

*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.*



Annwyl Cyngorydd,

PWYLLGOR DATBLYGIAD A RHEOLI

Cynhelir Cyfarfod Pwyllgor Datblygiad a Rheoli Hybrid yn Siambr y Cyngor, Swyddfeydd Dinesig, Stryd Yr Angel, Penybont Ar Ogwr CF31 4WB/ O Bell Trwy Timau Microsoft ar **Dydd Iau, 5 Ionawr 2023 am 10:00.**

AGENDA

1. Ymddiheuriadau am absenoldeb
Derbyn ymddiheuriadau am absenoldeb gan Aelodau.
2. Datganiadau o fuddiant
Derbyn datganiadau o ddiddordeb personol a rhagfarnol (os o gwbl) gan Aelodau / Swyddogion yn unol â darpariaethau'r Cod Ymddygiad Aelodau a fabwysiadwyd gan y Cyngor o 1 Medi 2008. Dylai aelodau cael rolau deul o'r fath ddatgan buddiant personol mewn perthynas â'u haelodaeth o Gyngor Tref / Cymuned fath a rhagfarnllyd os ydynt wedi cymryd rhan yn yr ystyriaeth o eitem ar y Cyngor Tref / Cymuned a geir yn Adroddiadau y Swyddog isod.
3. Ymweliadau Safle
I gadarnhau dyddiad dydd Mercher 8th Chwefror ar gyfer archwiliadau safle arfaethedig sy'n codi yn y cyfarfod, neu nodi cyn cyfarfod nesaf y Pwyllgor gan y Cadeirydd.
4. Siaradwyr Cyhoeddus
I gynghori aelodau enwau'r siaradwyr cyhoeddus rhestredig i siarad yn y cyfarfod heddiw (os o gwbl).
5. Taflen Gwelliant
Bod y Cadeirydd yn derbyn taflen gwelliant pwyllgor rheoli datblygu fel eitem frys yn unol â rhan 4 (paragraff 4) Rheolau Gweithdrefn y Cyngor, er mwyn caniatáu i'r Pwyllgor ystyried addasiadau angenrheidiol i adroddiad y Pwyllgor, felly ynghylch hwyr yn ystyried sylwadau a diwygiadau sy'n ei gwneud yn ofynnol i gael eu lletya.
6. Canllawiau Pwyllgor Datblygiad a Rheoli

3 - 6

- | | | |
|-----|---|-----------|
| 7. | <u>P/22/85/RLX - Coed Parc, Stryd Y Parc, Penybont CF31 4BA</u> | 7 - 68 |
| 8. | <u>P/20/895/RLX - Ward Jones Pen-Y-Bont Ar Oqwr Cyf., Heol Horsefair, Stad Ddiwydiannol Waterton CF31 3YN</u> | 69 - 90 |
| 9. | <u>Apeliadau</u> | 91 - 130 |
| 10. | <u>Dirprwyo Caniatâd Adeilad Rhestredig</u> | 131 - 134 |
| 11. | <u>Rhestr Hyfforddiant</u> | 135 - 136 |
| 12. | <u>Materion Brys</u>
I ystyried unrhyw eitemau o fusnes y, oherwydd amgylchiadau arbennig y cadeirydd o'r farn y dylid eu hystyried yn y cyfarfod fel mater o frys yn unol â Rhan 4 (pharagraff 4) o'r Rheolau Trefn y Cyngor yn y Cyfansoddiad. | |

Nodyn: Bydd y cyfarfod cael ei recordio i'w drosglwyddo drwy wefan y Cyngor. Os oes gennych unrhyw gwestiwn am hyn, cysylltwch â cabinet_committee@bridgend.gov.uk neu ffoniwch 01656 643147 / 643148.

Yn ddiffuant

K Watson

Prif Swyddog, Gwasanaethau Cyfreithiol a Rheoleiddio, AD a Pholisi Corfforaethol

Dosbarthiad:

Cynghowrwy

H T Bennett
A R Berrow
N Clarke
RJ Collins
C L C Davies
S Easterbrook

Cynghorwyr

RM Granville
H Griffiths
S J Griffiths
D T Harrison
M L Hughes
D M Hughes

Cynghorwyr

M R John
MJ Kearns
W J Kendall
J E Pratt
MJ Williams
R Williams

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.

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/22/85/RLX

APPLICANT: Park Tree Homes Ltd c/o C2J Architects, Unit 1a Compass Business Park, Pacific Road, Cardiff, CF24 5HL

LOCATION: Coed Parc Park Street Bridgend CF31 4BA

PROPOSAL: Remove condition 19 (Construction Method Statement) of P/19/174/RLX by the provision of details

RECEIVED: 07 March 2022

APPLICATION

The Section 73 application effectively seeks to remove pre-commencement condition 19 attached to the most recent approval on this site (P/19/174/RLX) through the submission of details.

The most recent decision (P/19/174/RLX refers) itself followed an appeal decision reference P/16/610/FUL. Both decisions are attached at **Appendix 1** of this report.

The application also originally sought the removal of condition 8 relating to the landscaping of the site through the submission of details but this element has been removed from the proposal to allow more time to negotiate improvements and to receive an updated tree survey and report. The landscaping condition will be reworded to seek submission of details within 3 months of the date of this consent as follows:

8. *Within 3 months of the date of this consent, details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:*
- (i) a statement setting out the design objectives and how these will be delivered;*
 - (ii) earthworks showing existing and proposed finished levels or contours;*
 - (iii) means of enclosures and retaining structures;*
 - (iv) other vehicle and pedestrian access and circulation areas;*
 - (v) hard surfacing materials;*
 - (vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.);*
 - (vii) details of trees to be removed and retained on site, together with details of the method of protection of the trees to be retained, and*
 - (viii) water features.*

The development shall be implemented in strict accordance with the approved scheme prior to the beneficial occupation of the dwellings in Phase 3.

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

This application seeks approval of the construction method statement (CMS). More specifically, the condition attached to P/19/174/RLX stated:

19. *No development shall commence, including any works of demolition, until a Construction 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 parking of vehicles of site operatives and visitors;*
 - (ii) loading and unloading of plant and materials;*
 - (iii) storage of plant and materials used in constructing the development;*
 - (iv) the erection and maintenance of security hoarding including decorative displays*

- and facilities for public viewing, where appropriate;*
- (v) wheel washing facilities;*
 - (vi) measures to control the emission of dust and dirt during demolition and construction;*
 - (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works and;*
 - (viii) hours restrictions for construction work.*

Reason: In the interest of highway safety.

The applicant commenced development without discharging these conditions and is therefore in breach of the pre-commencement conditions.

At this point in time, Phase 1 has been completed with access from Park Street (one dwelling at the southern end of the site and 3 mid-link properties to the east of the Grade II Listed former library building) and works to weatherproof the Listed Building as part of Phase 2 of the wider development have also commenced.

The remaining phase (Phase 3) relates to 9 detached properties to the northern end of the site. These properties (and the semi-detached property to the west of the Listed Building) will eventually be accessed via Walters Road to the west of the site.

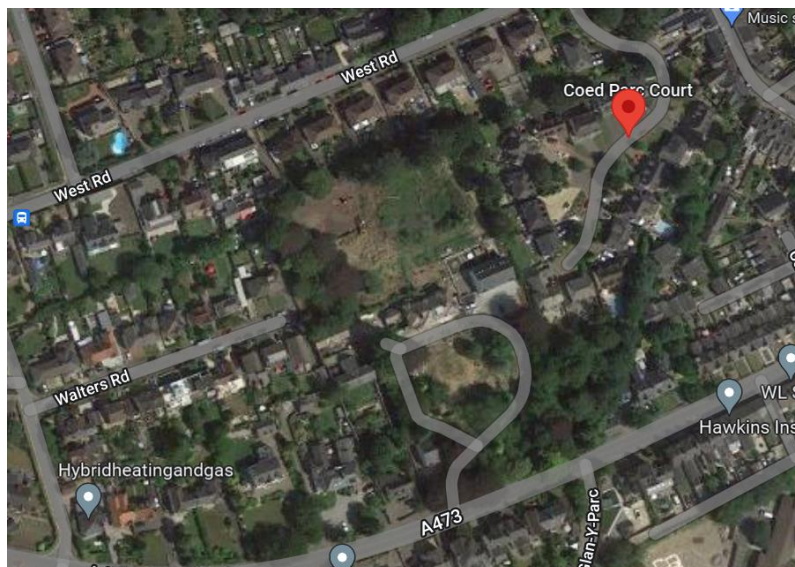


Fig. 1 – Aerial View of Site

This application seeks to retrospectively comply with the requirements of condition 19 through the submission of details (a Construction Method Statement for the remainder of the works).

The application was received on 7 March 2022 in advance of an Enforcement complaint received on 21 March 2022 regarding non-compliance with condition 19. It was apparent that after investigating an earlier complaint about the three mid-link houses in Phase 1 not being constructed in accordance with the approved plans, the development had commenced in advance of discharging all of the pre-commencement conditions.

SITE DESCRIPTION

The application site is located approximately 1km to the west of the defined boundary of Bridgend town centre. The site is located in the Newcastle Hill Conservation Area and is currently accessed directly off Park Road (A473) to the south which connects the town centre to the A48.

The site is located within an established residential area with existing dwellings adjoining the site to the north, east and west on West Road, Coed Parc Court and Walters Road respectively. The site is bordered to the south by Park Street. The site is rectangular in shape, extends to an area of approximately 1.48 hectares and gradually slopes down from north to south. A large number of mature trees subject to a Tree Preservation Order (TPO) are located across the site.

The site comprises a Grade II Listed building (Coed Parc), encompassing the main house, former coach house and adjacent single storey buildings which formerly accommodated the headquarters of the Bridgend Library and Information Services.

The building comprises a two-storey structure constructed in masonry with a painted rendered finish. The roof structure has a pitched form with a natural slate finish. External doors and windows are painted timber single glazed units. To the west of the main building is the former coach house, a two-storey structure constructed in solid masonry with a painted render finish. The roof structure comprises a pitched form with a natural slate finish.

Plots 3, 4, 5 and 15 have been constructed and are occupied.

BACKGROUND

It is worth noting that the Local Planning Authority (LPA) refused the original planning application for the residential redevelopment of this site (App. No. P/16/610/FUL) on 21 July 2017 for the following reasons:

1. *The increased use of a sub-standard access will result in additional traffic hazards to the detriment of highway safety in and around the site, contrary to Policies SP2 (6) and SP3 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 9, November 2016) and Technical Advice Note 18 – Transport (2007).*
2. *The proposed development, by reason of its layout, design and siting, will generate reversing movements to or from the public highway, creating traffic hazards to the detriment of highway safety contrary to Policies SP2 (6) and SP3 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 9, November 2016) and Technical Advice Note 18 – Transport (2007).*

The applicant at the time (Castell Homes as part of Wales and West Housing Association) lodged an appeal against the LPA's decision to refuse the application with the then Planning Inspectorate and the appeal was allowed on 15 December 2017 subject to compliance with a number of conditions (**see Appendix 1**).

The Construction Method Statement condition did not exclude Walters Road and St. Leonards Road as a means of access for construction traffic despite the recommendation of the Council's Highway Officer at the time.

The condition that was suggested at appeal by the Council is as follows:

14. *No development shall take place, including any works of demolition/site clearance, until a Construction 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:*
 - A scheme of Phasing of development*
 - The routing of HGV construction traffic to/from the site in order to avoid as far as reasonably possible the use of Walters Road and St Leonards Road*

- iii. **The routing of HGV construction traffic to/from the site in order to avoid West Road and Glan y Parc**
- iv. the parking of vehicles of site operatives and visitors
- v. loading and unloading of plant and materials
- vi. storage of plant and materials used in constructing the development
- vii. wheel washing facilities
- viii. the provision of temporary traffic and pedestrian management along Park Street, St Leonards Road and Walters Road

Reason: In the interests of public and highway safety.

Members will note that the Inspector did not deem it necessary to apply the requested scheme of phasing or the restrictions on construction traffic using Walters Road and St Leonards Road (or the routing of construction traffic to avoid West Road and Glan y Parc).

However, through App. No. P/19/174/RLX, the LPA applied a condition requiring a Phasing Plan covering the entire development site to “ensure that the development is undertaken in an orderly and coordinated manner in the interests of visual and residential amenity and highway safety and to preserve the Listed Building.”

The phasing plan was submitted by the developer on 26 July 2019 and was subsequently approved under App. No. P/19/544/DOC as follows:

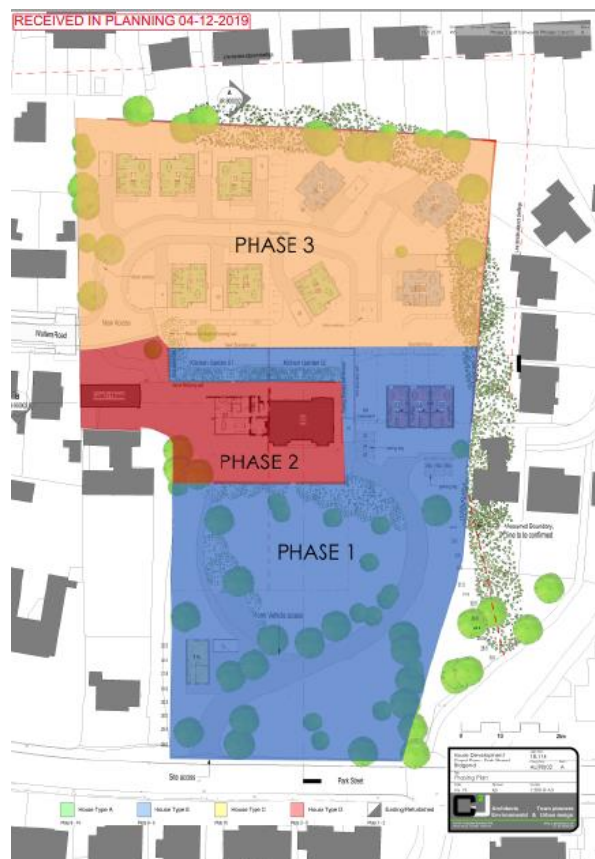


Fig. 2 – Phasing Plan

As referenced above, Phase 1 has been completed and minor demolition works and measures to weatherproof the Listed Building as part of Phase 2 of the wider development have also commenced. This application is intended to allow a start on the nine houses (4 self-build units and 5 to be constructed by the developer) as the third and final phase.



Fig. 3 – Photographs of western gable end of Listed Building

RELEVANT HISTORY

P/16/610/FUL

Convert/renovate Coed Parc to 2 residential dwellings (inc. extension, alterations, part demolition) & construct 13 new residential dwellings with new access, landscaping, parking & assoc. works

Refused – Allowed on Appeal – 15/12/2017

P/16/611/LIS

Listed Building application to convert/renovate Coed Parc to 2 residential dwellings (including extension, alterations, part demolition) in conjunction with the planning application to convert/renovate Coed Parc to 2 residential dwellings (including extension, alterations, part demolition) & construct 13 residential dwellings with new access, landscaping, parking & associated works

Approved (with conditions) – 14/08/2017

P/19/174/RLX

Vary condition 2 of appeal decision A/17/3181972 (P/16/610/FUL) to refer to amended plan

Approved (with conditions) – 28/06/2019

P/19/544/DOC

Approval of details for conditions 2, 3, 4, 5, 10, 11 & 15 of Appeal ref: A/17/3181972 & P/19/174/RLX

Conditions discharged (split decision) - 02/04/2020

P/21/542/DOC

Approval of details for condition 5 (drainage) of P/19/174/RLX

Condition discharged – 15/07/2021

P/21/953/DOC

Approval of details for conditions 2, 3 and 4 of P/16/611/LIS

Conditions discharged – 11/04/2022

P/22/455/RLX

Vary condition 2 of appeal decision A/17/3181972 (P/16/610/FUL) to substitute plans and propose amended house designs

Pending decision

P/22/601/DOC

Approval of details for condition 5 of P/16/611/LIS

Pending decision

P/22/605/RLX

Variation of condition 1 of P/16/611/LIS to refer to amended plans for the Listed Building
Pending decision

P/22/620/RLX

Vary condition 1 of P/19/174/RLX to amend house design (House Type C) to include log burner and retention of access gate
Pending decision

PUBLICITY

The application was advertised on site.

Neighbouring properties were notified of the application.

The application has been the subject of a re-consultation process due to the submission of a revised Construction Method Statement.

CONSULTATION RESPONSES

Bridgend Town Council (1) – Bridgend Town Council would like to defer this application for future scrutiny and consultation with residents. The Town Council will submit comments by the 28th March – 15 March, 2022.

Bridgend Town Council (2) - The Town Council has now had full opportunity to review the various detailed submissions made by the Walters Road Residents Committee in respect of the aforementioned application for relaxation of previous planning conditions. The planning history of this site is a matter of extreme vexation for the long established residents of Walters Road who have had this development imposed upon them over recent years. Having considered the detailed submission made available to us, we see no reason to deviate from their submissions which extend to several pages of well-reasoned observations. We conclude therefore that the application for relaxation of conditions should be rejected in full and the Town Council formally OBJECTS to application P/22/85/RLX.

The submission from the Walters Road Residents Committee is attached by way of endorsement and the Town Council gives notice of its wish to attend any site meeting called and to attend and speak at any Development Control meeting at which this application may be further discussed – 29 March, 2022.

Bridgend Town Council (3) - The Town Council continue to formally OBJECT to this application – 2 August, 2022.

Bridgend Town Council (4) – The Town Council continue to formally object – 5 September, 2022 - Additional comments:

- a. Given that construction of the properties at the Coed parc development are expected to be spread over a 3-year period, what guarantee is there that this 3-year period will be strictly adhered to in the interests of existing residents of surrounding streets?
- b. Given that vehicle parking arrangements for construction workers will be needed over a minimum of a 3-year period, has consideration been given to “renting by the developer” of the unused vacant land at the west side of St Leonards Road near the junction with Walters Road?

If this was achieved, it would prevent any regular tempted use of Walters Road and West Road for parking by construction workers.

It would also provide a facility to site a hut for the banksman who is said will be at Walters Road/St Leonards Road on a daily basis for set periods in all weathers for 3 years.

- c. Given that the current surface condition of St Leonards Road along its length is uneven and full of “bumps”, this needs to be resurfaced now, paid for out of a section 106 agreement.
It also needs to be assured that any damage to the surface of Walters Road will be repaired at the cost of the developer for the duration of the construction works.
- d. Given the stipulation of HGV movements restricted to 10am – 3pm, Mondays to Fridays, this must be cast iron for the duration of the construction work with no deliveries made on a Saturday, Sunday or bank holiday.
- e. Given that wheel washing arrangements will be made within the site, should any mud/debris find its way on to Walters Road, this must be cleaned away on a regular basis without delay.
- f. Given that an agreed route will be given to all delivery vehicles, this must be clearly signposted along Park Street, Heol- y-Nant, West Road, St Leonards Road and Walters Road and paid for by the developer – and maintained in good order throughout the 3-year period.
- g. Given the need to keep local existing residents well informed throughout the 3-year period, a 3 monthly newsletter is to be supplied, outlining site progress and delivered to all residents of Walters Road and St Leonards Road without fail.
- h. Given that the access into the site from Walters Road currently enjoys/has enjoyed a landscaped tree scene over several decades, this will now be eradicated to allow access for construction vehicles.
What provisions will be made to re-landscape this access point once construction traffic has ceased?
- i. Given a recent appraisal of the bus routes of the 68/69 Cefn Glas service supplied by Fist Cymru Buses, the use of St Leonards Road is not seen as a sufficiently wide and robust highway for a bus service any longer.

Also, as from 1st August 2022, Easyway bus route 49 has been withdrawn from continued use due to a winding up of the company.

Whether any alternative bus company decides to take up this route remains to be seen. The submission of Apex Transport Planning Ltd is therefore not up to date.

Bridgend Town Council (5) following submission of a revised CMS – HOLDING (OBJECTION TO BE SUBMITTED WHEN RESIDENTS HAVE BEEN CONSULTED) – 7 December, 2022

Bridgend Town Council (6) - Bridgend Town Council does not support this application due to the access plan and submits an objection for the following reasons:

- a) The understanding of the current bus services within the area is flawed and there is too much emphasis placed on this aspect of provision for site workers.
- b) Attention to the listed building aspect on site requires regular attention by BCBC to ensure all aspects are being respected relating to the planning permission granted.
- c) Site information boards proposed for a prominent Park Street location must show precise details of contact to the developer in respect of any potential complaints.
- d) HGV deliveries via the Park Street entrance must not commence before 10am on any day due to current and regular congestion of this section of Park Street. Any extra vehicles waiting for a 9am entry would cause huge congestion at this peak period. By 10am, the flow of traffic could better cope with such vehicle movements.
- e) Concerns regarding Air quality – How will such extra traffic movements impact air quality considering the problems already identified in this area?
- f) A vehicle booking system regime has been relaxed. There is still a major need for this to remain and it should be reinstated.

- g) Wheel washing is stated for the Park Street exit. Why is there none in place for the Walters Road exit? Any delivery vehicle on a building site will encounter mud so this should be considered for the Walters Road exit as well. There should be no relaxation on landscaping. There is no justified reason for any detrimental downgrade of this well-established environment.

Bridgend Town Council reserves the right to attend any site meeting that may be called and to attend any subsequent Development Control meeting and speak as may be appropriate – 13 December, 2022.

(All comments from Bridgend Town Council are set out as written)

Shared Regulatory Services (Air Quality/Noise) – No observations to make on the removal of these conditions – 29 March, 2022.

Highways Officer – No objections to the latest CMS subject to conditions.

REPRESENTATIONS RECEIVED

In terms of the original submission and the initial version of the Construction Method Statement (CMS), letters/emails of objection have been received from:

2, 5, 11, 12, 13, 14, 15, 19, 21 Walters Road,
46, 52 (flat 7), 79, 87 (Bridgend Carers Centre), 91, 133, 151, 166 Park Street,
4, 6, 7, 9, St. Leonards Road
31, 33, 50, 52, 54, 55, 68, 69, West Road
6, 7, Coed Parc Court
6, 10, Hendre Close

The objections to the first iteration of the CMS (and the landscaping scheme) can be summarised as follows:

- Walters Road is not suitable for construction traffic as it is too narrow.
- The plots have been sold individually with potentially 9 different builders undertaking work at the same time.
- The Park Street access is more suitable and should be used.
- No mention of the stipulation that the grass verges on the North side of Walters Rd were to be tarred to enable a safe pedestrian route along Walters Rd.
- The application is unclear and incomplete.
- Walters Road could not cope in any safe way with the volume of works traffic which would be generated by the independent building of 9 6-bedroom properties at the end of Walters Road.
- Residents of Walters Road have for many years been forced to park on the pavements outside their homes because of the extremely limited parking afforded by the 1940s/1950s built homes.
- The development surely cannot rely on the technical breaking of the law by people parking on the pavements to allow the extremely heavy works traffic to access the development site.
- Walters Road is “Access Only” and it does not allow for access to a site beyond the road.
- Health and Safety concerns for the residents of Walters Road if faced with years of heavy works traffic utilising the road for works access.
- Impact on the air quality of the area and carbon monoxide output from heavy vehicles.
- St Leonards Road is also completely unsuitable for construction traffic.

- Impact on residents right to quietly and peacefully enjoy their properties.
- There is an alternative access point leading to the northern part of the site from West Road.
- The applicant wishes to remove the requirement that this be submitted prior to any development commencing, for there to be no time limit on its submission.
- The submitted Traffic Management Plan has missing sections when compared to an earlier version.
- Phase 3 has been sold off as 9 self-build plots!
- It is often only possible to walk down sections of Walters Rd on the Road at present.
- It has been said that refuse vehicles drive along Walters Rd but this is only once a week and emergency vehicles very rarely.
- It will be difficult to manage a booking system for access.
- There are no restrictions for site traffic under 10m.
- Object to noise, traffic congestion and air pollution.
- We understand that the new residents in Coed Parc do not want construction traffic passing their homes but this is the existing route that allows construction traffic to directly access Park Street.
- The corner of St Leonards Road as it meets Park Street is already a dangerous junction.
- School buses also use the route.
- Park Street is designated as an Air Quality Management Area and any additional traffic waiting at this junction is only going to worsen the air quality in the area.
- Increase in wear and tear on the road surfaces.
- Walters Road is a privately owned quiet Cul de Sac and the disruption caused by this proposal for up to three years would be intolerable.
- Construction workers will park on Walters Road.
- The site has an existing pedestrian only right of access over a private driveway from West Road. This route is not within the land ownership of the applicant and they have no vehicular right of access along this driveway.
- The track from West Road is not of appropriate quality to accommodate HGVs and the applicant has no ability to undertake improvements without the agreement of the land owner and where it ties into the site would be through one of the plots being developed.
- The Pedestrian access the developer is considering to use for workers is the private driveway of 33 West Road who haven't been consulted in the matter.
- West Road is a residential street which is already often used as a rat run to Cefn Glas along with Bradfield Road and St Leonards Road which is far too narrow, also a bus route and can just about cope with the current traffic volume at peak times.
- During roadworks at Heol y Nant when access to the Persimmon Site in Llangwydd was required several HGV's struggled to get through.
- The exit from Walters Road is very blind at the junction and cars need to creep forward to see if it is safe to come out.
- We have already seen a heavier volume of traffic coming down from the new houses on the old special school site which has not even been finished yet!
- The plans submitted as part of this application contradict plans already approved (with conditions) under Application number P/19/544/DOC.
- Landscape plan is inaccurate.
- The areas indicated on the CMS for parking and HGV turning are unworkable and contradict other plans contained in the application.
- There have already been a number of accidents on St Leonard's due the buses using St Leonard's Road to join Park Street.
- People (not residents) park on the corner of Walters Road and St Leonard's Road.
- Pedestrians may have to walk in the road to avoid the lorries.

- Railings and wall were removed before this application.
- Condition 19 is a pre-commencement condition and it is extremely arrogant and disrespectful towards the local planning department and the residents to use the fact that they have built phase 1 in breach of the planning permission as reasoning to not be able access from Park Street.
- If the access is to be from Walters Road, the implementation of the road widening condition 15 should be changed from a pre-occupation to a pre-commencement condition.
- Many residents work from home and many in this area are retired so there are no spare on-street parking spaces available during the day.
- Parking at the Carers Centre is limited to 7 cars, and when we hold meetings of Carers and staff, and social events, it is often full, so that some attendees have to park further up Park Street leading to potential pedestrian/vehicle conflicts when crossing.
- During school holidays and at weekends, Bridgend Carers Centre run activity classes for Young Carers leading to a heightened risk to the children from the extra traffic.
- To say that each heavy goods vehicle would be given a time slot to arrive and leave at their allocated time and that there would be a banks person on site to oversee this will be adhered to is laughable.
- The developer is already using the Park Street entrance for construction vehicles.
- There have been numerous vehicles that have had damage to their cars, such as wing mirrors and scratches etc. - more traffic would intensify these problems.
- Illegal felling of trees and subsequent loss of privacy.
- Access to the work site should only be granted directly via Park Street, as the planned route via West Road, turning onto St Leonard's Road and then Walter's Road will affect far more residential properties.
- Work should be halted immediately until an acceptable CMS has been approved.
- RPAs are not protected and are being compromised with heavy machinery on a daily basis.
- The CMS itself is impossible to implement without breaching the approved tree survey and a new version should be submitted for approval.
- The Walters Road/St Leonards Road junction, and the St. Leonards Road/Park Street junction are substandard against a report by a Traffic and Transport Planning consultant commissioned by Walters Road residents.
- The Swept Path Analyses along St Leonard's road and Walters Road are grossly inaccurate.
- There is a clear increased danger to pedestrians, cars and damage to pavements.
- The steepest gradient on the green route is 1:12, while West Road has a 1:8 gradient at its west entrance and there are also many more bends on the CMS route compared to the green route.
- Restriction of hours for construction work will be difficult to control with self-build contractors.
- Proximity of plots/plans 06 and 07 and the effect of their construction on existing houses/structures.
- Although a small number of the properties on the site are already occupied (Phase 1) hundreds more people would be affected by the routes which would use Walters Road.
- The proposed route into the site via Park Street, West Road, St. Leonards Road and Walters Road goes against the principal guidance from HSE, which incorporates 2 Junctions that are below standard with poor visibility, will create 4 crossing traffic flow situations when HGV come on to West Road, St. Leonards Road, Walters Road and Park Street.

- The waste storage area should be relocated to another location as it will be directly opposite a front door.
- Risk of mud when washing/jetting etc. washing direct onto another property/vehicle.
- The developer has shown a total disregard for site safety and planning rules on site.
- The expected length of construction will additionally cause undue disruption.
- A photograph taken on a Saturday morning showing service/contractor vehicles parked on both sides of lower St Leonard's road which illustrates that the Planning Inspector's statement that 'due to the presence of double yellow lines along both sides of St Leonards Road there would be no such need for a vehicle to cross the centre line' was mistaken, and she should not have dismissed the reason for the LPA rejecting P/16/610/FUL. This kind of event is not infrequent, and the Walters Road/St Leonard's Road junction is potentially dangerous.

In advance of, and following, the submission of a revised CMS on 21 November 2022, letters/emails of objection were received from:

3, 4, 5 Coed Parc
31, West Road
13 Walters Road

Their objections can be summarised as follows:

- The amended CMS aims to appease residents of Walters Road.
- The private access and road from Park Street is PRIVATELY OWNED and therefore any construction vehicles accessing via park street entrance will be trespassing and incur legal action.
- Walters Road is an existing access for refuse lorries and fire engines and can accommodate construction traffic.
- The new CMS proposed is an improvement on the previous version, and addresses some of the concerns but concerns remain around the fact that the CMS is still contradictory to the approved tree survey, West Road pedestrian access is not accessible, Enforcement and Site hours & delivery hours.
- Support the new CMS and route as long as the developer is responsible for delivering the new CMS (in particular making sure that no construction traffic uses Walters Road for access) and BCBC will be responsible for enforcement if any aspect of the CMS is breached.
- The property (3 Coed Parc) is in a gated community of 4 dwellings accessed through a private electric gate along a private driveway.
- The driveway is suitable for cars and in the occasional place 2 cars can pass safely.
- There is no footpath along the driveway so postal workers and residents walk along the driveway.
- The driveway is edged on both sides by a small strip of communal land which is in shared ownership.
- According to deeds this driveway is under no circumstances to be widened, however this has already happened, taking away some communal land in preparation for work to start on phase 3.
- Family members frequently walk the driveway, sometimes with a pushchair.
- Cats are outdoor cats that could be harmed.
- Were assured by the developer that no heavy vehicles would be travelling along the front of the property as phase 3 would be accessed via Walters Road.
- Endured living on a building site with the promise of our communal gardens and area to the front of the old library being landscaped.
- The developer will now have to put the landscaping on hold until phase 3 is completed.

- Concerns regarding noise and vibration levels from wheel washing and impact on listed Building.
- Walters Road is an adopted highway and is suitable for construction or large vehicle traffic.
- BCBC have told us that the private drive is not suitable for their refuse vehicles to drive up, therefore coed parc residents must walk their recycling and refuse down to Park Street.
- Park Street is extremely busy and the most air polluted road in Bridgend borough.
- Risk of HGV's having to reverse out onto a terribly busy road as residents living in coed parc would not have to give way for HGV's.
- There is not much of a barrier in front of 3, 4 and 5 Coed Parc as there are no front gardens or walls.
- Safety has not been thought of regarding Coed Parc residents and pedestrian access will need to be in place before work starts on phase 3.
- If the submitted CMS was approved under condition 19 of the planning permission then the use of the private residential driveway for construction traffic to phase 3 would not be enforceable by the council.
- The revised CMS fails to consider the impact to the non-vehicular movements of residents with legal rights of access of the private residential driveway. Such impact would significantly and adversely affect the safety of pedestrian and cycle movements by residents.
- The revised CMS fails to consider that residents using the private residential driveway are not required to give way to construction traffic (which may be trespassing in any event). That would mean construction vehicles having to reverse back onto Park Street which is the county's busiest and most polluted street (and air quality management area).
- The use of the private residential driveway for construction traffic as proposed in the submitted CMS will have a significant and adverse amenity impact (including noise, fumes, and dust) on the residents who live on the private residential driveway.
- The amenity impact is contrasted to the owners along Walters Road for which is a public highway and therefore construction traffic is an ordinary and reasonably expected use of such road.
- No noise assessment has been provided nor measures suggested to mitigate such impact.
- The private residential driveway is not made to adoptable standards nor constructed to a standard for HGV movements.
- The proposed hours of operation create an unacceptable amenity impact to residents living along the private residential driveway.
- The developer is already in breach of a number of pre-occupation conditions relating to the surfacing and laying out of the private residential driveway and associated parking for properties 3, 4 and 5 Coed Parc (conditions 12 & 13 of the planning permission).
- No consultation.
- Should clarify the legality around land ownership.
- No thought has been given to the health and safety, or day-to-day convenience, of the residents of Phase 1.
- Failed to assess residents' needs to access the site either by car, on foot or by bicycle, using the same route proposed for heavy goods vehicles.
- It is clear from the Swept Path Analysis that there is not enough room for heavy goods vehicles and pedestrians.
- Refusal to wear a hi-vis vest on own driveway and neither will the dog.
- Not obliged to give way to lorries on the driveway, in my car, by bike or on foot.
- Nobody is considering the dirt and filth that we will have to ensure.

- Contrary to the European Convention of Human Rights (Protocol 1, Article 1 - Right to peaceful enjoyment).
- Park Tree Homes is planning to sell some of the plots on Phase 3 for “self-build”. Would they be subject to the traffic management plan etc?
- The original permissions, including routing heavy goods traffic along the public highway at Walters Road, were granted at Planning Inspectorate/Welsh Government level, after a protracted process. That outcome should stand.
- Officers of the authority have been in active collusion with the applicant and the residents of Walters Road.
- Those residents have also lobbied elected members extensively.
- The Library would be left to languish as a listed building – so far, only a bare minimum of work has been done, and at present, in the middle of winter, the roof is open to the elements and the front lawn is a mud bath with an enormous pit in the middle.
- The original planning consent has already been breached but the developer has gone ahead and developed the site, sold houses and allowed residents to move in.
- An alternative would be to route traffic for phase 3 via the same route that was used until recently to route site traffic, thus avoiding the need for it to come past our houses.

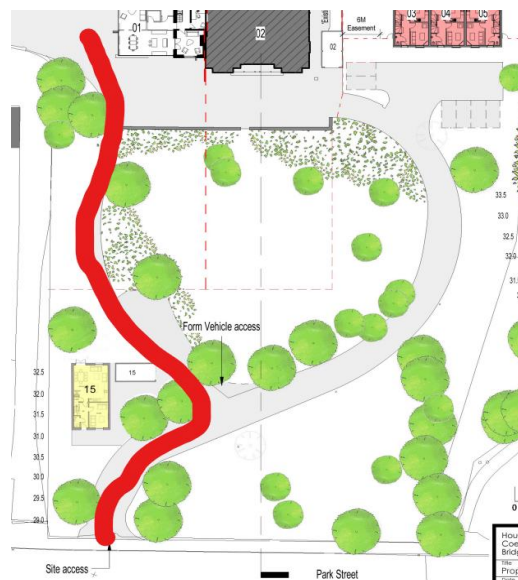


Fig. 4 – Alternative Route for Construction Traffic as suggested by the residents of Coed Parc

COMMENTS ON REPRESENTATIONS RECEIVED BASED ON THE ORIGINAL CMS

The majority of the concerns relate to the submitted Traffic Management Plan and Construction Method Statement which propose to utilise Walters Road as a means of access for construction traffic.

The originally submitted documents did not provide adequate information to enable a robust assessment of how construction traffic will enter the site, the mitigation required to protect the local highway, existing residents and highway safety and therefore revisions were requested.

In response to the comments received, it can be confirmed that Walters Road is not a Private Road and that it is an adopted highway maintained by the Highway Authority.

The original intention was to implement a Traffic Order to ensure that cars would only be parked on one side of the street during the working day/construction hours and only four of the nine plots have been sold to self-build developers.

A scheme for footway widening on Walters Road will be implemented before the beneficial occupation of the residential units in Phase 3.

The disruption caused during the construction phase is not a material planning consideration and any additional pollutants to the atmosphere from construction vehicles would only be for the duration of the build. The hours of construction will also be restricted to avoid any disturbance to local residents during anti-social hours.

The CMS has to be agreed before Phase 3 of the wider development can commence and any details included within the CMS will have to be adhered to avoid any Enforcement action.

As confirmed in the Inspector's decision (**see Appendix 1**), there are no records of any traffic accidents in the area.

There is no intention to allow vehicles to access the construction site from West Road and contractors will be provided with sufficient parking space within the site compound.

Whilst works have finished on Phase 1 and works have commenced on Phase 2 without an approved CMS, it is not a criminal offence to carry out development without first discharging any pre-commencement conditions. Enforcement action is discretionary and must be taken in the wider public interest and used as a last resort and when it is expedient to do so. In this instance, the construction of Phase 1 of the wider development was carried out without having a material detrimental impact on neighbouring occupiers. The application is required to ensure that the final phases of the development will be constructed in accordance with an approved CMS.

Any damage caused to private property or vehicles is not a planning related matter and would be a civil matter between the two parties.

Any damage to the highway/pavement would be investigated and resolved through the Highway Authority.

Any contractors linked to the four self-build plots would have to adhere to the requirements of the approved CMS.

The position of the dwellings within Phase 3 of the development has been set by the original appeal decision and approved plans.

COMMENTS ON REPRESENTATIONS RECEIVED BASED ON THE REVISED CMS

The revised CMS has been produced following detailed discussions between the applicant's Transport Consultant and Highways Officers and the opportunity to consider the Park Street access has arisen due to the sale of the Listed Building conversion being delayed. There has not been any collusion or trespass as alleged.

The developer's solicitor has confirmed the access way running from Park Street which is edged red on the plan is not owned exclusively by the plot owners (3, 4 and 5 Coed Parc) but they do enjoy a right of access. As freeholder, the developer has the right to use the roadway for the purposes of construction.



Fig. 5 – Estate Plan forming part of the Deeds

The developer will be responsible for delivering the new CMS and the LPA will investigate any breaches of the agreed details.

The site is not a “gated community” and the electric gate at the entrance into the site is not part of the original scheme and is not authorised.

The access route for construction vehicles will incorporate a passing bay.

The occupiers of 3, 4 and 5 Coed Parc would have responsibility for carrying out their own search of the planning consents, conditions and relevant plans prior to moving into the dwellings. As such they would have been aware that Phases 2 and 3 were yet to be completed.

The wheel washing facility is to be sited in front but at least 10m away from the Listed Building and a temporary fence will be erected in front of the Listed Building to protect it from accidental damage.

The access road off Park Street is not adopted highway and will only serve five properties.

The access will be managed as part of the CMS to avoid any potential conflicts with residents of 3, 4 and 5 Coed Parc.

Nos 3, 4 and 5 Coed Parc are set back from the access road and behind a parking area.



Fig. 6 – 3, 4 and 5 Coed Parc

The access road will be resurfaced after the main/core elements of Phase 3 have been completed and trade/contractor vehicles can access the site from Walters Road.

Construction noise/disturbance/inconvenience during the development is not a material planning consideration and should be expected on a partially completed scheme.

The residents of 3, 4 and 5 Coed Parc were notified of the submission of the revised CMS through the planning system in line with the requirements of the Development Management Procedure (Wales) Order 2012 (as amended). Any consultation between the developer and the occupiers is outside the scope of this application.

The Inspector's decision did not specify that Walters Road should or could be used by construction traffic.

It is not possible to route traffic for Phase 3 via Plot 15 as that part of the development has been completed.



Fig. 7 – Plot 15 as completed

Finally, it is likely that due to the geometry of Walters Road and St Leonards Road, the access off Walters Road would only allow for smaller Luton van type vehicles rather than HGVs resulting in more trips, a longer build period and more disruption to a greater number of residents.

APPRAISAL

The application is referred to the Development Control Committee due to the objections received from Bridgend Town Council and from a number of local residents.

The application seeks to remove condition 19 of the most recent decision (App. No. P/19/174/RLX) through the submission of details in the form of a Construction Method Statement (**see Appendix 2**) at Coed Parc, Park Street, Bridgend.

The main issues to consider in this application are the impact of the Construction Method Statement on existing residential occupiers within and around the site and whether the remainder of the wider residential site can be developed in an efficient manner without having a detrimental impact on the Grade II Listed Building and highway safety within and around the site.

It should be noted that the applicant's transportation consultant has regularly liaised with the Highway Authority to understand the limits and constraints of the local highway network close to Bridgend town.

As a result, the applicant has submitted a Construction Method Statement (CMS) which seeks to minimise disruption to as many local residents as feasibly possible whilst aiming to ensure that the development is completed in an acceptable and timely manner.

As referenced above, Highways Officers provided a 'suggested' construction traffic condition to the Inspector who allowed the appeal. The Officer's suggested condition sought to preclude the use of Walters Road, with the Park Street access being the main preferred access for construction traffic. Whilst it is understood that the Planning Inspector amended the Highway Authority's (HA) suggested condition by removing the reference to limiting the use of Walters Road, it continues to be the considered opinion of the HA that the main construction access to the site should be from Park Street.

The CMS clearly illustrates, in the form of the vehicle tracking and swept path analysis appendices, that a 11m rigid HGV can access the site from Park Street and pass another vehicle of the same size within the site and will not have to reverse back out onto the live carriageway at Park Street.

Therefore, it is evidenced by the applicant that when a HGV construction vehicle meets one of the resident's cars there is ample room for the two vehicles to pass without reversing. It is noted that there are two locations where this may not be possible within the site and access road however, there is good intervisibility between these two narrow sections and drivers will be able to "hold back" in the wider sections until one vehicle has moved through the narrow section. In addition, the CMS indicates that the likelihood of two vehicles meeting during the working day is relatively low.

Notwithstanding the above it would be prudent to further ensure that there is an additional refuge for vehicles passing and it is considered that an additional passing area could be provided at the bend closest to (but far enough away from) the Listed Building. As such an additional planning condition has been requested by the HA requiring the bend to be temporarily widened to the south with a temporary stone surface. This would further reduce any potential for conflicts between existing residential occupier's vehicles and construction traffic.

It is noted by the HA that the developer has installed a set of gates at the access to the site off Park Street and that the gates are not authorised (although an application has been submitted to regularise them).

As a result, there is concern that the gates will become a barrier to the safe and efficient movement of construction vehicles during the construction period. In addition, there is no space to the south of the gates to allow a construction vehicle to turn should they not be able to gain access into the site.

This situation could result in construction vehicles having to reverse back out onto Park Street to the detriment of highway safety. To overcome the concerns with the gate, the gates will be removed for the duration of the construction period through the application of a condition for the reasons as stated above.

Whilst the HA are aware of the concerns of existing residents of Coed Parc regarding the use of the access road and gates, this is considered a private matter between the developer and residents. The applicant has provided sufficient evidence that he has the necessary control over the access road and gates to be able to deliver all the requirements detailed in the CMS and the recommended planning conditions.

Finally, the CMS has been devised with the protection of the Grade II Listed Building in mind and it is considered that construction traffic and the wheel washing facility will not have a detrimental impact on the integrity of the building.

CONCLUSION

Having regard to the above and all other material considerations including the objections lodged by Bridgend Town Council and local residents, it is not considered that the proposed CMS will adversely impact on the listed building nor create any unacceptable impacts on highway safety. Any amenity impact on local residents will be relatively short lived and is not regarded as being beyond the scope of any development of this scale or nature. It is further considered that, on balance, the removal of condition 19 relating to the agreement of a Construction Method Statement can be approved on the basis of the latest iteration of the CMS received by the LPA on 21 November 2022.

Condition 19 can therefore be removed and the CMS will be added to the list of approved plans and documents under condition 1.

All other conditions will be re-applied and any conditions that have been discharged previously will be amended accordingly. The two additional conditions as recommended by the Highway Authority have also been added.

RECOMMENDATION

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

1. The development shall be carried out in accordance with the following approved plans and documents:
Transport Note 2; AR060001, AR060002; AR060003; AR60004; AR61002; AR61003; AR062002; AR062003; AR062005; AR900008; Supplementary Note and Transport Note, Bat Survey, Ecological Assessment, Tree Survey, Heritage Statement, Flood and Drainage Report, Archaeological Assessment and Highway Technical Report and Amended plans AL(90) 01 Proposed Site Plan, PL (00)02 REV B – House Type D Plans, AL(00) 03 REV B – House Type D Elevations, AL(00)04 REV A – House Type C Garage received on the 10 June 2019 and Amended Plan AL (00)01 REV C – House Type C Plans and Elevations received on the 26 June 2019 under App. No. P/19/174/RLX.

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

2. The development shall be carried out in accordance with the Construction Method Statement received on 21 November 2022 and as approved under this application.

Reason: To ensure a satisfactory form of development.

3. The development shall be carried out in accordance with the Phasing Plan as approved under App. No. P/19/544/DOC on 2 April 2020. The development within the site shall thereafter conform to the agreed Phasing Plan.

Reason: To ensure that the development is undertaken in an orderly and co-ordinated manner in the interests of visual and residential amenity and highway safety and to preserve the setting of the Grade II Listed Building.

4. The extension and dwellings shall be carried out in accordance with the details of the materials to be used in the construction of the external surfaces as approved under App. No. P/19/544/DOC on 2 April 2020.

Reason: To ensure that the materials of construction enhance and protect the visual amenities of the area.

5. The extension and dwellings shall be carried out in accordance with the boundary treatment details as approved under App. No. P/19/544/DOC on 2 April 2020. The boundary treatment shall be completed as approved before the remaining dwellings are beneficially occupied.

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

6. The development shall be carried out in accordance with the surface water drainage scheme as approved under App. No. P/21/542/DOC on 15 July 2021.

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

7. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and E 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 other than those expressly authorised by this permission.

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.

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 building, structure, enclosure, fences, gates or walls shall be erected within the curtilage of any dwelling house hereby permitted.

Reason: To enable the Local Planning Authority future control over the scale of development in the interests of the residential amenities of adjacent properties and to protect the amenity space provided within the property.

9. Within 3 months of the date of this consent, details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:

- (i) a statement setting out the design objectives and how these will be delivered;
- (ii) earthworks showing existing and proposed finished levels or contours;
- (iii) means of enclosures and retaining structures;
- (iv) other vehicle and pedestrian access and circulation areas;
- (v) hard surfacing materials;
- (vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.),
- (vii) details of trees to be removed and retained on site (in the form of an updated Tree Report), together with details of the method of protection of the trees to be retained, and
- (viii) water features.

The development shall be implemented in accordance with the approved scheme prior to the beneficial occupation of the dwellings in Phase 3.

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

10. The landscaping works shall be carried out in accordance with the approved details during the first planting season as per the agreed implementation programme. The completed scheme shall be managed and maintained in accordance with an approved scheme of management and maintenance.

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

11. The development shall be carried out in accordance with the existing and finished ground levels approved under App. No. P/19/544/DOC on 2 April 2020.

Reason: To ensure a satisfactory form of development.

12. The development shall be carried out in accordance with the scheme for the protection of existing trees, as agreed under App. No. P/19/544/DOC on 2 April 2020, throughout the course of the development.

Reason: In the interests of biodiversity and to preserve the character and appearance of the site.

13. Within 3 months of the date of this consent, a scheme for the provision of a vehicle turning and visitor parking area on the private drive serving Plots 2, 3, 4, 5 and 15 shall be submitted to and approved in writing by the Local Planning Authority. The turning and visitor parking area shall be completed in materials in accordance with the approved layout prior to the occupation of plot 2 and shall be kept available for vehicle turning and parking in perpetuity.

Reason: In the interests of highway safety.

14. The parking spaces for Plots 3, 4 and 5 Coed Parc shall be kept available for vehicle parking in perpetuity.

Reason: In the interests of highway safety.

15. Prior to the beneficial occupation of the dwellings in Phases 2 and 3, details of all parking places and driveways shall be submitted to and approved by the Local Planning Authority. The parking places and driveways shall be completed in accordance with the approved details and shall be retained in perpetuity.

Reason: In the interests of highway safety.

16. The development shall be carried out in accordance with the footway widening scheme on Walters Road as approved under App. No. P/19/544/DOC on 2 April 2020. The approved scheme shall be implemented prior to any of the dwellings in Phase 3 being brought into beneficial use.

Reason: In the interests of pedestrian and highway safety.

17. The extended access road from the new turning head at the eastern end of Walters Road serving units 6-14 including the turning head, passing place and visitor parking, shall be laid out in permanent materials in accordance with the approved layout prior to the occupation of those units.

Reason: In the interests of highway safety.

18. The entrance gates shall be removed from the access road at the junction with Park Street before works on Phase 3 commence and any proposal for their reinstatement shall be the subject of a separate planning permission.

Reason: In the interests of highway safety.

19. Prior to the beneficial occupation of the dwellings in Phase 3, a scheme for the provision of a passing place sign and a sign confirming that the road serving units 6-14 is private shall be submitted to and approved in writing by the Local Planning Authority. The signs shall also be erected in accordance with the approved scheme prior to the occupation of the dwellings in Phase 3 and shall be retained in perpetuity thereafter.

Reason: In the interests of highway safety.

20. Prior to the commencement of works on Phase 3, the proposed access road shall be temporarily widened at the bend opposite the Listed Building to not less than 5.5 metres wide to serve the proposed development during the construction period.

Reason: In the interests of highway safety.

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None

Planning Reference No : P/19/174/RLX**Revision 2**

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(WALES) ORDER 2012

PERMISSION FOR DEVELOPMENT

To:

C2J Architects
Unit 1A Compass Business Park
Pacific Road
Ocean Park
Cardiff
CF24 5HL

Whereas you did on the 14 March 2019 make application in writing for permission to develop, short particulars of the development being as follows:

Applicant Name : **Park Tree Homes Ltd**Development : **Vary condition 2 of appeal decision A/17/3181972 (P/16/610/FUL) to refer to amended plans**Location : **Coed Parc, Park Street, Bridgend CF31 4BA**

BRIDGEND COUNTY BOROUGH COUNCIL as the Local Planning Authority, hereby PERMIT the proposed development to be carried out in accordance with the plans (if any) submitted with the said application, subject to compliance with the condition(s) specified below:

CONDITIONS

1. The development shall be carried out in accordance with the following approved plans and documents:; Transport Note 2; AR060001, AR060002; AR060003; AR60004; AR61002; AR61003; AR062002; AR062003; AR062005; AR900008; Supplementary Note and Transport Note, Bat Survey, Ecological Assessment, Tree Survey, Heritage Statement, Flood and Drainage Report, Archaeological Assessment and Highway Technical Report and Amended plans AL(90) 01 Proposed Site Plan, PL (00)02 REV B – House Type D Plans, AL(00) 03 REV B – House Type D Elevations, AL(00)04 REV A – House Type C Garage received on 10 June 2019 and Amended Plan AL (00)01 REV C – House Type C Plans and Elevations received on 26 June 2019.

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

2. Prior to the commencement of development, a comprehensive Phasing Plan covering the entire development site shall be submitted to and agreed in writing by the Local Planning Authority. The Phasing Plan shall provide a robust framework and programming or phasing of works including the provision of the works to the Listed Building. The development within the site shall thereafter conform to the agreed and Phasing Plan.

Reason: To ensure that the development is undertaken in an orderly and co-ordinated

manner in the interests of visual and residential amenity and highway safety and to preserve the Listed Building.

(P/19/544/DOC – Details agreed 2 April 2020 by Bridgend County Borough Council)

3. Prior to the construction of the dwellings hereby approved, details and/or samples of the materials to be used in the construction of the external surfaces of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved 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.

(P/19/544/DOC – Details agreed 2 April 2020 by Bridgend County Borough Council)

4. Prior to the construction of the dwellings hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the Local Planning Authority. The boundary treatment shall be completed as approved in before the buildings are occupied.

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

(P/19/544/DOC – Details agreed 2 April 2020 by Bridgend County Borough Council)

5. No building shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted, an assessment shall be carried out of the site potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - (i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - (ii) include a period for its implementation; and
 - (iii) provide a management and maintenance plan of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

(P/21/542/DOC – Details agreed 15 July 2021 by Bridgend County Borough Council)

6. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and E 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 other than those expressly authorised by this permission.

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.

7. 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 building, structure, enclosure,

fences, gates or walls shall be erected within the curtilage of any dwelling house hereby permitted.

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.

8. No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
- (i) a statement setting out the design objectives and how these will be delivered;
 - (ii) earthworks showing existing and proposed finished levels or contours;
 - (iii) means of enclosure and retaining structures;
 - (iv) other vehicle and pedestrian access and circulation areas;
 - (v) hard surfacing materials;
 - (vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.), and
 - (vii) water features.

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

9. The landscaping works shall be carried out in accordance with the approved details during the first planting season as per the agreed implementation programme. The completed scheme shall be managed and maintained in accordance with an approved scheme of management and maintenance.

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

10. Prior to the commencement of development, details of the existing and finished ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

(P/19/544/DOC – Details agreed 2 April 2020 by Bridgend County Borough Council)

11. No development shall take place, nor any demolition works or site clearance, until there has been submitted to and approved in writing by the Local Planning Authority details of a scheme for the protection of existing trees. The approved scheme shall be carried out during any works of demolition and throughout the course of the development.

Reason: In the interests of biodiversity and to preserve the character and appearance open countryside.

(P/19/544/DOC – Details agreed 2 April 2020 by Bridgend County Borough Council)

12. Notwithstanding the submitted details, a scheme for the provision of a vehicle turning area and visitor parking on the private drive serving Plots 2, 3, 4, 5 and 15 shall be submitted to and approved in writing by the Local Planning Authority. The turning area and proposed visitor parking space shall be completed in materials in accordance with the approved layout prior to the occupation of those units and shall be kept available for vehicle turning and parking in perpetuity.

Reason: In the interest of highway safety

13. Notwithstanding the submitted details for the provision of 3 off street parking spaces each for Plots 3, 4 and 5, the parking areas shall be completed in permanent materials with individual spaces clearly demarcated in permanent materials prior to the occupation of those units and shall be kept available for vehicle parking in perpetuity.

Reason: In the interest of highway safety

14. Details of all parking places and driveways shall be submitted to and approved by the Local Planning Authority. The parking places and driveways shall be completed in accordance with the approved details prior to the occupation of each dwelling.

Reason: In the interest of highway safety

15. No development shall commence until a scheme for footway widening on Walters Road has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the development being brought into beneficial use.

Reason: In the interest of pedestrian and highway safety.

(P/19/544/DOC – Details agreed 2 April 2020 by Bridgend County Borough Council)

16. The extended access road from the new turning head at the eastern end of Walters Road serving Units 6-14 including the turning head, passing place and visitor parking, shall be laid out in permanent materials in accordance with the approved layout prior to the occupation of those units.

Reason: In the interest of highway safety.

17. The existing vehicle gate on the access from Park Street shall be removed prior to the occupation of Units 2, 3, 4, 5 and 15.

Reason: In the interest of highway safety.

18. A scheme for the provision of a passing place sign and a sign confirming that the road serving Units 6-14 is private, shall be submitted to and approved in writing by the Local Planning Authority. The signs shall be erected in accordance with the approved scheme prior to the occupation of the dwellings and shall be retained in perpetuity.

Reason: In the interest of highway safety

19. No development shall commence, including any works of demolition, until a Construction 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 parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction;
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works and;
- vii) hours restrictions for construction work

Reason: In the interest of highway safety.

Dated: **28 June 2019**
Updated: **2 April 2020**
Updated: **15 July 2021**

Signed:



Group Manager Planning & Development Services

YOUR ATTENTION IS DRAWN TO THE FOLLOWING (some of which may not be applicable):-

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.



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 13/11/17

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 15.12.17

Appeal Decision

Site visit made on 13/11/17

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

an Inspector appointed by the Welsh Ministers

Date: 15.12.17

Appeal Ref: APP/F6915/A/17/3181972

Site address: Coed Parc, Park Street, Bridgend, CF31 4BA

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 Castell Homes against the decision of Bridgend County Borough Council.
 - The application Ref P/16/610/FUL, dated 29 July 2016, was refused by notice dated 21 July 2017.
 - The development proposed is convert/renovate Coed Parc to 2no. residential dwellings (inc. extension, alterations, part demolition) and construct 13no. new residential dwellings with new access, landscaping, parking and associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for convert/renovate Coed Parc to 2no. residential dwellings (inc. extension, alterations part demolition) and construct 13no. new residential dwellings with new access, landscaping, parking and associated works at Coed Parc, Park Street, Bridgend, CF31 4BA in accordance with the terms of the application, Ref P/16/610/FUL, dated 29 July 2016, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Main Issue

2. This is the effect of the development on the safety and convenience of users of the adjacent highway network.

Background Matters

3. Coed Parc is a grade II listed building (LB). It was listed in 1986 and is described as an arts and crafts villa. The listing description makes reference to a number of external and internal features. Part of the proposal includes the extension, part demolition and renovation of the LB and its sub-division to form two residential dwellings. An associated application for Listed Building Consent¹ was granted by the Council on 21st August 2017. The site falls within the Newcastle Hill Conservation Area (CA). The Council's position is that the works to the LB and the materials to be used are acceptable as permitted under the corresponding Listed Building Consent.

¹ P/16/611/LIS

The Council are also satisfied that the retention of the kitchen garden to the rear of the LB and the subdivision and internal layout of the proposed unit within the building seek to preserve and enhance the character of the LB. There is no evidence before me that leads me to any other conclusions in this regard. I am therefore satisfied that the proposed development would preserve the features of special architectural and historic interest which the building possesses and its setting consistent with the requirements of Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. The Council concludes that the proposed new dwellings would be set amongst a number of trees and as such their impact on the setting of the LB and CA would be limited. On the basis of the evidence before me, I agree. Having regard to the special duty imposed by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, I conclude that the character and appearance of the CA would be preserved.

Procedural Matter

5. The appellant has submitted a Unilateral Undertaking which conforms to the requirements of section 106 of the Town and Country Planning Act 1990 (as amended) and has been properly completed. This includes a financial contribution of £6580 in relation to open space provision. I consider that the amount proposed is directly related to the development and is fairly and reasonably related in scale and kind. The Council has confirmed that this enables the development to accord with the requirements of policy COM11 of the Local Development Plan and there is nothing before me to suggest I should question this position.

Reasons

6. The appeal site is located approximately 1 kilometre from Bridgend town centre and covers an area of approximately 1.48 hectares. The site is bounded to the south by Park Street which provides the existing access. The site comprises the LB; a main house, former coach house, and adjacent single storey buildings. The buildings are vacant and in disrepair.
7. The application seeks permission to convert and renovate Coed Parc into two dwellings including extension, alteration and part demolition works and the construction of 13 new dwellings with new access, landscaping, parking and associated works and the conversion of the existing coach house to a ground floor garage and first floor office to be used ancillary to the residential use of one of the dwellings within the LB. The site is located within an established residential area. The principal of residential development at this site is considered acceptable by the Council as the site is located within the settlement limits of Bridgend and is allocated for 20 units within the Bridgend Local Development Plan (2013) (LDP). The evidence refers to the Coed Parc Development Strategy (2011) which was intended to set a framework within which a high quality redevelopment scheme could evolve.
8. The application proposes to retain the existing access from Park Street to serve four of the new dwellings and one of the converted dwellings within the LB. A new access is proposed to the side of the site, off Walters Road to serve 10 dwellings (9 new dwellings and one from the conversion of the LB) located at the northern section of the site.
9. The Council's decision notice relates to the proposed access off Walters Road. The concerns relate to the risk of vehicles reversing into Walters Road from the appeal site and the visibility for vehicles exiting Walters Road onto St Leonard's Road.

10. The Council's states that the development would result in vehicular reversing movements to or from the public highway creating traffic hazards to the detriment of highway safety. This concern relates to the area where Walters Road meets the appeal site. I note that the officer's report acknowledges that swept path diagrams were submitted with the application and that these demonstrate that larger vehicles such as HGVs, refuse and emergency vehicles can navigate Walters Road and it appears from the evidence that they already do so. The appellant's transport statement confirms that the proposal includes the provision highway improvement works including a turning area at this location. As such, whilst the proposal would result in the introduction of an increased number of dwellings which would be serviced by larger vehicles, the improvements proposed would address this and would also result in an improvement to the existing situation. Consequently, there would be no harmful impact on highway safety in this regard.
11. There are also proposals to widen the footway on Walters Road from approximately 1.5 to approximately 3 meters by paving the grass verge. It is intended that this will improve on-street parking provision by addressing the problem which I observed on site of vehicles parking partially on the footway and would also increase the available paved area for pedestrians. This would represent an improvement in pedestrian safety. These features can be secured by means of suitably worded conditions in the interests of highway safety.
12. Turning to the visibility available for vehicles exiting Walters Road into St Leonards Road, I note that the Council accepts that visibility to the north is satisfactory. The issue therefore, is visibility to the south and whether visibility at the junction would be so inadequate for the nature and volume of additional traffic movements that the impact on highway safety would be significant.
13. The appellant has calculated the 85th percentile speed of cars at this location to be 22.4mph. The Council state that the splay to the south of Walters Road should be measured to the kerbside and this would be a distance of approximately 16 metres and would fall below the guidance set out in Manual for Streets (MfS) table 7.1 which would require a visibility splay of 28m. However, the appellant suggests that if the splay is measured to the centre line, a splay of 34 metres would be achievable and would accord with the guidance set out in table 7.1
14. Using the guidance in MfS, where vehicles approaching from the minor arm from the left will not transgress the centre line of the main arm, the visibility splay can be measured from the centre line of the main arm. I am satisfied that due to the presence of double yellow lines along both sides of St Leonards Road that there would be no such need for a vehicle to cross the centre line when travelling north towards Walters Road. I thus conclude that adequate visibility can be achieved in accordance with the guidance in MfS.
15. Furthermore, the appellant's transport statement confirms a trip rate assessment was carried out and concluded that the forecast change in vehicle movements resulting from the proposed development is the same as the hourly variation in existing vehicle movements at the Walters Road/ St Leonards Road junction and therefore they conclude that the addition of 10 houses using this access would be neither significant or perceptible. Nevertheless, the Council states the development would result in a significant increase in vehicular movements although there is no quantitative evidence of projected trips, only a percentage increase of dwellings. This does not provide any quantitative insight into the intensity of additional highway use. I have taken into account the appellant's argument that the Development Framework anticipated that two or three dwellings would be accessed from a new connection from Walters Road,

however this is not determinative as the Framework did not amount to a detailed proposal. Notwithstanding this, the Framework anticipated that a secondary access would be required to serve some of the dwellings. Overall, I am satisfied that the development would not result in a significant increase in vehicle movements at this location.

16. Consequently, I am satisfied that the increase in traffic and available visibility is such that there would not be a significant detrimental effect on highway safety as a result of the development. As such the development would offer efficient access to road connections and maintains road safety in accordance with LDP policies SP2 and SP3
17. The appellant has also suggested including a raised table as a traffic calming measure at the Walters Road/ St. Leonard's Road junction in order to reduce the speed of traffic and thus the required visibility, however, for the reasons I have outlined above, this is not a necessary requirement.
18. I note also the appellant's representations that there have been no recorded accidents in the area and that the creation of a second access of Walters Road allows the access off Park Street to be largely unaffected. This, it is argued, preserves the setting of the LB and safeguards the protected trees on site. These factors, together with the highways safety improvements offered as part of the proposal are all factors which further weigh in favour of the proposal.

Other matters

19. A large number of objections and a petition have been submitted from third parties. The majority of concerns expressed broadly reflect those of the Council and have already been dealt with within this decision. Other matters raised include noise and light issues and overlooking and privacy, impact on foul drainage design of the dwellings, parking and the impact on residential amenities. The Council has addressed the issues relating to overlooking and privacy within the officer report and concluded that due to the site levels and separation distances involved, there are no concerns in relation to overlooking and privacy. As such, the Council's requested condition removing permitted development rights for additional windows to avoid the privacy of occupiers of nearby dwellings is unnecessary. I have taken into account all matters raised, however these have not affected my overall conclusions as set out.

Conditions

20. Other than those conditions already addressed within this decision and other than the standard commencement and compliance with plans conditions I have also imposed conditions relating to details of finishes, boundary treatment, landscaping (including refuse storage) and finished ground levels. These are necessary in the interests of securing a good quality design to safeguard the visual impact of the development. A condition in relation to surface water drainage is required in order to ensure the proper drainage from the development. A number of conditions have been imposed removing certain permitted development rights. These are required to ensure the setting of the listed building is protected. Given the number of protected trees within the appeal site, a condition is necessary to safeguard these trees during the construction phase. A number of conditions have been imposed relating to the provision of a turning area, car parking spaces and access arrangements. I have imposed a condition for a scheme to be submitted to the Council for footway widening along Walters Road, this will allow for the legal and physical works to be agreed between the parties. These conditions are necessary in the interest of highway safety.

Finally, a condition requiring a construction management statement is necessary in the interests of residential amenity.

21. The Council has requested a condition requiring a certificate from a consulting engineer certifying any retaining walls, however, this will be covered by other legislation so is not necessary as a planning condition. The Council has requested conditions relating to the visibility splays at Park Street however as this entrance is already considered adequate in terms of visibility by the Highways authority, this is not necessary.

Conclusion

22. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.
23. For the aforementioned reasons, and taking into account all matters raised, I conclude the appeal should be allowed.

Janine Townsley

Inspector

Schedule of Conditions

- 1) The development shall begin not later than five years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans and documents: AR900002 – Site Layout Plan; Transport Note 2; AR060001, AR060002; AR060003; AR60004; AR61002; AR61003; AR062002; AR062003; AR062003; AR062004; AR062005; AR900008; Supplementary Note and Transport Note, Bat Survey, Ecological Assessment, Tree Survey, Heritage Statement, Flood and Drainage Report, Archaeological Assessment and Highway Technical Report.
- 3) Prior to the construction of the extension and dwellings hereby approved, details and/or samples of the materials to be used in the construction of the external surfaces of the extension and dwellings shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the construction of the extension and dwellings hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved in before the buildings are occupied.
- 5) No building shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted, an assessment shall be carried out of the site potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a period for its implementation; and
 - iii) provide a management and maintenance plan of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 6) Notwithstanding the provisions of schedule 2, part 1, classes A, B, C, D and E 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 other than those expressly authorised by this permission.
- 7) 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 building, structure, enclosure, fences, gates or walls shall be erected within the curtilage of any dwelling house hereby permitted.
- 8) No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- i) A statement setting out the design objectives and how these will be delivered;
 - ii) earthworks showing existing and proposed finished levels or contours;
 - iii) means of enclosure and retaining structures;
 - iv) other vehicle and pedestrian access and circulation areas;
 - v) hard surfacing materials;
 - vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.), and
 - vii) water features.
- 9) The landscaping works shall be carried out in accordance with the approved details during the first planting season as per the agreed implementation programme. The completed scheme shall be managed and maintained in accordance with an approved scheme of management and maintenance.
 - 10) Prior to the commencement of development, details of the existing and finished ground levels shall be submitted to and approved in writing by the local planning authority and the development shall be completed in accordance with the approved details.
 - 11) No development shall take place, nor any demolition works or site clearance, until there has been submitted to and approved in writing by the local planning authority details of a scheme for the protection of existing trees. The approved scheme shall be carried out during any works of demolition and throughout the course of the development.
 - 12) Notwithstanding the submitted details, a scheme for the provision of a vehicle turning area and visitor parking on the private drive serving plots 2, 3, 4, 5 and 15 shall be submitted to and approved in writing by the local planning authority. The turning area and proposed visitor parking space shall be completed in materials in accordance with the approved layout prior to the occupation of those units and shall be kept available for vehicle turning and parking in perpetuity.
 - 13) Notwithstanding the submitted details for the provision of 3 off street parking spaces each for plots 3, 4 and 5, the parking areas shall be completed in permanent materials with individual spaces clearly demarcated in permanent materials prior to the occupation of those units and shall be kept available for vehicle parking in perpetuity.
 - 14) Details of all parking places and driveways shall be submitted to and approved by the local planning authority. The parking places and driveways shall be completed in accordance with the approved details prior to the occupation of each dwelling.
 - 15) No development shall commence until a scheme for footway widening on Walters Road has been submitted to and agreed in writing by the local planning authority. The approved scheme shall be implemented prior to the development being brought into beneficial use.
 - 16) The extended access road from the new turning head at the eastern end of Walters Road serving units 6-14 including the turning head, passing place and visitor parking, shall be laid out in permanent materials in accordance with the approved layout prior to the occupation of those units.
 - 17) The existing vehicle gate on the access from Park Street shall be removed prior to the occupation of units 2, 3, 4, 5 and 15.

- 18) A scheme for the provision of a passing place sign and a sign confirming that the road serving units 6-14 is private, shall be submitted to and approved in writing by the local planning authority. The signs shall be erected in accordance with the approved scheme prior to the occupation of the dwellings and shall be retained in perpetuity.
- 19) No development shall commence, including any works of demolition, until a Construction 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 parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during demolition and construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works and;
 - viii) Hours restrictions for construction work

Phase 3 Coed Parc, Bridgend

Construction Method Statement

Client: Park Tree Homes Limited

REPORT DETAILS

Issued by	Apex Transport Planning Ltd 11-13 Penhill Road Cardiff CF11 9PQ	Tel: 02920 619 361 info@apex.tp.co.uk www.apex.tp.co.uk	
Client	Park Tree Homes Limited		
Project Name	Phase 3 Coed Parc, Bridgend		
Report Title	Construction Method Statement		
Report Ref.	CMS02		
Project No.	C22053		
Date	31/10/2022		

ISSUE HISTORY

Issue No.	Status	Date	Produced by	Approved by	Revision Details
1	Draft	03/10/2022	GP	DC	Draft for Client Review
2	Final	12/10/2022	GP	DC	Second Issue
3	Final	31/10/2022	GP	DC	Third Issue

NOTICE

This report has been prepared for Park Tree Homes Limited in accordance with the terms and conditions of appointment. Apex Transport Planning Ltd cannot accept any responsibility for any use of or reliance on the contents of this report by any third party.

The material presented in this report is confidential. This report has been prepared and is intended solely for Park Tree Homes Limited for use in relation to the Phase 3 Coed Parc, Bridgend project.

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1. INTRODUCTION

1.1 Overview

- 1.1.1 This Construction Method Statement (CMS) has been prepared for Park Tree Homes Limited (PTH) to support the discharge of pre-commencement planning condition 19, attached to planning consent P/16/610/FUL, which was granted on appeal for Phase 3, Coed Parc, accessed via Walters Road, Bridgend.
- 1.1.2 The 2017 planning consent permits the conversion/renovation of Coed Parc to 2no. residential dwellings and the construction of 13no. new residential dwellings to be accessed off Walters Road.
- 1.1.3 Phase 3 comprises 9 dwellings located to the north of the site, east of Walters Road and south of West Road. These dwellings will consist of PTH builds and self builds. It is anticipated that this will minimise the length of the construction period, as the self-build plots can be constructed using different contractors. The design of the self-build plots will not change from the approved scheme, and it will be a condition of each purchaser to ensure they are constructed fully in accordance with the CMS.
- 1.1.4 The whole site will be managed by PTH who will take on the role of project manager during the development's construction period and will be responsible for delivering the approved CMS with BCBC as the enforcing agent. They will also be the transport manager, responsible for all movements to and from the site. This ensures that the vehicle movements are coordinated throughout the programme to minimise the impacts on the site and surrounding network.
- 1.1.5 The contact details of the project manager at PTH responsible for the delivery of the CMS are as follows:
- Mr Jonathan David
Park Tree Homes Limited
The Lilies Laurel Court
Waterton
Bridgend
CF31 3YX
ckw1britton@gmail.com

- 1.1.6 The CMS will address the following items prescribed as part of Condition 19 of the planning consent:

"No development shall commence, including any works of demolition, until a Construction 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:

- *the parking of vehicles of site operatives and visitors;*
- *loading and unloading of plant and materials;*
- *storage of plant and materials used in constructing the development;*
- *the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;*
- *wheel washing facilities;*
- *measures to control the emission of dust and dirt during demolition and construction;*
- *a scheme for recycling/disposing of waste resulting from demolition and construction works and;*

- *hours restrictions for construction work*

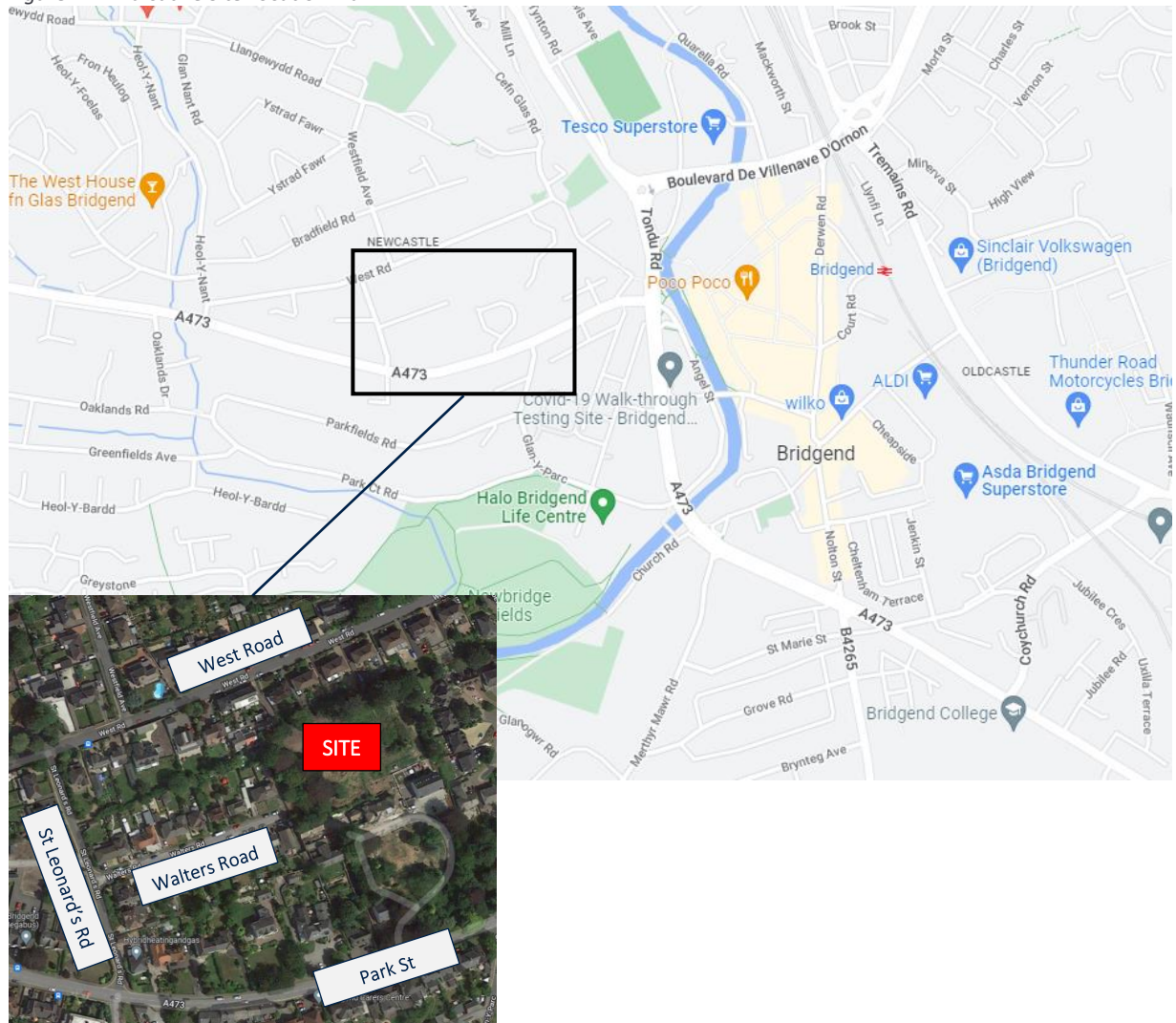
Reason: In the interest of highway safety.”

- 1.1.7 A copy of the full planning conditions including No.19 is provided at Appendix A.
- 1.1.8 The CMS will be a live document with input between the contractor (PTH) / Project Manager, individual developers and BCBC throughout the construction process. This CMS concentrates on transport issues relating to the construction phase only.
- 1.1.9 In addition, the CMS considers comments from the highway authority at BCBC, with whom the applicant has been communicating with since 2021, as set out in Section 3.

2. SITE LOCATION, ACCESS AND USE

- 2.1.1 The development site is situated at the eastern end of Walters Road and south of West Road, located on the western edge of Bridgend Town Centre. The site is within an existing residential area, with Phases 1 and 2 of the Coed Parc development situated to the south, which gain access from Park Street.
- 2.1.2 As such, the surrounding area already accommodates a mixture of traffic, including buses (service 68) which route along Park Street and St Leonard’s Road to the west of Walters Road.
- 2.1.3 The site is currently undeveloped land, having once formed part of the Coed Parc residence.
- 2.1.4 The indicative location of the site has been illustrated in Figure 2-1.

Figure 2-1: Indicative Site Location Plan



Source: Google Maps

3. BACKGROUND

- 3.1.1 Discussions between the applicant and planning and highway officers at BCBC have been ongoing since 2021 to agree a suitable arrangement for accessing the site during construction, in accordance with Condition 19 of the planning consent (P/16/610/FUL). Apex have been advising the applicant since April 2022.
- 3.1.2 Previously, it was proposed that construction traffic would access the site using the approved operational site access via Walters Road. This aligned with the agreed footway widening along the northern side of Walters Road which is subject to a separate pre-commencement condition. Alternative access options were considered, including the existing pedestrian access link via West Road and the Coed Parc private access from Park Street.
- 3.1.3 During previous discussions with BCBC Highways it was agreed that an access from West Road would not be suitable for construction vehicles, although it would be acceptable as a pedestrian access for contractors who park on West Road. This was based on a review of the route undertaken by Apex. It is understood that the site has an existing pedestrian only right of access over a private driveway from West Road. However, the route is not within the land ownership of the applicant and they have no vehicular right of access from West Road.

- 3.1.4 During previous discussions consideration was also given to accessing Phase 3 via the existing Coed Parc access from Park Street, but this was ruled out at the time due to a number of constraints including development phasing issues, topographical and ownership limitations, and the location of the Grade II listed buildings known as 'Coed Parc' (Cadw Ref No: 53/A//1996). At the time it was understood that the BCBC heritage officer and Cadw required the works to the listed buildings to be undertaken ASAP in the programme to safeguard the buildings. However, it is now understood that the listed building works can follow Phase 3 and this was agreed during a recent site visit between the applicant and BCBC planning and highway officers. Additional efforts have also been made to address the topography and ownership constraints.
- 3.1.5 As such, the situation has now changed and it is now possible to use the Park Street access to the south for construction vehicles and this was agreed with the highway authority alongside a series of measures via email on 9th September 2022. It was also confirmed that the West Road access could be used as a pedestrian access by contractors and it was deemed acceptable for contractors to park on
- 3.1.6 West Road, if required.
- 3.1.7 Due to concerns from BCBC highways and residents raised during discussions, no deliveries associated with the external construction of the nine dwellings will be made via Walters Road during the construction period.
- 3.1.8 During the construction period, the approved Walters Road access will be constructed and become operational from the occupation of the first dwelling(s). At such time, the new residents will access and egress the site via the approved access from Walters Road, and this would include access for all vehicles, excluding any HGV's associated with the external construction of the properties, as agreed with BCBC.
- 3.1.9 BCBC highways will not control the use of the approved access by the new residents of Phase 3 Coed Parc, once operational. As such, once the first dwelling is completed, vehicle movements along the private access road via Park Street will reduce as each dwelling is completed to an occupational standard (i.e. watertight).
- 3.1.10 A summary of the agreements made between the applicant and BCBC planning and highway officers is shown below, with a copy of the original email correspondence included at Appendix A:
- All deliveries including Rigid 11m HGV's will enter and exit the site from the Park Street access point.
 - All contractors will access from either the Park Street access or from the West Road pedestrian access
 - All vehicles will arrive and leave in a forward gear
 - Deliveries should avoid where possible the peak network hours of 8-9 and 5-6
 - Swept path analysis will be required to show a vehicle negotiating the internal bends along the Park Street access, including the bend onto the ramped access into phase 3
 - There may need to be a setting down area for vehicles which cannot make the ramped access. This setting down area could also double as a secondary turning area
 - The access route as it leaves the tarmac surface (in front of the listed building) will need to be made up with stone to a width of at least 4.5m, any less will require a passing place.
 - There is no longer a need for a delivery booking system
 - No deliveries associated with the construction of the dwellings will be made from Walters Road.
 - Once the houses in phase 3 start to be occupied then the Walters Road access will be open and whilst no HGV construction traffic will be allowed, HGV deliveries of kitchen appliances etc for

the new residents will be allowed, as new residents cannot use the Park Road construction access for normal deliveries, and this will remain the case when the site is complete.

- Similarly once the Walters Road access is open small vans and cars associated with the smaller trades can use Walters Road but must park within the site
- There is no longer a need for a TTRO

3.1.11 These comments have been considered as part of this CMS, alongside the items required as part of discharging planning Condition 19.

4. DESCRIPTION OF CONSTRUCTION WORKS

4.1.1 It is proposed that the duration of the construction period will extend over a 36 month period. Construction of the 9 plots consisting of self builds and PTH builds will commence with plots 11,12,13,14, followed by plots 10,9,8, 6 & 7. As the last plot to be built, plot 7 will be used for construction activities during the construction of the other 8 plots, which will improve the operation of the site during the construction of multiple dwellings. All plots will be overseen by PTH.

4.1.2 The works will consist of the following:

- site establishment including site hoarding and temporary site facilities
- site clearance and remediation
- construction of access road
- construction of 9 plots
- landscaping

5. PARK STREET ACCESS AND SWEPT PATH ANALYSIS

Park Street access and access road

5.1.1 The Park Street access is an existing private access which serves 4 residential dwellings via a private access road which is shared by the applicant and residents.

5.1.2 This access was used as a construction access for Phases 1 and 2 of the Coed Parc development and as such Park Street is considered appropriate for Phase 3 and this has been agreed with BCBC.

5.1.3 Currently, the access is utilised by residents of plots 1-4 as well as owners of the remaining plots which have yet to be constructed as part of Phase 1 and 2, including the listed building. As such, the access currently accommodates a small number of movements associated with existing residents, as well as providing access for construction vehicles associated with the remaining unbuilt plots within Phase 1 and 2.

5.1.4 The private access road measures between 5.1m – 5.6m in width and as such is capable of accommodating a HGV and a car on straight sections, in accordance with Figure 7.1 within MfS. BCBC have suggested a width of 4.5m would be appropriate for vehicles to pass within the site.

Swept path analysis

5.1.5 As requested by BCBC, a tracking exercise has been undertaken to demonstrate how construction vehicles will access and egress the site using the existing access from Park Street to the south. The analysis has considered a 10m long HGV.

5.1.6 The analysis shows the 10m long HGV successfully accessing and egressing the site from Park Street (Appendix B). These manoeuvres would be unlikely to result in conflict with existing vehicle

movements and/or cause any blocking back onto Park Street itself, due to the low number of existing movements. The PTH site manager will ensure the existing Coed Parc access gates at Park Street will be open during the site's operation hours (8am to 6pm Monday to Friday and 8am to 1pm on Saturdays), to ensure staff and construction vehicles are not held on Park Street or the adjacent footway, as requested by BCBC Highways.

- 5.1.7 Construction of the remaining Phase 1 & 2 plots will cease until after Phase 3 has been completed, and as such only the vehicle movements associated with the four existing residential dwellings will occur during the proposed construction of Phase 3.
- 5.1.8 Using a robust two-way vehicle trip rate of 0.65 for a peak hour, it is forecast that the existing four dwellings could generate a maximum of 3no. two-way trips during the peak hours. This would equate to approximately one vehicle every 20 minutes during the busiest peak hours, on average. It is considered unlikely that this low level of movements would result in any conflict with construction movements associated with the development of Phase 3 with the implementation of the measures outlined in Section 6.
- 5.1.9 There are two locations where two vehicles (including a HGV) would not be able to pass between Park Street and the proposed site compound shown on the CMS plan (Appendix C). However, there is appropriate inter-visibility between passing places, which would enable vehicles to pass safely at other locations along the access route. A banks person will be located within the site compound to manage construction vehicle movements and loading / unloading, ensuring these activities occur safely and to reduce the impact on existing residents. All vehicles would load and unload within the site and no loading will be undertaken on or near the highway.

6. TRAFFIC MANAGEMENT MEASURES

6.1 Overview

- 6.1.1 This section sets out a number of proposed measures which meet the criteria of planning condition 19, incorporating advice from BCBC highways and considering the analysis of the existing Park Street access and existing residents.

6.2 Condition 19 specific considerations

- 6.2.1 Each specific aspect of Condition 19 has been considered and responded to as follows.

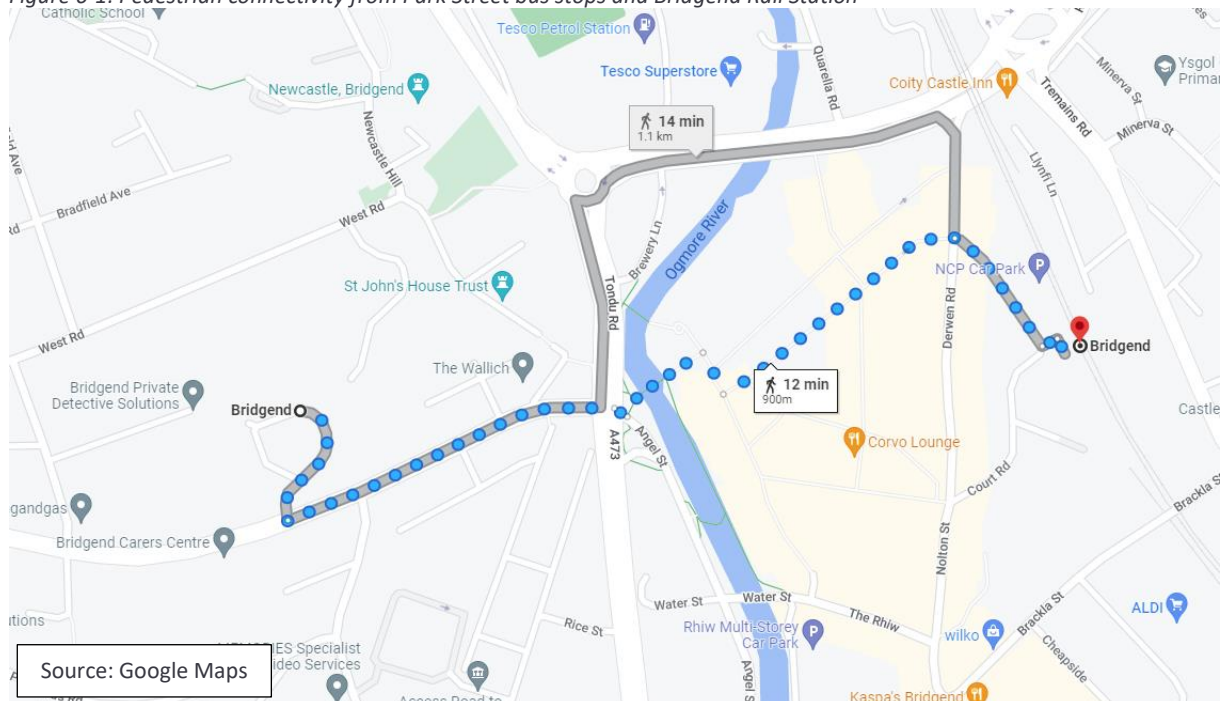
a) the parking of vehicles of site operatives and visitors

- 6.2.2 The Construction Site Plan in Appendix C shows a total of five formal parking spaces for construction staff in addition to a parking lay-by, both of which are located to the south of the site within Phase 2. However, additional space is available within the individual plots for staff to park during construction. As such, the site can accommodate up to around 20-30 site operative vehicles during the construction without blocking the turning areas or internal access road.
- 6.2.3 On-site parking will be managed by the project manager from PTH who will deter any ad-hoc parking on the adjacent Coed Parc private access road, minimise the impacts of overspill parking on the surrounding local highway and to ensure vehicle routes are not restricted within the site. It is envisaged that the majority of the demand for staff parking will be accommodated on the site within the 20-30 spaces available. Priority will be given to the on-site parking for those employees requiring access to vehicles, for example for tools from a van and also to those car sharing. If required, other

employees will be asked to park along West Road and access the site on foot using the right of way, as agreed with BCBC.

- 6.2.4 A secure area on site will be made available for storage of bikes, as required.
- 6.2.5 No parking associated with the site will be permitted along Walters Road and all workers will be informed of this in advance, and this would form part of their contract. If workers break this condition, then suitable disciplinary action will be taken by PTH which may include financial penalties. There are opportunities for vehicles to park more suitably on West Road and walk to the site, in particular by using the private driveway where the site has a pedestrian right of access, and all employees will be informed of this. Employee parking would occur during the working day when residential parking demand is lower, and this will minimise any impact on parking stress on the surrounding streets such as West Road from the site's construction.
- 6.2.6 The use of public transport, walking and cycling will also be promoted to all employees as alternatives, in addition to car sharing. Footways are provided along the majority of the surrounding residential streets including on both sides of Park Street and West Road. These footways connect to Bridgend Town Centre located within a 1.0km or 12-minute walk from the site.
- 6.2.7 The site is accessible by bus with a high frequency of services available from bus stops on Park Street to the south, which provide a total of six services that connect to Bridged Town Centre and other regional destinations. Bridgend Rail Station lies within a 900m or 12-minute walk from the site and is also accessible by bike and Park Street bus services. The most direct pedestrian route from the site to bus and rail services is shown in Figure 6-1.
- 6.2.8 The sustainable transport connections will offer attractive routes to employees, assisting to constrain vehicle generation and minimise the impact on the surrounding network.

Figure 6-1: Pedestrian connectivity from Park Street bus stops and Bridgend Rail Station



Source: Google Maps

b) Loading and unloading of plant and materials

On-site arrangements

6.2.9 The loading and unloading of plant and materials will take place on site, in the turning and unloading areas shown on the Construction Site Plan included at Appendix C. This will enable vehicles to enter and exit the site in a forward gear, which will avoid the need for reversing and/or manoeuvring on the highway.

Construction Times

6.2.10 It is expected that HGV deliveries would be distributed throughout the day. The site deliveries would occur between 09:00 and 17:00 Monday to Friday and 08:00 and 13:00 on Saturdays. These movements will be overseen by the project manager / PTH.

Banksperson

6.2.11 A banksperson will be located within the site compound to manage vehicle movements and loading / unloading, ensuring these activities occur safely and to reduce the impact on existing residents.

6.2.12 The banksperson(s) will be suitably trained and employed by PTH. All vehicles would load and unload within the site and no loading will be undertaken on or near the highway.

Further Measures

6.2.13 The following measures will also be provided, where practical:

- Aids for drivers - mirrors, CCTV cameras or reversing alarms that can help drivers see movement all around the vehicle
- Lighting - so that drivers and pedestrians on shared routes can see each other easily. Lighting may be needed after sunset or in bad weather
- Clothing - pedestrians on site will wear high-visibility clothing
- Advanced warning signs will be provided informing vehicle traffic of HGV's manoeuvring/turning within the site, within the vicinity of the access.

Internal Roads

6.2.14 During construction, the proposed internal construction route and Phase 3 access road (minus the surface course) and turning head at the eastern end of the site will be built out first in the construction programme. The southern part of the construction site, adjacent to the listed building, is currently used for construction activities associated with the Phase 2 development and includes hardstanding areas. These areas will be utilised for the construction of Phase 3 and initially will be used by construction vehicles to unload / load and turn whilst the Phase 3 access road (minus the surface course) is being constructed. This will include the HGV lay-by space, as shown on the Indicative Construction Site Plan at Appendix C.

6.2.15 As indicated on the Indicative Construction Site Plan, the existing hardstanding access ramp connection Phase 2 to Phase 3 will be re-graded to improve access gradients.

6.2.16 Swept paths demonstrating that construction vehicles can turn appropriately at two locations within the site are shown in Appendix B. These arrangements allow two HGVs to enter and exit the site at the same time and deliver appropriately.

c) Storage of plant and materials used in constructing the development

6.2.17 Plant and materials will be safely and securely stored within the site boundary at all times, as shown on the Indicative Construction Site Plan found at Appendix C. Nothing will be stored on the highway or footways.

d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

6.2.18 Full height timber hoarding will be provided on the site to be installed in such a way as to cause no trespass beyond the site boundary or onto the highway. It will consist of lockable gates and segregated pedestrian access.

6.2.19 The hoarding will be provided to ensure protection of adjacent footways, highways and properties from any damage caused by the construction activities on site.

6.2.20 Site information boards with out of hours contact details, telephone number (for comments and complaints) and information on the works programme will be provided at the site frontage. PTH would respond promptly to enquiries from members of the public regarding construction.

e & f) Wheel washing facilities and measures to control the emission of dust and dirt during demolition and construction;

6.2.21 A strategy of prevention will be put in place to reduce the depositing of materials on the highway. Measures will be implemented on site as follows:

- A wheel washing facility will remain on site to ensure all vehicles wheels are washed prior to leaving site. A jet wash will also be used to clean the delivery areas
- Open back tipper trucks will be sheeted when travelling to and from the site
- The delivery area and turning head set up within the site will be maintained as a bound surface (tarmac or concrete). This will be kept clear of dirt and mud and, wherever possible, deliveries will be kept within this area to prevent tracking onto mud or debris
- Use of a street sweeper will be utilised in the event any material is deposited onto the public highway. This will be used regularly and as necessary.

6.2.22 The location of the wheel washing facility is shown in the Construction Site Plan in Appendix C and the specification (as recommended by BCBC) is included at Appendix D.

g) a scheme for recycling/disposing of waste resulting from demolition and construction works

6.2.23 The project manager / PTH will ensure that all waste is disposed of responsibly from the site. The self-build houses will need to ensure that all waste leaving the site is agreed with the project manager, and wherever possible, waste would be consolidated to minimise the number of vehicle movements required. There is a waste storage area provided on the site to enable this consolidation.

6.2.24 The removal of waste products from the site will be minimised by recycling of excess materials wherever possible and vehicles arriving at the site would be utilised to transport any waste away from the site where possible. The guidelines contained in the statutory guidance, Waste Duty of Care; Code of Practice (2018) will be adhered to.

6.2.25 The potential waste generated during the construction process will primarily be related to packaging and potential measures to minimise the impact of construction waste are set out as follows:

- **The pallets that materials are transport in/on.** These will be either wood crates, or cardboard boxes. These will be removed from the site on a regular basis, albeit consolidated between contractors and vehicle movements generated when a full load is reached. If materials arrive on wooden pallets, then these will be returned to the manufacturers. If they arrive packaged in cardboard boxes, then these will be removed from site on a regular basis through a hired skip(s).
- **Packing materials for various components.** Any non-recyclable waste will be stored in a bin/skip for regular removal to an appropriate landfill, once the skip is full.
- **Food waste from workers.** Personal rubbish will be collected along with non-recyclable packaging materials, for appropriate disposal.
- **Portable toilets** will be hired for the duration of the construction period. These will be located in the welfare unit area, as shown on the Construction Layout Plan.
- The construction will involve **ground works**. Excavated soil will be used for backfilling activities. Excess subsoil will be removed from the site and disposed of appropriately or sold to a landowner needing additional soil.
- All spoil or waste that needs to be transferred out of the site for reuse, recycling or disposal purposes will be collected and transferred by vehicles from registered licensed contractors.

h) hours restrictions for construction work

- 6.2.26 The site will be operational between the hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays.
- 6.2.27 In addition, deliveries to the site by large vehicles will be coordinated and occur between 9am and 5pm Monday to Friday, as requested by BCBC.

Appendix A Planning Conditions and Latest Correspondence with BCBC Highways

Planning Reference No : **P/19/174/RLX**

Revision 2

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(WALES) ORDER 2012

PERMISSION FOR DEVELOPMENT

To:

C2J Architects
Unit 1A Compass Business Park
Pacific Road
Ocean Park
Cardiff
CF24 5HL

Whereas you did on the 14 March 2019 make application in writing for permission to develop, short particulars of the development being as follows:

Applicant Name : **Park Tree Homes Ltd**

Development : **Vary condition 2 of appeal decision A/17/3181972 (P/16/610/FUL) to refer to amended plans**

Location : **Coed Parc, Park Street, Bridgend CF31 4BA**

BRIDGEND COUNTY BOROUGH COUNCIL as the Local Planning Authority, hereby PERMIT the proposed development to be carried out in accordance with the plans (if any) submitted with the said application, subject to compliance with the condition(s) specified below:

CONDITIONS

1. The development shall be carried out in accordance with the following approved plans and documents:; Transport Note 2; AR060001, AR060002; AR060003; AR60004; AR61002; AR61003; AR062002; AR062003; AR062005; AR900008; Supplementary Note and Transport Note, Bat Survey, Ecological Assessment, Tree Survey, Heritage Statement, Flood and Drainage Report, Archaeological Assessment and Highway Technical Report and Amended plans AL(90) 01 Proposed Site Plan, PL (00)02 REV B – House Type D Plans, AL(00) 03 REV B – House Type D Elevations, AL(00)04 REV A – House Type C Garage received on 10 June 2019 and Amended Plan AL (00)01 REV C – House Type C Plans and Elevations received on 26 June 2019.

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

2. Prior to the commencement of development, a comprehensive Phasing Plan covering the entire development site shall be submitted to and agreed in writing by the Local Planning Authority. The Phasing Plan shall provide a robust framework and programming or phasing of works including the provision of the works to the Listed Building. The development within the site shall thereafter conform to the agreed and Phasing Plan.

Reason: To ensure that the development is undertaken in an orderly and co-ordinated

manner in the interests of visual and residential amenity and highway safety and to preserve the Listed Building.

(P/19/544/DOC – Details agreed 2 April 2020 by Bridgend County Borough Council)

3. Prior to the construction of the dwellings hereby approved, details and/or samples of the materials to be used in the construction of the external surfaces of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved 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.

(P/19/544/DOC – Details agreed 2 April 2020 by Bridgend County Borough Council)

4. Prior to the construction of the dwellings hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the Local Planning Authority. The boundary treatment shall be completed as approved in before the buildings are occupied.

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

(P/19/544/DOC – Details agreed 2 April 2020 by Bridgend County Borough Council)

5. No building shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted, an assessment shall be carried out of the site potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - (i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - (ii) include a period for its implementation; and
 - (iii) provide a management and maintenance plan of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

(P/21/542/DOC – Details agreed 15 July 2021 by Bridgend County Borough Council)

6. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and E 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 other than those expressly authorised by this permission.

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.

7. 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 building, structure, enclosure,

fences, gates or walls shall be erected within the curtilage of any dwelling house hereby permitted.

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.

8. No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
- (i) a statement setting out the design objectives and how these will be delivered;
 - (ii) earthworks showing existing and proposed finished levels or contours;
 - (iii) means of enclosure and retaining structures;
 - (iv) other vehicle and pedestrian access and circulation areas;
 - (v) hard surfacing materials;
 - (vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.), and
 - (vii) water features.

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

9. The landscaping works shall be carried out in accordance with the approved details during the first planting season as per the agreed implementation programme. The completed scheme shall be managed and maintained in accordance with an approved scheme of management and maintenance.

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

10. Prior to the commencement of development, details of the existing and finished ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

(P/19/544/DOC – Details agreed 2 April 2020 by Bridgend County Borough Council)

11. No development shall take place, nor any demolition works or site clearance, until there has been submitted to and approved in writing by the Local Planning Authority details of a scheme for the protection of existing trees. The approved scheme shall be carried out during any works of demolition and throughout the course of the development.

Reason: In the interests of biodiversity and to preserve the character and appearance open countryside.

(P/19/544/DOC – Details agreed 2 April 2020 by Bridgend County Borough Council)

12. Notwithstanding the submitted details, a scheme for the provision of a vehicle turning area and visitor parking on the private drive serving Plots 2, 3, 4, 5 and 15 shall be submitted to and approved in writing by the Local Planning Authority. The turning area and proposed visitor parking space shall be completed in materials in accordance with the approved layout prior to the occupation of those units and shall be kept available for vehicle turning and parking in perpetuity.

Reason: In the interest of highway safety

13. Notwithstanding the submitted details for the provision of 3 off street parking spaces each for Plots 3, 4 and 5, the parking areas shall be completed in permanent materials with individual spaces clearly demarcated in permanent materials prior to the occupation of those units and shall be kept available for vehicle parking in perpetuity.

Reason: In the interest of highway safety

14. Details of all parking places and driveways shall be submitted to and approved by the Local Planning Authority. The parking places and driveways shall be completed in accordance with the approved details prior to the occupation of each dwelling.

Reason: In the interest of highway safety

15. No development shall commence until a scheme for footway widening on Walters Road has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the development being brought into beneficial use.

Reason: In the interest of pedestrian and highway safety.

(P/19/544/DOC – Details agreed 2 April 2020 by Bridgend County Borough Council)

16. The extended access road from the new turning head at the eastern end of Walters Road serving Units 6-14 including the turning head, passing place and visitor parking, shall be laid out in permanent materials in accordance with the approved layout prior to the occupation of those units.

Reason: In the interest of highway safety.

17. The existing vehicle gate on the access from Park Street shall be removed prior to the occupation of Units 2, 3, 4, 5 and 15.

Reason: In the interest of highway safety.

18. A scheme for the provision of a passing place sign and a sign confirming that the road serving Units 6-14 is private, shall be submitted to and approved in writing by the Local Planning Authority. The signs shall be erected in accordance with the approved scheme prior to the occupation of the dwellings and shall be retained in perpetuity.

Reason: In the interest of highway safety

19. No development shall commence, including any works of demolition, until a Construction 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 parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction;
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works and;
- vii) hours restrictions for construction work

Reason: In the interest of highway safety.

Dated: **28 June 2019**
Updated: **2 April 2020**
Updated: **15 July 2021**

Signed:



Group Manager Planning & Development Services

YOUR ATTENTION IS DRAWN TO THE FOLLOWING (some of which may not be applicable):-

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.

Grant Price

From: Leigh Tuck
Sent: 09 September 2022 13:03
To: Grant Price
Cc: Christine Britton; David Chapman; Rhodri Davies
Subject: RE: P/22/85/RLX - Phase 3 Coed Parc - Construction Traffic
Attachments: kerbline may have to come out on RHS to allow access from tarmac road onto stone construction track.jpg; where the construction access will run.jpg; along the front of the listed building.jpg; looking down the slope gradient.jpg; looking towards the slope from phase 3.jpg; walters road entrance.jpg

Morning Grant,

Thanks for the chat earlier.

To confirm our conversation and allow you to produce a new technical note I can advise of the following agreements we made with Mr David on site:

All deliveries including Rigid 11m HGV will enter and exit the site from the park street access point.

All contractors will access from either the Park Street access or from the west road pedestrian access

All vehicles will arrive and leave in a forward gear

Deliveries should avoid where possible the peak network hours of 8-9 and 5-6

Swept path analysis will be required to show a vehicle negotiating the access the first bend and the bend onto the ramped access into phase 3

There may need to be a setting down area for vehicles which cannot make the ramped access. This setting down area could also double as a secondary turning area as shown on plan below

The access route as it leaves the tarmac surface (in front of the listed building) will need to be made up with stone to a width of at least 4.5m any less will require a passing place.

There is no need for a delivery booking system any longer

The note should say that no deliveries associated with the construction of the dwellings will be made from the Walters Road entrance.

The note needs to make clear the distinction that once the houses in phase 3 start to be occupied then the Walters road access will be open and whilst no HGV construction traffic will be allowed, HGV deliveries of kitchen appliances etc for the new residents will be allowed, as I don't think it's fair that the new residents cannot use the access for normal deliveries as will be the case when the site is complete. Similarly once the road is open we will not be able to control small vans and cars associated with the smaller trades from using the Walters road entrance and so it needs to be made clear that once the Walters road entrance is open on first occupation, small vans up to large transit, etc can use the Walters road entrance to access the site but must park within the site

There is no longer a need for a TTRO

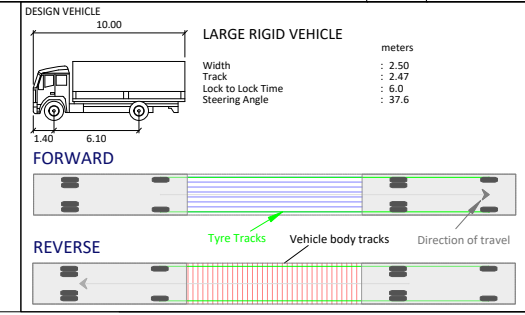
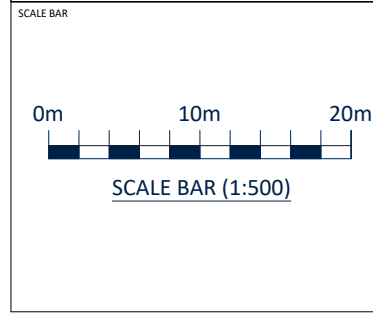
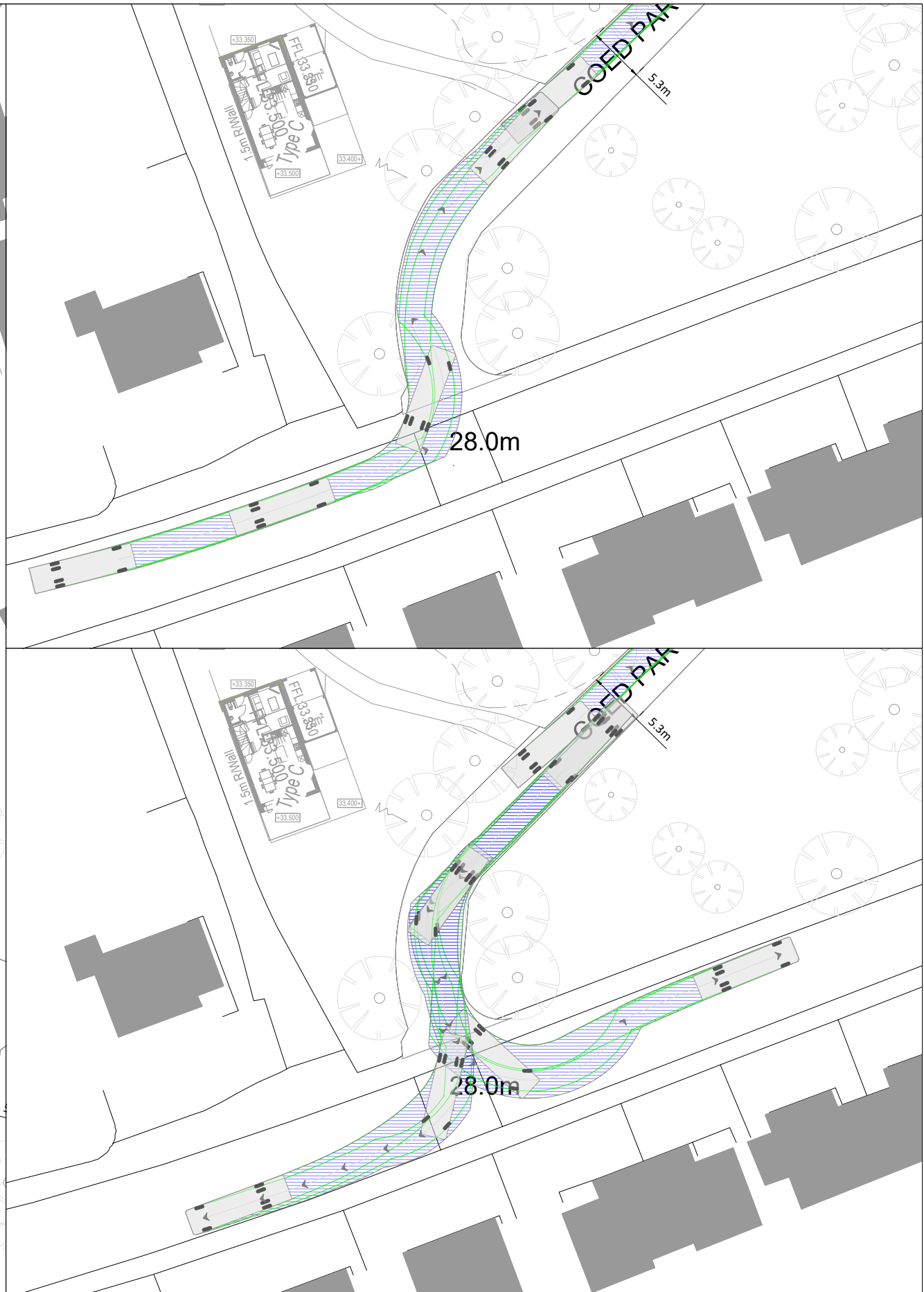
The plan below shows the construction vehicle access road in red. A site survey evidenced that there is enough room to get 2 vehicles through.

The blue area hatched could act as a setting down area for vehicles that cannot make it up the slope. Although by extending the slope the gradient could be reduced.

Also the blue area could act as an alternative turning area if needed.

The green hatched area at the end of Walters road should remain closed for HGV's and pedestrians until the first dwelling is occupied and access road constructed to wearing course. This will ensure that contractors do not park on Walters road during the construction phase.

Appendix B Swept Path Analysis



- NOTES
1. General Arrangement drawing suitable for planning purposes only. This drawing is not suitable for construction.
 2. Drawing is based on OS mapping data. Ordnance Survey, (c) Crown Copyright 2021. All rights reserved. Licence number 100022432
 3. Please do not scale from this drawing

REVISIONS (CONTINUED)

Rev	Date	Description	By	App
P03	28/09/22	Third Issue	GP	DC
P02	06/05/22	Second Issue	GP	DC
P01	28/04/22	First Issue	GP	DC

REVISIONS

Rev	Date	Description	By	App
P03	28/09/22	Third Issue	GP	DC
P02	06/05/22	Second Issue	GP	DC
P01	28/04/22	First Issue	GP	DC

Apex
TRANSPORT PLANNING

11-13 PENHILL ROAD
CARDIFF
CF11 9PQ
t: 02920 619 361
e: info@apextp.co.uk

CLIENT
PARK TREE HOMES LIMITED

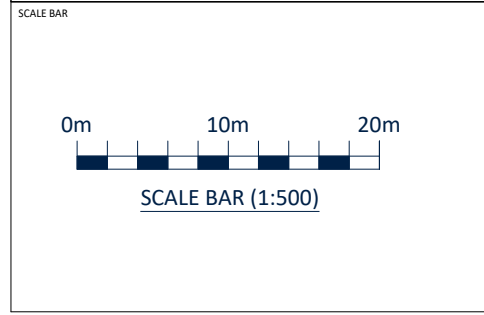
PROJECT
PHASE 3 COED PARC, BRIDGEND

TITLE
CONSTRUCTION METHOD STATEMENT

SWEPT PATH ANALYSIS OF A 10m RIGID HGV ACCESSING, TURNING AND EGRESSING THE SITE

PROJECT NO. C22-053	SCALE @ A3 1:500
STATUS DESCRIPTION INFORMATION	STATUS S2
DRAWING NO. C22053-ATP-DR-TP-002	

Appendix C Construction Site Plan



KEY

- NOTES
- General Arrangement drawing suitable for planning purposes only. This drawing is not suitable for construction.
 - Drawing is based on OS mapping data. Ordnance Survey, (c) Crown Copyright 2021. All rights reserved. Licence number 100022432
 - Please do not scale from this drawing

REVISIONS (CONTINUED)	

REVISIONS			
P03	28/09/22 Third Issue	GP	DC
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Rev	Date	Description	By App

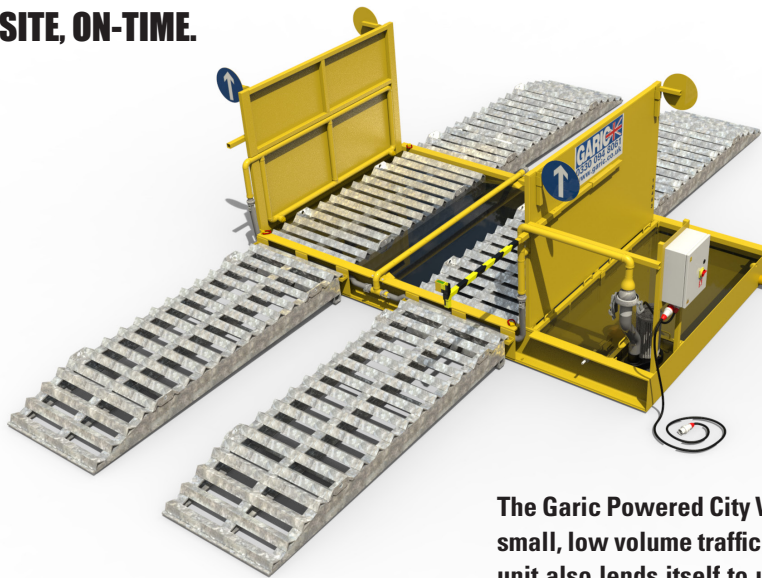
Apex
TRANSPORT PLANNING
11-13 PENHILL ROAD
CARDIFF
CF11 9PQ
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e: info@apextp.co.uk

CLIENT
PARK TREE HOMES LIMITED

PROJECT
PHASE 3 COED PARC, BRIDGEND

TITLE	
CONSTRUCTION METHOD STATEMENT	
INDICATIVE CONSTRUCTION SITE PLAN	
PROJECT NO. C22-053	SCALE @ A3 1:500
STATUS DESCRIPTION INFORMATION	STATUS S2
DRAWING NO. C22053-ATP-DR-TP-001	

Appendix D Wheel Washing Facility



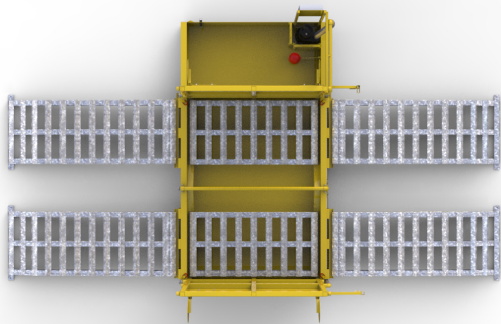
The Garic Powered City Wheel Wash has been designed with small, low volume traffic and ‘no-space’ projects in mind. The unit also lends itself to urban-developments where space is a premium, muck is a problem, and where traditional wheel wash solutions simply cannot fit.

This unit can be quickly deployed without the need for movement orders and be delivered to site with the minimum of fuss. This unit is the smallest powered spray wash in our range. The submersible pump unit can be simply plugged in to an existing three phase supply or powered independently of mains power using a 10KVA 3 phase diesel powered generator. A 25mm water supply is required to give the unit its initial fill. This also maintains the water level within the unit. Water waste is minimized as it is recirculated from the containing sump underneath. The unit can be dug into the ground a mere 325mm for a flush fit application and if digging is not an option, the unit can be used 325mm above ground with a set of simple 3 metre rumble ramps. As wheels pass through the unit, the rumble bars agitate the tyre treads and they are cleaned by high pressure horizontal spray jets. This ensures more than a 360 degree clean of standard tipper lorry tyres. Travelling very slowly through the unit achieves a clean similar to our much larger units.

This unit is especially designed for 8 wheel tipper lorries and concrete trucks, which don't have under run bars, however, ramp extensions are available for lower configurations.

STANDARD SPECIFICATIONS:

Product Code	300003	
Bays	Dims (L x W x H)	Dims (L x W x H) Without Ramps
1	8500mm x 4500mm x 325mm	2500mm x 4500mm x 325mm



OPTIONAL EXTRAS AVAILABLE

- Generator
- Water Bowser
- Additional wash area

- Powered compact wash with small footprint
- Steel heavy duty fabrication
- Surface mounted no need for digging
- Automatic sensor (magic eye)
- Horizontal spray jets
- Heavy duty lifting and lashing points
- Ball cock water fill system
- Galvanised ramps
- Low angle entry and exit
- 3.7Kw soft start water pump (per bay)
- Additional bays can be added between ramps if required (modular).



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REFERENCE: P/20/895/RLX

APPLICANT: Mr Ward Jones: c/o John Matthews Planning & Development
Consultancy, 47 Anglesey Way, Porthcawl CF36 3QP

LOCATION: **Ward Jones Bridgend Ltd, Horsefair Road,
Waterton Industrial Estate, Bridgend CF31 3YN**

PROPOSAL: Variation of Conditions 1, 2, 3, & 4 and removal of Conditions 8 & 16
of P/17/369/RLX to allow for partial site use changes

RECEIVED: 11 November 2020

APPLICATION/SITE DESCRIPTION

In 2016, retrospective planning permission was given for a private car parking area and outside storage facility on land to the rear of Units 11-13 Horsefair Road on Waterton Industrial Estate, (P/16/472/FUL).

In 2018, consent was granted to vary planning conditions imposed on the aforesaid permission to regularise the activities on site. P/17/369/RLX was issued and was subject to 15 conditions that sought to manage the development in the interests of safeguarding the living conditions of residents, to safeguard highway safety, to promote nature conservation and to ensure the safe drainage of the site.

This current application has been submitted under S.73 of the Town and Country Planning Act and seeks to vary and remove a number of the planning conditions imposed on P/17/369/RLX and to allow for partial site use changes. Amended plans and a supporting planning statement were submitted in January 2022. Each condition and the proposed changes are detailed as follows:

Condition 1

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

Sketch Layout Plan as Amended - December 2022

Reason: For the avoidance of doubt as to the extent of the permission granted and in the interests of highway safety and the amenities of residents.

Proposed Change: The Site Layout plan will be amended to reflect the proposed changes that will be described below:

Condition 2:

The site shall only be used for the following:

a) Area 1 - An overspill car parking area to be used in association with CGI Business and Management Consultants, Waterton Industrial Estate, Moor Road Bridgend and not for the parking of any other vehicles or the storage of any materials, containers or equipment.

The car parking area shall not be used outside the following times: 07:00 hours - 20:00 hours Mondays - Fridays. At all other times, the car park shall be secured to prevent access outside the permitted hours.

Area 1 shall not be used for any other purposes including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)

or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

b) Area 2 – The storage of Locomotive Cabs (a maximum of 19 cabs).

Area 2 shall not be accessed outside the following times: - 09:00 hours-18:00 hours on any day. At all other times the Locomotive Restoration Yard shall be secured to prevent access outside the permitted hours.

Area 2 shall not be used for any other purposes including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

c) Area 3- A Compulsory Basic Training Motorcycle Facility operated by Bridgend Motorcycle Training Centre Ltd (BMTC Ltd) only that is restricted to a maximum of 6 bikes being operated/ridden on site at any one time.

The Motorcycle Training Facility shall not operate outside the following times: 08:00 hours -18:00 hours Mondays- Fridays and 09:00 hours -17:00 hours on weekends and Bank Holidays. At all other times the Motorcycle Training Facility shall be secured to prevent access outside the permitted hours.

d) Area 4 - A Van Storage Yard and ancillary building (a maximum of 30 Vans).

Area 4 shall be used for the storage of transit type commercial vans and car derived vans. The use of refrigerated vehicles, large goods vehicles, heavy goods vehicles, and any vehicle with a gross vehicle weight of more than 3.5 tonnes is prohibited.

No repairs of the vehicles shall be undertaken at any time and the yard and ancillary building shall be secured to prevent access outside the following times: 07:00 hours -19:00 hours Mondays- Fridays and 08:00 hours -17:00 hours at the weekends and Bank Holidays.

Area 4 shall not be used for any other purposes including any other purposes in Class B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to those Classes in any Statutory Instrument revoking and re-enacting that Order with or without modification.

e) Area 5 - The storage of Caravans, Campervans and Motor Homes and for no other purpose including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) (as amended) or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

The road surfaces subject to vehicular movement by caravans, camper vans and motorhomes shall be surfaced with asphalt planings or scalpings or a similar noise reducing surface. The area shall be secured to prevent access outside the following times: 07:00 hours – 19:00 hours on any day.

f) Area 6 - The storage of new pre-registered motor cars and for no other purposes including any other purposes in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

Area 6 shall be secured to prevent access outside the following times: 07:00 hours-19:00 hours on Mondays- Fridays and 08:00 hours - 17:00 hours on weekends and Bank Holidays.

g) Areas 7, 7a, 7b and 7c - the storage of steel containers.

The row of storage containers in locations 7b and 7c shown on Proposed Site Layout plan shall be maintained and retained in perpetuity to form a contiguous line along the southern perimeter boundary of Area 3 and the southern boundary of Areas 5 and 6. Should any container(s) be removed from site, the use of the motorcycle training facility, the storage of Caravans, Campervans, Motor Homes and vans shall immediately cease until replacement noise mitigation measures in the form of a 2.5m high acoustic barrier or close boarded fence with the joins being overboarded with a minimum mass of 10kg per square metre unit area which has no gaps, is imperforate and forms a contiguous line has been erected in a position to be agreed by the Local Planning Authority. The barrier or fence agreed by the Local Planning Authority shall be maintained and retained in perpetuity.

Areas 7, 7a, 7b and 7c shall be secured to prevent access outside the following times: 07.00 hours -23.00 hours on any day.

h) A Landscaping Protected Zone identified and shaded green on the 'Layout Plan' shall be retained in accordance with the landscaping scheme and maintenance plan agreed in discharge of condition 8 of P/16/472/FUL (P/16/973/DOC refers).

Reason: To ensure the effective control over the future use of the site in the interests of highway safety and the amenities of residents.

Proposed Change: Areas 1, 2, 3 and the Landscape Protected Zone on the southern boundary will not change. The application seeks retrospective consent for the use of Area 4 by H&E Comms Ltd, a local consumer services company, specialising in fibre optics. The site is used as a base with office accommodation and amenity block provided. Areas around the temporary buildings are used for the parking of vehicles and the storage of equipment. The application seeks to amend condition 2 d) as follows:

Area 4 shall be used as a base for H&E Comms Ltd or other similar company that undertakes its customer business activities offsite. The use of refrigerated vehicles, large goods vehicles, heavy goods vehicles and any vehicles with a gross vehicle weight of more than 3.5 tonnes is prohibited. No repairs of the vehicles shall be undertaken at any time and the yard and ancillary building shall be secured to prevent access outside the following times: 07:00 hours -19:00 hours Mondays- Fridays and 08:00 hours -17:00 hours at the weekends and Bank Holidays. Area 4 shall not be used for any other purposes including any other purposes in Class B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to those Classes in any Statutory Instrument revoking and re-enacting that Order with or without modification.

The site layout has been amended such that Area 5 will now incorporate Area 6, previously used and approved for the storage of brand-new vehicles. The enlarged Area 5 will be used for the storage of caravans, campervans, motorhomes and/or steel containers. It is intended that access to the site will be allowed between 07.00 – 23.00 hours on any day. The previous consent only allowed access between 07:00 hours – 19:00 hours on any day.

Areas 7, 7a, 7b and 7c have been renamed 6A, 6B and 6C and the wording of the

condition to reflect the changes of the uses proposed above. The only proposed change for Area 6B is an 'either or' arrangement which will allow either a row of steel storage container or a 2.5m high close boarded fencing or by the wording of the condition, a combination of the two. Area 6B provides an important sound barrier on the southern boundary of the approved motorcycle training facility. The amended wording proposed still includes a requirement for the training facility to cease operating should the noise barrier be removed. Area 6C is the row of steel containers on the southern boundary of the site. These are to be maintained and retained in perpetuity to form a solid sound barrier without gaps with access gates for maintenance of the Landscape Protected Zone finished in 2.5m high close board fenced gates with a minimum mass of 10kg per square metre per unit area. Access to these containers will be as per the earlier consent i.e. between 07.00 hours and 23.00 hours on any day.

Condition 3: *A 2m overboarded close boarded fence with a minimum mass of 10kg/m² unit area shall be erected as part of 7b and 7c and as located on boundary 'b' marked on the 'Layout Plan' received on 4 January 2019 and shall be maintained and retained in perpetuity. The fence shall be imperforate with no gaps including no gaps between the steel containers at 7b and the fence marked as b on the Layout Plan.*

Reason: In the interests of safeguarding the living conditions and well-being of the residents

Proposed Change: The revised wording proposed by the application requires the retention and maintenance of the fence erected on the eastern boundary of the motorcycle training facility and caravan and campervan storage areas. It seeks to acknowledge that the requirements of the original condition have been discharged.

Condition 4: *Within three months of the date of this permission a 3m high close boarded timber fence shall be erected along the northern, southern and eastern boundaries of Area 2 as indicated as boundary 'a' on the 'Layout Plan' received on 4 January 2019. The fence shall be maintained and retained in perpetuity.*

Reason: In the interests of screening this part of the site operation

Proposed Change: As with condition 3 above, the revised wording proposed by the application requires the retention and maintenance of the erected fence on the northern and eastern boundaries of the Locomotive Storage Yard. It seeks to acknowledge that the requirements of the original condition have been discharged.

Condition 8: *Within two months of the date of this permission a revised landscaping plan for the eastern boundary of the site shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall incorporate a line of tree/hedge planting on the eastern boundaries of Areas 2 and 3 on the 'Layout Plan' received on 4 January 2019. The planting plans shall include a schedule of trees and shrubs, noting species, plant sizes and proposed numbers and densities and a program for maintenance. All landscaping works shall be carried out in accordance with the approved details and in the next planting season (November 2019 – March 2020).*

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

Proposed Change: This application proposes the removal of this condition on the basis that it is no longer necessary because the existing eastern boundary fencing along with the existing riverbank vegetation provides a sufficient and satisfactory visual screen along the site's eastern boundary

Condition 16: *Within two months of the date of this permission, a delivery management plan for the pre-registered motor cars operation shall be submitted to and agreed in writing by the Local Planning Authority. The management plan will detail the timing, number of trips and vehicles/equipment used in the delivery of the pre-registered cars to site. All future deliveries shall be undertaken in accordance with the agreed delivery management plan.*

Reason: To ensure the effective control over the future use of the site in the interests of highway safety and the amenities of residents.

Proposed Change: This application proposes the removal of this condition on the basis that Area 6 is no longer used for the storage of pre-registered motor cars.

The following is a 2021/2022 Google Maps extract of the site showing the site and the current uses:



RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/15/132/FUL	Change the use of land to uses falling within Classes B1, B2 and B8 of the Use Class Order 1987.	Conditional Consent	18/6/15
P/16/472/FUL	Retrospective planning permission to develop a private car parking area and outside storage compounds.	Conditional Consent	28/10/16
P/17/369/RLX	Variation of conditions 1 and 5 of P/16/472/FUL	Conditional Consent	24/10/19

CONSULTATION RESPONSES

CONSULTEE

**Coychurch Lower
Community Council
(24/12/20)**

COMMENTS

We must object on the basis this application, as it is presented, is nonspecific, does not comply with previous instructions given by BCBC to the owner and any change would significantly impact on the amenity of Treoes villagers.

AREA 4

We object to the retrospective request for toilets/restrooms in this area-built March 2020. The site is for storage only. They should be removed. There should be no need for such facilities. For daytime staff, toilet facilities already exist in the main entry building.

We object to the very cleverly written request for overnight parking of cars/vans in this area, as opposed to storage of vehicles, assuming this will allow for overnight parking of vans and other vehicles and would explain the need for toilets/restrooms for overnight users!

AREA 6

This request is non-specific. It is suggesting multi-use (caravans, campervans, motor homes or steel containers) depending on changing market demand. This request for multi-use has already been denied by BCBC and should be denied again to protect the amenity of Treoes villagers.

At the start of the project in 2016 BCBC DC committee specifically advised the owner that each and every change to any given area any time required planning permission. The owner was also denied any opportunity to 'respond to market demand'. This was specifically agreed in order to protect the amenity of Treoes villagers with gardens and fields adjoining.

This application seeks to make changes in areas 4 and 6, the suggested use as described is non-specific and multi-use, in order that the owner can respond to changing market demand. This has already been denied by BCBC and should be denied again.

We would like to remind everyone that this site was originally for STORAGE ONLY with one area set aside for a car park for CGI and a storage area for loco cabs. No power tools to be allowed. Specifically for the amenity of villagers.

What exists now bears no reflection on what was agreed in 2016. Continued unauthorised activities, requiring retrospective planning permissions have occurred over the years, all of which have significantly impacted on the lives of Treoes villagers. We believe at a recent meeting the DC Committee agreed they would no longer consider any further retrospective planning applications.

Yet here we are again.

Everyone in BCBC/DC Committee knows that over the last 3 years, all without permission, there has been the emergence of a motorbike training area, with offices, classrooms, restrooms etc. Several portacabins have appeared in the 'storage only' loco cab area, power tools are being used.

In recent weeks, two unauthorised buildings with apex roofs have appeared, a food van is doing a roaring trade parked each day inside the entrance to the site, when only vehicles of WJ are permitted to park. Last year the owner contracted with Hermes to park vans overnight on his smaller storage site.

We request BCBC DC Committee undertake a total review of this site.

That all unauthorised activities cease, that all unauthorised buildings are removed, and it is once again returned to storage only to protect the amenity of Treoes villagers.

The Coychurch Lower Community Council objects to all parts of this application, reminding BCBC that this site, adjoining the village of Treoes, was agreed to be a 'storage only area' specifically to protect the amenity of Treoes villagers. The only modification was the agreement to allow a fenced car parking area for CGI, to be established as far away from Treoes village as possible, with very limited daytime access.

In 2017 WJ requested permission to change the use in any area any time without needing planning permission and this was denied by BCBC. He was advised he must apply each time and be very specific as to any change of use in any area.

Through the letter from his agent the applicant is seeking to change two very important planning conditions which would undoubtedly affect those living in Treoes villagers. He is also seeking retrospective permission for a toilet and restroom which should not have been installed.

The community council objects to any change to conditions 2 and 4 on the basis this would significantly impact on the residents of Treoes. It was agreed the area would be a storage only site with small CGI car park. The community council cannot support any application that proposes unspecified multi-use changes to meet changing market demands. This request was denied some years ago and doing so would significantly impact on the residents of Treoes villagers. The community council cannot support the need for any toilet/restrooms in area 4 as this is a storage only area with car park.

**Llangan Community
Council (neighbouring
Community Council in**

Object to any variation of conditions 1,2,3 and 4 and the removal of condition 8. We agree to the removal of condition 16 as you advise the car storage activity no longer exists. We

are despairing that this application includes yet another unauthorised activity in Area 4, which the agent confirms has existed since March 2020. However, the agent fails to include the unauthorised erection in Area 4 of a portacabin and several permanent 6m lights. Combine this then with the 14 villager complaints brought to the attention of BCBC during 2020/21, which included at least two further unauthorised activities, which BCBC have enforced, and this Council is now deeply concerned that the landowner chooses not to adhere to BCBC conditions, especially conditions that seek to protect the amenity of Treoes.

Any attempt to remove condition 8 is particularly alarming to this Council. BCBC have placed conditions from as early as 2015/16 to enhance perimeters and to protect the visual amenity of Treoes village. It is now 2022 and six years later these conditions have still not been implemented. Our concerns are as follows:

- This application contains an existing unauthorised activity already with an enforcement re lighting
- That many conditions BCBC set, to protect the amenity of Treoes villagers, to enhance visual amenity and to protect the countryside and increase nature conservation, will disappear.
- Condition 1 - can only be agreed by BCBC
- Condition 2 - Proposed New Site Layout - Area 4, the business of H & E Comms, with portacabin and 6m lights, is unauthorised. BCBC have already received villager complaints re the lights and taken out enforcement. Without a prior planning application, to fully understand the business activity, we cannot understand any request to extend hours to 2300 in this area, especially when advised it is a daytime only business. We cannot agree to any request for 'any similar company' to operate in Area 4 given the current business is unauthorised and we believe BCBC would lose control of this area if permission were given. We cannot agree to allowing Area 5 to expand into the old Area 6 and extending hours of operation to 2300 hrs. Area 6 is much closer to the village, amenity has been protected as it has contained a daytime only almost static activity. We cannot agree to a multi-use approach in the old Area 6. This area needs to be controlled and very specifically conditioned to protect the amenity of Treoes villagers
- Conditions 3 & 4: These conditions were placed on the landowner January 2019 and have been ignored. The conditions should remain and be enforced.
- Condition 8: The establishment of an Eastern border for reasons of amenity, nature conservation, visual amenity

have been ignored since 2016. First a 5m bund with trees and planting was conditioned. Then in Jan 2019, BCBC requested trees and planting along this edge, work to be undertaken March 2020 onwards. All conditions again have been ignored by the landowner

**Cllr Elaine Venables –
Former Local Member**

No comments received.

**Principal Officer
Highways Development
Control**

No objections.

**Shared Regulatory
Services:**

No objections subject to conditions.

Land Drainage Section

We have no objection to the variation of conditions.

REPRESENTATIONS RECEIVED

Letters of objection have been received from the occupiers of Rhoslanog, Caeffynnon, Gwyndy, Bodafon and 4 River Court.

The following is a summary of the objections received specific to variations in the conditions proposed:

The applicant ability to 'respond to changing markets' have been resisted by the Council so that you can rightly consider the impact any change of use that may have on the amenity of Treoes village – once again another retrospective application - against the wishes of the Development Control Committee.

Condition 1: The amended plan which is referenced by this condition reflects scant regard for highway safety and the amenities of residents.

Condition 2: H&E Comms Ltd are already on site - this is a retrospective planning application - the Council previously advised the applicant they would not entertain such applications in the future; the terminology “any similar company” as it takes away planning control; extending the working hours will generate more noise and disturbance and for a much longer period of time – this will add to the noise from the site and other businesses in the area.

This application cleverly conceals a request to retrospectively agree to washing and toilet facilities-built March 2020 in area 4. Area 4 which was designated for storage will effectively become an overnight parking area for cars/vans to meet needs of local companies.

Additional lighting has been introduced to Area 4 that is likely to impact on the amenities of residents

The request to introduce a multi/flexi use on Area 5/6 should be rejected – there will be an unknown mix of caravans, campervans, motorhomes or steel containers – access to the site between 07.00 – 23.00 hours is also proposed - this part of the site is very close to the village of Treoes and would affect living conditions

Conditions 3, 4 and 8: The whole of the eastern boundary should revert back to the original Planning Condition that required a planted bund for reasons that it would maintain

and improve the appearance of the area in the interests of visual amenities and to promote nature conservation – we should all be looking after our planet and any landscaping is a step in the right direction

Objections have also been received regarding the increase in traffic flows in and around the estate and through the village since the development was first consented on site - there are several delivery vans by-passing through the village along with the car movements of the CGI staff - the application should be accompanied by an appropriate technical assessment of the impact of development on the highway network – the development could exacerbate the situation

COMMENTS ON REPRESENTATIONS RECEIVED

Many of the issues raised by the objectors will be considered in the appraisal section of this report. A number of references have been made to the nature of the application which once again seeks retrospective consent for a new use (H&E Comms on Area 4), changes to the layout and the omission of the landscaping on the eastern boundary of the site. The suggestion has been made that this Council would no longer consider retrospective applications on this site. That is not the case. In almost all circumstances, the Local Planning Authority has a duty to determine a valid application. The residents are correct that Members that determined the previous application at the meeting of the Development Control Committee in October 2019 did indeed voice their concerns at the repeated retrospective applications on this site and those were relayed to the applicant and his planning consultant. It does not however prevent the submission of such an application which must be assessed having regard to the relevant planning policies and all other material considerations.

Coychurch Lower Community Council in their observations highlighted a number of planning breaches but specifically a pitched roof that had been erected on one of the steel containers serving the motorcycle training centre. The works have been carried out and the site owner was invited to submit a retrospective planning application. Although no application has been submitted, it was agreed that the alteration was acceptable and no enforcement action would be pursued. The case was closed. An application for the hot food van at the entrance to the site was submitted and refused on the basis of the use affecting movements around the site access and being detrimental to highway safety. An Enforcement Notice was also served. An appeal against such action and the refusal of permission was allowed and consent was granted.

POLICY CONTEXT

Local Policies

The relevant policies relating to the proposed development from the adopted Bridgend County Borough Council Local Development Plan (LDP) (2013) are:

Policy PLA1 Settlement Hierarchy and Urban Management
Policy SP1 Regeneration-Led Development
Policy SP2 Design and Sustainable Place Making
Policy SP3 Strategic Transport Planning Principles
Policy PLA11 Parking Standards
Policy ENV6 Nature Conservation
Policy ENV7 Natural Resource Protection and Public Health
Policy SP9 Employment and the Economy
REG1 (8) Employment Sites – Land at Waterton Industrial Estate
REG 2 Protection of Identified Employment Sites

Supplementary Planning Guidance

SPG 17 Parking Standards

National Policies

In the determination of a planning application regard should also be given to the 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 5 Nature Conservation and Planning
Planning Policy Wales TAN 11 Noise
Planning Policy Wales TAN 12 Design
Planning Policy Wales TAN 18 Transport
Planning Policy Wales TAN 23 Economic Development

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

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

The well-being goals identified in the act are:

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

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

THE SOCIO-ECONOMIC DUTY

The Socio-Economic Duty (under Part 1, Section 1 of the Equality Act 2010) which came into 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 being reported to Members due to the number of objections received from the Community Councils and local residents.

The main considerations in the determination of this application relate to:

- The acceptability of the new use and re-configuration of existing uses with reference to the site's allocation in the Bridgend Local Development Plan
- The use of land and the impact on the amenity of the residents of Treoes and the wider surrounding areas and the protection/enhancement of biodiversity interests on site
- The implications of the development on the surrounding highway network and whether the access arrangements are deemed acceptable to serve the existing and new use and amended site layout
- The drainage of the site

The acceptability of the new use and re-configuration of existing uses with reference to the site's allocation in the Bridgend Local Development Plan

The site is allocated and protected for employment development falling within uses B1, B2 and B8 (as defined by the schedule to the Town and Country (Use Classes) Order 1987), Policy REG1 (8) of the Bridgend Local Development Plan (2013) refers.

All the existing and consented uses including the overspill car park, loco storage yard, motorcycle training centre, caravan, campervan, motor home and container storage have been deemed to be compliant uses with the aforementioned Policy and reconciled through the granting of the previous consents (P/16/472/FUL and P/17/369/RLX refer).

Area 4 is now occupied by a new business that specialises in the installation and maintenance of fibre optic networks. The site is used as a base for the company and includes offices, amenity block with the storage of equipment and materials. Such a use would fall within Classes B1 or B2 so, in principle, would accord with the allocating policies. Both residents and the Community Councils have suggested that the whole site should only be used for storage purposes. Whilst parts of the site are indeed given for such uses, other areas are used as an overspill car park and a motorcycle training centre, uses permitted based on the site's allocation for a range of B1, B2 and B8 business uses and operations. It could be argued that the economic benefits of allowing this new fibre optic business and the services and employment it provides will be greater than the other service type uses on site. Concerns about the impact of this new use on residents and site drainage will be addressed again in the report but there is no evidence to suggest that its operation is so harmful as to suggest that the use of the land on a matter of principle is unacceptable.

The other major change to the uses on site is the expansion of the caravans, campervans, motorhomes and container operations into the enlarged Area 5. These uses have all been consented elsewhere on site and accord with the site's allocation under Policy REG1 (8).

On a matter of principle, the current activities on site accord with local and national planning policies.

The use of land and the impact on the amenity of the residents of Treoes and the wider surrounding areas and the protection/enhancement of biodiversity interests on site

As with all previous applications, the key issue in the assessment of this application is the impact of the new and reconfigured uses, both individually and in combination, on the living conditions and well-being of the nearest residents in Treoes.

Measured from Ordnance Survey plans, the nearest property, 4 River Court, is some 44m from the site. This is a relatively recent development with the more established properties on Parc Newydd being some 130m from the southern boundary of the application site.

As acknowledged in previous reports, introducing commercial development to this site was always likely to have an impact on the levels of amenity that had been enjoyed by the residents of Treoes. The critical issue was the significance and whether, under the current planning legislation, adequate controls could be imposed on the existing and future use of land.

As described above, this application introduces one new use on Area 4 and an expansion of the caravans, campervans, motorhomes and container operations on the enlarged Area 5. Such changes have been made without first gaining the necessary planning permission and this has frustrated residents on what they perceive as a failure on the part of the Local Planning Authority to pursue enforcement action. Wilful disregard for the need for planning

permission is not condoned by this Council and the developer's actions are regrettable. Nevertheless, the decisive issue for the authority is whether the new use and other changes have unacceptably affected public amenity and whether the use of the existing use of land and buildings merits protection in the public interests. On each occasion when additional uses have been introduced to site, the above tests have been applied and based on the advice received from the Council's consultees, enforcement action was not immediately pursued in respect of the new use and other changes made. The planning legislation does allow for the submission of retrospective applications to regularise the use of land and to amend the requirements of previously imposed planning conditions and this current application seeks to address those matters as described earlier in the report.

Based on the representations received from residents and the Community Councils, the main concerns regarding the operations on Area 4 relate to the intended hours of business, the lighting, the toilet facilities and the relaxation of the condition allowing other similar business to operate on site.

Condition 2 d) of consent P/17/369/RLX permitted the former use on Area 4 to operate between 07:00 hours to 19:00 hours Monday to Friday and 08:00 hours to 17:00 hours at the weekends and on Bank Holidays. It was proposed to extend the business hours to 23:00 hours on weekdays but that is no longer required and the hours of business will remain as consented. Lighting has been installed on Area 4 and comprises manually controlled 10w LED lights on 4m high columns. All lights face downwards with none facing towards existing residents in Treoes. All lighting should be extinguished by 19:00 hours. This has been agreed as part of the lighting scheme for the whole site (P/21/1128/DOC refers). The concerns around toilet facilities are two-fold. The site has no foul drainage and there are concerns that the toilet facilities were being used in association with the overnight parking of delivery vehicles. At the time this application was submitted, Area 4 was being used by Hermes (now EVRi) as an overspill car park and the Community Councils were concerned that the toilet facility was being used overnight by staff of that company. That use has ceased and the site is now fully occupied by H&E Comms. Toilet facilities are available but in the form of a portaloo. Given that the business has staff working in the office, it is an essential facility and does not raise any amenity or drainage concerns. The application does propose a variation to condition 2 d) that would allow a similar type of business to occupy Area 4 without the need for a further planning consent. Colleagues in Shared Regulatory Services have some concerns with such a change even accounting for the controls that are in place through the consent. Accordingly, the re-wording of the condition will not permit other businesses to occupy the plot without the consent of the Local Planning Authority.

Based on the representations received from residents and the Community Councils, the main concerns regarding the expansion of the caravans, campervans, motorhomes and container operations on the enlarged Area 5 are the proposed hours of operation (07:00-23:00 hours) and the flexibility to introduce more caravan or steel container storage, depending on market conditions. The Community Councils have referenced the proximity of Area 5 to the properties in Treoes and that the previous car storage use operated during the day.

Colleagues in SRS have considered the proposed change to the hours of operation and have no objections on the basis that the movements to and from the site in the late evening are generally limited in number. Furthermore, access to the steel storage containers that form the southern boundary of the site and run through Area 5 is permitted between 07:00 hours and 23:00 hours on any day. Although both the Community Councils and residents have suggested this change will affect amenities, there is no evidence that access to the containers has caused any significant problem. Although the introduction of lighting on the containers that face into the site will be triggered by customers accessing

their pitches with their caravans or motorhomes or the steel containers, such lighting has been designed to face down and into the site. Any light spillage should therefore be limited and screened by the containers and the trees on the southern boundary of the site. The proximity of Area 5 to the residents is fully acknowledged but it is considered that the extended use of the site and hours of operation should not have such significant impacts on living conditions as to warrant a refusal of planning permission.

The introduction of some flexibility into the storage options for Area 5 does go somewhat against the controls that the Local Planning Authority have enforced across this site but on the basis that the various storage uses are acceptable, it would be difficult to oppose a change which included more storage containers given their prevalence elsewhere on site. To ensure some degree of control and the retention of sufficient operational space, a condition will be imposed that requires a plan to be submitted for Area 5 should any new steel storage containers be introduced to site.

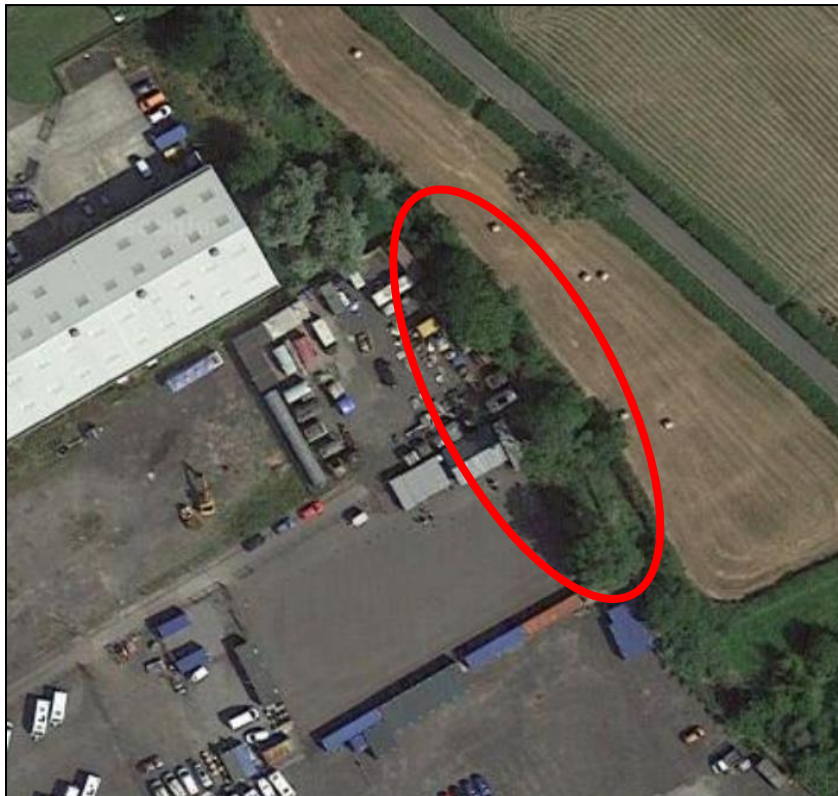
National policy does indicate that 'potentially polluting' commercial/industrial development should be located where there is low public exposure or where the impacts can be minimised. The potential impact of noise pollution arising from existing development must be fully considered to ensure the effects can be adequately controlled to safeguard amenity. Based on the responses received from consultees and a review of the site circumstances, the impact of the new use and the re-configuration of others on the residents in terms of noise is minimal and does not demand a refusal of permission. It must also be recognised that the application site does form part of Waterton Industrial Estate and has long been identified for business uses. Conditions both new and existing (re-imposed from the original consent) should ensure that the living conditions of residents can be reasonably maintained.

From the representations received, one of the main objections to this application is the relaxation of condition 8 which required the agreement and implementation of a landscaping scheme incorporating a line of tree/hedge planting on part of the part of the eastern boundary. The planning statement submitted in support of the application suggests that the existing boundary treatment and riverside planting provides sufficient screening of the site when viewed from the access road to Treoes and the open countryside to the east.

Landscaping buffers were proposed along the southern and eastern boundaries of this site as part of the original site layout. A condition on that consent required the agreement of a landscaping scheme incorporating earth bunds, tree planting etc and that was approved under a discharge of condition consent (P/16/926/DOC refers). The landscape buffer along the southern boundary of the site has been implemented and the trees are maturing. A recent inspection suggests that some maintenance of this area should be undertaken in the Spring to ensure that it continues to establish and provides an acceptable screen to this commercial development. This planting zone on the southern boundary is critical but the developer has consistently challenged the need for such planting and did so on application P/17/369/RLX.

In the report presented to the Development Control Committee on the aforesaid application it was acknowledged that the 2.0m and 3.0m high fencing erected along the boundaries of Areas 2 and 3 combined with the roadside and riverside lines of trees and hedges, offered a significant level of screening however, for the reason that the eastern boundary formed the transition between the allocated employment land and the countryside to the east, a compromise was proposed and condition requiring a line of tree/hedge planting along the boundaries of Areas 2 and 3 was imposed (condition 8 refers).

The requirements for landscaping on any development is generally to provide biodiversity gains and improvements to the visual amenities of the area. The applicant maintains that the combination of existing fencing within the development and trees and hedges, within and outside the site, screen the development from views from the public highway and the farmland to the east thus protecting the visual amenities. The 2021/22 aerial photograph below does identify a green corridor along the eastern edge of part of the site although it should be noted that aerial views tend to exaggerate the depth of landscaping as only the canopies of the trees are visible. It should also be noted that the photo is taken in the summer months when the trees and vegetation are in full-leaf and provide the maximum level of screening.



Extract from Google Map 2021/2022

Nevertheless, the evidence does indicate that the existing trees and hedges do provide a degree of screening and despite the Council's efforts to enhance this landscaping feature through the respective permissions, it is difficult to sustain the argument that additional planting should be provided on the grounds of visual amenity alone.

As stated above, landscaping is required for its biodiversity benefits and its omission must be reconciled by the provision of other similar enhancements, that is the test set by current national policy. Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 which came into force on 21 March 2016. Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems, (b) the connections between and within ecosystems, (c) the scale of ecosystems, (d) the condition of ecosystems (including

their structure and functioning) and (e) the adaptability of ecosystems.”

The applicant’s agent has responded to the requirement of Section 6 and suggests that the southern and eastern boundaries offer the best opportunity to provide any substantive landscaping and biodiversity benefits. In the agent’s view, a substantial landscaping/biodiversity area has already been provided along the site’s southern boundary which is now reasonably well-established. In addition, a substantial existing biodiversity habitat already exists along the site’s eastern boundary in the form of a watercourse and its associated well-vegetated banks. The eastern boundary fencing provides the habitat with both shelter and protection from the site’s business uses and also offers support for naturally evolving climbing plants. It is the applicant’s view that adequate biodiversity provision is already in place along the site’s southern and eastern boundaries.

Whilst the applicant’s comments above are noted, the planting of trees/hedge line on the eastern boundaries of Areas 2 and 3 would have provided a form of biodiversity enhancement. Other options do however exist including the management of existing landscape features and the provision of new habitats in the form of bat and bird nesting boxes. The retained trees on the eastern boundary and the landscape corridor on the southern boundary would be considered suitable for such measures and these can be secured by planning condition.

Overall, despite the loss of an area of proposed landscaping, a net benefit for biodiversity can be secured by this revised planning permission. The requirement of both local and national policy can be addressed.

The impacts of the other changes to condition 3 and 4 on the living conditions of residents are neutral as they are an acknowledgement that the requirements of the conditions, namely the erection of acoustic fencing, have been implemented. In the interests of safeguarding the amenity of residents, the re-worded conditions will include a requirement to maintain and retain the fencing.

The implications of the development on the surrounding highway network and whether the access arrangements are deemed acceptable to serve the existing and new use and amended site layout

In terms of transport, the planning system should be enabling people to access jobs and services through shorter, more efficient and sustainable journeys by walking, cycling and public transport. Enabling more sustainable travel choices, managing the capacity of the network and reducing travel demand are the main objectives. Developments must be sited in the right locations where they can be easily accessed by sustainable modes of travel and without the need for a car and designed in a way that integrates them with existing land uses and neighbourhoods and make it possible for all short journeys within and beyond the development to be easily made by walking and cycling. Although the publication of Edition 11 of Planning Policy Wales postdates the Bridgend Local Development Plan, the national policy objectives generally accord with Policies SP2 and SP3 of the plan.

Residents have suggested that traffic flows along the industrial estate roads and through the village of Treoes have increased significantly in recent years as a result of this and other developments and maintain that a formal assessment should have accompanied the application to examine the impact and whether the networks can indeed accommodate any additional traffic that could be generated by the new uses on site.

National Policy recognises that Transport Assessments can be an important mechanism for setting out the scale of anticipated impacts a proposed development or redevelopment is likely to have. They assist in helping to anticipate the impacts of development so that

they can be understood and catered for appropriately. Planning applications for developments including changes of use, falling into the categories identified in TAN 18: Transport must be accompanied by a Transport Assessment. For industrial uses, the threshold for requiring a TA would be where the development exceeds 5,000 square metres. When the areas subject of the specific changes is added together, they total just over 3,100 square metres. In areas where the transport network is particularly sensitive, planning authorities may require Transport Assessments for developments which fall outside of the thresholds set out in TAN 18. The network is not considered sensitive so there was no requirement to for a TA to be submitted as part of this application. Nevertheless, the Highways Section has considered the implications of the proposed changes on the respective areas and notes that Area 4 has not changed in area but acknowledges that as a “base” for a telecoms company in place of “van storage”, it has the potential to generate more vehicle movements. It is noted however that the original GCI Overflow car parking quantum was greater and that therefore the likely increase could be offset against that greater use. Furthermore and perhaps more importantly, in the recent planning appeal decision that allowed the hot food van adjacent to the entrance to this site, the Inspector considered that the additional use of the access onto the highway was not demonstrably harmful having regard to the controlled access barrier. Accordingly, in this instance the change of this one area is not considered to generate sufficient concern to warrant an objection. In all other respects, the changes proposed by this application have not resulted in any significant highway safety concerns.

The drainage of the site

As there are no foul drainage requirements (a small portaloo serves the H&E Comms site), the only drainage relates to the disposal of surface water. Crushed stone topped with road planings provides a permeable surface over all the development areas apart from the access road, landscaping zones and motorcycle training area. Surface water will therefore drain directly into the ground. Whilst a number of the sites allow for the storage of motor vehicles with oil and petrol/diesel tanks, the scale of the activity and developed areas is below the threshold that would require the installation of a positive drainage system. Accordingly, the Council’s Land Drainage Team have no objections the current site layout.

CONCLUSION.

This application seeks to retain the current uses on this site which have operated for over 12 months. From the representations received from the Community Councils and local residents it is clear that the introduction of a new use and changes to the layout without planning permission, their potential to impact the living conditions of residents, the loss of landscaping on part of the eastern boundary and the submission of yet another retrospective application are the main objections.

For the reasons set out earlier in this report the new use and reconfiguration of others accords with the site’s allocation for Classes B1, B2 and B8 in the Bridgend Local Development Plan. Furthermore, on the evidence submitted and subject to the imposition of planning conditions, the uses individually and in combination should not significantly adversely affect the living conditions and well-being of residents. Any impacts will be minimal and acceptable given the site’s allocation. The developer’s previous actions have led residents and the Community Councils to conclude that any conditions imposed as part of this application will be ignored in the future. Whilst their frustrations are understandable, nothing within legislation or planning case law indicates that a developer’s previous failings can be given weight in the determination of an application. As Members were advised previously, the developer’s actions are not grounds for refusing this application.

The omission of the landscaping buffer on the eastern boundary has been carefully considered and although its formation would have enhanced the scheme, given that the majority of existing residential properties lie to the south of the site and that an existing

hedgerow and trees screens much of the site from the public highway, requiring the planting to be provided cannot be fully justified. Biodiversity enhancements will be sought elsewhere through an additional planning condition.

In all other respects, including the impact of the development on the local highway network, the development is considered to be compliant with national and local planning policy.

RECOMMENDATION

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

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

Sketch Layout Plan as Amended - December 2022

Reason: For the avoidance of doubt as to the extent of the permission granted and in the interests of highway safety and the amenities of residents.

2. The site shall only be used for the following:

- a. Area 1 - An overspill car parking area to be used in association with CGI Business and Management Consultants, Waterton Industrial Estate, Moor Road Bridgend and not for the parking of any other vehicles or the storage of any materials, containers or equipment.

The car parking area shall not be used outside the following times 07:00 hours to 20:00 hours Mondays - Fridays. At all other times the car park shall be secured to prevent access outside the permitted hours.

Area 1 shall not be used for any other purposes including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

- b. Area 2 – The storage of Locomotive Cabs (a maximum of 19 cabs).

Area 2 shall not be accessed outside the following times - 09:00 hours to 18:00 hours on any day. At all other times the Locomotive Yard shall be secured to prevent access outside the permitted hours.

Area 2 shall not be used for any other purposes including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

- c. Area 3 – A Compulsory Basic Training Motorcycle Facility operated by Bridgend Motorcycle Training Centre Ltd (BMTCLtd) only that is restricted to a maximum of 6 bikes being operated/ridden on site at any one time.

The Motorcycle Training Facility shall not operate outside the following times - 08:00 hours to 18:00 hours Mondays-Fridays and 09:00 hours to 17:00 hours on weekends and Bank Holidays. At all other times the Motorcycle Training Facility shall be secured to prevent access outside the permitted hours.

d. Area 4 shall be used as the base for H&E Comms Ltd. The use of refrigerated vehicles, large goods vehicles, heavy goods vehicles and any vehicles with a gross vehicle weight of more than 3.5 tonnes is prohibited. No repairs of the vehicles shall be undertaken at any time and the yard and ancillary building shall be secured to prevent access outside the following times - 07:00 hours to 19:00 hours Mondays-Fridays and 08:00 hours to 17:00 hours at the weekends and Bank Holidays. Area 4 shall not be used for any other purposes including any other purposes in Class B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to those Classes in any Statutory Instrument revoking and re-enacting that Order with or without modification.

e. Area 5 - The storage of Caravans, Campervans, Motor Homes and steel storage containers and for no other purpose including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) (as amended) or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification. The road surfaces subject to vehicular movement by caravans, camper vans and motorhomes shall be surfaced with asphalt planings or scalpings or a similar noise reducing surface. The area shall be secured to prevent access outside 07.00 to 23.00 hours on any day.

Before any steel containers are re-located or additional steel containers are sited within Area 5, a plan showing their scale and location shall be submitted to and agreed in writing by the Local Planning Authority. The siting of the containers shall accord with the agreed plan and all steel containers shall be fitted with the sound attenuation measures agreed in respect of the discharge of condition 7 of this consent and these shall be maintained and retained as such in perpetuity.

f. Area 6, 6A, 6B and 6C – the storage of steel containers

The rows of storage containers on 6B shall be maintained and retained in perpetuity as a row of steel storage containers and/or 2.5m high close board fencing with joins over-boarded to form a solid sound barrier line without gaps along the southern perimeter of Area 3. The opening mechanisms on the containers shall be fitted with sound attenuation measures. The fencing shall have a minimum mass of 10kg per square metre per unit area. Should any containers and or high close board fencing be removed, the use of the motorcycle training facility shall immediately cease until replacement noise mitigation measures have been approved by the Local Planning Authority and installed to the Local Planning Authority's satisfaction.

Area 6C shall be maintained and retained in perpetuity as a row of steel storage containers to form a solid sound barrier line without gaps along the southern perimeter of Area 5. The access gates for maintenance of the Landscape Protected Zone shall be 2.5m high close board fenced gates and shall have a minimum mass of 10kg per square metre per unit area. The barrier or fence agreed by the Local Planning Authority shall be maintained and retained in perpetuity.

Areas 6, 6b and 6c shall be secured to prevent access outside the following times: 07.00 hours to 23.00 hours on any day.

g. A Landscaping Protected Zone identified and shaded green on the 'Sketch Layout Plan as Amended - December 2022. shall be retained in accordance with the landscaping scheme and maintenance plan agreed in discharge of condition 8 of P/16/472/FUL (P/16/973/DOC refers).

Reason: To ensure the effective control over the future use of the site in the interests of highway safety and the amenities of residents.

3. The 2m high timber panel fencing along the boundary marked B on the Sketch Layout Plan as Amended - December 2022 shall be imperforate with no gaps, including no gaps between the steel containers at 6B and 6C, and shall be retained and maintained in perpetuity.

Reason: In the interests of safeguarding the living conditions and well-being of the residents

4. The 3m high close board timber fencing along the boundary marked A on the on the Sketch Layout Plan as Amended - December 2022 shall be imperforate with no gaps and shall be retained and maintained in perpetuity.

Reason: In the interests of screening this part of the site operation

5. The junction improvements from the access road onto Horsefair Road and the pedestrian walkways shall be retained in accordance with the detailed agreed scheme as part of P/16/926/DOC.

Reason: For the avoidance of doubt as to the extent of the permission granted and in the interests of highway safety.

6. No steel storage containers shall be stacked/stored on top of one another and no container lifting gear shall be stored or operated on site.

Reason: This consent relates solely to permanent sited storage containers in the position indicated on the Sketch Layout Plan as Amended - December 2022.

7. Within one month of the date of this permission a scheme to provide sound attenuation measures on the opening mechanisms of any new steel containers on site shall be submitted to the Local Planning Authority. The agreed sound attenuation measures shall be installed within three months of the date of this permission or prior to any individual steel container being used. The agreed sound attenuation measures shall be maintained and retained as such in perpetuity.

Reason: In the interests of safeguarding the living conditions and well-being of the residents.

8. Within one month of the date of this permission a scheme for biodiversity enhancement shall be submitted to and agreed in writing by the local planning authority. The programme of enhancements shall include details of provision of new habitat and nesting opportunities, including artificial bird and bat nesting boxes/tubes to maximise net biodiversity gains. The approved details shall be implemented within 6 months of the date of this consent and shall be permanently maintained as such thereafter.

Reason: In the interests of maintaining and enhancing biodiversity, in accordance with Future Wales Policy 9.

9. If within a period of three years from the date of the planting of any tree approved as part of a landscaping scheme on site, that tree or any tree planted in replacement for it, is removed, uprooted, or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective another tree of the same

species and size as that originally planted shall be planted at the same place.

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

- 10.No further trees shall be felled on site, apart from those agreed in the discharge of condition 10 of P/16/472/FUL (P/17/174/DOC refers) until a competent ecologist has undertaken a detailed assessment for their potential to accommodate bat roost sites. The results of such an assessment shall be submitted to and agreed in writing by the Local Planning Authority prior to any further tree works being undertaken.

Reason: In the interests of promoting nature conservation

- 11.In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved landscaping plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of this consent.

- (a) No retained tree shall be cut down, uprooted, or destroyed nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written agreement of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].
- (b) If any retained tree is removed, uprooted, or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the Local Planning Authority.

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

- 12.The CGI car parking area shall not be lit outside the following times: - 07:00 hours - 20:00 hours Mondays- Fridays.

Reason: In the interests of residential amenities.

- 13.The external lighting of the CGI Car Park shall be retained in accordance with the detailed scheme agreed in discharge of condition 14 of P/16/472/FUL, (P/19/926/DOC refers).

Reason: In the interests of residential amenities.

- 14.All external lighting shall be installed and operated in accordance with the details agreed under P/21/1128/DOC. No additional external lighting shall be erected without the consent of the Local Planning Authority.

Reason: In the interests of residential amenities and to maintain the favourable conservation status of any protected species on site.

- 15.The site surfaces and associated drainage measures shall be maintained in accordance with the 'Surfacing Strategy and Specifications', 'Limitations' and 'Inspection and Maintenance Plan' in the Drainage Strategy Report produced by Hydrock and dated November 2017.

Reason: To ensure the safe drainage of the site

*** THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS ***

This application seeks to retain the current uses on this site which have operated for over 12 months. From the representations received from the Community Councils and local residents it is clear that the introduction of a new use and changes to the layout without planning permission, their potential to impact the living conditions of residents, the loss of landscaping on part of the eastern boundary and the submission of yet another retrospective application are the main objections.

For the reasons set out earlier in this report the new use and reconfiguration of others accords with the site's allocation for Classes B1, B2 and B8 in the Bridgend Local Development Plan. Furthermore, on the evidence submitted and subject to the imposition of planning conditions, the uses individually and in combination should not significantly adversely affect the living conditions and well-being of residents. Any impacts will be minimal and acceptable given the site's allocation. The developer's previous actions have led residents and the Community Councils to conclude that any conditions imposed as part of this application will be ignored in the future. Whilst their frustrations are understandable, nothing within legislation or planning case law indicates that a developer's previous failings can be given weight in the determination of an application. As Members were advised previously, the developer's actions are not grounds for refusing this application.

The omission of the landscaping buffer on the eastern boundary has been carefully considered and although its formation would have enhanced the scheme, given that the majority of existing residential properties lie to the south of the site and that an existing hedgerow and trees screens much of the site from the public highway, requiring the planting to be provided cannot be fully justified. Biodiversity enhancements will be sought elsewhere through an additional planning condition.

In all other respects, including the impact of the development on the local highway network, the development is considered to be compliant with national and local planning policy.

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None

APPEALS

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

APPEAL NO.	A/20/3254083 (1896)
APPLICATION NO.	P/19/580/FUL
APPELLANT	MR ROBERTS & MRS PREECE
SUBJECT OF APPEAL	2 STATIC RESIDENTIAL GYPSY CARAVANS, 2 DAY/ UTILITY ROOMS, 2 TOURING CARAVANS, IMPROVED ACCESS, INTERNAL DRIVEWAY & PARKING AREA, FENCING, RETENTION OF HARDCORE AREA & INSTALLATION OF SEPTIC TANK: LAND EAST OF ZOAR CHAPEL WERN TARW ROAD, RHIWCEILIOG, PENCOED
PROCEDURE	HEARING
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposal, by reason of its siting, layout design and scale, represents an inappropriate and unjustified form of development in this countryside location that would detract from the rural character and appearance of the area contrary to Policy COM6-Gypsy and Travellers Sites and Policy SP2 – Design and Sustainable Place Making of the Bridgend County Borough Council Local Development Plan 2006-2021; and advice contained in Planning Policy Wales Ed.10 (December, 2018), TAN12-Design and Welsh Government Circular 30/2007 Planning for Gypsy and Traveller Caravan Sites (December 2007).
2. The proposed development would result in the unjustified loss of part of Hendre Uchaf Site of Importance for Nature Conservation (SINC) that would result in disruption to habitat connectivity, compromising the biodiversity value of this 'Green Infrastructure' and therefore contrary to Policies SP2, ENV4, ENV6 of the Bridgend Local Development Plan 2013 and paragraphs 6.4 of Planning Policy Wales – Edition 10 – December 2018.
3. The proposed development, by reason of its siting in a remote, unsustainable location that is not accessible by a range of different transport modes, will wholly rely on the use of private motor vehicles contrary to policy SP2 (6) of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 10, 2018).
4. The proposed development, by reason of its form, type and location, would generate pedestrian movements along Church Road towards Brynna and Minffrwd Road towards Pencoed where there are no pedestrian footways generating a risk of pedestrian/vehicular conflict to the detriment of highway safety. The proposal is therefore contrary to Policies SP2 and SP3 of the Bridgend Local Development Plan (2013), advice contained within Planning Policy Wales, Edition 10, 2018 and Circular 005/2018.

APPEAL NO.	C/21/3269231 (1951)
ENFORCEMENT NO.	ENF/51/19/ACK
APPELLANT	MR & MRS TOM & MONTENNA ROBERTS
SUBJECT OF APPEAL	UNAUTHORISED TRAVELLER SITE LAND EAST OF ZOAR CHAPEL, WERN TARW ROAD, RHIWCEILIOG, PENCOED

PROCEDURE HEARING
DECISION LEVEL ENFORCEMENT NOTICE

APPEAL NO. CAS-02051-R7H6K0 (1958)
APPLICATION NO. P/22/205/RLX
APPELLANT C SELFRIDGE-POOR
SUBJECT OF APPEAL VARY CONDITION 1 OF P/21/420/FUL – AMENDED DESIGN OF GRANNY ANNEX
15 WEST DRIVE, PORTHCAWL
PROCEDURE WRITTEN REPRESENTATIONS
DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reasons:

1. The development, by reason of its siting, design and amended roof form, would represent an unsympathetic and incongruous addition to the property and wider street scene having a detrimental impact on local visual amenities, contrary to Policy SP2 of the Bridgend Local Development Plan (2013), Supplementary Planning Guidance Note 02: Householder Development (2008) and advice contained within Planning Policy Wales (Edition 11, 2021).
 2. The development, by reason of its siting, design and revised roof form would have an unreasonably dominant, unneighbourly and imposing impact on neighbouring residential properties, particularly Brandon, to the detriment of the residential amenities enjoyed by the occupiers of neighbouring properties. The proposal is therefore contrary to Policy SP2 of the Bridgend Local Development Plan (2013), the principles of Supplementary Planning Guidance 02: Householder Development (2008) and advice contained within Planning Policy Wales (Edition 11, 2021).
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APPEAL NO. CAS-02058-H2T2R2 (1959)
APPLICATION NO. P/21/988/FUL
APPELLANT MR J BARBER
SUBJECT OF APPEAL CHANGE OF USE FROM USE CLASS B1/B2 TO USE CLASS D1 (HEALTH CLINIC)
UNIT 1A AND 2A HEOL FFALDAU, BRACKLA INDUSTRIAL ESTATE, BRIDGEND
PROCEDURE WRITTEN REPRESENTATIONS
DECISION LEVEL COMMITTEE

The application was refused for the following reasons:

1. The use of Units 1 and 2 as a chiropractic clinic falling within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 conflicts with Policy REG1 (18) which allocates and protects the land for employment purposes (Classes B1, B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) in that the use is not considered to be complementary to nor ancillary to the industrial uses on Brackla Industrial Estate. Therefore,

the proposal does not comply with Policies SP2 and REG2 of the Local Development Plan (2013), Supplementary Planning Guidance 21: Safeguarding Employment Sites and guidance contained within Planning Policy Wales (Edition 11, February 2021).

2. The proposed development fails to provide sufficient on-site parking to serve the D1 use and would generate on-street parking in close proximity to a bend and junction to the detriment of highway safety, out of accord with Policy PLA11 of the Local Development Plan (2013), guidance contained within Supplementary Planning Guidance 17: Parking Standards and guidance contained within Planning Policy Wales (Edition 11, February 2021).
3. The proposed use would also be sited within a relatively unsustainable location that is not accessible by a range of transport modes such as walking, cycling and public transport leading to an excessive reliance on the private car, out of accord with Policy SP2 of the Local Development Plan (2013) and guidance contained within Planning Policy Wales (Edition 11, February 2021).

APPEAL NO.	CAS-02130-Q2Z4J5 (1965)
APPLICATION NO.	P/21/909/RLX
APPELLANT	MR R DERRICK
SUBJECT OF APPEAL	VARY CONDITION 1 & REMOVE CONDITION 4 OF P/19/371/FUL (PROPOSED CONVERSION (INCLUDING EXTENSIONS) OF 2 STONE BARNS & ASSOCIATED LAND TO 2 DWELLINGS WITH PRIVATE GARDEN SPACE & COURTYARD AREA FOR ACCOMMODATING ASSOCIATED PARKING SPACES) LAND BETWEEN PYLE ROAD & FULMAR ROAD, NOTTAGE, PORTHCAWL
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	COMMITTEE

The application was refused for the following reasons:

1. The proposed removal of Condition 4 and subsequent variation of Condition 1 imposed upon planning permission reference P19/371/FUL is contrary to the provisions of Planning Policy Wales (Edition 11, February 2021) in that it does not provide 'the right environments and infrastructure to make it easier for people to walk and cycle' by prioritising and increasing active travel and public transport, reducing reliance on travel by private car, and the adverse impacts of motorised transport on the environment and people's health (paragraph 4.1.29).
2. The proposed reduction of the north eastern stone boundary wall to a height of 600mm, required to satisfy the vision splay requirements, has a detrimental adverse visual impact upon Nottage Conservation Area, contrary to the provisions of Policy SP5 of the Local Development Plan (2013) and Planning Policy Wales (Edition 11, February 2021) (paragraphs 6.1.4 – 6.1.9).
3. Insufficient information is submitted in respect of the proposed wall height, footway levels and site ground levels to enable an assessment of highway and pedestrian safety, fall from height considerations to be made.

APPEAL NO.	CAS-02159-S2N0T9 (1971)
APPLICATION NO.	P/22/228/FUL
APPELLANT	MR R RICHARDSON

SUBJECT OF APPEAL DINING ROOM EXTENSION
9 DUFFRYN OAKS DRIVE, PENCOED

PROCEDURE HOUSEHOLDER

DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed extension, by reason of its scale, design and siting, is not in keeping with the proportions of the main house, having a significant detrimental impact on the appearance of the property in the streetscene, contrary to policy SP2 of the Bridgend Local Development Plan (2013) and advice contained at Notes 11 and 12 of SPG2 – Householder Development and within Planning Policy Wales 11.
2. The proposed extension, by reason of its scale and siting, fails to retain a sufficient amount of useable outdoor amenity space for the future occupiers of the dwelling contrary to Policy SP2 of the Bridgend Local Development Plan 2013 and advice contained within Note 8 of SPG2 – Householder Development and Planning Policy Wales 11.

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

APPEAL NO. A/20/3253547 (1895)

APPLICATION NO. P/19/114/FUL

APPELLANT MR NATHAN & MRS SOPHIE PRICE

SUBJECT OF APPEAL ONE STATIC RESIDENTIAL GYPSY CARAVAN TOGETHER WITH THE ERECTION OF A DAY/UTILITY ROOM, ONE TOURING CARAVAN, REPLACEMENT STABLE BLOCK, CAR PARKING AREA AND INSTALLATION OF A SEPTIC TANK LAND AT THE BARN, SMALLHOLDINGS LANE, COITY, BRIDGEND

PROCEDURE HEARING

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. C/21/3278601 (1933)

APPLICATION NO. ENF/311/19/TAC

APPELLANT M BARZEWICZ-DOWER

SUBJECT OF APPEAL UNAUTHORISED FELLING OF TPO TREES
10 LLYS BRIALLEN, BRACKLA, BRIDGEND

PROCEDURE ENFORCEMENT NOTICE

DECISION LEVEL DELEGATED OFFICER

DECISION THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE ENFORCEMENT NOTICE BE UPHeld AND AMENDED.

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

APPEAL NO. A/21/3275105 (1946)
APPLICATION NO. P/20/581/FUL

APPELLANT M BARZEWICZ-DOWER

SUBJECT OF APPEAL ERECTION OF RETAINING WALL AND STEPS, RAISED PATIO, GARDEN ROOM AND WIND TURBINE TO REAR GARDEN 10 LLYS BRIALLEN, BRACKLA, 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 DISMISSED.

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

An application for costs was also submitted by the Appellant, which was refused, and is also included at the end of **APPENDIX B**.

APPEAL NO. A/21/3283050 (1934)
APPLICATION NO. P/21/85/FUL

APPELLANT MR A WATKINS

SUBJECT OF APPEAL CHANGE OF USE OF GROUND FLOOR TO RESIDENTIAL ACCOMMODATION TO BE USED WITH EXISTING FIRST FLOOR RESIDENTIAL ACCOMMODATION (ONE RESIDENTIAL UNIT) WHITE HART INN, BRIDGEND ROAD, MAESTEG

PROCEDURE WRITTEN REPRESENTATIONS

DECISION LEVEL DELEGATED OFFICER

DECISION THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

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

APPEAL NO. CAS-01665-W4K9P2 (1944)
ENFORCEMENT NO. ENF/70/21/ACK

APPELLANT BPM TECHNOLOGY CORP LTD

SUBJECT OF APPEAL ALLEGED UNAUTHORISED SITING OF CONTAINERS AND DEPOSIT OF RUBBISH
FORMER 7777 SITE, LLANGYNWYD, MAESTEG

PROCEDURE WRITTEN REPRESENTATIONS

DECISION LEVEL ENFORCEMENT NOTICE

DECISION THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE ENFORCEMENT NOTICE BE UPHELD

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

APPEAL NO. CAS-01665-W4K9P2 (1945)
ENFORCEMENT NO. P/21/482/FUL

APPELLANT BPM TECHNOLOGY CORP LTD

SUBJECT OF APPEAL RETENTION OF 2 STORAGE CONTAINERS
LAND SOUTH OF PONT RHYD-Y-CYFF, MAESTEG

PROCEDURE WRITTEN REPRESENTATIONS

DECISION LEVEL DELEGATED

DECISION THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

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

APPEAL NO. CAS-02097-T1X2Y0 (1964)
APPLICATION NO. P/22/346/FUL

APPELLANT MR D BAKER

SUBJECT OF APPEAL TWO STOREY EXTENSION TO SIDE & REAR OF EXISTING HOUSE, PORCH TO FRONT & NEW RENDERED BLOCKWORK EXTERNAL SKIN
1 MOUNT EARL CLOSE, BRIDGEND

PROCEDURE HOUSEHOLDER

DECISION LEVEL DELEGATED OFFICER

DECISION THE INSPECTOR APPOINTED BY THE WELSH MINISTERS

TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL
BE PART ALLOWED/PART DISMISSED.

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

APPEAL NO.	CAS-02162-X2D1M5 (1969)
APPLICATION NO.	P/22/268/RLX
APPELLANT	MR K FIELD
SUBJECT OF APPEAL	REMOVE CONDITION 2 OF P/17/456/FUL (OBSCURE GLAZING) SEAWYNDS, CARLTON PLACE, PORTHCAWL
PROCEDURE	HOUSEHOLDER
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 F**

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

Gwrandawriad a gynhaliwyd ar 05/10/22

Ymweliad â safle a wnaed ar 12/10/22

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

Arolygydd a benodir gan Weinidogion
Cymru

Dyddiad: 22/11/2022

Appeal Decision

Hearing held on 05/10/22

Site visit made on 12/10/22

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

an Inspector appointed by the Welsh
Ministers

Date: 22/11/2022

Appeal Ref: APP/F6915/A/20/3253547

Site address: Land at The Barn, Smallholdings Lane, Coity, Bridgend, CF35
6BW.

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 and Mrs Nathan and Sophie Price against the decision of Bridgend County Borough Council.
- The development proposed is one static residential Gypsy caravan together with the erection of a day/utility room, one touring caravan, replacement stable block, car parking area and installation of a septic tank.

Decision

1. The appeal is allowed and planning permission is granted subject to the conditions set out in the schedule attached to this decision.

Procedural Matters

2. The Council confirmed at the hearing that there is no dispute that the appellants meet the definition of Gypsies as set out in Section 108 of the Housing Wales Act 2014 (HWA). Some interested party correspondence questions whether Mrs Price meets the statutory definition as she has indicated an intention to settle at the appeal site. Welsh Government Circular *Planning for Gypsy, Traveller and Travelling Showpeople Sites* 005/2018 makes it clear that it is possible for people to fall within the statutory definition when they have ceased to travel permanently. I heard from Mrs Price that she and her husband come from long-established Gypsy families, that her husband travels for work and that it is only their physical separation that prevents them from travelling to Gypsy fairs. I understand and accept Mrs Price's reasons for wishing to live a settled life are related largely to her health. I am satisfied that all the intended occupants of the appeal

site; the appellants and their children, are Gypsies within the statutory definition as set out in the HWA.

3. Land Registry documents show there has been a change in ownership of the land since the application for planning permission was made. Mrs Price confirmed at the hearing that the appeal site had previously been owned by her father, that he had gifted her the land and that the gift transaction has been registered with the Land Registry. I am satisfied that, at the time the application was made, all those with an interest in the land would have been aware the planning application had been made.
4. The appellants' agent submitted late evidence at the hearing comprising a report and summary from Senedd Cymru "Welsh Government and local authorities failing Traveller communities" 10/08/22 together with consultation responses. Those present had the opportunity to comment and I have had regard to these documents in the determination of this appeal.
5. The personal circumstances of the appellants have been included in written evidence and were discussed at the hearing, however, as I have found that the proposed development would accord with the development plan and national policy, it has not been necessary to set those circumstances out in this decision.

Main Issues

6. This is whether, or to what extent, the proposed development complies with the development plan and with national policy set out in Planning Policy Wales, Edition 11 (PPW) in relation to new residential development in the countryside with particular reference to:
 - The need for sites in the area together with current and likely future levels of provision.
 - The sustainability of the location of the site.
 - The effect of the proposed development on highway safety.
 - The effect of the proposal on the character and appearance of the area.
 - Personal circumstances which are relevant to the decision.

Reasons

7. The appeal site comprises a rectangular parcel of land amounting to approximately 0.13 hectares. The site is occupied by an agricultural style metal barn sited adjacent to the highway access and a smaller timber stable structure at the southern side of the site. Both the barn and the stable were constructed with planning permission. The site is generally level and hard surfaced. At the time of my visit there was some vegetation growth, some earth mounds and some miscellaneous items including metal fencing panels present.
8. The application is for the change of use of the site to a residential use for the appellants and their children. The proposal includes the siting of a static caravan, a day/utility room, a touring caravan, two parking spaces and the replacement and re-siting of the stable block with a larger structure.
9. Policy ENV 1 of the Bridgend County Borough Council Local Development Plan (2006-2021) (LDP) *Development in the Countryside* states that within the countryside development will be strictly controlled but may be acceptable for, amongst other things, the provision of Gypsy Traveller Accommodation. Policy COM 6 *Gypsy and Traveller*

Sites sets out a number of criteria when sites and/or pitches will be permitted including where there is an identified need for a site.

Site Availability

10. Section 101 of the Housing (Wales) Act 2014 requires local housing authorities to assess Gypsy and Traveller housing needs every 5 years. Paragraph 16 of WG Circular 005/2018 confirms that Gypsy Traveller Accommodation Assessments (GTAAAs) will be a key part of the evidence underpinning and informing development plans. The existing GTAA for Bridgend Council is time expired and work has commenced on a replacement, however, there have been delays caused in part by the pandemic. The new GTAA has not been approved and has no formal status. Therefore, I have attributed little weight to it.
11. Policy COM6 of the LPD provides that sites and/or pitches to accommodate Gypsies will be permitted where the criteria set out in the policy is met. The first two criteria require there to be an identified need and it should be demonstrated that there are no suitable sites within settlement boundaries and, if this cannot be shown, that there are none available within the curtilage of an existing development in the countryside.
12. By reference to the expired GTAA for the area, there is no shortfall in Gypsy accommodation, however, the Council was clear at the hearing that this is not the case at present and that there is an unquantified need for Gypsy accommodation. Proposals to address this need cannot progress until the replacement GTAA is adopted and there is no available timescale for this. The result for the purposes of this appeal is that there is an acknowledged need for additional pitches and no timescale for delivery.
13. In terms of alternatives to a new site in the countryside, the appellants have not provided any evidence of consideration of alternative options.
14. Regional working between Councils was explored at the hearing, but the Council witness was unaware of any such work and so there is no indication that pitches in neighbouring authorities may be available. The Council has confirmed that no alternative sites have been identified.
15. Neither party has demonstrated a consideration of alternative sites. The evidence for the Bridgend administrative area is that no alternatives are known to be available and there is nothing to suggest alternatives for the family would be available elsewhere. There is nothing to indicate from the appellants that they have access to any land other than the appeal site. In general terms I concur with the Council that there is an unmet need for additional sites in the area, but it is not possible for the level of need to be quantified.

Site Location

16. The third criteria set out in policy COM6 is that the site should be well related to community services and facilities. The Council states that the appeal site is in an unsustainable location and intended occupiers would be reliant on car travel in conflict with policy SP2(6) of the LDP which requires development to have good walking, cycling, public transport and road connections within and outside the site.
17. I note that the appeal site is approximately 1km from the nearest village, Coity, which has a limited range of services including a pub, a post office, a church and a florist shop. As set out in the *highway safety* section below, the rural road network serving the site is generally single track, the access to the site is unlit, narrow and unevenly surfaced with no separate footway. These conditions together with the lack of a range of goods and services within walking distance would be a deterrent to prospective occupiers choosing to walk or cycle from the site. It is likely there would be a reliance on the use of a car.

18. The appellants have stated that there is a registered footpath close to the site which leads to Coity although due to Mrs Price's health issues, she would not be able to walk to the village.
19. Policy ENV 1 gives scope for certain residential development including Gypsy sites in the countryside. The Council acknowledged at the hearing that the fact that the site is not within walking distance to goods and services does not mean that permission should be withheld for that reason alone. It follows, therefore, that the highway conditions being generally unsuitable for walking does not mean that the site is inaccessible. The site falls outside the settlement and there is consensus between the parties that car use would be necessary for most daily trips. In this case, the site is not so far removed from the settlement that those car journeys would be significant.
20. I heard that there is no bus service for Coity, however, the Council confirmed that there is a regular service every 20 minutes which serves Porthcawl, Bridgend and Talbot Green, all large centres with a full range of facilities and services. The nearest bus stop to the site is at Brackla which the Council confirmed to be a short drive away from the site. The appellant confirmed that schools and a hospital are in comfortable driving distance.
21. Overall, I am satisfied that the location of the site could be considered acceptable subject to the development meeting other planning policy requirements. In reaching this conclusion I am mindful of the advice set out at paragraph 39 of WG Circular 005/2018 for a realistic approach to considering alternatives to car use in countryside locations and that an over-rigid application of planning policies which seek a reduction in car borne travel should be avoided.

Highway Safety

22. Access to the site is obtained directly off Smallholdings Lane which is an unadopted cul-de-sac serving a dwelling near the junction with Hendre Road, the appeal site and a small cluster of dwellings at the head of the cul-de-sac. The lane is narrow with sufficient width for only one vehicle to traverse. Even two small cars would not be able to pass in opposite directions. Mature tall hedges line each side of the lane such that vehicles cannot pull onto a verge. There are no clear passing places between the junction with Hendre Road (a distance of approximately 250 metres) and the appeal site albeit there is a recess adjacent to the gated access to the appeal site which allows space for a vehicle to pull-over. Other than this space, the only option when a vehicle meets another travelling in the opposite direction is for one to reverse.
23. The need to reverse for a distance would be inconvenient to drivers, however, the alignment of the lane between the junction with Hendre Road and the appeal site is generally straight and there is no reason to suggest the reversing manoeuvres would have restricted visibility. The characteristics of the lane mean it is unlikely vehicles would be travelling fast and the forward visibility on this section of the lane means drivers would be able to see ahead enough to see a car travelling towards them to allow them to stop once a car is seen. This would limit the distance vehicles would need to reverse to either the area near the junction or the area adjacent to the appeal site to well below the 250 metre length of this stretch of the lane.
24. Hendre Road is generally single track and although I heard from interested parties at the hearing that there are times when this can get very busy, it has a width and alignment which appears typical of many in rural areas and it passes through a residential area. At the time of my visit there were few cars using this road although I recognise that there will be times when the road is busy. In any event, the increased traffic caused by one residential development would be modest and the proportionate increase in traffic would

be lower if busier. The Council's officer report refers to a history of vehicle conflict on Hendre Road but gives no further detail and no evidence has been put forward by the Council to suggest that a single pitch would generate an unacceptable increase in traffic.

25. The council confirmed at the hearing that there is no concern with junction visibility, however my observations were that visibility when turning left into Smallholdings Lane from Hendre Road was difficult. I accept, however, that drivers would be likely to be driving at slower speeds due to the limited width of the highways on the approach to the junction.
26. I accept that the proposal is for a static caravan and a touring caravan to be sited and due to the restricted width of the lane, moving them onto the site could cause greater inconvenience to other drivers. However, the static caravan would only be moved onto the site once and the touring caravan would not be used daily. The proposal is for a single family to reside at the site. This means that the additional traffic associated with a residential use of the site would be modest. I am satisfied, therefore, that despite the limited width of the lane, that it could be used in association with the proposed development without risk to highway safety. A number of conditions have been proposed by the Council which would limit the use of the site to a single pitch and restrict commercial use of the site. I am also satisfied that the site could be adequately served by utilities including waste disposal and recovery in accordance with criterion 4 of policy COM6 of the LDP. Overall, I am satisfied that the proposed development would not pose an unacceptable risk to highway safety and would not conflict with policy SP3 of the LDP.
27. I have already found that there would be a reliance on car journeys for prospective occupiers and have set out the reasons why pedestrian access to the site would be unlikely. For this reason, I consider the risk of pedestrians using the site coming into conflict with vehicles would be low.

Character and Appearance

28. The site is in a countryside location with some sporadic residential development. The site itself has a large metal agricultural barn adjacent to the entrance which is clearly visible from the highway. The site also contains a more modestly sized stable building which is screened from public views by the hedge which is mature and over 2m high. Consequently, the existing character of the site itself is neither open nor undeveloped. It is against this existing character that I have assessed the impact of the proposed development.
29. The proposal includes the removal of the existing stable building and its replacement with a larger stable to be sited adjacent to the metal barn. At this location it would be screened from public views by the existing barn and the revised siting would facilitate the siting of the static caravan, touring caravan, and utility building in its place. This would mean that the structures to support the residential use of the site would be at the furthest point from the site entrance and this would minimise views of the caravans and utility building when viewed from the entrance to the site. Views of this part of the site from the highway are already well screened by the hedge between the site and highway. In this sense, the siting proposals are considered and logical.
30. The Council's concern is that the introduction of a residential use at the site would result in a change in character because of the introduction of domestic items. At the hearing, the Council witness stated that the introduction of caravans and other structures would introduce visual clutter creating an urbanised appearance.
31. Notwithstanding this, there are some permitted exceptions to policy ENV1 which allow residential development in the countryside including Gypsy sites. It is inevitable that a

change to a residential use of land will result in a change of character, but the Council has not pointed to any particular feature of this proposed development which would differ from any other new residential development. The fact that the building and caravans may be visible from certain viewpoints does not, in my view, mean that the change in character would be visually harmful particularly as there are existing structures present. Likewise, the presence of domestic apparatus such as washing lines would be expected in any residential use, certain categories of which could be permitted under policy ENV1. For this reason, the Council has not persuaded me that the development proposed would result in an unacceptable visual impact on the character and appearance of the area.

32. Furthermore, I am satisfied that the existing tall and mature hedging between the site and the highway offers sufficient screening of the site and prevents direct views from the public realm into the site. Accordingly, I am satisfied that a residential use at the site could be accommodated without detriment to the character of the area, satisfying criterion 5 of policy COM6 of the LDP.

Conditions

33. I have considered the conditions suggested by the Council and discussed at the hearing in the light of circular 016/2014 *The Use of Planning Conditions for Development*.

34. A condition requiring an arboricultural statement was agreed to be unnecessary as the development does not involve the removal of any trees. Conditions relating to off-site highways works were agreed to be unenforceable as they would have required improvement to land outside the control of the appellants. These have not been included.

35. A landscaping condition has been included so any additional planting and maintenance can be considered to maintain the screening which is provided by the existing hedge between the site and the highway. This should also include biodiversity enhancement such as the bat boxes the appellant has suggested.

36. I have added a condition to prevent the commercial use of the replacement larger stables to ensure a commercial element is not added to this development at a location where the local highway network would be sensitive to any further intensification of use.

Conclusion

37. I have considered this appeal against local planning policy related to the provision of Gypsy accommodation, and for the reasons set out above, consider that the proposal meets the criteria set out. Accordingly, the appeal should be allowed.

38. 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

Schedule of Conditions

- 1) The development shall begin not later than five years from the date of this decision.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) The development shall be carried out in accordance with the following approved plans and documents:
Plan/Drawing Nos. 04a,05a,06a,07a received on 20 February 2019; Amended Site Location/Block Plan Drawing No. 01c received on 22 July 2021; Amended Site Plan and Muck Heap Details Drawing Nos 03d and 08 received on 7 October 2019.
Reason: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.
- 3) The occupation of the site shall only be by Gypsies and Travellers as defined by Welsh Government Circular 0005/2018.
Reason: The residential use of the site in this rural location would not be permitted unless occupied by a Gypsy or Traveller, and in order to ensure that the site is kept available to meet the needs of other Gypsies or Travellers in the future.
- 4) No more than two vehicles shall be kept on the land for use by the occupiers of the caravans hereby permitted and none of those vehicles should exceed 3.5 tonnes in weight.
Reason: To safeguard highway safety and to comply with Policies SP2 and SP3 of the Bridgend Local Development Plan.
- 5) No commercial activities shall take place on the land including the storage of commercial plant, machinery or vehicles.
Reason: To protect the character and appearance of the area and to comply with Policies SP2 and SP3 of the Bridgend Local Development Plan.
- 6) The stables shall be used for the private stabling / use of horses incidental to the residential use of the site and shall not be used for livery or any commercial purpose.
Reason: To ensure that the highways use of the site is limited to residential use for highway safety and to comply with Policies SP2 and SP3 of the Bridgend Local Development Plan.
- 7) No more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the caravans Sites Act 1968, comprising of one static caravan and one touring caravan shall be stationed on the site at any time.
Reason: To ensure single family occupancy of the site, to protect the character and appearance of the area and to comply with Policy SP2 of the Bridgend Local Development Plan.
- 8) No development shall take place until full details of both hard and soft landscape works have been submitted and agreed in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include all proposed planting and landscaping such as a schedule of plants/trees, species and number/densities, hard surfacing materials, means of enclosures and implementation programme.
Reason: To maintain and improve the appearance of the area in the interests of visual amenity, to promote nature conservation and to comply with Policy SP2 and ENV6 of the Bridgend Local Development Plan.

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

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, to promote nature conservation and to comply with Policy SP2 and ENV6 of the Bridgend Local Development Plan.

- 10) The existing hedgerow located along the eastern boundary of the site shall be retained at all times.

Reason: To protect the visual and local amenities of this countryside location and to comply with Policy SP2 of the Bridgend Local Development Plan.

- 11) No development shall take place until details of any external lighting and a programme for its implementation, have been submitted to and approved in writing by the local planning authority. All external lighting shall accord with the approved details.

Reason: To safeguard local visual amenities and to comply with Policy SP2 and ENV6 of the Bridgend Local Development Plan.

APPEARANCES

FOR THE APPELLANT:

Mr A Vaughan-Harries Agent

Mrs L Price Appellant

Ms Garnett

FOR THE LOCAL PLANNING AUTHORITY:

Mr P Thomas Planning Officer

Mr R Morgan Highways Officer

INTERESTED PARTIES:

Mrs S Williams Neighbour

Mr Williams

DOCUMENTS SUBMITTED AT THE HEARING

1. Report and Summary Information from Senedd Cymru “Welsh Government and local authorities failing Traveller communities” 10/08/22 together with consultation responses.



Penderfyniadau ar yr Apêl

Ymweliad safle a wnaed ar 24/8/22

gan H W Jones BA (Hons) BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 01/12/2022

Appeal Decisions

Site visit made on 24/8/22

by H W Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 01/12/2022

Appeal A Ref: APP/F6915/C/21/3278601

Site address: Land to the rear of 10 Llys Briallen, Brackla, Bridgend, CF31 2BG

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

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mark Barzewicz-Dower against an enforcement notice issued by Bridgend County Borough Council.
- The Enforcement Notice, numbered ENF/311/19/TAC, was issued on 28 May 2021.
- The breach of planning control as alleged in the notice is: Without Planning Permission the raising of the ground level at the Land Affected including the alteration to increase the height of a retaining wall and steps.
- The requirements of the Notice are:
 - (i) Remove all imported hardcore from the land;
 - (ii) Reinststate the rear area with top soil and allow to vegetate naturally for a distance of 23.5m from the rear boundary of the land towards the property.
 - (iii) Reduce the retaining wall to the former height of 0.8m and remove steps.
 - (iv) Infill the area for a distance of 7.5m from the reduced retaining wall towards the rear of the garden with soil to form a slope between the two levels and seed with grass as shown in green on the attached plan marked as Appendix B. (The plan is not drawn to scale and is for reference only.)
- The period for compliance with the requirements is: 3 months after the Notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (e), (f) and (g) of the Town and Country Planning Act 1990, as amended.

Appeal B Ref: APP/F6915/A/21/3275105

Site address: 10 Llys Briallen, Brackla, Bridgend, CF31 2BG

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 Barzewicz-Dower against the decision of Bridgend County Borough Council.
 - The development proposed is the erection of retaining wall and steps, raised patio, garden room and wind turbine.
-

Decisions

Appeal A

1. The appeal is allowed on ground (g), and it is directed that the enforcement notice be varied by the deletion of “3 months” and the substitution of “5 months” as the period for compliance. Subject to this variation the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B

2. The appeal is dismissed.

Procedural Matters

3. An application for costs was made by Mr Mark Barzewicz-Dower against Bridgend County Borough Council in relation to both appeals. This application is the subject of a separate Decision.
4. The rear part of the appeal property is part of an area of woodland covered by a Tree Preservation Order. In its Statement of Case the Council requests that I note that the appellant has “removed a significant number of protected trees” to implement the unauthorised works. It provides no detail of the extent of the impact on the trees nor does it explain whether it proposes to pursue the matter. The appellant disputes this and points to a consent issued by the Council to remove overhanging branches and cut our dead wood. As this is a matter that is not part of either appeal I shall make no comment on whether the protective provisions of the designation have been breached; that is a matter for the Council.
5. In its Statement of Case the Council explains that it seeks to rely primarily on its Officer’s delegated report which it states is dated 5 May 2021. The appellant has pointed out that he has not had sight of such a report. It seems to me that the Council’s reference should have been to a report dated 10 August 2020. As a copy of that report has been submitted in the appellant’s initial bundle of appeal documents, I am satisfied that he has not been prejudiced by the Council’s apparently erroneous reference.

Appeal A, ground (e)

6. The appellant explains that the Council used the wrong name in referring to the appellant’s wife when serving the enforcement notice (EN) which has caused them distress. However, there is no suggestion that the notice was not properly served on everyone with an interest in the land. Accordingly, this ground of appeal must fail.

Appeal A, ground (a) and Appeal B

Preliminary Matters

7. The works already undertaken on the site include those identified in the EN, that is the retaining wall, a flight of steps and the raising of the ground by infilling material between the retaining wall and the higher level garden. These are the subject of the deemed planning application that fall to be considered under Appeal A. Other works have been undertaken, most notably screening enclosures. They do not form part of the deemed application, but as they are intended as mitigation measures I have taken them into account in my assessment.
8. Appeal B seeks planning permission for the works the subject of the deemed planning application that falls to be considered under Appeal A. To this extent it seeks retrospective permission. It also seeks permission for proposed works, which includes completing the patio area and the erection of fencing (to replace temporary screens) along a side boundary as well as a balustrade along the top of the retaining wall, the constructing a garden room and the erection of a wind turbine.
9. The appellant takes issue with some of the Council's descriptions of the works undertaken and the pre-existing site conditions, including the precise height of the original retaining wall and the volume of material that has been brought onto the site. I have also noted inconsistencies in the some of the detail provided by the appellant in relation to existing and proposed works. However, I am satisfied that I have been able to assess the subject works with sufficient accuracy such that any discrepancy or ambiguity does not affect my findings.
10. The appellant has suggested means of amending aspects of the works to overcome concerns, however my consideration must be limited to the works undertaken and those proposed and detailed in the application considered by the Council even if, as the appellant suggests, some of the details shown were of the architect's design rather than his own preference.

Main Issues

11. The main issue in relation to the deemed planning application that arises under Appeal A is the effect of the raised patio area on the living conditions of neighbouring residents, particularly in terms of privacy and any visual intrusion.
12. There are 2 main issues that arise under Appeal B. The first one is as described above for Appeal A, and the second is the effect of the proposed wind turbine on the character and appearance of the area.

Reasons

13. The appeal property is one of a short row of two-storey detached dwellings that have rear boundaries fronting Wyndham Close. The elongated grounds of these properties include the main garden areas - that are closest to the dwellings and serve as the main amenity space for the residents - as well as a woodland strip that lies closest to the highway. The woodland provides an attractive local feature. It lies at a markedly higher level than the garden areas closest to the houses, with steeply sloping ground marking the change in levels
14. The trees form a dense canopy over most of the gardens. My visit revealed that some other property owners were using parts of the wooded area in association with their main rear gardens with paraphernalia such as patio furniture and children's play equipment visible. In contrast to this pattern, many of the trees within the appeal property have been felled or heavily cut back creating a swathe through the band of otherwise dense tree

cover. Gates have been recently erected in the rear garden fence which provides vehicular access via dropped kerbs onto the highway as well as a separate pedestrian access.

15. At the rear of the house is a modestly sized patio area at a similar level to the ground floor of the dwelling. A marquee extends over much of the patio area and provides cover for domestic paraphernalia and other items including tools and equipment. At the rear of this area a tall retaining wall, measured by the appellant as 2.3m high, has been erected along the width of the garden other than adjacent to one side boundary where a flight of shallow steps provides access to the higher part of the garden. A tall timber fence flanks the side of the steps which bounds the neighbouring garden of No. 11.
16. It is evident that the pre-existing higher garden level has been effectively extended towards the house and terminates at the retaining wall. I observed steel work in the ground and on the top of the retaining wall which form part of the measures to secure structural stability described by the appellant. Both sides of the raised patio area are flanked by dense netting hanging from wires suspended between poles that appear to be intended to provide a visual screen. The same netting has been suspended over the steps. This netting, which is not included in the EN, has the appearance of being a temporary measure. A metal pole supported by posts runs along the top of the retaining wall which is intended as a temporary safety barrier.

Living Conditions

17. I shall firstly focus on the works that have already been undertaken. The introduction of the raised garden area closer to the house has created an area which is elevated considerably above the adjacent ground level of the neighbours' main outdoor amenity areas and their ground floor windows. As a consequence, it has introduced significantly more intrusive levels of overlooking of the affected areas and rooms than would have previously been experienced. This includes introducing more direct lines of sight into first floor bedroom windows. In reaching this finding I acknowledge that the netting that has been provided serves as screening from some parts of the raised area as does the fence alongside the steps. As I have explained, whilst these screening measures are not identified in the EN I taken them into account as they provide potential mitigation for the privacy impact of the subject works.
18. The appellant draws my attention to the Tate Modern judgment. I am satisfied that the case, *Fearn & Ors v The Board of Trustees of the Tate Gallery* [2020] EWCA Civ 104, was concerned with a claim of private nuisance rather than a planning decision and, as such, it does not alter my view that overlooking and loss of privacy is a relevant material consideration in this case.
19. The extent to which the timber fence is elevated above the neighbouring property, No. 11, means that it is a visually intrusive feature which would create an oppressive impact when viewed from their closest windows and the main outdoor amenity space.
20. The other neighbouring dwelling, No. 9, is not orientated in the same direction as Nos 10 and 11. It has an elevation, which contains several large, glazed openings at ground and first floors, which face directly towards the rear garden of the appeal site. When viewed from these rooms and the patio area the screening measures are visually intrusive and serve to exacerbate the overbearing impact of the raised patio.
21. Appeal B proposes additional works which includes surfacing the raised ground to provide the finished patio area, the provision of a 1.1m high glass panelled balustrading on top of the retaining wall and alongside the steps and proposes a 1.2m high timber fence along the side boundaries effectively. In addition, it is proposed to erect a single-storey, flat-

roofed outbuilding on the pre-existing higher garden level that would extend to almost the full width of the garden and would contain large, glazed doors that would open onto the raised patio.

22. The effect of the Appeal B works on the privacy and the visual amenity of the neighbours would be similar to that already described in the above assessment of the works already undertaken. However, the potential for overlooking would be greater in the case of the appeal B scheme given that a surfaced patio area would facilitate its use as outdoor recreational space. Moreover, the proposed large, glazed openings in the garden room would also add to the intrusive degree of overlooking. The elevated position, size and proximity of the outbuilding to neighbouring receptors, would also add to the harmful visual intrusion that has already been identified.
23. I have noted the appellant's comments in relation to the effects on neighbours. Of those that are related to the planning merits of the schemes I accept that there is a degree of overlooking in both directions that may have occurred before the works were undertaken. Nonetheless, as I have explained, the works have significantly altered the impact to an unacceptable degree. My findings in this respect are not based on the behaviour of the residents of the appeal property or their neighbours but rather on the physical environment that has been created and the reasonable enjoyment that any householder can expect in this location. The appellant refers to alterations that have been undertaken to neighbouring properties. However, the appeal schemes must be assessed against the present context.
24. On the first main issue I conclude that the subject works are significantly harmful to the living conditions of the neighbouring residents, both by reason of loss of privacy and visual intrusion. The works are contrary to policy SP2 of the Bridgend Local Development Plan (LDP) which includes that all development should ensure the amenity of neighbouring occupiers are not adversely affected by development proposals. The failure to respect the privacy of neighbours and the unreasonably dominant effect on outlook mean that the schemes are at odds with Note 6 and Note 1 respectively of the Council's supplementary planning guidance (SPG) 02, Householder Development. There are no effective mitigation measures that could be reasonably secured by the imposition of planning conditions to overcome the identified harm.

Character and Appearance

25. In addition to the works already described and assessed under the first main issue, Appeal B also proposes a wind turbine which gives rise to the second main issue, which is the effect of the turbine on the character and appearance of the area.
26. The turbine is shown on one drawing to be 8m high to the hub with a blade sweep path of 2.4m in diameter. Although the appellant has suggested that it could be much lower, I have considered the detail presented. It would be located towards the rear of the property, within the swathe of open land which has been created within the woodland. The erection of a turbine would serve to draw attention to this gap in the landscaping belt and erode its positive contribution to the character of the area, particularly when viewed from the adjacent highway and the new housing estate that faces it. The appellant in his appeal submission accepts that the site is not an appropriate one for a turbine.
27. No details have been provided of the potential renewable energy benefit of the scheme, or whether the proximity of the tree canopy would affect local wind speeds thereby impacting on its energy generation. In any event any such benefit is likely to be modest and does not justify the harm that I have identified.

28. On this second main issue I conclude that the turbine would be an unduly prominent and intrusive feature within the attractive woodland belt of trees and thus harmful to the character and appearance of the area. Such harm is further demonstration of conflict with LDP policy SP2, which seeks that all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located. As it would have an unacceptable visual impact it would run counter to Note 21 of the Council's SPG 02.

Other Matters

29. The Council's third reason for refusing the application related to concerns over the structural soundness of the retaining wall and the foundations of the proposed turbine. Policy SP2 of the LDP and Planning Policy Wales, Edition 11, confirms that, where relevant, land stability should be addressed. In response to the Council's concerns, the appellant has provided some details of the works undertaken to ensure structural stability. In the absence of any response from the Council, I am not in a position to reach a finding on this matter. Given that my conclusions on the main issues lead me to conclude that planning permission should not be granted, it is not necessary for me to consider this matter any further.
30. The appellant explains that the flight of steps is needed to facilitate the installation of a chair lift to enable one of the residents to access the higher ground by wheelchair. The garden room is intended to provide space to support the residents' well-being as part of an intention to provide a 'floating living garden' which would facilitate meditation and exercise in association with the establishment of a wild flower garden. I note that such benefits would be particularly valued given the personal circumstances that have been described. However, neither these benefits nor the stress that pursuing the enforcement action has caused to the household at a difficult time justify permitting the continuation of the significantly harmful impacts on the neighbours' living conditions that I have identified. In reaching this view I am mindful that there is likely to be other ways in which the garden can be accessed and reasonably enjoyed without giving rise to the impacts described.
31. The appellant refers to local features and acts of development nearby. However, I must confine my consideration to the facts and the planning merits of this case, which have been assessed in the context of the site's surroundings.
32. Concern is expressed by the appellant over issues such as the way his architect, the Council and others have behaved. Such matters are outside the scope of the considerations that are material to my determination of the planning merits of the schemes. I have noted all of the many other matters raised in support of both appeals by the appellant.
33. Whilst other concerns have been raised by local residents, none of these would have justified withholding permission had I found the schemes acceptable in relation to the main issues. Indeed, as the Council has pointed out, some of the matters raised are outside the scope of the schemes for which permission is sought, and others are not material to a planning decision or fall to be considered by other legislation.
34. I conclude that the harms identified in relation to the main issues outweigh the benefits identified and all the other matters raised in support of the schemes. I shall therefore dismiss appeal B and refuse the deemed planning application under Appeal A.

Appeal A, ground (f)

35. This ground of appeal is that the requirements of the notice are excessive and that lesser steps would overcome the objections. In support of this ground the appellant relies on arguments to support the granting of planning permission, the impacts of compliance with the notice and explains that he would be willing to compromise on detailed aspects of the works.
36. The appellant suggests that the removal of the deposited material from the site could harm the roots of trees. As the trees of greatest amenity value are protected, the appellant would be required to ensure that such removal is undertaken carefully to avoid such damage.
37. It is clear from the reasons set out for issuing the notice that it seeks to remedy the impact on the residential amenities of neighbouring residents. The harm caused have been set out in my assessment of the planning merits of the schemes and I am satisfied that there are no lesser steps that could be reasonably imposed that would satisfy the stated reason. As such this ground of appeal does not succeed.

Appeal A, ground (g)

38. The appellant suggests that the time for compliance set out in the notice is too short on the basis of the time taken to determine the planning application and that health considerations affect his ability to carry out work on the site.
39. The appellant has not suggested a longer period of compliance, nor detailed the difficulties envisaged in meeting the 3 month period. However, whereas the original time frame set out in the EN would have spanned the summer months, the same time period will now extend over the winter season when inclement weather may hinder progress. It would therefore be reasonable to extend the compliance period by a further 2 months and which would include months when weather conditions would be generally more favourable. In reaching this finding I am mindful of the need to avoid unduly prolonging the harmful impact experienced by neighbouring residents. I shall vary the period to 5 months. To this extent the ground (g) appeal succeeds.

Conclusions

40. In exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010 which sets out the relevant protected characteristics which includes disability. Since there is the potential for my decision to affect persons with a protected characteristic, I have had due regard to the three equality principles set out in Section 149 of the Act. There would be an adverse impact on individuals with a protected characteristic who may not be able to fully enjoy their garden and the associated wellbeing benefits. However, having due regard to this, and to the need to eliminate discrimination and promote equality of opportunity, in my view the adverse impacts of dismissing grounds (a) and (f) of Appeal A and dismissing Appeal B on those with protected characteristics would be justified and the decision would be necessary and appropriate, having regard to the harmful effect of the proposed development in relation to the impact on neighbours.
41. Dismissing the appeals would interfere with the appellant's and his family's rights to peaceful enjoyment of their possessions, and to a private and family life and home, under Article 1 of the First Protocol and Article 8 as set out under the Human Right Act 1998. However, those are qualified rights; interference with them in this instance would be in accordance with the law and in pursuance of a well-established and legitimate aim of protecting the living conditions of neighbouring residents. It is proportionate and

necessary to refuse to grant planning permission. There will be no violation of the appellant's or his family's human rights. The protection of the public interest cannot be achieved by means that are less interfering with their rights.

42. For the above reasons and having regard to all other matters raised, I conclude in relation to Appeal A that the period for compliance should be extended and shall vary the enforcement notice accordingly, prior to upholding it. I shall refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended. I shall dismiss Appeal B.

43. In reaching my decisions, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of making our cities, towns and villages even better places in which to live and work.

H W Jones

Inspector



Penderfyniad ar gostau

Ymweliad safle a wnaed ar 24/8/22

gan **H W Jones, BA (Hons) BTP MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 01/12/2022

Costs Decision

Site visit made on 24/8/22

by **H W Jones, BA (Hons) BTP MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 01/12/2022

Costs application in relation to Appeals Ref: APP/F6915/C/21/3278601 & APP/F6915/A/21/3275105

Site address: 10 Llys Briallen, Brackla, Bridgend, CF31 2BG

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

- The application is made under the Town and Country Planning Act 1990, sections 78, 174, 322C and Schedule 6.
 - The application is made by Mr Mark Barzewicz-Dower for a full award of costs against Bridgend County Borough Council.
 - The appeals were against an enforcement notice alleging, without planning permission, the raising of the ground level at the land affected including the alteration to increase the height of a retaining wall and steps, and the refusal of a planning application for the erection of retaining wall and steps, raised patio, garden room and wind turbine.
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Decision

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

Reasons

2. The Section 12 Annex 'Award of Costs' of the Development Management Manual ('the Annex') advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably, thereby causing the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The application is made on the basis that the Council has delayed the grant of planning permission and has caused the applicant stress and costs of materials and loss of income. He cites 7 alleged failings by the Council but these are a summary of some of the examples of unreasonable behaviour set out in the Manual; no elaboration on these by reference to case specific details is provided in the application. Indeed, it is clear that some of the examples are not relevant, the most obvious being attending a hearing or an inquiry and the payment of witnesses.

4. The applicant itemises the costs that he has incurred. However, the amount of any award is not a matter for me to consider; I am concerned only with the principle of whether costs should be awarded. In terms of the items listed, most are related to the cost of pursuing the planning application which, as the applicant acknowledges, cannot be included in a claim for costs. Reference is made to the stress experienced by the applicant and his wife and to loss of income generation from the wind turbine but, as paragraph 2.9 of the Manual explains, indirect losses arising from the delay cause by pursuing the appeals, are not matters related to the application or appeal process and as such are not matters for me.
5. As is made clear in my decisions on the appeals I have found the substance of the Council's case in relation to both appeals to have been sound, and its behaviour in refusing planning permission and issuing an enforcement notice was reasonable. There are no procedural shortcomings in the Council's behaviour in relation to either appeal which has caused the applicant to have incurred unnecessary or wasted expense in pursuing the appeals.

Conclusion

6. For the foregoing reasons the application for costs is refused.

H W Jones

Inspector



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 07/07/22

gan **C MacFarlane BSc(Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 24.08.2022

Appeal Decision

Site visit made on 07/07/22

by **C MacFarlane BSc(Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 24.08.2022

Appeal Ref: APP/F6915/A/21/3283050

Site address: White Hart Inn, 42 Bridgend Road, Garth, Maesteg CF34 0NN

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 Andrew Watkins against the decision of Bridgend County Borough Council.
 - The development proposed is change of use of ground floor to residential accommodation to be used with existing first floor residential accommodation (property to become one residential unit).
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of development given in the Council's decision notice as this accurately and succinctly reflects the proposal.

Main Issue

3. The main issue is whether the proposed development would be acceptable in terms of local planning policies relating to social and community facilities.

Reasons

4. White Hart Inn sits within a terrace of dwellings facing Bridgend Road. The surrounding area is mainly residential in use. As I understand from the information before me, the pub ceased trading at some point in 2020, having closed during restrictions arising from the global Covid-19 pandemic, although a specific date has not been provided.
5. Policy SP13 of the Bridgend Local Development Plan 2006-2021 (LDP) identifies various types of community uses and facilities which will be retained or enhanced in recognition of their contribution towards maintaining and improving the quality of life of residents. In highlighting the importance of such uses and facilities in creating viable and sustainable

local communities, the explanatory text at LDP paragraph 6.2.1 clarifies that social and community facilities cover a broad range of activities and services, and paragraph 6.2.2 provides a more detailed list of the types of facilities which may be included, with reference to 'in some cases privately owned community buildings such as...public houses' and that 'a local pub could be regarded as a community building'. This approach is supported by LDP Policy COM7, which resists the loss of community facilities unless the existing facility is no longer required for the current use, or any other social or community use, or there is already an excess of such provision in the area.

6. Much of the appellant's position rests on the argument that the financial evidence provided demonstrates that the pub business is unsustainable and unnecessary, and therefore cannot be considered as being of sufficient value to the area as to constitute a community facility for the purposes of Policies SP13 and COM7. Some general explanation of rising costs and changing customer trends has also been provided, of which I have taken account.
7. Whilst the profit and loss accounts provided show losses for several years during the period since 2010, several years have generated a profit, albeit not recently. The appellant's evidence also indicates that several offers of purchase have been made and I note that a petition and responses in support of retaining the pub use have been received from local residents. To my mind, this indicates that there is some local value and interest in the facility and that, when considered alongside the relatively recent closure of the premises, the evidence provided is insufficient to confidently conclude that the business could not be made viable in the future or under different management. Therefore, taking account of the broad range of facilities covered by Policies SP13 and COM7, and the absence of compelling justification to the contrary, I consider that the aforementioned policies are applicable, and the proposal would result in the loss of a community facility.
8. Turning specifically to criterion 2 of Policy COM7, in seeking to demonstrate that the business is no longer required for the current use, the appellant has marketed the property for approximately 6 months. I acknowledge that some of the offers received encountered funding difficulties and others were lower than the appellant wished to accept. However, this indicates a level of interest in the business, which, when considering the generally resistant approach of the LDP to the loss of community facilities, would warrant a longer period of marketing to demonstrate that the current use is no longer required. Moreover, there is a lack of information provided regarding the methods and extent of advertising, the terms on which the business was offered during the marketing period, and whether any other social and community uses have been considered in line with the requirements of criterion 2.
9. Finally, when considering whether there is an excess of provision in the area, the appellant points to a number of hospitality businesses within walking distance of the property. However, there is a lack of information provided regarding the trading status, operating hours and nature of these other businesses in order to carry out any meaningful comparison as to whether these constitute realistic alternative provision, even without consideration of whether this may be considered an 'excess' of provision.
10. In conclusion, I find that, due to the lack of information provided and limited marketing period carried out, insufficient justification has been made to support the loss of a social and community facility. The proposal would therefore be unacceptable with regard to local planning policies relating to social and community facilities and fail to comply with LDP Policies SP13 and COM7.

Other Matters

11. I have taken account of the personal financial circumstances referred to by the appellant and the desire to provide family accommodation. However, such considerations would not outweigh the wider harm in respect of the loss of a social and community facility. Comments relating to unfair treatment of the application have also been made by the appellant, but these are unspecified in nature. In any event, this does not alter my assessment of the planning merits of the appeal proposal.
12. In reaching my decision, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act

Conclusion

13. For the reasons given above, the appeal is dismissed.

Claire MacFarlane

INSPECTOR



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 25/10/22

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

**Arolygydd a benodir gan Weinidogion
Cymru**

Dyddiad: 2022-12-06

Appeal Decision

Site visit made on 25/10/22

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

**an Inspector appointed by the Welsh
Ministers**

Date:2022-12-06

APPEAL A

Appeal Ref: CAS-01665-W4K9P2

Site address: Land south of Pontrhydycyff, Maesteg, CF34 9RW.

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 BPM Technology Corp Ltd against an enforcement notice issued by Bridgend County Borough Council.
 - The enforcement notice, numbered ENF/70/21/ACK, was issued on 1 December 2021.
 - The breach of planning control as alleged in the notice is: Without planning permission change of the use of the said land from a nil use to a B8 use for the siting of two storage containers.
 - The requirements of the notice are: remove and keep removed the containers from the land outlined in red on the attached plan.
 - The period of time for compliance with the requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(a), (c), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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APPEAL B

Appeal Ref: CAS-01684-S3R9M9

Site address: Land south of Pontrhydycyff, Maesteg, CF34 9RW.

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 BPM Technology Corp Ltd against the decision of Bridgend County Borough Council.
 - The development proposed is retrospective planning permission for the temporary siting of 2 no. shipping containers on the site.
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Decision – Appeal A

The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Decision - Appeal B

The appeal is dismissed.

Procedural Matter

1. Two appeals are before me, an appeal against an enforcement notice (“Appeal A”) and an appeal against a refusal of planning permission (“Appeal B”). The development under consideration for both appeals is the same as is the evidence presented by the parties in relation to Appeal B and the ground (a) appeal under Appeal A. Notwithstanding this, I have considered the two appeals individually. However, since the reasons given by the Council for the refusal of planning permission on Appeal B, and the reasons given for taking action in the enforcement notice (EN) on Appeal A are broadly the same, I have addressed the ground (a) appeal of Appeal A and Appeal B together.

The Ground (c) Appeal – Appeal A

2. For the appeal on ground (c) to succeed the onus of proof is on the appellant to demonstrate that there has been no breach of planning control. The questions are whether what has taken place on the land represents development for which planning permission is required and, if so, whether planning permission has been granted. This ground of appeal is that the development set out in the EN does not amount to a breach of development control.
3. The meaning of development is set out in s55(1) of the Act and includes operations affecting land and changes of use of land.
4. The EN seeks to enforce against a material change of use of the land. The appellant has made some submissions that the development does not amount to operational development, however, I see no indication from the EN that operational development is alleged by the Council and accordingly I have not addressed this matter further.
5. In the alternative, the grounds of appeal state that the use of the land for the storage of containers is not a material change of use. I note that the containers have two purposes – as a physical barrier preventing unwanted access to the wider site and as storage for the appellant’s business. The evidence is clear that the containers are intended for use for a temporary period, however, the appellant has not set out under what provision he considers that this would not require planning permission. The Town and Country Planning (General Permitted Development) Order 1995 allows some development to be permitted without a grant of planning permission including some temporary development related to operations taking place or adjoining the land however as there are no operations taking place on the land and so this provision would not apply. It follows that I do not consider any permitted development rights exist for the change of use of the land.

6. Turning to the nature of the development, the site falls outside the settlement within the countryside. The appellant states that the containers are small scale but this does not accord with what I saw on site to be two shipping type containers which are conspicuous at this location due to their proximity to the highway and their size. The fact that the containers can be moved, and the appellant's intention is to remove them after an undisclosed period of time does not ameliorate the impact of the containers at this location. The physical change to the land which by the change of use for the siting of two shipping containers is significant and, for the reasons set out above, material.
7. From all I have seen and read, I consider that a material change of use has occurred for which planning permission has not been granted. Thus, there has been a breach of planning control and the appeal on ground (c) therefore fails.

Appeal B and The Ground (a) Appeal – Appeal A

8. This ground of appeal is that the development alleged in the enforcement notice ought to be granted planning permission. In this respect, the main issue for consideration is:
 - The effect of the development on the character and appearance of the area.

Reasons

9. The site falls outside the settlement boundary and comprises a parcel of land adjacent to the A4063 generally opposite a secondary school and sports pitches.
10. The site is currently vacant albeit the evidence points to previous development on the land and there appears to be no dispute between the parties on this point. The area where the containers have been positioned is hardstanding with grassland beyond.
11. The two containers have been sited close together upon the hardstanding near the perimeter of the site where it meets the highway.
12. Policy ENV1 of the Bridgend Local Development Plan 2006-2021 (LDP) states that development in the countryside will be strictly controlled and lists exceptions to the presumption against development, none of which apply to the development before me. As such, the development conflicts with local planning policy.
13. The appellant states that the containers have been positioned to prevent unauthorised access to the site and they are also used for business storage, however, I also observed security fencing along the perimeter of the site in the vicinity of the containers and there was a gap between that and the adjacent container which would have compromised any security function. No justification has been put forward for the need to use a structure as large as a container to secure the boundary as opposed to other means.
14. The containers have the appearance of a traditional shipping container: they are large, of metal construction and have a utilitarian/industrial appearance which conflicts with the verdant character of the area. Aside from the school opposite the site, the surrounding area has a countryside appearance with tree lined field parcels. There are some trees lining the A4063 which runs adjacent to the site, however, a break in the trees allows clear, uninterrupted views of the containers for all passing motorists. Their size and utilitarian appearance at this prominent location has a harmful visual impact which jars with the character and appearance of the area and therefore conflicts with policy SP2 of the LDP which requires that all development should respect and enhance local character and distinctiveness and landscape character.
15. My attention has been drawn to the site being put forward as a candidate site for the forthcoming replacement local development plan for housing, however, this has no

relevance to the development before me. I am also mindful that the appellant has stated that the development is intended to be temporary, however, the harm I have identified is such that the temporary change of use of the land for the siting of the containers cannot be justified.

Conclusion – Appeal B and the Ground (a) Appeal – Appeal A

16. For the above reasons, I conclude that Appeal B and the Ground (a) appeal made in relation to Appeal A should be dismissed. 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.

The appeal on ground (f) – Appeal A

17. The ground of appeal is that the steps required by the notice to be taken or the activities required by the notice to cease, exceed what is necessary to achieve the purpose. The purposes of an enforcement notice are set out in Section 173(4) of the Act and are to remedy the breach of planning control (s173(4) (a)) or to remedy injury to amenity (s173(4)(b)). Since the EN requires the unauthorised storage use to cease the purpose of the EN is to remedy the breach.

18. The ground (f) appeal put forward reiterates the ground (c) appeal that no breach of planning permission has occurred. I have concluded that the ground (c) appeal fails. No lesser or alternative steps have been put forward in this case and there is no implication that some lesser steps than the removal of the containers from the land could remedy the breach. I conclude that the steps are not excessive to remedy the breach of planning control and the appeal on ground (f) fails.

The appeal on Ground (g)

19. This ground of appeal is that the time given in the EN for compliance is inadequate and that additional time for compliance should be given.

20. The appellant accepts that the containers could be moved with ease but states that time will be needed to find an alternative site which complies with planning policy and is close to the appellant's residence for convenience. No evidence has been submitted to demonstrate attempts to find an alternative location, nor has it been demonstrated that such availability is likely to arise within a six-month as opposed to two-month period. Since containers are often transported and relocated, a two-month period for compliance does not seem unreasonable. Accordingly, the ground (g) fails.

Decision

21. For the aforementioned reasons, and taking into account all matters raised I consider that both Appeal A and Appeal B should be dismissed as set out in my formal decision above.

Janine Townsley

Inspector



Penderfyniad ar yr Apêl	Appeal Decision
Ymweliad â safle a wnaed ar 08/11/22	Site visit made on 08/11/22
gan R Duggan BSc (Hons) DipTP MRTPI	by R Duggan BSc (Hons) DipTP MRTPI
Arolygydd a benodir gan Weinidogion Cymru	an Inspector appointed by the Welsh Ministers
Dyddiad: 21.11.2022	Date: 21.11.2022

Appeal Ref: CAS - 02097

Site address: 1 Mount Earl Close, Bridgend CF31 3HA

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 Daniel Baker against the decision of Bridgend County Borough Council.
- The development proposed is a two storey extension to side and rear of existing house, porch to front, and new rendered blockwork external skin.

Decision

1. The appeal is dismissed insofar as it relates to the two storey extension to the side and rear of the house. The appeal is allowed, however, insofar as it relates to the remainder of the application and planning permission is granted for the porch to the front at 1 Mount Earl Close, Bridgend CF31 3HA in accordance with the terms of the application Ref: P/22/346/FUL, dated 12 May 2022, subject to the conditions set out in the attached schedule.

Main Issue

2. I consider the main issue to be the impact of the development on the character and appearance of the host dwelling and street scene.

Reasons

3. The appeal property is a two-storey, semi-detached property located on a prominent corner plot in a residential area containing a mix of mainly semi-detached dwellings which display uniformity in terms of architectural style, proportions and spacing. The separation distances and spaces between properties are relatively constant and set a regular pattern of built development which creates a strong uniform layout to the area. The character and appearance of well spaced properties is maintained by the use of single storey side and rear extensions as well as garages to the side of some of the houses. The houses are characterised by being set back from the road with an established building line thus creating a regular and coherent street scene, and the appeal property contributes to that regularity and coherence.

4. It is proposed to erect a two-storey extension on the side elevation set back from the front elevation by approximately 1m at first floor level and flush with the front elevation at ground floor level. The ridge height would be set down from the existing ridge while the eaves of the extension would be at a similar height as the existing dwelling. Although the Council considers that the extension would be acceptable in design terms, it is, however, critical of the fact that the rearmost element of the extension would extend back beyond the rear elevation of the property by approximately 3.6 metres and effectively create a two-storey gable extension to the rear of the house.
5. The Council has referred me to its Supplementary Planning Guidance (SPG02) Householder Development. Note 12 of SPG02 states that an extension should be in scale with the existing dwelling, and Note 17 states that a side extension to a semi-detached property should respect the original symmetry of the pair of buildings. Although the proposed development would run counter to the general thrust of the advice contained within the Council's SPG, I have treated the document as providing no more than guidance which can assist in the assessment of planning applications including the application of the policies of the development plan. I consider that the advice set out in the SPG should not be treated as prescriptive.
6. Nevertheless, as the site sits higher than the adjoining highway and the adjacent property of No. 35 Mount Earl, the rear section of the extension would appear as a bulky addition to the appeal building, extending out from the rear elevation to a significant degree. It would be seen as a dominant feature attached to the rear of the house, compounded by its prominent and elevated corner position on the street. By reason of its dominance, the extension when viewed from Mount Earl would appear as an incongruous addition which would unbalance and adversely affect the character and appearance of the host building.
7. Overall, the rear part of the two-storey extension would add significant bulk to the finished property and would stand out as a discordant element in the street scene at odds with the scale and design of this pair of dwellings and would be seen as an awkward addition to the prevailing built form.
8. Having regard to the above, I conclude that the two-storey extension would have a harmful impact on the character and appearance of the host dwelling and street scene and would conflict with Policy SP2 of the Adopted Bridgend Local Development Plan (LDP) 2013. This policy requires all development to contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment by having a design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character (criterion 2).
9. The Appellant has drawn my attention to a number of other extensions in the area, including the single-storey extension and detached garage at the neighbouring dwelling. However, whilst I accept that these developments exist, I have been provided with limited information relating to their planning history. Nevertheless, whatever the background, their existence is not an appropriate justification for permitting the proposed development here.
10. The Council does not raise any objections to the erection of the front porch, and I agree. As this element of the scheme can be clearly severed from the remainder of the proposed development it is possible for me to separate them in my decision.

Conditions

11. I have considered the suggested conditions put forward by the Council having regard to the advice in Welsh Government Circular 016/2014: *The Use of Planning Conditions for Development Management* (October 2014). In addition to the standard conditions, I shall

impose a condition requiring the materials on the development to be agreed with the Council to safeguard the visual amenity of the area. I have also added a condition regarding ecological enhancement measures to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales.

Conclusions

12. Having regard to the above, I conclude that the appeal should be dismissed insofar as it relates to the two-storey extension to the side and rear of the house. However, the remainder of the proposed development, namely the erection of a front porch, would be acceptable and I shall allow this element of the proposal subject to the schedule of conditions attached to this decision.
13. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of building a stronger, greener economy as we make maximum progress towards decarbonisation, making our cities, towns and villages even better places in which to live and work and embedding our response to the climate and nature emergency in everything we do.

R. Duggan

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) The development shall be carried out in accordance with the following approved plans and documents: Location Plan 001; Plans as existing 002; Proposed floor plans 102 rev D; Proposed elevations 103 rev E; Section as existing 004; Proposed section through original house 104 rev B.
Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application.
- 3) Prior to the commencement of the development hereby approved, details of the external materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority.
Reason: To ensure that the development hereby permitted does not have a detrimental impact on the character and appearance of the area as required by Policies SP2 and SP5 of the Adopted Local Development Plan.
- 4) Prior to the commencement of development, a scheme of Ecological Enhancement Measures and a Detailed Implementation Timetable shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement

shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and Policies SP4 and ENV6 of the Adopted Local Development Plan.



Penderfyniad ar yr Apêl	Appeal Decision
Ymweliad â safle a wnaed ar 08/11/22	Site visit made on 08/11/22
gan R Duggan BSc (Hons) DipTP MRTPI	by R Duggan BSc (Hons) DipTP MRTPI
Arolygydd a benodir gan Weinidogion Cymru	an Inspector appointed by the Welsh Ministers
Dyddiad: 22.11.2022	Date: 22.11.2022

Appeal Ref: CAS - 02162

Site address: Seawyns, Carlton Place, Porthcawl CF36 3ET

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 grant of planning permission subject to conditions.
- The appeal is made by Mr Kevyn Morris Field & Karen Christine Taylor against the decision of Bridgend County Borough Council.
- The application Ref P/17/456/FUL, dated 23 May 2017, was approved on 11 July 2017 and planning permission was granted subject to conditions.
- The development permitted is described as *“Demolish garage & conservatory, construct two storey side extension, front porch extension, detached garage to rear with new crossover”*.
- The condition in dispute is No 2 which states that:
“Notwithstanding the requirements of condition no.1, the first floor rear window openings positioned within the west facing elevation (facing no. 14 Carlton Place) of the extension shall be fitted with obscure glazing to a minimum of level 5 on the Pilkington index of obscurity. The windows shall be fitted prior to the beneficial use of the extension hereby approved commencing and shall then be retained in perpetuity”.
- The reasons given for the condition is:
- *“In the interests of privacy and residential amenities”*.

Decision

1. The appeal is allowed and the planning permission Ref P/17/456/FUL granted on 11 July 2017 is varied by deleting condition No 2.

Main Issue

2. I consider the main issue to be the effect of removing condition 2 on the living conditions of the occupiers of No. 14 Carlton Place in terms of overlooking and loss of privacy.

Reasons

3. The appeal property is a detached, two-storey dwelling located on a corner plot at the junction of Carlton Place and Doddridge Way. The two-storey side extension to the house has been built and I saw that the first-floor rear bedroom window located within the west

facing elevation has been fitted with clear glass in conflict with condition 2 of the permission.

4. The recently constructed two-storey side extension is sited approximately 4 - 5 metres away from the common boundary with No. 14 Carlton Place and the window in dispute serves a bedroom at first-floor level. The first-floor window runs parallel with the tall boundary fence between the appeal site and the rear garden of No. 14, and I saw that there is another window serving the bedroom to give unrestricted natural light and outlook to the occupiers of Seawynds.
5. The rear gardens of No's 14 and 15 Carlton Place are not completely private, since each is overlooked from the upper windows of each other's houses, as well as the high-level dormer windows on The Shieling and No 142 Victoria Avenue. In addition, I was able to see on my visit that the view into the garden of No. 14 from the appeal window is significantly screened by the flat roofs of an extension and outbuildings to the rear of No. 14. As such, any view would be over or through a small gap between these structures.
6. The extension at the appeal property adds to the number of overlooking bedroom windows, but it does not in my estimation significantly harm the already low levels of privacy in the rear garden of No. 14. I do however recognise that a perceived increase in overlooking from the appeal property is understandable. Nevertheless, from what I saw, I am satisfied that there would be no direct views into any habitable rooms and only restricted views into the private garden area, and I do not think there is any demonstrable harm by the window having standard clear glazing. It is not normal to require bedroom windows to have obscure glazing and, in this case, I do not think that it is either reasonable or necessary to insist upon it through the continued imposition of condition 2.
7. For the above reasons, the first floor rear window opening positioned within the west facing elevation of the appeal property does not have a harmful impact on the living conditions of the occupiers of No. 14 Carlton Place. As such, there is no conflict with Supplementary Planning Guidance 02: Householder Development (2008) or with Policy SP2 of the Adopted Bridgend County Borough Council Local Development Plan which, amongst other things, seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected.
8. Having regard to the above and considered all other matters raised, I conclude that the appeal should be allowed.
9. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of building a stronger, greener economy as we make maximum progress towards decarbonisation, making our cities, towns and villages even better places in which to live and work and embedding our response to the climate and nature emergency in everything we do.

R Duggan

INSPECTOR

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO DEVELOPMENT CONTROL COMMITTEE

5 JANUARY 2023

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

LISTED BUILDING CONSENT DELEGATION

1. Purpose of report

- 1.1 The purpose of this report is to update Members of the Development Control Committee on Bridgend County Borough Council's application for Listed Building Consent Delegation in terms of feedback from Cadw and next steps.

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

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

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.

- 2.2 The Council has statutory duties in relation to the determination of Listed Building Consent applications as part of its Planning Service.

3. Background

- 3.1 Members are reminded that under Section 13 of the Planning (Listed Buildings and Conservation Areas) Act 1990 local planning authorities are required to notify Welsh Ministers (via Cadw) where they are minded to grant listed building consent (LBC). However, wherever possible, Welsh Ministers are keen for LBC decisions to be taken at a local level and they are able to amend the requirement to notify Cadw. For example Welsh Ministers are able to direct that certain categories of applications for LBC need not be notified to them by a local planning authority. There is currently a general direction in place removing the requirement to notify Cadw of an application for LBC for work affecting the interior only of a grade II (unstarred) listed building.
- 3.2 Following agreement by the Development Control Committee on 3 March 2022, Bridgend County Borough Council's Conservation and Design Team applied to Cadw to extend these arrangements to include all grade II listed buildings (with the

exception of applications for total demolition). In shorthand, we call these extended arrangements Listed Building Consent delegation.

4. Current situation/proposal

- 4.1 On 15 December 2022 Cadw wrote to Officers to confirm that it is minded to award delegation to the named Officer as specified in the application (Senior Conservation and Design Officer Mrs Moira Lucas) based on the application and record of experience submitted. This award is subject to this Authority providing the following;
- (i) a corporate commitment to seek and adhere to the advice of the named officer on applications for listed building consent, and
 - (ii) where the advice of the named officer is not available, or the application is proposed to be approved against the advice of the named officer, Cadw will be notified in order to consider call-in.
- 4.2 Members are reminded that the removal of the requirement to notify Cadw takes out a time-consuming and resource intensive part of the Listed Building Consent cycle for both Cadw and the local planning authority. It strengthens local decision-making, makes it timely and efficient, and improves the service available to the public.
- 4.3 If agreed and accepted this delegation will apply to all Grade II Listed buildings within the County Borough (331 of the 375 listed buildings within the County Borough, including those Grade II Listed Buildings within the ownership of Bridgend County Borough Council). The notification process will continue to apply to any application which involves the demolition of a listed building or works to grade I or II* listed buildings. The feedback from Cadw confirms that in its opinion the right expertise and processes are in place within this Authority to make robust and sound decisions which protect and preserve the historic environment. Listed Building Consent Delegation is given to local authorities that have a robust local policy framework supported by sound processes, practices and decision making informed by specialist conservation officer advice aimed towards the conservation and protection of the historic environment. Cadw will maintain a close working relationship with this authority if it accepts delegation through an annual review process and can continue to provide advice and guidance at the request of the conservation officer.
- 4.4 The Development Control Committee currently has delegated to it by Council the power to discharge the Council's functions under the Planning(Listed Buildings and Conservation Areas) Act 1990 which are detailed in the Constitution. The delegated power includes the power to determine application for Listed Building Consent but subject to the requirement to notify Welsh Ministers in line with Section 13 of the Act as mentioned in Paragraph 3.1 of this report. If members agree to accept the recommendations in this Report the Constitution will require a change to the delegation to add that the Committee can approve applications for Listed Building Consent without the need for referral to Welsh Ministers if it has on any application

for Listed Building Consent received and adhered to the advice of the Senior Conservation and Design Officer Moira Lucas.

5. Effect upon policy framework and procedure rules

- 5.1 If this Authority agrees to accept this offer of Listed Building Consent Delegation amendments to the Council's scheme of delegation will be required via full Council approval.

6. Equality Act 2010 implications

- 6.1 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. 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 Listed Building Consent Delegation forms part of the Statutory Planning Service and will be progressed in line with the 7 Well-being goals and the 5 ways of working as identified in the Act.

8. Financial implications

- 8.1 Funding is in place to support the Senior Conservation and Design Officer, the named officer, within the Communities Directorate until December 2023. If delegation is accepted external funding opportunities will be sought to maintain the dedicated staff arrangements beyond this date to deal with listing building consent applications, their subsequent monitoring of proposals on site and enforcement. . If external funding opportunities cannot be sourced, there is an intention to submit a budget pressure bid as part of the 2024-25 Medium Term Financial Strategy to support this function. If the budget pressure is unsuccessful, the Directorate will have to identify internal budgets.

9. Recommendations

- 9.1 It is recommended that the Development Control Committee:-
- agree a commitment to seek and adhere to the advice of the named officer (Senior Officer Conservation and Design Mrs Moira Lucas) on applications for listed building consent

- agree that where the advice of the named officer is not available, or the application is proposed to be approved against the advice of the named officer, Cadw will be notified in order to consider call-in
- accept the offer from CADW of Listed Building Consent Delegation on all Grade II Listed Buildings
- agree that this report be referred to Council for agreement to amend the Constitution as described in paragraph 4.4 of this report along with any other necessary amendments

Janine Nightingale

CORPORATE DIRECTOR COMMUNITIES

5th January 2023

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Team Leader Conservation and Design

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Communities Directorate
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CF31 4WB

Background documents:

None

TRAINING LOG

All training sessions will be held in the Council Chamber but can also be accessed remotely via Microsoft Teams.

Subject

Date

A review and timeline of the processing of a recent application

4 January 2023

Building in Conservation Areas

2023

Enforcement

PEDW Briefing for Members

Public Rights of Way / Bridleways

Tree Policy - Green infrastructure

Wellbeing and Future Generations Act Commissioner

(Members are reminded that the Planning Code of Practice, at paragraph 3.4, advises that you should attend a minimum of 75% of the training arranged).

Recommendation:

That the report of the Corporate Director Communities be noted.

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

BACKGROUND PAPERS

None

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