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Bridgend County Borough Council



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

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

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



Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate

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

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Friday, 9 April 2021

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held remotely via Microsoft Teams on **Thursday, 15 April 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 04/03/2021
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 - 30
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 31 - 34
7. P/20/898/RLX - Aldi Unit 1, Llynfi Walk, Llynfi Road, Maesteg CF34 9DS 35 - 42

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|-----|--|---------|
| 8. | <u>P/21/101/FUL - Unit 2 Garth Drive, Brackla Industrial Est, Bridgend CF31 2AQ</u> | 43 - 52 |
| 9. | <u>P/20/423/RLX - Newton Down Windfarm, Stormy Lane, Porthcawl</u> | 53 - 66 |
| 10. | <u>Appeals</u> | 67 - 74 |
| 11. | <u>Training Log</u> | 75 - 76 |
| 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 Kearns
 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, 4 MARCH 2021

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD REMOTELY VIA MICROSOFT TEAMS ON THURSDAY, 4 MARCH 2021 AT 14:00

Present

Councillor G Thomas – Chairperson

SE Baldwin	JPD Blundell	RJ Collins	SK Dendy
DK Edwards	RM Granville	DRW Lewis	JE Lewis
JC Radcliffe	JC Spanswick	RME Stirman	KJ Watts
CA Webster	AJ Williams		

Apologies for Absence

A Hussain and MJ Kearn

Officers:

Leigh Tuck	Highways Officer
Jonathan Parsons	Group Manager Planning and Development Services
Rod Jones	Legal Officer
Hayley Kemp	Principal Planning Officer
Meryl Lawrence	Senior Democratic Services Officer - Scrutiny
Michael Pitman	Democratic Services Officer - Committees
Alexandra Richards	Senior Planning Officer
Craig Flower	Minor Applications Officer
Rhodri Davies	Development and Building Control Manager
Robert Morgan	Highways Officer

451. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor G Thomas declared a prejudicial interest in Agenda items 7 and 8, P/20/552/RLX and P/20/553/FUL, respectively, as he had pre-determined these applications. Councillor Thomas left the meeting for these items and the Vice Chairperson Councillor RM Granville took the Chair in his place.

Councillor D Lewis declared a personal interest in the same applications as those specified immediately above, as a Member of St. Brides Minor Community Council who takes no part in Planning and as a BCBC representative on the Coity Wallia Board of Conservators.

Councillor JE Lewis declared a personal interest in the same applications as those specified above, as a Member of St. Brides Minor Community Council with no involvement in Planning and as the St. Brides Community Council representative on the Coity Wallia Board of Conservators.

Councillor S Dendy declared a personal interest in the item upon Development Of National Significance - Application By Renewable Energy Systems Ltd At Upper Ogmores, Between Abergwynfi, Blaengarw and Nant-Y-Moel, in Bridgend and Neath Port Talbot - Local Impact Report On Behalf Of The Local Planning Authority, as a person living in the vicinity.

452. APPROVAL OF MINUTES

RESOLVED: That the minutes of a meeting of the Development

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 4 MARCH 2021

Control Committee dated 21 January 2021, be approved as a true and accurate record, subject to Cllr R Stirman being included in the attendance record for the meeting.

453. PUBLIC SPEAKERS

The following invitees at the meeting, exercised their right to speak as public speakers on the undermentioned applications:

Councillor Alex Williams – Ward Member - P/20/552/FUL
Councillor Gary Thomas – Ward Member - P/20/553/FUL
Lucy Binnie – Applicant’s Agent – P/20/552/FUL
Councillor RM James – Ward Member – P/20/642/OUT

454. AMENDMENT SHEET

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

455. 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.

456. P/20/552/RLX - SOUTH WEST WOOD PRODUCTS SITE, HEOL LLAN, COITY, CF35 6BU

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

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

Subject to the further following Condition being added to the consent so granted:

21. No HGVs shall be allowed to access the Former Bryncethin Nurseries part of the site until the location of the gas leak in the private gas pipe serving Mount Pleasant Bungalow has been identified and the matter has been resolved to the satisfaction of the Local Planning Authority.

457. P/20/553/FUL - LOCK COMPLEX, SOUTH EAST OF SOUTH WEST WOOD PRODUCTS SITE, HEOL LLAN, COITY. CF35 6BU

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

Proposal

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

Subject to the temporary consent elapsing after two years instead of three and Condition 3 being amended to reflect this change.

458. P/20/642/OUT - CARVILLE SCAFFOLDING, STATION ROAD, MAESTEG, CF34 9TF

RESOLVED: That the above application be granted, subject to the Conditions contained in the report of the Corporate Director – Communities, in addition to the standard Outline conditions.

Proposal

Outline application for demolition of existing scaffolding premises and development of one 3 bedroom house.

459. P/20/756/FUL - 31 FULMAR ROAD, PORTHCAWL, CF36 3PN

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

Proposal

Remodelling of bungalow to provide first floor accommodation by demolishing existing garage, constructing two storey extensions to either side of the existing dwelling incorporating new integral garage and new roof structure to provide 3 en-suite bedrooms

460. P/20/99/FUL - TRINITY CHAPEL, PENYBONT ROAD, PENCOED, CF35 5RA

RESOLVED: (A) That the Applicant enters into a Section 106 Agreement to provide a minimum of 2 units as affordable units, which shall be transferred to a Registered Social Landlord or by payment of an equivalent financial contribution in lieu of on-site provision.

(B) That the Corporate Director Communities be granted 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 as contained in the report of the Corporate Director – Communities.

Proposal

Demolish existing chapel; construct 3 storey residential development of 12 self-contained apartments with on-site amenity, cycle and refuse stores; widen existing lane and provide turning head

Subject to Condition 1 being amended to read as follows:

1. In accordance with drawing number AL(90) 01 received on 29 January 2020, drawing numbers AL(00)10 Rev F, AL(00)15 Rev H, AL(00)20 Rev E, and AL(00)11 Rev A, received on 1 March 2021.

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

And subject to the further following Condition being added:

14. Prior to the construction of the block of flats, a method statement for the re-use of the architectural features and materials of the existing Trinity Chapel building within the fabric of the building, enclosures or landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include the timing of removal, details of the proposed features to be retained and a scheme showing where the features will be reinstated within the development. The works shall be carried out in accordance with the approved method statement and retained thereafter in perpetuity.

Reason: In the interests of visual amenity and to ensure aspects of the original building are retained for historical purposes.

461. P/20/898/RLX - ALDI UNIT, 1 LLYNFI WALK, LLYNFI ROAD, MAESTEG, CF34 9DS

RESOLVED: That Members were minded to refuse the application and so the application will be reported back to the next Committee to enable Members to consider reason(s) for refusal.

Proposal

Vary condition 1 of P/14/65/RLX to allow the store to unload deliveries for a longer period

462. APPEALS

RESOLVED:

1. That the Appeals received since the last Committee meeting as detailed in the report of the Corporate Director - Communities, be noted.
2. That the following Appeal Decisions as contained in the report of the Corporate Director - Communities as decided by the Inspector(s) appointed by the Welsh Ministers since the last report to Committee, be noted:
 - a. A/20/3261549 (1905) – conversion of existing house in multiple occupation (HMO) in to 2 two bed flats and 1 studio flat, 147 New Road, Porthcawl - **DECISION – Appeal be dismissed** (see Appendix A to the report)

D/20/3264696 (1906) – Attic conversion to provide bedroom to include dormer to side and rear elevations, 12B High Street, Maesteg – **DECISION - Appeal be dismissed** (see Appendix B to the report)

463. DEVELOPMENT OF NATIONAL SIGNIFICANCE - APPLICATION BY RENEWABLE ENERGY SYSTEMS LTD AT UPPER OGMORE, BETWEEN ABERGWYNFI, BLAENGARW AND NANT-Y-MOEL, IN BRIDGEND AND NEATH PORT TALBOT - LOCAL IMPACT REPORT ON BEHALF OF THE LOCAL PLANNING AUTHORITY

The Development and Building Control Manager presented a report the purpose of which was to advise Members of a Local Impact Report that had been prepared and submitted to the Planning Inspectorate by the Local Planning Authority for seven wind turbines (between 130m and 149.9m tip height) and associated works on 362 ha of land in the vicinity of the summit of Werfa. The development is classed as a Development of National Significance (DNS).

RESOLVED: That Development Control Committee note the content of the report and the Local Impact report.

464. REQUEST FOR SCOPING DIRECTION BY NATURAL POWER CONSULTANTS LIMITED (NATURAL POWER) ON BEHALF OF Y BRYN WIND FARM LIMITED - Y BRYN WIND FARM (LAND AT BRYN AND PENHYDD FOREST, LOCATED BETWEEN PORT TALBOT AND MAESTEG) - UP TO 26 TURBINES (6.6 MW PER TURBINE) AND BATTERY STORAGE - RESPONSE TO SCOPING REPORT ON BEHALF OF THE LOCAL PLANNING AUTHORITY

The Development and Building Control Manager presented a report the purpose of which was to advise Members of a response that has been prepared and submitted to the Planning Inspectorate by the Local Planning Authority to a request for comments on a Scoping Report prepared by the applicant for up to twenty six wind turbines and associated works on land at Bryn and Penhydd Forest, between Port Talbot and Maesteg. The development is classed as a Development of National Significance (DNS). Only 1 turbine out of the 26 was within BCBC.

RESOLVED: That Development Control Committee note the content of the report and the response to the request for comments on the applicant's Scoping report.

465. FUTURE WALES 2040 (NATIONAL DEVELOPMENT FRAMEWORK) AND PLANNING POLICY WALES 11

The Group Manager Planning and Development presented a report the purpose of which was to advise Members of the publication of Future Wales 2040 (FW2040) which is the National Development Framework (NDF) together with a revised Planning Policy Wales 11 (PPW11) document. FW2040 is a Development Plan for the purposes of determining planning applications and PPW 11 is the relevant national planning policy. The documents were published on 24 February 2021. A letter from the Minister providing further information together with the appropriate links to the Welsh Government website was attached at Appendix 1.

He advised that a future training session would be provided for Members to go into more detail about the two new documents. Officers would be discussing the framework with WG officers in the coming weeks and hoped to be in a position to offer the training soon afterwards.

A Member proposed that the training be provided to all Members not just Development Control Committee Members due to its wider implications.

RESOLVED: That Development Control Committee note the publication of Future Wales 2040 and PPW11 and its implications for the making of decisions by the Council on planning matters and notes that further training will be provided to all Members on the implications.

466. TRAINING LOG

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 4 MARCH 2021

The Group Manger Planning and Development advised that the Training Log had been brought back as a regular item on the Agenda for the Committee, and listed the training subjects and proposed months in which they would be scheduled.

Members had attended training upon Place Making – policy, in practice and a case study (all members), the previous day on 3rd March 2021.

The following training was scheduled on the Log:

Minerals update	April 2021
Fire Safety Regulations	May 2021
National Development Framework / Planning Policy Wales11	July 2021

The dates were not fixed and could be moved around other priorities.

RESOLVED: That Development Control Committee note the Content of the Training Log.

467. URGENT ITEMS

None.

DEVELOPMENT CONTROL COMMITTEE 15 APRIL 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.

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The applicants' Agent has submitted additional information in support of the application as follows:-

I just wanted to draw your attention to the recent attached decision, extending the life of a Scottish windfarm to 40 years upon application only two years after the original grant of permission. We would respectfully submit that all the policy, national and local, in all the nations of the UK points towards the same support for renewables – there is now a positive duty upon planning authorities to support these applications, including those for repowering, rather than just passive acceptance. We would argue that support includes taking into account that financial investment models require long-term certainty, especially since all national and local plans make very clear that support for renewables is itself a long-term policy objective.

The Agent also draws attention to the policy guidance from the recently-published from Planning Policy Wales (Edition 11, February 2021) and emphasises extracts from that guidance.

This information and a copy of the Appeal decision referred to above are reproduced as Appendix A to this Amendment Sheet.

**JONATHAN PARSONS
GROUP MANAGER – PLANNING & DEVELOPMENT SERVICES
15 APRIL 2021**

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APPENDIX A

(from:)

PLANNING POLICY WALES EDITION 11| FEBRUARY 2021

Development Plans (p9)

1.22 Up-to-date development plans are the basis of the planning system and set the context for rational and consistent decision making. Plans at all levels of the development plan hierarchy must be prepared in accordance with national planning policies. Planning applications must be determined in accordance with the adopted plan, unless material considerations indicate otherwise.⁷ Development plans must show how places are expected to change to accommodate development needs over the plan period. They provide certainty for developers and the public about the type of development that will be permitted at a particular location.

Objectives of Good Design (p26)

Environmental Sustainability

3.7 Good design promotes environmental sustainability and contributes to the achievement of the well-being goals. Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution. [An integrated and flexible approach to design, including early decisions](#) regarding location, density, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development.

Productive and Enterprising [section] (p75)

The breadth of topics in the Productive and Enterprising Places theme respond to future trends and issues that will need to be addressed through the planning system. These trends need to be challenged by planning decisions in order to ensure we create sustainable places.

[The key issues in this theme include: \[...\]](#)

- embracing the challenge of decarbonising our energy and transport sectors including phasing out of fossil fuels and moving towards local, decentralised renewable energy systems, the increased use of energy storage to balance supply and demand and the challenge this creates on our distribution networks; [...]
- [supporting and enabling renewable, low carbon globally responsible material choices](#) and their efficient and most appropriate use, so as to prevent waste and ensure finite resources are not unnecessarily diminished;

Productive and Enterprising Linkages (p75)

The policy topics of the Productive and Enterprising Places theme can collectively work together to create sustainable places through development plan strategies, policies and allocations and development management decision making. In particular: [...]

- [encouraging policies and proposals which promote low carbon developments and sites for renewable energy](#), manufacturing, research and development close to areas of deployment of renewable energy;

5.6 The Rural Economy

5.6.1 The rural economy must develop a wide base if it is to be adaptable and resilient to the challenges it faces now and in the future. [...]

5.6.13 Diversification activities come in many forms and include both agricultural and non-agricultural activities. [...] Diversification can also include renewable energy proposals such as anaerobic digestion facilities or solar and wind installations, which will help to increase the viability of rural enterprises by reducing their operating costs. These schemes should be supported where there is no detrimental impact on the environment and local amenity.

Energy

5.7 Context (p88)

5.7.1 The Welsh Government's highest priority is to reduce demand wherever possible and affordable. Low carbon electricity must become the main source of energy in Wales. Renewable electricity will be used to provide both heating and transport in addition to power. [...]

5.7.2 Overall power demand is expected to increase as a result of growing electrification of transport and heat. In order to ensure future demand can be met, significant investment will be needed in energy generation, transmission and distribution infrastructure. The system will need to integrate renewable generation with storage and other flexibility services, in order to minimise the need for new generation and grid system reinforcement. Collectively we will need to concentrate on reducing emissions from fossil fuel sources, whilst driving further renewable generation which delivers value to Wales.

5.7.3 These priorities contribute to reducing carbon emissions, as part of our approach to decarbonisation, whilst enhancing the economic, social, environmental and cultural well-being of the people and communities of Wales, in order to achieve a better quality of life for our own and future generations. This means taking precautionary action to prevent Wales being 'locked in' to further fossil fuel extraction and high carbon development. [The planning system should facilitate delivery of both this and Welsh, UK and European targets on renewable energy.](#)

5.7.4 Future Wales – The National Plan 2040 sets out the national development plan context for energy and provides specific policies for heat network and renewable energy development.

5.7.7 [The benefits of renewable and low carbon energy, as part of the overall commitment to tackle the climate emergency and increase energy security, is of paramount importance.](#) The continued extraction of fossil fuels will hinder progress towards achieving overall commitments to tackling climate change. The planning system should: [...]

- maximise renewable and low carbon energy generation;

Renewable Energy Targets (p90)

5.7.14 The Welsh Government has set targets for the generation of renewable energy:

- [for Wales to generate 70% of its electricity consumption from renewable energy by 2030;](#) [...]

5.7.15 The planning system has an active role to help ensure the delivery of these targets, in terms of new renewable energy generating capacity and the promotion of energy efficiency measures in buildings.

5.9 Renewable and Low Carbon Energy (p91)

5.9.1 Local authorities should facilitate all forms of renewable and low carbon energy development and should seek cross-department co-operation to achieve this. In doing so, planning authorities should seek to ensure their area's full potential for renewable and low carbon energy generation is maximised and renewable energy targets are achieved.

Planning authorities should seek to maximise the potential of renewable energy by linking the development plan with other local authority strategies, including Local Well-being plans and Economic/ Regeneration strategies.

(p93)

5.9.10 Planning authorities should ensure development plan policies are supportive of renewable and low carbon energy development in all parts of Wales, direct developments to the right locations and set out clearly the local criteria against which proposals will be evaluated (see below).

Locational Policies for Renewable and Low Carbon Energy Development (p94)

5.9.14 Planning authorities should support and guide renewable and low carbon energy development to ensure their area's potential is maximised. Planning authorities should assess the opportunities for renewable and low carbon energy in the area, and use this evidence to establish spatial policies in their development plan which identify the most appropriate locations for development of energy developments below 10MW. There should be a presumption in favour of development in identified areas, including an acceptance of landscape change, with clear criteria-based policies setting out detailed locational issues to be considered at the planning application stage.

Large Scale Wind Energy Development

5.9.16 **Wales has an abundant wind resource and, as a result, wind energy forms a key part of meeting the Welsh Government's vision for future renewable energy production.**

Re-powering, Life Extension, Decommissioning and Remediation (p97)

5.9.29 **The extension and re-powering of existing renewable energy infrastructure is important in meeting renewable energy and decarbonisation targets. Planning authorities should support such schemes** and take into account changes in renewable energy technology and viability, which may mean, for example, that the format of a repowered wind farm will be different from an existing scheme. Planning authorities should set out broad criteria for the determination of life extension and re-powering applications, based on the additional impact of the new scheme.

THE NATIONAL PLAN 2040

Policy 17 – Renewable and Low Carbon Energy and Associated Infrastructure

The Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs. **In determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales' international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.** In Pre-Assessed Areas for Wind Energy the Welsh Government has already modelled the likely impact on the landscape and has found them to be capable of accommodating development in an acceptable way. There is a presumption in favour of large-scale wind energy development (including repowering) in these areas, subject to the criteria in policy 18.

Applications for large-scale wind and solar will not be permitted in National Parks and Areas of Outstanding Natural Beauty and all proposals should demonstrate that they will not have an unacceptable adverse impact on the environment.

Proposals should describe the net benefits the scheme will bring in terms of social, economic, environmental and cultural improvements to local communities.

(P171) [Regional] **It is vital the region plays its role in decarbonisation and supports the realisation of renewable energy.**

THE LOCAL DEVELOPMENT PLAN 2013

2.2 Local Development Plan Objectives (P9)

2.2.1 The LDP Vision will be delivered through four strategic LDP objectives which seek to address the national, regional and local issues facing the County Borough. These four strategic objectives are at the centre of the LDP and form the basis for its policy development. They are: 1. To produce high quality sustainable Places. 2. To protect and enhance the Environment.

OBJ 2e To contribute towards the energy needs of Wales with a focus on the promotion of renewable energy. (NR5, LS3)

Policy PLA4 (P26)

Climate Change and Peak Oil

All development proposals will be required to make a positive contribution towards tackling the causes of, and adapting to the impacts of Climate Change and Peak Oil issues. Means of achieving this may include:

- 1) Having lower carbon energy requirements by reducing energy demand, and promoting energy efficiency;
- 2) Utilising local materials and supplies wherever feasible;
- 3) [Encouraging the development of renewable energy generation;](#)

4.6 Energy Generation, Efficiency and Conservation (P45)

Strategic Policy SP8 – Renewable Energy

Development proposals which contribute to meeting national renewable energy and energy efficiency targets will be permitted where it can be demonstrated that there will be no significant adverse impacts on the environment and local communities. LDP Objective: 2e (P78)

To Protect and Enhance the Environment			
Energy Generation, Efficiency and Conservation		Primary Policy: Strategic Policy SP8	LDP Objectives: 2e
Monitoring Aim: That the County Borough contributes towards the country's renewable energy requirements		Other Policies: ENV17, ENV18	
Policy Target	Indicators	Annual / Interim Monitoring Target	Assessment Trigger
16. All major planning applications assess the potential for onsite Renewable / Low Carbon Energy technologies.	Major planning applications which are accompanied by a Renewable / Low Carbon Energy Assessment in accordance with Policy ENV17.	100% of all major planning applications are accompanied by a Renewable / Low Carbon Energy Assessment in accordance with Policy ENV17. 2014: Production of Energy Opportunities Plan SPQ.	<100% of all major planning applications are accompanied by a Renewable / Low Carbon Energy Assessment in accordance with Policy ENV17 in any year. Energy Opportunities Plan SPQ is not in place by 2014.
17. To increase the amount (in MW) of energy produced in the County Borough from renewable sources.	Permitted and installed capacity (MW) of renewable electricity and heat projects within the County Borough.	Annual increase in the permitted or installed capacity of renewable electricity and heat projects within the County Borough through the Plan period. 2014: Production of Energy Opportunities Plan SPQ.	Its annual increase in the permitted or installed capacity of renewable electricity and heat projects within the County Borough. Energy Opportunities Plan SPQ is not in place by 2014.
18. 35MW of renewable energy generated in the refined Strategic Search Areas (Policy ENV18) by the end of the Plan period.	The capacity of renewable energy developments (MW) installed inside the refined Strategic Search Areas (Policy ENV18).	If planning applications which would cumulatively meet the 35MW target are not submitted by 2018.	If planning applications which would cumulatively meet the 35MW target are not submitted by 2018.
Bodies Responsible: Bridgend County Borough Council		Data Sources: Planning Applications	

WRITTEN STATEMENT

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SECTION 42 PERMISSION

ReferenceNo:19/02647/S42

To: Wathegar 2 Limited
Glebe Barn
Great Barrington
Burford
Oxon
OX18 4US

Per: Per:
Natural Power Consultants Limited
Per: Gavin Shirley
Spey House
3 Dochfour Business Centre
Dochgarroch
Inverness
IV3 8GY

Town and Country Planning (Scotland) Act 1997 (As Amended)
Planning Etc. (Scotland) Act 2006

DECISION NOTICE

Application under Section 42 to develop land without compliance with condition(s) 2 previously attached to Planning Permission ref. 14/01082/S42 for the permission granted consent to amend the wording of Condition 1 attached to the existing consent to increase the consented tip height to 110m & the consented rotor diameter to 92.5m & extend the expiry date to three years from the approval of the amendment at Land 100M NW Of Wathegar, Bibster, Wick.

The Highland Council in exercise of its powers under the above Act **grants Planning Permission to develop land without compliance with condition 2** previously imposed, in accordance with the particulars given in the application and the following conditions and reasons:

1. The development shall be undertaken in accordance with the planning permission reference 11/03671/FUL, approved plans and the environmental statement except in so far as amended by the terms of this consent or as subsequently agreed in writing by the Planning Authority in consultation with Scottish Natural Heritage and Scottish Environmental Protection Agency.

Reason: To ensure the development is carried out in accordance with the submitted documentation.

2. The Planning Permission is granted for an operational period of up to 40 years from the date when electricity was first exported from the wind turbines to the electricity grid network, defined as the First Export Date (17 October 2017). At the end of the operational period decommissioning and restoration shall be completed within 43 years of the First Export Date in line with the provisions of Condition 6 of this planning permission

Reason: The application is for a temporary period of 40 years.

Dated: 17th December 2019

Dafydd Jones

.....
Area Planning Manager

Page 1 of 14

- 3. If any wind turbine fails to supply electricity to the grid for a continuous period of 6 months then, unless otherwise agreed in writing with the Planning Authority, a scheme for the removal of that wind turbine and any surface ancillary works solely relating to that wind turbine shall be submitted in writing for the approval of the Planning Authority. The scheme shall then be implemented as approved.

Reason: To ensure that any redundant wind turbine is removed from site, in the interests of safety, amenity and environmental protection.

- 4. The turbines to be erected on site shall be the RePower MM92 wind turbine in accordance with the design as shown on the approved drawing Figure 5. The external colour of each turbine shall be a non-reflective semi-matt pale grey colour (RAL colour 7035) unless otherwise agreed in writing with the Planning Authority. No name, sign or other logo shall be displayed on any external surfaces of the wind turbines save as required by law. For the avoidance of doubt, all wind turbine blades shall rotate in the same direction, consistent with existing Turbines at Wathegar 1, Achairn and Flex Hill wind farms.

Reason: In the interests of visual amenity and to comply with the Council's Highland Renewable Energy Strategy.

- 5. Turbines and tracks may be micro-sited within 50 metres of the positions shown on approved layout submitted with the application.

Reason: To allow areas of deep peat and wetlands to be avoided in the final design.

- 6. Not later than 12 months before the end of the consent period, a decommissioning and site restoration scheme shall be submitted for the written approval of the Planning Authority, such scheme to include the removal of above-ground elements of the development, management and timing of any works, environmental management provisions and a traffic management plan to address any traffic impact issues during the decommissioning period. The scheme shall be implemented as approved.

Reason: To ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration of the site, in the interests of safety, amenity and environmental protection.

- 7. The applicant shall ensure that the approved bond or any other financial provision which may be put in place at the review dates to cover all decommissioning and site restoration costs is maintained throughout the duration of this consent. For the avoidance of any doubt the bond or other financial provision shall include an element to address an appropriate wear and tear agreement with the local Roads Authority to ensure no net detriment to the local road network as a result of decommissioning works. The bond or other financial provision will be subject to a five yearly review from the commencement of the development, to be conducted by a competent independent professional who has relevant experience within the wind energy sector.

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Reason: To ensure that the restoration of the site is achieved after decommissioning and safeguard the local road network from the impact of these works.

- 8. Prior to any further development or works on the site, inclusive of decommissioning and any maintenance that requires provision of new or improved tracks, or replacement of any turbine components (defined as towers, blades or nacelles), a Construction Traffic Management Plan shall be submitted to and agreed in writing by the Planning Authority. The Construction Traffic Management Plan shall include proposals for construction vehicle routing, the location and design of accesses from the public highway onto the site, management of traffic at junctions to and crossings of the public highway and other public rights of way, the scheduling and timing of movements, details of escorts for abnormal loads, temporary warning signs, temporary removal or replacement of highway infrastructure and street furniture, off-site road works and banksman details etc. The approved Construction Traffic Management Plan shall be implemented as approved in writing by the Planning Authority. For the avoidance of any doubt this will include details to advise the public including road users on the A882 and those living along the access route of the expected abnormal loads associated with the delivery of turbine parts.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way.

- 9. Prior to any further development or works on the site, inclusive of decommissioning and any maintenance that requires provision of new or improved tracks, or replacement of any turbine components (defined as towers, blades or nacelles), an agreement dealing with liability for remedial work required as a result of any damage to the local road network directly attributable to the Wind Farm construction and providing for pre and post construction surveys of the said local road network has been submitted to and agreed in writing with the Planning Authority in consultation with the local Roads Authority.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way.

- 10. The Community Liaison Group established by the developer, in collaboration with Highland Council and local Community Council's, to allow views on the phased delivery of all road mitigation measures required for the development and decommissioning of the wind farm to be shared and taken into account and to keep under review the timing of the delivery of turbine parts (blades turbine tower sections and hubs) using the local road network shall remain in place until decommissioning of the site has been completed.

Reason: To assist with the delivery of the development and it's decommissioning.

- 11. Prior to any further development or works on the site, inclusive of decommissioning and any maintenance that requires provision of new or improved tracks, or replacement of any turbine components (defined as towers, blades or nacelles), a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with SNH, SEPA and other Council Services. Construction

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of the development shall proceed in accordance with the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP should include information on the following matters: -

- Environmental Policy - Statement of responsibility for all environmental features, safeguards and mitigation.
- Appointment and scope of work for an Ecological Clerk of Works (ECoW) who shall have responsibility for monitoring compliance with the provisions of the approved CEMP and who shall report all breaches of the approved CEMP to the Planning Authority.
- Details of construction works, the construction methods and surface treatment of all hard surfaces and tracks.
- Details of temporary site compounds for storage of materials and machinery (including areas designated for car parking).
- Details of the timing of works and methods of working for cable trenches and foundation works.
- Details of the timing of works and construction of the substation/ control buildings and anemometry masts.
- Details of the bridges and culverts for all new water crossings.
- Pollution control arrangements, including protection of water courses and ground water and soils, bunding of fuel storage areas, and sewage disposal.
- Dust management.
- Cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to / from the site to prevent spillage or deposit of any materials on the highway.
- Disposal arrangements of surplus materials.
- Post construction restoration / reinstatement of the temporary working areas.
- Construction noise management plan (including identification of access routes, locations of materials lay-down areas, details of equipment to be employed, operations to be carried out, mitigation measures and a scheme for the monitoring of noise in the event of complaints).

Reason: To protect highway safety, amenity and control pollution of air, land and water.

12. The approved "Forestry and Nature Conservation Management Plan" (submitted to the Planning Authority on 02 June 2016) shall be implemented as approved throughout the operational life of the wind farm.

Reason: To protect and enhance local woodland, wetlands and nature conservation interests.

13. Prior to any further development or works on the site, inclusive of decommissioning and any maintenance that requires provision of new or improved tracks, or replacement of any turbine components (defined as towers, blades or nacelles), survey work and all necessary mitigation shall be undertaken in respect of the interests of protected species within and adjacent to the application site as agreed in writing with the Planning Authority in respect of all construction and site restoration associated with this project. The earlier noted Ecological Clerk of Works shall oversee the construction and decommissioning phase of the development and that that

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individual shall be given the power to stop construction works if necessary to safeguard protected species and their habitats.

Reason: To protect the interests of European and other Protected Species which prevail within the area of the proposed construction works.

- 14. The approved scheme of mitigation for shadow flicker (submitted to the Planning Authority on 05 April 2016) shall be implemented in accordance with the details contained therein. Any variation to the approved scheme shall be submitted to and approved in writing by the Planning Authority.

Reason: To protect the occupiers of residential units from the effects of shadow flicker.

- 15. The approved Television and Radio Mitigation Plan (submitted to the Planning Authority on 05 April 2016) shall be implemented and be effective for a period of 12 months from the commissioning of the development. Any claim by any individual person regarding TV picture loss or interference at their house, business premises or other building, shall be investigated by a qualified engineer and the results submitted to the planning authority. Should any impairment to the TV signal be attributable to the wind farm, the developer shall remedy such impairment so that the standard of reception at the affected property is equivalent to the baseline TV reception.

Reason: To ensure that any effect on TV or radio reception is rectified.

- 16. The applicant provided both the Ministry of Defence and the Defence Geographic Centre (AIS Information Centre) with a statement on 29 March 2016, copied to the Planning Authority and Highland and Islands Airport Authority Ltd, containing the following information:

- The date of commencement of the construction;
- The exact position of the turbine towers in latitude and longitude;
- A description of all structures over 300 feet high.
- The maximum extension height of any construction equipment;
- The height above ground level of the tallest structure; and
- The lighting schemes for relevant turbines, taking account of existing turbine lighting, as agreed with aviation interests and the Planning Authority.

Shall any of the above matters change in the course of the operation or decommissioning of the development a further statement containing the above information shall be submitted to Ministry of Defence and the Defence Geographic Centre (AIS Information Centre), copied to the Planning Authority and Highland and Islands Airport Authority Ltd.

Reason: In the interests of air safety.

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17. The approved scheme for measuring and assessing the levels of noise emission from the development cumulatively with the Achairn 04/00366/FULCA; Flex Hill 04/00017/FULCA and Wathegar 10/00042/FULCA wind farms submitted to the Planning Authority in May 2016 shall be implemented. The submitted scheme details the measurement methodology, proposed measurement locations, relevant wind speeds and directions and reporting procedures.

The rating level of noise immissions from the combined effects of the wind turbines of this development and those of Achairn, Flex Hill and Wathegar Wind Farms (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to these conditions at any dwelling which is lawfully existing or has planning permission at the date of this permission and:

a) The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.

b) No electricity shall be exported until the wind farm operator has submitted to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.

c) Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

d) The assessment of the rating level of noise immissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request

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of the Local Planning Authority under paragraph (c), and such others as the independent consultant considers likely to result in a breach of the noise limits.

e) Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.

f) The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority for compliance measurements to be made under paragraph (c), unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

g) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4(c), the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (d) above unless the time limit has been extended in writing by the Local Planning Authority.

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Table 1 - Between 07:00 and 23:00 - Noise limits expressed in dB LA90,10 minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

Location	Standardised wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
Achair Cottage	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	46.9
Achair Farm	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	46.9
Basquary	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	46.9
Housequoy	35.0	35.0	35.0	35.0	35.0	36.8	39.6	42.3	44.8	47.2	49.4	51.2
Lealands	35.0	35.0	35.0	35.0	35.0	35.4	38.3	41.3	44.1	46.5	48.4	49.4
Roadside Farm	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	46.5	48.4	49.4
Rowangarth	35.0	35.0	35.0	35.0	35.0	36.8	39.6	42.3	44.8	47.2	49.4	51.2
Schoolhouse	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	46.5	48.4	49.4
Gardeners Cottage	35.0	35.0	35.0	35.0	35.0	38.0	41.8	46.0	50.5	55.1	59.6	63.9
Thuster*	45.0	45.0	45.0	45.0	45.0	45.4	45.0	45.0	45.0	46.5	48.4	49.4

* Includes Stockman's Cottage; Thuster Mains; Thuster House; Thuster Bungalow

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Table 2 - Between 23:00 and 07:00 - Noise limits expressed in dB LA90,10-minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

Location	Standardised wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
Achair Cottage	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	46.9
Achair Farm	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	46.9
Basquary	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	46.9
Flex Cottage	45.0	45.0	45.0	45.0	45.0	45.0	45.0	46.0	50.5	55.1	59.6	63.9
Housequoy	38.0	38.0	38.0	38.0	38.0	38.0	38.0	40.8	44.3	47.7	50.9	53.5
Lealands	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	40.5	43.4	46.2	48.7
Roadside Farm	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	46.2	48.7
Rowangarth	38.0	38.0	38.0	38.0	38.0	38.0	38.0	40.8	44.3	47.7	50.9	53.5
Schoolhouse	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	46.2	48.7
Gardeners Cottage	38.0	38.0	38.0	38.0	38.0	38.0	41.8	46.0	50.5	55.1	59.6	63.9
Thuster *	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	46.2	48.7

Includes Stockman's Cottage; Thuster Mains; Thuster House; Thuster Bungalow

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Table 3 - Coordinate locations of the properties listed in Tables 1 and 2.

Property	Easting	Northing
Achairn Cottage	329887	949878
Achairn Farm	330341	950138
Basquary	330674	950348
Flex Cottage	326344	951562
Housequoy	330994	950369
Lealands	328700	952575
Roadside Farm	329075	952405
Rowangarth	331015	952076
Schoolhouse	329475	952269
Gardeners Cottage	326016	952056
Stockman's Cottage, Thuster Farm	330048	951920
Thuster Mains	329940	951961
Thuster House	330117	951868
Thruster Bungalow	330261	951863

Note to Table 3: The geographical coordinate references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

Reasons: In the interests of the amenity of existing residents in the area.

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Variations

During the processing of the application the following variations were made to the proposal:

None.

Section 75 Obligation

None.

REASON FOR DECISION

The proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Accordance with Approved Plans and Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action.

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

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Septic Tanks and Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (**01349 862021**).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from: http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud and Debris on Road

Please note that it an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended). Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

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If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species - Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Land Ownership/Planning Permission

For the avoidance of doubt, the existence of planning permission does not affect or supersede an individual's ownership or other legal rights. Please be advised that this permission does not entitle you to build on, under or over ground outwith your ownership or to enter private ground to demolish, construct or maintain your property.

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RIGHT OF APPEAL ETC

1. If the applicant is aggrieved by the decision to refuse planning permission for, or approval required by a conditions in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months beginning with the date of this notice. The notice of appeal should be addressed to:

Directorate for Planning and Environmental Appeals
4 The Courtyard
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

Appeals can also be lodged online via the ePlanning Portal at: <https://www.eplanning.scot>

2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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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/20/898/RLX

APPLICANT: Aldi Stores Limited
c/o Planning Potential Ltd, 13-14 Orchard Street, Bristol BS1 5EH

LOCATION: Aldi Unit 1, Llynfi Walk, Llynfi Road, Maesteg CF34 9DS

PROPOSAL: Vary condition 1 of P/14/65/RLX to allow the store to unload deliveries for a longer period

RECEIVED: 12 November 2020

UPDATE SINCE DC COMMITTEE MEETING OF 4 MARCH 2021

The application which was considered by Development Control Committee on the 4th March was to permanently vary the delivery times to the Aldi Unit at Llynfi Walk to 5am to 10 pm. The report from the Group Manager – Planning and Development Services recommended that consent be granted for 6 months only for the hours 6am to 10pm Monday – Saturday and 7am to 8pm on Sundays and Bank Holidays to enable the Authority to review the effect of early morning deliveries on the existing residential amenities of the neighbouring properties. However, Committee considered that due to ongoing and unnecessary noise pollution at anti-social times, the proposal would result in an unacceptable impact on the residential amenities of the neighbouring properties. Therefore, Committee was minded to refuse the application and, in accordance with the agreed protocol for dealing with applications where the Committee is minded to refuse an application, which has been recommended for approval, consideration of the application was deferred to this meeting so that reasons for refusal could be properly considered.

Since the last Committee meeting, the applicant's agent has agreed to amend the description of development in line with the Council's recommendation as follows:

“The variation of condition 1 of planning permission ref. P/14/65/RLX to allow deliveries to the store between the hours of 06:00 hours – 22:00 hours Monday to Saturday and 07:00 hours – 20:00 hours on Sundays and Bank Holidays for a period of 6 months.”

This will allow the applicant to record the delivery information throughout the summer, and enable the Local Planning Authority to review the effect of early morning deliveries on the residential amenities of the neighbouring properties.

Members were asked to provide their reasons for refusal of the application and they are as follows:

Cllr Baldwin

My comments at the meeting concerned extending the opening hours to 5am 7 days a week would cause ongoing and unnecessary noise pollution at anti-social hours. This would equate to having the recycling lorry waking you up every day of the week with no respite. This noise pollution will have a negative and detrimental impact on the mental health and well-being of residents living near the store. The grounds for the application were being brought forward to account for Covid19 and to limit potential food shortages in store. However, this is being requested as we move towards the lifting of restrictions and isn't timely.

Cllr Spanswick

I voted against as I felt that the delivery time in the morning currently set at 7.00a.m should not be changed to an earlier time due to the unacceptable impact I felt that would have on nearby residential properties. I was however prepared to accept the later time in

the evening being moved from 8.00p.m. to 10.00p.m. Hope this helps and many thanks for working on this with Planning officers.

Cllr Stirman

I voted against because I am aware there is a lot of residential housing very close to the site. All very well others saying there is early morning noise from other sites but I honestly believe that a 05:00 am start would be putting unreasonable pressure on surrounding homes. The noise from the reversing lorries warning systems alone would have an adverse impact on nearby homes in my opinion. As someone else mentioned they have more than enough time within current hours especially as this store is not particularly immense.

Cllr J Lewis

My objection is to the noise at that time of morning and its effect on the people living near there.

Members were advised by Officers at the last DC Committee meeting that whilst the proposed 5am start was considered unacceptable, the Local Planning Authority proposed granting a temporary Planning permission so that deliveries to the store could only be made between 6am and 10pm for a limited period of 6 months (Mon-Sat).

This would allow the applicant to record the delivery information and enable the Local Planning Authority to review the effects of the early morning deliveries on the residential amenities of the neighbouring properties after this 6 month time period however, Members voted to refuse the application.

Officers agree with Members that 5am deliveries are unacceptable however, it is considered that a 6 month temporary permission to allow deliveries to the store between 6am - 10pm (Mon - Sat) would be appropriate. This would allow the applicant to gather additional evidence of any impact on the neighbouring amenities over the Summer period as currently there is no evidence to demonstrate that the proposal would have an unacceptable impact on the neighbouring properties. The applicant has now changed the description of their application to confirm that they are applying for extended delivery times to the store from 6am – 10pm Monday to Saturday for a period of 6 months only. In view of this, if Members are still minded to refuse the application then they are advised that the applicant can submit an appeal to the Planning Inspectorate against the condition for a 6am start for deliveries to the store for a 6-month temporary time-period.

If members are minded to refuse the application, the suggested reason for refusal of this application for Members to consider is:

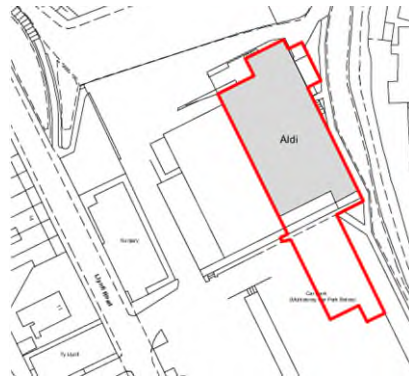
The proposed relaxation of the hours of operation for a temporary period of 6 months to allow deliveries from 6am in the morning (Mon-Sat) would have a detrimental impact on the residential amenities of neighbouring residential occupiers by way of noise pollution during anti-social hours contrary to Policy SP2 of the Bridgend County Borough Council Local Development Plan 2013 and advice contained within Planning Policy Wales 11 (February 2021).

Reproduced below is a copy of the original report:-

APPLICATION/SITE DESCRIPTION

This application seeks to vary condition 1 of P/14/65/RLX to allow the store to unload deliveries between the hours of 05:00 and 22:00 daily at Aldi, Unit 1 Llynfi Walk, Llynfi Road, Maesteg.

Figure 1 - Site Location Plan:



Condition 1 of P/14/65/RLX states:

The unloading of delivery vehicles to the Aldi store shall not take place outside the following times:-

07:00 hours and 20:00 hours

Reasons: In the interest of residential amenities and for the avoidance of doubt as to the scope of the consent.

The applicant's agent has advised that in response to the demand for greater operational flexibility in the hours of unloading deliveries at the store and to meet the needs of the customer, the application now seeks permission to vary condition 1 to allow the store to unload deliveries between the hours of 05:00 and 22:00 daily.

The application site is located within the settlement boundary of Maesteg as defined by Policy PLA1 of the BLDP(2013) and is located within the retail and commercial centre of Maesteg as defined by Policy REG 9 of the BLDP(2013). The application site is located within a retail area surrounded by other similar uses which are served by a large car park with a number of residential properties located opposite the site along Llynfi Road.

RELEVANT HISTORY

P/20/217/FUL Approved (with conditions) – 14/07/2020.

Minor extension to food store; a reconfiguration of the car park; new replacement plant and minor external works and alterations

P/14/65/RLX Approved (with conditions) – 07/03/2014

Amend Condition 11 of 95/215 to read no unloading between hours of 20.00 and 07.00.

P/12/671/RLX Approved (with conditions) – 11/01/2013

Vary Cond 11 of P/95/215/FUL to permit unloading times of delivery vehicles between 07:00 & 20:00 hours.

P/95/215/FUL Approved (with conditions) – 11/04/1995

Erection of retail stores and associated service yard and car park deck

PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 22 December 2020.

CONSULTATION RESPONSES

Cllr R Thomas (Local Ward Member) – Objects to the proposal due to the detrimental impact on local residents.

Maesteg Town Council – Objects to the proposed development due to the close proximity to the residential area where there are current issues with noise and traffic.

Transportation Officer (Highways) – No objection.

Head of Public Protection (Noise) – Raises concerns regarding the proposal for a variation in the times to start at 05:00 however states that a temporary permission for a 12-month period for deliveries between the hours of 06:00 to 22:00 to assess the impact on the existing amenities of the neighbouring properties would be acceptable.

REPRESENTATIONS RECEIVED

10 Llynfi Road, Maesteg – objects due to the close proximity to bedroom window and damage to walls due to number of heavy vehicles entering the car park.

COMMENTS ON REPRESENTATIONS RECEIVED

The majority of concerns raised have been addressed within the appraisal section of this report however, damage to walls and property is a private matter and not a material Planning consideration.

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
- Strategic Policy SP3 – Strategic Transport Planning Principles
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy REG9 – Development Sites in Retailing and Commercial Centres

National Planning Policy and Guidance

National Planning guidance in the form of Planning Policy Wales (Edition 11, February 2021) (PPW) and Future Wales – the National Plan 2040 (Feb. 2021) is of relevance to the determination of this application.

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes and Technical Advice Note 11 – Noise (1997) is relevant to the determination of this application.

Wellbeing of Future Generations (Wales) Act 2015

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

The well-being goals identified in the Act are:

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

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

APPRAISAL

The application is referred to Committee to enable consideration of the objections received from the Town Council, local Ward Member and local resident.

The main issues to consider in this application are the impact on the neighbouring amenities and highway safety.

Impact on neighbouring amenities

With regard to the impact of the proposed change in delivery times on the existing residential amenities of the neighbouring properties, the application was supported by a Noise Report prepared by Sharps Redmore Acoustic Consultants. The Council's Noise Officer has assessed the Report and requested further information. In view of this, a technical note was submitted by Sharps Redmore demonstrating that Aldi has regularly been having deliveries to the store between 05.00 and 07:00 hours during the relaxation period permitted by Welsh Government because of the current pandemic, between 14 November and 12 December 2020. Whilst this has not resulted in any noise complaints to date, the absence of complaints does not necessarily mean that the deliveries as early as 05:00 hours would not cause any disturbance to the residents. It should be noted that during the winter months it would be reasonable to assume that the residents at Llynfi Road are likely to have had their windows closed and therefore may not have been disturbed by the noise from those deliveries during that time. As a result, the Council's Noise Officer requested the delivery schedule between April and July to determine how often Aldi may have been having early morning deliveries during the warmer weather. Unfortunately, this information was unavailable as Aldi has not kept the records going back that far and they were only able to advise that *Whilst deliveries may not have been regularly received as early as they are at present, deliveries were made to the store before 0600 hours on occasions.*

Although the Acoustic Report shows that the noise levels from the deliveries themselves should not cause an adverse impact during the arriving and unloading of goods at the rear of Aldi, it does not take into account the impact that the deliveries would have on the residential property located on Llynfi Road opposite the turning into Aldi as a result of a delivery vehicle pass-by. In the additional technical note that was submitted by Sharps Redmore however, the Consultant acknowledges that *it is accepted that there will be peak noise levels associated with the delivery vehicle passbys on Llynfi Road as they approach and depart from the Aldi store. Although not directly assessed at this store, delivery vehicle passby noise could be expected to be in the region of 70 to 75 dB LAmax at the properties on Llynfi Road. This is above the WHO peak noise guideline value of 60 dB LAmax.* The Public Protection Noise Officer agrees with these predicted levels.

The Consultant goes on to say *although it is worth noting that the WHO guideline noise value of 60 dB LAmax is the level at which sleep disturbance may occur.. this does not mean that a person may awake when the noise level reaches this level, rather the process of restorative sleep may be affected, for example, the depth of sleep varies or eyelids may move.* Whilst the Public Protection Noise Officer does not disagree with this statement, she indicates that the fact remains that the vehicle pass-by could be in the region of 70 to 75 dB LAmax so there could be an impact. It should be noted that whilst the Council's Public Protection Department would have jurisdiction over noise from deliveries taking place at a premises which is causing a nuisance, the Department cannot take action for statutory nuisance when it is from a vehicle pass-by going to or leaving from Aldi when it is on a public road in a residential area. Therefore, this matter has to be

considered at the Planning stage as if the delivery itself does not impact on this property, statutory nuisance legislation could not be used to resolve any complaints received in relation to delivery vehicles passing and turning into the premises if it only disturbs the occupants at that point.

The Noise Officer considers that deliveries until 22:00 hours (as long as the vehicles have delivered the goods and departed by that time) should not cause any unnecessary disturbance and there is no objection to this however, the Noise Officer is concerned that as the store has not been able to demonstrate that deliveries have frequently occurred between 05:00 hours and 07:00 hours during the Spring and Summer months when the weather was warmer and residents were likely to have had their windows open, extending the hours as early as 05:00 hours would have an unacceptable impact on the property opposite the turning to Aldi.

Nevertheless, Aldi has advised that *deliveries were made to the store before 06:00 hours on occasions* and consequently, if the application is being recommended for approval, the Noise Officer requests that the permission is granted on a temporary basis (not exceeding 12 months) so that any impact can be monitored and that the proposed timings are no earlier than 06:00 hours Monday- Saturday and are kept to 07:00 hours on a Sunday. One of the reasons Aldi has requested the extended hours is so that they can take deliveries and stock goods in the store during their quieter periods and outside times when the store is open which is important during this pandemic. The opening hours for the store on a Sunday are reduced to 10am - 4pm (10:00 hours – 16:00 hours) as opposed to 8am - 8pm (08:00hours – 20:00 hours) on other days and therefore, there is no reason why deliveries need to occur at 06:00 hours on a Sunday. If extending the hours until 22:00 hours, it should also be made clear that the vehicles need to have unloaded their goods and have departed by 22:00 hours.

In view of the above and to address the concerns raised by the local resident, it is considered that the originally proposed extension to delivery hours of 05:00 to 22:00 hours is excessive in view of the limited information available to demonstrate the impact on the existing amenities of the neighbouring properties.

Whilst the Council's Noise Officer has suggested a temporary 12 month permission, following further consideration of the application by the Local Planning Authority and in view of the restrictions imposed by the pandemic, it appears that a 6 month temporary permission would be more appropriate in order to allow the applicant to gather the additional evidence required over the summer period.

Therefore, it is considered that a temporary 6 month permission (March – September) to allow deliveries to the site between the hours of 06:00 hours – 22:00 hours Monday to Saturday and retain the current hours for deliveries to the store of 07:00 hours – 20:00 hours on Sundays and Bank Holidays is more acceptable.

This will allow the applicant to record the delivery information and enable the Local Planning Authority to review the effect of early morning deliveries on the residential amenities of the neighbouring properties which accords with Policy SP2(8) and SP2(12) of the BLDP(2013).

Impact on Highway Safety

The Transportation Officer has assessed the submitted details and has considered the transportation implications of the proposal.

Whilst the Transportation Officer has noted that the applicant is seeking to extend the hours of delivery to the food store from 7am to 8pm to 5am to 10pm (revised to 6am to

10pm for a period of 12 months) and that there have been some concerns raised with regards to noise, as the extension of delivery time is outside of the peak network hours for traffic in this area, he considers that the proposal would not be detrimental to the free flow of traffic. As such, the proposal is considered acceptable in highway safety terms and therefore it accords with Policy SP2(6) of the BLDP(2013).

CONCLUSION

In view of the nature of the objections received, it is considered that the issue of noise and disturbance is a material Planning consideration and the impact on nearby residents must be taken into account. However, it is also noted that the impacts of the current pandemic may have placed greater pressures on the supply chain resulting in different delivery patterns and non-compliance with normal conditions. Welsh Government has indicated that during the current crisis Local Planning Authorities (Ministerial letter dated March 2020) should take a pragmatic view on enforcing time conditions specifically in relation to food retail.

On balance and given that the restrictions imposed by the pandemic are still in place, this application can be recommended for approval for a temporary 6 month period to allow deliveries to the site between the hours of 06:00 hours – 22:00 hours Monday to Saturdays and retain the current hours for deliveries to the store of 07:00 hours – 20:00 hours on Sundays and Bank Holidays to enable the Local Planning Authority to review the effect of early morning deliveries on the existing residential amenities of the neighbouring properties.

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:

Site Location Plan and Noise Report prepared by Sharps Redmore Acoustic Consultants received on 12 November 2020 and additional Technical Noise Note prepared by Sharps Redmore Acoustic Consultants received on 14 January 2021.

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

2. Deliveries shall not be taken at or dispatched from the site outside the hours of 06:00 to 22:00 Monday to Saturday and 07:00 to 20:00 on Sundays and Bank Holidays.

Reason: In the interest of residential amenities and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

3. This permission to extend the hours for unloading delivery vehicles shall be for a temporary period expiring on 30 September 2021 at which time the permitted hours for unloading delivery vehicles shall revert to between 07:00 hours and 20:00 hours.

Reason: To enable the Local Planning Authority to review the effect of early morning deliveries in the interest of residential amenities and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

4. There shall be no open storage of materials other than in the compactor area.

Reason: To ensure that the visual amenities of the area are protected and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

Janine Nightingale
CORPORATE DIRECTOR COMMUNITIES

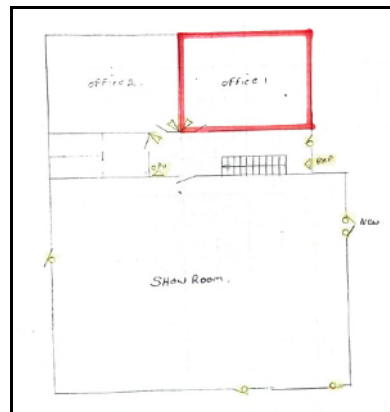
Background Papers
None

REFERENCE: P/21/101/FUL
APPLICANT: Mr M Hiddlestone
Unit 2, Garth Drive, Brackla Industrial Estate, Bridgend CF31 2AQ
LOCATION: Unit 2 Garth Drive, Brackla Industrial Est, Bridgend CF31 2AQ
PROPOSAL: Transform unused office space into a hair salon
RECEIVED: 11 February 2021
SITE INSPECTED: 26 February 2021

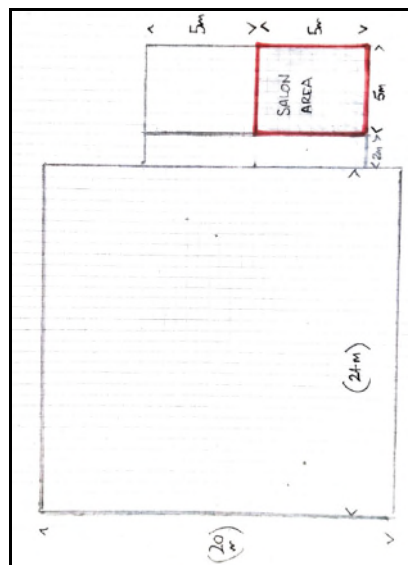
DESCRIPTION OF PROPOSED DEVELOPMENT

This application seeks full planning permission for the partial conversion of Unit 2, Garth Drive, Brackla Industrial Estate to Class A1 (Hair Salon) as defined by the Town and Country Planning (Use Classes) Order 1987.

The proposal comprises the change of use of 20 square metres of internal floor space within Unit 2 which was previously operated as an ancillary office space for Hiddlestone and Son Ltd, as shown below:



Existing Floor Plan



Proposed Floor Plan

The proposal comprises the introduction of a hair salon within the former ancillary office space which is proposed to operate between the hours of 09:00 and 17:00 Monday to Friday and 09:00 to 16:00 on Saturdays.

The hair salon will employ two full-time members of staff.

No external alterations are proposed as part of this planning application.

The application is a resubmission of a previous planning application (P/20/911/FUL refers) which was refused on 11 January 2021 for the following reasons:

- 1. The partial use of the building as a 'hair salon' facility falling within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 conflicts with Policy REG1 (18) which allocates and protects the land for employment purposes (Classes B1, B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) and it is considered that the use is not complimentary to or ancillary to the industrial uses on Brackla Industrial Estate. It would also be sited within relatively unsustainable location that is not accessible by a range of transport modes such as walking, cycling and public transport leading to an excessive reliance on the private car. Therefore, the proposal does not comply with Policies SP2 and REG2 of the Local Development Plan (2013), Supplementary Planning Guidance 21: Safeguarding Employment Sites and guidance contained within Planning Policy Wales (Edition 10, December 2018).*
- 2. Insufficient information has been submitted in respect of highway safety and parking provision to enable the implications of the proposed scheme to be properly evaluated by the Local Planning Authority, contrary to criteria (9) of Policies SP2 and SP3 of the Local Development Plan (2013) and guidance contained within Planning Policy Wales (Edition 10, December 2018).*

This application seeks to address the previous reasons for refusal and is supported by a Planning Statement written by the applicant and a letter of support from Councillor A Williams.

SITE DESCRIPTION

The application site lies within the Primary Key Settlement of Bridgend as defined by Bridgend County Borough Council's adopted Local Development Plan (2013). It is situated within Brackla Industrial Estate which is allocated and protected for employment development falling within B1, B2 and B8 Use Classes by Policy REG1(18) of the adopted Local Development Plan (2013).

The site is accessed from a secondary access road off Garth Drive which runs adjacent to the northern boundary of the application site. It comprises a two storey building which faces the north west and is positioned towards the north western corner of the application site with parking at the rear. The site lies within an established Industrial Estate and is surrounded by other units operating within a mix of use classes, predominantly B1, B2 and B8.

RELEVANT HISTORY

Application Reference	Description	Decision	Date
91/1129	5 industrial units	Conditional Consent	14/11/1991
P/20/911/FUL	Partial change of use of office within retail establishment to hair salon	Refused	11/01/2021

Condition 3 imposed upon the original Planning permission (91/1129 refers) states the following:

The use of the units shall be limited to Classes B1, B2 and B8 as defined by the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order).

Reason: For the avoidance of doubt as to the extent of the permission granted.

The applicant has argued that the unit has only been used to retail kitchens, bathrooms and bedrooms and has not been used for manufacturing since the original Planning consent was implemented.

The Authority consider that the premises particularly the part to be used as a hairdressers operates within a B1/B8 Use Class and as no subsequent permissions have been granted since the original Planning consent was granted in 1991, the use of the premises as solely A1 is disputed. The Authority consider that lawfully the premises can operate within a B1, B2 and B8 Use Class and therefore Planning permission is required for the partial change of use to a hair salon under an A1 use. The application must be considered on its merits with regard to the existing Development Plan policies and national guidance.

PUBLICITY

This application has been advertised through direct neighbour notification and the erection of a site notice. No third party representations have been received within the consultation period which expired on 26 March 2021.

CONSULTATION RESPONSES

CONSULTEE

Coity Higher Community Council
11 March 2021

COMMENTS

Supports the application.

Highways
15 March 2021

No objections.

RELEVANT POLICIES

The relevant policies and supplementary Planning guidance are highlighted below:

Policy PLA1	Settlement Hierarchy and Urban Management
Policy PLA3	Regeneration and Mixed Use Development Schemes
Policy SP2	Design and Sustainable Place Making
Policy PLA11	Parking Standards
Policy REG1	Employment Sites
Policy REG2	Protection of Identified Employment Sites

Supplementary Planning Guidance 17
Supplementary Planning Guidance 21

Parking Standards
Safeguarding Employment Sites

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

Future Wales – The National Plan 2040

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

The Well-being of Future Generations 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 comprising the ability of future generations to meet their own needs (Section 5).

The well-being goals identified in the act are:

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

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

APPRAISAL

This application is presented to the Development Control Committee at the request of Councillor A Williams who is supportive of the scheme.

PRINCIPLE OF DEVELOPMENT

The proposed development seeks a partial change of use of an existing office area to a hair salon. In determining the previous Planning application, the development was considered to be contrary to the provisions and aims of the Local Development Plan (2013) and was refused.

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 and as stated in paragraph 1.2 of Planning Policy Wales (Edition 11, February 2021) (PPW11).

The adopted Local Development Plan (2013) seeks to focus development in four strategic regeneration growth areas with the objective of delivering more sustainable patterns of development. In order to meet the varying requirements of business and to provide access to employment and training for all residents of the County Borough, a range and choice of vacant sites on 120 hectares of land are identified and protected for employment (B1, B2 and B8 uses) purposes. This is inclusive of Brackla Industrial Estate which is allocated and protected for employment development falling within B1, B2 and B8 Use Classes by Policy REG1(18) of the adopted Local Development Plan (2013). Development proposals which seek to change the use of existing employment building to uses within Class A1 are assessed against Policy REG2 of the Local Development Plan (2013).

Policy REG2 states that proposals which result in the loss of existing or proposed employment (B1, B2 and B8) land or buildings on sites identified in Policy REG1 will not be permitted. Exceptions will need to be justified on one of the following grounds:

1. In appropriate locations, a limited number of those uses regarded as complementary and/or ancillary to the main use of the land for industrial purposes; or
2. In appropriate locations, those sui generis employment uses which are suitably located on employment land.

Paragraph 3.3 of Supplementary Planning Guidance 21: Safeguarding Employment Sites (SPG21) states that there are a limited number of non B1, B2 and B8 uses which could be considered as acceptable on employment sites as they would provide a service to employees and their clients and contribute to the efficiency of the employment site. Such acceptable uses are identified within SPG21 as being hotels with conference facilities, banks, post offices, public houses, cafes, newsagents, bakeries, gyms and crèches.

Notwithstanding the strict controls generally applied to uses within the allocated employment sites, the Council is conscious that there is significant interest and pressure to allow A1 uses to operate within these areas.

In support of this application, the applicant has provided a Planning Statement which highlights this pressure stating that *multiple existing clients (local residents) expressed a need for a hair salon within the Brackla/Coity/Parc Derwen areas and that the location of our upcoming salon is ideal for all housing estates that surround it. Brackla Industrial is well within walking distance from Parc Derwen (0.7 miles), Coity (0.8 miles) and Brackla Housing Estate (1.2 miles).*

The application has also been supported by Councillor Williams who has provided a letter which states the following:

I write in support of the planning application for a partial change of use to a hair dressing salon at Unit 2, Garth Drive, Brackla Industrial Estate, Bridgend.

I am the Borough Councillor for Coity, which is the ward that this falls within. When I was initially sent the original plans I confirmed I had no objection. I understand that no other objections were received, including no objection from the Community Council.

I am extremely surprised that the original application was rejected for the following reasons:

1. *That a hairdresser is not one of the businesses that should be sited on an industrial estate and is better suited for the town centre.*
2. *That there is no highway assessment to support such an application.*

Firstly, as a member of the Development Control Committee we are regularly shown details of BCBC's master plan for Bridgend Town Centre which involves switching the focus to a more residential hub rather than a traditional town centre. Therefore the surrounding areas for the town will need to adapt to support those residents. In addition, we are continuously being told of the need to reduce vehicular movement and encourage public transport, cycling and walking. Unfortunately the very limited bus service was removed from Coity several years ago and since then an additional 1800 houses have been built. This means that the only real access out of Coity is by car and many residents are trapped within Coity. Despite this massive growth, there has been no

movement in building any shops as was initially promised. Therefore, resident would strongly welcome a hairdresser's close on their doorstep, many of who would be able to walk there easily.

I have lived in Coity since 2004 and before that I grew up in nearby Litchard and so I am very familiar with the industrial estate and its decline over the years with businesses leaving empty properties. However, there has been movement recently to increase employment and services in the estate. Incidentally, a gymnasium K2 has opened up on the estate, which houses a hairdressers and has been successful over the years. The footfall to the gym is quite significant as it is very popular and yet there were never any concerns raised by Highways when this went through planning and neither has the hairdressers ever been questioned.

I also noted on a walk to the site that there is a dog groomers advertised two doors down from this premises and there are a number of food outlets and takeaways.

In addition, early February a One Stop shop is opening on the estate, again another premises that does not fall within a B1, B2 or B8 use. I foresee, given the lack of surrounding shops that this will be very busy with continuous traffic to and from it as well as parking on the road as there are parking restrictions of only 30 minutes in the car park and it will increase vehicular movement given that doing a larger shop will require transport. This will generate far more vehicular movement than a hairdressers.

I've also reviewed BCBC's assertion that a hairdressers is not appropriate in an industrial estate and I have identified that a hairdressing bus was given planning permission on Bridgend Industrial Estate. This bus has been on the estate for many years and it services those who work on the estate as well as people travelling to it. My husband and sons have driven to it on many occasions. I have attached a photograph of the location of this bus and the double yellow lines next to it, highlighting that there are no parking facilities for visitors to the bus.

In addition to this, BCBC have again gone outside their policy when granting planning permission for a swimming pool on Bridgend Industrial estate. I was a member of the committee when this was approved and it was primarily for private lessons thus encouraging more vehicular movement outside of the purpose of B1, B2 and B8 premises.

Finally, with Covid 19, well-being is at rock bottom in the community and it has highlighted how such businesses as hairdressers are important for wellbeing, which for me is a further reason as to why it is so important to have one sited in such an accessible position for the whole of Coity. In addition, it will offer employment at a time when unemployment is at record highs.

When considering the highways impact, I have walked to the site from my home and taken photographs (attached). It was easily accessible by foot and a walk that I would allow my teenage sons to do for a haircut rather than me having to drive them into town. There is also adequate parking at the site and no traffic restrictions. I am therefore at a loss as to how an application was declined due to a lack of a highways assessment, when the first port of call should have been to the applicant to submit additional information. I do feel that individual business

holders are not offered the same support as larger businesses and it is these smaller businesses that we need to encourage in our borough.

I am more than willing to discuss this further or meet at the site should it be necessary and if officers are minded to reject this new application then I would like the application to be discussed at Development Control Committee.

Whilst the hair salon may serve communities within the vicinity of the wider industrial estate, the policies of the adopted Local Development Plan (2013) are intended to identify and protect land for employment in order to meet the varying requirements of business and to provide access to employment for all residents.

Exceptions to the traditional B1, B2 and B8 uses on the allocated industrial sites can however, be considered where they are complementary or ancillary to the main industrial uses or where a sui generis use is suitably located on employment land. The reference to other businesses within Brackla Industrial Estate operating outside of the traditional B1, B2 and B8 uses is noted however, public houses, cafes, gyms and crèches are uses which are identified within SPG21 as being uses which contribute to the efficiency of the employment site as a whole and are therefore considered to be acceptable additions.

In addition, each application is considered on its own merits and the provision of hairdressing facilities on other allocated sites does not set a precedent for the approval of this Planning application.

It should also be noted that the One-Stop-Shop did not require Planning permission as it was a former garden centre (Mole Country Stores) and whilst a hairdresser was in situ in K2 Gymnasium until 1 February 2020, the current operator of the facility has no plans to have a hairdresser in the building again.

The introduction of a hair salon is not considered to be complementary nor ancillary to the use of the site as an industrial estate and is certainly not a sui generis use. Therefore whilst the comments within the Planning Statement and from Councillor Williams are noted, the provision of a hair salon will not contribute to the efficiency of the Industrial Estate nor is it considered to be an exceptional form of development which will help to protect the site for employment uses within B1, B2 and B8 Use Classes. As such, it is not considered to be acceptable to the Local Planning Authority.

The Planning Statement refers to loneliness and well-being and directly refers to the Covid-19 pandemic stating that *hair salon experiences and overall well-being are significantly related which is evident from countless online forums, social media posts, and even news broadcasts, discussing the detrimental effects of shutting salons for customers during COVID.*

Planning Policy Wales states at paragraph 2.22 and 2.23 that the Planning system should *ensure that a post-Covid world has people's well-being at its heart* and that Planners play a *pivotal role...in shaping our society for the future* prioritising placemaking, decarbonisation and well-being. As society emerges from the pandemic the needs of communities must be recognised and the Planning system has a role to play in ensuring development is appropriately located to provide both physical and mental health benefits, improve well-being and help to reduce inequality.

Building Better Places: Placemaking and the Covid-19 recovery (July 2020) (BBP 2020) recognises that the Covid-19 lockdown has resulted in retail and commercial centres

becoming deserted and that town centres should become places where a variety of retail, employment, commercial, community, leisure, health and public sector uses come together in a hub of activity to make them viable as go-to destinations once more. It is essential now more than ever, that allocated employment sites are retained to support a prosperous Wales and to ensure that employment land is available in the Covid-19 economic recovery. Therefore whilst the arguments put forward by the applicant in support of the Planning application are noted, on balance the proposal is not considered to be compliant with National Planning Policy.

As the proposed development comprises the change of use to a hair salon which operates within an A1 Use Class, the application is not compliant with Policy REG1(18) of the Local Development Plan (2013). In consideration of the proposal, it is considered that on balance the proposed development does not comply with Policy REG2 of the Local Development Plan (2013) and is therefore contrary to the provisions and aims of the Plan. Therefore, it is out of accord with the Local Development Plan (2013) and considered to be unacceptable from a Policy perspective.

DESIGN CONSIDERATION

The proposed change of use will not impact the character or appearance of the building or wider area as no external alterations are proposed as part of this development. As such, the design of the proposal is not considered to be relevant in this instance.

AMENITY

The proposal will not impact the existing levels of amenity afforded to the wider area given its location within Brackla Industrial Estate and therefore the proposal is considered to be acceptable from an amenity perspective.

HIGHWAYS

Policy PLA11 of the Local Development Plan 2013 stipulates that all development will be required to provide appropriate levels of parking in accordance with the adopted parking standards.

In consideration of the previous Planning application, no supporting information was provided in respect of off-street parking provision and consequently an assessment of the impact of the proposed change of use to a hair salon could not be undertaken.

The applicant has now submitted floor plans which demonstrate that the loss of the ancillary office space to provide a hair salon results in a nil detriment situation in terms of off-street parking provision. Accordingly, the Highway Authority raises no objection to the scheme and considers that it is acceptable from a highway safety perspective.

CONCLUSION

The policies of the adopted Local Development Plan (2013) identify and protect land for employment in order to meet the varying requirements of business and to provide access to employment for all residents. Exceptions to the traditional B1, B2 and B8 uses on the allocated industrial sites can however be considered where they are complementary or ancillary to the main industrial uses or where a sui generis use is suitably located on employment land.

In assessing this application against the aforementioned policies, it is considered that the hair salon is neither complementary nor ancillary and is certainly not a sui generis use. Furthermore, the proposal does not fully accord with the criteria of Policy REG2, as it will not contribute to the efficiency of the wider industrial estate and is best located within an existing town or local centre which is accessible by a range of transport

modes. In consideration of the scheme, it is contrary to Policy and does not comply with the provisions of the Local Development Plan (2013).

For the reasons outlined above, on balance it is considered to conflict with Policies SP2, SP3, REG1 and REG2 of the Local Development Plan (2013) and is therefore recommended for refusal.

RECOMMENDATION

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

1. The partial use of the building as a hair salon facility falling within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 conflicts with Policy REG1 (18) which allocates and protects the land for employment purposes (Classes B1, B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) and it is considered that the use is not complementary to nor ancillary to the industrial uses on Brackla Industrial Estate. It would also be sited within a relatively unsustainable location that is not accessible by a range of transport modes such as walking, cycling and public transport leading to an excessive reliance on the private car. Therefore, the proposal does not comply with Policies SP2 and REG2 of the Local Development Plan (2013), Supplementary Planning Guidance 21: Safeguarding Employment Sites and guidance contained within Planning Policy Wales (Edition 11, February 2021).

Janine Nightingale
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None

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REFERENCE: P/20/423/RLX

APPLICANT: Newton Down Windfarm Limited
15 Golden Square, London, W1F 9JG

LOCATION: **Newton Down Windfarm, Stormy Lane, Porthcawl**

PROPOSAL: Vary condition 2 of appeal decision for P/12/368/FUL to extend the consent from 25 years to 40 years

RECEIVED: 16 June 2020

APPLICATION/SITE DESCRIPTION

This application seeks consent to vary condition 2 of a planning appeal decision for P/12/368/FUL for the erection of two wind turbines with a maximum height to blade tip of 125m together with vehicular access, site tracks, a substation and compound, an anemometer mast, a visitor facility and associated infrastructure, crane pads and external transformers at Newton Down, Stormy Lane, Porthcawl to extend the consent from 25 years to 40 years. The application for this scheme was submitted in 2012 and an appeal was made against non-determination although the Council subsequently resolved to refuse planning permission primarily on landscape and visual impact.

The current proposal seeks to vary Condition 2 which currently states:

The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from a wind turbine within the site to the electricity grid network ('First Export Date'). Written confirmation of this shall be provided to the Local Planning Authority within 1 month of the First Export Date.

to read:

The permission hereby granted shall endure for a period of 40 years from the date when electricity is first exported from a wind turbine within the site to the electricity grid network ('First Export Date'). Written confirmation of this shall be provided to the Local Planning Authority within 1 month of the First Export Date.

The first export date is the date that electricity generated by the wind farm was initially exported to the National Grid. In this case it was confirmed in writing that the first export date was the 2 March 2017, and the proposal if approved would allow the wind farm to continue operating until 2057 rather than 2042 as currently permitted. In support of the application, the applicant has cited advances in technology and a general uptake in renewable energy projects that supports an increase in the life of wind farms.

The turbines have been operational for a number of years and the site occupies a sloping hillside that was one part of a former wartime airfield overlooking Porthcawl. The majority of the surrounding land is agricultural in nature although the neighbouring site is part of the Cenin renewable energy site and comprises a waste food recycling plant, low carbon concrete production facility as well as 2 wind turbines, a solar array and associated battery storage installation.

The site is also located within a mineral safeguarding area and the operational Cornelly group of quarries lie to the north.

RELEVANT HISTORY

See above

PUBLICITY

The application has been advertised on site.

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

CONSULTATION RESPONSES

Councillor Kenneth J Watts – Advised that the application can be dealt with by delegated officer

Merthyr Mawr Community Council - This Council has chosen to object with the following concerns to this planning application. Current permission is until 2037 so why reapply now. Developers asked for an extension for 40 years, but in their documents provided to the Council, it says other wind farm with 25 years have asked for 20, 25 or 30 years extension so why ask for 40 years for this development. This Council questions why the developers are applying for an extension so early when there is still 17 years left.

The Council understands that residents in Laleston and Porthcawl originally objected to the Wind Farm.

Porthcawl Town Council object to the proposal as the appeal decision agreed by the Planning Inspector was for 25 years therefore the planning committee object to the consent being extended to 40 years.

The comments received from the Community Council and Town Council are addressed in the appraisal section of the report.

The Minerals Officer (through a Service Level Agreement with Carmarthenshire CC) has no objection to the extension of time.

REPRESENTATIONS RECEIVED

None

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 SP4 – Conservation and enhancement of the natural environment

Strategic Policy SP8 – Renewable energy

Strategic Policy SP6 - Minerals

Strategic Policy SP5 – Conservation of the built and natural environment

Policy ENV1 – Development in the Countryside

Policy ENV7 – Natural resource protection and public health

Policy ENV9 – Development in mineral safeguarding areas

Policy ENV10 – Development within mineral buffer zones

Policy ENV17 – Renewable energy and low/zero carbon technology

Policy ENV18 – Renewable energy

Policy ENV4 – Development Sites in Retailing and Commercial Centres

National Planning Policy and Guidance

Future Wales – the National Plan 2040 (Feb. 2021)

National Planning guidance in the form of Planning Policy Wales (Edition 11, February 2021) (PPW)

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development

in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5).

The well-being goals identified in the Act are:

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

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

APPRAISAL

This application is referred to Committee in view of the objections received from Porthcawl Town Council and Merthyr Mawr Community Council.

The application seeks to vary condition 2 of P/12/368/FUL to extend the period of operation for a further 15 years taking the consent up to 2057.

Welsh Government Circular 016/2014 : The Use of Planning Conditions for Development Management provides guidance on the renewal of planning permissions before the expiry of time limits and states that, as a general rule, such applications should only be refused where:-

- i. There has been some material change in Planning circumstances since the original permission was granted (e.g. a change of some relevant Planning policy for the area, or in relevant highway considerations, or the publication by the Government of new Planning policy guidance material to the renewal application)
- ii. Continued failure to begin the development will contribute unacceptably to uncertainty about the future pattern of development in the area; or
- iii. The application is premature because the permission still has a reasonable time to run.

In respect of this application i. and iii. are relevant and are considered below:-

An appeal made under Section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on application P/12/368/FUL for Planning permission was made by Renewable Energy Partnerships Ltd against Bridgend County Borough Council. Planning permission was subsequently granted by the Planning Inspectorate in May 2013 for the erection of two wind turbines with a maximum height to blade tip of 125m together with vehicular access, site tracks, a substation and compound, an anemometer mast, a visitor facility and associated infrastructure, crane pads and external transformers at Newton Down, Stormy Lane, Porthcawl.

On reaching his decision the Inspector opined:

Overall, I conclude that the proposal is very largely compliant with the development plan, and moreover is supported by the thrust of government policy. The development would not give rise to adverse effects sufficient to comprise significant substantive objections to the proposal; to the extent that there would be minor adverse visual effects, these are

outweighed to my mind by the contribution that would be made to meeting renewable energy targets and the time-limited and reversible nature of the development. Whilst I have found a very minor degree of conflict with the development plan in relation to policy EV42, I consider that the very large extent of accord with the development plan overall and the factors I have identified in favour of the development clearly point to the grant of planning permission.

The Inspector made an on-balance decision weighted on the benefits of renewable energy against any potential landscape and visual impact. In coming to this conclusion the Inspector allowed the appeal and accepted that level of landscape change that would occur. It could also be argued that the decision paved the way for the approval of a further two turbines on the adjoining site. Nevertheless the Inspector also indicated that the minor adverse impact would be time limited and reversible. The current proposal seeks to extend the time limit by an additional 15 years from the original consent.

The issues that must be addressed in this proposal as previously is to consider the landscape and visual impact of an extended life of the wind farm and weight this aspect against the benefit of providing renewable energy.

Since 2013 the landscape character of this area has changed with two operational wind power schemes, which from a distance appear as one wind farm. The landscape and visual change has been evident for some time and this has to be considered as part of the assessment of this application.

The turbines approved on the adjoining site have consent to operate until 2048. As such there will likely be a wind farm element in this area even if the Newton Down facility ceases to operate in 2042.

Also, of relevance is there has been a change of emphasis in national planning policy as well as a new Local Development Plan (LDP) adopted in 2013. In recent weeks Future Wales – the National Plan 2040 (FW204) has been published in conjunction with Planning Policy Wales (PPW 11) FW2040 is a national development framework setting the direction for development in Wales. It is a Development Plan with a strategy for addressing key national priorities through the Planning system including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

Future Wales supports and helps deliver the aims of the Economic Action Plan and in this respect supports a low carbon economy and the decarbonisation of industry and the growth of sustainable and renewable energy.

In addition PPW 11 (February 2021) advises in Chapter 5:

Productive and Enterprising Places are those which promote our economic, social, environmental and cultural well-being by providing well-connected employment and sustainable economic development. These places are designed and sited to promote healthy lifestyles and tackle the climate emergency. This is done by making them: easy to walk and cycle to and around; accessible by public transport; minimising the use of non-renewable resources; and using renewable and low carbon energy sources.

and at Paragraph 5.9.14 states:

Planning authorities should support and guide renewable and low carbon energy development to ensure their area's potential is maximised. Planning authorities should

assess the opportunities for renewable and low carbon energy in the area, and use this evidence to establish spatial policies in their development plan which identify the most appropriate locations for development of energy developments below 10MW. There should be a presumption in favour of development in identified areas, including an acceptance of landscape change, with clear criteria-based policies setting out detailed locational issues to be considered at the planning application stage.

Taking the above into account and the LDP with a focus on the promotion of renewable energy, supported by Strategic Policy SP8 that supports development proposals which contribute to meeting national renewable energy and energy efficiency targets, there is a strong national and local presumption in favour of supporting the ongoing use of renewable energy schemes to achieve carbon reduction targets.

The Minerals Officer has considered the application and comments that there are no objections to the proposal as sufficient mineral reserves would still be available outside the buffer zone within the proposed lifetime of the wind turbines. As such it is not considered that there will be any impact on the safeguarding area.

CONCLUSION

Having regard to Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management, it is concluded that there has been some material change in Planning circumstances since the original permission was granted in that the weight of Future Wales 2040, PPW 11 and the objectives and Policies of the Bridgend Local Development Plan is to positively encourage the growth of sustainable and renewable energy and the contribution to a move to a low carbon economy.

The character of the area has also changed partly as a result of this proposal but also further afield the prevalence of wind turbines both locally and nationally has increased significantly over the last decade. It could be considered that the presence of wind turbines is now accepted as part of the landscape of much of South Wales. In any event, the principle of the benefits of the provision of renewable energy outweighing any landscape and visual impacts has already been established.

In view of this, the proposal to extend the life of the consent is acceptable in Planning terms however, the length of time applied for (40 years) must also be considered. In this case the consent still has over 20 years remaining. The case put forward by the applicant has been considered but does not fully justify the need to provide an additional 15 years of operational life. Nevertheless, it is noted that the adjoining wind energy scheme has a consent until the end of 2048. In landscape and visual terms both the Newton Down and Stormy Down schemes can be viewed as a combined facility. It is considered therefore that in order to ensure a consistent approach and to be able to assess the long term impacts of the development, an extension to the end of 2048 would be more appropriate.

This would provide an additional 6 and a half years operational life whilst still taking into account the 'time-limited' and reversible effects of the development as considered in the original decision.

The concerns raised by Porthcawl Town Council and Merthyr Mawr Community Council are acknowledged however, on balance and taking all material considerations into account, a claim of prematurity is not considered to outweigh the other material issues connected to the development.

RECOMMENDATION

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

1. The development shall be carried out in accordance with the revised windfarm scheme layout plan Drawing No. NDWF_NMA_REV1 and the Parc Stormy Renewable Energy Visitor Facility Cooperation Proposal received on 9 March 2017.

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

2. The permission hereby granted shall endure for a period of 31 years and 9 months from 2 March 2017, the date when electricity was first exported from a wind turbine within the site to the electricity grid network ('First Export Date').

Reason: For the avoidance of doubt as to the extent of the permission granted.

3. No later than 12 months before the expiry of the permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. Such a scheme will include:
 - the removal of all surface elements, plus one metre of the turbine bases below ground level, of the wind farm;
 - confirmation of the management and timing of works;
 - a traffic management plan to fully address highway issues during the period of the decommissioning works;
 - an environmental management plan to cover the decommissioning process
 - providing details of the means of avoidance and mitigation of any impacts on the species and habitats recorded within the development site and pollution prevention measures;
 - any other works of restoration and aftercare, following consultation with other parties, as the Local Planning Authority in their reasonable opinion deem to be necessary.

The approved decommissioning schemes shall be implemented and completed within 24 months of the expiry date of this permission.

Reason: To secure the safe and efficient restoration of the site.

4. If any wind turbine fails to produce electricity to the grid for a continuous period of 12 months the Local Planning Authority shall be notified in writing and, if so instructed by the Local Planning Authority, the wind turbine and its associated ancillary equipment shall be removed from the site within a period of 6 months from the end of that 12 month period. Details of the proposed decommissioning shall first be agreed in writing with the Local Planning Authority.

Reason: To secure the safe and efficient restoration of the site.

5. All of the blades of the turbines hereby permitted shall rotate in the same direction.

Reason: In the interests of safety.

6. The overall height of the wind turbines shall not exceed 125 metres to the tips of the turbine blades and shall not exceed 85 metres to the centre line of the hub as measured from natural ground conditions immediately adjacent to the turbine base.

Reason: In the interests of safety.

7. Other than any aviation requirements the turbines shall not be illuminated and there shall be no permanent illumination on the site.

Reason: In the interests of safety.

8. All cabling within the site shall be installed underground except where it exits the substation.

Reason: In the interests of safety.

9. The turbines shall operate in accordance with the protocol relating to the assessment and mitigation of shadow flicker at any affected dwelling agreed by Bridgend County Borough Council on 6 October 2015. The protocol included the identification of relevant dwellings and potential measures to be employed as mitigation in response to any established occurrence of shadow flicker. In the event of a complaint to the Local Planning Authority which the authority considers to be valid and made by the owner or occupier of a dwelling which lawfully exists or had planning permission at the date of this permission, the turbines shall operate in accordance with the protocol.

Reason: In the interests of safety and local amenities.

10. The rating level of noise emissions from the combined effects of the wind turbines (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in, or derived from, Tables 1 and 2 attached to this condition at any dwelling which is lawfully existing or has planning permission at the date of this permission.

Table 1 - Between 07:00 and 23:00 - Noise limits expressed in dB $L_{A90,10\text{-minute}}$ as a function of the measured wind speed (m/s) at 10 meter height as determined within the site averaged over 10 minute periods										
Location	Measured wind speed at 10 m height, m/s									
	3	4	5	6	7	8	9	10	11	12
H8	40.6	41.3	42.0	42.7	43.6	44.5	45.5	46.5	47.7	48.8
H13	43.0	43.0	43.2	43.7	44.3	45.1	45.7	46.1	46.1	46.1
H19	45.5	45.5	45.7	46.3	47.2	48.3	49.6	50.0	50.0	50.0
H25	44.3	44.5	44.9	45.3	46.0	46.7	47.6	48.6	49.8	50.0

Table 2 - Between 23:00 and 07:00 - Noise limits expressed in dB $L_{A90,10\text{-minute}}$ as a function of the measured wind speed (m/s) at 10 meter height as determined within the site averaged over 10 minute periods										
Location	Measured wind speed at 10 m height, m/s									
	3	4	5	6	7	8	9	10	11	12
H8	39.0	39.0	39.0	39.0	39.7	41.1	42.5	44.0	45.6	47.2
H13	41.0	41.0	41.0	41.0	41.0	41.6	43.3	45.1	46.9	48.8
H19	41.0	41.0	41.0	41.0	42.9	46.2	49.1	50.0	50.0	50.0
H25	41.7	41.8	42.2	42.8	43.6	44.7	45.9	47.3	49.0	50.0

Table 3: Coordinate locations of the properties listed in Tables 1 and 2		
Location	Easting	Northing
H8	284938	179963
H13	283515	178484
H19	284144	178377
H25	285181	179140

Note to Table 3: The geographical coordinate references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

Reason: In the interests of safety and local amenities.

- The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The wind farm operator shall

provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.

Reason: In the interests of safety and local amenities.

- 12.No amendments shall be made to the list of proposed independent consultants who may undertake compliance measurements in accordance with these conditions agreed by Bridgend County Borough Council on 29 June 2015.

Reason: For the avoidance of doubt as to the approved independent consultants.

- 13.Within 21 days from receipt of a written and reasonable request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

Reason: In the interests of safety and local amenities.

- 14.The independent consultant's assessment of the rating level of noise emissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise emissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under condition 27, and such others as the independent consultant considers likely to result in a breach of the noise limits.

Reason: In the interests of safety and local amenities.

- 15.Where a dwelling to which a complaint is related is not listed in Table 3 attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in Tables 1 and 2 to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The rating level of noise emissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.

Reason: In the interests of safety and local amenities.

16. The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise emissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority for compliance measurements to be made under condition 16, unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise emissions.

Reason: In the interests of safety and local amenities.

17. Where a further assessment of the rating level of noise emissions from the wind farm is required pursuant to Guidance Note 4(c), the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to conditions 28-30 above unless the time limit has been extended in writing by the Local Planning Authority.

Reason: In the interests of safety and local amenities.

18. Once the Local Planning Authority has received the independent consultant's noise assessment required by these conditions, including all noise measurements and any audio recordings, where the Local Planning Authority is satisfied of an established breach of the noise limits set out in Tables 1 & 2 attached to condition 10, upon notification by the Local Planning Authority in writing to the wind farm operator of the said breach the wind farm operator shall within 21 days propose a scheme of remediation for the approval of the Local Planning Authority. The scheme shall be designed to mitigate the breach and to prevent its future recurrence, and shall specify the timescales for implementation. The scheme shall be implemented as reasonably approved by the Local Planning Authority and according to the timescales within it. The scheme as implemented shall be retained thereafter until the expiry of this permission.

Reason: In the interests of safety and local amenities.

19. In the event that the proposed turbine model for installation differs from the machine utilised in the ES, a revised noise impact assessment report shall be submitted, demonstrating that predicted noise levels indicate likely compliance with the noise condition levels stated in Tables 1 and 2.

Reason: In the interests of safety and local amenities.

Guidance Notes for Noise Conditions

These notes are to be read with and form part of the noise conditions. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise emissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication

entitled “The Assessment and Rating of Noise from Wind Farms” (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

Guidance Note 1

- (a) Values of the LA90,10-minute noise statistic should be measured at the complainant’s property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.
- (b) The microphone should be mounted at 1.2 – 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant’s dwelling. Measurements should be made in “free field” conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.
- (c) The LA90,10-minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.
- (d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed and wind direction at hub height for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods, unless otherwise agreed in writing with the Local Planning Authority. During any noise compliance test, the mean wind speed and wind direction shall also be measured on-site at a height of 10m above ground level. The wind speed measurement shall not be unduly affected by any turbine wake. It is this measured 10 metre height wind speed data which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10-minute increments thereafter. In the event that it is not possible to undertake wind speed measurements at 10m, the wind speed can be measured at another height and converted to a height of 10m according to a method to be agreed with the Local Planning Authority.
- (e) Data provided to the Local Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.

Guidance Note 2

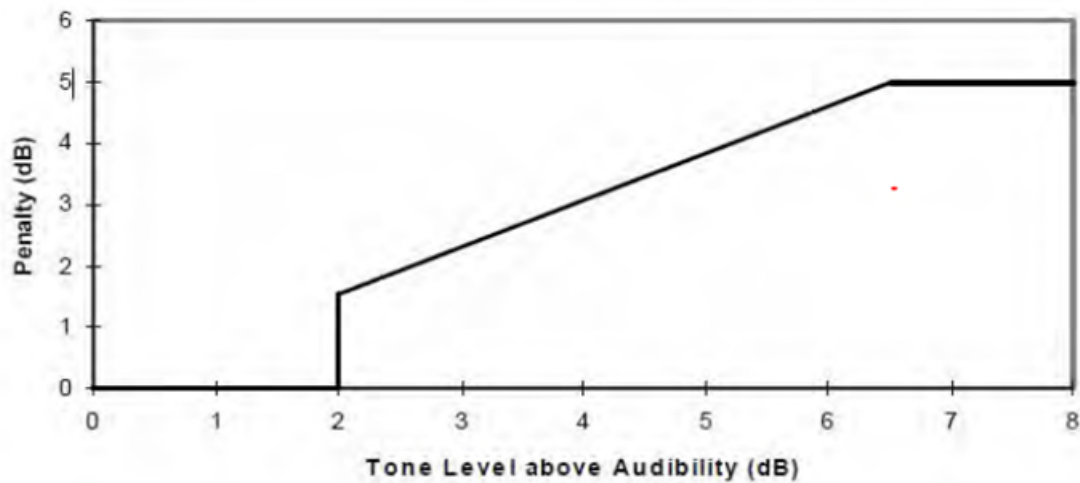
- (a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2.
- (b) Valid data points are those measured in the conditions specified in the agreed written protocol under condition 28 of the noise conditions, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurements periods set out in Guidance Note 1. In specifying such conditions the Local Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.
- (c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90,10-minute noise measurements and corresponding values of the 10-minute wind speed, as measured at a ten metre height wind speed using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the measured 10m mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Guidance Note 3

- (a) Where, in accordance with the approved assessment protocol under condition 28 of the noise conditions, noise emissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.
- (b) For each 10-minute interval for which LA90,10-minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise emissions during 2 minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.
- (c) For each of the 2-minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.
- (d) The tone level above audibility shall be plotted against wind speed for each of the 2-minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.
- (e) A least squares "best fit" linear regression line shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line at each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process

shall be repeated for each integer wind speed for which there is an assessment of overall levels in Guidance Note 2.

- (f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



Guidance Note 4

- (a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Local Planning Authority in its written protocol under condition 28 of the noise conditions.
- (b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.
- (c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with condition 29 of the noise conditions, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise emission only.
- (d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant reasonably requires to undertake the further assessment or any other assessment to determine compliance with Tables 1 and 2 as attached. The further assessment shall be undertaken in accordance with the following steps:
- (i) Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise (L_3) at each integer wind speed within the range requested by the Local Planning Authority in its written request under condition 14 and the approved protocol under condition 15 of the noise conditions.
 - (ii) The wind farm noise (L_1) at this speed shall then be calculated as follows where L_2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log \left[10^{L_2/10} - 10^{L_3/10} \right]$$

- (iii) The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Guidance Note 3) to the derived wind farm noise L1 at that integer wind speed.
- (iv) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note (iii) above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with condition 16 of the noise conditions then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with condition 16 of the noise conditions then the development fails to comply with the conditions.

Janine Nightingale
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None

APPEALS

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

CODE NO.	A/21/3268705 (1914)
APPLICATION NO.	P/20/600/TPN
APPELLANT	Hutchison 3G UK LTD
SUBJECT OF APPEAL	PRIOR NOTIFICATION FOR PROPOSED TELECOMMUNICATIONS INSTALLATION: 20.0M PHASE 8 MONOPOLE CW WRAPAROUND CABINET AT BASE AND ASSOCIATED ANCILLARY WORKS: A4063 ST BRIDES MINOR (NEXT TO LAYBY), SARN
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed development will create traffic hazards to the detriment of the safety and free flow of traffic on Route A4063.
2. The proposed development will generate additional vehicular turning movements to and from the public highway, to the detriment of highway safety.

CODE NO.	A/21/3270088 (1915)
APPLICATION NO.	P/20/382/OUT
APPELLANT	MR K SYLVESTER
SUBJECT OF APPEAL	ONE BEDROOM DETACHED BUNGALOW WITH 1 OFF ROAD PARKING SPACE: 10 TONTEG, PENCOED
PROCEDURE	WRITTEN REPRESENTATION
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reason:

1. The proposal, by reason of its siting, layout and design, represents over-development as the site is too restricted to accommodate a dwelling consistent with generally accepted standards of space about new residential development and is of insufficient size to permit the dwelling to be sited so as to safeguard the privacy and amenities of future occupiers of the proposed development contrary to Policy SP2 of the Bridgend Local Development Plan and advice contained in Planning Policy Wales (Edition 10 - December, 2018).

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

CODE NO. H/20/3265107 (1912)
APPLICATION NO. A/20/11/ADV

APPELLANT MR G JENKINS

SUBJECT OF APPEAL DIGITAL ROTATING SCREEN TO SHOW MULTIPLE ADVERTS
LOCATED ON SIDE OF 91 NOLTON STREET 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 A**

CODE NO. D/21/3268724 (1913)
APPLICATION NO. P/20/100/FUL

APPELLANT MR A HILL

SUBJECT OF APPEAL FRONT & REAR EXTENSIONS, REMOVAL OF PITCHED ROOF &
REPLACEMENT WITH FLAT ROOFED SECOND FLOOR
ACCOMMODATION:
WOODCLIFFE, RHYCH AVENUE, PORTHCAWL

PROCEDURE HOUSEHOLDER APPEAL

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**

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 16/02/21

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

Swyddog a benodir gan Weinidogion Cymru

Dyddiad: 12/3/21

Appeal Decision

Site visit made on 16/02/21

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

An Inspector appointed by the Welsh
Ministers

Date: 12th March 2021

Appeal Ref: APP/F6915/H/20/3265107

Site address: 91 Nolton Street, Bridgend, CF31 3AE

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

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a refusal to grant express consent.
- The appeal is made by Mr Gregory Jenkins against the decision of Bridgend County Borough Council.
- The application Ref: A20/11/ADV dated 11 March 2020, was refused by notice dated 17 July 2020.
- The advertisement proposed is a digital rotating screen to show multiple adverts.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed advertisement on public safety with regard to highway safety.

Reasons

3. The appeal site comprises No. 91 Nolton Street which is an end of terrace property. It is located on the northern side of the junction of Nolton Street, Cowbridge Road, Ewenny Road and Langenau Strasse. I noted on my site visit that a static advertisement panel is displayed on the gable end of the appeal site.
4. The proposal would replace the existing advertisement with a digital screen advertisement that would display a range of static adverts on rotation every 10 seconds. The advertisement would be constructed of aluminium with static LED illumination.
5. The Council has not raised any concerns with regard to the effect of the proposed advertisement on the visual amenities of the area and given the existence of an existing advertisement of a similar size in the same location I have no reason to disagree.

6. The Council's concern lies with the effect of the rotation of the advertisements on highway safety close to the road junction.
7. The Welsh Government's Technical Advice Note 7 "Outdoor Advertisement Control" (TAN 7) states that in assessing an advertisement's impact upon public safety regard should be had to the safe use and operation of any form of traffic. This includes the likely behaviour of vehicle drivers who will see the advertisement.
8. No traffic assessment has been provided, however I observed on my site visit that the junction serves several routes that carry considerable amounts of traffic. Multiple vehicular and pedestrian movements are controlled at the junction by traffic lights.
9. Whilst I note the appellant's comments in respect of the seamless transition between the individual images, there is a lack of large scale rotating advertisements in the vicinity. As such I find such an advertisement would come as a surprise to drivers. Although the sign would be situated at the eye level of drivers of oncoming traffic, the flank wall of 91 Nolton Street is situated adjacent to the complex junction at a slightly oblique angle to the various roads' alignment. In my assessment the changing display every 10 seconds would provide a momentary distraction to drivers when approaching the junction. Given the sign's proximity to the junction but to the side of it, such a distraction would draw driver's attention away from the highway at a critical moment when approaching the complex and busy junction. This in turn would result in associated risks to others using the highway, including pedestrians.
10. I note the appellant's intention to restrict what can be advertised to reduce any extended time looking at the advertisement. However, the content of the individual advertisements is not able to be controlled through an application for advertisement consent. In any event I do not find this would overcome the above concerns in respect of the changing display.
11. I note the appellant's contention that there is no documented correlation between digital billboards and traffic/pedestrian accidents although he acknowledges that various studies raise issues with the transition of images and the amount of time that a person may be distracted. The Council has referred me to a report "The safety effects of (digital) roadside advertising: an overview of the literature" produced by the CEDR Transnational Road Research Programme. This report concludes that those drivers that do look at billboards will look more often and longer at digital billboards and in particular at the moment that the advert switches. Whilst they rarely look longer than two seconds they sometimes do, and this is found to be of concern as there is evidence that long glances at objects outside the vehicle increases the crash risk significantly.
12. The report considers generic issues and is not in itself conclusive evidence that the proposal before me would cause a risk to highway safety. However, given my findings above regarding the particular characteristics of the junction combined with the conclusions in the report, I conclude that the potential distraction caused by the proposed advertisement would give rise to an unacceptable risk to highway safety and would not be in accord with TAN 7.
13. I note the concerns relating to the potential impact of the advertisement on the occupants of 9 Cowbridge Road as a result of noise and light pollution. Given the location of the site close to a busy road junction with associated street lighting and the orientation of the advertisement to No. 9 I am satisfied that the proposal would not cause any harm to the living conditions of the occupants of that property.

14. The Council included policy SP2 of the Bridgend Local Development Plan (the LDP) in its decision notice and I have taken it into account as a material consideration. However, the powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In determining the appeal, the Council's policy has not, by itself been decisive.

Conclusion

15. I have taken into account all other matters raised, including the contended lack of collisions at the junction, the video footage of a similar sign in Cardiff and the alleged benefits to local businesses arising from the advertisements. However, each proposal must be made on its individual merits with regard to the particular context and circumstances. In this case, I find the risk to highway safety to be compelling and no matters outweigh the harm that I have identified. For the reasons above I dismiss the appeal.

16. 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 one or more of the Welsh Minister's well-being objectives as required by section 8 of the WBFG Act.

VK Hirst

INSPECTOR



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 08/03/21

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 7/4/21

Appeal Decision

Site visit made on 08/03/21

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

an Inspector appointed by the Welsh Ministers

Date: 7th April 2021

Appeal Ref: APP/F6915/D/21/3268724

Site address: Woodcliffe, Rhych Avenue, Newton, Porthcawl, CF36 5DB

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 Alex Hill against the decision of Bridgend County Borough Council.
 - The application Ref: P/20/100/FUL dated 28 January 2020, was refused by notice dated 20 January 2021.
 - The development proposed is front and rear extensions, removal of pitched roof and replacement with flat roofed second floor accommodation.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development from the Council's Notice of Decision as it represents a more concise and accurate description than those outlined on the application and appeal forms. The appellant has no objection to the appeal being determined on this basis and I am satisfied that there is no prejudice in this respect.
3. Amended plans were submitted to the Council through the planning application process. Nevertheless, the Council has confirmed which plans formed the basis of its determination and, as the right of appeal relates to the decision made by the Council, I am bound to determine the appeal on the same basis. I shall consider the appeal accordingly.

Main Issues

4. These are the effect of the proposed development on: the character and appearance of the area; and the living conditions of the occupiers of neighbouring residential properties, having particular reference to outlook and levels of light at Swn-yr-Don.

Reasons

5. The appeal relates to a site currently occupied by a dilapidated, vacant, two and a half storey pitched roof residential property known as Woodcliffe which is located off Rhych Avenue in Porthcawl. The property forms part of an isolated cluster of dwellings that front the Wales coastal path. The property is located within close proximity to the adjacent residential dwelling known as Swn-yr-Don, with Trecco Bay Holiday Caravan
-

Park located a short distance to the east and a Lifeguard Station located beyond Swn-yr-Don to the west.

6. The appeal proposal seeks planning permission to substantially reconfigure the existing dwelling, adding a front and rear extension, whilst also replacing the original pitched roof with a flat roof structure that would provide living accommodation at second floor level. The resulting three storey dwelling would be finished in natural stone cladding, white render and zinc cladding on the second floor, with aluminium framed doors and windows. The contemporary structure would incorporate three raised balcony areas, one to the rear of the second floor, one to the front elevation of the second floor that would be inset into the roof of the building and one to the front elevation of the first floor.

Character and Appearance

7. The Council contends that, by reason of its design, scale and materials, the dwelling would represent an excessive, incongruous and overly prominent form of development that would have a detrimental impact on the immediate context of the site and be out of keeping with the character and appearance of its coastal location. Specifically, the Council has indicated a preference for a pitched roof design and the use of more traditional materials.
8. Nevertheless, having regard to the relatively isolated nature of the cluster of dwellings within which the appeal site lies, as well as the wider context set by a number of utilitarian structures, including those that form part of the prominent Trecco Bay Holiday Caravan Park and the nearby Lifeguard Station, I am satisfied that a dwelling of contemporary design could be assimilated into the immediate and wider environs without any material harm to the character and appearance of the area. I do not, therefore, find any material conflict with Policy SP2 (2) and (3): *Design and Sustainable Place Making* of the adopted Local Development Plan (Adopted 2013) (LDP), or the Council's Supplementary Planning Guidance (SPG) Note 02: *Householder Development* (2008), in respect of such matters.

Living Conditions

9. I was able to confirm at the time of my site inspection the close relationship between the appeal property and the adjacent Swn-yr-Don. In particular, I was able to appreciate the fact that the proposed three storey property would be located within such close proximity to the eastern elevation of Swn-yr-Don which incorporates a number of windows. Indeed, by reason of its siting and overall scale, I concur with the Council's assessment that the proposed development would cause significant overbearing and overshadowing impacts on the occupiers of Swn-yr-Don.
10. I note the fact that the maximum height of the proposed dwelling would be lower than the ridge height of the original property. I also note that some overbearing and overshadowing impacts would have existed at Swn-yr-Don as a result of the original design. However, there is no doubt in my mind that, by reason of its scale, form and overall design, the proposal would substantially increase the massing of the property and would thereby materially exacerbate such overbearing and overshadowing impacts. Indeed, the proposed remodelling of the property would result in the loss of the original pitched roof, which sloped away from Swn-yr-Don, and its replacement with a bold and substantial second floor element.
11. I note the fact that the windows in the eastern elevation of Swn-yr-Don serve rooms with secondary window openings. I also note the fact that the loss of light would be limited to particular hours of the day. Nevertheless, I do not consider that such

matters, or indeed the difference in floor levels between the two properties, sufficiently justify or mitigate the overall harm. Indeed, the proposed development would represent a significantly oppressive structure when viewed from the affected rooms of Swn-yr-Don and, in combination with the loss of light at that property, would cause material harm to the living conditions of its occupiers by reason of loss of outlook and natural light.

12. The development would therefore conflict with criterion 12) of Policy SP2 of the adopted LDP which seeks to protect the amenity of neighbouring uses and occupiers. For the same reasons, the development would also conflict with the corresponding elements of the aforementioned SPG document. Such concerns and associated policy conflict amount to a compelling reason why planning permission should be withheld in this instance.

Overall Conclusions

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

Richard E. Jenkins

INSPECTOR

TRAINING LOG

All training sessions will be held on the Microsoft Teams platform.

<u>Subject</u>	<u>Date</u>
Future Wales 2040 (National Development Framework) and Planning Policy Wales 11	14 April 2021
Fire Safety Regulations	27 May 2021
Minerals Update	8 July 2021

Recommendation:

That the report of the Corporate Director Communities be noted.

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

BACKGROUND PAPERS

None

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