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Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

Bridgend County Borough Council



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

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



Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate

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

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Friday, 19 August 2022

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held remotely - via Microsoft Teams on **Thursday, 25 August 2022 at 10:00.**

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 14/07/2022
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
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 9 - 12
7. P/22/34/FUL - Former Blaenllynfi Infant School, Grosvenor Terrace, Maesteg 13 - 34

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| 8. | <u>P/22/385/RLX - 2 Sandymeers, Porthcawl, CF36 5LP</u> | 35 - 44 |
| 9. | <u>Appeals</u> | 45 - 50 |
| 10. | <u>Section 106 Legal Agreements, Planning Obligations And Contributions</u> | 51 - 66 |
| 11. | <u>Training Log</u> | 67 - 68 |
| 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 health and safety requirements 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 and Regulatory Services, HR and Corporate Policy

Councillors:

H T Bennett
A R Berrow
N Clarke
RJ Collins
C L C Davies
RM Granville

Councillors

H Griffiths
S J Griffiths
D T Harrison
M L Hughes
D M Hughes
M R John

Councillors

MJ Kearn
W J Kendall
J E Pratt
MJ Williams
R Williams

Agenda Item 3

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 14 JULY 2022

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD
REMOТЕLY - VIA MICROSOFT TEAMS ON THURSDAY, 14 JULY 2022 AT 14:00

Present

Councillor RM Granville – Chairperson

H T Bennett	A R Berrow	N Clarke	RJ Collins
C L C Davies	H Griffiths	S J Griffiths	D T Harrison
M L Hughes	D M Hughes	M R John	W J Kendall
J E Pratt	MJ Williams	R Williams	

Apologies for Absence

MJ Kearn

Officers:

Rhodri Davies	Development & Building Control Manager
Lee Evans	Senior Planning Officer
Craig Flower	Planning Support Team Leader
Julie Jenkins	Team Leader Development Control
Rod Jones	Senior Lawyer
Rachel Keepins	Democratic Services Manager
Robert Morgan	Senior Development Control Officer
Jonathan Parsons	Group Manager Development
Andrew Rees	Democratic Services Officer - Committees
Alexandra Richards	Senior Planning Officer
Euan Sexton	Senior Planning Officer
Philip Thomas	Principal Planning Officer
Leigh Tuck	Senior Development Control Officer

14. DECLARATIONS OF INTEREST

Councillor DM Hughes declared a personal and prejudicial interest in agenda item 9 - planning application /22/211/FUL - Bryant Centre, Commercial Street, Nantymoel as there had been issues/questions raised over the past year that she is very uncomfortable with. They are not material to the application but they would prevent her in making an objective decision. Cllr Hughes withdrew from the meeting during consideration of this item.

15. APPROVAL OF MINUTES

RESOLVED: That the Minutes of the meeting of the Development Control Committee of 26 May 2022, were approved as a true and accurate record.

16. PUBLIC SPEAKERS

The following invitee exercised their right to speak on the undermentioned application:

Application	Site	Speaker
P/22/211/FUL	Bryant Centre, Commercial Street, Nantymoel	Mr M Miller (Objector)

17. 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.

18. DEVELOPMENT CONTROL COMMITTEE GUIDANCE

RESOLVED: That the summary of Development Control Committee Guidance as detailed in the report of the Corporate Director - Communities was noted.

19. P/22/171/FUL - 14 CWRT Y COED, BRACKLA

RESOLVED: That permission be granted subject to the conditions in the report of the Corporate Director Communities.

Proposal

Retention of static caravan as annex to dwelling

20. P/21/1057/OUT - LAND REAR OF 35 - 46 SALISBURY ROAD, MAESTEG

RESOLVED: That outline permission be granted subject to the conditions in the report of the Corporate Director Communities.

Proposal

Outline application for 3 dwellings (all matters reserved except access)

21. P/22/211/FUL - BRYANT CENTRE, COMMERCIAL STREET, NANTYMOEL

RESOLVED: That temporary permission be granted subject to the conditions in the report of the Corporate Director Communities and subject also to the amendment of Condition 5 and additional Condition 7 and Advisory Note as follows:

5. Notwithstanding the submitted plans, the use hereby permitted does not include the cooking of food in an outside barbecue area or any cooking facilities that will utilise charcoal fuel or any fuel likely to cause problems of odour or smoke. Prior to the beneficial use of the premises commencing, a scheme shall be submitted to and agreed in writing by the Local Planning Authority detailing the following: -

- the extraction system to be installed, including its siting, design, appearance, odour abatement and sound power/pressure levels generated by the external unit.
- a vertical section plan indicating the position and height of final openings.
- details of an odour management plan. The equipment to control the emission of fumes, smell, and noise from the premises shall be installed in accordance with the agreed scheme prior to the beneficial occupation of the premises and shall thereafter be operated and

maintained in accordance with the agreed scheme for as long as the use continues.

Reason: For the avoidance of doubt as to the extent of the permission granted and in the interests of safeguarding the amenities of the occupiers of the nearest residential properties.

7. Details of equipment to prevent fats, oils, and grease from cooking and other activities carried out on the site from entering any drainage system, including the location and design of any traps or interceptors and a maintenance schedule for such traps or interceptors, shall be submitted to and approved in writing by the Local Planning Authority before the use begins. The approved equipment shall be installed before the use commences and thereafter retained and operated in accordance with the agreed maintenance schedule.

Reason: To ensure the safe drainage of the site.

Advisory Note

Natural Resources Wales recommends that the developer be made aware of the potential flood risks and advised to install flood-proofing measures as part of the development. Consideration should be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor and locating electrical sockets/components at a higher level above possible flood levels. The applicant is directed to NRW website for further advice and guidance.

Proposal

Retrospective planning permission for the change of use of the building from a nursery (Use Class D1) to A3 use including the erection of a kitchen, siting of a food van and a seating area to the rear of the property

22. **APPEALS**

RESOLVED: 1. That the Appeal received since the last meeting as listed in the report of the Corporate Director – Communities be noted.

Subject of Appeal

CAS-02006-Q7B8M6 (1953) Freestanding Hoarding Sign (48 Sheet) 6m x 3m:
Land Opposite 65 Bethania Street (South Of Scout Hall), Maesteg

2. That it be noted that the inspector appointed by the Welsh Ministers to determine this appeal directed that the appeal be allowed subject to conditions:

Subject of Appeal

CAS-01627-Y0D5V5 (1947) Retention of Raised Patio Above Shed and Raised
Patio with Balustrade and Relocated Steps: 22
Chestnut Drive, Porthcawl

3. That it be noted that the Inspector Appointed by the Welsh Ministers to determine the following appeals directed that they be dismissed:

Subject of Appeal

CAS-01807-Z5P1R1 (1948) Remove Garage/Utility; Two Storey Side Extension; Single Storey Porch/Wc/Playroom Extension to Front; Hardstanding To Front: 8 Rhyd Y Nant, Pencoed

CAS-01573-X1N9P0 (1949) Retention of Fence: 8 Willesden Road, Bridgend

4. That further information has come to light and the enforcement notice has been withdrawn with the appeal now being closed with no further action

Subject of Appeal

ENF/186/20/ACK Unauthorised Use for Storage/Land Reprofilling Former Pump House, Heol Faen, Maesteg

23. **NOMINATION AND APPOINTMENT TO RIGHTS OF WAY SUB-COMMITTEE**

The Committee received the report of the Chief Officer – Legal, HR, Regulatory Services and Corporate Policy which sought to nominate and appoint Members to the Rights of Way Sub-Committee.

The Senior Lawyer reported that the Rights of Way Sub-Committee consisted of six Members of the Development Control Committee and it was proposed that no change is made to the number of Members on the Sub-Committee. He stated that the recommended composition of the Sub-Committee, based upon the number of Members it comprised of, was as follows:-

Labour - 3 Members – (to include the Chairperson and Vice-Chairperson of the Development Control Committee)
Bridgend County Independents - 2 Members
Democratic Alliance - 1 Member

RESOLVED: That the Development Control Committee nominated and appointed six (6) Members from the Committee to form the Rights of Way Sub-Committee:

Councillor R Granville (Chairperson of the Development Control Committee)
Councillor H Griffiths (Vice- Chairperson of the Development Control Committee)
Councillor CLC Davies
Councillor S Griffiths
Councillor D Harrison
Councillor M John

24. **DEVELOPMENT CONTROL COMMITTEE SITE VISIT PANEL**

The Committee received the report of the Chief Officer – Legal, HR, Regulatory Services and Corporate Policy which sought to nominate three Members to form the Committee's Site Visit Panel, which is to comprise of the Chairperson, Vice-

Chairperson and a third Member and to also nominate a reserve Member to sit on the Panel, should any of the three nominated Panel Members be unavailable.

The Senior Lawyer reported that the Committee at its meeting on 17 September 2020 resolved to amend the Planning Code of Practice on Site Visits as set out below (Minute 413 refers): - "During times of restriction and in order to comply with social distancing protocols, full Committee site visits will be suspended. Where site visits are deemed by the Chair to be essential, they shall be in the form of a Panel or an Expanded Panel. The Expanded Panel will comprise of the normal Panel (Chair, Vice and third Member) as well as up to three additional members to be drawn from a pool of volunteers from the DC Committee. It is reiterated that an Expanded Panel visit should only be necessary in exceptional circumstances and where a Panel visit would not be sufficient however, the ability to undertake site visits may be overridden by any subsequent national or local restrictions imposed as the result of national emergency or public safety".

The Senior Lawyer informed the Committee had agreed to extend this arrangement for a further 12 months or until Covid restrictions are fully lifted at its meeting on 28 October 2021 (Minute 538 refers). It was proposed that these temporary arrangements are continued on the same basis as agreed by Committee in October 2021.

RESOLVED: 1. That the Development Control Committee nominated the following Members to sit as its Site Visit Panel to include:

Chairperson of the Development Control Committee.
Vice-Chairperson of the Development Control Committee.
Councillor A Berrow – Third Member
Councillor M Hughes – Reserve Member

2. That the Development Control Committee nominated the following Members to sit on the Expanded Site Visit Panel to include:

Chairperson of the Development Control Committee.
Vice-Chairperson of the Development Control Committee.
Councillor A Berrow – Third Member
Councillor D M Hughes
Councillor M Hughes
Councillor M Williams

25. TRAINING LOG

The Group Manager Planning and Development Services reported on the updated Training Log. He informed the Committee that arrangements are being made to schedule a training session on the Local Development Plan Update, as the session arranged to take place on the previous had to be cancelled due to unforeseen technological reasons.

He also reminded Members informed the Committee that should any members of the Committee be interested in championing future Supplementary Planning Guidance on Amenity Space they should contact him. The Chairperson informed the Committee that

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 14 JULY 2022

he was prepared to sit on the Group to champion Supplementary Planning Guidance on Amenity Space.

RESOLVED: That the report of the Corporate Director Communities on the updated Training Log be noted.

26. **URGENT ITEMS**

There were no urgent items.

The meeting closed at 15:58

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	PEDW	Planning & Environment Decisions Wales
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
PINS	Planning Inspectorate		

REFERENCE: P/22/34/FUL

APPLICANT: Pendragon (Design & Build) Ltd.,
Pendragon House, General Rees Square, Cwmbran NP44 1AJ

LOCATION: Former Blaenllynfi Infant School, Grosvenor Terrace, Maesteg

PROPOSAL: Residential development of 20 affordable dwellings and associated works

APPLICATION/SITE DESCRIPTION

Asbri Planning Ltd has submitted a full Planning application on behalf of Pendragon (Design and Build) Ltd for the redevelopment of the former Blaenllynfi Infant School site off Grosvenor Terrace, Caerau through the construction of 20 affordable residential units and associated works.

The site measures approximately 0.39ha and is located on the eastern side of Grosvenor Terrace.



Fig. 1 – Site Location Plan and Aerial View

The proposal will be made up of three residential character areas with all buildings being two storeys in height in the following mix:

- 2 x 4 bed houses at the northern end of the site (blue)
- 4 x 2 bed houses to the centre of the site fronting Grosvenor Terrace (pink)
- 16 x 1 bed walk up flats to the south-eastern corner of the site (orange)



Fig. 2 – Site Layout Plan

The application site will be served by two vehicular access points which are located off Grosvenor Terrace. The existing stone wall is to be reduced in height to 1200mm and punctuated to allow for the two access points into the site as well as space for parking at the sides of Plots 3, 4 and 5.

The site will also be served by an area of Public Open Space with landscaping and a sustainable drainage scheme. New footpaths will connect the site to Library Road to the north-eastern corner of the site and to Carmen Street to the south of the site. The application confirms that the development will be 100% affordable housing.

The application site currently comprises of a relatively level, vacant and open area of hardstanding which includes rubble and vegetation following the demolition of the school.

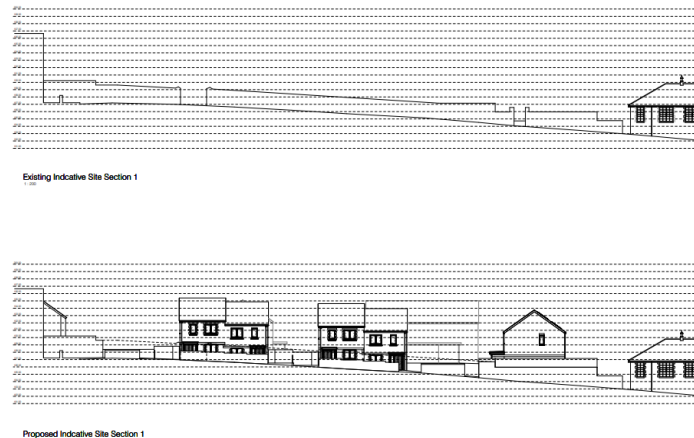


Fig. 3 – Site Sections fronting Grosvenor Terrace – Existing and Proposed

The site is enclosed by stone walls and is surrounded by predominantly residential dwellings with a relatively small nursery building located adjacent to the south-western corner of the site.

It is a triangular parcel of land bounded by Grosvenor Terrace to the west, a landscaped embankment that supports Library Road (serving the new school at Caerau Primary School) to the east and residential houses to the south along Carmen Street and Gelli Street. For the most part the terraced dwellings to the west facing the site are constructed of red facing brick with white/yellow detailing.

The scale and form of the development seeks to respect its context with two storey dwellings/blocks of flats proposed and sited to limit any impact on existing properties. The proposed palette of materials of natural stone finish in Ashlar pattern to the front and facing brickwork to the side and rear elevations with feature brick and stone detailing and grey fibre cement slates, complements the existing built form in this part of the settlement.



Fig. 4 – Proposed Streetscene fronting onto Grosvenor Terrace

A series of plans, documents and reports accompanied the application including a supporting covering letter, an air quality report, an artist's impression, indicative site sections, a biodiversity enhancement plan, site levels plan, a topographical survey, a preliminary ecological assessment, a Planning Statement, a Landscape Biodiversity and Amenity Strategy, a drainage scheme, a Design and Access Statement and a Geotechnical and Geoenvironmental Report.

The application was also supplemented with additional geotechnical information, a biodiversity enhancement plan, a transport statement, a landscape strategy and a revised drainage layout plan during the application process.

In accordance with Part 1A of the Town and Country Planning (Development Management Procedures) (Wales) (Amendment) Order 2016, the proposal has been the subject of a pre-application consultation with specialist consultees and the community including the Town Council, Local Ward Members and residents. The Pre-Application Consultation (PAC) Report which includes a summary of all representations received has also been submitted with the application as required by the validation requirements.

RELEVANT HISTORY

P/16/88/OUT – Outline consent approved (with conditions) February 2017
Erect 6 three bed detached dwellings and 8 semi-detached dwellings

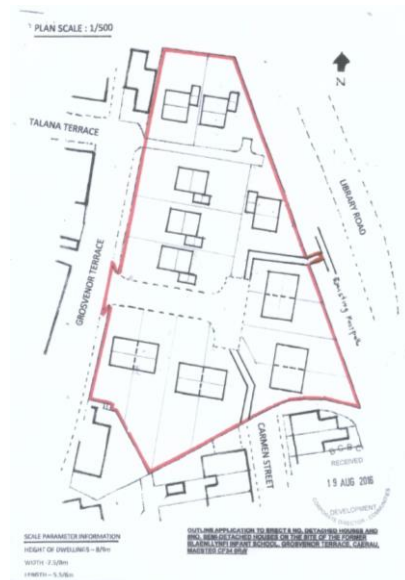


Fig. 5 – Outline Indicative Layout Plan approved under P/16/88/OUT

P/13/631/DPN – Approved September 2013
Demolition of 3 school blocks

P/11/711/FUL - Approved (with conditions) November 2011
Retrospective change of use of school to include retail and offices for the Development Trust

P/09/983/FUL - Withdrawn January 2011
Change of use of school to include retail and offices for the Development Trust

NEGOTIATION

The applicant was requested to revise the scheme to reduce the overall number of units from 23 at the pre-application stage and from 22 at the initial application submission stage to better reflect the context of the area, to retain the stone wall at the front of the site and to improve highway safety.

PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to the initial consultations/publicity and the follow up reconsultation process on the amended plans has expired.

PLANNING POLICIES

Local Policies

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

- Strategic Policy SP1 - Regeneration-Led Development
- Strategic Policy SP2 - Design and Sustainable Place Making
- Strategic Policy SP3 - Strategic Transport Planning Principles
- Policy SP14 - Infrastructure
- Policy PLA1 - Settlement Hierarchy and Urban Management
- Policy PLA11 - Parking Standards
- Policy COM3 - Residential Re-use of a Building or Land
- Policy COM4 - Residential Density
- Policy COM5 - Affordable Housing
- Policy COM11 - Provision of Outdoor Recreation Facilities
- Policy ENV5 - Green Infrastructure
- Policy ENV6 - Nature Conservation
- Policy ENV15 - Waste Management in New Development
- Policy ENV17 - Renewable Energy and Low/Zero Carbon Technology

Supplementary Planning Guidance

SPG02 - Householder Development

SPG08 - Residential Development

SPG13 - Affordable Housing

SPG16 - Education Facilities' and Residential Development

SPG17 - Parking Standards

SPG19 - Biodiversity and Development

National Planning Policy and Guidance

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

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

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

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

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

PPW refers).

Technical Advice Notes:

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

TAN5: Nature Conservation (2009)

TAN11: Noise (1997)

TAN12: Design (2016)

TAN18: Transport (2007)

Wellbeing of Future Generations (Wales) Act 2015

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

The well-being goals identified in the Act are:

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

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

The Socio Economic Duty

The Socio Economic Duty (under Part 1, Section 1 of the Equality Act 2010) which came in to force on 31 March 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and whilst this is not a strategic decision, the duty has been considered in the assessment of this application.

CONSULTATION RESPONSES

Councillor Paul Davies has requested that the application be referred to the Development Control Committee and he wishes to speak at the meeting after receiving concerns from local residents.

In terms of the material Planning grounds for the call-in request, Cllr Davies has advised that he has concerns over access to the site as the approaching streets are very restricted currently and he also wants to explore the option of amending the application to include an access road from the Library Road side of the site.

Maesteg Town Council: Support however the Council would like to ensure that adequate parking is allocated for each dwelling at least 1 space per house as a standard given that the area is not overly large for parking along the surrounding streets. Also there is a Flying Start nursery nearby so Members would like to ensure the safety with dust and traffic for very small children.

Head of Street Scene (Highways): No objection to the revised layout subject to conditions.

Head of Streetscene (Waste and Recycling): Consideration needs to be given to Waste collections at this site. The plans show flats at this development so storage for waste needs to be considered. No storage area is visible on plans. Consideration also needs to be considered for how collection crews can access these areas.

Designing Out Crime Officer – Is pleased with the site layout and has no objections subject to the adoption of his advice.

Biodiversity Policy and Management Officer: I have reviewed the information submitted with the application, including the Preliminary Ecological Appraisal Report, the Landscape Biodiversity and Amenity Strategy and the Biodiversity Enhancement Plan. I welcome the inclusion of these documents in the submission but further detail is required on the landscaping and planting proposed as part of the development. The landscaping scheme should give detail to species, sizes, numbers to be planted, planting methodology, and a maintenance schedule. This should be submitted to the Local Planning Authority for approval prior to any works commencing.

If the application were to be granted, I recommend that Section 4 Recommendations and Mitigation of the Preliminary Ecological Appraisal prepared by Ecological Services Ltd (Oct 2021) be included in the conditions of approval. The Biodiversity Enhancement Plan should also be included in the conditions of approval, with specific reference to numbers and locations of enhancements within the site.

Shared Regulatory Services – Environment Team: The Geotechnical and Geoenvironmental Report by Terra Firma (Wales) Ltd has been assessed and there are no objections subject to the inclusion of conditions and informative notes on any consent.

Head of Street Scene (Drainage): No objection subject to conditions. With regard to the proposed SuDS scheme it is noted that the Coal Authority has advised that the site was a former mine therefore all infiltration methods should be discounted.

Dwr Cymru Welsh Water: There is sufficient capacity within the foul system to accommodate the development. No objections subject to conditions.

The Coal Authority: After initial concerns were raised regarding the interpretation of the results of the site investigations and the level of assessment of the risk posed by recorded mine workings and the submission of additional information, the CA concurs with the recommendations of Terra Firma that further investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. On that basis there are no objections to the scheme subject to conditions.

REPRESENTATIONS RECEIVED

The occupiers of 7, 8 and 9 Grosvenor Terrace and 6 and 7 Talana Terrace have objected to the application on the following grounds:

1. There is currently a high level of on street parking demand in the area which would be exacerbated by the development and the scheme would take away parking availability along Grosvenor Terrace.
2. Emergency services vehicles cannot get around these streets.
3. There is no reason that access could not be obtained from Library Road.
4. Increase in traffic in addition to the Flying Start nursery where parents drop off and pick up the children and staff park their cars in the street.
5. The position of the junction into the housing estate will be directly opposite houses and lights from cars coming from the estate.

6. What type of people is this going to attract in what is always described as a deprived area? Increase in anti-social behaviour/police involvement.
7. The proposal is causing anxiety and sleepless nights.
8. Loss of security and privacy for existing residents on Grosvenor Terrace and Talana Terrace.
9. The units should not face onto Grosvenor Terrace.
10. The paths to Library Road and the south will be subject to abuse by surrounding residents and provide yet more "short cuts" that will increase noise and disturbance.
11. Plans do not show any perimeter boundary fence or wall.
12. The bike shelters will only encourage theft.

COMMENTS ON REPRESENTATIONS RECEIVED

The representation received from Cllr Davies is understandable as the former school site has been vacant for a number of years however, the number of vehicles accessing the egressing the site as a residential development positively compares to the previous use of the site as an operational school and therefore there is no detriment to highway safety and the free flow of traffic.

The submitted transport statement has identified that the location meets the transport hierarchy of TAN18 in that it is well served by sustainable modes of transport. This allows future residents to use the walking and cycling network for short local journeys rather than relying on the private motor vehicle, as per the aims of the Active Travel (Wales) Act 2013.

An on-street parking study with photographic evidence concluded that during the AM and PM parking periods (when parking would be in most demand) there was sufficient on-street parking in the surrounding area to accommodate any parking that would be displaced by the loss of parking on Grosvenor Terrace.

In addition, the development itself will provide adequate off-street parking within the development to ensure that no vehicles from this proposed development migrate to parking on Talana Street or Grosvenor Terrace. It should also be noted that this development in effect returns the on-street parking situation back to a time when the school was located there and there were zig zag yellow line parking restrictions in place.

As a result of the above, the Highway Authority is satisfied that appropriate levels of parking are being provided within the development and that the loss of on-street parking can be accommodated elsewhere in close proximity to Grosvenor Terrace.

Finally, the section of Library Road was constructed solely to provide access to the new primary school and a purpose built drop off and pick up area as well as a traffic free cycle route for children to walk and cycle to school.

This section of Library Road was not designed to serve residential properties and any vehicular access into the proposed development site would have to sever and cross the traffic free walking and cycling route to the new primary school.

This is contrary to local and national policy in that it would prioritise the private motor vehicle over sustainable modes of transport and interrupt a safe route to school. As a result, such an access arrangement would not have been supported by the Highway Authority. In any event, that option is not before the Local Planning Authority or the Highway Authority for consideration and the levels differences would result in a highly engineered solution to the access.

As well as the above response to parking, traffic and access issues, the following comments are offered in response to the neighbour representations received:

- The Highway Authority considers that the development would not impinge access by emergency services and vehicles.
- Any disturbance caused by headlights of cars entering and leaving the site is generally fleeting/transient.
- The one bed flats will be occupied by a person or persons who are in need of affordable housing in this area of the County Borough Council and any anti-social behaviour will be resolved by the Police as it is not a land use Planning matter.
- Whilst neighbouring occupiers have become accustomed to living adjacent to a vacant site, it has always been earmarked for residential development and any disruption caused during the construction period will be limited through the implementation of a Construction Method Statement and the limited period.
- The development will not result in any loss of security or privacy to existing residents. In fact, the development of the site is likely to remove anti-social behaviour from this vacant site and increase natural surveillance of the area.
- Only four of the twenty units will face onto Grosvenor Terrace. They are set back from the back of highway and they will be separated from the properties along Grosvenor Terrace by the highway in the same way that terraced properties face each other.
- The paths/links through to the school and Carmen Street and beyond are necessary to encourage sustainable forms of movement and will benefit existing residents.
- The site will include boundary treatments although it will not be a “gated community.”
- The bike shelters will be secure and covered and will encourage the use of sustainable modes of transport.

APPRAISAL

The application is referred to the Development Control Committee following a call-in request by the Local Ward Member and in light of the number of objections received from neighbouring residential occupiers.

The main issues to consider in the determination of this application are whether the re-development of this previously developed/brownfield site for housing accords with national and local Planning policy on a matter of principle of the development and whether local infrastructure and facilities (road network, drainage etc.) can accommodate the quantum of development proposed having regard also to living conditions and the well-being of existing and future residents and any biodiversity interests on the site as well as air quality in the surrounding area.

Principle of Development

The adopted Bridgend Local Development Plan (2013) (LDP) seeks to focus development in four strategic regeneration growth areas with the objective of delivering more sustainable patterns of development.

The application site is located within the settlement boundary of Caerau, as defined by Policy PLA1 of the adopted Bridgend Local Development Plan (LDP). Policy COM3 of the LDP promotes the re-use of vacant or under-utilised land within settlement boundaries for residential development where no other Policy protects the land for an alternative use.

With the relocation of the school, the site is now vacant and classed as a “windfall site” under Policy COM3. The site is not allocated or protected for a specific or alternative use and therefore, the residential re-development of the site would be acceptable in principle subject to other LDP policies and detailed design criteria.

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

Policy SP2 of the LDP and the suite of Supplementary Planning Guidance provide a robust framework for assessing the details of this application. All development is required to contribute to creating high quality attractive sustainable places, which enhance the community in which they are located. The Policy establishes fifteen criteria against which development proposals will be assessed and, in respect of this application, it is considered that criteria 1), 2), 3), 4), 6), 7), 8), 9), 10), 11), 12), 13), 14) and 15) are relevant.

Impact of the Development on Local Infrastructure

Highways: The impact of the development on the highway network has been assessed by the Transportation and Engineering Section, as has the submitted layout, to establish whether it accords with both national and local guidance.

Criterion 6 of Policy SP2 of the LDP requires all development to have good walking, cycling and public transport and road connections within and outside the site to ensure efficient access.

The application is supported by a suite of documents including a Transport Statement which seeks to primarily improve links to sustainable modes of transport and quantify and address any impacts on the local highway network.

The Transport Statement has identified that the location meets the transport hierarchy of TAN18 in that it is well served by sustainable modes of transport. This allows future residents to use the walking and cycling network for short local journeys rather than relying on the private motor vehicle as per the aims of the Active Travel (Wales) Act 2013.

The site is located within a sustainable location. The nearest bus stop is located some 60m north-west of the site along the A4063 which provides regular bus routes to Bridgend. The site is also within easy walking distance to Caerau Primary School (the replacement school situated approximately 100m to the east of the site) as well as a range of local facilities including a chemist, surgery, supermarket and play facilities situated along Hermon Road to the west and a post office and shops to the north along Caerau Road.

In addition to the above this development will provide improved links to the shared use pedestrian cycle route to the east as well as infrastructure such as cycle parking and signage within the site itself.

There is some concern that the linkages from the private drive through to Library Road will not be able to be used by the surrounding local residents other than those living on the private drive. Whilst the developer could consider offering the footway for adoption it is likely to be more expedient to enter into a S106 agreement to allow members of the public to use the active travel link in perpetuity. Failure to allow unrestricted access to the local residents would render this active travel link useless and an alternative will have to be proposed in order to ensure the sustainability credentials of the site are maintained and the condition discharged.

With regards to the vehicle movements that will be generated by this development, it is understood that whilst TAN18, PPW11 and the Active Travel (Wales) Act 2013 seek to reduce private motor vehicle trips, the development will inevitably generate vehicle movements.

The Highway Authority requested that the developer assess the potential number of trips against the previous use of the site as a primary school and the capacity of the local

highway network.

The Transport Assessment evidenced (using the industry standard trip rate software TRICS) that the proposed development will significantly reduce the number of vehicle trips on Grosvenor Terrace and the surrounding area when compared to its former use as a school. It goes further to conclude *that the proposed residential development will therefore have a positive impact on traffic flows on the local highway network, in respect to the previous primary school use on the site.* The evidence and conclusions are accepted by the Highway Authority and in its own assessment, concludes that there will not be material impact on highway safety and the free flow of traffic as a result of this development.

It is noted that a number of local residents have objected to the development's proposed access points from Grosvenor Terrace and indicated that the development would be better served from Library Road.

As referred to above, the section of Library Road was constructed solely to provide access to the new Caerau Primary School. This road provides a purpose-built drop-off and pick-up area as well as a traffic free cycle route for children to walk and cycle to school. This section of Library Road was not designed to serve residential properties and any vehicular access into the proposed development site would have to cross the traffic free walking and cycling route to the new primary school.

This would be contrary to local and national policy in that such an arrangement would prioritise the private motor vehicle over sustainable modes of transport and interrupt a safe route to school. As a result, such an access arrangement would not have been supported by the Highway Authority.

Notwithstanding the unsuitability of Library Road as an access into the site, it is considered that the scheme would then "turn its back" on the established residential area along Grosvenor Terrace and Talana Terrace to the detriment of placemaking principles. In any case, the scheme as submitted only shows access points off Grosvenor Terrace and the Local Planning Authority can only assess what is before it.

A number of objections from local residents refer to the loss of on-street parking. As a consequence of these concerns, the Highway Authority requested that the developer undertake an on-street parking study with photographic evidence. The study concludes that during the AM and PM parking periods (when parking would be in most demand) there was sufficient on-street parking provision in the surrounding area to accommodate any parking that would be displaced by the limited loss of parking on Grosvenor Terrace.

It should also be noted that the development itself will provide adequate off-street parking to serve future occupiers of the development which should ensure that no vehicles from this proposed development migrate onto Talana Terrace or Grosvenor Terrace.



Fig. 6 – Historical Parking Restrictions along Grosvenor Terrace

Through negotiation, sections of the stone wall fronting Grosvenor Terrace will be retained and there will be scope for some on-street parking in those locations. The scheme will also revert back to the on-street parking situation when a school occupied the site and when zig zag yellow line parking restrictions were in place (see above).

As a result of the above the Highway Authority is satisfied that appropriate levels of parking are being provided within the development and that the loss of any on-street parking can be accommodated elsewhere in close proximity to Grosvenor Terrace. Therefore, the proposed development satisfactorily addresses Criterion 6 of Policy SP2.

Drainage: Criterion 13 of SP2 requires development to incorporate appropriate arrangements for the disposal of foul sewage, waste and water.

Dwr Cymru Welsh Water and the Council's Land Drainage Engineers are satisfied that, subject to condition, suitable arrangements can be provided and that there is sufficient capacity within the foul drainage network to accommodate the development.

With regard to surface water, the scheme will be the subject of a separate SuDS application and whilst infiltration is unlikely to be suitable in this location, an engineered solution would be possible towards the lower southern end of the site.

Impact of the Development on the Character and Appearance of the Area

The Design and Access Statement states at paragraph 1.7 that *The proposal, through its design and layout will provide a distinctive sense of place for occupants and visitors whilst acknowledging and complimenting the existing residential context within Caerau.*

Paragraph 6.13 confirms that *the mix of materials allows the proposal to add a contemporary look to the area whilst respectfully considering the local distinctiveness and local context.*

The scale, form and appearance of the development from the external finishes of the houses to the retained stone boundary walls and the incorporation of active and landscaped frontages onto Grosvenor Terrace (instead of a sea of parking) will ensure that the development will contribute positively to the character and appearance of the area.

Overall, the design and scale of development is justified in this location.

Impact of the Development on living conditions and well-being existing/future residents

With the principle of the development being acceptable, consideration must turn to the quantum of development.

The LDP acknowledges that it is important that new development uses land efficiently by being of a density which maximises the development potential of land.

A minimum density will therefore be applied to all new residential development.

The application site measures 0.39 hectares and for a new development of 20 dwellings this would equate to a gross density of 51 dwellings per hectare which is above the minimum density quoted in the policy. The higher figure is, in part, skewed by the number of one bed (two person) apartments.

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

character and amenity.

Increases in density help to conserve land resources and good design can overcome adverse effects but where high densities are proposed, the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas

Indicators of unacceptably high densities would be evident in other aspects of the housing layout including compromises in privacy/daylighting/dominance standards between the new dwellings and their relationship with the existing properties. The critical issue is whether the impacts are so significant as to be contrary to local policies and guidelines.

In this instance, the units fronting onto Grosvenor Terrace (Plots 3, 4, 5 and 6) are set back from the rear of the highway, include soft landscaping and the retention of the stone wall at their fronts and are separated from the terraced properties opposite by a highway which is a common relationship with terraced streets. Only Plot 6 is directly in line with habitable room windows on Grosvenor Terrace and the site is also slightly elevated above the remainder of the street so it is unlikely that the scheme will result in any significant loss of privacy. There are no windows in the side elevation of 6 Talana Terrace which is adjacent to the northern part of the site and the development will not have any impact on the properties along Carmen Street and Gelli Street to the south.

Within the site itself the layout has been designed to ensure that private gardens and outdoor amenity spaces are not overlooked and that there are no direct views between habitable room windows.

Overall, the proposals are in keeping with Policy SP2 of the LDP and advice contained within SPG02 – Householder Development.

Other Matters

Biodiversity/Ecology

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

Section 6 (1) states that “a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.”

Section 6(2) goes on to state that “In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems.

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

The three tests that must be satisfied are:

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

The main biodiversity interests on this site would have been found in the original school buildings which have been demolished already however, a Landscape Biodiversity and Amenity Strategy and the Biodiversity Enhancement Plan have been prepared by the applicant and subject to the inclusion of further details as required by the Council's Biodiversity Policy and Management Officer in terms of a landscaping scheme and the implementation of the Biodiversity Enhancement Plan which includes the installation of bird and bat boxes, the scheme is supported.

S106 Contributions

Policy SP14 of the LDP requires applicants to provide Planning Obligations or contributions if they are necessary to offset any negative consequence of the development and/or help to meet local needs and priorities. The most relevant issues to be considered in terms of S106 requirements are:-

Affordable Housing

The application triggers Policy COM5 of the LDP regarding affordable housing and the target for the Llynfi Valley market area is 15%. The applicant has indicated that all 20 dwellings will be provided as affordable which is welcomed. In order to safeguard compliance with the LDP, the affordable housing target of 15% should be secured through a Section 106 Agreement with the units to be transferred to a RSL.

Education

With regards to Education, the size of the site meets the threshold of 5 or more residential units identified in SPG16 Educational Facilities & Residential Development as being large enough to place increased pressure on the educational facilities within the catchment area. Based on a development of 20 dwellings, there would be a requirement for 2 primary school places to be created which equates to a contribution of £37,198.

Public Open Space

Policy COM11 of the LDP requires the provision of 2.4ha of open space per 1,000 people from all residential developments. BCBC's Open Space Audit (2017) shows a deficit of Equipped Play Areas and Outdoor Sport provision in this location. The following amount of open space is required to ensure compliance with COM11:

- For children's play, the 4 x 2-bed and 2 x 4-bed homes would lead to an estimated population of 14 (based on an average of 2.34 people per house);
- For outdoor sport, the 20 dwellings would lead to an estimated development population of 47;

The total amount of open space required should therefore consist of approximately 752sqm of Outdoor Sport and 112sqm of Children's Play Space. The proposed development incorporates some open space within the site layout of which broadly provides enough amenity value to account for the children's play requirements from the

dwellings.

For Outdoor Sport, the alternative is to provide equivalent value to the above standards in financial contributions. The contribution for Outdoor Sport should be calculated at £569 per dwelling equating to £11,380 for the proposed scheme.

CONCLUSION

Having regard to the above, the level of negotiations undertaken and the objections received, it is considered that on balance the revised scheme is acceptable in Planning terms and should be recommended for approval.

The development complies with Council policy and guidelines, it encourages active travel and is in a sustainable location and it is considered that the scheme would not have an unacceptable impact on the character of the existing property, street scene or wider area and will not adversely affect privacy, highway safety or visual amenities nor so significantly harm neighbours' amenities or highway safety as to warrant refusal.

The issues raised in the representations received have been taken into account during the determination of the application however, it is considered that on balance they do not outweigh the other material considerations in favour of the development.

RECOMMENDATION

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

- (i) Provide a minimum of 15% of the units as affordable housing with the type of units, location within the site and affordable tenure to be agreed by the Council.
- (ii) Provide a financial contribution of £37,198 towards Education provision.
- (iii) Provide a financial contribution of £11,380 towards Outdoor Sport provision in the vicinity of the application site.
- (iv) Provide that members of the public will be allowed to use the active travel link through to Library Road via the private road in perpetuity.

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

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

Site Location Plan: Ref: 0001 S4 Rev P2
Site Plan: Ref: 0005 S5 Rev P8
Site Plan with Topo: 0006 S4 Rev P4

Unit Type A – Floorplans, Elevations and Schedules: Ref: 0020 S4 Rev P4
Unit Type B – Floorplans, Elevations and Schedules: Ref: 0025 S4 Rev P4
Unit Type C – Floorplans, Elevations and Schedules: Ref: 0030 S4 Rev P4
Proposed Site Roof Plan: Ref: 0007 S4 Rev P4

Biodiversity Plan: Ref: 0008 S4 Rev. P3

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

2. The mitigation and enhancement measures as recommended and set out in the documents listed below shall be implemented as prescribed in those documents:

Section 4 Recommendations and Mitigation of the Preliminary Ecological Appraisal prepared by Ecological Services Ltd (Oct 2021)

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

3. Notwithstanding the plans as hereby approved, prior to their implementation on site, a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

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

4. Notwithstanding the plans as hereby approved, prior to their implementation on site, a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed plan and timetable and the enclosures shall be retained in perpetuity.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road other than the means of enclosures agreed in the discharge of condition 4 of this consent.

Reason: To ensure that the visual amenities of the area are protected

6. Construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays, 08:00 hours to 13:00 hours on Saturdays and not at any time on Sundays and Bank Holidays.

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

7. No development shall take place, including any works of demolition/site clearance, until a Construction Traffic Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the routing of HGV construction traffic to/from the site in order to avoid Library Road and School drop off and pick up times
- ii. the parking of vehicles of site operatives and visitors within the site and not on Library Road.
- iii. loading and unloading of plant and materials within the site
- iv. storage of plant and materials used in constructing the development
- v. drive on/drive off automatic wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction

- vii. the provision of temporary traffic and pedestrian management along the Grosvenor Terrace.

Reason: In the interests of highway safety and to ensure a satisfactory form of development.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Parts 1 (Classes A, B and C) of Schedule 2 of this Order without the prior permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority future control over the scale of development as well as the installation of new windows or dormers or the extension of the properties to the rear, in the interests of the residential amenities of adjacent properties and to protect the amenity space provided within the property.

9. No development shall commence until a scheme for permanently stopping up the existing vehicular access on Carmen Street has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being brought into beneficial use.

Reason: In the interests of highway and pedestrian safety.

10. No development shall commence until a scheme detailing a pedestrian priority dropped kerb arrangement for the private drive access serving Plots 1, 2 and 3 and the private drive serving parking spaces 10-16 as well as tactile paving crossing points on the main vehicular access has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being brought into beneficial use.

Reason: In the interests of highway and pedestrian safety.

11. No development shall commence until a scheme for a recycling and waste collection point at the western end of the private drive has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

12. No development shall commence until a scheme detailing the construction, gradient, materials, signing, bollards, tactile paving and provision of the active travel route linkages on the eastern side of the private drive and the route onto Carmen Street has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being brought into beneficial use.

Reason: In the interests of promoting sustainable means of travel to/from the site and meeting the Active Travel (Wales) Act 2013 legislation.

13. Notwithstanding the plans as hereby approved, no development shall commence until a scheme for the provision of a shed in the garden of each dwelling for cycle parking and cycle parking stands (1 for each flat) has been submitted to and approved in writing by the Local Planning Authority. The stands and sheds shall be implemented before the development is brought into beneficial use and retained as such in

perpetuity.

Reason: In the interests of promoting sustainable means of travel to / from the site and meeting the Active Travel (Wales) 2013 legislation.

14. The proposed rear parking for Plot 6 shall be laid out with 1m x 1m vision splays which will require the splaying of the rear garden boundary before the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of highway and pedestrian safety.

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

Reason: In the interests of highway safety.

16. The yellow zig zag lines along the site frontage shall be removed with hydro blasting before the development is brought into beneficial use.

Reason: In the interests of highway and pedestrian safety.

17. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

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

To satisfy the above condition, the applicant must:

- Provide an updated surface water drainage layout based on the comments noted above;
- Provide agreement in principle from DCWW with regards to the foul and surface water disposal to public sewers;
- Provide hydraulic calculations to confirm development will not flood during 1 in 100yr +30% CC event;
- Submit a Sustainable Drainage Application to the Bridgend SAB – SAB@bridgend.gov.uk.

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

19. No development shall commence until an updated landscape strategy plan has been submitted to and agreed in writing by the Local Planning Authority. The landscaping strategy shall include details of the species, their sizes, their numbers and a planting methodology. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the completion of the development. All planted materials shall be maintained for five years and any trees or plants

removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted.

Reason: To protect and enhance the character of the site and the area and to ensure a satisfactory form of development.

20. A Landscape Management Plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and agreed by the Local Planning Authority prior to the occupation of any part of the development. The Landscape Management Plan shall be carried out as agreed and thereafter retained and maintained in perpetuity.

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

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA/WG/NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ENV7 of the Bridgend County Borough Council Local Development Plan.

22. The remediation scheme approved by condition 21 must be fully undertaken in accordance with its terms prior to the occupation of any part of the development. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA/WG/NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ENV7 of the Bridgend County Borough Council Local Development Plan.

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

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ENV7 of the Bridgend County Borough Council Local Development Plan.

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

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

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy ENV7 of the Bridgend County Borough Council Local Development Plan.

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

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

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

with Policy ENV7 of the Bridgend County Borough Council Local Development Plan.

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

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with Policy ENV7 of the Bridgend County Borough Council Local Development Plan.

27. Prior to the commencement of any development works an assessment of the risk from mine gas* shall be submitted to the Local Planning Authority for its approval. This assessment must be carried out by or under the direction of a suitably qualified competent person**. The report of the findings shall include:
- (i) an intrusive investigation and monitoring programme*** to assess the site for the presence of mine gases which may be present.
 - (ii) an assessment of the potential risks from mine gas to human health and property including a review of all available coal mining, geological information and investigation data relevant to the application site and the proposed development; a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway and receptor linkages.
 - (iii) an appraisal of gas protection options and justification for the preferred option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the CL:AIRE, 2021. Good practice for risk assessment for coal mine gas emissions CL:AIRE, Buckinghamshire. ISBN 978-1-905046-39-3 unless the Local Planning Authority agrees to any variation.

* 'The term 'mine gas' refers to gas with the principal components being methane, carbon dioxide, carbon monoxide, hydrogen sulphide and deoxygenated air.

** A 'suitably qualified competent person' would be expected to have a recognised relevant qualification, sufficient experience in dealing with mining legacy related issues and membership of a relevant professional organisation.

** Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries require a Coal Authority Permit.

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

28. Prior to the commencement of any development, a mine gas* protection scheme and verification plan must be carried out by or under the direction of a suitably qualified competent person** and submitted to the Local Planning Authority for its approval. The submissions shall include the proposed details of the scheme to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site, together with a verification plan to demonstrate the effectiveness of the scheme.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the CL:AIRE, 2021. Good practice for risk assessment for coal mine gas emissions CL:AIRE, Buckinghamshire. ISBN 978-1-905046-39-3 unless the Local Planning Authority agrees to any variation.

* 'The term 'mine gas' refers to gas with the principal components being methane, carbon dioxide, carbon monoxide, hydrogen sulphide and deoxygenated air.

** A 'suitably qualified competent person' would be expected to have a recognised relevant qualification, sufficient experience in dealing with mining legacy related issues and membership of a relevant professional organisation.

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

29. Prior to the occupation of any of the development works a verification report undertaken by or under the direction of a suitably qualified competent person**, demonstrating the completion and effectiveness of the protection scheme approved by condition 28, must be submitted to and approved in writing by the Local Planning Authority.

* A 'suitably qualified competent person' would be expected to have a recognised relevant qualification, sufficient experience in dealing with mining legacy related issues and membership of a relevant professional organisation.

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

30. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *

- a. The proposed is recommended for approval because the development complies with Council policy and guidelines and it is considered that the scheme would not have an unacceptable impact on the character of the existing property, street scene or wider area, and will not adversely affect privacy, highway safety or visual amenities nor so significantly harm neighbours' amenities or highway safety as to warrant refusal.

The issues raised in the representations received have been taken into account during the determination of the application however it is considered that on balance they do not outweigh the other material considerations in favour of the development.

- b. The Developer is reminded that consent under the Town and Country Planning Act 1990 conveys no approval under the Highways Act 1980 for works to be undertaken affecting any part of the public highway including verges and footways and that before any such works are commenced the developer must:
- i) obtain the approval of Bridgend County Borough Council as Highway Authority to the details of any works to be undertaken affecting the public highway;
 - ii) indemnify the County Borough Council against any and all claims arising from such works;
 - iii) give not less than one calendar month's notice in writing of the date that the works are to be commenced to the Policy, Development and Transport Team Leader, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.
- c. The proposed 'Private Drive' will not be adopted by the Highway Authority however arrangements regarding access by cyclists and pedestrians to link to the wider active travel route may have to be agreed via a S106 Planning Agreement to allow the public to use the access to the wider cycle network.
- d. Dwr Cymru Welsh Water (DCWW) have confirmed that the applicant may need to apply to Dwr Cymru Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104

Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com . The applicant is also advised that some public sewers and lateral drains may not be recorded on DCWW maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry

- e. The Highway Authority will require the Developer to enter into legally binding Section 111 Licence Agreement including an appropriate bond to secure the proper implementation of the proposed highway works and the adoption of the same as part of the maintainable highway. The commencement of the works on or abutting the existing maintainable highway will not be permitted until such time as the Agreement has been concluded.
- f. The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for
 - (i) determining the extent and effects of such constraints;
 - (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
 - Unprocessed/unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to Section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
 - (iii) the safe development and secure occupancy of the site rests with the developer.
- g. Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land. The Local Planning Authority has determined the application on the basis of the information available to it but this does not mean that the land can be considered free from contamination.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None

REFERENCE: P/22/385/RLX
APPLICANT: Mr S & Mrs D Wiseman 2 Sandymeers, Porthcawl, CF36 5LP
LOCATION: 2 Sandymeers Porthcawl CF36 5LP
PROPOSAL: Remove condition 2 (use) of P/20/498/RLX
RECEIVED: 26 May 2022
SITE INSPECTED: 25 July 2022

APPLICATION/SITE DESCRIPTION

The application seeks to remove condition 2 of P/20/498/RLX to allow for non-ancillary living.

The application site forms part of 2 Sandymeers's external garage. Planning consent was originally granted under reference P/19/712/FUL and was subsequently renewed under P/20/498/RLX for the development of an ancillary annex on the site.



Fig. 1 - The Application Site

The proposal also seeks the creation of a front garden amenity space for the annex measuring approximately 7.35 metres wide and 2 metres in length as well as the widening of the current crossover by a further 1.5 metres.

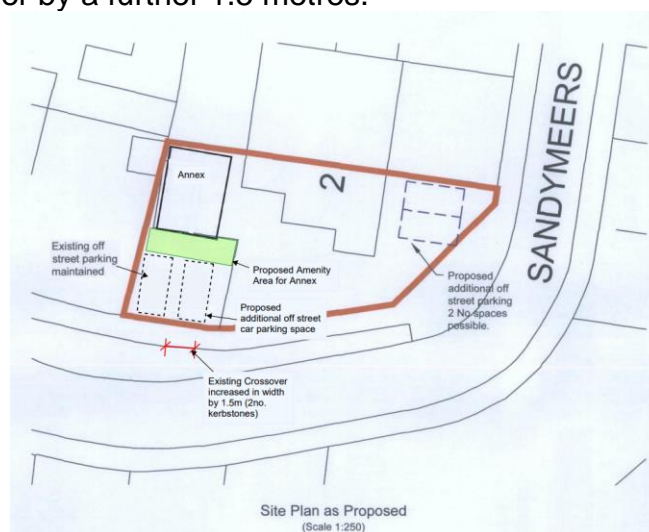


Fig. 2 - Site layout plan showing parking for 2 Sandymeers/Annexe and proposed amenity area for Annex

RELEVANT HISTORY

Application ref.	Description	Decision	Date
P/20/498/RLX	Remove condition 3 of P/19/712/FUL (drainage) by the provision of details and vary condition 1 due to insertion of a window	Conditional Consent	14/12/2020
P/19/712/FUL	Removal of existing garage and construction of a new self-contained annex for the purpose of accommodating disabled family member	Conditional Consent	04/12/2019

PUBLICITY

Neighbours have been notified of the receipt of the application. The period allowed for response to consultations/publicity expired on 4 July 2022.

CONSULTATION RESPONSES

Porthcawl Town Council – No objections

Dwr Cymru Welsh Water – No comments

Land Drainage – No objection to the removal of the condition as the drainage details have previously been agreed as part of the previous planning application.

Transportation Officer (Highways) – No objection subject to conditions regarding parking, access, and vision splays.

REPRESENTATIONS RECEIVED

The Owner/Occupier 1 Sandymeers Objection

- *Proposed change of use is not suitable for the area*

The Owner/Occupier 3 Sandymeers Objection

- *Overbearing*
- *Significant impact to neighbour amenities*
- *Noise*
- *Potential Anti-social behaviour*
- *Disturbance of the cul-de-sac*
- *Potential loss of security*
- *Increased disruption (traffic)*
- *Inadequate off-street parking*
- *The change of use would fundamentally be inappropriate for the area*

The Owner/Occupier 20 Sandymeers Objection

- *Increased traffic unacceptable*
- *Causes a nuisance for residents*
- *Annex was never used for original purpose*

The Owner/Occupier 21 Sandymeers Objection

- *Annex is not being used for its original purpose*
- *Increased traffic is detrimental to neighbours*
- *Noise and nuisance*

The Owner/Occupier 22 Sandymeers Objection

- *Have not complied with the original planning permission*
- *Impact to parking has been significant, especially due to increased off site parking done by owner of 2 Sandymeers*
- *Area is not suitable for a holiday letting*
- *Having a shared rear garden space is not suitable for a holiday letting even if they were allowed it*

The Owner/Occupier 23 Sandymeers Objection

- *Significant impact to residential amenity of neighbours*
- *Noise*
- *Potential anti-social behaviour*
- *Disturbance of the cul-de-sac*
- *Potential loss of security*
- *Increased disruption (traffic)*
- *Inadequate off-street parking*
- *The change of use would fundamentally be inappropriate for the area*

RESPONSE TO REPRESENTATIONS RECEIVED

The proposed relaxation of the condition is to allow the use of the annexe as a holiday let as the family member has moved into care. Therefore, it is in the same use class as normal residential accommodation and lies within the settlement boundary and can be assessed against Local Development Plan policies SP2 and SP11 and as such the principle of development is acceptable.

Any impacts on residential amenity and privacy (including overbearing), parking (both on street and off street) and the potential increase in traffic are addressed in the report.

The shared garden in the original proposal has been modified to show a private front garden space for the future occupiers of the holiday let and any other impacts on neighbouring residential amenity are addressed in the report.

Allegations that the annexe has already been used for non-ancillary purposes are acknowledged and this application seeks to regularise the matter. The Enforcement Officer is aware of the situation and conditions will be applied to ensure that the annexe will not be occupied on a long term basis as a standard rental property.

Noise nuisance, potential anti-social behaviour, disturbance of a cul-de-sac, potential loss of security are not considered material planning considerations and as such will not form part of any decision. These are issues that can and should be addressed through other legislation although it is considered that the use is in keeping with the residential area and Porthcawl is identified as a strategically important resort in Policy SP11 (Tourism).

RELEVANT POLICIES

The relevant Policies of the Local Development Plan and Supplementary Planning Guidance are highlighted below:

Policy PLA1	Settlement Hierarchy and Urban Management
Policy SP2	Design and Sustainable Place Making
Policy SP11	Tourism
Policy PLA11	Parking Standards

Supplementary Planning Guidance Note 02
Supplementary Planning Guidance Note 08

Householder Development
Residential Development

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

Future Wales – The National Plan 2040**Planning Policy Wales Edition 11****Planning Policy Wales TAN 12 – Design****Planning Policy Wales TAN 13 – Tourism****Planning Policy Wales TAN 15 – Development and Flood Risk****Welsh Government Circular – The Use of Planning Conditions for Development Management****Well-being of Future Generations 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.

The Socio Economic Duty

The Socio Economic Duty (under Part 1, Section 1 of the Equality Act 2010) which came in to force on 31 March 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and whilst this is not a strategic decision, the duty has been considered in the assessment of this application.

APPRAISAL

The application is referred to Committee for determination in view of the number of objections from local residents.

The application seeks to remove condition 2 of P/20/498/RLX to enable more flexible use of the current ancillary use to 2 Sandymeers as tourist accommodation.

The removal of this condition would therefore create a separate entity that would be non-ancillary to the original dwelling, 2 Sandymeers, and will be considered as such.

Principle of Development

The application site lies within the settlement boundary for Porthcawl as designated by Policy PLA1 of the Bridgend Local Development Plan 2013.

The Bridgend County Borough Council Local Development Plan's Strategic Policy 11 on Tourism states:

Appropriate tourism developments which promote high quality accommodation, upgrade facilities, promote sustainable and activity based tourism, business, events and cultural tourism, will be permitted.

Tourism development linked to regeneration initiatives will be promoted at:

- *The strategically important resort of Porthcawl;*
- *Maesteg and the Llynfi Valley by means of enhanced cycling and mountain biking routes and at the destination hub of Caerau;*
- *Bryngarw Country Park;*
- *The Ogmere Valley, at the destination hubs of Nantymoel and Blackmill;*
- *The Garw Valley, at the destination hubs of Blaengarw, Llangeinor and Pontycymmer.*

The location of the proposed site is considered within the town centre area as per the Local Development Plan boundaries and within easy walking distance to Coney Beach, Sandy Bay and the town centre of Porthcawl (as described in the Planning Statement by the agent of the applicant).



Fig. 3 - Location of site in relation to town centre and other tourism locations

The Planning Officer's site visit also confirmed that there are adequate facilities for it to be a separate entity that could be used for tourist accommodation for one or two persons.

In order to monitor the use of the accommodation as a holiday let, a condition has been attached to the recommendation to require that the owner/occupier of 2 Sandymeers keeps a record of all visitors who stay at the annex. This is to ensure that it is being used as short-term tourist accommodation rather than as a rental property. A condition is also attached to ensure that the annex cannot be sold off separately from 2 Sandymeers.

The principle of development therefore is considered to be acceptable.

Impact on Residential Amenity

In the interests of the amenities of original host dwelling, 2 Sandymeers, the side window that is facing into the private garden of 2 Sandymeers will be conditioned to be obscurely glazed (to Pilkington level 3 obscurity) and to be a non-opening window. In effect, the current window will need to be replaced in order to preserve the adjoining occupier's privacy as it is an opening window and looks over their private amenity space.



Fig. 4 - Side window to be conditioned to be obscurely glazed and non-opening

Other windows are not considered to have any impact on residential amenity due to their siting and location as they are obscurely glazed and screened by features such as boundary treatments and an adjoining garage. However, the rear (north) window serving the bedroom shall be fitted with obscure glazing via the imposition of a condition to preserve the amenities of future occupiers of this holiday let as well as the rear garden area of 3, Sandymeers. The holiday let benefits from a large south facing window at the front of the property and rooflights which will ensure that the unit will receive a sufficient level of natural light.

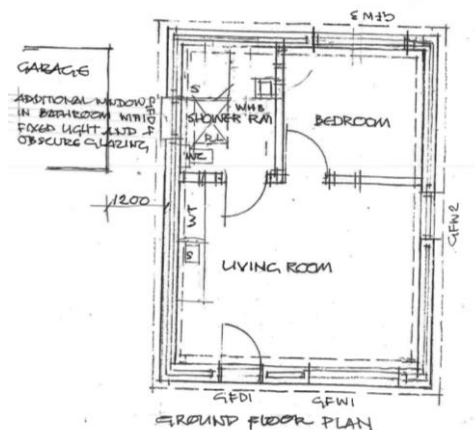


Fig. 5 – Approved and Retained Ground Floor Plan

It is also considered that the annex itself is not overbearing to any other property in the area due to its single storey nature, pitched roof, limited overall height and general appearance as a large converted garage.

Therefore, the proposed development would not cause significant impact on neighbouring residential amenity.

Impact on Highway Safety and Parking

The proposed development would introduce more traffic and will increase the demand for parking when compared to an ancillary annexe.

The original dwelling had three parking spaces approved with the previous application. Due to the increased use on site, it is considered that another parking space should be provided on the site to allow this annex to be used for tourist accommodation.

Two car spaces have been approved to the front (east) of the dwelling of 2 Sandymeers with the other one space needed for the main host dwelling to be located to the side of the allocated parking space to serve the tourist accommodation on the current driveway. The two parking spaces to the front of the property will be conditioned to be implemented before the annexe can be used as tourist accommodation.

The existing driveway and drop kerb will also be widened to allow for good access onto the drive/parking courtyard and suitable visibility. On balance, it is considered that the proposed parking arrangements are acceptable and the final scheme will be the subject of a condition. The provision will ensure that there is sufficient off-street parking to serve the holiday let unit and the main house without impacting the free flow of traffic along the cul-de-sac.



Fig. 6 - The existing driveway to be widened

It is acknowledged that the drop kerb is currently shared with that of the rear drive of 1 Sandymeers and its extension will in essence create a three vehicle-wide driveway however, on balance, it is considered that whilst this is not best practice, as it is located on a small cul-de-sac that is not as busy as a regular through road, it is acceptable in this instance.

In view of the above, on balance the proposed development will not cause significant impact to highway safety in or around the site and accords with Policy SP2 of the LDP and advice contained with SPG17 – Parking Standards.

CONCLUSION

Having regard to the above, the objections raised by neighbouring occupiers and advice contained in the Bridgend County Borough Council Local Development Plan, and the Welsh Government Circular 016/2014 - The Use of Planning Conditions for Development Management, it is considered that on balance the development is acceptable and complies with Council policy and guidelines and together with the implementation of conditions, there are no reasons to justify a refusal.

The development does not have an unacceptable impact on the character of the existing

property or the street scene or on the neighbouring residential amenities and does not adversely affect ecology or highway safety. Accordingly, the condition can be removed subject to the implementation of other conditions.

RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: For the avoidance of doubt as to the date of implementation.

2. The development shall be carried out in accordance with the following approved plans:
 - Site Location Plan received 18 September 2019 (P/19/712/FUL refers),
 - Drawing No. AL (0) 05 – Proposed Drainage Plan received 8 October 2019 (P/19/712/FUL refers)
 - Drawing No. AL (0) 03 – Proposed Plans received 24 October 2019 (P/19/712/FUL refers)
 - Drawing No. AL (0) 04 REV. A - Proposed Elevations received 24 October 2019 Drainage details received on 15 July 2020 (P/19/712/FUL refers)
 - Amended Floor Plans and Side Elevation received 18 September 2020 (P/20/498/RLX refers)
 - Additional drainage information received 22 October 2020 (P/20/498/RLX refers)
 - Drawing No RP01 Rev B – Proposed Amenity Space received 15 August 2022

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

3. The building shall be used for holiday accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification). The holiday let shall be occupied for holiday accommodation only and shall not be occupied as a person's or persons' sole or main place of residence and shall not be occupied by any person or persons for a period of more than 28 days in any 12 month period. An up-to-date register shall be kept at the holiday accommodation hereby permitted and shall be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Reason: To ensure the Local Planning Authority retains effective control over the use of the unit and to prevent the holiday accommodation being used as permanent residential accommodation which would be detrimental to the residential amenities of the area and contrary to Policy SP2 of the Bridgend Local Development Plan.

4. The building hereby permitted to be used for holiday accommodation shall remain tied to the residential dwelling known as 2 Sandymeers and shall not be sold or separated as an independent residential unit at any time.

Reason: For the avoidance of doubt as to the extent of the permission granted and to ensure that the Local Planning Authority retains effective control over the use of the building in the interests of protecting the amenities of the area and in the interests of

highway safety.

5. The window located in the rear elevation of the building hereby approved shall be fitted with obscure glazing to a minimum of Level 5 on the Pilkington of obscurity prior to the beneficial occupation of the building as a holiday let and thereafter retained in perpetuity.

Reason: To protect the privacy and residential amenities of the neighbouring property to the north, 3 Sandymeers.

6. The window located in the side elevation of the building hereby approved shall be fixed pane and fitted with obscure glazing to a minimum of Level 5 on the Pilkington of obscurity prior to the beneficial use of the building for holiday accommodation commencing and thereafter retained in perpetuity.

Reason: To protect the privacy and residential amenities of the neighbouring property to the east, 2 Sandymeers.

7. No development shall commence until a scheme for the provision of 4 (number) off street parking spaces (1 for the holiday let and 3 for the parent dwelling), a widened crossover (by an extra 1.5 metres) and amenity space (as shown on Drawing No RP01 Rev B - Proposed Amenity Space received 15 August 2022), has been submitted to and approved in writing by the Local Planning Authority. The parking area, widened crossover and amenity space shall be implemented in permanent materials before the development is brought into beneficial use and retained for parking and outdoor amenity space purposes in perpetuity.

Reason: In the interests of highway, pedestrian safety, and residential amenity.

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

Reason: In the interests of highway and pedestrian safety.

9. **** THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS ****
 - a. Having regard to the above, the objections raised by neighbouring occupiers and advice contained in the Bridgend County Borough Council Local Development Plan, and the Welsh Government Circular 016/2014 - The Use of Planning Conditions for Development Management, it is considered that on balance the development is acceptable and complies with Council policy and guidelines and together with the implementation of conditions, there are no reasons to justify a refusal.

The development does not have an unacceptable impact on the character of the existing property or the street scene or on the neighbouring residential amenities and does not adversely affect ecology or highway safety. Accordingly, the condition can be removed subject to the implementation of other conditions.

- b. No surface water is allowed to discharge to the public highway.
- c. No land drainage run off will be permitted to discharge either directly or indirectly into the public sewerage system.
- d. Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. You should contact the Highway Maintenance Inspector for the area, Bridgend County

Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

- e. The applicant is reminded that consent under the Town and Country Planning Act 1990 conveys no approval under the Highways Act 1980 for works to be undertaken affecting any part of the public highway including verges and footways and that before any such works are commenced the developer must:
 - i. obtain the approval of Bridgend County Borough Council as Highway Authority to the details of any works to be undertaken affecting the public highway;
 - ii. indemnify the County Borough Council against any and all claims arising from such works;
 - iii. give not less than one calendar month's notice in writing of the date that the works are to be commenced to the Highway Network Manager, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None

APPEALS

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

APPEAL NO.	CAS-01413-L0P3D6 (1937)
APPLICATION NO.	P/20/933/FUL
APPELLANT	MR MARK NEWBOLD
SUBJECT OF APPEAL	RETENTION OF THE STATIONING & OPERATION OF AN A3 MOBILE HOT FOOD RETAIL UNIT: WARD JONES, HORSEFAIR ROAD, WATERTON INDUSTRIAL ESTATE, BRIDGEND
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE ALLOWED SUBJECT TO CONDITIONS

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

APPEAL NO.	CAS-01409-G4L2M2 (1938)
APPLICATION NO.	ENF/330/20/ACK
APPELLANT	MR MARK NEWBOLD
SUBJECT OF APPEAL	ALLEGED UNAUTHORISED BURGER VAN: WARD JONES, HORSEFAIR ROAD, WATERTON INDUSTRIAL ESTATE, BRIDGEND
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	ENFORCEMENT NOTICE
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE ALLOWED AND THE ENFORCEMENT NOTICE IS QUASHED.

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

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 28/03/22

gan Janine Townsley LLB (Hons)
Cyfreithiwr (Nad yw'n ymarfer)

Arolygydd a benodir gan Weinidogion
Cymru

Dyddiad: 13/07/2022

Appeal Decision

Site visit made on 28/03/22

by Janine Townsley LLB (Hons)
Solicitor (Non-practising)

an Inspector appointed by the Welsh
Ministers

Date: 13/07/2022

APPEAL A

Appeal Ref: CAS-01409-G4L2M2

Site address: Ward Jones Bridgend Ltd, Horsefair Road, Waterton Industrial Estate, Bridgend, CF31 3YN.

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

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act.
- The appeal is made by Mr Mark Newbold against an enforcement notice issued by Bridgend County Council.
- The enforcement notice, numbered ENF/330/20/ACK, was issued on 30 September 2021.
- The breach of planning control as alleged in the notice is "*Without planning permission, change of use of the said land from parking area associated with office to the stationing and operation of an A3 Mobile Hot Food Retail Unit.*"
- The requirements of the notice are:
"*Cease the use of the operation of the mobile hot food retail unit and remove the unit from the lane.*"
- The period for compliance with the requirements is two months from the date the Notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(a) and (g) of the Town and Country Planning Act 1990 as amended.

APPEAL B

Appeal Ref: CAS-01413-L0PD3D6

Site address: Ward Jones Bridgend Ltd, Horsefair Road, Waterton Industrial Estate, Bridgend, CF31 3YN.

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 Mark Newbold against the decision of Bridgend County Council.
- The application Ref P/20/933/FUL, dated 18 November 2020, was refused by notice dated 20 August 2021.
- The development proposed is described in the application as the stationing and operation of an A3 mobile hot food retail unit.

Decision – Appeal A & B

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the change of use of the land for the stationing and operation of an A3 Mobile Hot Food Retail Unit at Ward Jones, Bridgend Ltd., Horsefair Road, Waterton Industrial Estate, Bridgend, CF31 3YN as shown as shown in the plan attached to the enforcement notice, subject to the conditions set out below:
 - 1) The use hereby permitted shall not be open to customers outside the following times:
07:00 hours to 14:30 hours Monday to Friday.
Reason: To ensure that the use remains complimentary to the commercial area. To comply with policy REG2 of the Bridgend Local Development Plan.
2. The appeal is allowed and planning permission is granted for the change of use of the land for the stationing and operation of an A3 Mobile Hot Food Retail Unit at Ward Jones, Bridgend Ltd., Horsefair Road, Waterton Industrial Estate, Bridgend, CF31 3YN, in accordance with the terms of the application ref: P/20/933/FUL dated 18 November 2020 and the plans submitted with it subject to the following conditions:
 - 1) The use hereby permitted shall not be open to customers outside the following times:
07:00 hours to 14:30 hours Monday to Friday.
Reason: To ensure that the use remains complimentary to the commercial area. To comply with policy REG2 of the Bridgend Local Development Plan.

Procedural Matter and Main Issue

3. The two appeals concern the change of use of the land for the siting of a mobile hot food unit. Since the main thrust of the Section 178 and 78 appeals is that planning permission should be granted for this change of use and the arguments concerning the merits of the development are the same, I have dealt with the ground (a) appeal and the appeal against the refusal of planning permission together. The description of development in the enforcement notice (EN) differs slightly from that in the planning application and for

the purposes of consistency I have adopted the description from the EN in my formal decision set out above.

4. In relation to both appeals, the appellant states that the development which has taken place, that is, the change of use of the appeal site for the siting of the mobile food unit ought to be granted planning permission. For each appeal the Council's concern related to the impact of the development on highway safety and parking. It follows therefore that the main issue for consideration is the effect of the development on highway safety with particular reference to access and parking.

Reasons

Appeal A Ground (a) and Appeal B

5. The appeal site falls within an industrial estate and comprises a car parking area adjacent to the Ward Jones Office building. The car park is hard surfaced but does not appear to have any delineated parking spaces. The site is bounded by palisade fencing and is accessed via a barrier which opens automatically for cars to access and egress. The office/ reception building was manned at the time of my visit allowing me vehicular access to the appeal site.
6. The site is approached via typical industrial estate roads. The site is adjacent to a Royal Mail depot and access from Horsefair Road leads to an access road which is shared between the appeal site and the Royal Mail depot, this means that those accessing and leaving the site would need to look out for any conflict with vehicles entering or leaving the Royal Mail depot but the barrier would slow them to a stop. I observed that the access is wide, visibility is good and the length of access from the main road to the appeal site and the Royal Mail depot is short.
7. Beyond the appeal is an CGI overflow car park. The surrounding land is in use as office car parking, locomotive storage yard, motorcycle training facility, and for the storage of containers, cars, vans, caravans, and campervans. These uses provide a number of opportunities for car parking, however, I do not consider that patrons of the mobile unit who arrive by car would choose to park anywhere other than adjacent to the unit for convenience. I have therefore not considered whether parking in the adjacent areas would be an option for patrons.
8. At the time of my visit (midday on a Monday) the site was quiet, I did not observe any customers and there were no other cars parked in the area adjacent to the food unit.
9. Dealing firstly with pedestrian access, the Council is satisfied that pedestrian access to the development is acceptable. There is nothing before me to question this position. The appellant has suggested that most customers of the food unit would be people working on the industrial estate who would walk to purchase food at the appeal site. I agree that at this location some customers are likely to arrive on foot and that it is unlikely that people drive to the site to use the mobile food unit as a discreet destination. Be that as it may, I consider that it is still likely that some customers will drive to the site from other locations within the industrial estate. It is therefore necessary to consider the impact of customers driving to the appeal site.
10. In relation to vehicular access, the Council's delegated officer report refers to highway safety concerns which relate to the access arrangements to the site adjacent to the Royal Mail depot and notes that the control barrier was secured by condition in response to highway safety concerns. Although the Council notes that there have been occasions when the control barrier at the site access has been removed or left up since the change of use, at the time of my visit the control barrier was operational. There is no reason to

suggest that any lapses in use of the barrier are due to the development. In any event, I am satisfied that visibility at this location is good. The mobile food unit is limited in size and for reasons stated above, I consider that the number of customers who would drive to the site to purchase food would be limited. No technical evidence has been presented by the Council in relation to junction visibility and for this and the above reasons, I am satisfied that there would be no unacceptable risk to highway safety in terms of access.

11. Turning to parking and the potential for indiscriminate parking to cause highway safety concerns, I note that all of the parking at the appeal site is intended for the Ward Jones offices. The Council's concern is the lack of separately allocated parking for the hot food unit would mean customers would need to park in an on-street location, likely in contravention of waiting and loading restrictions or along the access road leading to the site.
12. The Council's delegated report does not make any reference to parking concerns, however, the Council's appeal statement clarifies that the planning application for the Ward Jones office unit stated that six car parking spaces would be provided to serve 5 full time employees whereas the hot food unit lies adjacent to the parking for the consented office but does not provide for any dedicated off-street parking of its own. There is no suggestion that this parking provision was secured by planning condition nor is there any explanation as to whether this level of parking provision is necessary for the office. At the time of my visit, during office hours, no cars were parked in this area.
13. The Council acknowledges that their Supplementary Planning Guidance (SPG17 – Parking Standards) does not include any parking requirement for a mobile hot food unit. However, the Council states that it would be reasonable for the development to be considered against the standards for Hot Food Takeaways. In this regard they acknowledge that provision for delivery parking would be unnecessary due to the modest size of the unit but that parking for 1 staff member and customer spaces would be reasonable. Despite this, there is no policy or guidance standard for parking for the development before me and I find no conflict with LDP policy PLA11 which requires that all development should provide appropriate levels of parking.
14. I note the Council's concern that the development may encourage parking along the access road, however, due to the limited length of the road and the presence of the junctions to the appeal site and Royal Mail depot there would be very limited room for parking. Due to the modest scale of the development and for the reasons already stated I consider that car trips to the mobile food unit would be limited in number. Although there are no allocated parking spaces proposed, pressure for parking for the Ward Jones office building appears limited and the nature of the development is such that any customers arriving by car would not remain on site for a long period to allow relatively fast departure from the site. I note that there are parking restrictions in place along Horsefair Road, although for the reasons already stated I consider that the modest scale of the development and the potential for short term parking within the appeal site means it is unlikely that customers would be tempted to breach parking restrictions to purchase food.
15. Accordingly, I am satisfied that the development does not conflict with LDP policy SP3 which requires that all development should promote safe, sustainable and healthy forms of transport and for all of the above reasons the ground (a) appeal in relation to Appeal A and Appeal B should meet with success.

Appeal A - Ground (g)

16. As I have concluded that the ground (a) appeal in relation to Appeal A should be allowed, it is not necessary for me to consider the ground (g) appeal.

Conditions

17. The Council has suggested two planning conditions. I have included the suggested condition to restrict hours of operation of the hot food unit to 07:00-14:30 hrs Monday to Friday as this reflects the hours of operation put forward by the appellant and is necessary to demonstrate that the use of land is complimentary to the wider industrial estate.
18. The Council has requested a second condition which would require the provision of three parking spaces for the development. For the reasons set out above such a condition would not be possible to achieve, nor would it be necessary.

Conclusion

19. For the aforementioned reasons, and taking into account all matters raised, I conclude that both appeals should be allowed as set out in my formal decision at the commencement of this decision.
20. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

Janine Townsley

Inspector

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO DEVELOPMENT CONTROL COMMITTEE

25 AUGUST 2022

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

SECTION 106 AGREEMENTS, PLANNING OBLIGATIONS AND CONTRIBUTIONS

1. Purpose of report

- 1.1 The purpose of this report is to provide Members with an update on existing Section 106 Planning Agreements and to outline the circumstances in which Planning obligations are sought.

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

- 2.1 This report assists in the achievement of the following corporate well-being objective/objectives under the **Well-being of Future Generations (Wales) Act 2015**:

- **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
- **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

3. Background

- 3.1 Planning obligations are private agreements made between Local Authorities and developers and can be attached to a Planning permission to make acceptable development which would otherwise be unacceptable in Planning terms. Section 106 of the Town and Country Planning Act 1990, as amended by Section 12 of the Planning and Compensation Act (1991) and the Community Infrastructure Levy Regulations 2010 (as amended), provides the legislative framework for Planning obligations.

The Community Infrastructure Levy Regulations 2010 came into force on 6 April 2010 and placed limitations on the use of Planning Obligations. From this date, a Planning Obligation may only constitute a reason for granting Planning permission if it complies with the three tests stated in the Regulations, namely, that it is:-

- (i) necessary to make the development acceptable in Planning terms;
- (ii) directly related to the proposed development; and
- (iii) fairly and reasonably related in scale and kind to the proposed development.

A Planning Obligation which does not meet these three tests will not constitute a reason for granting Planning permission.

Examples of Planning Obligation requirements typically secured by the Council include 'in-kind' obligations such as the provision of affordable housing on development sites and financial contributions to provide or enhance facilities off site, such as children's play facilities, highway improvement work, cycle routes, education provision and community facilities.

4. Current situation/proposal

4.1 In light of increasing pressures to ensure that the justification for seeking Planning Obligations is watertight, it is essential that the Authority has appropriate Local Development Plan (LDP) policies in place to provide the basis for entering into negotiations with applicants. Policy SP14 sets out the over-arching policy for securing Planning Obligations that address the infrastructural requirements of development, where these are deemed to be appropriate and have regard to development viability.

The policies in the LDP are further supported by various Supplementary Planning Guidance documents including the following:

- SPG16: Educational Facilities & Residential Development (2021) which provide a firm basis for requesting financial contributions towards education provision
- SPG5: Outdoor Recreation Facilities & New Housing Development (2022) which provides greater clarity to developers as to their responsibility in providing suitable levels of public open space either on site or off site in association with residential development
- SPG13: Affordable Housing (2015) outlines how BCBC will expect affordable housing to be delivered as part of new residential developments. It also clarifies the circumstances in which development viability will be considered as part of the planning process.

Section 106 Agreements are a product of negotiation and developers are encouraged to make use of pre-application discussions to identify the likely Planning Obligation requirements at an early stage. This also enables all Service Areas to have an early input.

It is important that development costs, including the costs of Planning Obligations should not prejudice development that supports the Council's aspirations to regenerate and improve the County Borough. Likewise, if such costs result in a proposed development being unviable the Council may decide that the benefits of the development outweigh the benefits of some or all of the infrastructural requirements by Planning Obligation. To assist in such cases, the Council has worked in partnership with other Councils across the South East Region to develop the Development Viability Model (DVM) assessment tool. The DVM has been created by Burrows-Hutchinson Ltd as a comprehensive, user-friendly model that can be used to assess the financial viability of development proposals.

A schedule of current Section 106 Agreements is **appended** to the report and broken down into the following topic areas:- Education Facilities (**Appendix 1**),

Affordable Housing (**Appendix 2**), Highways (**Appendix 3**) and Public Open Space (**Appendix 4**). Such is the nature of the legislation governing Section 106 Agreements that the use of the various financial contributions needs to be defined at the point of negotiation with the developer. When such contributions are received, the relevant Service Areas are notified as they have ultimate responsibility for ensuring they are spent.

5. Effect upon policy framework and procedure rules

5.1 The policies of the LDP provide the framework for securing planning obligations and entering into Section 106 Agreements with developers.

6. Equality Act 2010 implications

6.1 Information/Administrative report – EIA not needed

The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. This is an information report, therefore it is not necessary to carry out an EIA in the production of this report. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

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

7.1 The Well-being of Future Generations (Wales) Act 2015 Assessment based on the 5 ways of working has been considered in the Council's response and there are no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives. The statutory Town & Country Planning System is aligned in accordance with the seven Wellbeing goals and the five ways of working as identified in the Act.

8. Financial implications

8.1 Financial contributions secured via Section 106 Agreements are paid by a land owner or developer. Contributions assist in the delivery of many of the Council's functions including education, housing, open spaces and sustainable transport improvements.

9. Recommendation(s)

9.1 Members are recommended to note the content of this report.

Janine Nightingale
CORPORATE DIRECTOR COMMUNITIES
25 August 2022

Contact officer: Gareth Denning
Strategic Planning Team Leader

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Email: Gareth.denning@bridgend.gov.uk
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Communities Directorate
Civic Offices, Angel Street
Bridgend CF31 4WB

Background documents:

None

Appendix 1

EDUCATION S106 - CONTRIBUTIONS RECEIVED

S106 DATE	PLANNING APPLICATION	DEVELOPER	DEVELOPMENT	CONTRIBUTION	CLAUSE SUMMARY	STATUS (APR 2022)	BALANCE (APR 2022)	DEADLINE
16/08/2013	P/13/244/FUL	WATERSTONE	11 dwellings, Maerdy Hotel, Pencoed	£32,626	Croesty Primary School.	Committed to scheme in Pencoed	£15,829	14/11/2018
16/10/2013	P/12/476/FUL	TRELALES LTD	7 dwellings, Oystercatcher Pub Car Park, Laleston	£32,626	Trelales Primary School +/-or Llangewydd Junior School.	Scheme identified for spend at Trelales in 2022/23	£32,626	NONE
18/10/2013	P/13/378/FUL	BELLWAY	65 dwellings, Pwll y Waun, Porthcawl	£97,878	Porthcawl Primary School.	Committed to relocation of mobile classrooms	£12,642	11/12/2018
27/10/2015	P/15/110/OUT	WATERSTONE	47 dwellings, Bayswater Tubes site, Pencoed	£115,993	Croesty Primary School.	Committed to scheme in Pencoed	£115,993	02/06/2021
15/01/2014	P/12/796/FUL	PERSIMMON	94 dwellings, Ty Draw Farm, N Cornelly	£48,939	Within catchment area.	Committed to Band B - Bridgend West	£48,939	13/02/2019
24/08/2017	P/16/985/FUL	WALES & WEST	24 dwellings, Heol Spencer, Coity	£82,575	Coity Primary School	Committed to feasibility of reconfiguring space at Coity Primary	£11,945	NONE
19/12/2017	P/17/573/FUL	PERSIMMON	121 dwellings, Ogmores Comp, Brynmenyn	£407,825	Primary school capacity in Valleys Gateway	Awaiting scheme identification	£370,031	16/04/2024
12/12/2018	P/18/174/FUL	JEHU	40 dwellings, Former Pencoed Primary School	£114,191	Nursery & Primary school places serving the development	Committed to scheme in Pencoed	£114,191	04/06/2024
09/03/2016	P/14/464/OUT	PERSIMMON	215 dwellings, NE Brackla - Site C	£944,061	Nursery & Primary school places serving the development	Committed to Band B - Bridgend NE	£944,061	03/07/2025

S106 DATE	PLANNING APPLICATION	DEVELOPER	DEVELOPMENT	CONTRIBUTION	CLAUSE SUMMARY	STATUS (APR 2022)	BALANCE (APR 2022)	DEADLINE
03/04/2018	P/17/1043/RLX	Barratt Homes	200 dwellings, Land at Heol Ty Maen, Cefn Glas	£713,116	Secondary school places at Bryntirion Comprehensive	Committed to 6 classroom block extension at Bryntirion Comp	£713,115	14/05/2026
06/09/2017	P/13/246/OUT	TAYLOR WIMPEY	239 dwellings, NE Brackla - Site B	£1,107,837	Nursery & Primary school places serving the development	Committed to Band B - Bridgend NE	£1,107,837	16/12/2025
25/09/2015	P/14/742/OUT	VIV HUGHES	26 self-build plots at Abergarw Farm, Brynmenyn	£48,939	Brynmenyn Primary School.	Awaiting scheme identification	£48,939	NONE
02/08/2018	P/17/976/FUL	HAFOD	5 dwellings, Elm Cresc., OCLP, Bryntirion	£20,811	Bryntirion Comprehensive School.	Committed to 6 classroom block extension at Bryntirion Comp	£20,811	31/03/2027

EDUCATION S106 - CONTRIBUTIONS NOT RECEIVED							
S106 DATE	PLANNING APPLICATION	DEVELOPER	DEVELOPMENT	APPROX CONTRIBUTION	CLAUSE SUMMARY	STATUS (APR 2022)	EXPECTED PAYMENT
21/11/2018	P/16/251/OUT	MR VICKER	Up to 9 dwellings, Ffordd Leyshon, Bryncethin	£32,626	Primary School places in Bryncethin	Due on 50% and 75% occupation. Development started.	PAYMENT EXPECTED 2022-23
12/12/2018	P/16/366/OUT	LLANMOOR	405 dwellings, West of Maesteg Rd, Tondu	£1,614,987	Bryncethin / Brynmenyn / Tondu Primary Schools	Due on 100th, 200th, 300th & 400th occupations. Development started.	FIRST PAYMENT EXPECTED 2022-23
24/03/2020	P/18/983/FUL	LINC	59 Dwellings & Healthcare Centre, Sunnyside, Bridgend	£115,669	Provision of Secondary School places in the catchment area	Due on 30th occupation, development not started	PAYMENT EXPECTED 2023-24
27/05/2020	P/18/1006/FUL	PERSIMMON	127 dwellings, YBC Site (Phase 2), Bridgend	£541,111	Provision of Secondary School Places	Payment due on 50th and 75th occupations, development started	FIRST PAYMENT EXPECTED 2022-23
23/09/2020	P/19/624/FUL	PERSIMMON	102 dwellings, Parc Derwen	£228,382	Provision of nursery and primary school places at Coity	Payment due on 50% and 75% occupation of market housing. Development started.	FIRST PAYMENT EXPECTED 2022-23

Appendix 2

AFFORDABLE HOUSING S106 - CONTRIBUTIONS RECEIVED							
S106 DATE	PLANNING APPLICATION	DEVELOPER	DEVELOPMENT	CONTRIBUTION	CLAUSE SUMMARY	STATUS (APR 2022)	DEADLINE
23/02/2016	P/15/606/FUL	CELTIC DEVELOPMENTS	7 dwellings, Coity Primary School	£112,736	To be spent within BCBC	Received on 07/09/2018	07/09/2023
13/09/2018	P/18/293/FUL	PERSIMMON	Ogmore Comp, Brynmenyn	£730,851	To be spent within BCBC	Received on 16/04/2019	16/04/2024
25/09/2015	P/14/742/OUT	V HUGHES	26 Self build plots, Abergarw Farm, Brynmenyn	£117,740	To be spent within BCBC	1st payment received 22/02/2021	No deadline
08/09/2017	P/17/77/FUL	MIKE MORDECAI	4 dwellings, All Saints Way, Penyfai	£19,631	To be spent within BCBC	1st payment received 02/12/2021	No deadline
24/02/2021	P/20/263/FUL	TAYLOR WIMPEY	57 dwellings, St Johns School, Church St, Porthcawl	£295,916	To be spent within BCBC	Received on 31/05/2022	31/05/2029

AFFORDABLE HOUSING S106 - CONTRIBUTIONS NOT RECEIVED								
S106 DATE	PLANNING APPLICATION	DEVELOPER	DEVELOPMENT	CONTRIBUTION	CLAUSE SUMMARY	STATUS (APR 2022)	DEADLINE	EXPECTED PAYMENT
17/06/2015	P/14/399/OUT	P & H WATSON	4 dwellings, Sunny Bank, Cefn Glas Rd, Bridgend	£86,014	To be paid on occupation of 2nd and 3rd units	Development not started	No deadline	UNKNOWN
25/09/2015	P/14/742/OUT	V HUGHES	26 Self build plots, Abergarw Farm, Brynmenyn	£117,740	To be paid on completion of 20th unit	1st Payment received	No deadline	2022-23
11/10/2016	P/15/648/OUT	SISTERS OF ST CLARE	12 dwellings, St Clares Convent, Newton, Porthcawl	£416,208	To be paid on completion of 50% of the units	Development started	Within 10 years of receipt	UNKNOWN
15/03/2017	P/16/59/RLX	COURTYARDS DIRECT	9 flats, 23-27 High St, Ogmores Vale	tbc	30% of sale price of 1 unit	Development not started	No deadline	UNKNOWN
06/09/2017	P/17/273/RLX	MAYO PROPERTY DEVELOPMENT	69 dwellings, The Rest Convalescent Home, Porthcawl	£370,000	To be paid on occupation of the first residential unit	Development started	Within 5 years of receipt	2022-23
08/09/2017	P/17/77/FUL	MIKE MORDECAI	4 dwellings, All Saints Way, Penyfai	£53,797	To be paid on sale of each unit	1st Payment received	Within 10 years of receipt	2022-23
10/07/2018	P/15/693/FUL	JE & K KEOGH	10 dwellings, 69-73 Cowbridge Rd, Bridgend	tbc	30% of market value of 2 units to be paid on occupation of 1st unit & 12 months after receipt of 1st sum	Development not started	No deadline	UNKNOWN
06/11/2018	P/16/730/FUL	V HUGHES	3 dwellings, Maesgwyn House, Bryncethin	£31,738	To be paid on completion of 2nd dwelling	Development started	No deadline	2022-23
18/12/2019	P/18/139/FUL	ACTSEEN LTD	Bro Ewenny Nursing Home, Ewenny Rd, Bridgend	£329,440	To be paid on commencement and first occupation	Development not started	Within 10 years of receipt	UNKNOWN
27/05/2020	P/18/1006/FUL	PERSIMMON	127 dwellings, YBC Phase 2, Bryntirion	£1,414,644	To be paid on occupation of 32nd, 64th and 95th dwellings	Development started	Within 10 years of receipt	2022-23

Appendix 3

HIGHWAYS S106 - CONTRIBUTIONS RECEIVED with Deadline								
S106 DATE	PLANNING APPLICATION	DEVELOPER	DEVELOPMENT	CONTRIBUTION	CLAUSE SUMMARY	STATUS (APR 2022)	BALANCE (APR 2022)	DEADLINE FOR SPEND
11/04/2006	P/02/929/OUT	REDROW & DAVID WILSON	Coychurch Rd	£308,000	Brackla P&R & jct improvements at Heol Simonston/Coychurch Rd	Ongoing feasibility work	£23,723	31/12/2016
10/10/2007	P/06/1588/FUL	ROCKWOOL	Factory extension, Heol y Cyw	£242,000	Highway works to M4 Jct 35, A473 & jct of B4280/Wern Tarw/Penprysg Rd	Ongoing Highway Works	£47,465	10/10/2014
01/09/2015	P/15/25/FUL	BARRATTS	Ysgol Bryn Castell Phase 1	£7,000	TRO for 20mph limit	TRO to be progressed by Legal	£7,000	15/10/2020
05/02/2016	P/15/569/RES	PERSIMMON	Parc Derwen, R21+R22	£7,000	TRO for 'No waiting or loading at any time' on main access loop abutting site	TRO to be progressed by Legal	£7,000	18/03/2021
27/10/2015	P/15/110/FUL	WATERSTONE	Bayswater Tubes site, Pencoed	£10,850	Provision of an East & West bus stop on Hendre Rd near jct with Heol y Geifr	Bus stop being progressed; TRO to be progressed by Legal	£10,593	03/06/2021
				£7,000	TRO for 20mph zone		£7,110	
02/08/2016	P/15/62/FUL	PERSIMMON	Ogmore Comp. School, Brymenyn	£7,000	TRO to designate site as a 20mph zone.	TRO to be progressed by Legal	£7,210	02/01/2023
26/05/2016	P/15/379/FUL	HAFOD	Coychurch Rd, Bridgend	£7,000	TRO for a 20mph zone	TRO to be progressed by Legal	£7,353	28/06/2023
08/05/2018	P/17/485/FUL	PMG DVLPMT	Land at J35, Pencoed	£7,000	TRO to limit access road to 30mph	TRO to be progressed by Legal	£7,000	17/07/2023
03/04/2018	P/17/1043/RLX	BARRATTS	Heol Ty Maen, Cefn Glas	£100,000	Active travel route for safe pedestrian and cycle access to local services	Detailed scheme being designed	£100,000	16/11/2023
				£72,000	Network improvements at A473/B4622 jct, new bus stops at Barnes Av & Llangewydd Rd and TRO for Barnes Av & Heol Ty Maen		£64,725	16/11/2023
25/05/2017	P/16/606/FUL	WATERSTONE with HAFOD	Former OCLP Site, Bryntirion	£7,000	TRO for double yellow lines around access to Hill View, Broad Oak Way and opposite northern site access.	TRO to be progressed by Legal	£5,452	23/10/2024
13/06/2018	P/15/856/FUL	V2C	Ael-Y-Bryn, N Cornelly	£7,000	TRO for a 20mph limit on the internal access road.	TRO to be progressed by Legal	£7,000	19/09/2024
12/12/2018	P/18/174/FUL	JEHU	Former Pencoed Primary School	£7,000	TRO for a 20mph zone at the site	TRO to be progressed by Legal	£6,020	04/06/2024

HIGHWAYS S106 - CONTRIBUTIONS RECEIVED with Deadline								
S106 DATE	PLANNING APPLICATION	DEVELOPER	DEVELOPMENT	CONTRIBUTION	CLAUSE SUMMARY	STATUS (APR 2022)	BALANCE (APR 2022)	DEADLINE FOR SPEND
14/11/2019	P/19/140/FUL	SW POLICE	SW Police HQ, Cowbridge Rd, Bridgend	£9,500	To fund a TRO, road markings & signage to preserve free flow of traffic in vicinity of the site	TRO to be progressed by Legal	£9,500	13/12/2024
21/11/2018	P/16/251/OUT	MR VICKER	Ffordd Leyshon, Bryncethin	£40,976	Towards a scheme of pedestrian safety improvements on A4061. Total payment dependent on number of dwellings.	Feasibility work to be undertaken	£8,195	5 Years after final payment
09/03/2016	P/14/464/OUT	PERSIMMON	Land East of A4061 (BNDR), Coity	£7,000	Towards cost of revised TROs on A4061/Brackla link road.	TRO to be progressed by Legal	£5,522	06/07/2025
30/09/2019	P/18/1003/FUL	BRIDGEND COLLEGE	Steam Academy, Pencoed Campus	£75,000	Contribution towards Active Travel link from site to Felindre Rd.	Scheme to be designed	£75,000	17/07/2030
27/10/2020	P/18/317/FUL	MR BRAIN	Caitlin's Kitchen, Brackla Ind Estate	£8,000	Contribution towards the introduction of a TRO	TRO to be progressed by Legal	£8,000	07/08/2030
05/11/2014	P/13/246/OUT	TAYLOR WIMPEY	Brackla Ind Estate, Bridgend	£317,000	Towards highway, pedestrian & cyclist traffic calming facilities & TROs required on network including Heol Simonston, Coychurch Rd, Wyndham Close & Church Acre.	Ongoing feasibility work	£335,741	11/08/2025
22/09/2020	P/20/119/FUL	WEPA LTD	Bridgend Paper Mills Site, A4063, Llangewydd	£20,000	Contribution towards the provision of gateway traffic calming measures at Coytrahen	Scheme to be designed	£20,000	22/09/2025
12/12/2018	P/16/366/OUT	LLANMOOR HOMES	Land West of Maesteg Rd, Tondy	£7,000	To fund a TRO to prevent on street parking on road adjacent to the Waste Transfer Station	TRO to be progressed by Legal	£7,000	09/02/2026
24/02/2021	P/20/263/FUL	Taylor Wimpey	Former St John's School, Newton, Porthcawl	£8,000	To fund TRO to designate site as a 20mph zone	TRO to be progressed by Legal	£8,159	01/10/2028
13/07/2022	P/21/1092/FUL	V2C	Glan Yr Afon Home, Heol yr Ysgol, Ynysawdre	£8,000	Towards cost of TRO to prohibit parking at or near the site.	TRO to be progressed by Legal	£8,000	13/07/1932

HIGHWAYS S106 - CONTRIBUTIONS RECEIVED With No Deadline							
S106 DATE	PLANNING APPLICATION	DEVELOPER	DEVELOPMENT	CONTRIBUTION	CLAUSE SUMMARY	STATUS (APR 2022)	BALANCE (APR 2022)
15/02/2001	P/00/464/OUT	WESTBURY	Land at Broadlands	£50,000	Highway improvements in A48/A473 Transport Corridor	Scheme complete	£8,009
17/05/2006	P/05/1363/RLX	WELSH GOVT	Pencoed Technology Park	£70,000	Mitigation of development	To contribute to identified scheme	£48,191
21/04/2008	P/07/1464/FUL	EXPRESS SERVICE ENGINEERING	Abergarw Ind Estate, Brynmenyn	£2,616	Highway improvement to access of Ind Estate	Scheme complete	£1,963
21/11/2008	P/08/320/FUL	DOVEY ESTATES	Waterton Cross Retail	£25,100	Pedestrian & cycle links from site to Bridgend Retail Park	To contribute to identified scheme	£24,009
22/09/2006	P/00/420/OUT	GARLAND & GIDDINGS	Caeau Gleision Farm, Broadlands	£30,065	Highway improvements in A48/A473 Transport Corridor	Scheme complete	£6,465
20/12/2011	P/11/672/FUL	MARSTONS	Pied Piper PH, Bridgend Ind Estate	£11,600	Pedestrian crossing scheme at access to Ind Estate	Scheme complete	£3,757
15/11/2013	P/13/354/FUL	TRELALES	Oystercatcher PH, Laleston	£7,000	TRO for 'No waiting at any time' at site frontage	TRO being progressed by Legal	£3,713
06/11/2014	P/13/930/FUL	FORD	Ford Motor Plant, Waterton	£7,000	TRO for extension of 30mph speed limit on Moor Rd	TRO to be progressed by Legal	£7,000
08/05/2015	P/11/21/FUL	MORGAN CREDIT ENERGY	Llynfi Power Station, Coytrahen	£25,013	Highway improvements in Coytrahen and Tondy	Scheme to be designed and implemented	£25,013
25/09/2015	P/14/742/OUT	HUGHES LAND DVLPMT	Abergarw Farm Brynmenyn	£7,000	TRO to relocate 30mph extent & 20mph zone on estate	TRO to be progressed by Legal	£7,000
22/08/2018	P/16/985/FUL	WWHA	Parc Farm, Coity	£7,000	TRO for a 20mph speed limit on estate road	TRO to be progressed by Legal	£7,087
07/03/2017	P/16/607/FUL	LINC CYMRU	Extra Care Scheme, Bridgend Rd, Maesteg	£1,000	Bus Stop and associated road markings on Bridgend Rd	Scheme to be implemented	£1,058
05/04/2019	P/18/711/FUL	CREDU CHARITY	Maritime Centre, Cosy Corner, Porthcawl	£8,000	TRO to change existing traffic orders which apply to parking triangle on Esplanade	TRO to be progressed by Legal	£8,000
23/09/2020	P/19/624/FUL	PERSIMMON	Parcel R20, Parc Derwen	£24,000	To fund the cost of TROs on the development and the nearby development	TROs to be progressed by Legal	£24,000

HIGHWAYS S106 - CONTRIBUTIONS NOT RECEIVED

S106 DATE	PLANNING APPLICATION	DEVELOPER	DEVELOPMENT	CONTRIBUTION	CLAUSE SUMMARY	STATUS (APR 2022)	EXPECTED PAYMENT
11/10/2016	P/15/648/OUT	SISTERS OF ST CLARE	St Clares Convent, Porthcawl	£7,000	TRO to amend & extend One-Way Traffic Order on southern section of Clevis Lane	Due and payment being sought	2022-23
08/11/2016	P/14/185/FUL	WINDSOR PROPERTIES	Land at Waterton Lane, Waterton	£7,000	TRO for the creation of a 20mph zone	Due and payment being sought	UNKNOWN
21/02/2017	P/16/9/FUL	BA PENSION TRUSTEES	Bridgend Retail Park, Cowbridge Rd, Bridgend	£5,000	Improvements to the capacity of two roundabouts within the site	Due on occupation, development not started	UNKNOWN
03/05/2017	P/16/138/FUL	ASDA	Asda, Bridgend	£24,000	Rephasing of traffic signals at site & Coychurch Rd/Tremains Rd	Due prior to commencement, development not started	UNKNOWN
06/09/2017	P/17/273/RLX	MAYO PROPERTY	The Rest, Porthcawl	£63,137	Active travel measures between Rest Bay and Porthcawl Town Centre	Due and payment being sought	PAYMENT DUE
23/01/2018	P/17/398/RES	PERSIMMON	R19 Parc Derwen	£7,000	TRO for 'No waiting at any time' section of main access loop that bounds western frontage of site	Due and payment being sought	PAYMENT DUE
05/07/2018	P/17/610/FUL	ALDI	New store, Maesteg Rd, Tondy	£6,500	Changes to the MOVA system & staging arrangements of the A4063 signalised jct.	Due prior to commencement. Development not started.	UNKNOWN
21/11/2018	P/16/251/OUT	MR VICKER	Ffordd Leyshon, Bryncethin	£40,976	Pedestrian safety improvements on A4061.	First payment received, further instalments due on 25% and 50% occupation.	2022-23
12/12/2018	P/16/366/OUT	LLANMOOR HOMES	Land West of Maesteg Rd, Tondy	£50,000	Changes to the MOVA System and staging improvements at the A4063 junction	Due prior to occupation of 1st dwelling	2022-23
				£250,000	Sustainable Travel initiatives identified in the TA	Due prior to occupation of 136th dwelling	2024-25

Appendix 4

POS S106 - CONTRIBUTIONS RECEIVED

S106 DATE	PLANNING APPLICATION	DEVELOPER	DEVELOPMENT	CONTRIBUTION	CLAUSE SUMMARY	STATUS (APR 2022)	BALANCE (APR 2022)	DEADLINE FOR SPEND
05/12/2001	P/99/706/OUT	JB PROPERTY	Swan Yr Afon, Kenfig Hill	£8,800	Existing play area nr Crown Rd	Future refurbishment	£8,360	NONE
06/11/2003	P/03/426/RES	PERSIMMON	Princess Way, Brackla	£20,000	Provision of POS in vicinity	Future refurbishment	£4,019	NONE
16/03/2006	P/05/1032/FUL	BARRATTS	Tyn-y-coed Farm, Sarn	£12,132	Play facilities on adjoining site	Awaiting transfer of open space	£12,132	NONE
22/05/2007	P/06/556/OUT	BARRATTS	Maendy Farm, Bryncethin	£75,000	LEAP on-site on land to be transferred to BCBC	Awaiting transfer of open space	£75,000	NONE
02/07/2007	P/06/605/FUL	LOVELL	The Pant-yr-Awel, Blackmill Rd	£9,900	Existing facilities in the vicinity	Held for future refurbishment	£5,916	NONE
21/05/2008	P/06/914/FUL	ANCHORMILL	Duffryn Oaks, Pencoed	£20,000	Play facilities in vicinity	Awaiting transfer of open space	£20,000	NONE
20/07/2010	P/09/898/FUL	LINC	Goricon Buildings, Kenfig Hill	£17,978	Play Facilities in Kenfig Hill	Future refurbishment	£17,978	NONE
08/03/2013	P/11/355/FUL	LINC	Coity, NE Brackla	£37,000	POS & assoc facilities at NE Brackla	Awaiting transfer of open space	£37,000	13/07/2020
18/10/2013	P/13/378/FUL	BELLWAY	Pwll y Waun, Porthcawl	£26,000	POS in Heol y Goedwig	Committed to scheme	£23,590	11/12/2018
15/04/2014	P/13/721/FUL	TAYLOR WIMPEY	Day Care Centre, Bridgend	£26,320	Facilities at Fairfield Road +/- Jubilee Crescent	Scheme complete	£26,320	NONE
13/05/2015	P14/780/FUL	V2C / CJ CONSTRUCTION	Bethania St, Maesteg	£1,410	Facilities at Princess St +/- River St +/- Bridge St	Committed to scheme	£1,410	20/04/2020
27/10/2015	P/15/110/OUT	WATERSTONE	Bayswater Tubes, Pencoed	£22,090	Play area in Pencoed West	Committed to scheme	£22,439	02/06/2021
23/02/2016	P/14/618/FUL	LINC	Madoc Close, Brackla	£3,760	Play area at Badgers Brook	Committed to scheme	£3,760	23/02/2021
15/01/2014	P/12/796/FUL	PERSIMMON	Ty Draw Farm, N Cornelly	£40,000	Facilities in N Cornelly/Pyle	Future refurbishment	£43,200	02/01/2024
01/09/2015	P/15/25/FUL	BARRATT HOMES	Ysgol Bryn Castell Playing Fields	£31,490	POS in Cefn Glas	Future refurbishment	£33,370	04/01/2023
26/05/2016	P/15/379/FUL	HAFOD	Coychurch Rd, Bridgend	£22,560	Play area in vicinity of site.	Future refurbishment	£23,696	28/06/2023
24/08/2017	P/16/985/FUL	WALES & WEST	Parc Farm, Heol Spencer, Coity	£11,280	Recreational facilities within Parc Derwen	Scheme complete	£11,420	NONE
07/03/2017	P/16/600/FUL	LINC	Heol yr Ysgol, Tondy	£10,830	Recreational facilities in vicinity	Future refurbishment	£11,461	NONE
12/06/2019	P/18/235/OUT	STRATFORD COLLINS	Rookwood, Pyle	£1,880	Play area in Pyle	Future refurbishment	£1,880	NONE

POS S106 - CONTRIBUTIONS RECEIVED

S106 DATE	PLANNING APPLICATION	DEVELOPER	DEVELOPMENT	CONTRIBUTION	CLAUSE SUMMARY	STATUS (APR 2022)	BALANCE (APR 2022)	DEADLINE FOR SPEND
12/12/2018	P/18/174/FUL	JEHU	Former Pencoed School	£34,000	Upgrading existing facilities in vicinity	Future refurbishment	£34,000	04/06/2024
01/04/2019	P/18/759/FUL	V2C	Former Heol y Cyw Primary School	£7,397	Recreational facilities in Heol y Cyw	Future refurbishment	£7,397	16/08/2029
13/06/2018	P/15/856/FUL	V2C	Ael-Y-Bryn, N Cornelly	£10,810	Recreational facilities in N Cornelly	Future refurbishment	£10,810	19/09/2024
25/05/2017	P/16/606/FUL	JEHU	Former OCLP building, Bryntirion	£8,460	Recreational facilities in Bryntirion	Future refurbishment	£9,083	22/10/2024
25/09/2015	P/14/742/OUT	VIV HUGHES	Abergarw Farm, Brynmenyn	£12,200	Hayes Field Play Facility	Scheme identified	£12,200	NONE
05/11/2014	P/13/246/OUT	TAYLOR WIMPEY	Brackla Ind Estate, Bridgend (B)	£112,330	Recreational facilities to serve NE Brackla development	Awaiting transfer of land from developer	£118,971	29/03/2026
19/06/2019	P/18/908/FUL	V2C	Meadow Lane, Porthcawl	£16,476	Play equipment & recreational facilities in vicinity	Scheme identified	£17,489	15/10/2031
19/06/2019	P/16/609/FUL	V2C	Woodland Av, Porthcawl	£8,510	Recreational space at Heol Y Goedwig	Scheme identified	£9,033	15/10/2031
10/02/2022	P/20/328/FUL	DP & VC PERRY	Broadlands House, Heol Blandy	£3,117	Recreational facilities in vicinity	Future refurbishment	£3,117	NONE
02/08/2018	P/17/976/FUL	HAFOD	Elm Cresc., Bryntirion	£2,350	POS facilities within Bryntirion.	Future refurbishment	£2,627	31/03/2027
24/02/2021	P/20/263/FUL	TAYLOR WIMPEY	St Johns School, Church St, Porthcawl	£75,450	Recreational Facilities in immediate area	Scheme to be designed and implemented	£81,619	31/05/2029

POS S106 - CONTRIBUTIONS NOT RECEIVED							
S106 DATE	PLANNING APPLICATION	DEVELOPER	DEVELOPMENT	CONTRIBUTION	CLAUSE SUMMARY	STATUS (April 2022)	EXPECTED PAYMENT
14/04/2016	P/15/464/FUL	WINDSOR PROPERTIES	Woodstock Inn, Kenfig Hill	£3,290	Recreational facilities within Kenfig Hill	Due on occup of 1st dwelling	UNKNOWN
11/10/2016	P/15/648/OUT	SISTERS OF ST CLARE	St Clares Convent, Porthcawl	£5,640	Children's play facility in Newton	Money due and being sought	2022-23
08/11/2016	P/14/185/FUL	WINDSOR PROPERTIES	Former Waterton Manor	£18,330	POS facilities in Coychurch Lower	Due before commencement of plots 29-39	UNKNOWN
31/05/2018	P/16/610/FUL	WWHA	Coed Parc, Bridgend	£6,580	Upgrade of an existing open space	Due on commencement, development not started	UNKNOWN
06/11/2018	P/16/730/FUL	MR HUGHES	3 dwellings, Maesgwyn House, Blackmill Rd, Bryncethin	£1,410	Upgrade existing facilities in vicinity of the site	Money due and being sought	2022-23
06/03/2019	P/18/410/FUL	WWHA	Bryn Bragl, Brackla	£20,000	Upgrade existing play facility in Brackla	Money due and being sought	2022-23
24/02/2021	P/18/1012/FUL	A&J BROWN	The Old Bakehouse, Maesteg Rd, Tondy	£5,690	Outdoor recreation facilities in vicinity of the site	Due before first occupation, development started	2022-23
25/06/2021	P/20/708/FUL	BARRY DEVELOPMENTS LTD	10 dwellings, 75-77 Cowbridge Rd, Bridgend	£5,492	Outdoor recreation facilities in vicinity of the site	Due before first occupation, development started	2022-23
13/07/2022	P/21/1092/FUL	V2C	Former Glan Yr Afon Care Home, Heol yr Ysgol, Ynysawdre	£19,915	Outdoor recreation facilities in vicinity of the site	Due before first occupation, development not started	2022-23

TRAINING LOG

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

<u>Subject</u>	<u>Date</u>
Householder design guide / amenity space standards	5 October 2022
Public Rights of Way / Bridleways	16 November 2022
Tree Policy - Green infrastructure	28 December 2022
Building in Conservation Areas	2023

Recommendation:

That the report of the Corporate Director Communities be noted.

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

BACKGROUND PAPERS

None

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