representation against the proposed variation. Assurances were given in March 2019 by the current operator that the fire damaged tree line and screens that surround the yard would be replaced to improve security and reduce the visual eyesore to neighbouring properties. This hasn't been done.

As recently as September 3rd 2020, NRW were in attendance following complaints of pollution from Locks Yard to Heol Llan and the local waterways. Members feel this matter needs to be considered as a matter of urgency and appropriate drainage installed at the site as well as increased dust level management. To date, debris continues to spill into the waterways adjacent to the main gates and onto surrounding agricultural land.

The volume and size of the lorries that service this site is totally unsuited to this rural area. There are several very dangerous "pinch points" that are causing huge safety concerns including the T-junction at the Heol y Cyw end of Panthirwaun, as well as the two cattle grids. The 40 mile per hour speed limit along this stretch of the B4280 is already considered to be inappropriate, but added to it the sheer enormity of these lorries, it is considered be a serious health and safety hazard. Also, despite assurances that all lorries are sheeted securely, there is a considerable amount of wood waste along the B4280 and the roads and pavements along Panthirwaun.

Members also feel clarification is needed regarding the access of "non-wood" vehicles to the nursery site via the driveway to Mount Pleasant bungalow. Previous instructions stated that the nursery land would be returned to grass, which was relevant at the time of purchase. This is a private residence which would be hugely affected by the use of this unfinished access onto Crown land. SWWP have previously stated that they would continue to assist with the clearing of the nursery site, but to date, this hasn't taken place.

Members feel strongly that, before any Planning Application is even considered, the

strictest safe-guards need to be in place, with particular emphasis on health and safety, to ensure that there are no more detrimental effects on the residents of Heol-y-Cyw and Coychurch Higher in general. The issues at this site have been ongoing for many years without resolve which is why Members of CHCC object to the application in the strongest possible way.

In response to additional information received from the agent the following comments were received:

REPRESENTATIONS RECEIVED

The following representations have been received in specific regard to this particular application:

Cllr Alex Williams – Ward Member for Penprysg – Objects to the development as follows:

I own a field adjacent to the river that runs down stream of this facility. It is often polluted with run off from the wood yard with dead aquatic life and foaming chemicals. Increasing the storage at the yard would increase chemicals in the ground water. Which is currently unmonitored. In addition the air pollution is inappropriately monitored with inadequate dust suppression and no evidence of filters to protect neighbours.

Cllr Williams has also provided the following additional comments:

My understanding is that these applications will seek to vary the permission at the existing wood recycling operation to change the site layout and storage arrangements and, in tandem, to apply for an extension of existing yard for the storage of waste initially for a temporary 3 year period.

I kindly request that these applications are considered by the full Planning Committee on the following material planning grounds:-

- *Site History*
- *Overlooking/loss of privacy*
- *Highway safety*
- *Access/Traffic*
- *Government Policy (Glastir)*
- *Potential implications of the Development Plan*
- *Previous planning decisions/enforcement*
- *Nature conservation*
- *Noise/Light/Visual Amenity*

I would also like to request an opportunity to speak at the Committee.

While this site is located in the ward represented by Cllr. Gary Thomas, it is in close proximity to the community of Heol-y-Cyw which I represent. In this response, I am making representations on behalf of my constituents, and also offer my own observations as County Borough Councillor for Penprysg.

I attended a site visit on 1st October 2020, in the company of Cllr. Gary Thomas and BCBC Planning Officers, during which the applicant proceeded to say that unless this application was approved, they would cancel the contract which Bridgend County Borough Council and Kier currently have with them.

The applicant's agent has also previously said in writing: "On securing appropriate

planning and permitting amendments, SWWP are prepared to take on the liabilities left on the site by the previous operator. Otherwise, as things currently stand, these costs and liabilities will be for the crown/taxpayer to pay.”

I believe that combined, these statements are tantamount to blackmail and I have informed the Leader of the Council of my concerns. As a result, I do not believe that the applicant is fit and proper to operate this site under the planning conditions which it seeks in such close proximity to residential properties.

I would encourage all members of the committee to insist upon the opportunity to undertake a site visit before coming to a decision on these applications.

Compliance History

The site has a long history of non-compliance and the previous operators of the site were to be prosecuted for several incidences of non-compliance, maladministration and negligence, all of which have been averted due to going into administration.

However, in spite of assurances to the contrary from the applicant and current operators of the site, South West Wood Products, there has been no effort to comply with current planning restrictions and NRW regulations since SWWP started managing the site since February 2019.

They have been responsible for many of the breaches of current conditions and enforcement notices issued by NRW and BCBC. It is simply not acceptable that the restrictions are changed because they are unable to comply with them.

The applicant’s assertion that the site has had a challenging compliance history is somewhat of an understatement. There has been a flagrant disregard for planning control, environmental permits and (as a result of the number of fire incidents which have occurred), there is a great deal of scepticism within the public domain about the management of the site. The applicant has been managing the site for some time, during which there have been a number of breaches of the conditions. The applicant has provided insufficient assurances that these breaches will not continue under its operational management and, in my view, is simply trying to relax the conditions to ensure future compliance.

Both BCBC planning enforcement and Natural Resources Wales (NRW) have previously written to me to say that “when a site is non-compliant, we work to bring them back into compliance.”

In the case of the South West Wood Products site, it would appear that compliance is achieved by increasing their permit conditions rather than enforcing current conditions.

For example, their permitted tonnage has been increased from 25,000 tonnes per annum of Grade B/C/D wood to 125,000 tonnes per annum because they were found to be in non-compliance as they had been accepting well in excess of their permitted limits. This increase had no relationship whatsoever to the new site area and was only done due to their infringement.

The way of bringing operators back into compliance would appear to be to amend their permits so that they no longer have a problem.

Site Boundaries & Surroundings

The site boundaries are not well defined at present. Processing has taken place within

20m of the boundary and the dust suppression netting has long since disintegrated through the stockpiling of waste wood against it.

The boundary has been breached by waste wood and is clearly visible from Heol Llan. One area of the boundary fence between the Locks Yard Complex and the common land has been overwhelmed and buried by waste wood stored on site causing farmers to enter the site on several occasions to recover livestock.

Additional landscaping and tree planting is required. The site is not well screened for a stack height of 5m not alone 7m. This boundary is not well enough landscaped and if stack heights are to increase, there is an additional need to improve the long term screening. There ought to be commitment that the boundary to the site will be repaired and maintained.

As far as I am aware, the applicant has not consulted Coity Wallia Board of Conservators and Coity Wallia Commoners Association on the proposals. Both organisations have an interest in the land to the North and East of the site and should be formally consulted.

It would also be prudent to check with the current owners of the site that they have negotiated and agreed access to the site from the B4280. It is my understanding that no access has been granted.

Proximity to Residential Premises – Overlooking/Privacy

I would dispute the applicant's assertion that there are few residential properties in the immediate vicinity which are affected by the operations at the site. Given the traffic movements through the village of Heol-y-Cyw, the opinions of residents of Mount Pleasant and other residents in the vicinity should be a material consideration.

The 7 metre high (over 21ft) wood piles will completely overwhelm the bungalow, Mount Pleasant, preventing light and visual amenity as well as causing noise and dust pollution. I would kindly suggest that a new and up to date dust and noise management plan should be provided and that the Health & Safety Executive should be consulted.

Throughput, Height of Stacks & Storage of Waste Wood

Given the applicant's assurance that there will be no increase in throughput at the site, I question why the applicant is seeking to change the height of the stockpiles from 5m to 7m and seeking to increase the site area for stockpiling of unprocessed wood.

This increase in height should be accompanied by a new Fire Prevention and Mitigation Plan.

There is currently inadequate information in the planning statement as to why additional storage capacity is necessary or why the increase in height of stacks is justified. Furthermore, there is inadequate information about how the proposed amendment will meet the previous reason for the condition i.e. visual amenity and the prevention of pollution.

The applicant indicates that pre-selected wood would be brought to site for storage. I believe that it is essential that conditions are placed on the applicant which prevents any grade C or D hazardous wood to be processed at the site.

It is also my view that any unassessed wood should be stored in a dedicated quarantined area for the storage of waste wood deemed to be unacceptable.

The applicant states that site throughput is not limited by planning restrictions but that environmental permitting has allowed up to 195k tpa. My understanding was that the original throughput of 25k tpa was amended to 120k tpa and agreed by Natural Resources Wales.

The applicant should clarify its understanding regarding permitted throughput; provide the documentation to support this; and make a statement about what is the current annual throughput at the site.

If the applicant does not intend to increase historic levels of production at the site, will the applicant voluntarily set a condition on annual throughput at its current level?

If waste wood deteriorates over time, will the applicant voluntarily set a condition on planning consent; within its environmental permit; and fire prevention and mitigation plan on the length of time that waste wood will be stored to prevent a repeat of the storage issues which have occurred historically at the site.

NRW's own guidance 'Fire Prevention and mitigation plan guidance – Waste' states that "this guidance document represents the minimum appropriate measures required to be put in place by waste operators to ensure that fires are prevented." The first line of the Summary section states: "You must follow this guidance if you are storing combustible waste at permitted sites." This guidance clearly states that unprocessed wood should be stored at a maximum height of 5m and processed wood at a maximum of 3m (page 10).

Transport/Highways

There have been a number of occasions whereby vehicles have left the highway and vehicles continue to regularly deposit woodchip on the highway causing a risk to damaging vehicles and risk seriously injuring pedestrians.

This raises questions about the suitability of the highway for such HGVs. This was previously raised following the successful planning application from Rockwool to expand its site. It is therefore a moot point about whether or not traffic is "accommodated" on the local highway network.

The applicant notes that there is no need to undertake a Transport Plan because the operation of the site will not be materially altering but by definition, the extra storage allowed by the increased stack height to meet the varying demands from Margam power station through the year implies a change to the pattern of operation of the site which would impact on the movement of vehicles. This, coupled with an intention to amend the NRW permit, should surely require a revisit of the Transport Plan.

Furthermore, if the applicant has no intention to "increase traffic movements over and above that generated by the existing operations, will it voluntarily submit to a traffic monitoring assessment and commit to an agreed level of traffic flow which can be inserted as a condition of planning approval?

Pollution of Waterways/Conservation

Natural Resources for Wales has recently attributed the pollution of the waterways to the site at the Locks Yard Complex. A heavy, dark brown discharge, has entered the waterways which flows directly into the Nant Crymlyn, a tributary of the Ewenny river. The Ewenny river and its tributaries have populations of brown trout and sea trout, both of which spawn in the headwaters during winter months. In March, tiny fry hatch and rely on clean water and insect life to survive for 12 to 14 months, before they migrate downstream to continue their respective life cycles.

I have received representations which suggest that no insect or fry have survived along approximately 2 miles of the Nant Crymlyn this year due to the pollution which can be directly attributed to the Locks Yard Complex.

Furthermore, the common land to the East and North of the Locks Yard Complex has, for the last 5 years, been subject to a Welsh Government Environmental scheme (Glastir Advanced) with an emphasis of promoting biodiversity by mechanical means and careful management with grazing livestock. Several graziers were advised during this period by NRW to remove livestock, in particular sheep and cattle suckling young from this area of common land.

While this may not be the direct responsibility of the applicant, it does not suggest that the application to increase capacity for the storage of waste wood will improve the risk of further pollution to our local waterways and to our livestock. This is not a potential pollution, it is actual pollution occurring right now, and is a criminal offence.

The applicant fails to address all of these environmental concerns so it is requested that the applicant present a drainage plan as a condition of planning consent to prevent a reoccurrence of this pollution and minimise the environmental impact by isolating the source of leachate.

Site drainage does not currently comply with the recommendations set out in application P/16/659/RLX Para 14 d) e) and f) regarding foul and surface water drainage. All run-off is to be prevented from entering the natural drainage system by removal through discreet drainage system or bulk removal. The applicants should be required to produce detailed plans to mitigate pollution as the current measures are insufficient.

Health & Safety

I have received representations from constituents who suffer from respiratory and other health conditions which are exacerbated by the dust from the Locks Yard Complex. I would welcome the applicant's assurance that it will further review the monitoring findings, but the applicant should also confirm that dust suppression will take place at this site as there is some scepticism about whether this is actually occurring at present with regular complaints of dust on vehicles along Pant Hirwaun.

Has the applicant taken notice of the gas main which runs across the proposed area? Please ask for confirmation as a Civil Engineer has advised against any HGV passage.

Hours of Operation

Previous operators of the site have failed to comply with the hours of operation. There are numerous recent examples which have shown that the operator of the site (the applicant) is continuing to flout these operating conditions.

The applicant states that it does "not anticipate a fundamental change to throughputs that would generate any significant changes to traffic generation." The applicant should be obliged to provide more detail on what it considers as "significant changes" and it should provide more detail on what changes (if any) it foresees in traffic movement including the frequency of lorries travelling on the B4280 through Heol-y-Cyw.

Residents and I would contend that "loads" are not always fully enclosed. This results in waste wood, some of which have metallic debris, deposited on Pant Hirwaun and the B4280. This has caused damage on numerous occasions to people's tyres and vehicles and is also a potential hazard to pedestrians, many of whom are elderly or children. There

should be an assurance from the applicant that it will seek to address this and the applicant should commit to sweeping the street on a regular basis, something which hasn't occurred as regularly as was previously promised.

The applicant should consider diverting all site traffic so that articulated trailers do not travel through Heol-y-Cyw at all. I understand that a similar voluntary arrangement is in place with Rockwool avoiding any traffic movement through the village of Heol-y-Cyw. This would be a welcome development.

The applicant should be obliged to resolve the issue of stationary traffic on the highway at Heol Llan. Lorries wait to access the site before hours of operation. This has caused numerous road blockages in recent times.

I'm grateful for the opportunity to contribute my own views and that of my constituents.

Coity Wallia Common Conservators – the comments can be summarised as follows:

- Errors in the supporting planning statement – the site is surrounded by common land and there is only one approved access point to the site – the one from Heol Llan. There is no agreement to allow the applicant to use the access to the B4280.
- The second access only serves the bungalow and is on land owned by Dunraven Estates and controlled by Coity Wallia Board of Conservators and no permission has been granted to the applicant to use the land as a secondary access.
- Object to storage at the site – there is no commitment to the sort of waste wood being brought to and stored on site – will it be classified as hazardous or non-hazardous or treated or untreated or graded into one of four categories?
- Will there be a quarantine area for wood deemed unacceptable?
- What is the pre-contract specification agreement?
- Over the last 5 years surface water has flowed off the main yard over a cattle grid and onto Heol Llan and into a tributary of the Nant Crymlyn.
- More concerning is a heavy dark liquid flowing from the site into another watercourse close to the B4280 across common land affecting the Nant Crymlyn and brown trout, sea trout and salmon – a criminal offence under the Salmon and Freshwater Fisheries Act 1975.
- From 31st January 2021 new regulations in England and Wales will classify waste wood as unassessed or hazardous so any planning application should be considered with this in mind.
- Object to BCBC considering this application as the Council is a customer/supplier to this facility. Does this place Bridgend Council in a compromised position and unable to act independently??
- The whole wood recycling premises has an adverse impact on the locality.
- Whilst there are no public rights of way through the site it is surrounded by public access common land and areas of common land that have been subject of two major environmental projects over the last 10 years.
- The commoners association were not been directly consulted on the applications.
- The recycling plant dependent on the wind, deposits wood dust in parts of the highway and common.
- The large vehicles are too large for the road system, some have tipped and there is not always enough room for them to pass.

In addition to the Commoners' comments, their agent, Cooke and Arkwright, has provided the following advice:

The plans attached to the application show the access in the case of application 553 as being within the control of the applicant and in application 552RLX as being the applicant's boundary. This is incorrect. The entire access from the B4280 to the enclosed site is owned by the Trustees of Dunraven Estate (myself and Mr Stephen Walsh) and forms part

of Coity Wallia common. There is no legal right of way over the land for the proposed purpose and no right will be granted. In this connection I would draw your attention to the Court of Appeal decision in *Jones v Secretary of State for Wales and Ogwr Borough Council* (5 June 1990). Notwithstanding my objection to the unauthorized use of the property on behalf of the Trustees I wish to object to the application and I am also authorized to object on behalf of the Coity Wallia Board of Conservators, the statutory regulators of the common on the following grounds –

1. The access track is incapable of use for the proposed purpose without significant improvement. The applicant has no authority to use the access for the purpose and to use common land for unauthorized vehicular access is contrary to Highways Acts.
2. There have been several incidents where lorries have overturned onto my clients property in the vicinity of the plant, the latest occasion being within the last month. There is clearly a highways problem. Details of the latest incident can be provided. There is little attempt to properly reinstate the damage caused to the common.
3. The “Dust Report” in support of the application makes light of the problems. A cursory visit to the common opposite the main entrance to the site from Heol Llan demonstrates the presence of sawdust on the grassland which is not only any area open to grazing stock but is also an area of statutory public access.
4. The proposal is identified as “temporary” but my clients are concerned at the sporadic extension of industrialisation created by the proposed development in what is essentially an agricultural area.

The occupier of Heol y Llan, Heol Llan objects to the proposal as follows:

“The site is not fit for purpose/size of operation, no dust management, never has been, stack heights are never adhered to, just another excuse to take in more rubbish that they can't get rid of and stockpile until it catches fire or they move on and leave it for someone else to sort out at tax payers expense, no more heavy traffic is needed in our rural area, area used as dumping ground, fences damaged, debris all over roads, working hours never adhered to, same issues with new contractors as with previous contractors, how can local authority support any application by this outfit of cowboys, history of site should tell you enough and nothing has changed, roads cannot handle vehicles using site, they are blocking lanes, reversing out onto main highway until someone is killed or seriously hurt, nothing will be done about it, total shambles.”

The occupier of 90 Pant Hirwaun objects to the proposal as follows:

“Further development will impact on my health and welfare, extra noise pollution, extra air pollution, at present the traffic is beyond putting up with, the highway infrastructure is not able to sustain the traffic, the constant droning from the sight is 24/7, dust and dirt are an issue, windows and doors cannot be left open, the fire risk at the sight still relevant height of mountains of wood!!!”

The occupier of Ty Du Farm, Pant Hirwaun objects to the application as follows:

- The proposed use is not suitable for the area since original planning only allowed for vehicle storage and welfare facilities under P/14/711/FUL and previous to that as agricultural glasshouses and poly tunnels (latest approval P/02/459/FUL).
- The current applicant has abused the appearance, scale and use of the site.
- Our residence is impacted by both noise, traffic coming and going and wood waste along the entire length of our boundary.
- The development will have an adverse effect on the area as a whole, in particular noise levels of processing machinery, pollution of waterways and dust and wood chip debris hazardous to road users particularly cyclists and motor bikes.
- Original planning was granted to SWWR, now in receivership, and in 2019 the land originally known as Yeomans Nursery was repossessed by Lloyd's Bank PLC and apart from Mount Pleasant which was auctioned as a private dwelling, then became

Crown Escheat.

- Challenge whether BCBC has the authority to approve a variation to conditions on an existing permission when that land is not in private ownership but overseen by the Crown.
- The site does not have 2 access points. The driveway to the North of B2480 comes under the authority of the Coity Wallia Board of Conservators and in ownership of the Dunraven Estate who must be consulted.
- Why does SWWP accept greenery? Do they have a separate licence for storing green waste and if so why has it not been mentioned in this application?
- The volume of heavy vehicles that currently use the B4280, and any increased waste wood throughput would create unacceptably high risk of traffic accidents, on a bus-route and, for the majority of its length, without any pavement for pedestrians.
- Only vehicle storage, staff car parking and container storage is allowed on the former nursery site.
- 7m high stacks will prevent light and visual amenity to the Mount Pleasant Bungalow.
- Stockpiling on Crown Land not under control of the applicant.
- Proposed buildings should not be constructed - the entire site is not under control of applicant.
- An out-of-date dust management plan cannot be accepted because the new operator will be utilising different machinery and therefore new dust management and noise management plans need to be provided.
- Both processed and unprocessed wood piles should not exceed the current approved height for the site of 5m.
- They should remove all waste wood - it was previously covered by removable polytunnels over soil/compost.
- Throughputs are too vague.
- Will the applicant undertake to replace the trees that were killed by stockpiling far too close to the perimeter resulting in ripped meshing and tree collapse?
- Has the applicant taken notice of the Gas Main which runs across the proposed area?
- Can it be that excavators, loading shovels and 360 degree movement machinery will be allowed to operate within inches of the private dwelling Mount Pleasant?? Would that be allowed within inches of your home or mine??
- I have provided BCBC with images of bedding, upholstered chairs and also green waste entering and being accepted by this operator which completely rubbishes the claims made by the applicant. Which are you going to believe??
- There are other wood processors and hauliers in Bridgend area and waste is being brought by SWWP from Dyfed in west and parts of England.
- The throughput cannot be allowed to exceed the current 120,000 tons per annum. This amount already causes excessive traffic and transportation menace.
- Confirmation is needed from the operator that no processed wood will be stored on the central area.
- This site should be closed (or used for lorry storage only) and a larger area of brownfield site away from rural villages offered to SWWP instead.
- What plans does the applicant have to store and quarantine wood rejected by Margam?
- When will this FPM Plan be submitted and why hasn't it presented to the local authority for scrutiny?
- The operator SWWP has had 18 months to achieve this 'blending' of historic waste, moved to the Nursery to manage fire outbreak Sept 2016. This has not happened and the waste wood onsite has increased under this management.
- Heavy Goods Vehicles and other vehicles enter and leaving the site on Bank Holidays.

- Site drainage does not comply with the recommendations set out in application P/16/659/RLX. All run-off is to be prevented from entering the natural drainage system by removal through discreet drainage system or bulk removal.
- Loads are crammed to the top and spillages are common even from sheeted lorries as can be evidenced anywhere along the B4280.
- The applicant needs to seek permission for access to the Northern part of the site from the Board of Conservators overseeing the Dunraven Estate.
- The Noise Management Plan is out of date, and since different machinery will be employed by this operator a relevant NMP will be required and clarification of how the applicant will meet the conditions.
- Dust Management Plan is out of date and the operator has had 18 months to assess the needs of this site.
- I urge the Council to insist that a Traffic Management Plan is submitted for consideration by BCBC Highways Dept.
- Processing is currently taking place within 20m of the boundary
- The dust suppression netting has long since disintegrated through piling of waste wood against it. Will this be replaced by the applicant?
- How will applicant restrict loading to Locks Yard when the storage is in central area (Nursery)?
- The site is NOT remote from residences.
- The area has planning permission for vehicle storage but not wood
- The applicant needs to provide details of a 'Complaints Procedure' for transparency
- The new Bridgend Development Plan is due September 2020, please can the application wait until a new plan can incorporate a suitable venue (e.g. Stormy Down, nearer Margam), which will save Planning & Enforcement a huge amount of time and stress into the future.
- The details of the Well Being Act referred to are not being implemented in this application and therefore, it should be rejected.
- Waste development should minimise adverse environmental impacts, protect designated landscapes and nature conservation sites and protect the amenity of residents, land uses and users affected by waste development. The Marsh Harriers which enjoyed the immediate surrounding area, are now absent, but I'm given to understand, could return if lights and activity are reduced. The impact on residents cannot be over-stated.
- The Margam plant will continue to provide Green energy without this development
- The scheme is contrary to policies contained within the LDP,
- This application constitutes new development on a green nursery site which only had planning permission for vehicle storage. Whilst the principal of wood recycling is accepted, the contravention of all controls and conditions is not. There is sufficient proof that the applicant does not regard Conditions with respect, and these can be produced if appeal processes are triggered.
- Both SWWR and IWR have tried to make this a viable waste wood business, and failed. Over 12 years this site has lurched from over £2,500,000.00 bankruptcy to having serious fires and numerous Enforcement Notices for breaches of Conditions.
- It is not a suitable venue, a dockside or Industrial Estate would ensure the sustainability for SWWP.
- The site is not on 'previously developed land' since removable Polytunnels and plants hardly constitute development in any real sense.
- This site under Locks Enterprise had 'light engineering' status not Heavy Goods Vehicles and Articulated lorries of the size and frequency now impacting the site.
- There is no screen between the residential bungalow and the proposed wood storage area.
- Litter has been an issue for this site being blown across neighbouring gardens and on the roads leading to the site.

- NRW is currently investigating not only water course pollution but the re-directing of water courses by blockages which threatened the nearby bungalow during 2020.

The occupier of Perrington Bungalow objects to this application and their comments are summarised as follows:

- This application was to turn the nursery site into vehicle storage, wood dryer and boiler none of these have ever been built.
- This application was only for more time for noise management to be put in place, at the time this application was made by TEP.
- This application does not make clear the separate planning on Locks Yard and the former Bryncethin nursery, eg stock pile height refers to Locks yard only as NO WOOD was permitted in the former nursery site.
- The most recent application shows no clear or accountable complaints procedure, this needs to be addressed.
- The noise management plan is absent and the fire prevention and mitigation plan are also absent.
- There seems to be a major communication problem within the planning approval and PC16658/ RLX it is worded in such a way that it's been abused in the most recent application made by SWWP.
- I have previously stated that this is an environmental mine field, a disaster waiting to happen.
- This / these companies pay no heed to rules and regulations.
- We have evidence of vehicles arriving on site without being sheeted, this explains why the highways are littered with debris, some of these pieces of wood are large enough to cause damage to innocent motorists causing damage to their vehicle, if this should happen to a cyclist or even a pedestrian it could cause a fatal injury.
- As I have stated previously the piles are too high there are insufficient fire breaks, the weather will exacerbate this situation and there will be another fire on this site, causing damage to the close community, not to mention the animals and wildlife found thereabouts.
- The many LGV vehicles fully loaded or empty are unable to pass each other without toppling over as was the case on 23/9/20, the edge of the road is being destroyed and the verges are soft hence the toppling, causing chaos on this busy road whilst the fallen vehicle is rited, whilst on the subject of LGV's the road is not suitable for queuing vehicles, on one occasion an artic lorry was seen to be reversing onto the main road from the site entrance on HEOL LLAN.
- I should stress that SWWP have been operating on this site for almost two years and clearly have done little to adhere to the rules and regulations, so giving them permission to expand their practices is detrimental and dangerous.
- They pay no heed to rules/regulations.
- The rivers and waterways are polluted, when we have heavy rain this is clearly visible, the wood that they have stacked has had numerous chemical treatments for whatever it's original use was and this is washed into the waterways, as I say this is an environmental hazard for sure.
- The many LGV vehicles spill lumps of timber and debris on the highway
- Basically the site has already outgrown itself, the highway is not suitable for the traffic, the operators past and present care not for rules and regulations, they care not a jot for the environment or those living nearby.

The occupiers of Mount Pleasant Bungalow object to the development and their comments can be summarised as follows:

- The proposed use is not suitable for the area since original planning only allowed for vehicle storage and welfare facilities under P/14/711/FUL and previous to that as agricultural glasshouses and poly tunnels (latest approval P/02/459/FUL) NEVER for wood storage (legally).

- The current application is not suitable due to the size and scale of the site.
- The local main road, the B480, is totally unsuitable for the existing amount of traffic.
- The roads are narrow and the edges of the tarmac are being destroyed by the heavy wide lorries.
- On several occasions SWWP lorries have left the main road and have toppled onto the common in front of our bungalow.
- There are no pavements between Heol Y Cyw and Bryncethin.
- Our residence is impacted daily by both noise, traffic coming and going and wood waste along the entire length of our boundary.
- The constant noise and dust is insufferable.
- We have spent considerable money to purchase our home and would not have done so if we thought there was any chance of a planning application being submitted to use the old nursery site behind us to continue to run recycling business with lorries in and out at all hours of the morning and evening.
- The development will have an adverse effect on the area as a whole, in particular noise levels of processing machinery, pollution of waterways and dust and wood chip debris hazardous to road users particularly cyclists.
- There have been two wood chipping machines left to rot at the back of our driveway - oil has leaked out of these and other machinery flowing directly in to our garden and the stream at the front of the bungalow thus polluting the waterway and garden.
- I would challenge whether BCBC has the authority to approve a variation to conditions on an existing permission when that land is not in private ownership and is actually owned and overseen by the Crown. Furthermore the planning that is in place was granted to a now insolvent company. Surely the planning does not pass to anyone who then moves onto the land?
- The original planning consent allowed vehicles to park behind our bungalow with the actual bungalow being used as a canteen for drivers. Neither of these uses actually took place – no visitors ever parked behind and we moved in to the property in March 2016 so we know that this was never used as a canteen.
- Surely this planning application should be refused on the grounds that it is too near our existing residential property.
- The site does not have 2 access points. The driveway to the North of B2480 comes under the authority of the Coity Wallia Board of Conservators and in ownership of the Dunraven Estate who must be consulted before any industrial usage of that driveway can be authorised. I have been advised that they have not been contacted regarding this planning application.
- The driveway which passes our boundary wall is only 8 feet from our bedroom and lorries and other vehicles would have a direct view meaning that we would have no privacy!
- It is obvious that the agents have never visited the site: there are in excess more than twelve mounds of waste wood within feet of our home with only a six foot high fence between us.
- This fence has been damaged by machinery.
- There is no fire break and some of this is already higher than the regulatory height of 5 metres.
- Over the years the southern boundaries have been affected adversely by stockpiling wood products without appropriate distances being left unused. Subsequently a number of trees that formed part of a natural boundary have been damaged.
- The central area currently has thousands of tonnes of wood and has not been used to store vehicles for more than three years.
- Why do the current licence holders, SWWP accept green waste and mattresses?
- Whilst 2 environmental permits were granted historically, one for 120K tpa and a second for 75K tpa, the latter was rescinded at a later date. This is mentioned in

Section 2.12 of the application and although the statement in this section is technically correct that at one time “environmental permitting has allowed up to 195Ktpa throughput at the site” only one permit is current, ie 120Ktpa. The applicant’s statement that “...it does not propose to exceed historic levels of production” is therefore ambiguous and needs to be amended.

- To say that the site is “relatively remote from residential properties” does not reflect the true siting of the operation - in fact there are 7 properties within 400 metres of the current facility and many more are directly affected by the activities of this business.
- the application has no credibility and should therefore be rejected by the BCBC planning committee without further consideration.

The occupier of 41 Heol y Groes, Pencoed has objected to the application as follows:

“I write regarding the above application as a concerned resident of Pencoed. Sometime ago there was a fire at this company and thus tied up a vital service i.e. South Wales fire Service. The smoke caused problems for residents of the various communities surrounding them. I feel that this would be a mistake to allow this application to be granted. In strange and unprecedented times where people are already afraid and concerned i think that BCBC should not add to these concerns. So i am asking you to decline this application on those grounds.”

The occupier of Glyntawel objects to the development on the following grounds:

“We object to the proposed variation of conditions due to a direct contravention to protect and enhance the local environment including sites of SSI, wildlife habitat, trees , Common Land/waterways and the impact on wildlife corridor. The variations will add to the existing affect on the local community; the constant dust clouds/air pollution having a damaging affect on human (& animal) wellbeing; add to existing on going problems or severe and increased traffic pollution including heavy loaded vehicles leaving/tipping over the Highway; constant threat of fire, water pollution / flooding ; regular costs to motorists with regard to tyre punctures and constant danger to cyclists, horse riders, Pedestrians and livestock using roads and pavements. The Infrastructure problems are not solvable due to ongoing total disregard and lack of respect towards the community and environment. The proposed variation of conditions will only compound and add to existing problems we as a community face every day. Not working with the community and all of the above reasons have, contributed to a negative affect on out environment and community, culminating in an opposing objection and non support of SWWR. The Occurrence of these problems impose detrimental effects upon our environment and living standards. It should be the councils responsibility to protect our ever decreasing rural areas for the future generation.”

The occupiers of Nos 1 and 2 Pant Cottages object to the development and their comments can be summarised as follows:

- The operator has not been true to word and cleared the area of wood chip. How can we trust them moving forward? The additional space makes them greedy not work cleaner or more efficient. Whilst the operation was contained within Locks yard the size of the yard governed throughput, throughput governed lorry movements on the B4280. The management of the site was problematic however was more acceptable to the local residences and there was less impact on the environment. The main issue at the time was farmers collecting wood chip and transporting it in uncovered trailers littering the roads and verges.
- We have been told that the Margam Biomass unit requires 6000 tonnes per week, if this were to be supplied from this site, wood would be sourced from all across south wales, increasing traffic on the already inferior infrastructure. The B4280 is not sufficient for the size and numbers of these vehicles that are used to transport the wood to and from site.

- There have been two occasions recently where one of their lorries has veered off onto a soft verge and been stuck.
- There are no pavements between Bryncethin and Heol-y-Cyw this makes it really dangerous for walkers, joggers and cyclists.
- Us local residences feel if these large vehicles are to continue then the B4280 ought to be widened with pavements and reduced to 40mph
- We feel particularly uneasy with SWWP taking over as through the company secretary Patricia Elsie Watson they have direct links with 6 other recycling/logistics companies from across the UK.
- The B4280 is littered with wood chip, evidence is being reported to the council on a regular basis. This is collected every couple of weeks from the couple of meters of pavement outside 1 and 2 Pant Cottages.
- We have an issue with rodents in this area, this is to be expected living alongside common land but we feel that this problem will increase with the storage of waste timber.

In response to additional information received from the agent the following supplementary comments were received:

The Occupier of Mount Pleasant Bungalow -

“As you may remember we are the closest and most immediate neighbours and our property adjoins the land relating to the planning applications. The point they raise about not using the access across the common, and immediately passed our property, the access road is less than 10 feet away from our bedroom window, is very vague and we believe will be misused by visitors, deliveries etc. The owner / management company for the owner of the land has denied all access across the common, except to us as a family to get to our home. It is not ever to be used for business use or for visitors and vehicle to visit the site. Unfortunately, the previous owner used it without permission and we only bought the property on the understanding that Dunraven Estates would never grant permission for a business or their visitors to have access to this driveway. In fact we were told that the land behind us on the site of the former Yeomans nursery would be returned to grass and that no business would be permitted to work there as the land belongs to the Crown. Lorries and machinery have damaged our fence and gates and this damage has never been fixed. Additionally our fence is only 7 foot high and the wood piles currently at the back of our property are in places in excess of 20 feet. We are constantly worried and, before Christmas, we along with neighbours, witnessed smoking piles of wood adjacent to our property. A machine had been hired to move and rotate all of the chipped wood to cool it and reduce the internal temperature of these smouldering wood piles which consist of thousands of tonnes of rotting wood. The smoke was very worrying and the internal temperature was extremely high. SWWP obviously realised the potential catastrophe with the wood being adjacent to our wooden fence so took some preventative measures. South West Products, since using the land after South Wales Wood Products went into liquidation, have continued to flout laws and rules put in place by BCBC. They work outside of hours and we have camera footage to prove this. They were allowing green waste in to the yard PRIOR to being given a temporary permit. Again we have evidence. If planning is granted they will not stick to the rules imposed.”

Occupier of Ty Du – “I believe Point 4 regarding access across the Common Land needs to change, it is currently too vague and might be abused by visitors or non-HGV traffic. As I’m sure you are aware, Commons Law states that access across its land `can only be for agricultural purpose or by virtue of residential access’ required, i.e. to get to your home. I suggest the wording of the application acknowledges that the applicant cannot use the access at all since clearly the only permissible criteria do not apply.”

The Coity Wallia Commoners –

1. I object to any green waste being treated or stored at the plant unless this is done totally within permit conditions.
2. Storage of vehicles and machinery at the old nurseries site unless the area has a sealed surface and a drainage plan to contain any oil or fuel spillage or loss within this area.
3. Any access for vehicles over common land – not just vehicles being used for wood recycling operations. There is no agreed access to the site over common land.
4. The southern boundary is not the only boundary that allows waste materials to pour off the site causing fencing to collapse and allowing livestock to enter the site. All boundaries need to be maintained and rebuilt before any further activities are agreed on site.

COMMENTS ON REPRESENTATIONS RECEIVED

It is acknowledged that a number of the objections are a result of the recent history of the site by way of poor management, breaching conditions, the fact that the previous operator has gone into administration and incidents such as a fire. The majority of the matters raised above are addressed in the Appraisal section of the report however, it is worth reiterating that the Planning consent will stipulate that the site cannot produce more than 120,000 tonnes per annum (in line with the permit from NRW), there will be no wood storage or processing in the central part of the Former Nurseries part of the site (just parking and storage of machinery) and there will be no requirement to use the access to the north of the site via common land.

In response to other matters raised by the Ward Member for Penprysg, local residents and the Commoners Association, the grading/quality of the wood being brought to site is not a Planning matter and is controlled via other legislation and the permit issued by NRW. As stated in the Planning Statement that accompanied the application, the waste wood is sourced from the construction, demolition, commercial, industrial and municipal waste sectors and all suppliers are given pre-contract stipulations to specify the types of wood that will be accepted so only preselected wood is accepted on this site. Therefore, any waste wood that fails to meet this set criteria is 'rejected' and will not be accepted at this site. This avoids any contaminated wood or general waste being deposited at the site.

The issue of wood fragments being deposited on the surrounding highway network is a result of delivery vehicles not being sheeted or covered. The Planning process can only control what the applicant does and the processed wood is transported from the site in enclosed containers in compliance with the wording of condition 2 of the consent. Whilst the operator does undertake periodic sweeps of the adjoining highways, any incidents of this nature are beyond the control of the Local Planning Authority as it is on the public highway and covered by separate legislation through the Driver and Vehicle Standards Agency (formerly VOSA).

With regard to the pollution of nearby waterways, this is being perpetuated by the old historic wood on the Crown Land (which is the subject of a separate application P/20/553/FUL). Specifically related to this application as part of the works and permit, it is proposed to upgrade the drainage system at the front access to trap water before it leaves the site and enters the highway. A condition will be attached to the recommendation requiring the submission of the agreed drainage scheme for the Lock's Yard part of the site to minimise the environmental impact of the site.

The Dust Management Plan as approved under P/16/659/RLX will still need to be adhered to by the current occupiers, including the monitoring of dust emissions, throughout the duration of the operation of the site as a wood recycling facility. The applicant has committed to replacing/repairing the mesh fencing to the south of the Lock's Yard part of the site and to planting additional trees around the boundary of the site to soften the visual impact of the site and these will be the subject of Planning conditions.

The site is not crossed by a Gas Main – the Gas Main is approximately 1.3km to the west of the site.

The suggestion that all traffic to and from the site should be diverted to avoid Heol y Cyw is not feasible as the delivery vehicles come from all parts of South Wales and it is considered that any impact should be shared between Junctions 35 and 36 of the M4 and the conurbations of Pencoed/Heol-y-Cyw and Bryncethin respectively.

Whilst it has been an historic issue with this site, the applicant cannot stop delivery drivers from waiting on the highway along Heol Llan until the site opens at 8.00am (Monday to Saturday) and it would not be possible to enforce however, the applicant will promote the use of Sarn Services as a parking venue for suppliers to avoid a long line of lorries on Heol Llan and potential blockages.

One objector suggests that BCBC should not be considering this application as the Council is a customer/supplier to this facility. The Local Planning Authority acts independently and impartially when this scenario arises and will consider each application on its own merits.

Officers accept that the entire access from the B4280 to the enclosed site is owned by the Trustees of Dunraven Estate and forms part of Coity Wallia Common and it has been confirmed that this access will not be used by the Operator.

A pre-requisite for acquiring the Crown Land is Planning permission and the Local Planning Authority can consider this application under S73 of the Town and Country Planning Act 1990 as any consent runs with the land not the operator.

The removal of wood deposited on common land as a result of a lorry overturning recently is not a material Planning consideration and is civil matter for the relevant parties.

The fact that the bungalow has now been purchased by the occupier via an auction (despite the fact that it should have been used as a canteen/staff welfare unit for the employees on the site) has been considered by the Local Planning Authority and Shared Regulatory Services in the determination of this application.

Whilst the two Community Councils have lodged strong objections to the application, there is no requirement for a Traffic Assessment or an Environmental Impact Assessment as this application seeks to vary conditions on a consented site and the permitted throughput/productivity will not increase beyond existing levels (120,000 tonnes per annum) i.e. there is no expansion. Likewise, whilst it is regrettable that there have been incidents of lorries overturning on the surrounding roads, these are the result of driver error and cannot be resolved through Planning controls.

With regard to the boundaries of the site, the applicant has committed to enhancing the level of screening and dust suppression through additional tree planting and repairs to the mesh fencing. This will be secured by suitably worded conditions attached to the recommendation.

In terms of the pollution of watercourses, it is proposed to upgrade the drainage system at the front access to trap water before it leaves the site and enters the highway and beyond. An updated Fire Prevention and Mitigation Plan is also being prepared with NRW and the Fire Service.

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 and within which the following Policies are of relevance:

Strategic Policy SP2 Design and Sustainable Place Making
Policy ENV1 Development in the Open Countryside
Policy ENV7 Natural Resource Protection and Public Health
Policy ENV9 Development in Mineral Safeguarding Areas

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 refers).

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 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).

In terms of sustainable waste management facilities such as this one, PPW advises that Local Planning Authorities, other relevant Local Authority departments and Natural Resources Wales (NRW) must work closely together to ensure that conditions attached to Planning permissions and those attached to Environmental Permits are complementary and do not duplicate one another. Sufficient information should accompany development proposals in order for Local Planning Authorities to be satisfied that proposals are capable of effective regulation. NRW should assist the Local Planning Authority in establishing this position through the provision of appropriate advice. The parallel tracking of Planning and environmental permitting applications should be the preferred approach, particularly where proposals are complex, so as to assist in mitigating delays, refusal of applications or conditions which may duplicate the permit/licence (paragraph 5.13.3 refers).

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

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

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives because of the proposed changes to the relevant conditions.

APPRAISAL

The application is referred to the Development Control Committee due to the number of objections received from local residents and the Coity Wallia Commoners, a call in request by a local Ward Member and objections from St. Brides Minor and Coychurch Higher Community Councils.

As indicated in the description of development, the application seeks to vary conditions 1, 5 and 6 of P/16/659/RLX which was itself an amendment to the original consent (P/14/711/FUL) for the change of use of the former Bryncethin Nursery & dwelling to vehicle storage, new buildings, access, wood fuelled boilers and a wood drying facility.

Conditions 1, 5 and 6 relate to the approved layout and plans for the site, the maximum stack heights and the range of works that are authorised on this site respectively. The remainder of the conditions will still remain in force.

Under the provisions of Section 73 of the Act, the Local Planning Authority when considering applications to develop land without complying with conditions previously imposed on a Planning permission, can grant such permission unconditionally or subject to different or amended conditions or they can refuse the application if it is considered that the original condition should continue. The original Planning permission will continue to subsist whatever the outcome of this application under Section 73 although this application is a pre-requisite for the developer to acquire the relevant land from the Crown and to ensure a satisfactory form of development.

Section 73A of the Act provides for retrospective Planning permission to be granted in respect of development which has already been carried out without Planning permission or without having complied with one or more of the Planning conditions to which it was subject. Special consideration may need to be given to conditions imposed on Planning permissions granted under Section 73A so that standard time limiting conditions would not be appropriate where development has begun before consent has been granted.

The site layout has been reconfigured from the original consent as a result of the need to concentrate the processing and storage operations around the Lock's Yard part of the site, away from the bungalow which originally formed part of the wider site but is now in private ownership. It is also proposed to maintain an open yard for the storage of wood without the erection of the workshop buildings on the western part of the site.

In terms of the stack heights, whilst the current consent allows all external stock piles up to 5m the proposal is to increase this to 7m as the current height restriction limits the scope for the business to accommodate seasonal fluctuations of unprocessed wood which leads to breaches of Planning control.

There is also a requirement to separate the stock piles to form fire breaks as required by the Fire Prevention and Mitigation Plan (FPMP). Higher arisings naturally happen during the Spring and Summer months. Storage capacity is required to accommodate the Spring/Summer peak ensuring there is sufficient material available for processing during the Autumn and Winter months. This translates into a storage peak in the Summer with the converse in the Winter.

There is no requirement to increase the stack heights of processed wood as there is a high turnover of processed wood with only limited amounts being stored on site at any one time. As processed wood can deteriorate quickly due to moisture levels it will be stored in the refurbished product hall building at Locks Yard.

Waste wood storage is strictly controlled by environmental permitting which requires a Fire Prevention and Mitigation Plan (FPMP) to detail storage arrangements to prevent fire incidents and a revised FPMP will be submitted to NRW and the Fire Service. As this is controlled by separate legislation as part of the permit, there is no requirement to condition the submission of this document as part of the Planning process.

With regard to the range of works that can be undertaken at the site, it is proposed to formalise the seasonal preparation of domestic garden waste as part of a contract with BCBC/Kier. The material is shredded on site using the same equipment and prepared for bulk transfer to a site near Wells for composting. This element of the business is undertaken at the site under a T6 permit exemption from NRW held by the site. The condition will therefore be reworded to regularise the Planning status of the works carried out on the site.

The operator must comply with the conditions within their permit including but not limited to those around maximum tonnage per annum. SWWP Ltd must also comply with all other relevant legislation as part of their operations on site such as any activities undertaken via an exemption.

The site has the benefit of historic Planning consents and permits from NRW but there have been numerous incidents and failures to comply with conditions since then. However, it should be noted that the consent runs with the land and any other wood recycling company could operate from this site even if the current company stops operating from here.

The applicant, South West Wood Products Ltd, has recently taken on the site as the previous operator (South Wales Wood Recycling Ltd) has gone into administration. This is one of several such sites that they control throughout the UK.

The current operator is processing wood more efficiently than the previous company as there is now more demand for processed wood particularly from Kronospan in Chirk (a company that manufactures and distributes wood-based panels) and Margam Green Energy Plant in Port Talbot (a 40 MW Biomass Power Station) and there is less pressure or any economic incentive to take on and store wood on-site without having to process it for onward transmission.

The applicant has secured the transfer of the environmental permit from NRW for the Lock's Yard part of the site and they are also aiming to acquire the former nursery part of the site from the Crown in order to use the 'middle yard' behind the bungalow for parking vehicles, containers, plant and as a quarantine area for fire (as required by the NRW permit to keep an open area of ground clear at all times available in the event of fire). There will be no wood storage or processing in this central area.

As part of the works and permit, it is proposed to upgrade the drainage system at the front access to trap water before it leaves the site and enters the highway. This will be subject to a condition requiring the submission of the drainage scheme as well as a timetable for its implementation.

In response to the objections raised by various parties, the applicant has confirmed that:

- the domestic garden waste is processed with the same mobile plant so there are no new or additional impacts and the overall volume of the green waste is very small,
- the maximum production from this site is 120,000 tonnes per annum (as controlled by the NRW permit),
- there will be no wood storage or processing in the Former Nurseries central part of the site (just parking and storage of machinery),
- there will be no use of the second access onto the common, and
- they will seek to replace the damaged netting and bolster the boundaries with additional planting.

Having regard to the above, conditions will be attached to the consent to secure an orderly form of development by way of dust suppression netting and a landscaping scheme to screen the site and to improve the visual amenities of the area. Conditions will also be added to the recommendation to ensure that the access to the north will not be utilised by the operator and that the central part of the site behind the bungalow will not be used to store or process wood.



Fig. 5 – View of Site and Netting from Heol Llan

The Noise Management Plan as agreed and discharged under P/17/706/DOC will be updated to take into account the different layout of the site, any new/modern machinery to be used on the site and the proximity of the bungalow which is now in separate ownership. Condition 10 will be reworded to secure the submission of an updated Noise Management Plan.

The conditions relating to the Dust Management Plan will be updated to clarify what is expected of the operator in terms of the measures to control and monitor dust pollution from the site as well as the adoption of the agreed complaints procedures.

In this instance and for the reasons outlined above, it is considered reasonable to vary the wording of the conditions, to attach additional conditions and to re-word existing conditions to control the operation of this site.

For the avoidance of doubt and in compliance with the above mentioned provisions under Section 73 of the Act, the recommendation will re-impose, add to and update all of the conditions attached to the original Planning permission. In reviewing this site, it is also appropriate to amend the wording of some conditions, namely conditions 2 and 8 relating to the sheeting of lorries leaving the site and the timing of vehicles entering and leaving the site respectively, in order to respond to the situation on site and to meet the tests as

laid out in the Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management (October, 2014).

In light of the foregoing and the particular characteristics of the site and business, it is considered that there are no overriding reasons to refuse the variation of conditions 1, 5 and 6.

Additionally, it is appropriate to revise conditions 2, 3, 4, 8 and 10 in the manner suggested above in the interests of clarity, precision and enforceability and to add conditions relating to landscaping/additional boundary treatments, dust suppression netting and surface water drainage scheme at the front of the site and to preclude the use of the access across common land and the processing or storage of wood in the central area of the site, as shown on the approved plan.

CONCLUSION

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. In this case, it is considered that the information submitted in support of the development is material to the determination of the application and has been taken into account during the consideration of the proposal.

On balance and having due regard to the above, weighing up of all material considerations and objections/representations relevant to this application, in Planning terms, supported by the terms of the permit issued by NRW, it is considered that the proposed changes to the wording of the conditions to allow a reconfigured site, flexibility in stack heights and clarification on the range of operations able to be carried out at the site together with the application of updated and additional conditions, is acceptable in this instance in the interests of achieving a satisfactory and appropriate form of development that will limit the impacts on the environment and neighbouring residents by way of visual impact, noise and air quality.

Consideration has also been given to the Planning fall back position for this site and the requirement to safeguard existing jobs. As the site will be operated on the same basis as what is currently allowed under the permit from NRW (maximum of 120,000 tonnes produced per annum) any additional impact on the adjoining highway network will be limited.

The application is therefore recommended for approval subject to the following conditions and informative notes.

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: Plan Numbers 10914-000B, 10914-00-C, 10914-00-D, LMM/039/02 Rev A, 10914-001-A and 10914-001-B and the Dust Management Plan (dated 18 March 2015).

Reason: For the avoidance and confusion as to the nature and extent of the

approved development.

2. All vehicles including trailers which are carrying any woodchip, processed garden waste or wood dust processed on the site away from the site shall be securely sheeted prior to leaving the premises.

Reason: In the interests of safeguarding the environment, preventing pollution and highway safety.

3. All works which form part of the Dust Management Plan (dated 18 March 2015) as approved under P/16/659/RLX shall be maintained and undertaken in accordance with the approved details.

Reason: In the interests of safeguarding the environment and preventing pollution.

4. In addition to the measures identified in Condition 3 above, all other measures detailed in the Dust Management Plan (dated 18 March 2015) including the complaints procedures (Section 4.1.4) which are in place to control and monitor dust shall be maintained in accordance with that Plan throughout the duration of the operation of the site as a wood recycling facility.

Reason: In the interests of safeguarding the environment and the prevention of pollution.

5. The height of all external unprocessed stock piles shall not exceed 7m at any time and the height of any external processed stock piles (where relevant) shall not exceed 5m at any time.

Reason: In the interests of visual amenity and the prevention of pollution.

6. The premises shall be used for the storage and processing of wood, drying the wood within the drying shed with associated boiler and for the preparation of garden waste/plant to be transferred to another site for composting and for no other purpose including any wood pelleting processing or any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any Statutory Instrument revoking or re-enacting that Order and the staff, visitor and HGV parking areas, workshops and container storage shall remain in perpetuity ancillary to the main use of the premises as defined within this condition.

Reason: To ensure that the Local Planning Authority retains effective control over the use of the site in the interests of general amenity.

7. No more than two external shredders shall be operated at the site at any one time.

Reason: In the interests of preventing noise nuisance and safeguarding the amenities of neighbouring occupiers.

8. The arrival and departure of lorries and vehicles with trailers entering and leaving the site shall only be permitted between the following times:

0800 hours and 1800 hours Mondays to Saturdays
and not at all on Sundays, Bank and Public Holidays

nor shall there be loading/unloading of HGVs outside the above mentioned times.

Reason: To ensure that the Local Planning Authority retains effective control over the operation of the premises.

9. Shredding operations and processing of waste shall only be carried out between the following times:-

0800 hours - 1800 hours Mondays to Fridays;
0800 hours - 1300 hours Saturdays;

and not at all on Sundays, Bank or Public Holidays.

Reason: To ensure that the Local Planning Authority retains effective control over the operation of the shredders in the interests of safeguarding the amenity of neighbouring occupiers.

10. Within 6 months of the date of this consent, an updated Noise Management Plan containing a scheme of works to minimise the noise being experienced at existing residential receptors from site operations including the use of the shredders and investigation of complaints shall be submitted to and agreed in writing by the Local Planning Authority. The Noise Management Plan shall include the following:-
- * A scheme of work to reduce the noise from the shipping/shredding and screening operations and all plant associated with the movement, loading and stockpiling of materials;
 - * If barriers are to be used as a form of noise mitigation, the design/height and construction of the barriers together with the noise reduction it is intended to achieve. Stockpiles shall not be used as suitable mitigation measures as the height and location of these will vary depending on the inputs and outputs of the site;
 - * For permanent bunds that are being used as a barrier, the location, height and materials used for the bund;
 - * A complaints investigation procedure and the action that will be taken if complaints are found to be justified e.g. details of the current noise being emitted from this plant when it is operating inside the building and outside in the yard, the predicted or measured noise levels at the nearest residential receptor and the expected noise reduction that is expected from any mitigation measures.

Reason: In the interests of safeguard the amenities of neighbouring occupiers.

11. The Noise Management Plan referred to in Condition 10 above shall include a programme and time scale for the implementation of mitigation works which shall be agreed in writing by the Local Planning Authority. All mitigation works which form part of the agreed Noise Management Plan shall be completed in accordance with the agreed programme and time scale and thereafter maintained in accordance with the agreed details.

Reason: To ensure the timely provision of the noise management plan's mitigation measures in the interests of safeguarding neighbouring occupiers.

12. Prior to installation, a lighting design strategy for biodiversity for the site shall be submitted to and agreed in writing by the Local Planning Authority. The strategy shall:-
- * Identify those areas/features on and surrounding the site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access

key areas of their territory, for example for foraging; and

- * Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding or resting places.

All external lighting shall be installed in accordance with the agreed specification and locations set out in the agreed strategy and thereafter maintained in accordance with the strategy. No other external lighting shall be operated without the prior written consent of the Local Planning Authority.

Reason: In the interests of safeguarding a European Protected Species, the environment and the amenities of neighbouring occupiers.

13. No construction works shall commence on site until the intrusive site investigation works identified in the Coal Mining Risk Assessment have been undertaken. In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the development, these remedial works shall be undertaken prior to the development being brought into beneficial use.

Reason: In the interests of safety and to mitigate potential adverse impacts from any coal mining legacy present on the site.

14. Only unprocessed wood waste shall be stored on the new extension area named 'Storage Open Yard' on the submitted layout plan LMM/039/02 Rev A on the former Bryncethin Nursery Site. No unprocessed wood waste shall be stored on the extension area named 'Storage Open Yard' on the new layout plan LMM/039/02 Rev A until all processed wood waste has been removed from this extension area and the former Bryncethin Nursery Site. Thereafter, no processed wood shall be stored anywhere on the former Bryncethin Nursery Site.

Reason: To ensure a satisfactory form of development and to preserve the amenities of neighbouring residential properties.

15. No wood processing operations (other than the movement of unprocessed wood to and from the 'Storage Open Yard' area marked on layout plan LMM/039/02 Rev A) shall be carried out anywhere on the former Bryncethin Nursery site at the rear of Mount Pleasant Bungalow.

Reason: For the avoidance of doubt as to the extent of this permission and to preserve the residential amenities of the occupiers of that property.

16. The depositing or movement of unprocessed wood through the former Bryncethin Nursery site and the movement of any vehicles within the former Bryncethin Nursery Site are only permitted between the times:

0800 hours – 1800 hours Mondays to Fridays;
0800 hours – 1300 hours Saturdays;

and not at all on Sundays, Bank or Public Holidays.

Reason: To ensure that the Local Planning Authority retains effective control over the operations in this area in the interests of safeguarding the residential amenities

of the neighbouring occupier.

17. Within 3 months of the date of this consent, a surface water drainage scheme for the Lock's Yard part of the site, designed in conjunction with Natural Resources Wales, showing how site water will be dealt with, including future maintenance requirements, shall be submitted to the Local Planning Authority for approval in writing. The approved scheme shall be implemented within 6 months of the date of this consent and maintained thereafter.

Reason: To ensure that effective drainage facilities are provided for the proposed development and to avoid potentially contaminated water from leaving the site and entering the highway and watercourses.

18. Notwithstanding the approved plans, within 3 months of the date of this consent, details of supplemental and replacement boundary landscaping/screening by way of infill tree planting and dust suppression netting shall be submitted to the Local Planning Authority for approval. The scheme shall include an indication of identified gaps in the natural boundary features of the site, the proposed areas of planting, the species to be planted and the extent and finish of the netting to be erected around the site. The development shall be implemented in accordance with the approved scheme and maintained thereafter in perpetuity.

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

19. All planting, seeding or turfing comprised in the approved boundary landscaping scheme and the replacement netting shall be carried out in the first planting and seeding seasons following approval. Any trees, plants and netting which within a period of 5 years are removed or become damaged or diseased shall be replaced in the next planting season as per the approved details.

Reason: To ensure an orderly form of development.

20. All vehicles associated with the site shall access and egress the site via the existing site access at Locks Yard onto Heol Llan to the west of the site only - the former second access to the north of the site over common land shall not be used at all in any circumstances.

Reason: To ensure a satisfactory form of development in the interests of neighbouring residential amenities and highway safety.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *

- a. This application is recommended for approval because the development complies with Council policy. When assessing the application against the relevant national Planning policy advice, there are no reasons why the Planning conditions cannot be varied in the manner indicated in the preceding Appraisal Section of the Report.
- b. The developer is reminded of their responsibilities in respect of the management of non-native invasive plant species such as Himalayan Balsam and Japanese Knotweed under the provisions of the Wildlife and Countryside Act, 1981.
- c. Foul and surface water discharges shall be drained separately from the site.
- d. No surface water shall be allowed to connect either directly or indirectly to the public sewerage system.

- e. Land drainage run off shall not be permitted to discharge either directly or indirectly into the sewerage system.

Janine Nightingale
CORPORATE DIRECTOR COMMUNITIES

Background papers

None

REFERENCE: P/20/553/FUL

APPLICANT: South West Wood Products Limited
Clifton Moor, Clifton, Penrith CA10 2EY

LOCATION: Lock Complex, south east of South West Wood Products site,
Heol Llan, Coity CF35 6BU

PROPOSAL: Use of land for storage of end of life timber for a temporary period of 3 years

RECEIVED: 31 July 2020

SITE INSPECTED: 1 October 2020

APPLICATION/SITE DESCRIPTION

The application seeks Planning consent to regularise the use of this land for the storage of end of life timber for a temporary period of 3 years (P/20/553/FUL). This area has been the subject of unauthorised storage of poor quality waste wood and it is intended to mix or blend this wood with better quality wood in order to get it to a standard that can be accepted and used at Kronospan or Margam.

As it stands there is no requirement for the applicant to remove and process this end of life timber as the company responsible for depositing the wood there has gone into administration and the land has reverted to the Crown.

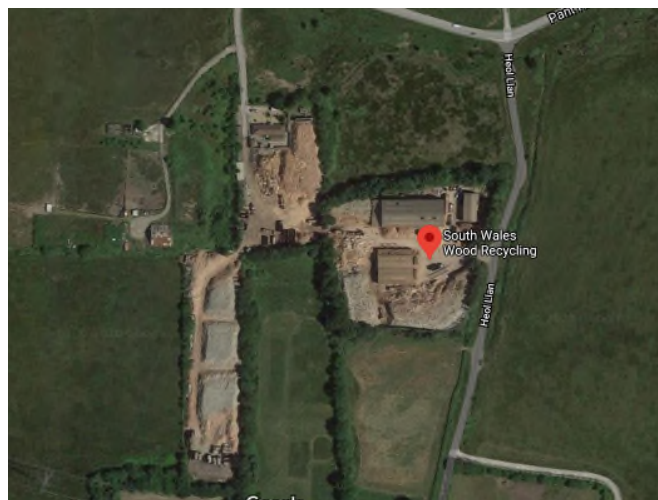


Fig. 1 – Aerial View of Site

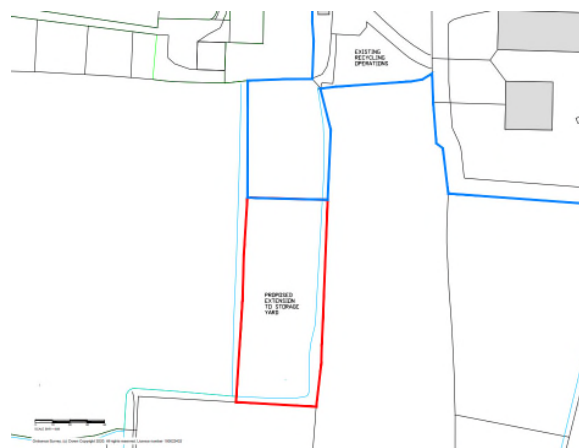


Fig. 2 – Proposed Site Plan

The extended storage area lies outside the historic extent of the waste wood processing plant in the open countryside. Lock's Yard (the front part of the site) has operated as a wood recycling facility for a number of years and it was extended to include the adjacent former Bryncethin Nurseries site in 2014. Following a fire in 2016, the previous operator moved the unprocessed waste wood from Lock's Yard to this unauthorised site in order to save the wood and to stop the spread of the fire.

Planning permission is a pre-requisite for acquiring the Crown Land and to obtain a permit from NRW. NRW have confirmed that no new waste wood shall be deposited on this apart of the site until an appropriate permit is in place and the historic wood has been removed from the site. This historic wood is currently having an impact on the adjacent water courses due to contaminated run-off similar to compost leachate.

NRW is currently assessing the impact that this is having on the local water course as well as assessing the on-going fire risk with support from South Wales Fire & Rescue Service.

The applicant, South West Wood Products Ltd, has recently taken on the wider site as the previous operator (South Wales Wood Recycling Ltd) has gone into administration. This is one of several such sites that they control throughout the UK.

The current operator is processing wood more efficiently than the previous company as there is now more demand for processed wood particularly from Kronospan in Chirk (a company that manufactures and distributes wood-based panels) and Margam Green Energy Plant in Port Talbot (a 40 MW Biomass Power Station) and there is less pressure and economic incentive to take on and store wood on-site.

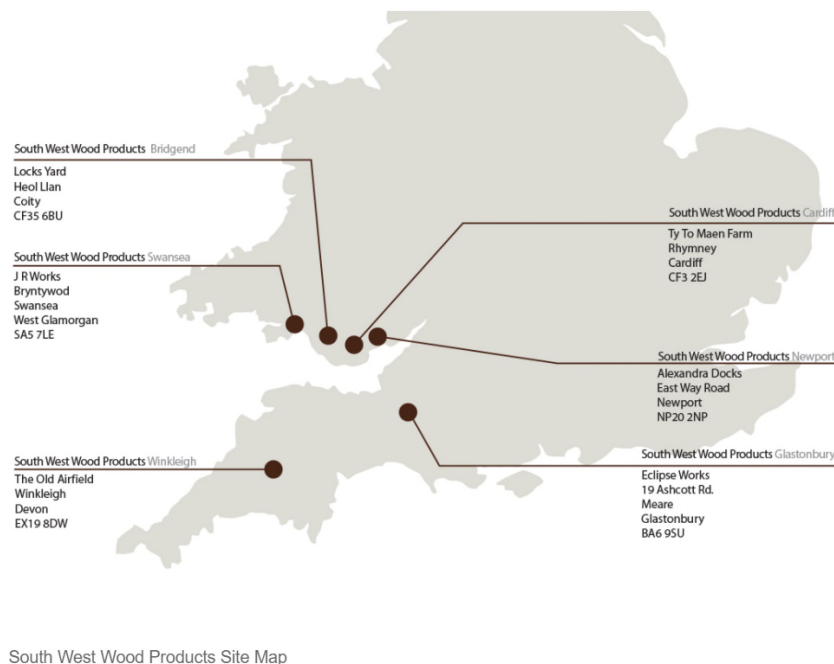


Fig. 3 – South West Wood Products Locations

There is a separate Planning application to vary conditions 1, 5 and 6 of P/16/659/RLX (P/20/552/RLX refers) for the consented part of the site covering the former Bryncethin Nursery and Lock's Yard.

RELEVANT HISTORY

Whilst this particular part of the wider site has not benefitted from Planning permission or been the subject of any applications in the past, the following Planning history is of relevance:

P/14/711/FUL – Change of use former nursery & dwelling to vehicle storage, new buildings, access, wood fuelled boilers and wood drying facility - Approved with conds - 05/09/15

P/15/792/DOC - Discharge of Cond 14 - Drainage - Agreed 16/12/15

P/16/203/DOC - Discharge of Cond 12 - Not Agreed 04/05/16

P/16/276/DOC - Discharge of Conds 1 & 8 - Split Decision - 14/07/16

P/16/596/DOC - Discharge of Cond 8 - Agreed - 16/03/17

P/16/659/RLX - Relax condition 12 of P/14/711/FUL to extend the time period in which to submit the Noise Management Plan – Agreed – 09/06/17

P/17/706/DOC – Discharge of Conds 10 and 11 of P/16/659/RLX – Agreed – 23/08/17

P/20/552/RLX - Variation of conditions 1 (approved plans), 5 (stack heights) and 6 (authorised works) of P/16/659/RLX through the submission of amended plans and wording – to be considered at DC Committee

PUBLICITY

The application has been advertised on site. Neighbours have been notified of the receipt of the application and the subsequent additional information. The period allowed for response to consultations/publicity has expired.

CONSULTATION RESPONSES

Public Protection – No objection subject to conditions to preserve the residential amenities of neighbouring properties.

Principal Officer Highways Development Control – No objections subject to conditions that will ensure highway safety in and around the site.

Biodiversity Policy and Management Officer - The application site is within a Site of Importance for Nature Conservation (SBM-1-M Cefn Hirgeod), however this portion has been compromised due to the ongoing use of application site and adjacent areas. However, the boundary offers opportunities for ecological connectivity and contributes to the landscape of the area. Therefore, should the application be granted this boundary should be retained.

Natural Resources Wales – We have no objection to the proposed development and provide the following advice.

The activity on site is regulated under an Environmental Permit under The Environmental Permitting (England and Wales) Regulations 2016. We are satisfied any changes on site will be dealt with by the permit:

1. Any proposed changes to increase/vary operational areas will require a variation of the Environmental Permit for the site.
2. Any proposed changes to activities undertaken on site that are related to the storage and treatment of waste, will require a variation of the Environmental Permit.
3. Areas incorporated into the Environmental Permit, where storage/treatment of waste is proposed, must comply with the infrastructure requirements detailed in the Environmental Permit.
4. Waste cannot be accepted and/or treated in any area that does not benefit from an Environmental Permit.

5. Any proposed changes to waste storage practices (height of proposed waste stacks etc.) will need to be in line with current Fire Prevention and Mitigation Plan Guidance, and the Environmental Permit, unless otherwise agreed in writing by Natural Resources Wales.
6. Waste generated from any works undertaken on site, such as landscaping and demolishing of buildings, will need to be taken to an authorised facility by a registered waste carrier.

Dwr Cymru/Welsh Water – No objections subject to an informative note

The Coal Authority – No objections subject to an informative note.

Land Drainage Section – No objections subject to conditions and informatives.

St Brides Minor Community Council - The Members of St Brides Minor Community Council wish to object to this application and make the following comments:

Any expansion of wood deliveries and productivity in wood recycling at this site is harmful to the residents in the local environment and routes to and from the facility.

Coychurch Higher Community Council - As recently as September 3rd 2020, NRW were in attendance following complaints of pollution from Locks Yard to Heol Llan and the local waterways. Members feel this matter needs to be considered as a matter of urgency and appropriate drainage installed at the site as well as increased dust level management.

The issues at this site have been ongoing for many years without resolve which is why Members of CHCC object to the application in the strongest possible way.

REPRESENTATIONS RECEIVED

Cllr Gary Thomas – Ward Member for Bryncethin – Comments that he wishes to speak at the Committee meeting and advises as follows:

There are some conditions I wish to make in relation to south wales wood planning P/20/553/ful, I make the requests and observations as a ward member for Bryncethin. I am aware that a number of my constituents have concerns over this planning application. Storage is a huge concern for me on this site, your documents refer to raw wood storage on the sealed surface and away from watercourses. This does not work on the site. More concerning, a heavy dark brown discharge is leaving the site, entering a watercourse that flows over common land to the north close to the b4280.

An area of boundary fence between SWW and common land has been overwhelmed and buried by waste wood stored on site causing farmers to enter the site on several occasions to recover livestock.

There have been several incidents where lorries have overturned on the common land, there is clearly a highways problem, and frequent flouting of the permitted hours of opening and operation.

I would ask the committee members to give support to my conditions listed below:-

1. *To ensure all processed waste wood is cleared from the crown site before raw waste wood can be stored.*
2. *To ensure the operator takes responsibility for checking cleanliness of the watercourses*
3. *To grant planning for a period of 1(one) year with a review of progress at end of this time.*

Cllr Alex Williams – Ward Member for Penprysg – Objects to the development as

follows:

I own a field adjacent to the river that runs down stream of this facility. It is often polluted with run off from the wood yard with dead aquatic life and foaming chemicals. Increasing the storage at the yard would increase chemicals in the ground water. Which is currently unmonitored.

Cllr Williams has also provided the following additional comments:

My understanding is that these applications will seek to vary the permission at the existing wood recycling operation to change the site layout and storage arrangements and, in tandem, to apply for an extension of existing yard for the storage of waste initially for a temporary 3 year period.

I kindly request that these applications are considered by the full Planning Committee. I would also like to request an opportunity to speak at the Committee.

I see no reason why the applicant is seeking temporary planning permission for a period of three years. Temporary planning permission should be granted for one year to demonstrate operational compliance and acceptability before seeking a longer extension.

Residents are also concerned about the potential increase in rodents as a result of storing end of life timber alongside common land. I would be grateful for an environmental impact assessment on the increased storage of end of life timber and the increase of stack heights.

I'm grateful for the opportunity to contribute my own views and that of my constituents.

The **Cats Protection Centre** has objected as follows:

Cats Protection object to the proposal as the increased storage area will increase the risk to our centre. The increased area will mean more wood being stored at the facility, and therefore increase the fire risk and further effects from fire such as smoke damage and smoke inhalation.

We appreciate the company in control of the facility now are different to the company who were in control during the fire in 2016, but the storage of wooden materials always means a risk of further incidents occurring, and more wood means more risk.

Another factor of the increased site area will be more heavy lorries on the roads. There are relatively narrow roads around the local area and large heavy lorries cause issues.

Our facility is located only a short distance from the subject premises, and we have cats who are housed in external pens. The centre has a fire alarm and sprinkler system that we installed at our own expense, but another fire incident could have catastrophic consequences.

We therefore object to the planning application on the grounds of increased fire and smoke risk, due to the extension of the storage area.

Coity Wallia Common Conservators – the comments can be summarised as follows:

- The whole wood recycling premises has an adverse impact on the locality.
- The commoners association were not been directly consulted on the applications.

In addition to the Commoners' comments, their agent, Cooke and Arkwright, has provided

the following advice:

The proposal is identified as “temporary” but my clients are concerned at the sporadic extension of industrialisation created by the proposed development in what is essentially an agricultural area.

The occupier of **Heol y Llan, Heol Llan** objects to the proposal as follows:

The site is not fit for purpose/size of operation, no dust management, never has been, stack heights are never adhered to, just another excuse to take in more rubbish that they can't get rid of and stockpile until it catches fire or they move on and leave it for someone else to sort out at tax payers expense, no more heavy traffic is needed in our rural area, area used as dumping ground, fences damaged, debris all over roads, working hours never adhered to, same issues with new contractors as with previous contractors, how can local authority support any application by this outfit of cowboys, history of site should tell you enough and nothing has changed, roads cannot handle vehicles using site, they are blocking lanes, reversing out onto main highway until someone is killed or seriously hurt, nothing will be done about it, total shambles

The occupier of **90 Pant Hirwaun** objects to the proposal on the following grounds:

Further development will impact on my health and welfare, extra noise pollution, extra air pollution, at present the traffic is beyond putting up with, the highway infrastructure is not able to sustain the traffic, the constant droning from the sight is 24/7, dust and dirt are an issue, windows and doors cannot be left open, the fire risk at the sight still relevant height of mountains of wood!!!

The occupier of **Ty Du Farm, Pant Hirwaun** objects to the application as follows:

- From a legal point of view I would challenge whether BCBC has the authority to approve a variation to conditions on an existing permission when that land is not in private ownership but overseen by the Crown.
- Stockpiling on Crown Land not under control of the applicant.
- They should remove all waste wood - it was previously covered by removable polytunnels over soil/compost.
- The operator SWWP has had 18 months to achieve this 'blending' of historic waste, moved to the Nursery to manage fire outbreak Sept 2016. This has not happened and the waste wood onsite has increased under this management.
- NRW is currently investigating not only water course pollution but the re-directing of water courses by blockages which threatened the nearby bungalow during 2020.

The occupier of **Perrington Bungalow** objects to the application as follows:

- The site has outgrown its original footprint and this application according to the maps shows that it intends to spread into the land which is in escheat to the Crown, however this area is already being used by the applicant presumably without permission.
- I understand that during the fire they were advised to move smouldering piles to elevate further hazards, but since that time they have continued to use the nursery site, the stacks are already 5 meters if not even higher, there are no fire breaks.
- I have previously stated that this is an environmental mine field, a disaster waiting to happen.
- As I have stated previously the piles are too high there are insufficient fire breaks, the weather will exacerbate this situation and there will be another fire on this site, causing damage to the close community, not to mention the the animals and wildlife found thereabouts.
- The rivers and waterways are polluted when we have heavy rain, this is clearly visible the 'end of life timber' has had numerous chemical treatments and this is washed into the waterways, as I've said this is an environmental hazard for sure.

The occupiers of **Mount Pleasant Bungalow** object to the development on the following grounds:

- The development will have an adverse effect on the area as a whole, in particular noise levels of processing machinery, pollution of waterways and dust and wood chip debris hazardous to road users particularly cyclists.
- South West Wood Products (SWWP) have previously promised to clear the site as a gesture of good will however they are still dumping and tipping daily which I believe constitutes fly tipping.

The occupiers of **1 and 2 Pant Cottages** object to the development as follows:

We do not feel that this company should be given access to the land for 3 years to store wood, the bungalow [Mount Pleasant] formally owned by SWWR is now privately owned, that was purchased on the understanding that the site would be cleared as a gesture of good will. As this is now a privately-owned residence - would it not be correct to say that the proposed "industrial" site would now be too close to a privately owned residence? Also, at the time when the site was approved it was for use as a car park / lorry park which is less detrimental than a wood storage area. I also understand this was one of the reasons for rejecting a planning application made by T Morris when he made an application to demolish a fire damaged dwelling and construct a new detached dwelling – south side of Pant Hirwaun, Bryncethin, CF32 9UJ. [P/16/69/FUL].

In response to additional information received from the agent the following relevant comments were received:

Occupier of **Ty Du** - I ask that BCBC Planning Dept take aerial and ground photographs to enable accurate measurement of the "progress towards clearance of historic waste" as described in the Condition imposed.

COMMENTS ON REPRESENTATIONS RECEIVED

It is acknowledged that a number of the objections are a result of the recent history of the site by way of poor management, breaching conditions, the fact that the previous operator has gone into administration and incidents such as a fire breaking out on Lock's Yard. The majority of the matters raised above are addressed in the Appraisal section of the report.

However, it is worth reiterating that the permit for the wider site allows a maximum production of 120,000 tonnes per annum and the processing of this end of life timber will form part of that and will not result in any expansion in terms of production.

In response to other matters raised by the local Ward Members and local occupiers, the applicant has confirmed that they will accept a condition requiring an annual review and report on the progress in removing the old wood from this site. The temporary period of 3 years is considered to be reasonable bearing in mind the amount of waste wood on this site and the need to blend it with better quality wood to achieve the standards required by the customers for this processed wood (mainly Kronospan and Margam).

They will also create a gap/access route between the old wood and the watercourses to limit contamination until the end of life timber has been removed from this site.

With regard to the pollution of nearby waterways, this issue is being mainly perpetuated by this old historic wood. A condition will be attached to the recommendation requiring the submission of the drainage scheme that has been agreed with NRW for this part of the site to minimise the environmental impact of this end of life waste wood.

With regard to the boundaries of this site, the applicant has committed to enhancing the level of screening through additional tree planting in order to improve the visual amenities of the site and surrounding area. This will be secured by a suitably worded condition.

An updated Fire Prevention and Mitigation Plan is also being prepared with NRW and the Fire Service.

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:

Strategic Policy SP2 Design and Sustainable Place Making
Policy ENV1 Development in the Open Countryside
Policy ENV7 Natural Resource Protection and Public Health
Policy ENV9 Development in Mineral Safeguarding Areas
Policy ENV16 Commercial and Industrial Waste

Supplementary Planning Guidance Notes (SPG):

SPG07: Trees and Development

SPG19: Biodiversity and Development: A Green Infrastructure Report

As stated above, the extended storage area lies outside the historic extent of the waste wood processing plant in the open countryside.

Policy ENV1 (Development in the Countryside) states:

Development in the countryside of the County Borough will be strictly controlled. Development may be acceptable where it is necessary for:

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

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

The supporting text to this Policy advises that:

4.1.9 Development in the countryside should benefit the rural economy whilst maintaining or enhancing the environment. Therefore, new building in the countryside outside defined settlements or areas allocated for development in the LDP will be strictly controlled.

4.1.11 It is accepted that certain developments may be appropriate in the countryside

provided that they will encourage rural enterprise and bring wider community benefits to the County Borough or region. Examples are mineral extraction or improvements to transportation or essential utility service infrastructure where these developments could not be located in neighbouring designated settlements. However these developments will still need to meet other policies in the Plan particularly those in relation to nature and environmental protection.

4.1.12 Policy ENV1 therefore represents the starting point for the assessment of all future development proposals for development in ‘the countryside’ of the County Borough. The Policy will not be set aside lightly, in the interests of maintaining the integrity of the countryside.

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 refers).

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 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).

In terms of sustainable waste management facilities such as this one, PPW advises that Planning authorities, other relevant Local Authority departments and Natural Resources Wales must work closely together to ensure that conditions attached to Planning permissions and those attached to Environmental Permits are complementary and do not duplicate one another. Sufficient information should accompany development proposals in order for Local Planning Authorities to be satisfied that proposals are capable of effective regulation. NRW should assist the Local Planning Authority in establishing this position through the provision of appropriate advice. The parallel tracking of Planning and environmental permitting applications should be the preferred approach particularly where proposals are complex so as to assist in mitigating delays, refusal of applications or conditions which may duplicate the permit/licence (paragraph 5.13.3 refers).

Technical Advice Note (TAN) 21 provides guidance on sustainable waste management and resource efficiency. Paragraph 4.2 of TAN 21 states that to enable proper consideration of the principles contained within the TAN, a Waste Planning Assessment should be submitted with applications for a waste facility classified as a disposal, recovery or recycling facility. The Waste Planning Assessment submitted in support of this application is broadly in accordance with Annex B of TAN 21.

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

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

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

APPRAISAL

The application is referred to the Development Control Committee due to the number of objections received from local residents/businesses and the Coity Wallia Commoners, objections from and a call in request by local Ward Members and objections from St. Brides Minor and Coychurch Higher Community Councils. The application is also closely related to another application on this wider site that is also referred to Members.

As indicated in the description of development, the application seeks to regularise the use of this land for the storage of end of life timber for a temporary period of 3 years (P/20/553/FUL). This area has been the subject of unauthorised storage of poor quality waste wood and it is intended to mix or blend this wood with better quality wood in order to get it to a standard that can be accepted and used at Kronospan or Margam.



Fig. 4 – Photograph of Legacy Waste Wood

The site is located outside of any settlement boundaries and is therefore, located in the countryside where Policy ENV1 Development in the Countryside of the LDP ensures that development is strictly controlled.

The proposed development is not located within and does not form part of a specified employment allocation however, the proposed development seeks an extension for the storage of waste wood which will form part of an existing wood recycling facility and which is considered a long established industrial use. The development will also help meet the objectives of national policy in respect of Zero Waste, the waste hierarchy, meet targets to reduce the amount of waste disposed of by landfill and increase the amount of waste recovered, composted and recycled.

Whilst the site is located within a 'Primary Coal Resource Safeguarding Area', the proposed development will be temporary in nature and Policy ENV9 states that development proposals within mineral safeguarding areas must demonstrate that the mineral can be extracted prior to the development and/or the mineral is present in such limited quantity or quality to make extraction of no or little value as a finite resource. In this case, the form, scale and location of the development would be unlikely to have a significant impact on the possible working of the resource. Therefore, it is considered that

the development will have no adverse impacts upon the Resource Safeguarding Area.

Section 72(1)(b) of the 1990 Act gives power to impose conditions requiring that a use be discontinued or that buildings or works be removed at the end of a specified period. Welsh Government Circular 016/2014 on The Use of Planning Conditions Temporary for Development Management advises that in deciding whether conditions on a temporary permission are appropriate, the following should be taken into account:

- it will rarely be necessary to grant temporary permission for development which conforms with the provisions of the Development Plan;
- it is undesirable to impose a condition requiring the demolition after a stated period of a building that is clearly intended to be permanent, and
- the material considerations to which regard must be had in granting permission are not limited or made different by a decision to make the permission a temporary one.

The Circular goes on to state that a temporary permission will normally only be appropriate either where the applicant proposes temporary development or when a trial run is needed in order to assess the effect of the development on the area. Where a proposal related to a use which the applicant is expected to retain or continue only for a limited period whether because they have specifically volunteered that intention or because it is expected that the Planning circumstances will change in a particular way at the end of that period then a temporary permission may be justified.

In this instance, the temporary period is required to remove the end of life timber from this part of the site in order to take ownership of the site from the Crown and to allow NRW to issue an extended Permit to cover this previously unauthorised area of land.

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

- 1) Air pollution;
- 2) Noise pollution;
- 3) Light pollution;
- 4) Contamination (including invasive species);
- 5) Land instability;
- 6) Water (including groundwater) pollution; and
- 7) Any other identified risk to public health or safety.

It should be noted that significant environmental benefits are to be gained in the removal of this end of life wood (pollution control, reduced fire risk, visual amenity etc.) and if the applicant does not obtain the necessary agreements from the Local Planning Authority, NRW and the Crown to do so then it would more than likely be left to public bodies to remove it.

A period of 3 years is required due to the sheer volume of waste wood on this part of the wider site and the need to blend it with better quality wood to achieve the relevant standards set by the customers of the enterprise. It is considered that this is a reasonable approach bearing in mind the Circular advises that the period should be set so that it is sufficient to achieve the intention of the application and to allow reinstatement of the land when the permission expires.

NRW has confirmed that no new waste wood shall be deposited on the site until an appropriate Permit is in place and the historic wood has been removed from site. This historic wood is currently having an impact on the adjacent water course due to contaminated run-off similar to compost leachate. NRW is currently assessing the impact that this is having on the local water course as well as assessing the on-going fire risk with

support from South Wales Fire & Rescue Service.

In order to ensure that good progress is being achieved in reducing the amount of end of life timber on this site, no new waste wood will be allowed to be deposited in this area and a condition will require the submission of a progress plan/annual review and report.

The operation of re-structuring this wood into stock piles (in compliance with the FPMP) and then moving it from that area to the processing side will inevitably emit noise and there is a residential bungalow located to the north of the site. Therefore, a Noise Assessment (combined with the updated Noise Management Plan for the authorised part of the site as required under P/20/552/RLX) will be required to determine whether additional mitigation is needed due to the close proximity of the existing bungalow to this new site.

The Public Protection Officer has no objection to the proposal provided that only unprocessed wood waste is stored in this area, there is a restriction as to the height of the stock piles, no additional storage should take place until all processed wood which is currently on the site is removed and dealt with appropriately and an updated Noise Survey is undertaken to determine whether additional mitigation is required for the extension site and a Noise Management Plan submitted. These requirements will be secured through the application of conditions.

In terms of the highway impacts of this specific part of the wider site, it is noted that it lies adjacent to current operations and the timber is already on site. It is acknowledged that this timber could potentially remain on the site as the applicant does not have any legal requirement to remove it without the benefit of Planning permission, a transfer from the Crown and a Permit via NRW. The way in which the material is removed has different implications for the transport network. The removal of the quantity of material which has been deposited over a short timeframe has the potential to generate highway concerns in respect of significant intensification of large heavy vehicles along the B4280.

Whilst such an increase would only be for a temporary short period it is noted that concerns have been raised in respect of HGVs meeting on the B4280 and incidents of vehicles rolling over onto the adjacent common. It should be clarified that the B4280 serving the site is a classified highway which does not have any restrictions in vehicle sizes or weights and whilst these representations are noted and understood these vehicles are legally able to access the site.

The operators are limited in the quantity of material that can be produced on site. The proposed method of removal of the material from this site is over a more prolonged period (3 years) as it will have to be blended with existing product. It is therefore considered that this would result in a lower quantum of material needing to be imported to the wider operation to generate the same output whilst the output from the site will be limited in any event. If however, the material is not removed in a progressive way the result would be that the removal of the material in the proposed timescale may not be achievable. Accordingly, the proposal is considered to be reasonable and acceptable from a transportation perspective.

The OS database identifies watercourses draining within the proposed site area and therefore the applicant will be required to provide an updated site plan identifying the location of the timber storage areas and the location of the watercourses.



Fig. 5 – View of Southern Part of the Application site

The historic wood deposit is understood to be causing pollution to local watercourse due to the deterioration of material over time. The proposal will remove this waste and by so doing will remove the root cause of the pollution from the site. The supporting information advises that the site is subject to an Environmental Permit from the NRW which includes preventing pollution to the adjacent watercourses. As well as this, the applicant will be required to provide a site-wide maintenance plan identifying how the existing watercourses/ditches will be maintained. The applicant has liaised with NRW to seek agreement for a variation to the existing Environmental Permit based on the current application and this will include measures to stop pollution from entering the watercourses.

As the temporary timber storage will be located on existing ground (with no formal hardstanding) a sustainable drainage application will not be required in this instance.

The application site lies within a Site of Importance for Nature Conservation (SBM-1-M Cefn Hirgeod), however this portion has been compromised due to the ongoing use of the application site and adjacent areas. The boundary of the site offers opportunities for ecological connectivity and contributes to the landscape of the area and therefore this boundary should be retained and supplemented. Additional planting will be secured via a suitably worded condition.

Having considered the objections to this particular application, the particular characteristics of the site, the pressing need to remove this legacy wood from the site, the advice from consultees and having assessed this application against relevant Planning policies, it is considered that there are no overriding reasons to refuse the application for a temporary permission of 3 years, subject to conditions.

CONCLUSION

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. In this

case, it is considered that the information submitted in support of the development is material to the determination of the application and has been taken into account during the consideration of the proposal.

On balance and having due regard all material considerations and the objections/representations relevant to this application in Planning terms, supported by guidance contained within WG Circular 016/2014 and the terms of the Permit to be issued by NRW, it is considered that the proposed temporary consent to regularise the use of this site for waste wood storage and to allow the operator to dispose of this end of life wood from this site over the next 3 years together with the application of detailed conditions is acceptable in this instance in the interests of achieving an appropriate form of development that will limit the impacts on the environment and neighbouring residents by way of visual impact, pollution, noise and air quality. As this part of the site will be operated in conjunction with the existing business with no expansion to the amount of processed wood produced at the site (maximum of 120,000 tonnes per annum) any impact on the adjoining highway network will be limited.

The application is therefore recommended for approval subject to the following conditions and informative notes.

RECOMMENDATION

(R11) 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: Plan Numbers and LMM/040/01 and LMM/040/02 (received on 31 July 2020).

Reason: For the avoidance and confusion as to the nature and extent of the approved development.

2. Notwithstanding the plans as hereby approved, within 3 months of the date of this consent a detailed site layout plan shall be submitted to the Local Planning Authority for approval in writing which identifies the exact location of the timber storage stock piles and the location of the watercourses together with the proposed access to this land. The scheme shall be implemented as approved by the Local Planning Authority.

Reason: To ensure a satisfactory form of development and to minimise the risk of pollution.

3. No wood processing operations shall be undertaken on the area outlined in red on plan LMM/040/02.

Reason: For the avoidance of doubt.

4. The use shall be discontinued and the associated end of life waste wood shall be removed from the land in its entirety and the land shall be restored to its former condition on or before 31 January 2024.

Reason: For the avoidance of doubt as to the extent of this permission and to ensure a satisfactory reinstatement of the land.

5. Within 3 months of the date of this consent, the Dust Management Plan (dated 18 March 2015) as approved under P/16/659/RLX shall be updated to include this part of the wider site. The updated Dust Management Plan shall be submitted to the

Local Planning Authority for approval in writing. The site shall be operated and maintained in accordance with the approved details for this part of the wider site.

Reason: In the interests of safeguarding the environment and preventing pollution.

6. The height of the stock piles on this site shall not exceed 5m at any time.

Reason: In the interests of visual amenity and the prevention of pollution.

7. Within 6 months of the date of this consent, an updated Noise Management Plan containing a scheme of works to minimise the noise being experienced at existing residential receptors from site operations shall be submitted to and agreed in writing by the Local Planning Authority. The updated Noise Management Plan shall include:

- the rating noise level from the operation of the extension area being used for the storage of unprocessed wood to determine the noise impact on the closest residential receptors (including the residential bungalow at the entrance of the former Bryncethin Nursery Site) in accordance with the assessment methodology in BS4142:2014. This assessment shall include the noise arising from the movement of vehicles entering and leaving into this part of the site, tipping of the unprocessed wood, profiling the stock piles and movement of the wood back into the processing area and any necessary mitigation measures that are required to reduce the noise to below an adverse impact. The Noise Management Plan shall also include details of how the rating level was obtained.

Any necessary agreed mitigation measures that are identified in the noise assessment and Noise Management Plan shall be implemented in full within one month of the updated Noise Management Plan being agreed with the Local Planning Authority and shall be retained for the lifetime of the development.

Reason: In the interests of safeguard the amenities of neighbouring occupiers.

8. The Noise Management Plan referred to in Condition 7 above shall include a programme and time scale for the implementation of mitigation works which shall be agreed in writing by the Local Planning Authority. All mitigation works which form part of the agreed Noise Management Plan shall be completed in accordance with the agreed programme and time scale and thereafter maintained in accordance with the agreed details.

Reason: To ensure the timely provision of the Noise Management Plan's mitigation measures in the interests of safeguarding neighbouring occupiers.

9. The movement of unprocessed wood from this site through the former Bryncethin Nursery site to the processing area and the movement of any vehicles within the former Bryncethin Nursery Site is only permitted between the times:

0800 hours and 1800 hours Mondays to Fridays;
0800 hours and 1300 hours Saturdays;

and not at all on Sundays, Bank or Public Holidays.

Reason: To ensure that the Local Planning Authority retains effective control over the operations in this area in the interests of safeguarding the residential amenities

of the neighbouring occupier.

10. Within 3 months of the date of this consent a surface water drainage scheme for this site designed in conjunction with Natural Resources Wales showing how the polluted site water will be dealt with including future maintenance requirements, shall be submitted to the Local Planning Authority for approval in writing. The approved scheme shall be implemented within 6 months of the date of this consent.

Reason: To ensure that effective drainage facilities are provided for the proposed development and to avoid potentially contaminated water from leaving the site and entering the adjacent watercourses.

11. Notwithstanding the approved plans, within 3 months of the date of this consent details of supplemental and replacement boundary landscaping/screening by way of infill tree planting shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include an indication of identified gaps in the natural boundary features of the site, the proposed areas of planting and the species to be planted.

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

12. All planting, seeding or turfing comprised in the approved boundary landscaping scheme, shall be carried out in the first planting and seeding seasons following approval. Any trees and plants which within a period of 5 years are removed or become damaged or diseased shall be replaced in the next planting season as per the approved details.

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

13. All vehicles associated with the site shall access and egress the site via the existing site access at Locks Yard onto Heol Llan to the west of the site only - the former second access to the north of the site over common land shall not be used at all in any circumstances.

Reason: To ensure a satisfactory form of development in the interests of neighbouring residential amenities and highway safety.

14. Within three months of the date of this consent, a Waste Wood Removal Plan shall be submitted to the local Planning Authority for approval in writing. The Plan shall include a programme, measures and initiatives relating to the removal of the end of life material from the site. The Plan as approved by the Local Planning Authority shall be implemented in full. The progress shall be monitored on an annual basis and the Plan shall be reviewed every year to include details such as site visits notes, photographs and estimates of how much waste wood remains on site at the end of each year. Annual reports shall be prepared by the operator and submitted to the Local Planning Authority in accordance with the approved Waste Wood Removal Plan.

Reason: To ensure a satisfactory and timely form of development and 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. When assessing the application against the relevant national planning policy advice, there are no reasons why the temporary planning permission cannot be issued in the manner indicated in the preceding Appraisal Section of the Report.

- (b) The developer is reminded of their responsibilities in respect of the management of non-native invasive plant species such as Himalayan Balsam and Japanese Knotweed under the provisions of the Wildlife and Countryside Act, 1981.
- (c) No surface water is allowed to discharge to the public highway.
- (d) No land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.
- (e) To satisfy condition 2, the applicant must:
 - Provide an updated site plan identifying the location of the timber storage areas and the location of the watercourses;
 - Provide a site-wide maintenance plan identifying how the existing watercourses/ditches will be maintained;
 - Provide an agreement in principle from NRW for the revised environmental permit;
 - Submit an ordinary watercourse consent application associated with works to the existing watercourses, if required.
- (f) The applicant is advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru Welsh Water in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 917 2652 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- (g) The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future particularly as a result of development taking place.

If any coal mining feature is unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority

Janine Nightingale
CORPORATE DIRECTOR COMMUNITIES

Background papers
None

This page is intentionally left blank

REFERENCE: P/20/346/FUL

APPLICANT: Lidl GB LTD 19 Worples Road, London SW19 4JS

LOCATION: **Lidl Regional Distribution Centre
Waterton Industrial Estate, Bridgend CF31 3PH**

PROPOSAL: Extension to warehouse and administration block; extend and reconfigure car park, service yard and associated works

APPLICATION/SITE DESCRIPTION

Lidl Great Britain Ltd have submitted a full Planning application for the extension of its Regional Distribution Centre (RDC) on Waterton Industrial Estate to provide an additional 6401sqm of floorspace and the reconfiguration of the existing car park and servicing yard.

The site lies on Waterton Industrial Estate which is located just off Cowbridge Road (A48) on the south eastern edge of Bridgend. It consists of a Distribution Centre Warehouse, hard-surfaces, soft landscaping areas, a pump house, sprinkler tank and an attenuation pond. The ground floor of the existing Distribution Centre building is set at 18.8m AOD. There is a slight gradient across the hardstandings with the levels varying in height between 16.5m AOD - 18.7m AOD. The levels reduce further at the site entrance.

The site is bound by undeveloped land to the north which forms part of the Waterton Alderwood Site of Importance for Nature Conservation (SINC), other commercial units to the west and the A48 and railway line to the south. Ford Motor Company's Bridgend plant lies in close proximity to the north-east.

The proposed existing and proposed site layout plan are reproduced below for reference:

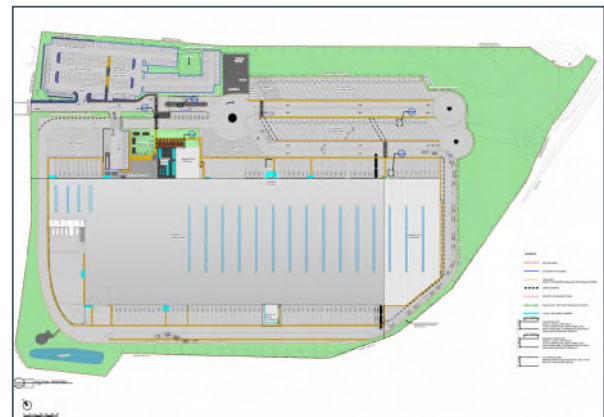
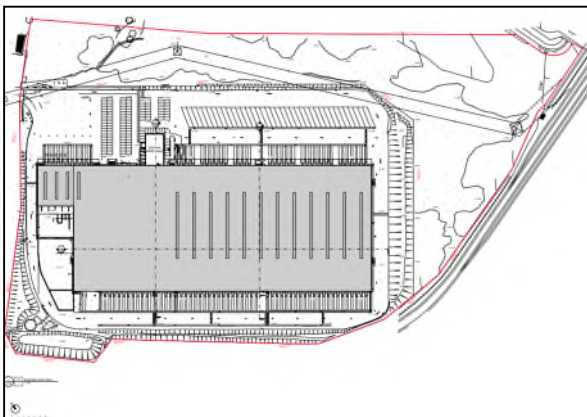


Fig. 1 – Existing and Proposed Layout

The development proposal consists of:

- (i) an extension to the warehouse of 5065 sqm (Gross Internal Area GIA) to create new ambient storage space;
- (ii) an extension to the Administration Office Block of 1180 sqm (GIA) to create improved office and welfare facilities;
- (iii) an extension to the Goods Out Block of 156 sqm (GIA) to provide improved office and welfare facilities;
- (iv) a new staff car park replacing the existing 143 space car park with a new 252 space car park (including 40 electric spaces) and 14 motorcycle spaces, a new 11 space accessible/visitor car park and 76 space cycle parking adjacent to the entrance of the administration office block;
- (v) new heavy goods vehicles (HGV) hardstanding area for vehicle circulation and

parking;

(vi) new external works including external seating and breakout space. Internal reconfiguration will also be carried out within the existing Distribution Centre Warehouse space.

(i) The proposed warehouse extension and re-aligned service road will extend the operational area beyond the footprint of the existing Distribution Depot through an existing landscaped bund into areas of green habitat comprising grassland, trees, hedgerows and small ephemeral pond.

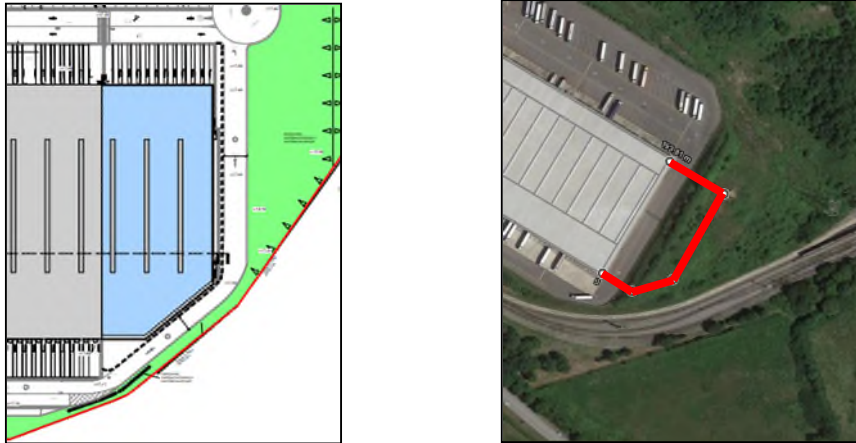


Fig. 2 – Proposed Warehouse Extension

The extension is a continuation of the existing building measuring 112m in depth and projecting a maximum of 49m from the existing elevation on the south eastern side. The curved roof will follow the existing, reaching a maximum height of 13.6m from ground level. The re-aligned service road will connect the rear service yard to the new HGV parking/stacking area at the front of the warehouse.

Beyond the 3.0m high close-boarded fence that will enclose the south-eastern boundary of the Distribution Centre, a new compensatory habitat will be created to support dormice and a range of other species including birds, bats and invertebrates. Adjacent areas will be protected with trees and hedgerows retained. The new and retained habitat/landscaping will measure 5m at its narrowest point alongside the re-positioned service road in the south eastern corner to a depth of some 70m to the existing security fencing alongside the railway line and sidings in the grounds of the Ford Engine Plant.

(ii) The two storey extension to the existing administration block is proposed to the front (north-eastern) elevation of the Distribution Centre. It will measure 28m x 22m with a flat roof reaching a height of 7.8m. New office space and ancillary rooms will be provided.

(iii) A new administrative block to support the distribution element of the business is proposed to the rear (south western) elevation of the Distribution Centre. The extension will measure 15m x 10m with a flat roof reaching a height of 5.2m.

Both extensions (ii) and (iii) will be constructed on the existing hardstandings of the Distribution Centre with the warehouse extension finished in aluminium/silver cladding panels to match the existing cladding and to align with the Lidl corporate identity. At lower levels painted precast concrete has been specified to provide a robust design and to reduce the need for add-on barrier protection. Painted precast concrete walls and PVC windows have been selected to be used for the administration block extension. Again these materials will match the existing administration block.

(iv), (v) & (vi) The existing hardstanding areas on the north eastern side of the Distribution Centre are used for the parking and movement of HGV and staff in a series of dedicated bays and circulatory routes. Beyond the 2.2m high security mesh fence which forms the current extent of the operation lies an area of grassland and scrub which extends into the Alderwood SINIC. The land, all within the ownership of Lidl, accommodates a pylon and is crossed by high voltage cables. The current extent of landownership is undefined on the ground.

The application proposes a complete re-configuration of the parking and servicing arrangements but over an extended area covering approximately 15000 sqm. A new 2.2m high security mesh fence will define the extent of the development site along its north eastern boundary. Inside this fence line the latest revised plans incorporate areas of new compensation dormice habitat ranging in depths of 5m alongside the new car parking areas increasing to 26m-40m adjacent to the new HGV parking and circulatory roads.

Beyond the landscape/habitat buffer and enclosed by 2m high close boarded fencing will be areas of parking dedicated to staff parking totalling 264 spaces including 40 electric spaces and 13 motorcycle spaces, a new 11 space accessible/visitor car park and cycle parking adjacent to the entrance of the administration office block. Some 59 bays for the parking (stacking) of HGVs occupies a major part of the new layout along with three roundabouts (internal) and associated access roads. Refuelling bays and rest areas for HGV drivers are a new part of the layout as are the breakout areas for office staff adjacent to the administration block. Footways, crossing points and barrier controlled access routes are all part of the revised parking and servicing arrangements.

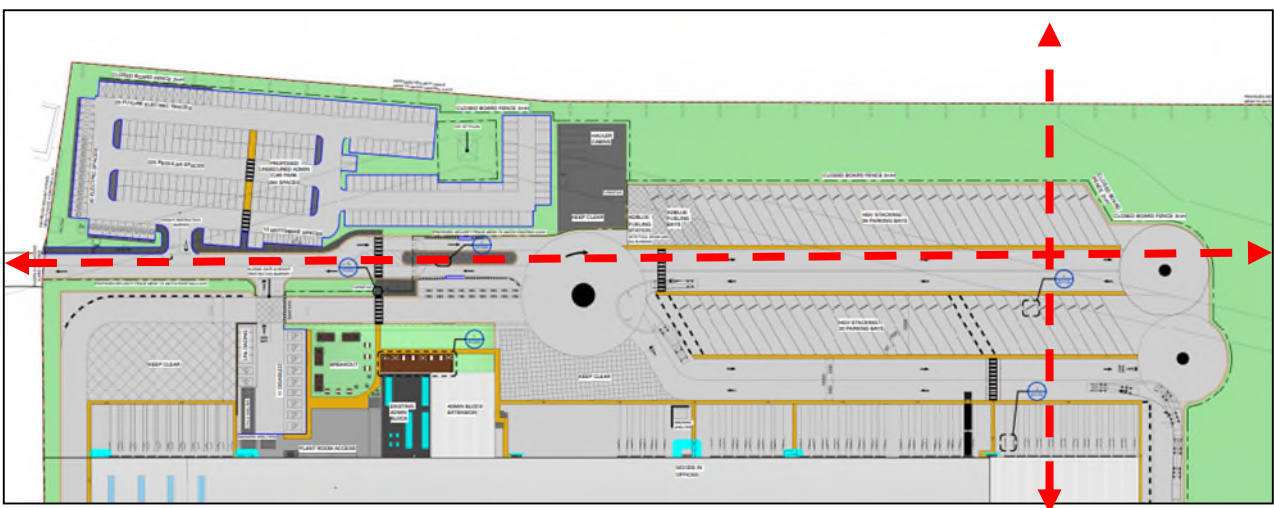


Fig. 3 – Proposed parking and servicing area with the current site boundary indicated by the red dotted line.

A raft of documents, assessments, surveys and reports have been submitted in support of the application as follows:-

- Planning Statement
- Design and Access Statement
- Ecological Survey
- Summary of Ecology Recommendations
- External Lighting Assessment
- Transport Assessment
- Pre-Application Consultation Report

In accordance with Part 1A of the Town and Country Planning (Development Management Procedures) (Wales) (Amended) Order 2016, the proposal has been the subject of a pre-application consultation process with specialist consultees and the

community including the surrounding Community Councils and local Ward Member.

RELEVANT HISTORY

P/00/408/FUL - Construction of B8 warehouse with associated offices access servicing and parking – CC – 6 September 2000.

P/00/409/OUT - Development of Land for B1, B2 and B8 uses with access – CC – 18 February 2002.

P/03/495/FUL - Construction of a B8 warehouse with associated offices, access, servicing and parking – CC – 19 June 2003.

P/12/354/FUL - Proposed extension and install new grey pvcu membrane over extended aluminium standing seam warehouse roof – UC – 20 June 2012

PUBLICITY

The application has been advertised on site. Neighbours have been notified of the receipt of the application. The period allowed for response to consultations/publicity has expired.

CONSULTATION RESPONSES

Highways Officer - No objection subject to conditions.

Countryside Management Officer – Notwithstanding NRW input concerning the European protected species issues associated with this proposal, the management of the Alderwood Site of Importance for Nature Conservation (SINC) is also of significance. Therefore, the accompanying habitat management plan is welcomed and I recommend it be included within the conditions of consent.

Through prior discussions with Welsh Government concerning the future development of the Alderwood SINC, it was agreed that consultations could take place with a third party to undertake the future management of the wood as a means of maintaining and enhancing the qualifying SINC features. This third party has recently indicated that they would still wish to take on the future management of the wood and this approach is consistent with management implementation section of the habitat management plan.

Therefore I would recommend that the applicant pursue these discussions as a means of securing long-term management of the SINC and mitigation identified and I am happy to provide initial introductions. If an agreement can be come to with the third party, this agreement would not only ensure delivery of the management plan, it would also help satisfy delivery of Section 6 of the Environment (Wales) Act 2016. This Act places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'.

Shared Regulatory Services – Environment Team (Contaminated Land) Comments:

No objection subject to conditions. In reviewing available records and the application for the proposed development, the site has been identified as commercial/industrial. Contamination is not known at this site however, the potential for this cannot be ruled out. I therefore request the use of the 'unforeseen contamination' condition.

Landscaping and earthworks are indicated as part of the proposal. Should there be any importation of soils to develop the landscaped areas of the development or any site won recycled material or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the

introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use. Consequently, the inclusion of conditions to ensure the use of suitable materials is requested.

Shared Regulatory Services requests the inclusion of conditions and informative statements in accordance with CIEH best practice to ensure that the safety of future occupiers is not prejudiced in accordance with Policy ENV7 of the Bridgend County Borough Council Local Development Plan:

Drainage Officer - No objection subject to conditions.

Natural Resources Wales: We recommend that you should only grant Planning permission if you attach the conditions that require the implementation of the latest plans and that the dormouse mitigation measures outlined in the submitted reports are implemented as part of a comprehensive Landscape and Ecology Management Plan.

Dwr Cymru Welsh Water - We would request that if you are minded to grant Planning Consent for the above development that the recommended advisory notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Vale of Glamorgan Council (as adjacent LPA) - Consideration has been given to this matter and I would inform you that this Authority does not wish to make any observations on the proposal. VoG Council do not object subject to Bridgend LPA being satisfied that the proposals do not harmfully impact upon the residential amenity.

South Wales Police – Designing out Crime Officer – No adverse comments.

REPRESENTATIONS RECEIVED

Cllr E Venables (Local Member) has expressed concerns that the development will result in the loss of part of the SINC. Such areas need to be protected. The Local Member has requested that the Development Control Committee consider the application.

The occupier of 2b Waterton Park supports the proposal but has expressed concerns about the impact of construction traffic and the need for this to be controlled so as not to impact on access to other businesses.

The points are addressed in the Appraisal section of this report.

POLICY CONTEXT

The Planning system manages the development and use of land in the public interest contributing to improving the economic, social, environmental and cultural well-being of Wales as required by the Well-being of Future Generations (Wales) Act 2015. It should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land and protecting natural resources and the historic environment. A well-functioning Planning system is fundamental for sustainable development and achieving sustainable places (Paragraph 1.2 of Planning Policy Wales - Edition 10 – December 2018 refers).

Up-to-date Local Development Plans (LDPs) 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) to 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 most relevant policies relating to the proposed development from the adopted Bridgend County Borough Council Local Development Plan (2013) are:

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 SP9 – Employment and Economy – strategic site employment allocation

Policy ENV5 – Green Infrastructure
Policy ENV6 – Nature Conservation
Policy ENV7 – Natural Resource Protection and Public Health
Policy PLA4 – Climate Change and Peak Oil
Policy PLA7 – Transportation Proposals
Policy REG1 (29) – Employment Sites

Supplementary Planning Guidance (SPG):

SPG07: Trees and Development

SPG17: Car Parking Guidelines

SPG19: Biodiversity and Development: A Green Infrastructure Report

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

1. 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:
2. Complying with all relevant national policy and guidance where appropriate;
3. Having a design of the highest quality possible, whilst respecting and enhancing local distinctiveness and landscape character;
4. Being of an appropriate scale, size and prominence;
5. Using land efficiently by:
 - being of a density which maximises the development potential of the land whilst respecting that of the surrounding development; and
 - having a preference for development on previously developed land over greenfield land;
6. Providing for an appropriate mix of land uses;
7. Having good walking, cycling, public transport and road connections within and outside the site to ensure efficient access;
8. Minimising opportunities for crime to be generated or increased;
9. Avoiding or minimising noise, air, soil and water pollution;
10. Incorporating methods to ensure the site is free from contamination (including invasive species);
11. Safeguarding and enhancing biodiversity and green infrastructure;
12. Ensuring equality of access by all;
13. Ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected;
14. Incorporating appropriate arrangements for the disposal of foul sewage, waste and water;
15. Make a positive contribution towards tackling the causes of, and adapting to the impacts of Climate Change; and
16. 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.

Planning Policy Wales 10 (2018) paragraph 5.4.4 states *Wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration*. It is expected that the proposed development will deliver an increase of 40 jobs in the long term while also allowing store expansion which will have further net gain in jobs and investment for Wales.

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 the Development Control Committee at the request of the Local Member.

The main issues for consideration in the assessment of this application are:

- Whether the principle of extending this existing warehouse facility accords with the land use policies of the Bridgend Local Development Plan;
- Whether the impact of any additional traffic generated by the development on the highway network will be acceptable and whether the existing access arrangements are deemed safe with regard to pedestrians, cyclist and all other users of the highway;
- Whether the development will adversely impact on the character of the landscape and any biodiversity and habitats;
- Whether the visual impacts of the development will detract from the environment or neighbouring properties and
- Whether the development will affect flood risk or site drainage.

Whether the principle of extending this existing warehouse facility accords with the land use policies of the Bridgend Local Development Plan

The proposed development is located within an allocated employment site as defined by Policy REG1 of the LDP. Policy REG1 (8) of the LDP allocates and protects the site (Waterton Industrial Estate) for development falling within use classes B1, B2 and B8.

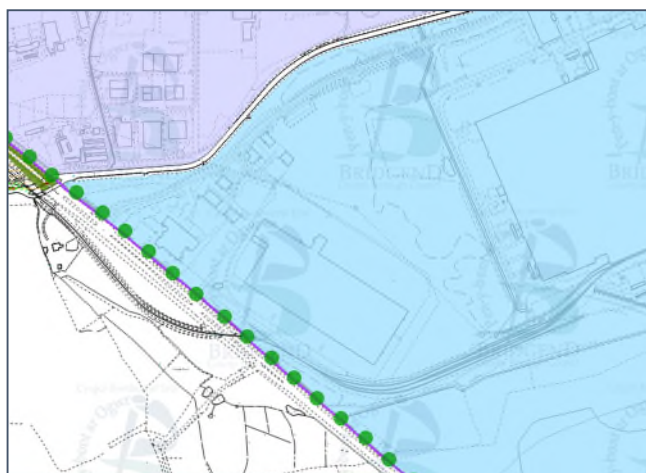


Fig. 4 Employment Site Designation under the Bridgend Local Development Plan

The proposed development seeks the extension of an existing distribution building (Class B8), the reconfiguration of its existing parking/servicing area and extended and improved office and welfare facilities. The proposed development complies with Policy REG1 of the LDP. Furthermore, Planning Policy Wales 10 (2018) paragraph 5.4.4 states:

Wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration.

It is expected that the proposed development will deliver an increase of 40 jobs in the long term while also allowing store expansion which will have further net gain in jobs and investment for Wales.

Policies of the Local Development Plan whilst seeking to spread prosperity and opportunities also seek to protect and enhance the natural environment. Development proposals that will adversely affect biodiversity and natural habitats will not generally be permitted with greatest protection being afforded to the strategically important sites such as Special Areas of Conservation, SSSIs, Nature Reserves and the Heritage Coast. Local sites of nature conservation are also afforded a level of protection and Policy ENV4 of the Local Plan states that development within or adjacent to a Site of Importance for Nature Conservation (SINC) should be compatible with the nature conservation or scientific interest of the area whilst promoting their educational role. Developments which would have an adverse impact on these sites will not be permitted unless the benefits associated with the development can be demonstrated to outweigh the harm and/or the harm can be reduced or removed by appropriate mitigation and/or compensation measures.

As indicated at the introduction, part of the proposed development (the enlarged parking and servicing area) will extend into the Waterton Alderwood SINC. The extent of the incursion is illustrated on Figure 5 below which shows the boundary of the SINC within the dark blue line on the plan as it relates to the development site.

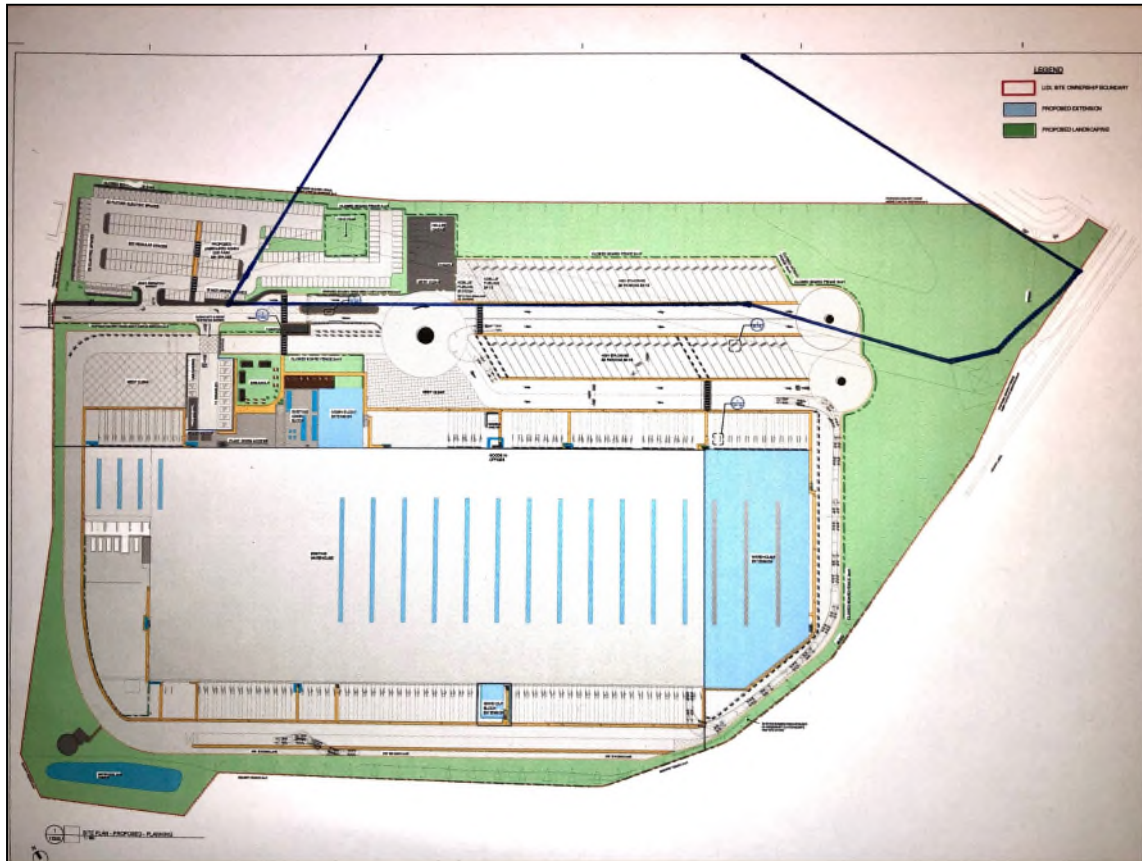


Fig. 5 – Extract of Site Layout Plan with the Boundary of the SINC in blue

The Landscape and Ecological Management Plan submitted by the applicant company describes the extent of the proposed works necessary to facilitate the development:

Development is going to affect a strip of land to the north-east and south-east of the existing warehouse site. The existing habitat against the north-east boundary fence line contains leggy bramble with moderate value for wildlife. The bank of dense scrub against the south-east fence (outside the SINC) has a greater diversity of species and offers better quality dormouse habitat in terms of shelter and food sources. Both areas were recorded to support breeding bird activity, the vegetation will be removed, and the ground levels re-profiled to enable the warehouse expansion to occur. The small ephemeral water body, referred to, as pond 1, will be lost in this process. There is no impact on the mature woodland area of the SINC, the Brocastle Brook watercourse, pond 2, and the majority of the marshy grassland.

The development site is assessed to be of high nature conservation value in terms of habitats and species and, for any development to be acceptable in terms of all the policies of the Development Plan, it will have to offer a scheme of mitigation and compensation to minimise harm and potential impacts with the objective of retaining a resilient ecosystem at the site. Furthermore, it must be demonstrated that the steps taken to provide a robust scheme of mitigation outweigh negative impacts and harm to its features. Negotiations between the developer, the Council and Natural Resources Wales have resulted in the submission of an amended site layout that proposes the creation, retention and management of the following features:

- New planting of species to favour dormouse in a wide band to the south-east of the expanded warehouse facility with connectivity at the eastern end adjacent to Waterton Alderwood SINC;

- New planting to favour dormouse to enhance existing planting in site boundary zones along north-west and south-west perimeter;
- New planting of shrubs to favour biodiversity around new staff parking zone;
- Existing short perennial grassland in retained habitat;
- Existing scrub in retained habitat;
- Installation of 20 dormouse nest boxes;
- Creation of new pond;
- Creation of a reptile hibernacula, and;
- New fencing to protect the natural habitats and deflect artificial lighting.

A Management Scheme has also been prepared for both the ecological and general landscape aspects of the site providing management recommendations, indicating a general timetable and the responsibilities of the owner/developer as well as laying out monitoring activities of the ecological features.

In their consultation response to the latest plans Natural Resources Wales and the Council's Ecologist have requested the imposition of Planning conditions which secure the implementation of the dormouse mitigation measures outlined in the updated ecology reports as part of a comprehensive Landscape and Ecology Management Plan. NRW note the revision and reduction in the area given to HGV parking and the provision of a wider buffer of dormouse habitat. Based on these revisions NRW and the Council's Ecologist consider there should not be a detriment to the maintenance of the favourable conservation status of the dormice present. Overall the impact of the development on the SINC is not considered significantly adverse and measures to mitigate and compensate will ensure that the development complies with Policies SP4 and ENV4 of the Bridgend Local Development Plan. Furthermore, the implementation of a management programme for the areas of the SINC within the developer's control will protect and enhance this natural green infrastructure provision in accordance with Policy ENV5.

The principal of the development therefore accords with both national and local Planning policies. Considerations of detail are set out in the sections below.

Whether the impact of any additional traffic generated by the development on the highway network will be acceptable and whether the existing access arrangements are deemed safe with regard to pedestrians, cyclist and all other users of the highway

The submitted layout and the impact of the development on the surrounding highway network has been thoroughly examined by the Transportation and Engineering Section.

The Transport Assessment (TA) noted that the local highway network had been designed for the industrial nature of the surrounding area with generous carriageway widths and geometry to facilitate the swept path requirements of articulated vehicles. The site is reasonably well located in terms of public transport and the car and cycle parking arrangements are considered to accord with adopted SPG standards.

In respect of impact of the wider local highway network, the TA assesses the proposed development as generating a negligible impact on these local junctions. With the impact of the proposed development demonstrated to be negligible typically, capacity analysis would not usually be required. Notwithstanding this, it has been undertaken at the A48/Waterton Industrial estate signal junction to provide the Highways Authority with further reassurance the development will not lead to highway safety or capacity concerns. The assessment indicates that sufficient capacity on the local highway network is available to accommodate the proposed development.

There have been concerns that the application site is not well connected to the public footways and active travel routes on the Ford access road or beyond. Pedestrians until recently have had to walk in the carriageway on the access road as the footway was not continuous. This risked pedestrian safety particularly given the mix of HGV traffic using the access. Works have recently been undertaken to provide a dropped footway crossing to address this issue. Whilst it is understood this new arrangement was in situ prior to the completion of the adjacent office accommodation, it appears to have been changed to a planted verge some years ago. Based on the current arrangement (which returns the original arrangement serving the Lidl site) the situation for pedestrian access is considered acceptable. Notwithstanding this view, it is noted that the footway improvement works were undertaken on land not strictly under the direct control of the applicant or the Highway Authority although it is understood that the applicant has rights of access over the land in question. Accordingly, whilst there is a reasonable prospect that the arrangement will remain, there is concern that the landowner in due course could remove these works which would reintroduce the pedestrian safety concern. Given that this is a private access road, it is considered that the matter of increased highway safety as a result of that situation would be for the developer and landowner to accept.

The site is close to a recently constructed cycle route along the Ford Engine Plant access road. This route will imminently link to the proposed route along route A48 and works which have commenced at the A473/A48 Waterton Roundabout. Unfortunately the access road serving the site from the Ford access road roundabout has no cycling facilities and relies on cyclists using the carriageway. Any cyclists wishing to access the site will be at risk of vehicle conflict and this is of particular concern given the significant percentage of HGV traffic involved. This is an existing situation and there is insufficient control over the access to significantly alter its layout. It is considered that the risks would deter any new cyclists and would not accord with national Planning policy and the Active Travel agenda. As with the above concern, the access is private and the matter of increased highway safety as a result of increased cyclists would be for the developer and landowner to accept. In order to assist in promoting the Active Travel agenda, the developer should prepare and monitor a Travel Plan which should address modal shift for both staff and visitors. To assist with reducing the risk of cyclist/vehicular conflict a Traffic and Delivery Plan should be prepared to provide adequate information to all staff, visitors and delivery and maintenance vehicles of the potential for the presence of cyclists on the access together with appropriate signage to remind drivers.

Whether the development will adversely affect the character of the landscape and any biodiversity and habitats

The application site comprises the existing Distribution Centre, associated service and operational areas and the landscaping buffer zones that were part of the original development. Even accounting for the site's close proximity to the Waterton Alderwood SINC, in landscape terms the site is very much part of the built form of Waterton Industrial Estate and the larger settlement of Bridgend. The development of the new Brocastle Business Park to the south east further reinforces this view.



Fig. 6-Landscaped bund on south eastern boundary (to be removed)

Nevertheless, extensive areas of landscaping, particularly on the south eastern boundary will be removed to accommodate the development – see Figure 6 above and Figure 7 below:



Fig. 7-Landscaped area on north eastern boundary (to be removed)

Whilst new areas of planting will be implemented on the remaining land, the loss is regrettable and there will be some adverse effects on the local landscape consequently. New planting will take a number of years to establish and will not have the advantage of raised ground levels to give more immediate impact. That said, the direct changes to the landscape character resulting from the works would only be perceived from a relatively small area beyond the application site. The impacts on the wider landscape beyond would be more limited. The existing detracting human influences such as a pylon, power lines, wind turbine and the complex of large buildings and associated infrastructure within the landscape combined with the limited visibility of the development, further minimises the impact of the development on landscape character. The impacts on visual amenity will be considered later in this report.

Biodiversity underpins the structure and functioning of ecosystems and the Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty). This duty applies to public authorities in the exercise of their functions in relation to Wales and will help maximise contributions to achieving the well-being goals. The Planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems at various scales by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement.

The presence of a species protected under European or UK legislation or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a 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 and to ensure that the range and population of the species is sustained.

Extensive ecological surveys have been undertaken on site which have established the presence of reptiles, amphibians, dormice, bats and breeding birds.

Dormice are protected under the provisions of Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and under the provisions of the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) 2019. The removal of habitat where dormouse can be present results in the need for a European Protected Species (EPS) Licence which would be issued by Natural Resources Wales (NRW) before any work with potential to affect dormice is carried out.

As there are protected species present, the Local Planning Authority must establish whether "the three tests" set out in the legislation 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".

Based on the evidence submitted with the application and the implementation of the proposed mitigation and compensation works through the grant of consent, there is no reason why not all three tests can be met. Furthermore, Natural Resources Wales have confirmed that the favourable conservation status of dormice should not be adversely affected. The development will therefore accord with both national and local Planning policies.

Whether the visual impacts of the development will detract from the environment or neighbouring properties

This assessment has particular regard to criteria 2 and 3 of Policy SP2 which require that new development has a design of the highest quality possible whilst respecting and enhancing local character and distinctiveness and landscape character and is appropriate with regard to scale, size and prominence.

A Design and Access Statement has accompanied the application which suggests that the design has been formulated following thorough contextual analysis of the site and in response to advice offered at pre-application application stage by the Council. The submitted proposals have evolved from a conceptual design which led to a number of iterations before the submitted proposals were worked up to a detailed form. Further changes have been made to address the concerns of Natural Resources Wales in respect of the impact of the development on protected habitats and this has resulted in changes to the design and form of the proposed landscaping. Originally it was intended to replace the landscaped earth bund on the south eastern boundary of the site but that has been omitted as the new ground levels formed beyond the footprint of the development will have to tie into existing levels to ensure that appropriate replacement habitat is provided.

The submitted application drawings illustrate the main extension is proposed to integrate seamlessly with the existing built form of the building at its eastern elevation. Similarly, the proposed administration building extension closely matches the existing administration building in scale and form. In the immediate surroundings the proposed extension will have a limited impact.

The impact of the extension and in particular the loss of the landscaping buffers on the south eastern side must be considered along with the visual impacts of the extended parking and servicing area.

Visual receptors in this case have been identified as users of the Public Rights of Way near the site, users of Bridgend Golf Club, users of the adjacent highways and the occupiers of the nearest dwellings.

The Rights of Way in the area are of local importance, are highly valued and are well used. The nearest Public Right of Way runs along the northern boundary of the new Brocastle Business Park. Views of the site from the route are partly obscured by hedgerows, occasional trees and the existing banded landscaping areas that will be removed to facilitate the development. Consequently, the extended building will be a more

prominent structure for users of the route having a moderately adverse impact on visual amenities. Some mitigation will be offered in the form of new planting in the retained green corridor between the site and the railway line. Although not on raised ground, the planting along with the extensive landscaping and ecological works that will provide the setting of the Right of Way on the Brocastle development will further limit the impact of the works.

Impacts on other Rights of Way which are more distant from the development, are not considered so significant.

The Bridgend Golf Club occupies an area to the south west of the application site. Existing trees and hedgerows allow only glimpsed views of the Distribution Centre building and the proposed extension and they will be set against the complex of other buildings that form this part of Waterton Industrial Estate. The removal of the landscape buffer will be evident but not harmful to the visual amenities enjoyed by users of the facility.

Views from the local road network in particular the A48 must also be considered although they are transient and of less value with the receptors attention being focused on the task of driving. From the more distant approaches on the A48 on Crack Hill the site appears part of the Industrial Estate with the large buildings and wind turbine being the more dominant and detracting features. The proposed works will basically increase the mass of the building but at this distance, with no discernible visual impact.

As the site is approached after passing Brocastle Manor and the entrance to the new business park, the existing roadside hedges, particularly in the Spring and Summer months, obscure the views of the site for road users. Gaps in the hedgeline do however exist and at these locations the removal of the landscaping and new works will be most prominent and will have an adverse visual impact. Mitigation in the form of the proposed landscaping and the extensive planting works that form part of the Brocastle Estate will to some extent minimise the impacts in the medium to long term.



**Fig. 8 View of existing landscaped area on south-eastern boundary from A48
(to be removed)**

The nearest dwellings to the development lie on the south western side of the A48 and are approximately 300m from the nearest part of the extension. The orientation of the dwellings is such that they directly face the development but over a significant distance. Issues of domination, loss of light are not factors to be considered. The existing roadside hedge and field boundaries offer a reasonable level of screening when viewed from the ground floor windows but are less effective when viewed from the first floors of the respective properties. The extended building and site clearance works will be visible and will have an impact on the visual amenities enjoyed by the residents. It should be noted that this is however over a significant distance. Furthermore, new planting will minimise the impact over time and it is not considered grounds to refuse this application.

For completeness the visual impact of the extended servicing and parking area must also be considered although the visual receptors on the north eastern side of the site are not so important comprising of the users of Waterton Industrial Estate/Ford Access Road/Active Travel Route, the occupiers of the adjacent business units and the users of the adjacent Waterton Alderwood SINC. It should be noted however, that the SINC is on private land and public access is not permitted.

Existing roadside vegetation again obscures views of the development for users of Waterton Industrial Estate/Ford Access road. As highway users approach Waterton Business Park the planting disappears and the following view of experienced:



Fig. 9 View of site from Ford Access Road

Looking south the foreground comprises managed grassland on the edge of the SINC. The existing Distribution Centre, pylon and power lines draw views although the vegetation that has formed along the boundary is noticeable. Again, the loss of this landscape feature is regrettable but new planting on the boundary which has been enhanced on the latest layout plan will compensate it. Over time this will enhance the views of the development when viewed from this perspective. The impacts on visual amenity will be moderate for users of the highway.

There will be a number of direct views of the site from the three storey office blocks that form Waterton Park. View over greenspace will be replaced by view of the extended parking and servicing areas. The loss of greenspace and to some extent the amenities enjoyed by the occupiers of these commercial units must be balanced against the site's allocation for industrial development in the Bridgend Local Development Plan. Landscaping areas around the development area will minimise the impacts of the works.

Overall, the proposed development and in particular the loss of the extensive landscaping buffer will have some adverse visual impacts particularly on the views from the public Rights of Way and to a lesser extent, the occupiers of the nearest dwellings. Those impacts have to be considered against the economic benefits of allowing and expansion of this facility on land allocated for employment purposes which will secure the long-term future of the Distribution Centre at this location. Furthermore, new landscaping as part of this and the adjoining Brocastle development will mitigate some of the adverse impacts.

Noise generated by the existing facility has not been a previous concern to the Council and there is no evidence to suggest that the extended operation will cause any issues in the future. A condition will be imposed that requires the agreement of a Construction Management Plan before development commences. It will need to include an assessment of construction impacts which includes the key receptors namely the nearest residential properties, Maes yr Haf and Waterton House. Working and deliveries hours for external construction activities will be restricted to between 08:00 – 18:00 Mon to Fri and 08:30 – 13:00 Sat. There will be no works on Sundays or Bank Holiday.

Whether the development will affect flood risk or site drainage.

The Council's Land Drainage Officer has assessed the submitted scheme and notes that the proposed development is not located within a Flood Risk Zone, is not located within 20m of a watercourse and does not propose to increase flood risk elsewhere. The application form states foul water will be disposed via other mains and states there will be potential trade effluent/waste from the parking area. A foul drainage layout has been provided. The mapping database identifies a public rising main, it is understood the gravity sewers connect to the pumping station. A fuel interception retention system is proposed to manage any fuel spillages. The applicant will be required to contact Dwr Cymru Welsh Water to discuss the proposed connection to the public sewer and trade effluent disposal to the public sewer.

Surface water from the development site will be disposed to the River Ewenny via an existing piped network. The proposed onsite drainage will include rain gardens, permeable paving, swale and filter drains which will connect to a new pipe network connecting to the existing drainage system. Flows will be restricted to greenfield run-off rate with attenuation provided via geocellular crates. It should be noted that the applicant has submitted a SAB approval application to this Authority. 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).

CONCLUSION

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. In this case, it is considered that the information submitted in support of the development is material to the determination of the application and has been taken into account during the consideration of the proposal.

On balance and having regard to the above, weighing up of all material considerations relevant to this scheme, in pure Planning terms it is considered that the proposed expansion of the Distribution Centre is acceptable in this specific location due to the allocated and protected nature of the wider site for employment purposes and in regard to its potential impacts on surrounding residents by way of visual impact, noise, air quality and any impact on the character and appearance of the site and surrounding areas, its potential impact on biodiversity in and around the site and its potential impact on the highway network and drainage in and around the site.

Any impacts on biodiversity interest have been mitigated and compensated for and those impacts on local visual amenities are not so significant to warrant a refusal of permission and would have to be weighed up against the overall economic benefit to the wider County Borough through the safeguarding of existing jobs and the creation of much needed employment opportunities in the area.

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

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

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

The application is therefore recommended for approval subject to the following conditions and informative notes.

RECOMMENDATION

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

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

GB-P580BRE-XX-PLA-DR-ZZ-ZZ-INF-13000-P03 - Location Plan received on 19/5/20

GB-P580BRE-XX-PLA-DR-ZZ-ZZ-INF-13100-P04 - Existing Site Plan received on 19/5/20

GB-P580BRE-XX-PLA-DR-ZZ-ZZ-INF-13200-P05 - Proposed Site Plan received on 23/10/20

DRAWING NO 1274 Landscape Plan by HRH Design Associates – Revision received on 23/10/20

GB-P580BRE-XX-PLA-DR-ZZ-ZZ-INF-14201-P04 - Proposed Elevations South & West received on 23/10/20

GB-P580BRE-XX-PLA-DR-ZZ-ZZ-INF-14200-P06 - Proposed Elevations North & East received on 23/10/20

GB-P580BRE-XX-PLA-DR-WH-XX-03200-P03 - Proposed Site Plan received on 23/10/20

GB-P580BRE-XX-PLA-DR-WH-02-10202-P04 - Proposed Roof Plan received on 23/10/20

GB-P580BRE-XX-PLA-DR-ZZ-01-INF-10201-P05 - Proposed First Floor Plan received on 19/5/20

GB-P580BRE-XX-PLA-DR-ZZ-01-INF-10201-P05 - Proposed First Floor Plan received on 19/5/20

GB-P580BRE-XX-PLA-DR-ZZ-GF-INF-10200-P03 - Proposed Ground Floor Plan received on 19/5/20

Recommendations and Mitigation Measures included within:

- External Lighting Assessment by Brentwood Consulting Engineers Inc. Drawing 5504-E01 Revision P05
- An Ecological Survey Report By: Just Mammals Consultancy – October 2020
- A Summary of Ecology Recommendations By: Just Mammals Consultancy – October 2020
- Design and Access Statement – (Amended)
- A Landscape and Ecological Management Plan By: by Just Mammals Consultancy – December 2020

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

2. 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 site or the completion of the development whichever is the sooner and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To preserve the amenities of the area and in the interests of biodiversity within and around the site

3. The cycle parking stands shall implemented before the development is brought into beneficial use and shall be maintained and retained in perpetuity.

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

4. Within three months of the development commencing, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall contain targets, measures and initiatives relating to the encouragement and promotion of the use of sustainable transport for journeys to and from the site. The approved plan shall be implemented within 6 months of the commencement of the beneficial use of the development and shall be subject to periodic review and monitoring with annual reports prepared by the occupier and submitted to the Local Planning Authority.

Reason: In the interests of promoting sustainable modes of transport to and from the site

5. The car and HGV parking areas shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and retained for the purposes of parking in perpetuity.

Reason: In the interests of highway safety.

6. HGV manoeuvring areas shall be completed in permanent materials with the areas clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and retained for the purposes of turning in perpetuity.

Reason: In the interests of highway safety.

7. No development apart from site clearance works shall commence until a Traffic & Delivery Plan has been submitted to and agreed in writing by the Local Planning Authority. All servicing and delivery vehicles movements to the site shall be made in accordance with approved Traffic & Delivery Plan once the development is brought into beneficial use and retained thereafter in perpetuity.

Reason: In the interests of highway safety

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

Reason: to ensure that effective drainage facilities are provided for the proposed

development and that flood risk is not increased.

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

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

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

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

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

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

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

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

12. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *
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. In this case, it is considered that the information submitted in support of the development is material to the determination of the application and has been taken into account during the consideration of the proposal.

On balance and having regard to the above, weighing up of all material considerations relevant to this scheme, in pure Planning terms it is considered that the proposed expansion of the Distribution Centre is acceptable in this specific location due to the allocated and protected nature of the wider site for employment purposes and in regard to its potential impacts on surrounding residents by way of visual impact, noise, air quality and any impact on the character and appearance of the site and surrounding areas, its potential impact on biodiversity in and around the site and its potential impact on the highway network and drainage in and around the site.

Any impacts on biodiversity interest have been mitigated and compensated for and those impacts on local visual amenities are not so significant to warrant a refusal of permission and would have to be weighed up against the overall economic benefit to the wider County Borough through the safeguarding of existing jobs and the creation of much needed employment opportunities in the area.

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

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

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

In order to satisfy Condition 8 provision of an agreement in principle from DCWW for trade effluent/waste disposal to the public sewer is required.

Janine Nightingale
CORPORATE DIRECTOR COMMUNITIES

Background papers
None

APPEALS

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

| | |
|--------------------------|---|
| CODE NO. | D/20/3264696 (1906) |
| APPLICATION NO. | P/20/573/FUL |
| APPELLANT | MISS A GRABHAM |
| SUBJECT OF APPEAL | ATTIC CONVERSION TO PROVIDE BEDROOM TO INCLUDE DORMER TO SIDE AND REAR ELEVATIONS: 12B HIGH STREET, NANTYFFYLLON |
| PROCEDURE | HOUSEHOLDER |
| DECISION LEVEL | DELEGATED OFFICER |

The application was refused for the following reason:

1. The proposed development, by reason of its siting, scale and design, constitutes an insensitive and unsympathetic form of development that would unbalance the pair of semi-detached properties to the detriment of the visual amenities of the locality. As such, the proposal is considered to be contrary to Policy SP2 of the Bridgend Local Development Plan (2013), Council's Supplementary Planning Guidance SPG02 - Householder Development (2008), Technical Advice Note 12 Design (2016) and advice contained within Planning Policy Wales (2018).

| | |
|--------------------------|---|
| CODE NO. | A/20/3264867 (1907) |
| APPLICATION NO. | P/20/206/FUL |
| APPELLANT | MR R LEWIS |
| SUBJECT OF APPEAL | RETENTION OF TEMPORARY LOG CABIN: LAND AT CWMDU LODGE, MAESTEG |
| PROCEDURE | HEARING |
| DECISION LEVEL | DELEGATED OFFICER |

The application was refused for the following reasons:

1. The application submission fails to demonstrate that the rural enterprise has been planned on a sound financial basis and, therefore, the temporary log cabin amounts to an unjustified residential development in the countryside, contrary to Policy ENV1 - Development in the Countryside of the Bridgend Local Development Plan 2013 and advice in Planning Policy Wales Edition 10 (December, 2010) and Technical Advice Note 6 – Planning for Sustainable Rural Communities (July 2010).
2. The log cabin, by reason of its type, design, scale and location, represents an inappropriate form of development that would have a detrimental impact on the character and appearance of the open countryside and rural setting. The proposal is therefore contrary to Policies ENV1 and SP2 of the Bridgend Local Development Plan

(2013), and national guidance contained in Planning Policy Wales (Ed.9, November 2016) and Technical Advice Note 6: Planning for Sustainable Rural Communities (2010).

3. The log cabin, by reason of its siting, form and substandard access arrangements, represents an inappropriate form of development in a remote, unsustainable location that is not accessible by a range of different transport modes that will rely on the use of private motor vehicles to the detriment of highway and pedestrian safety, contrary to policy SP2(6) of the Bridgend Local Development Plan (2013), advice contained within Planning Policy Wales (Edition 10, December 2018) and Technical Advice Note, 18, Transport (2007).

| | |
|--------------------------|--|
| CODE NO. | A/20/3264867 (1908) |
| APPLICATION NO. | P/20/206/FUL |
| APPELLANT | MR R LEWIS |
| SUBJECT OF APPEAL | UNUATHORISED LOG CABIN: LAND ADJACENT TO ST JOHNS COLLIERY, MAESTEG |
| PROCEDURE | HEARING |
| DECISION LEVEL | ENFORCEMENT NOTICE |

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

| | |
|--------------------------|--|
| CODE NO. | A/20/3258047 (1900) |
| APPLICATION NO. | P/20/310/FUL |
| APPELLANT | MR N CAREY |
| SUBJECT OF APPEAL | DEMOLITION OF 1.5M HIGH & 2.7M LONG STONE WALL ON RIGHT HAND SIDE OF HOUSE; FORMATION OF DRIVEWAY & CROSSOVER; REBUILD STONE WALL ON LEFT HAND SIDE OF HOUSE AT 6.29M IN LENGTH & REPLACE WOODEN GATES WITH WROUGHT IRON GATES: TAN Y BRYN, DINAM STREET, NANTYMOEL |
| 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. E/20/3258043 (1901)
APPLICATION NO. P/20/311/CAC

APPELLANT MR N CAREY

SUBJECT OF APPEAL CONSERVATION AREA CONSENT FOR DEMOLITION OF 1.5M HIGH & 2.7M LONG STONE WALL ON RIGHT HAND SIDE OF HOUSE; FORMATION OF DRIVEWAY & CROSSOVER; REBUILD STONE WALL ON LEFT HAND SIDE OF HOUSE AT 6.29M IN LENGTH & REPLACE WOODEN GATES WITH WROUGHT IRON GATES:
TAN Y BRYN, DINAM STREET, NANTYMOEL

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/20/3259575 (1902)
APPLICATION NO. P/20/230/FUL

APPELLANT MR S DUNLOP

SUBJECT OF APPEAL DEMOLITION OF EXISTING GARAGE AND ERECTION OF A TWO BEDROOM SINGLE STOREY DWELLING
48 PARK STREET, BRIDGEND

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 B**

CODE NO. X/20/3259517 (1903) **APPEAL A**
APPLICATION NO. P/20/365/LAE

APPELLANT MRS M SORA

SUBJECT OF APPEAL CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OF THE GARAGE AS A NAIL SALON
19 HEOL STRADLING, COITY

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 C**

CODE NO. A/20/3259511 (1904) **APPEAL B**
APPLICATION NO. P/20/152/FUL

APPELLANT MRS M SORA

SUBJECT OF APPEAL GARAGE CONVERSION/CHANGE OF USE TO NAIL SALON:
19 HEOL STRADLING, COITY

PROCEDURE WRITTEN REPS

DECISION LEVEL DELEGATED OFFICER

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

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

RECOMMENDATION

That the report of the Corporate Director Communities be noted.

Janine Nightingale
CORPORATE DIRECTOR COMMUNITIES

Background Papers (see application reference number)



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 17/11/20

gan P J Davies, BSc (Hons) MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 15th December 2020

Appeal Decision

Site visit made on 17/11/20

by P J Davies, BSc (Hons) MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 15th December 2020

Appeal Ref: APP/F6915/A/20/3258047

Site address: Tan y Bryn, Dinam Street, Nantymoel, Bridgend CF32 7NN

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 Norman Carey against the decision of Bridgend County Borough Council.
- The application Ref: P/20/310/FUL dated 28 April 2020, was refused by notice dated 17 August 2020.
- The development is described as '(1) the demolition of a 1.5 metre high by 2.7 metre long stone wall on the right hand side of the house, and building of driveway in block paving with crossover. The rebuilding of the stone wall on the left hand side of the house in original materials and height but longer at 6.29 metre long to attach to an existing stone wall together with original metal gate. (2) the removal of recently installed wooden gates on driveway, and the installation of wrought iron gates in the style use in my road. (3) the works would be in keeping and would enhance the character of the conservation area'.

Appeal Ref: APP/F6915/E/20/3258043

Site address: Tan y Bryn, Dinam Street, Nantymoel, Bridgend CF32 7NN

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

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Mr Norman Carey against the decision of Bridgend County Borough Council.
- The application Ref: P/20/311/CAC dated 28 April 2020, was refused by notice dated 17 August 2020.
- The demolition is described as '(1) the demolition of a 1.5 metre high by 2.7 metre long stone wall on the right hand side of the house, and building of driveway in block paving with crossover. The rebuilding of the stone wall on the left hand side of the house in original materials and height but longer at 6.29 metre long to attach to an existing stone wall together with original metal gate. (2) the removal of recently installed wooden gates on driveway, and the installation of wrought iron gates in the style use in my road. (3) the works would be in keeping and would enhance the character of the conservation area'.

Decision

1. The appeals are dismissed.

Main Issue

2. The main issue for both appeals is the effect on the character and appearance of the Nantymoel Conservation Area.

Reasons

3. The appeal property lies firmly within the conservation area and is part of a consistent street scene where there is a distinct regularity to the style, age and external finishes of buildings and street boundaries. Nantymoel is a former mining community and the uniform appearance and layout of the housing pattern within this part of the conservation area is a defining element of its heritage and character. Natural stone is a prevailing feature that makes a strong contribution to the visual rhythm and historic character. In particular, the stone boundary walls often provide a consistent link between terraces to create a harmonious and cohesive street scene. There are local incidences of more contemporary boundaries such as timber panels, but in recognition that these types of materials are starting to change the character of the street scene, the Council's conservation area appraisal recommends that stone boundary walls need to be protected, and the use of other materials should be avoided or limited.
4. The demolition of the wall to the right side of the property together with the wooden gates were subject to recent planning and conservation area consent appeals¹ seeking retrospective permission, which were dismissed. The current appeals also seek retrospective permission for the demolition of the wall but differ insofar as they involve the replacement of the unauthorised wooden gates with wrought iron gates and aim to provide betterment by rebuilding a stone wall to the left side of the property.
5. It is indicated that the proposed gates would be the same as those at the neighbouring property which are low height, somewhat contemporary in nature with ornate detailing. Whilst this would be an improvement on the taller, solid and prominent wooden gates, it remains the case that the continuity of the stone wall frontage would be interrupted by a significant break. This would have an adverse effect on the visual harmony of the street scene and would be in clear contravention of the Council's aim to protect stone boundary walls as an important element of the conservation area.
6. The proposal includes the rebuilding of a stone wall to the left side of the property, across a small hardstand area. However, the presence of an existing part stone wall across the back of the hardstand already forms an effective visual link with the remainder of the stone wall that extends to the Ogmores Terrace boundary. A wall in front of this would have little compensatory effect and would not outweigh the harm that I have described.
7. I conclude that the development fails to preserve the character or appearance of the Nantymoel Conservation Area contrary to Policies SP2 and SP5 of the Bridgend Local Development Plan.
8. I have had regard to all the other matters raised, some of which have been addressed in the previous appeals. There is nothing that leads me to alter my decision.
9. I have taken account of the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015 (WBG Act). I consider that this decision is in

¹ APP/F6915/E/20/3244575 and APP/F6915/A/20/3245217

accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives as required by section 8 of the WBFG Act

Conclusions

10. For the above reasons the appeals are dismissed.

P J Davies

INSPECTOR



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 17/11/20

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 15th December 2020

Appeal Decision

Site visit made on 17/11/20

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

an Inspector appointed by the Welsh Ministers

Date: 15th December 2020

Appeal Ref: APP/F6915/A/20/3258047

Site address: Tan y Bryn, Dinam Street, Nantymoel, Bridgend CF32 7NN

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 Norman Carey against the decision of Bridgend County Borough Council.
- The application Ref: P/20/310/FUL dated 28 April 2020, was refused by notice dated 17 August 2020.
- The development is described as '(1) the demolition of a 1.5 metre high by 2.7 metre long stone wall on the right hand side of the house, and building of driveway in block paving with crossover. The rebuilding of the stone wall on the left hand side of the house in original materials and height but longer at 6.29 metre long to attach to an existing stone wall together with original metal gate. (2) the removal of recently installed wooden gates on driveway, and the installation of wrought iron gates in the style use in my road. (3) the works would be in keeping and would enhance the character of the conservation area'.

Appeal Ref: APP/F6915/E/20/3258043

Site address: Tan y Bryn, Dinam Street, Nantymoel, Bridgend CF32 7NN

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

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Mr Norman Carey against the decision of Bridgend County Borough Council.
- The application Ref: P/20/311/CAC dated 28 April 2020, was refused by notice dated 17 August 2020.
- The demolition is described as '(1) the demolition of a 1.5 metre high by 2.7 metre long stone wall on the right hand side of the house, and building of driveway in block paving with crossover. The rebuilding of the stone wall on the left hand side of the house in original materials and height but longer at 6.29 metre long to attach to an existing stone wall together with original metal gate. (2) the removal of recently installed wooden gates on driveway, and the installation of wrought iron gates in the style use in my road. (3) the works would be in keeping and would enhance the character of the conservation area'.

Decision

1. The appeals are dismissed.

Main Issue

2. The main issue for both appeals is the effect on the character and appearance of the Nantymoel Conservation Area.

Reasons

3. The appeal property lies firmly within the conservation area and is part of a consistent street scene where there is a distinct regularity to the style, age and external finishes of buildings and street boundaries. Nantymoel is a former mining community and the uniform appearance and layout of the housing pattern within this part of the conservation area is a defining element of its heritage and character. Natural stone is a prevailing feature that makes a strong contribution to the visual rhythm and historic character. In particular, the stone boundary walls often provide a consistent link between terraces to create a harmonious and cohesive street scene. There are local incidences of more contemporary boundaries such as timber panels, but in recognition that these types of materials are starting to change the character of the street scene, the Council's conservation area appraisal recommends that stone boundary walls need to be protected, and the use of other materials should be avoided or limited.
4. The demolition of the wall to the right side of the property together with the wooden gates were subject to recent planning and conservation area consent appeals¹ seeking retrospective permission, which were dismissed. The current appeals also seek retrospective permission for the demolition of the wall but differ insofar as they involve the replacement of the unauthorised wooden gates with wrought iron gates and aim to provide betterment by rebuilding a stone wall to the left side of the property.
5. It is indicated that the proposed gates would be the same as those at the neighbouring property which are low height, somewhat contemporary in nature with ornate detailing. Whilst this would be an improvement on the taller, solid and prominent wooden gates, it remains the case that the continuity of the stone wall frontage would be interrupted by a significant break. This would have an adverse effect on the visual harmony of the street scene and would be in clear contravention of the Council's aim to protect stone boundary walls as an important element of the conservation area.
6. The proposal includes the rebuilding of a stone wall to the left side of the property, across a small hardstand area. However, the presence of an existing part stone wall across the back of the hardstand already forms an effective visual link with the remainder of the stone wall that extends to the Ogmores Terrace boundary. A wall in front of this would have little compensatory effect and would not outweigh the harm that I have described.
7. I conclude that the development fails to preserve the character or appearance of the Nantymoel Conservation Area contrary to Policies SP2 and SP5 of the Bridgend Local Development Plan.
8. I have had regard to all the other matters raised, some of which have been addressed in the previous appeals. There is nothing that leads me to alter my decision.
9. I have taken account of the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015 (WBG Act). I consider that this decision is in

¹ APP/F6915/E/20/3244575 and APP/F6915/A/20/3245217

accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives as required by section 8 of the WBFG Act

Conclusions

10. For the above reasons the appeals are dismissed.

P J Davies

INSPECTOR



Penderfyniad ar yr Apêl

Ymweliad safle a wnaed ar 24/11/20

gan Hywel Wyn Jones, BA (Hons) BTP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 22nd December 2020

Appeal Decision

Site visit made on 24/11/20

by Hywel Wyn Jones, BA (Hons) BTP
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 22nd December 2020

Appeal A ref: APP/F6915/X/20/3259517

Site address: 19 Heol Stradling, Bridgend, CF35 6AN

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

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mrs Mihaela Roxana Sora against the decision of Bridgend County Borough Council.
 - The application Ref: P/20/365/LAE dated 28 May 2020, was refused by notice dated 6 August 2020.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is the existing use of garage as a nail salon.
-

Appeal B ref: APP/F6915/A/20/3259511

Site address: 19 Heol Stradling, Bridgend, CF35 6AN

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Mihaela Roxana Sora against the decision of Bridgend County Borough Council.
 - The application Ref: P/20/152/FUL dated 14 February 2020, was refused by notice dated 1 May 2020.
 - The development is a partial garage conversion and change of use into nail salon.
-

Appeal A Decision

1. The appeal is dismissed.

Appeal B Decision

2. The appeal is allowed and planning permission is granted for a partial garage conversion and change of use into a nail salon at 19 Heol Stradling, Bridgend, CF35 6AN in accordance with the terms of the application Ref: P/20/152/FUL dated 14 February 2020, subject to the conditions in the attached Schedule.
-

Background Matters

3. The appeal property comprises a detached dwelling and part of a garage outbuilding shared with its neighbour. It occupies a corner plot on the junction of Heol Stradling and Ffordd y Celyn. The former connects the large Parc Derwen development, which is mostly of housing, with the wider highway network. The latter serves as a spine road for the western portion of that development.
4. The property has a rear and side garden partly within which lies the garage. Two parking spaces serving the property separate it from a rear access road to a communal parking area which is enclosed by the rear boundaries of surrounding houses. A sign reserves one of the 2 spaces for use by customers to the salon, who would access the salon via the property's rear gate and garden path. The other space, it is explained, is used by the appellant and her partner to park their car.
5. Some two-thirds of the single garage has been converted to provide the nail salon. The room has been fully finished, decorated and furnished and is accessed via a side door from the rear garden. It is served by a window on the rear elevation facing the house. An internal doorway in a new partition wall provides access to the retained garage space that continues to be used for the storage of domestic items and which is also accessed by the original up and over garage door.
6. There is no dispute that the physical works to the garage, which prevents its use for car parking, is not a breach of the terms of the planning permission which authorised the dwelling. The appellant explains that one of the 2 parking spaces serving the property was created as additional provision to the original layout. A sign is displayed identifying its availability for customer use.
7. The nail salon is run by the appellant who lives at the property with her family. There are no other employees. The room contains a pair of facing chairs separated by a treatment table and a tall clear screen, shelving displaying a range of nail treatment products, a treatment chair with a foot rest, a pedestal sink, and, close to the entrance, there are two small lounge chairs and a low table which has the appearance of a waiting area for customers.

APPEAL A

Reasons

8. The appellant explains that she organises bookings to avoid more than one customer being present to avoid attracting more than one parked car at any time. As appointments are hourly there are 2 car movements per hour during operating hours which are from 9:00 to 17:00, weekdays. I am also mindful that, for much of the time the business has been operating, it has done so in the context of Covid-19 social distancing and other restrictions which may serve to limit the scale of activities.
9. Taken together limitations on the salon use practised by the appellant, including the fact that she is the sole worker and the limitations on customer numbers and opening hours, has the potential to significantly curtail the scale of salon operations that could be undertaken within the space available. Whilst a lawful certificate can specify the limits of a use which is confirmed to be lawful it cannot impose conditions. As such I cannot rely on all the present limitations controlling the operation being exercised should the appeal be successful, unless any intensification reaches the point where it may be regarded as a material change.

10. The appellant indicates that the room is used for the storage of domestic items when not in active salon use, and I noted a toddler's tricycle in the room during my visit. However, given the daily use of the salon by customers it seems to me that any occasional domestic storage that takes place at other times does not materially alter the use of the room as a salon.
11. A dedicated room, laid out specifically for its commercial use to accommodate visiting members of the public, is not of a nature or scale that can reasonably be described as a purpose which is incidental to the enjoyment of the dwelling/house as such.
12. As the appellant points out uses such as childminding, hairdressing, dressmaking or music teaching, may be capable of being undertaken within dwellings without requiring planning permission, however that will depend on the case specific circumstances. In this case the use takes place within a room created, laid out and, to all intents and purposes, reserved specifically for that purpose. It generates at least 2 car movements every hour throughout the working day when car trips associated with the property would otherwise be expected to be very much lower. It is of such scale and nature as to constitute the introduction of a second primary use resulting in a mixed-use property. That change of use, as a matter of fact and degree, has so altered the character of the premises as to be a material change, which falls outside its permitted lawful use.
13. The appellant draws attention to Welsh Government guidance, 'Planning permission: working from home'. Whilst I have had regard to it, as it is intended to provide general guidance to householders rather than providing technical advice or legal authority, I do not rely on it.

Appeal A Conclusion

14. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use in respect of a nail salon was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

APPEAL B

Preliminary Matters

15. The description of development in the above banner heading is taken from the Council's decision notice and has been adopted by the appellant. I consider that it is a more precise description than that set out on the application form. As the salon is in operation I have dealt with the appeal as seeking retrospective planning permission.

Main Issue

16. The main issue in Appeal B is the effect of the development on highway safety.

Reasons

17. In response to the Council's concerns relating to car parking the appellant explains that the family presently has one car. However, taking into account the Council's Supplementary Planning Guidance 17: Parking Guidelines, I accept that it is reasonable to assume that they may have more than one car in the future. The Council maintains that the scheme is contrary to its Parking Guidelines but provides no evidence of the standard which is applicable in this case. It seems to me that the guidance is silent on a mixed-use scheme of this nature.

18. The appellant maintains that the dedicated customer parking space is always available for every customer. Nonetheless, it seems to me that there is a real possibility that on occasions there is an overlap when one customer arrives before another has departed.
19. Taking into account the foregoing I acknowledge that the salon use will at times give rise to overspill parking demand. That demand is not likely to be more than one car for any significant time.
20. The proximity of communal parking, comprising designated parking for 11 surrounding dwellings as well as 5 visitor spaces, is readily apparent on approaching the site. This means that customers are likely to choose such a provision rather than park on the street, particularly as they will be visiting for an hour or so and as such can generally be expected to park in a considerate manner.
21. The Council suggests that its photographs of vehicles parked on a footway near the site demonstrates that visitor spaces were full. It is not clear whether this is an assumption or based on observation. It describes the situation as typical, but there is no evidence of any other similar incidents. During my visit I saw a vehicle parked on the same section of footway despite all communal parking spaces being unoccupied.
22. The appellant's survey evidence, which extends from early morning to late evening over a full week, indicates that there is always ample capacity within this parking area. In response, the Council suggests that this should be regarded as unreliable as it has not been prepared by an objective third party, without offering any survey analysis of its own. The survey evidence is consistent with my observations during my visit, and I have no reason to dispute its veracity, noting that the visitor space provision is well above the minimum set out in the Parking Guidelines.
23. On the main issue I do not consider that the salon gives rise to indiscriminate parking that impedes pedestrians or otherwise compromises highway safety. Thus, the scheme does not give rise to any conflict with Planning Policy Wales or policies SP2 or PLA11 of the Bridgend Local Development Plan (LDP).
24. The delegated officer's report suggests that increased traffic associated with the use has an anti-social impact on a residential area. However, the resultant modest increase in traffic over pre-existing levels means that any effect is likely to be imperceptible. Any potential disturbance to neighbours can be mitigated through the conditions suggested by the Council, subject to refining some wording and amending opening hours to allow an earlier start as suggested by the appellant.

Appeal B Conclusion

25. The development provides a service that is sustainably and conveniently located to residents of this large new housing estate. It operates without harming the safety of pedestrians or other highway users. I have taken into account all other matters raised in reaching a finding that the scheme is acceptable and thus I shall allow the appeal.
26. 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.

Hywel Wyn Jones

INSPECTOR

Appeal B Schedule of Conditions

- 1) The nail salon hereby approved shall only be undertaken within the room identified for such use on the submitted 'Floor Plan' date stamped 19 February 2020.

Reason: To protect the residential amenity of neighbours in accordance with LDP Policy SP2.

- 2) The garage shall only be used for a purpose incidental to the enjoyment of the dwelling/house as such or as a nail salon and for no other purposes including any other purpose in Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order.

Reason: To protect the residential amenity of neighbours in accordance with LDP Policy SP2.

- 3) The use hereby permitted shall only be open to customers between the following times: Monday to Saturday between 8:45 and 19:00 and Sundays and Bank Holidays between 10:00 and 15:00.

Reason: To protect the residential amenity of neighbours in accordance with LDP Policy SP2.

- 4) The nail salon shall be operated by only one person and who must be a resident of 19 Heol Stradling.

Reason: To protect the residential amenity of neighbours in accordance with LDP Policy SP2.

- 5) The nail salon shall be run by appointment only, and no walk-in custom shall be allowed at any time.

Reason: To protect the residential amenity of neighbours in accordance with LDP Policy SP2.

This page is intentionally left blank

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO DEVELOPMENT CONTROL COMMITTEE

21 JANUARY 2021

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

EDUCATIONAL FACILITIES AND RESIDENTIAL DEVELOPMENT SPG

1. Purpose of report

- 1.1 The purpose of this report is to inform Members of the outcome of the consultation exercise on the draft Educational Facilities and Residential Development Supplementary Planning Guidance (SPG) document.
- 1.2 To seek agreement for the proposed amendments to the draft document and to adopt it as SPG to the Bridgend Local Development Plan.

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/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. **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

3. Background

- 3.1 On the 16th January 2020 the Development Control Committee resolved to approve Draft SPG 16 – Educational Facilities and Residential Development as the basis for public consultation; authorised officers to make appropriate arrangements for public consultation; and to await a further report on the outcome of the consultation process. Members can view the draft consultation version of the SPG by clicking on the link here: [Microsoft Word - FINAL - Education SPG Report.docx \(bridgend.gov.uk\)](#)
- 3.2 A 6- week period of public consultation was held between 21st February and 3rd April 2020. The consultation was advertised in the following ways:
 - Statutory notices were placed in the *Glamorgan GEM* on the 27th February and the 5th March

- The consultation documents were made available for inspection with representation forms at the reception desk of the Civic Offices, Angel Street
- Information on the consultation, including all the documentation, representation forms and how to make representations was placed on the Councils website.
- A copy of the draft SPG was sent to approximately 300 targeted consultees including Community Councils, planning consultants, house builders and housing associations taken from the LDP database.

4. Current situation/proposal

4.1 By the end of the consultation period seven representations were received on the draft SPG. These representations have been summarised in **Appendix 1** to this report. Copies of the full representations are held by the Planning Department, and can be viewed by Members on request.

4.2 **Appendix 1** also sets out a reasoned response, a suggested decision and, where appropriate, proposed changes to the SPG, for each representation received.

4.3 In summary, the main areas of change in the document arising from the public consultation responses are as follows:

- Clarification that the costs of school construction will be kept under review but only changed as part of a full revision of the SPG
- Confirmation that the costs of temporary school accommodation will be determined on a case by case basis
- An explanation as to how the build costs for refurbishing a school have been calculated to be 65% of the build costs of a new school

5. Effect upon policy framework and procedure rules

5.1 The SPG expands upon the existing land-use planning policy framework contained within the Local Development Plan giving the public and developers certainty in the Council's expectations in relation to achieving an appropriate level of Educational Facilities which will serve new residential development.

6. Equality Impact Assessment

6.1 There are no direct implications associated with this report. The adopted SPG supplements the plans and policies of the existing Local Development Plan which was subject to an Equalities Impact Assessment.

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

7.1 Adoption of the SPG will provide a mechanism for the Council to secure contributions that reflect the actual cost of new school construction. This will help to raise the skills, qualifications and ambitions of all people within the County Borough, contributing towards the sustainable development principles required by the Act. It will also, in turn, help inform development of the Replacement LDP, which will be prepared in accordance with the 7 Wellbeing goals and the 5 ways of working as identified in the Act.

8. Financial implications

8.1 The adoption of SPG 16 will provide financial contributions towards the cost of providing educational facilities.

9. Recommendation(s)

9.1 Committee is recommended to:

- approve the suggested reasoned responses and the consequential proposed changes to the draft Educational Facilities and Residential Development Supplementary Planning Guidance contained in **Appendix 1**.

9.2 If Committee agrees the recommendations in paragraph 9.1, to recommend to Council that:

9.2.1 SPG16 – Educational Facilities and Residential Development (as amended by the changes in **Appendix 1** and highlighted in paragraph 4.3 of this report) be adopted as Supplementary Planning Guidance (SPG) to the adopted Bridgend Local Development Plan.

9.2.2 The SPG, in its adopted form, be published on the Council's website.

Janine Nightingale CORPORATE DIRECTOR COMMUNITIES

Contact officer: Gareth Denning
Strategic Planning Team Leader

Telephone: (01656) 643193

Email: Gareth.denning@bridgend.gov.uk

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

Appendices: Appendix 1 - Educational Facilities and Residential
Development Consultation Responses

Background documents: Draft Educational Facilities and Residential Development SPG

APPENDIX 1

Education Facilities and Residential Development SPG Consultation Responses

| Organisation | Section No. | Page No. | Representation | Reasoned Response | Decision and Action |
|-----------------------------------|-------------|----------|---|---|---------------------|
| Coal Authority | | | I have reviewed the Supplementary Planning Guidance documents, the subject of this consultation, and can confirm that the Coal Authority has no specific comments to make. | Noted | No action required |
| Natural Resources Wales | | | We have no adverse comments on the above SPG. | Noted | No action required |
| Meryl Catherine Wilkins | | | This consultation document cannot predict the future of any planning as the pandemic Coronavirus has taken over and the outcome is unsure of any planning in Wales. As a very worried resident of Bridgend and Wales my declarations of interest has been made by me Meryl Catherine Wilkins in the land that your planning policies, put forward by the Bridgend County Borough Council and planning department are now being put forward to be developed and I do not agree. Policies are now out of date that Bridgend County Borough Council Planning Department and the Bridgend County Borough Council have put forward for consultation to me as a consultee of the SPG Draft Supplementary Planning Guidance and the consultation documents are fundamentally flawed because of the crisis we find ourselves in, we have no control of. | The consultee's comments are noted. The SPG intends to provide additional guidance to the policies contained within the existing Local Development Plan, which was adopted in 2013. It is not proposing any new policies. Indeed, the SPG will replace the existing document which was adopted in April 2010 and has not been updated since. Until the new SPG is adopted the existing out of date guidance will continue to be applied to planning applications. This will place the Council in a position where it is unable to seek the level of contributions required to help fund the cost of school provision. Any deficit in funding will have to be found by the Council at a time when financial budgets are limited. The new SPG is vitally important to enable the County Borough to recover from the financial impact of the Coronavirus pandemic. | No action required |
| Boyer on behalf of Llanmoor Homes | Table 1 | 11 | <p>The report to the Development Control Committee of the 16th January 2020 states that the pupil yield formulas and the cost guidance contained in the existing Education SPG adopted in 2010 are in need of updating. However the increase in costs that are being suggested in the draft SPGs are substantial without sufficient evidence to justify the increases.</p> <p>Table 1 sets out the number of children generated per dwelling and whilst there is no change in the pupil yield for nursery schools (0.05) from the 2010 SPG, the secondary school pupil yield has risen from 0.18 to 0.20 (a 11% increase) and the primary school pupil yield from 0.22 to 0.33 (a 50 % increase). The justification set</p> | As part of the review of the SPG, it was determined that the most accurate method of predicting the actual pupil yield was to undertake a review of a 'settled' site i.e. a site that had been fully constructed and which included the provision of a new school. The site chosen for this review was the Broadlands development in Bridgend, which consists of 2,305 dwellings in a mix of 1,2,3,4 and 5 bed houses. To ensure reliability and consistency, pupil data from 2011 to 2018 was analysed to determine the number of primary, secondary and post 16 pupils for each year. The enabled an average to be established and a yield rate to be calculated. The number of pupils attending special schools and SEN resource bases | No action required |

| Organisation | Section No. | Page No. | Representation | Reasoned Response | Decision and Action |
|--------------|-------------|----------|--|--|---------------------|
| | | | <p>out in paragraph 5.9 states the following “ <i>The pupil yield numbers above are based on the actual take up of school places from a completed new build housing development in the County Borough which included the provision of a new Primary School.</i>”</p> <p>Llanmoor Homes consider it totally unreasonable to propose such significant changes to the pupil yield on the basis of a single development and that the Council must provide much more convincing evidence and an acceptable methodology to justify the increase. It is inconceivable that the pupil yield for primary schools could have increased by 50% over the 2010-2020 period. It is normally the case that larger dwellings will have a larger pupil yield and therefore it is invalid to use one single development to derive the pupil yield especially if that development does not have a wide range of dwelling sizes. Other local authorities have based their pupil yield on an analysis of the latest Census statistics and school rolls and in Cardiff the pupil yield is calculated according to the number of bedrooms per house where the primary school yield for a 1 bed house is 0.0501 and for a 5 bed house it is 0.3059 which is below what the draft SPG is suggesting for Bridgend for all size of dwellings. Llanmoor Homes would be building up to 850 homes at West Bridgend and it would be there intention to provide a wide range of housing sizes including a large proportion of 1, 2 and 3 bed houses. In this situation it is suggested the Council adopt a similar approach to Cardiff and determine pupil yields per size of house so as to ensure that contributions for each dwelling are not based on what would be more appropriate for a 5 bed house.</p> <p>The significance of the impact of the proposed increases on the viability of proposals should not be underestimated. The SPG is also proposing to increase the cost per pupil place which are based upon Welsh standardised costs which have been tested against the costs of recently completed new school construction projects. Together with the proposed increase in pupil yields there would be a substantial increase in education contributions. For example the allocation of a scheme at West Bridgend that might accommodate 1,000 dwellings in total, would generate an additional 110 primary school places at £18,599 per place i.e an additional £2,045,890, together with an additional 20 secondary school places at £29,406 per place i.e an additional £588,120. The increase in the pupil yield alone, based on the revised</p> | <p>across the county borough as a proportion of the total pupil population was also analysed.</p> <p>The yield rates calculated were compared to those used by other authorities across South Wales and found to be comparable. A sensitivity analysis was conducted against other residential developments within the county borough, although data from such schemes did not have the same level of accuracy and consistency due to development not being completed.</p> <p>The updated cost multipliers have been obtained from Band B of the 21st Century School and Education Programme. Welsh Government have determined how they will fund local authorities per pupil place for Band B of the programme, with the cost and size rate per pupil calculated using the area guideline for schools and the construction industry rates. The rate also includes an amount for furniture, equipment and IT. The rates have been used to compare against actual Band A costs within the county borough to ensure robustness. As with the pupil yield rates, comparison has been made with the cost multipliers used by other South Wales authorities to ensure consistency.</p> <p>The potential impact on viability is acknowledged and accounted for in the draft SPG. In fact, the Council's keenness to determine an accurate appraisal of the viability of scheme proposals is demonstrated by the approach taken during the preparation of the LDP Deposit Plan, to which the consultee refers. This follows the guidance contained within Planning Policy Wales to establish the viability of potential strategic residential allocations at the Candidate Site stage rather than leaving such matters to the planning application stage. The Council has committed to the use of the Burrows Development Viability Model to help establish agreement between developers, applicants and the Council in determining the viability of development proposals at an early stage of the development process.</p> | |

| Organisation | Section No. | Page No. | Representation | Reasoned Response | Decision and Action |
|-----------------------------------|-------------|----------|--|--|---|
| | | | <p>costs per pupil place would result in an increase in the education contribution of £2,634,010.</p> <p>Based on the revised costs and pupil yield in the draft SPG the total contribution for education facilities for the scheme being promoted by Llanmoor Homes for approximately 850 would be as follows:-</p> <ul style="list-style-type: none"> • Nursery – $850 \times 0.05 = 42.5 \times £18,599 = £790,457$ • Primary – $850 \times 0.33 = 280.5 \times £18,599 = £5,217,019$ • Secondary – $850 \times 0.20 = 170 \times £29,406 = £4,999,020$ • Post16 – $170 \times 0.2 = 34 \times £29,406 = £999,804$ • ALN primary – $280.5 \times 0.015 = 4.2 \times £55,797 = £234,347$ • ALN secondary – $170 \times 0.015 = 2.55 \times £88,218 = £224,955$ <p>TOTAL EDUCATION CONTRIBUTION - £12,465,602</p> <p>This would be equivalent to a contribution of £14,665 per dwelling (including the dwellings required as affordable housing) which would be totally unreasonable and raises significant concerns about the viability of schemes throughout the Borough. In addition to education contributions there will be other Section 106 obligations; large amounts of infrastructure particularly for strategic sites and an element of affordable housing. Delivery and viability are likely to be key issues for consideration at the Examination into the LDP Review and the Council should be keen to ensure that they are not introducing too onerous requirements which will raise concerns about the soundness of the LDP.</p> | | |
| Boyer on behalf of Llanmoor Homes | 5.18 | 12 | <p>Paragraph 5.18 of the draft SPG also gives cause for concern in stating that the costs will be regularly reviewed to reflect changes in the school building costs and that the most up to date data will be used at the time of the application. This is totally unacceptable. One of the main purposes of the SPG is to provide guidance to developers when carrying out viability appraisals and the figures should not be subject to change unless there is a formal review of the SPG including the necessary consultation.</p> | <p>Agree that the text of paragraph 5.18 could be misinterpreted. The costs and pupil yield figures contained in the draft SPG will be periodically reviewed to ensure that they reflect the actual cost of school construction and pupil generation respectively. If, as part of such a review, changes to the SPG are required these will be made following the same process as the adoption of a new SPG (i.e. following a public consultation exercise).</p> | <p>Amend text in paragraph 5.18 to read:</p> <p><i>“The figures above have been tested against the costs of recently completed new school construction projects and will be regularly periodically reviewed to reflect changes in school building costs. If such a review necessitates a change to the SPG, this will be undertaken as part of a formal SPG update (including public consultation). The most up-to-date data will be used at the time of the application.</i>”</p> |

| Organisation | Section No. | Page No. | Representation | Reasoned Response | Decision and Action |
|-----------------------------------|--------------------------|----------|---|---|--|
| | | | | | <i>The figures quoted in this SPG are therefore subject to change.</i> |
| Boyer on behalf of Llanmoor Homes | 7.6 | 15 | <p>With regard to paragraph 7.6 and pre application discussions there is concern that we have not been able to discuss with the education department their site locations requirements for the land at west Bridgend. It is evident that the requirements to provide education facilities on site will have a significant implication for the viability of the scheme and ensuring the principles of place making are incorporated into the master planning process and it would have been appropriate for these matters to have been discussed with the Council's Education Department at an earlier stage in the process.</p> <p>In conclusion, Llanmoor Homes accept that the increase in costs per pupil place which have been updated in line with the Welsh Government standardised costs, but object strongly to the increase in the pupil yield which has been based on the take – up of a single site. This cannot be relied on to justify such a significant increase of 50% in the case of the primary school yield. Llanmoor Homes consider that the Council need to undertake considerably more research into this matter based on census data and consider allocating pupil yields to different house sizes to provide a fairer reflection of the financial contribution that would be required.</p> | The consultee's response to the provision of pre-application advice is noted. In the particular circumstances quoted, the scheme was presented as part of a Candidate Site proposal. To offer a formal response to all such proposals would have been physically impossible due to the demands on staff resources. Should such a service have been provided to one scheme, it would have only been fair to offer the same level of consultation to all site promoters. If a scheme is presented as part of a formal paid pre application enquiry to the Council's planning department, then a level of consultation with the Education and Family Support Directorate will be provided depending on the requirements of that particular scheme. | No action required |
| Savills | | | We do not have any comments to make on the Education and Residential Development SPG. | Noted | No action required |
| Barratt & David Wilson Homes | Section 7.16 (Viability) | 16 | BDW support the Council's commitment to an 'open-book' approach to assessing the viability of proposals, in order that planning obligations can be secured at appropriate levels to mitigate the impact of the development, whilst ensuring that the development remains viable. This is covered in greater detail in the draft SPG in comparison to the adopted SPG and is a welcome improvement. | Noted | No action required |
| Barratt & David Wilson Homes | 7.17 | 16 | BDW supports the statement at Paragraph 7.17 that certain proposals may be eligible for discounted or reduced contributions if it can be proven that the value of the contribution required will jeopardise a proposal's viability. | Noted | No action required |

| Organisation | Section No. | Page No. | Representation | Reasoned Response | Decision and Action |
|---------------------------------|------------------|----------|--|---|---|
| Barratt & David Wilson Homes | 5.10 and 5.11 | 11 | <p>Pupil Yields</p> <p>Paragraphs 5.10 and 5.11 explain how capacity is assessed to justify a request for a financial contribution. The number of pupils generated by a proposed development will be rounded up or down and will be assessed against the capacity of the school (s) in the catchment area of the new housing development. The Council will take account of the NOR to assess whether any surplus capacity exists with the catchment area (s). Net pupil places required above projected capacity are then calculated by offsetting a development's projected pupil yield against any existing school place surplus.</p> <p>This calculation does not appear to take account of the time it will take to complete a development and that school capacity often fluctuates over a period of time. It would therefore be reasonable to request that the Council also considers the delivery timescales for a proposed development compared to the projected school capacity when assessing the need for and level of contribution.</p> | <p>The time taken to complete a development is considered as one of the factors that contributes to the assessment of need for education contributions. Other factors include the capacity of schools within the catchment, the existing number of pupils on the school roll, school population forecasts, the LDP housing trajectory and existing planning consents. However, in order to provide a developer with an indication of the level of contribution required to factor into their viability appraisal, the existing capacity and number of pupils within the school is the most accurate method of predicting future need. Any Section 106 agreement can allow for this to be reviewed at the point in time that a contribution is due to be paid.</p> | <p>No action required</p> |
| Barratt & David Wilson Homes | 5.17 | 12 | <p>Costs</p> <p>BDW notes that there are no specific details of the 21st Century School Programme for Bridgend included within the SPG, which will be crucial in determining that contributions are necessary in specific areas and can be directly related to improvements which are programmed. Further details should be provided in the SPG.</p> <p>Paragraph 5.17 - BDW note that the cost per pupil place has increased and is now based on WG standardised costs, with Additional Learning Needs costs added as a separate category. It is accepted that these costs apply to a new school being built and it is presumed that these costs would cover the cost of the whole school, including all the necessary sports and other facilities usually provided in modern schools. However, education contributions are often used to provide temporary classrooms in existing schools, where space allows, and so we would expect the cost of this to be different (cheaper) than building a new modern school. This should be clarified in the SPG.</p> | <p>The purpose of Supplementary Planning Guidance is to provide additional information relating to the policies of the Local Development Plan. This is to help provide the reader with further detail relating to how the policies will be used and implemented in relation to the determination of planning applications. The LDP does not contain a policy on the 21st Century School Programme and the SPG does not solely relate to the delivery of that programme. However, information relating to the 21st Century School programme can be obtained from the BCBC website or by contacting the Education and Family Support Directorate.</p> <p>With reference to the costs of providing temporary classrooms as opposed to costs relating to a new school, the consultee is correct to identify that the costs will differ. Appendix A of the SPG includes the cost of temporary accommodation as additional costs that may be incurred. As these would not apply in all circumstances, the costs would be determined on a case-by-case basis and discussed with an applicant as part of a pre-application enquiry.</p> | <p>Add the following text to Appendix A to provide clarity:</p> <p><i>Any additional costs incurred will be calculated on a case-by-case basis.</i></p> |

| Organisation | Section No. | Page No. | Representation | Reasoned Response | Decision and Action |
|------------------------------|-------------|----------|--|--|--|
| Barratt & David Wilson Homes | 5.22 | 12 | Paragraph 5.22 advises that if a school has capacity with regards to floorspace but the space is considered to be of an unsatisfactory standard to accommodate additional pupils created by a new development, then the costs of bringing this floor space up to standard is 65% of the cost of providing new additional space. This figure has not changed from the 2010 SPG, but neither document offers any justification or a source for the use of this figure. BDW consider that the rationale for using this figure should be clarified. | <p>The consultee is correct to identify that contributions towards the cost of refurbishing existing floorspace will be based on 65% of the cost of providing new additional space, and that this figure is included in the existing SPG. At that time, the figure was based on DfES data contained within <i>Funding Guidance for Building Schools for the Future Projects</i> (2005).</p> <p>In reviewing the SPG, it was found that a range of more up to date studies and data was available. These included:</p> <ul style="list-style-type: none"> • <i>National School Delivery Cost Benchmarking - A national cost benchmarking study</i> undertaken by Hampshire County Council in conjunction with East Riding of Yorkshire Council and the Education Funding Agency (Feb 2017). • Welsh Government's Cost and Size Standards released to Local Authorities in 2017 and 2018 to apply to Band B projects of the 21st Century Schools programme. This information was agreed by the 21st Century Schools Programme Board. <p>These documents provide various figures relating to costs for new build, refurbishment and extension projects. The refurb costs typically range from 62% to 71% of new development costs. On that basis, the figure of 65% sits comfortably within that range. This will be kept under review.</p> | <p>Add the following text to paragraph 5.22 to justify the percentage used:</p> <p><i>*Based on Welsh Government's Cost and Size Standards released to Local Authorities in 2017 and 2018 to apply to Band B projects of the 21st Century Schools programme.</i></p> |
| HBF | 5.11 | 11 | HBF questions if the calculation takes account of the time it will take to build the development; on average most sites currently deliver between 40-100 units a year, with many sites having a lead in time of at least 6-12 months. This could mean that a development may take a number of years to complete, school capacity often fluctuates, and the numbers generated by the development will only reach full impact once the development is complete and fully occupied. Accordingly, it would seem reasonable to consider the delivery timescale of the development compared to the projected school capacity when assessing the need for a contribution and the level of contribution. | <p>The time taken to complete a development is considered as one of the factors that contributes to the assessment of need for education contributions. Other factors include the capacity of schools within the catchment, the existing number of pupils on the school roll, school population forecasts, the LDP housing trajectory and existing planning consents. However, in order to provide a developer with an indication of the level of contribution required to factor into their viability appraisal, the existing capacity and number of pupils within the school is the most accurate method of predicting future need. Any Section 106 agreement can allow for this to be reviewed at the point in time that a contribution is due to be paid.</p> | No action required |

| Organisation | Section No. | Page No. | Representation | Reasoned Response | Decision and Action |
|--------------|-------------|----------|---|--|---|
| HBF | 5.17 | 12 | Although HBF accepts these costs apply to a new school being built, we presume these cover the cost of the whole school including all the sports pitches and community facilities provided in new schools. However, education contributions are often used to provide semi temporary extra classrooms, so won't the cost of these be different (cheaper) to building a new modern school. | With reference to the costs of providing temporary classrooms as opposed to costs relating to a new school, the consultee is correct to identify that the costs will differ. Appendix A of the SPG includes the cost of temporary accommodation as additional costs that may be incurred. As these would not apply in all circumstances, the costs will be determined on a case-by-case basis and discussed with an applicant as part of a pre-application enquiry. | Add the following text to Appendix A to provide clarity: <i>Any additional costs incurred will be calculated on a case-by-case basis.</i> |
| HBF | 5.22 | 12 | The HBF agrees that the build cost associated with refurbishment should be reduced but question where the 65% figures comes from, this should be explained/justified in the document. | <p>The consultee is correct to identify that contributions towards the cost of refurbishing existing floorspace will be based on 65% of the cost of providing new additional space, and that this figure is included in the existing SPG. At that time, the figure was based on DfES data contained within <i>Funding Guidance for Building Schools for the Future Projects (2005)</i>.</p> <p>In reviewing the SPG, it was found that a range of more up to date studies and data was available. These included:</p> <ul style="list-style-type: none"> • <i>National School Delivery Cost Benchmarking - A national cost benchmarking study</i> undertaken by Hampshire County Council in conjunction with East Riding of Yorkshire Council and the Education Funding Agency (Feb 2017). • Welsh Government's Cost and Size Standards released to Local Authorities in 2017 and 2018 to apply to Band B projects of the 21st Century Schools programme. This information was agreed by the 21st Century Schools Programme Board. <p>These documents provide various figures relating to costs for new build, refurbishment and extension projects. The refurb costs typically range from 62% to 71% of new development costs. On that basis, the figure of 65% sits comfortably within that range. This will be kept under review.</p> | Add the following text to paragraph 5.22 to justify the percentage used: <i>*Based on Welsh Government's Cost and Size Standards released to Local Authorities in 2017 and 2018 to apply to Band B projects of the 21st Century Schools programme.</i> |
| HBF | 5.24 | 12 | The SPG should clarify that the land value is the value of land purchased for educational purposes only. | In circumstances where provision for a new school is to be made off-site, then the valuation of the land should reflect the land value had the school been provided on-site. | No action required |

SPG 16

**DRAFT EDUCATIONAL FACILITIES & RESIDENTIAL
DEVELOPMENT (2020)**

DRAFT

CONTENTS

| Section | Page Number |
|---------------------------------|--------------------|
| 1. Introduction | 3 |
| 2. Background | 3 |
| 3. Legislation & Policy Context | 4 |
| 4. Education Provision | 7 |
| 5. Developer Contributions | 10 |
| 6. Calculating the Requirement | 14 |
| 7. Administration of the Policy | 15 |
| Appendices | 18 |

DRAFT

1. INTRODUCTION

- 1.1 This Supplementary Planning Guidance (SPG) explains in detail the Council's approach to the provision of educational facilities and outlines how the Council will, where appropriate, seek Planning obligations to provide or enhance education and school facilities as part of new residential developments throughout the County Borough of Bridgend. Once adopted its contents will be taken into account as a material consideration in the determination of all Planning applications for residential development including applications for renewal of consents.

2. BACKGROUND

- 2.1 Bridgend County Borough Council (BCBC) receives a high number of applications each year for new housing development. These new residents create a demand for school places and as a result, there may be a need for new educational facilities or an improvement to existing provision. In order to ensure communities are not disadvantaged and that there is sufficient and satisfactory educational provision for the children and young people generated by new developments, the Council will, where appropriate, seek contributions towards providing or enhancing educational facilities. To meet this demand Policy COM10 of the Bridgend Local Development Plan (LDP) requires the provision of Educational and Training Facilities.
- 2.2 The new or extended facilities identified in Policy COM10 form part of the Council's School Modernisation Programme. This is a programme that will deliver improvements to school provision throughout the County Borough. The School Modernisation Programme is however an evolving process and other proposals based on educational need may become priorities during the lifetime of the LDP. To assist in delivering the proposals set out in Policy COM10 and other educational needs that may arise, Policy SP14 - Infrastructure requires new housing development to contribute, where justified, to new educational facilities.
- 2.3 The Council urges anyone intending to submit an application for residential development within the County Borough to read this SPG. To discuss any issues on a site-specific basis they may contact BCBC in advance of making a Planning application for pre-application discussions (see Section 7 at the end of the SPG).

3. LEGISLATION AND POLICY CONTEXT

- 3.1 **Well-Being of Future Generations (Wales) Act 2015:** The Well-being of Future Generations (Wales) Act 2015 is a key piece of legislation which aims to further improve the social, economic, environmental and cultural well-being of Wales now and in the longer term. The Act puts in place a 'sustainable development principle' which is a duty for public bodies 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". The Act is underpinned by seven well-being goals which public bodies must work to achieve (a prosperous Wales, a resilient Wales, a healthier Wales, an equal Wales, a Wales of cohesive communities, a Wales of vibrant culture and thriving Welsh Language and a globally responsible Wales).
- 3.2 **Bridgend Public Services Board Local Well-being Plan 2018 – 2023:** The Well-being Plan (the Plan) outlines how the Bridgend Public Service Board will work together to deliver the seven wellbeing goals for Wales as referenced in the Wellbeing of Future Generations (Wales) Act. The Plan is framed around the sustainable development principle and focusses on addressing the underlying causes of problems and helping to prevent them worsening or occurring in the future. Four well-being objectives have therefore been developed, which are:
1. Best start in life
 2. Support communities in Bridgend County to be safe and cohesive
 3. Reduce social and economic inequalities
 4. Healthy choices in a healthy environment
- 3.3 This Plan recognises the long lasting impact positive early years' experiences have on individuals and families and shape the future for children as they grow up, how they do in school, their ability to get a job, how they bring up their own children and their health.
- 3.4 **Planning Policy Wales (PPW) – Edition 10 (December 2018):** PPW states the importance of Planning Authorities developing a strategic and long-term approach to the provision of community facilities (including schools) when preparing Development Plans. Community facilities should continue to address the requirements of residents in the area and can contribute to a sense of place which is important to the health, well-being and amenity of local communities and their existence is often a key element in creating viable and sustainable places.
- 3.5 *Inclusive Design:* PPW emphasises the need for good design and placemaking to be incorporated within all development proposals. Good design should place people at the heart of the design process and must also involve the provision

of measures that help to reduce the inequality of access to essential services, education and employment experienced by people without access to a car.

- 3.6 *Infrastructure*: Adequate and efficient infrastructure, including services such as education facilities, is crucial for economic, social and environmental sustainability. It underpins economic competitiveness and opportunities for households and businesses to achieve socially and environmentally desirable ways of living and working. Infrastructure which is poorly designed or badly located can exacerbate problems rather than solving them.
- 3.7 *Active and Social Linkages*: The Active and Social Places of PPW seeks to actively create sustainable and cohesive communities through Development Plan policies, including specific allocations, and Development Management decision making. In particular, policies will enable sustainable access to housing, employment, shopping, education, health, community, leisure and sports facilities and green infrastructure, maximising opportunities for community development and social welfare. It emphasises that when planning and managing future development, Planning Authorities need to ensure that residents of existing and new communities have access to jobs and an appropriate range of community facilities including recreation, leisure, health and education.
- 3.8 PPW identifies that Planning obligations are useful arrangements to overcome obstacles that may otherwise prevent Planning permission from being granted. Contributions may be used to offset negative consequences, to help meet local needs or to secure benefits which will make development more sustainable. It is essential that arrangements are fair to both the developer and community, that the process is transparent as possible and that Development Plans provide guidance on the types of obligations that the Council may seek.
- 3.9 **Active Travel (Wales) Act 2013**: The Active Travel Act makes walking and cycling the preferred option for shorter journeys, particularly everyday journeys, such as to and from a workplace or education establishment or in order to access health, leisure or other services or facilities. The Active Travel Act requires local Authorities to identify the walking and cycling routes required to create fully integrated networks for walking and cycling to access work, education, services and facilities.
- 3.10 **Bridgend Local Development Plan (2006-2021)**: The Bridgend LDP sets out the Council's land use Planning policies up to 2021. Relevant policies include:
- *Policy COM10 – Provision of Education and Training Facilities*
 - *Strategic Policy SP13 – Social and Community Facilities*
 - *Policy COM9 – Provision of Community Buildings*
 - *Strategic Policy SP14 - Infrastructure*

- 3.11 Schools provide the ideal opportunity to play a much wider and multi-functional role in the community through addressing both the broad range of educational needs of children and young people during traditional school opening hours and also acting as community-based learning and recreational environments, especially during out-of-school hours and school holidays. They are therefore seen as primary assets in terms of delivering the LDP Strategy.

DRAFT

4. EDUCATION PROVISION

4.1 Corporate Plan and Education and Family Support Directorate Plan

4.2 BCBC's Corporate Plan 2018-2022 sets out the Council's key well-being objectives and focuses on delivering the Council's vision in order to achieve better outcomes for BCBC citizens. The overarching Corporate Plan (the Plan) aims to contribute to the seven national well-being goals, as defined by the Welsh Government in the Well-being of Future Generations (Wales) Act 2015. The Plan identifies the following three well-being objectives which are intended to improve the quality of life of people in the county borough:

- Supporting a successful economy
- Helping people to become more self-reliant
- Smarter use of resources

4.3 Education contributions secured through S106 will specifically support the third objective. The importance of delivering this objective is also detailed within the Education and Family Support Directorate Plan.

4.4 Education and Family Support Directorate Plan

4.5 The Education and Family Support Directorate Business Plan identifies the directorate's priorities and commitments, the contribution the Directorate will make in the Corporate Plan and how this will be measured.

4.6 School Modernisation

4.7 BCBC has embarked on a challenging programme of school modernisation across the County Borough. Creating schools that are fit-for-purpose and valued by their communities is one of the Council's major priorities, as outlined in the Corporate Plan. Throughout the modernisation process, discussions are being held with learners, schools and their communities. Consideration is being given to the circumstances of each school with the best long-term interests of the children and young people in its locality being the priority while ensuring the current quality of education is maintained. Using the most up-to-date information held by the Council the effects of the School Modernisation Plan on schools in the vicinity of new residential development will be taken into account at the Planning application stage and this will form part of the negotiation process at that time.

4.8 School Catchment Areas

4.9 All primary and secondary schools have geographical catchment areas that are used to administer admission arrangements. Out of the 66 schools throughout the County Borough, there are 5 Welsh medium schools, 6 voluntary aided, 1 voluntary controlled, 2 special schools and there is 1 pupil referral unit and 1 integrated children's centre. Due to the reduced number and therefore more sparsely located nature of schools such as Welsh medium schools and special schools, they have wider catchment areas.

- 4.10 It should be noted that the defined catchment areas for schools are sometimes subject to review and the Council recommends that the developer contacts the Council prior to the submission of a Planning application to ascertain the most up-to-date catchment information.
- 4.11 In order to make effective use of future contributions, the terms of any future Section 106 agreement should allow for the fact that school catchment areas change and that contributions can be utilised for education facilities within any subsequent school's catchment area within which the development falls at the time of implementation.
- 4.12 **School Capacity**
- 4.13 Welsh Government's Circular No. 021/2011 'Measuring the Capacity of Schools in Wales' describes the method of assessing the capacity of primary and secondary schools and deriving appropriate admission numbers from the capacity. Local Authorities in Wales are required to set pupil admission numbers (the PAN) based on this methodology as part of their annual determination of admission arrangements for the schools.
- 4.14 The Council holds up-to-date information relating to the capacities of each school which will be used to determine whether a surplus or deficit in available capacity exists for schools by catchment area. Where a development is likely to place pressure on the existing capacity of schools in a catchment, the Council will seek to negotiate an agreed financial contribution towards the provision of additional school places or facilities.
- 4.15 It is necessary to retain some spare places to enable schools to cope with fluctuations in numbers of pupils in particular year groups. This allows for preference and demand volatility (e.g. year-on-year changes in the birth rate, parental choice etc.). **The level of spare places needed to be retained at schools is unlikely to exceed 10%. Any school which has achieved 90% occupancy would therefore be regarded as having no surplus capacity.**
- 4.16 **School Standards**
- 4.17 Each school has been assessed in terms of any significant investment that is required to bring it up to a satisfactory standard. The Council holds information in connection with the suitability, sufficiency and condition of school buildings throughout the County Borough. The standard of school buildings/facilities is a valid consideration for this SPG and Section 106 negotiations as additional numbers of pupils generated by new development could exacerbate arrangements to such an extent that the individual school would not be suitable to accommodate additional pupils. Circumstances are likely to differ significantly between schools depending on their configuration, layout, facilities and use of internal space that may need to be brought back into beneficial use to accommodate new pupils.
- 4.18 The Education (School Premises) Regulations 1999 describe and advises on meeting the minimum standards for the premises of all maintained schools in

Wales. The Regulations set minimum standards for all existing and new maintained schools in Wales and they require that the premises of non-maintained special schools and approved independent schools suitable for the admission of children who have special educational needs conform to some of the standards contained within them. The surveys undertaken by the Council are based on the above guidance. Current guidance such as Building Bulletins are also consulted.

DRAFT

5. DEVELOPER CONTRIBUTIONS

5.1 Thresholds

5.2 Residential developments large enough to place increased pressure on the educational facilities within whose catchment area the development is located will result in the Council seeking an appropriate level of contribution from the developer to accommodate the additional places or bring existing floorspace up to a satisfactory standard.

5.3 Contributions for educational facilities will be sought from all proposed developments with a net gain of 5 or more residential units. In the case of flats or apartments contributions will be required for 15 or more units.

5.4 Contributions will be sought where:-

- (a) The pupils potentially arising from the development will cause the surplus capacity of local schools within the catchment area to be exceeded; or
- (b) Existing surplus capacity exists to accommodate some or all of the pupils potentially arising from the development, but refurbishment is required to make those places 'fit for use'.

5.5 The only forms of accommodation that will be exempt from contributions are bedsits, 1-bed dwellings, sheltered or elderly accommodation, houses in multiple occupation, hotels, hostels and student accommodation (including residential schools, colleges or training centres).

5.6 Each residential development exceeding the above thresholds will be assessed to determine how many children and young people are likely to be generated from that development and its potential demand and impact on local schools and education facilities.

5.7 Pupil Yields

5.8 BCBC estimates that the likely number of children and young people that will be generated by a proposed housing development is based on the following pupil yield factors:

Table 1: Number of children generated per dwelling

| Age Group | Number of Children Generated per Dwelling | |
|-------------------|---|-------------------|
| | Apartments | Houses |
| Nursery (under 4) | 0.02 | 0.05 |
| Primary (4-11) | 0.10 | 0.33 |
| Secondary (11-16) | 0.06 | 0.20 |
| Post 16 | 0.2 x secondary | 0.2 x secondary |
| ALN* – Primary | 1.5% of primary | 1.5% of primary |
| ALN* - Secondary | 1.5% of secondary | 1.5% of secondary |

* ALN = Additional Learning Needs

- 5.9 The pupil yield numbers above are based on the actual take up of school places from a completed new build housing development in the County Borough which included the provision of a new Primary School.
- 5.10 The number of pupils generated by a proposed development will be rounded up or down to the nearest whole pupil and will be assessed against the capacity of the school(s) in whose catchment area(s) the new housing development is proposed. The Council will take account of the number of pupils on the school roll (NOR) to assess whether any surplus capacity exists within the development catchment(s).
- 5.11 Net pupil places required above projected capacity are then calculated by offsetting a development's projected pupil yield against any existing school place surplus. The figures used to calculate the school numbers will be made available to developers as part of the justification for requesting a financial contribution.
- 5.12 **Additional Learning Needs (ALN) Provision**
- 5.13 Additional Learning Needs pupils are those taught in either a special school or in a specialist facility on the site of a mainstream school.
- 5.14 **Welsh-Medium Provision**
- 5.15 An evaluation of different educational settings (i.e. English-medium, Welsh-medium, faith and voluntary aided schools) is undertaken on historical take up of places in the catchment and how place availability would drive parental choice. Where a need is justified or the development is likely to place pressure on Welsh-medium schools, the Council will seek to secure appropriate contributions.

5.16 Costs per Pupil Place

5.17 The costs per pupil place are based upon Welsh Government standardised costs for new build schools under the 21st Century Schools and Education programme.

Table 2: Cost per Pupil Place

| Year Group | Cost per Pupil Place |
|-----------------|----------------------|
| Nursery | £18,599 |
| Primary | £18,599 |
| Secondary | £29,406 |
| Post 16 | £29,406 |
| ALN – Primary | £55,797 |
| ALN – Secondary | £88,218 |

5.18 The figures above have been tested against the costs of recently completed new school construction projects and will be periodically reviewed to reflect changes in school building costs. The most up-to-date data will be used at the time of the application. The figures quoted in this SPG are therefore subject to change.

5.19 The Welsh Government's standardised costs are based on the area in a school building required per pupil according to the maximum size range of Building Bulletins 98 and 99 for secondary and primary pupils respectively. Once the size is established costs are applied which account for the following elements:

- Standard build costs (includes sub structure, externals and design costs);
- Furniture, fittings and equipment; and
- ICT

5.20 The costs do not include abnormal build costs associated with gradients, contamination, flood protection works or any associated highway works outside the school boundary.

5.21 Investment in Unsatisfactory School Accommodation

5.22 In circumstances where a school does have the capacity with regards to floorspace but the space is considered to be of an unsatisfactory standard to accommodate additional pupils created by a development and would require investment to make it suitable, the costs of bringing this floorspace up to standard will be based on 65% of the cost of providing a new additional space.

5.23 New Schools

5.24 Where large scale development generates sufficient pupil numbers to justify a new primary or secondary school there will be a requirement on developers to

provide this within the development. If not physically possible to accommodate the facility on site, the developer will be required to make an equivalent financial contribution (e.g. land value and building costs) towards its off-site provision.

5.25 Use of Contributions

5.26 The Council will seek contributions for all age groups for all maintained schools where the need arises. Contributions may be used for:

- provision of new classrooms;
- improvements and refurbishment of existing facilities to provide additional capacity;
- provision of additional resources or improvements to existing resources necessitated by the additional demand;
- Provision of any necessary interim school measures which, in some circumstances, might be required when it is not possible to ensure that permanent measures will be in place on time.

DRAFT

6. CALCULATING THE REQUIREMENT

6.1 Contribution formula

6.2 Using this guidance the calculations towards providing additional places or investment required to make the school suitable for additional pupils will be worked out using the following formula:

$$\begin{aligned} & \text{(Number of dwellings x Number of children generated per dwelling)} \\ & \quad \times \\ & \quad \text{Cost per pupil place} \\ & \quad + \\ & \quad \text{Any additional related costs*} \\ & \quad = \\ & \text{Total cost of providing school places or investment required to make} \\ & \text{the school suitable to accommodate additional pupils} \end{aligned}$$

*See Appendix 1 for an indication of potential additional costs

6.3 Worked Example

6.4 The following is a worked example using the formula above for a development of 500 houses in an area with no surplus Primary School capacity:

Number of dwellings = 500

Number of primary aged children generated by each dwelling = 0.33
Number of primary aged ALN children = 1.5% of total

Cost per pupil place = £18,599
Cost per ALN pupil place = £55,797

500 x 0.33 = 165 pupils
165 x 1.5% (ALN) = 2.47 (rounded down to 2)
165 – 2 = 163 pupils and 2 ALN pupils

163 x £18,599 = £3,031,637
2 x £55,797 = £111,594

TOTAL CONTRIBUTION = £3,143,231

7. ADMINISTRATION OF THE POLICY

7.1 Implementation of the Policy

7.2 The implementation of the SPG strategy operates through a number of procedures which are broadly as follows:

7.3 Pre- Application Stage

7.4 Prospective applicants for housing developments are strongly advised to contact the Council's Planning Department prior to submitting a Planning application. Amongst other matters, this will enable an Officer from the Development Planning section to liaise with the Education and Family Support Directorate and outline the Council's requirements relating to education and other S106 contributions. This is to ensure that any costs relating to provision of education facilities are highlighted prior to or during the developer's initial site evaluation exercise.

7.5 Application Stage

7.6 Should pre-application discussions not take place applicants for housing developments will be informed of the requirements for the provision of education facilities following the submission of a Planning application. As part of any request for a Planning obligation an applicant will be provided with:

- The number of children potentially arising from the development.
- The capacity of the relevant local schools and the existing number of pupils on the school roll.
- The amount of financial contribution that will be required to create additional school places.
- The applicant will be required to enter into a Section 106 legal agreement with the Council to ensure a contribution is made towards education facilities.

7.7 Outline Applications

7.8 In the case of applications for Outline Planning permission the applicant will be required to enter into a legal agreement with the Council under S106 of the Town and Country Planning Act 1990. Where the details relating to housing types and numbers are to be provided as Reserved Matters, the S106 agreement at Outline stage will need to be formula based so that the exact contributions can be determined when further details are submitted.

7.9 Section 106 Agreements

7.10 Section 106 of the Town and Country Planning Act (TCPA) 1990, as amended by Section 12 of the Planning and Compensation Act (1991) and the Community Infrastructure Levy Regulations 2010 (as amended), is the legislative framework for Planning obligations. Any obligation must meet the following three tests:

- 1) Necessary to make the development acceptable in Planning terms;
- 2) Directly related to the development; and
- 3) Fairly and reasonably related in scale and kind to the development.

7.11 Furthermore, it should be noted that the CIL Regulations (Regulation 123) restricts the pooling of S106 contributions. Regulation 123 states a S106 obligation cannot constitute a reason for granting Planning permission if five or more separate Planning obligations already exist for a specific single infrastructure project (entered into since 6 April 2010). The Council keeps up to date records of all S106 Agreements entered onto the Planning Register. In discussions with developers the Council will consider whether the pooling restriction is relevant and seek to ensure that the development can be appropriately mitigated through Planning obligations whilst ensuring that the pooling restriction is not breached. If a development is not capable of delivering appropriate infrastructure because of the pooling restriction, this may make it unacceptable in Planning terms.

7.12 Given the uncertainty regarding the future of the Community Infrastructure Levy Regulations 2010 (as amended) and the devolved powers Welsh Government inherited to modify existing secondary legislation in April 2018, the Council has agreed that progress on CIL is to be placed into abeyance until there is a clear direction from Welsh Government. In the meantime the Council will continue to use Planning obligations secured through Section 106 Agreements to secure necessary infrastructure.

7.13 **Negotiations with Developers**

7.14 Negotiations with developers on Planning agreements will include:

- the project(s) to which their contributions may be used;
- the timing of the payment of agreed contributions - on large sites payments may be phased by agreement with the Authority);
- when contributions will be spent - this will normally be within 5 years of receipt of the final payment.

7.15 In order to make effective use of future contributions, the terms of any future Section 106 Agreement should allow for the fact that school catchment areas change and that contributions can be utilised for education facilities within any subsequent school's catchment area within which the development falls at the time of implementation.

7.16 **Viability**

7.17 Certain proposals may be eligible for discounted or reduced contributions if it can be proven that the value of the contribution required will jeopardise a proposal's viability. It is expected that an 'open book' approach to negotiations will be supported by developers/owners in order that Planning obligations can be secured at appropriate levels to mitigate the impact of the development whilst ensuring that the development remains viable. Any financial information

supplied by a developer as part of this 'open book' process will be considered in confidence.

7.18 All 'open book' financial appraisals will be scrutinised by the Council which may lead to additional questions being asked of the applicant. Developers will be expected to prove to the Council that a scheme is financially unviable. Where the parties are unable to agree or by prior mutual agreement, the Council will instruct the District Valuer (DV) to undertake an independent assessment of scheme viability. The DV's appointment will be paid for by the applicant/owner/developer. Both parties should accept the DV's decision on the determination of viability however, the DV would not act as an arbitrator. Responsibility remains with the Local Authority and landowner, applicant and/or developer to resolve the dispute.

7.19 Irrespective of the outcome of a viability appraisal, it may be necessary for the Council to secure a certain level of developer contributions in order to mitigate the impact of the development. Such a circumstance could be where a failure to make some provision for certain infrastructure items would make the development unacceptable in Planning terms, contrary to policy and an unacceptable burden. This will be assessed on a case-by-case basis. In such circumstances failure to secure the contributions deemed necessary to support the proposal could result in a recommendation of refusal.

7.20 **Planning Appeal Decisions**

7.21 If an appeal is made for reasons other than the provision of an education contribution, the applicant should ensure that an appropriately worded Unilateral Undertaking is signed prior to the determination of any appeal to make provision for the appropriate contribution. Failure to provide such an undertaking would be likely to result in the Council making an objection on education capacity grounds at appeal.

7.22 **Date of Introduction**

7.23 The guidance set out in this document will be applied to Planning applications submitted on or after the date the SPG is formally adopted (to be confirmed once the SPG goes through consultation). It will not apply to applications for Reserved Matters or Outline Planning permissions granted before that date. However, extant permissions granted before the SPG document is adopted will be considered within the scope of the SPG should an application for its renewal be submitted. The SPG will represent a material consideration and will be taken into account when determining such applications.

APPENDIX A

Additional Related Costs

Potential Additional Related Costs include the following:

| |
|--|
| Land acquisition |
| Associated infrastructure requirements (e.g. major highway infrastructure or excessive ground levelling requirements) |
| Temporary accommodation |
| Initial cost of school transportation for up to 3 years (whilst new accommodation is being built) |
| Building Regulations |
| Preliminary site investigations |

The Table above highlights those additional related costs referred to that may be necessarily incurred and which may form part of the contributions sought from the developer by the Council.