

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



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

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

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



**Cyfarwyddiaeth y Prif Weithredwr / Chief
Executive's Directorate**

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

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Thursday, 15 February 2024

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held Hybrid in the Council Chamber - Civic Offices, Angel Street, Bridgend, CF31 4WB / Remotely via Microsoft Teams on **Thursday, 22 February 2024 at 10:00.**

AGENDA

1. Apologies for Absence
To receive apologies for absence from Members.
2. Declarations of Interest
To receive declarations of personal and prejudicial interest (if any) from Members/Officers including those who are also Town and Community Councillors, in accordance with the provisions of the Members' Code of Conduct adopted by Council from 1 September 2008. Members having such dual roles should declare a personal interest in respect of their membership of such Town/Community Council and a prejudicial interest if they have taken part in the consideration of an item at that Town/Community Council contained in the Officer's Reports below.
3. Approval of Minutes 3 - 10
To receive for approval the minutes of the 11 01 2024
4. Public Speakers
To advise Members of the names of the public speakers listed to speak at today's meeting (if any).
5. Amendment Sheet
That the Chairperson accepts the Development Control Committee Amendment Sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be accommodated.
6. Development Control Committee Guidance 11 - 14

By receiving this Agenda Pack electronically you will save the Authority approx. £02.16 in printing costs

7.	<u>P/22/692/FUL 13 Reynallt Place, Porthcawl CF36 3DR</u>	15 - 26
8.	<u>P/23/473/RLX Upper Ogmore Valley, Between Blaengwynfi, Nantymoel & Blaengarw In Bridgend & Neath Port Talbot CF23 8RD</u>	27 - 62
9.	<u>Appeals</u>	63 - 68
10.	<u>Reports For Noting</u>	69 - 106
11.	<u>Training Log</u>	107 - 108
12.	<u>Urgent Items</u>	

To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.

Note: This will be a Hybrid meeting and Members and Officers will be attending in the Council Chamber, Civic Offices, Angel Street Bridgend / Remotely via Microsoft Teams. The meeting will be recorded for subsequent transmission via the Council's internet site which will be available as soon as practicable after the meeting. If you have any queries regarding this, please contact cabinet_committee@bridgend.gov.uk or tel. 01656 643148 / 643694 / 643513 / .643696

Yours faithfully

K Watson

Chief Officer, Legal and Regulatory Services, HR and Corporate Policy

Councillors:

A R Berrow
N Clarke
RJ Collins
C L C Davies
S Easterbrook
RM Granville

Councillors

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

Councillors

MJ Kearns
W J Kendall
J Llewellyn-Hopkins
J E Pratt
A Wathan
R Williams

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 11 JANUARY 2024

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD HYBRID IN THE COUNCIL CHAMBER - CIVIC OFFICES, ANGEL STREET, BRIDGEND, CF31 4WB ON THURSDAY, 11 JANUARY 2024 AT 10:00

Present

Councillor RM Granville – Chairperson

N Clarke
J E Pratt

RJ Collins

H Griffiths

J Llewellyn-Hopkins

Present Virtually

S Easterbrook
M R John
R Williams

S J Griffiths
MJ Kearn

M L Hughes
W J Kendall

D M Hughes
A Wathan

Apologies for Absence

A R Berrow, C L C Davies and D T Harrison

Officers:

Rhodri Davies
Gillian Dawson
Craig Flower
Robert Morgan
Janine Nightingale
Jonathan Parsons
Philip Thomas
Leigh Tuck
Michael Pitman
Oscar Roberts

Development & Building Control Manager
Lawyer - Planning
Planning Support Team Leader
Senior Development Control Officer
Corporate Director - Communities
Group Manager Development
Principal Planning Officer
Senior Development Control Officer
Cabinet and Committee Technician
Cabinet and Committee Officer (Apprentice)

180. Declarations of interest

Decision Made	Councillor R Collins declared a personal interest in Agenda item 8, as a Member of Maesteg Town Council who takes no part in planning matters.
Date Decision Made	11 January 2024

181. Site Visits

Decision Made	<u>RESOLVED:</u> That a date of Wednesday 21/02/2024 be agreed for proposed site inspections arising at the meeting or identified in advance of the next Committee meeting by the Chairperson.
Date Decision Made	11 January 2024

182. Approval of Minutes

Decision Made	<u>RESOLVED:</u> That the minutes of a meeting of the Development Control Committee dated 30 November 2023, be approved as a true and accurate record.
Date Decision Made	11 January 2024

183. Public Speakers

Decision Made	There were no public speakers at today's meeting.
Date Decision Made	11 January 2024

184. Amendment Sheet

Decision Made	<u>RESOLVED:</u>	That the Chairperson accepted the Development Control Committee Amendment Sheet as an urgent item, in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be accommodated.
Date Decision Made	11 January 2024	

185. Development Control Committee Guidance

Decision Made	<u>RESOLVED:</u>	Members noted the report on Development Control Committee Guidance.
Date Decision Made	11 January 2024	

186. P/13/808/OUT Land Off Oakwood Drive, Maesteg, CF34 9TS

Decision Made	<u>RESOLVED:</u>	(1) That having regard to the following application, the applicant enters into a Section 106 Legal Agreement to:
	(i) Provide a financial contribution in the sum of £8,000 for a traffic order to confirm that vehicles cannot park or load/unload on Oakwood Drive or the road linking Oakwood Drive to Bethania Street in order to ensure that the streets remain free flowing.	
	(ii) Provide a minimum of 15% of the units as affordable housing with the affordable tenure and location within the site to be agreed by the Council.	
	(iii) Provide and maintain outdoor recreation space in accordance with Policy COM11 of the Bridgend Local Development Plan (2013) and Supplementary Planning Guidance Note 05 – Outdoor Recreation Facilities and New Housing Development (2022) prior to the first beneficial occupation of the residential element of	

	<p>the scheme.</p> <p><u>Proposal</u></p> <p>Mixed Use Development: Residential (201 Units), Employment/Enterprise Hub, Retail, Public Open Space, Access, Engineering Operations and Associated Works</p> <p>(2) That the Corporate Director Communities be given delegated powers to issue a decision notice granting consent in respect of this proposal once the Applicant has entered into the aforementioned Section 106 Agreement and/or other appropriate legal agreement to secure the planning requirements listed under (A) above, subject to the standard outline conditions and the additional conditions as contained in the report of the Corporate Director - Communities:</p> <p>Subject to the inclusion of the following added Condition to the consent:-</p> <p>35. Notwithstanding the submitted plans, no development shall commence on site apart from remediation works until a revised hydraulic model has been developed to inform an updated Flood Consequence Assessment and any flood mitigation works, which shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details before the development is brought into beneficial use.</p> <p>Reason: To ensure that flood risk is clearly identified and that all parties are protected from flooding.</p>
Date Decision Made	11 January 2024

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 11 JANUARY 2024**187. Appeals**

Decision Made	<p><u>RESOLVED:</u></p> <p>(1) That the Appeals received since the last report to Committee on this item, be noted.</p> <p>(2) That the Inspector Appointed by the Welsh Ministers to determine the following Appeal has directed that the Appeal be part Allowed/part Dismissed, subject to Conditions (Appendix A to the report referred)</p> <p><u>Appeal No.</u> CAS-02978-D8C2G7 (1995) - Single storey side/rear extension and hip to gable, Dormer Loft Conversion : 11 Heol Y Foelas, Bridgend.</p>
Date Decision Made	11 January 2024

188. Royal Town Planning Institute (RTPI) Cymru Research Paper: “Building Capacity through Collaboration and Change” November 2023

Decision Made	<p>The Group Manager – Planning and Development Services presented a report, in order to provide Members with information on the above, further information upon which could be accessed through the links shown in the body of the Officers report.</p> <p>He advised of a recent research project that had been carried out by the RTPI who were the governing professional body for Town Planners, that also represented the planning profession.</p> <p>The focus of the RTPI work in recent years was looking at resources for planning teams across Wales and they had also published a research paper which had concentrated upon the Planning Agenda in Wales. The research paper had also looked at any opportunities there may be for collaboration in terms of the processing of planning work.</p> <p>The paper further looked at what could be done to improve the current situation and the Group Manager – Planning and Development Services referred Members to paragraph 3 of the Corporate Director – Communities report, which listed some key findings of the research report as well as identifying solutions to improve resource constraints that have been placed on the various planning bodies that make up the</p>
---------------	--

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 11 JANUARY 2024

To observe further debate that took place at the meeting on the above items, please click this [link](#).

The meeting closed at 10:56.

This page is intentionally left blank

Development Control Committee Guidance

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 can not 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	PINS	Planning Inspectorate
APN	Agricultural Prior Notification	PPW	Planning Policy Wales
BREEM	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	TAN	Technical Advice Note
FCA	Flood Consequences Assessment	TIA	Transport Impact Assessment
GPDO	General Permitted Development Order	TPN	Telecommunications Prior Notification
LB	Listed Building	TPO	Tree Preservation Order
LBC	Listed Building Consent	UCO	Use Classes Order
LDP	Local Development Plan	UDP	Unitary Development Plan
LPA	Local Planning Authority		

REFERENCE: P/22/692/FUL

APPLICANT: Ms A Tibbs 13 Reynallt Place, Porthcawl, CF36 3DR

LOCATION: 13 Reynallt Place, Porthcawl CF36 3DR

PROPOSAL: New single garage in side garden

RECEIVED: 5 October 2022

APPLICATION/SITE DESCRIPTION

Planning permission is sought for a single garage, at the side of 13 Reynallt Place in Porthcawl, CF36 3DR (the “**Property**”) which is within the residential settlement boundary of Porthcawl as defined by Policy PLA1 of the LDP (2013).

The Application site comprises a semi-detached dwelling with a side garden and small rear garden. Access is via a narrow lane known as Reynallt Place, which is a small private cul-de-sac within easy walking distance of Porthcawl town centre. The Application site is shown below in figure1.

Figure 1 – Site Location Plan



The proposed garage will be located immediately to the side of the main dwelling house and measures approximately 3.6m wide by 6.7m in depth. It will be 2.7m high at the eaves raising to 5m at ridge level with the gradient of the roof to match the roof pitch of the main house. The garage is positioned in line with the front elevation of the main dwelling. The garage will be finished in a combination of matching brickwork, render and tiles to match the main dwelling.

A small, paved area will be provided to the front of the garage and part of the front boundary wall will be removed to allow access. A gate will be provided adjacent to the garage to provide rear access to the Property. A 1.8m high fence will be erected along the boundary between No.13 and No.14 Reynallt Place. Other boundaries at the rear of the property are over 1.8m in height. The drawings below in Figures 2 and 3 show the proposed development and the photos in Figure 4, shows how the site currently looks.

Figure 2 –Layout and Elevations

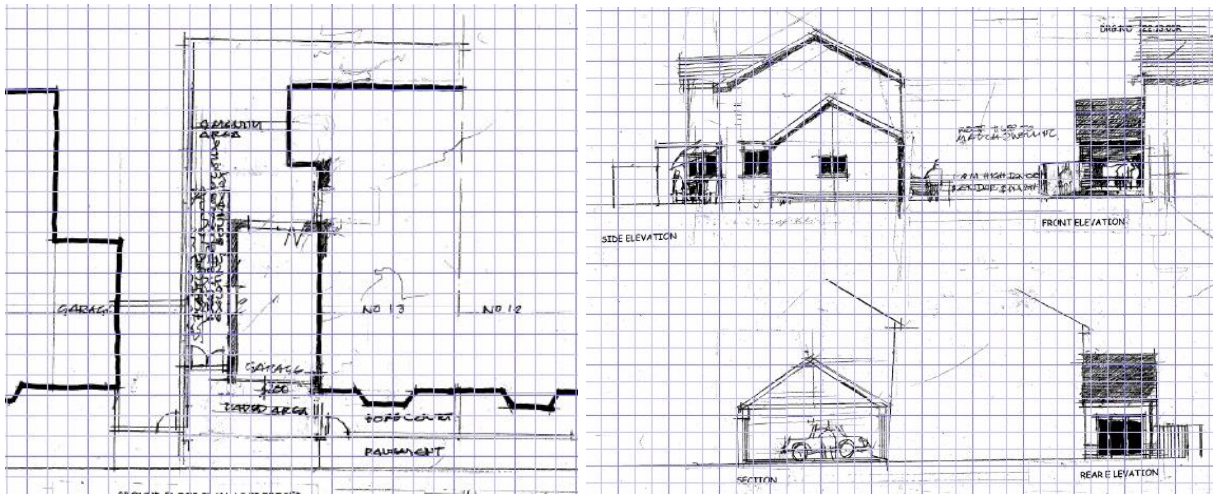


Figure 3 –Street Scene elevation



Figure 4 – Photographs of the application site and the development





RELEVANT HISTORY

P/22/319 Single person dwelling on side garden of 13 Reynallt Place - Withdrawn

NEGOTIATIONS

Prior to the submission of this Application, the Applicant sought guidance from the Local Planning Authority, in relation to scale, design and highway safety.

PUBLICITY

The Application has been advertised on site.

Neighbours have been notified of the receipt of the Application.

The period allowed for response to consultations has expired.

CONSULTATION RESPONSES

Porthcawl Town Council: No objections, however, members raised concerns that there are insufficient dimensions/levels provided with this Application. And that there are patio doors proposed for the rear.

Highways: No objection

Drainage: No objection

REPRESENTATIONS RECEIVED

4 letters of objection have been received from neighbouring residents - three on Reynallt Place and one on Philadelphia Road whose comments have been summarised into the following categories below:

Residential Amenity

- The development will result in loss of light caused by the pitched roof.
- Overlooking from patio doors at rear to 39 Philadelphia Road.
- Construction noise would disturb residents.

Highways issues

- Concern over lorries coming down the street as it is a private road and residents are responsible for repairs.
- There is a hole outside No. 13 which has not been repaired.
- The drain outside No. 10 has been reinforced and has dipped.
- The proposal would result in excessive construction traffic which will impede access to the road and cause issues to residents.

Visual amenity

- The garage has a pitched roof which is not needed and looks unusual next to No.

14s flat roof garage and not in keeping with the area.

Other

- The drawings are not to scale and have no dimensions.
- The garage is clearly not being built as such, the plans show a garden not accessible from the house, and has windows and French doors at the rear it will be used as lodgings or as an Air B&B.
- Why is a wall being removed only for another wall to be built further back.
- The applicant is in the process of erecting a fence and secured to the existing wall. The fence has still not been finished and no consultation has been made with neighbours.
- A neighbour was unable to locate the amended plans.
- A neighbour wanted a site meeting to discuss the proposal.

COMMENTS ON REPRESENTATIONS RECEIVED

The majority of comments raised above have been addressed within the appraisal section of this report, however, in response to comments raised to those that are not:

In response to the drawings not being to scale and having no dimensions. There was some issue with the original drawings, and these were amended in October 2023, and a new consultation undertaken. The amended plans are to scale, as such the dimensions are not required.

In relation to the representations that the garage is not being built for use as such, that the plans show the garden would not be accessible from the house and the window and French doors to the rear of the proposed garage indicate potential use as lodgings or an Air B&B, the submitted plans show a garage and one private garden area. The inclusion of French doors does not mean that the garage will be utilised for another purpose. However, to ensure the garage is for parking of domestic vehicle(s) only and no other purpose a condition can be imposed.

In response to part of the front boundary wall being removed '*only for another wall to be built further back*', there is no indication on the plans that a replacement wall is proposed. It is noted that a 1.8m high fence will be erected along the boundary between No. 13 and No. 14 Reynallt Place. The dwelling will remain as one planning unit including a single garage once built.

In relation to the unfinished boundary fence between No. 13 and No. 14 Reynallt Place and lack of consultation with the relevant neighbour(s), the Applicant has shown a boundary fence on the submitted plans and it will be erected together with the garage. In relation to consultation with neighbours, there is no requirement for the Applicant to consult with neighbours for an application of this type.

In response to not being able to locate the amended plans, like all applications, they are available on the Council's website, the confusion may have been that the amended plans looked very similar to the original plans and only showed the garage being set back slightly and being to scale. This was explained to the neighbour in question.

In relation to a site visit, one was undertaken with the highways officer and the Applicant was present. The neighbour in question was not present, however, as stated above, the Application has been discussed with the relevant neighbour and their observations were considered as part of this Application.

PLANNING POLICY

National Planning Policy and Guidance

National planning guidance in the form of Future Wales – the National Plan 2040 (February 2021) and Planning Policy Wales (Edition 12, February 2024) (**PPW**) are of relevance to the determination of this Application.

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

“All development decisions...should seek to contribute towards the making of sustainable places and improved well-being” (Paragraph 2.2 of PPW refers). Para 2.3 states “The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.”

At Para 2.7 PPW it states: “Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people.”

PPW states at paragraphs 2.22 and 2.23 that the Planning system should: “ensure that a post-Covid world has people’s well-being at its heart and that Planners play a pivotal role...in shaping our society for the future, prioritising placemaking, decarbonisation and well-being.”

Technical Advice Notes:

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

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 12 - Design (2016)
- Technical Advice Note 18 – Transport (2007)

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without 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.

The Socio Economic Duty

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

Local Policies

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

- Strategic Policy SP2: Design and Sustainable Place Making
- Strategic Policy SP3: Strategic Transport Principles
- Strategic Policy SP4: Conservation and Enhancement of the Natural Environment
- Policy PLA1: Settlement Hierarchy and Urban Management
- Policy PLA11: Parking Standards
- Policy ENV7: Natural Resource Protection and Public Health

Supplementary Planning Guidance

- SPG02 – Householder Development
- SPG17 – Parking Standards

APPRAISAL

This Application is referred to the Development Control Committee as there have been four letters of objection.

Having regard to the above, the main issues to consider in this Application relate to the principle of development, the amenities of neighbouring residents, visual amenity, biodiversity, drainage and highway/pedestrian safety.

Principle of Development

The Application site is located within the main settlement of Porthcawl as defined by **Policy PLA1** Settlement Hierarchy and Urban Management of the Bridgend Local Development Plan (**LDP**) adopted in 2013. Policy PLA1 states that development in the County Borough will be permitted where it provides the maximum benefits to regeneration at a scale that reflects the role and function of the settlement.

Policy SP2 Design and Sustainable Place Making of the LDP states that all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment.

On balance, it is considered that in principle, subject to satisfying the requirements of LDP Policy SP2, the proposed development is acceptable and accords with the Bridgend Local Development Plan (2013).

Visual Impact

Policy SP2 of the adopted Bridgend Local Development Plan (LDP) highlights all development should contribute to creating high quality, attractive, sustainable places by, amongst others:

- 1) Complying with all relevant national policy and guidance where appropriate.
- 2) Having a design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character.

- 3) Being of an appropriate scale, size and prominence.

Note 12 of SPG02 states that *“an extension should be in scale with the existing dwelling.”*

The proposed garage is considered to be of an appropriate scale and design that would incorporate materials to match the finish of the main dwelling and a pitched roof design that would be the same pitch as the main house. The proposed extension is therefore considered to reflect the character of the main dwelling house and compatible with the existing appearance of the residential area where there is a mix of various features and designs.

There have been objections stating that the garage is out of keeping with the area and that it should have a flat roof like the neighbour's garage. Whilst these comments are noted, it is considered that the scale and the pitched roof design of the garage has a positive impact and would not be out of keeping with the dwelling or the wider residential area. Permitted development rights can be removed for future windows and roof alterations to ensure the development cannot be altered without the Local Planning Authority considering any changes.

As such the proposed garage is, on balance, considered to be appropriate and is of a reasonable scale and accord with criterion (3) of Policy SP2 of the Bridgend Local Development Plan (2013). As such it is considered that the proposed development would not have any unacceptable impacts in relation to visual amenity.

Residential Amenity

Overbearing and overshadowing

In terms of overbearing and overshadowing impact, Note 1 of Supplementary Planning Guidance 02: Householder Development (SPG02) states that *No extension should unreasonably dominate the outlook of an adjoining property.* Further to this, Note 2 states *“No extension should unreasonably overshadow adjoining property.”*

Paragraph 4.2.1 of this note continues *“A poorly-designed extension can reduce daylight and sunlight to an unreasonable extent. Neighbouring houses and their gardens can be made gloomy and unattractive in worst cases rights to light may be infringed.”* The garage is single storey and at the side of the host dwelling. It is approximately 1.9m off the boundary and 4m from the side of the neighbouring garage. It is considered that, due to the restricted height, design and siting, there would be no unacceptable impacts upon neighbouring properties in terms of overbearing and overshadowing.

A neighbour has objected that the pitched roof would result in loss of light, however, it is considered that the pitched roof design would not cause any unacceptable overshadowing, due to its location adjacent to the existing dwelling (which is a much larger structure) and its orientation.

Overlooking/loss of privacy

In terms of overlooking and loss of privacy, SPG02 refers at Note 6 to privacy and states that *“extensions and outbuildings should respect the privacy of neighbouring houses.”*

The proposal is for a single storey garage which is not considered to be a habitable room. As such, the proposal would not result in any loss of privacy. However, the applicant has stated that they will be erecting a 1.8m high fence along the boundary between 13 and 14 Reynallt Place.

There have been objections which submit that there would be overlooking from the development. However, as stated above, this Application is for a garage and not a

habitable room. Nevertheless, the boundary treatments to the rear are in excess of 1.8m high and to the side between No 13 and 14 Reynallt Place there will be a 1.8m high fence. This will ensure residents retain a suitable level of privacy.

In relation to disturbance from construction activities disturbing residents, this is not a material consideration as it is an expected disturbance and would only be temporary in nature.

Amenity of the occupiers

Whilst the proposal would take up a section of side garden, the property would retain a small amenity area to the rear of the garage. It is considered that this space would be sufficient, however, to preserve this space in the future, permitted development rights will be removed relating to any further outbuildings and extensions so that the Local Planning Authority can assess any future developments.

To conclude, the proposal complies with criterion (12) of Policy SP2 of the Local Development Plan (2013) and guidance contained within Supplementary Planning Guidance Note 02 Householder Development which relates specifically to residential amenity.

Highway Safety

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

Note 9 of SPG02 states that *“off-street parking should be available to meet the County Borough Council’s guidelines for a dwelling of the size after extension”* and stipulates that the parking requirement for houses equates to 1 space per bedroom up to a maximum of 3 spaces. Each space must be 4.8m x 2.6m to accommodate a car parking space unless it is within a garage.

Supplementary Planning Guidance Note 17 Parking Standards (SPG17) stipulates that *“garages may only be counted as parking spaces if they have clear internal dimensions, as suggested by Manual for Streets, for a single garage of 6m x 3m”*.

The Highways Officer has noted that the proposal seeks to create a garage on an area which is currently a side garden. During the site visit it was noted that parking was at a premium on Reynallt Place and an additional off-street parking space is welcomed at this location. As such, the Highway Authority offers ‘no objection’ to the proposal. A condition can be imposed to ensure the garage is used solely for the purposes of parking domestic vehicle(s).

The fact that the street is private, with residents being responsible for any repairs, is not a material planning consideration. In relation to there being a hole outside No. 13 which has not been repaired. This is not a material planning consideration and a private matter for residents. Likewise, the reinforced drain outside No. 10 which is understood to have “dipped” is not a material planning matter.

To conclude, the proposed development is considered to be compliant with the Note 9 of SPG02 and Policy PLA11 of the Local Development Plan (2013) and is acceptable from a highway and pedestrian safety perspective.

Drainage

The Local Authority's Drainage Officer has advised that a review of the OS database notes the development is not located within a flood risk zone and is not located within 20 m of a watercourse.

The Application form does not state how foul sewage will be managed. No foul drainage layout has been provided. Given the Application is for a garage no toilets are assumed.

The Application form does not state how surface water will be managed. No surface water drainage layout has been provided. The area currently covered appears to be in impermeable concrete. The proposed garage and associated hardstanding are estimated to be approximately ~32 m². Given this additional area is less than 100 m² no SAB application is required.

The Drainage Officer has suggested that no surface water is allowed to discharge to the public highway and that no land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.

Biodiversity

In assessing a planning application, the Local Planning 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, under the Environment (Wales) Act 2016.

Planning Policy Wales 12 (PPW12) states in Section 6.4.4: *"It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals."* it further goes on to state that: *"All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission."*

Technical Advice Note 5: Nature Conservation and Planning states that: *"Biodiversity, conservation and enhancement is an integral part of planning for sustainable development. The planning system has an important part to play in nature conservation. The use and development of land can pose threats to the conservation of natural features and wildlife."*

In this case the proposed site is located within the settlement boundary and given the garage's location within the side garden, which has limited biodiversity value, there would be little impact upon biodiversity. However, to ensure that the biodiversity value of the site is enhanced a bird box could be erected within the curtilage of the site. A condition can be imposed to ensure this. As such the proposal is acceptable in terms of Biodiversity.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Bridgend Local Development Plan (2013)

The concerns raised by neighbouring residents have been noted and taken into consideration. It is considered that, on balance, the proposal represents an appropriate form of development that would provide a much needed off-street parking space in a road

where parking is restricted. There would be no unacceptable impacts on visual amenity residential amenity, drainage, biodiversity or highway and pedestrian safety and, as such, the proposal is recommended for approval. Accordingly, the proposed development is in accordance with Policies SP2, SP3, SP4, PLA1, PLA11, and ENV7 of the Bridgend Local Development Plan (2013)

It is further considered that the decision complies with Future Wales - the National Plan 2040, and the Council's well-being objectives and sustainable development principles in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

RECOMMENDATION

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

1. The development shall be carried out in accordance with the following approved plans:
 - Location plan
 - DRG No. 22:13:02R plan as proposed
 - DRG No. 22:13:05R Elevation sheet two as proposed
 - DRG No. 22:13:04R Front elevation as proposed

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

2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason: In the interests of the visual amenity of the area and to ensure the development complies with Policy SP2 of the Bridgend Local Development Plan.

3. Prior to the first beneficial use of the development hereby permitted, an artificial nesting site for birds shall be erected on the garage, dwelling or within the curtilage and installed to one of the following specifications, and retained as such thereafter:

Nest Box Specifications for House Sparrow Terrace:

Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs. To be placed under the eaves of buildings.

Entrance holes: 32mm diameter

Dimensions: H310 x W370 x D185mm

or

Swift Nest Box Specification:

Wide box with small slit shaped entrance hole. Must be placed under or close to roofs, at least 5m from the ground.

Dimensions: H150 x W340 x D150mm

Reason: In the interests of enhancing biodiversity and to accord with Policy SP2 of the adopted Bridgend Local Development Plan.

4. The proposed 1.8m high boundary fence between 13 and 14 Reynallt Place, as shown on drawing 23:13:02R, shall be erected before the first beneficial use of the garage and retained as such thereafter.

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

5. The garage hereby permitted shall be used for the parking of domestic vehicles associated with the dwellinghouse known as 13 Reynallt Place only and for no other purpose whatsoever.

Reason: To safeguard the character and amenity of the area, highway safety in and around the site and to ensure that the garage is used for parking of vehicles in accord with Policy SP2 of the Bridgend Local Development Plan 2013.

6. Notwithstanding the provisions of Schedule 2, Part 1, Class 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 buildings shall be erected other than those expressly authorised by this permission and as identified on the approved drawings.

Reason: In order to safeguard the residential amenities of the future occupiers of the property and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

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), there shall be no extension or external alterations to the garage building hereby approved.

Reason: In order to safeguard the visual and residential amenities of the area to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

8. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a) The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Bridgend Local Development Plan (2013)

The concerns raised by neighbouring residents have been noted and taken into consideration. It is considered that on balance the proposal represents an appropriate form of development that would provide a much needed off-street parking space in a road where parking is restricted. There would be no unacceptable impact on visual amenity residential amenity, drainage, biodiversity or highway and pedestrian safety and as such proposal is therefore recommended for approval. Accordingly, the proposed development is in accordance with Policies SP2, SP3, SP4, PLA1, PLA11, and ENV7 of the Bridgend Local Development Plan (2013)

It is further considered that the decision complies with Future Wales - the National Plan 2040, and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

b) Drainage Note

The proposed garage and associated hardstanding are estimated to be approximately ~32 m². Given this additional area is less than 100 m² no SAB application is required.

Please note that infiltration systems must not be situated within 5m of buildings or boundaries. Infiltration systems must be designed in accordance with BRE-Digest 365

and a minimum of three infiltration tests for each trial hole must be provided.

The utilisation of water butts to collect and reuse rainwater in the garden is recommended. Alternatively, the creation of a small rain garden could be adopted to reduce the amount of additional surface water generated by this development.

No surface water is allowed to discharge to the public highway.

No land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None

REFERENCE: P/23/473/RLX

APPLICANT: RES Ltd. c/o Elliot Smith, Cedar House, Greenwood Close, Cardiff Gate Business Park, CF23 8RD

LOCATION: Upper Ogmore Valley Between Blaengwynfi, Nantymoel & Blaengarw in Bridgend & Neath Port Talbot CF32 8AH

PROPOSAL: Vary condition 2 of PEDW Ref DNS/3213662 (P/20/893/DNS) to increase the rotor diameter of the proposed wind turbines from 105m to 117m - the overall tip height of the wind turbines will remain as consented

RECEIVED: 19 July 2023

BACKGROUND

On 28 September 2022, the Minister for Climate Change granted planning permission, subject to conditions, for a development comprising seven horizontal axis wind turbines (four with a maximum tip height of 149.9m and three with a maximum tip height of 130m), improved site entrance, new access tracks, crane hardstanding, control building and substation compound, electricity transformers, underground cabling, energy storage containers, drainage works and upgrades to a forestry track and associated felling on land at Upper Ogmore between Abergwynfi, Blaengarw and Nantymoel in the county boroughs of Bridgend, Neath Port Talbot and Rhondda Cynon Taff.

A Secondary Consent under Section 16 of the Commons Act 2016 was also issued to de-register 16.81 hectares of common land at Mynydd Llangeinor Common, (CL26) and to offer in exchange an area of 16.81ha in a similar location.

The applications were considered under 62D of the Town and Country Planning Act 1990 (Development of National Significance (**DNS**)) and one under Section 62F of the Town and Country Planning Act 1990 (as amended by the Planning (Wales) Act 2015) in relation to the application made under Section 16 of the Commons Act 2006, respectively.

An Environmental Statement (**ES**) accompanied the DNS submission and comprised the following volumes: Volume 1: Non-technical Summary; Volume 2: Main Text; Volume 3: Figures, and Volume 4: Technical Appendices. The ES had been prepared using the following structure: Chapter 1: Introduction; Chapter 2: Design Evolution and Alternatives; Chapter 3: Proposed Development; Chapter 4: Planning and Policy Context; Chapter 5: Landscape and Visual; Chapter 6: Ecology and biodiversity; Chapter 7: Cultural Heritage; Chapter 8: Geology, Hydrogeology and Hydrology; Chapter 9: Traffic and Transport; Chapter 10: Acoustic; Chapter 11: Shadow Flicker; Chapter 12: Socioeconomic, Public Access, Land Use; and Chapter 13: Schedule of Mitigation.

The ES was found to contain the level of information identified in Regulation 17 and Schedule 4 of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 and was therefore declared complete for the purposes of those Regulations and the determination of the Application.

The proposed Upper Ogmore Wind Farm and Energy Storage Facility would be located on agricultural land to the south of the A4107, and situated between Blaengwynfi, Nantymoel and Blaengarw. A small portion of the Application boundary, relating to off-site access upgrades on an NRW forestry track, is located in Neath Port Talbot. The location of the proposed development is illustrated in Figure 1 below.

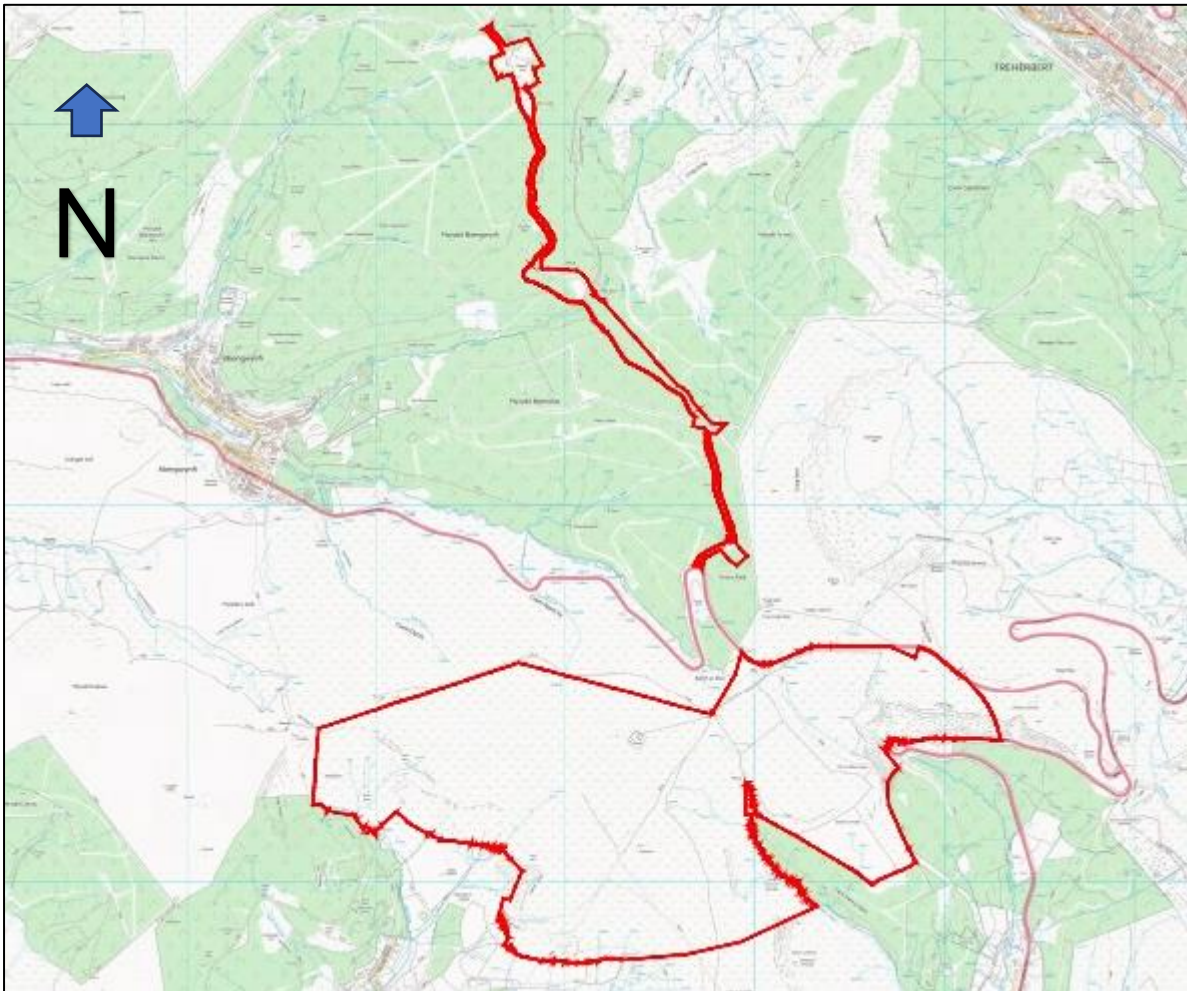


Figure 1 Application Site Boundary

The Application site covers an area of approximately 380.6 hectares (ha), around 362ha of which is located within Bridgend and some 18.6ha in Neath Port Talbot. It is centred on the summit of Werfa, from which point the land plateaus, sloping gently down in all directions though only marginally to the northern boundary which follows the administrative boundary across the upland.

The plateau drops sharply at the valley edges, with small watercourses draining the site to both the south-east and south-west. The land comprises primarily upland grassland used for rough grazing. The Application site boundary adjoins coniferous plantations to the east, west and north, although there is no woodland on the site save for that around the forestry access track. Much of the Application site is designated as registered common land. Being unenclosed upland grazing, most of the site is open access land under the provisions of the Countryside and Rights of Way Act 2005 (CROW Act), except for the enclosed pastures in the east. The land includes a network of public rights of way that traverse the site, as well as a bridleway.

The site is within relatively close proximity to operational wind farms including: Llynfi Afan immediately to the west of the site incorporating 12 No. wind turbines; Pant-y-Wal/ Fforch Nest some 5.8km to the south-east comprising 29 No. turbines; and the 76 No. wind turbine scheme at Pen y Cymoedd which is located some 6.5km to the north. The summit of Werfa features an OS trig point and two communications masts within a fenced compound that is accessed via a track from the A4107 and serviced by a low-voltage overhead power line on wood poles which runs from the Garw Valley. A series of vertical axis wind turbines were formerly located to the south of the masts, but only the foundations of these wind turbines now remain.

The north-eastern boundary follows the A4107, which connects the Afan Valley with the A4061, which in turn connects the Ogmoredale Valley with the Rhondda Valley. The planning Application boundary also includes 3.6km of forestry track, with an area of 22ha, to the north of the site, which will be used as part of the abnormal load access route. This existing forest track runs between stands of commercial conifer plantation and is managed by NRW.

There are no land-use allocations affecting the Application site. The site is however located within a non-statutorily designated Special Landscape Area (**SLA**). The Brecon Beacons National Park is located approximately 12km to the north of the site and the Rhondda Landscape of Special Historic Interest is located to the north on the opposite side of the A4107.

The consented scheme comprises 7 No. three-bladed horizontal axis wind turbines that would effectively constitute an extension to the operational Llynfi Afan wind farm constructed on land to the north and west of the Application site. Four (4) of the turbines would have a maximum tip height of 149.9m, with three (3) turbines incorporating a maximum tip height of 130m. The submission indicated that, in total, the seven (7) turbines proposed would have an installed capacity of approximately 25.2MW

The permission incorporates both the wind farm and the Energy Storage Facility (**ESF**). Although a detailed layout has been consented, the Application proposed some flexibility in respect of the micro-siting of the wind turbines and routes of on-site access tracks and associated infrastructure. Specifically, 50m flexibility was approved for infrastructure positioning to assist in the mitigation of any potential environmental effects. This would not encroach into environmentally constrained areas but could, for example, assist in avoiding unrecorded archaeological features which might be revealed during construction. Micro siting would also minimise and mitigate the impacts upon nearby telecommunications infrastructure.

A new site access was approved on the southern side of the A4107. No construction traffic is proposed to enter the site from the south along the A4061, (BCBC). A Construction Traffic Management Plan (CTMP) will be submitted for approval prior to construction commencing. It is anticipated that construction of the Wind Farm would take 10 months. Construction of the ESF would take approximately 6 months which, due to grid constraints, is likely to take place at a later date than the Wind Farm.

Construction works are proposed to take place between the hours of 0700-1900 Monday to Friday and 0700– 1300 on Saturdays, although those matters would need to be controlled via a planning condition and thus addressed later in this Report.

The consent is temporary with an operational lifetime of approximately 35 years from the date of commissioning, after which the above ground infrastructure would be removed and the land reinstated. The Application was supported by a unilateral undertaking which, amongst other things, set out a series of obligations in respect of ecological enhancements.

PROPOSED DEVELOPMENT

This Application seeks to amend the rotor diameter of four of the approved wind turbines from 105m to 117m. The overall tip height of the wind turbines will not be affected and shall remain as consented. Submitted under S73, it seeks to vary condition 2 of DNS/3213662_DNS and substitute drawing Figure 3.2 Wind Turbine Elevation with the revised design. Extracts of the drawings (approved/proposed) are reproduced below:

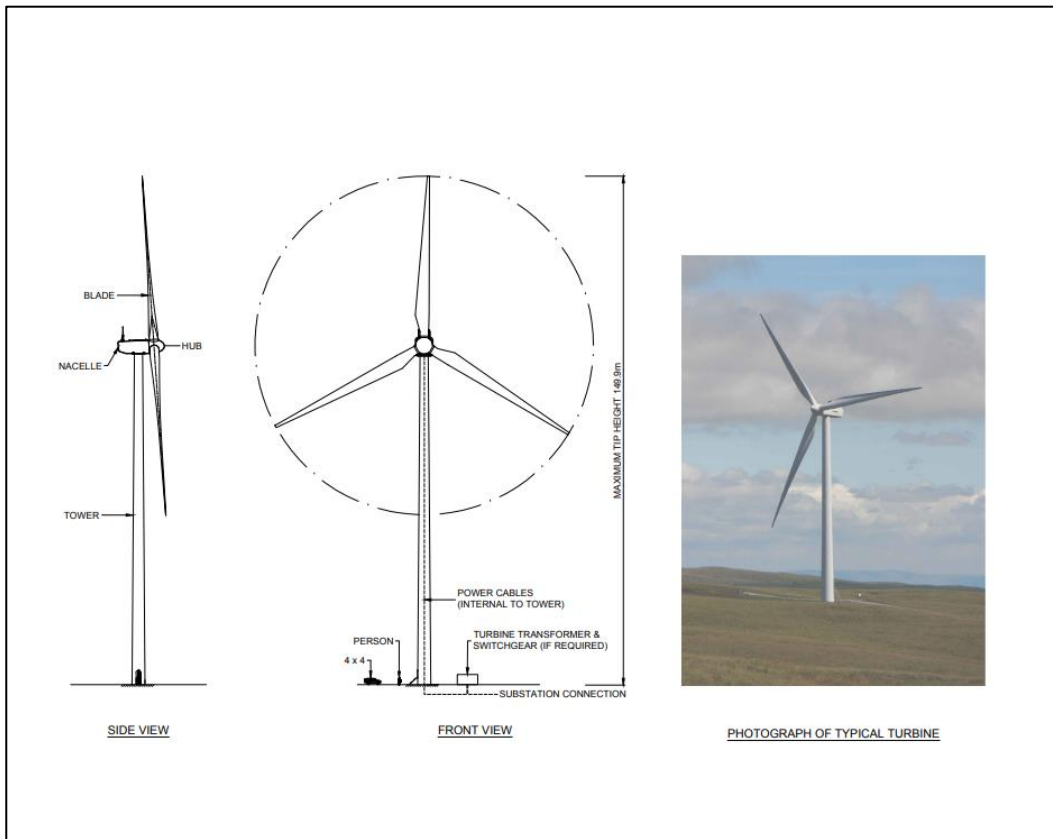


Figure 2 – Elevation of Turbine As Approved

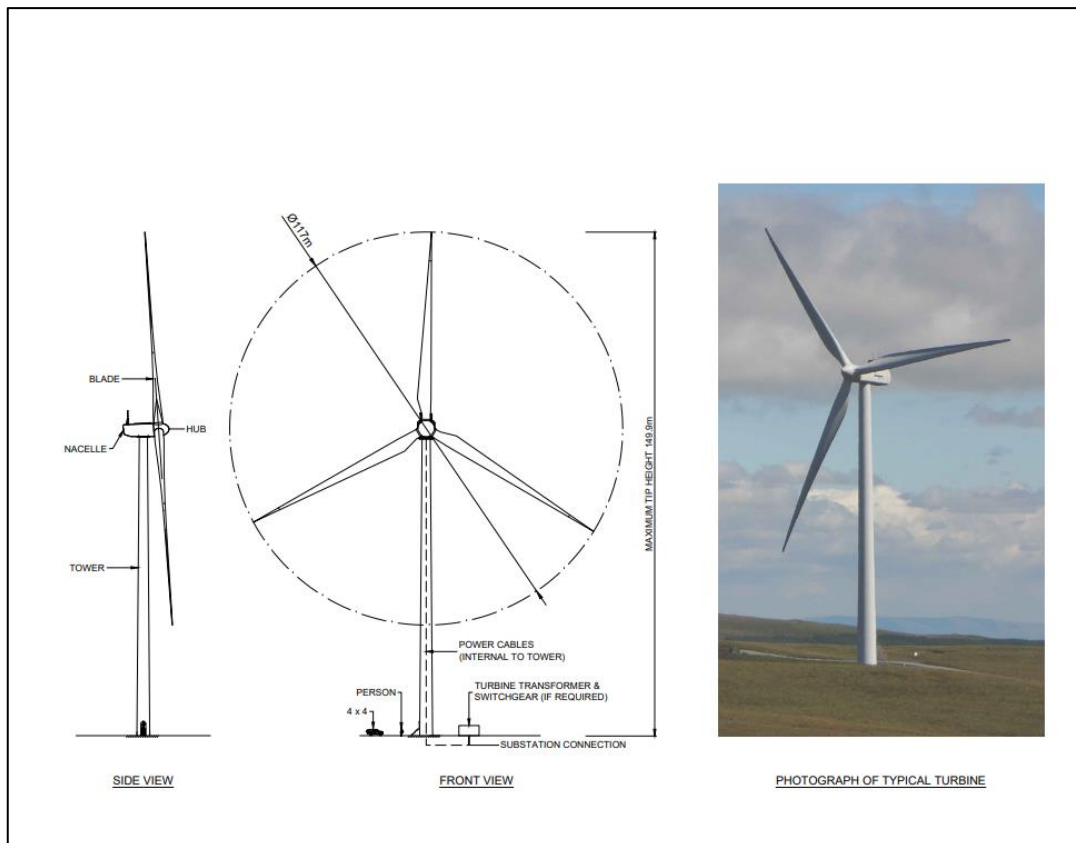


Figure 3 – Elevation of Turbine – As Proposed

To allow an increase in the rotor diameter from 105m to 117m without increasing the overall height of the turbine (149.9m), the hub/nacelle will be 90m from the pad level opposed to 99m on the consented scheme.

This Application has been accompanied by the following documents:

- Environmental Statement
- Design and Access Statement
- Appendix 1 – Upper Ogmore Wind Farm Decision Letter
- Appendix 2 – Updated Figure 3.2 (Revised turbine elevation)
- Appendix 3 - Landscape and Visual Appraisal
- Appendix 4 – Abnormal Load Route Assessment
- Appendix 5 – Acoustic Assessment; and
- Appendix 6 – Shadow Flicker & Reflected Light Assessment

RELEVANT HISTORY

APPLICATION/APEAL NUMBER	APPLICANT	PROPOSAL	DECISION AND DATE
P/01/887/FUL	Amec wind	Wind Farm 19 Turbines 2 Monitoring Masts, Access, Building Etc (With Environmental Impact Assessment)	Refused on 19 th March 2002
APPEAL REF: A/02/1097582	Amec Wind	Appeal against the refusal of planning permission P/01/887/FUL for a wind farm comprising the erection of 11 wind turbines, 1 wind monitoring mast (50m high), associated cable runs, construction and improvement of associated accesses, site buildings and site compound.	Appeal DISMISSED on 25 th August 2004 (Appeal Decision attached as Appendix A).
P/05/1701/FUL	Networks by Wireless	Install Communications Equipment to include 600Mm Microwave Dishes & One 300Mm Microwave Dish	Unconditional Consent on 26 th January 2006
P/11/352/SOR	G2 Energy	The proposal related to the erection of a single 500 kVA wind turbine with a maximum tip height of 78 metres. G2 were seeking a 'screening opinion' as to whether the development required an Environmental Impact Assessment.	On 7 th July 2011, BCBC issued an opinion that an Environmental Impact Assessment was required.
P/16/546/FUL	RES Ltd	Erect a temporary meteorological mast with a maximum height of 81.5m for a period of up to 2 years	Temporary Consent issued on 13 th September 2016 requiring the mast to be removed from the site on or before 31 st December 2018.
P/18/213/ESO	RES Ltd	Request for scoping opinion for proposed wind farm of 8 wind turbines and battery energy storage system	Scoping Opinion issued on 3 rd May 2018
P/18/901/RLX	RES Ltd	Application to vary condition1 of P/16/546/FUL to extend the period of the temporary permission until 30 th June 2019	Consent Issued on 8 th January 2019.
P/19/859/RLX	RES Ltd	Application to vary condition1 of P/18/901/RLX to extend the period of the temporary permission until 31 st March 2020.	Consent Issued on 28 th January 2020.
P/20/893/DNS	RES Ltd	Development comprising seven horizontal axis wind turbines (four with a maximum tip height of 149.9m and three with a maximum tip height of 130m), improved site entrance, new access tracks, crane hardstanding, control building and	Local Impact Report submitted to PEDW on 4 th February 2021.

		substation compound, electricity transformers, underground cabling, energy storage containers, drainage works and upgrades to a forestry track and associated felling	Permission granted by PEDW on 28 th September 2022.
--	--	---	--

CONSULTATION RESPONSES

Ogmore Valley Community Council: No comments received.

Maesteg Town Council: Objected based on access and negative impacts to the local environment.

Transportation Officer (Highways): No objections.

Biodiversity and Policy: No additional observations.

Land Drainage: No objection subject to conditions.

Shared Regulatory Services – Neighbourhood Services: No objection subject to conditions.

Natural Resources Wales: We have no objection to the proposed development

The Coal Authority: No objections.

Ministry of Defence: The MOD has, in principle, no objection to the proposed increase of the rotor diameters of the wind turbines from 105m to 117m and reduction in hub heights. However, the principal safeguarding concern of the MOD with respect to this development is the introduction of a physical obstructions to air traffic movements with the Low Flying Area 7 (LFA 7). To address this potential harm, it is requested that any consent issued is subject to conditions requiring:

- the submission, approval and subsequent implementation of an aviation lighting scheme; and
- the submission of sufficient data to allow the development to be suitably charted.

Rhondda Cynon Taff: The LPA notes that this Application seeks approval for an increase in the permitted rotor diameter of 12m, to a maximum of 117m, with no increase to the overall turbine tip height.

The nearest settlement within the RCT administrative area to the development is at Cwmparc, which at its closest point is approximately 891m to the north-east of the development boundary. It is noted that Appendix 3 of revised ES refers to the Landscape and Visual Impact Assessment (**LVIA**) conclusions that there would be “significant effects on sensitive visual receptors up to 4.8km from the proposed development, with effects judged as major being limited to sensitive receptors within 2km” – which would include the settlements of Ton Pentre, Gelli and Treorchy further to the east and north-east.

However, it is considered that any distant views from the aforementioned settlements towards the development - particularly those turbines nearer to RCT on the western part of the site - are unlikely to be affected to any meaningful degree by the change in rotor diameter. Therefore, the LPA has no objection to this Section 73 application.

PUBLICITY

The Application has been advertised on site.

Neighbours have been notified of the receipt of the Application.

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

REPRESENTATIONS RECEIVED

The Owner/Occupier of 10 Llanharan Terrace, Nantymoel has objected to the development for the following reasons:

1. Visual Impact
2. Noise
3. Shadow Flicker
4. Open Access Restrictions
5. Compromise wildlife habitats
6. Telecommunication and radar signal interference
7. Detrimental impact on visitors viewing the Ogmere and Vale of Glamorgan

COMMENTS ON REPRESENTATIONS RECEIVED

Points 1, 2, 3, 5 and 7 will be considered in the appraisal section of this report as they align with the main considerations in the determination of the Application.

In providing evidence as part of the DNS submission, the applicant company indicated that grazing and public access would continue around the wind farm infrastructure once the construction works have completed. To compensate for the loss of common land that will be used to accommodate the development, some 16.81 hectares of replacement land would be available from the start of the construction period.

The BT Group submitted a written representation objecting to the original DNS application on the basis that it would have an adverse impact upon an existing 'Telecoms Tower' that forms part of a commercial network and is also proposed to be part of the emergency services network for the Home Office.

Prior to the hearing sessions, a Statement of Common Ground signed by BT and the applicant was submitted to the Inspector withdrawing the objection but requesting that a planning condition be imposed to ensure that BT and the Home Office are consulted on the final layout of turbines through the micrositing process. Where possible, this process shall seek to minimise the impact of the turbines on the 'air to ground' radio coverage for emergency services utilising the BT telecommunications equipment at Werfa. No other evidence was considered to suggest that the turbines would have any other impact on telecommunications.

The issues raised by Maesteg Town Council are addressed in the appraisal section.

RELEVANT POLICIES

Local Policies

The Bridgend Local Development Plan 2006-2021 (**LDP**) was formally adopted by the Council in September 2013, within which the following policies and supplementary Planning guidance are relevant:

Policy SP2	Design and Sustainable Place Making
Policy PLA4	Climate Change and Peak Oil
Policy SP3	Strategic Transport Planning Principles
Policy PLA5	Development in Transport Corridors
Policy PLA9	Development Affecting Public Rights of Way
Policy PLA11	Parking Standards

Policy SP4	Conservation and Enhancement of the Natural Environment
Policy ENV1	Development in the Countryside
Policy ENV3	Special Landscape Area
Policy ENV5	Green Infrastructure
Policy ENV6	Nature Conservation
Policy ENV7	Natural Resource Protection and Public Health
Policy SP5	Conservation of the Built and Historic Environment – Historic Landscapes
Policy SP6	Minerals
Policy SP8	Renewable Energy
Policy SP14	Infrastructure

SPG 19 Biodiversity and Development – A Green Infrastructure Approach. Sustainable Energy

SPG 20 Renewables in the Landscape including Landscape Character Assessment for Bridgend County Borough (July 2013)

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 12

Planning Policy Wales TAN 5 Nature Conservation and Planning

Planning Policy Wales TAN 8 Planning for Renewable Energy

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 (WBFG)

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without 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 the development would be 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.

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 disadvantages.

The proposal also offers economic and social benefits. Specifically, it is estimated that the proposed development would involve a capital spend of £22.49 million (nominal prices), of which £8.18 million (nominal prices) will be realised in Wales. It is estimated that the 10-month construction phase would create or sustain an estimated 86 job years of employment, £3.442 million in wages and £2.93-£3.52 million in Gross Value Added (**GVA**) to the Welsh economy. The development is also expected to create or sustain the equivalent of 35 direct job years of employment, £1.49 million in direct wages and £4.58 million in direct GVA over its 35-year operational lifespan. The development would also provide significant tax revenues.

The aforementioned economic and social benefits must be considered in the determination of this Application.

APPRAISAL

Section 73 of the Town and Country Planning Act 1990 allows an applicant to apply to the Local Planning Authority for planning permission for the development of land without complying with conditions subject to which an unexpired previous planning permission was granted. If the application is granted, then a new planning permission will be issued separate to the previous planning permission which remains valid.

In determining section 73 applications, the Council shall consider only the question of the condition in question which in this case is condition 2 which lists the approved drawings.

The Inspector appointed by PEDW to review the DNS set out the following principal matters for consideration in the determination of that application and they will form the basis for the review of this submission with reference to the specific changes proposed:

- the effect of the proposed change to the turbine design upon landscape character and visual amenity
- the effect of the proposed change to the turbine design upon the living conditions of the occupiers of neighbouring residential properties, having particular regard to noise impact
- the effect of the proposed change to the turbine design upon ecological and biodiversity interests
- the effect of the proposed change to the turbine design upon cultural heritage assets
- the effect of the proposed change to the turbine design upon traffic flows and highway safety, particularly through the construction phase; and finally,
- whether any identified harm in respect of the above matters would be outweighed by the benefits and other matters in favour of the scheme, particularly the in-principle policy support for large scale wind farm development and the contribution towards renewable energy generation.

Landscape Character and Visual Amenity

The DNS application was supported by a comprehensive LVIA that considered the likely significant effects on the landscape and overall character of the area through describing: the landscape and visual baseline; the assessment methodology and significance criteria used in completing the impact assessment; the potential effects, including direct, indirect and cumulative effects; any mitigation measures proposed to address likely significant effects;

and the residual effects remaining following the implementation of mitigation.

Well-established methodology was used in the preparation of that LVIA document and no significant deficiencies were identified by the statutory or interested parties. It was also common ground that the LVIA was more site specific and up to date than the other available evidence, including that which informed Bridgend CBC's adopted Supplementary Planning Guidance Note (SPG) document entitled SPG20: Renewables in the Landscape.

Overall, the Inspector accepted that the development would clearly add to the overall number of turbines in the area and would intensify the local influence of wind energy development. It would however not extend the influence of wind turbines into currently unaffected areas, nor would it introduce wind turbines into a landscape type that is currently unaffected.

Concerns that the development would give rise to conflict with Policies SP4: Conservation and Enhancement of the Natural Environment and ENV3: Special Landscape Areas of the adopted Bridgend LDP were noted but it was the view that the open upland character would be largely unaffected despite the addition of vertical elements and associated infrastructure into the landscape. They would also be sited within close proximity to areas where vertical elements are already present, thus helping to accommodate the wind farm into the landscape.

In the policies of Future Wales, the site has been included within the 'Pre-Assessed Areas for Wind Energy' identified by Welsh Government (WG). Policy 17 clarifies that, within such areas, the WG has already modelled the likely impact on the landscape and has found them to be capable of accommodating development in an acceptable way. The Inspector was not aware of any evidence that would lead to an alternative conclusion. That same policy also goes on to state that there should be a presumption in favour of large-scale wind energy development in these areas, subject to the criteria set out in Policy 18. For the avoidance of any doubt, Policy 18 expressly omits any test in respect of landscape impacts for wind energy proposals located within the 'Pre-Assessed Areas for Wind Energy'.

The Council offered the view that additional turbines at the head of the Ogmere Valley would have potential for visual dominance and overbearing impacts for local communities and recreational users. However, whilst the Inspector accepted that the wind turbines would be an unavoidable presence in views from the communities at the northern end of the Ogmere Valley, with the effects of the proposed development locally significant, the development would generally be seen within the context of the existing wind farm developments and was satisfied that the development would not be overbearing or overly oppressive, either alone or in combination with other wind farm developments, for any community, individual property or recreational user.

To this extent, the development would not give rise to unacceptable adverse impacts and would be broadly compliant with the provisions of Policy 18 of Future Wales. For the same reasons, the Inspector found no fundamental conflict with Policies SP2 or Policy ENV18 of the adopted Bridgend LDP.

On the basis that the turbine height will be maintained with only the diameter of the rotors changed, any impact on landscape character and visual amenity would be negligible and, in any event, accepted by the site's location within one of the 'Pre-Assessed Areas for Wind Energy'.

Noise Impact

An assessment of the acoustic impact from both the construction and operation of the wind farm was undertaken, to take into account the identified nearest residential properties. In

terms of construction impacts, the evidence indicated that noise levels at the nearest residential properties could exceed construction noise criteria. However, mitigation measures were identified and secured through planning conditions.

The operational noise impact was assessed according to the guidance described in the 'The Assessment and Rating of Noise from Wind Farms' as recommended for use in relevant planning policy. The assessment also adopted the latest recommendations of the Institute of Acoustics 'Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise'.

The operational noise assessment for the proposed development acting in isolation was agreed with the respective environmental health departments of the local authorities. No exceedances of the limits for the proposed development operating alone were noted. It is however a requirement in ETSU-R-97 for noise limits to apply to noise arising from all wind farms in the area - the cumulative noise levels. The well-established guidance enables a cumulative operational noise assessment to be carried out either by comparing predicted cumulative noise levels with overall ETSU-R-97 limits or by establishing the remaining noise budget available for the site operating in isolation, once account is taken of the existing wind farms, and comparing this with the predicted noise levels with the site operating in isolation.

Both approaches require assumptions to be made about noise from the existing sites. The most conservative assumption is that all existing sites, built or unbuilt, are operating at their planning limits. However, this is highly unrealistic because there is no physical possibility of all existing wind farms operating at their limits at all locations, at all wind speeds and under all wind direction conditions where the normal ETSU-R-97 noise limits have been applied to an existing development. The least conservative assumption is that all existing consented wind farms are operating at their predicted noise levels, which already include a degree of conservatism. The controlling property approach is where the predicted levels are corrected upwards such that they just meet the limits at the most critical property.

The ES that accompanied the DNS submission set out the original approach with the results of the cumulative predictions compared with derived noise limits. This illustrated predicted exceedances at six locations for the day-time period. However, an example mitigation strategy was provided that would prevent those predicted exceedances occurring.

Concerns were however raised through the Local Impact Report (**LIR**) by this Council in respect of the cumulative noise assessment and those were shared by the Inspector who was of the view that the Council's approach was necessary to protect the local community from unacceptable noise impacts. The Inspector was however satisfied that the development would not cause material harm to the living conditions of the occupiers of nearby residential properties subject to conditions be imposed that would curtail the noise limits.

To accompany this Application to revise the turbine design, the Applicant company has submitted a review report that demonstrates that the predicted operational limits specified in the DNS consent can be met with the increased rotor blade. This is again with the proviso that a curtailment strategy such as that presented in Table 9 of the report entitled "Acoustic Assessment for Rotor Diameter Planning Variation at Upper Ogmere Wind Farm" is used.

Shared Regulatory Services (**SRS**) have no objection to a larger rotor diameter as the consented limits are not being varied. Once the choice of turbine has been finalised, any additional reports will need to demonstrate compliance with the levels specified in Tables A1 to A6 and B1 to B6 in the same format so that a direct comparison can be made at all wind directions and at all corresponding wind speeds. Therefore, as part of this variation Application, it is imperative that all planning conditions listed in the DNS/3213662_DNS

planning consent, specifically conditions 27 to 38 to control noise and shadow flicker, will need to be repeated.

Ecology and Biodiversity

Planning Policy Wales, Future Wales and TAN5 identify the planning system's role in helping reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms would be in place to both protect against loss and to secure enhancement. Addressing the consequences of climate change should be a central part of any measures to conserve biodiversity and the resilience of ecosystems. It identifies the importance of supporting biodiversity, ensuring the protection of statutorily designated sites and protected and priority species, and to secure the enhancement of, and improvements to, ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks. Policy 9 of Future Wales provides specific advice in respect of such matters by identifying the importance of enhancing biodiversity and the resilience of ecosystems.

Policy 17 of Future Wales sets out a presumption in favour of large-scale wind energy developments, such as that proposed in this case, within the 'Pre-assessed Areas for Wind Energy' subject to the criteria of Policy 18 being satisfied. Policy 18 provides a criteria-based policy for renewable and low carbon energy development of national significance, such as that proposed in this instance, with criterion 3 seeking to prevent adverse effects on the integrity of internationally designated sites. Criterion 4 of that same policy seeks to prevent unacceptable adverse impacts on national statutory designated sites for nature conservation, protected habitats and species and criterion 5 requires such proposals to include biodiversity enhancement measures to provide a net benefit for biodiversity.

Policies SP4: Conservation and Enhancement of the Natural Environment, ENV4: Local/Regional Nature conservation Sites, ENV5: Green Infrastructure and ENV6: Nature Conservation of the adopted Bridgend LDP form part of the planning policy framework set out at a local level. These policies are supplemented by SPG19: Biodiversity and Development.

There are no sites designated for ecological interest on the Application site. The nearest internationally important site is the Blackmill Woodlands Special Area of Conservation (**SAC**) and SSSI located approximately 7.2km south of the site, and the nearest Special Protection Area (**SPA**) is the Severn Estuary SPA, located approximately 34km south-east of the site. There is no evidence to suggest that the development would have an adverse impact on sites of international importance. There are four statutory sites of nature conservation within 5km. These include Mynydd Ty-isaf SSSI, Cwm Cyffog SSSI, Blaenrhondda Road Cutting SSSI, and Cwm Du Woodlands SSSI. There are also eight local authority designated Sites of Importance for Nature Conservation (**SINCs**) within 2km of the site and an additional five sites that meet SINC criteria within Neath Port Talbot

The site has sensitive hydrological receptors including unnamed tributaries leading towards the Afon Garw, Afan Afan and Ogwr Fawr and has peat accumulations present within the locality of the site. The Mynydd Ty-isaf SSSI is located immediately north of the site to the north of the A4107 and has a slightly lower elevation than the Application site. Suitable prevention measures would therefore be necessary to prevent the movement of dust, mud and silty run-off from the site. Such measures could be adequately provided through a Construction Environmental Management Plan (**CEMP**) which could be secured through the imposition of a suitably worded planning condition. Subject to a comprehensive CEMP, the Inspector was satisfied that the aforementioned national and local sites would not be subject of unacceptable adverse impacts.

The ecological assessment submitted with this Application and the previous DNS application

considered the potential effects on habitats and protected species at each of the construction, operational and decommissioning phases of the development. Significant concerns had been raised through the LIRs in respect of the survey work. In particular, the Councils' ecologists (NPT and BCBC) contend that there is a lack of an up-to-date baseline to effectively assess the ecological impacts. The Phase 1 Habitat Survey generally accorded with best practice and the surveys were undertaken at an appropriate time of year. At the time the Application was accepted, the survey was within the age range of 2-3 years recommended by the CIEEM51 and was supplemented by site walkovers that enabled the Applicant's ecologists to confirm that land management practices and upland habitats had not materially changed in the intervening period. Similarly, whilst the National Vegetation Classification (**NVC**) Survey is some years old, the Phase 1 Habitat Survey confirmed no change of these habitats and the proposal aims to minimise impacts on areas of deep peat.

The Honey Buzzard Survey deviates from established guidance although it is generally agreed that the site provides suboptimal breeding habitat for the honey buzzard. Moreover, there are no records of honey buzzards being recorded locally. The Winter Bird Survey is again some years old. However, the age of the data is consistent with established guidance and has been partially updated by vantage point survey work undertaken in 2020.

Whilst a full update could have been submitted as part of this Application, it would have been unlikely to show any significant change given the nature of the site and the extent of the works being proposed. Impacts on bird species was likely to be minimal and could be mitigated by the combination of the Construction and Environmental Management Plan (**CEMP**) and Ecological Management Plan (EMP) and an obligation on the part of the developers to deliver an enhanced kestrel habitat off-site - a unilateral undertaking was submitted by the Applicant company to secure .

Bat survey work was undertaken prior to the submission of the DNS application and whilst that work is now out of date, the overall risk to all species of bat recorded at the site was assessed as being low. A condition was imposed requiring the turbine blades to be pitched out of the wind (feathered) to reduce their rotation speeds when idling.

The development would have an impact on peat bogs which are identified within national policy as features of significant nature conservation interest. However, no turbines would be located in the vicinity of deep peat (depth greater than 0.5m). The proposed site access would utilise an existing field entrance and avoid the deepest areas of peat. It is the only suitable location that is safe for access to the site from the public highway, without impacting on the Scheduled Ancient Monument GM246. The evidence submitted with the DNS indicated that the section of track that crossed a deeper area of peat (up to 0.8m deep) would have minimal hydrological impact on the peat bodies given the local topography, presence of the A4107 and proximity to watercourses. The track would also be floated over the peat with flow balancing pipes and large stone installed to maintain flows.

Despite concerns being raised by the Councils regarding the use of such methods of construction, NRW confirmed they were supportive of this approach. Overall, the Inspector concluded that the construction and operational phase ecological and ornithological effects would be localised and would not amount to unacceptable adverse impacts and there is no reason not to draw the same conclusion with regard to this Application given the scale of the proposed change and the opportunity to impose the same conditions on the new consent.

Cultural Heritage

The DNS application was supported by an Archaeological and Heritage Desk Based Assessment and an Assessment of the Significance of the Impact of the Development on the Historic Landscape. The evidence indicated that there would be a slight, but not

significant, impact on the Rhondda; and Margam Mountain Registered Historic Landscapes, a view shared by Cadw. Impacts on the scheduled monuments located within 5km of the Application site ranged from very slight to significant but could be adequately off-set by the preparation of a 'Monument Management Plan'. A condition was imposed in this regard. Overall, it was concluded that the development would not have any unacceptable impacts on heritage assets and, therefore, no material conflict with national or development plan policy.

Traffic and Highway Safety

The principal issues in respect of traffic and highway safety related to construction traffic.

This Application has been accompanied by an updated Abnormal Load Route Assessment to account for the increase in the turbine blade by 6.3m to 57.6m. The route would remain the same from Swansea Docks, which has been used previously for wind farm component deliveries. From Swansea Docks, the loads would travel east along the A483, joining the M4 at Junction 42 and leaving at Junction 43 onto the A465 heading 30km northeast towards Hirwaun. The route would exit the A465 onto the A4061 to the Pen y Cymoedd Wind Farm site access, before continuing along the Pen y Cymoedd Wind Farm / NRW Forestry tracks (off the public highway), exiting onto the A4107 eastbound for approximately 1km to the proposed site access.

Due to the increase in blade length, a swept path analysis of the critical turbine component delivery vehicles has been undertaken and there are only very minor changes from the previous planning submission. Works to the public highway will be limited to the temporary removal of street furniture. Widening of the existing NRW Forestry track (between the A4061 and A4107) will be required. This part of the development site is located in Neath Port Talbot and the implication of the localised widening on drainage and ecology would need to be considered by that authority under a separate s73 submission. The proposed access onto the A4107 will not be altered from that previously consented.

Subject to certain details being agreed and implemented through planning conditions, there would not be any unacceptable traffic or highway implications arising from the development. The development would therefore be generally consistent with the aims of national and local planning policy relating to such matters.

Other matters considered at the time of the DNS submission included shadow flicker. An assessment using a well-established methodology identified that there would be no inhabited houses within 1,100 metres of any proposed turbines, meaning that no shadow flicker is predicted. An updated assessment offers the same conclusion that the Upper Ogmere Wind Farm will not cause a material reduction to residential amenity owing to shadow flicker.

The Inspector in his report set out the benefits and other matters in favour of the development, principally being the significant in-principle policy support for developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs in both national and development plan policy, including at the time, the recently published Future Wales. Indeed, Future Wales states that, when determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales's international commitments and WG's target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.

The development is estimated to produce sufficient energy to power nearly 22,000 homes each year over its operational lifespan and to displace some 38,500 tonnes of CO₂ a year, equivalent to an estimated 29,200 newly registered cars. This represents a substantial

contribution to the production of energy from a renewable resource and to the reduction in greenhouse gas emissions. Such a contribution would clearly result in substantial environmental benefits and would be significant in the context of the Welsh Government targets and its commitment to address the climate emergency. In addition to such contributions, the battery storage facility provided by the development would ensure that the supply of energy generated by the development can be controlled to add greater flexibility to address issues between peak demand and supply. The benefits of an increased use of energy storage to provide a balance in this respect is recognised as a significant benefit in national planning policy.

In accordance with the aims of national planning policy, the contributions towards an efficient and clean supply of energy weigh substantially in favour of the development.

The proposal also offers economic and social benefits which have been referenced in an earlier section of this report.

CONCLUSION

This Application is recommended for approval based on the following:

The development and revised turbine design could be accommodated within the landscape in an acceptable manner. This reaffirms the site's positioning within a 'Pre-Assessed Area for Wind Energy' where the likely impacts on the landscape have been modelled and found to be acceptable. The visual effects, including cumulative impacts of the development would be locally significant. However, the turbines would be largely seen within the context of existing wind farm developments. The turbines would not be overbearing or oppressive for any community, individual or recreational user, either alone or in combination with other developments. To this extent, the development would not give rise to unacceptable adverse visual impacts or excessive shadow flicker and would therefore be broadly compliant with the provisions of Policy 18 of Future Wales and other LDP policies.

It has been demonstrated as part of this and the previous submission that cumulative noise impacts could be effectively mitigated through the imposition of suitably worded planning conditions. The development would not cause any material harm to the living conditions of the occupiers of nearby residential properties by reason of noise impact. The development would therefore be generally consistent with relevant development plan policies and the provisions of PPW.

The development would not have an unacceptable adverse effect on any internationally designated site. Furthermore, subject to conditions, there would be no unacceptable adverse impacts on nationally designated sites for nature conservation, habitats or species. There would clearly be some localised impacts, including those arising from the widening of the forestry track. Such impacts will however be assessed as part of the companion application that has been submitted to Neath Port Talbot Council. The Inspector previously concluded that given the scale of the works necessary, such impacts could not be mitigated to an acceptable level.

The development would clearly impact upon peat bogs which are of significant nature conservation interest. However, such impacts have been minimised through design and would be subject of mitigation measures secured through conditions. Ecological enhancement measures were secured through a unilateral undertaking and associated suite of planning conditions. Whilst the conditions will be re-imposed, it will be necessary for the Applicant to either submit a revised obligation or enter into a deed of variation.

The effects of the proposed development upon cultural heritage assets will be mitigated through planning conditions. However, subject to such mitigation, the impacts were

previously found to be acceptable and that has not changed. There would not, therefore, be any policy conflict in this respect. Similarly, the development would not give rise to any unacceptable traffic or highway safety issues subject to certain details being agreed and implemented through planning conditions. The development would therefore be compliant with the aims of national and local planning policy in this respect.

Importantly, the development would assist in realising WG’s support for developing large scale renewable and low carbon energy to meet future energy needs. Indeed, it would make a valuable contribution towards meeting renewable energy targets and would assist in combatting the climate emergency. The battery storage facility that forms an integral element of the overall scheme would also provide necessary flexibility that is supported by national policy. In addition, the development would offer social and economic benefits as outlined above. Such factors weigh substantially in favour of the development and significantly outweigh the localised harms identified.

RECOMMENDATION

(A) The Applicant enters into a S106 agreement or provides a revised unilateral undertaking in a form to secure the submission of a Biodiversity Enhancement Management Plan (**BEMP**) prior to the commencement of development. The BEMP would include a natural sediment management initiative and wider habitat creation works in the Upper Garw Valley, and Water Vole conservation works.

(B) The Corporate Director Communities be given delegated powers to issue a decision notice granting planning consent in respect of this proposal once the Applicant has entered into the aforementioned Section 106 Agreement, or has provided a revised unilateral undertaking in a form acceptable to the Council subject to the following conditions:

1	<p>The development shall begin not later than five years from the date of this decision.</p> <p>Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.</p>
2	<p>The development shall be carried out in accordance with the following list of approved plans and in accordance with the recommendations and measures contained within the following approved supporting documents:</p> <ul style="list-style-type: none"> • Figure 1.2 Planning Application Boundary, Drawing No: 02959D2405-03 • Figure 2.2 Turbine Layout, Drawing No: 02959D2227-04 • Figure 3.1 Infrastructure Layout, Drawing No: 02959D1001-03 • Figure 3.2 Wind Turbine Elevation, Drawing No: 02959D2903-01 Revision 1 • Figure 3.3 Wind Turbine Foundation, Drawing No: 02959D2303-01 • Figure 3.4 Crane Hardstanding General Arrangement, Drawing No: 02959D2302-01 • Figure 3.5 Access Track Typical Details, Drawing No: 02959D2301-01 • Figure 3.6 Substation Building and Compound, Drawing No: 02959D2230-01 • Figure 3.7 Energy Storage Layout Plan, Drawing No: 02959D2217-02 • Figure 3.8 Energy Storage Elevations, Drawing No: 02959D2218-02 • Figure 3.9 Site Entrance, Drawing No: 02959D2407-01 • Figure 3.10 Temporary Construction Compound Layout Plan, Drawing No: 02959D2237-02 • Figure 3.11 Indicative Borrow Pit Details, Drawing No: 02959D2235-01 • Figure 3.12 Cable Trench Details, Drawing No: 02959D2241-01 • Figure 9.3 Forestry Track Widening Details 1-12, Drawing No: 02959D2404-04 • Figure 9.4 Typical Forestry Track Widening Detail, Drawing No: 02959D2304-01. • Figure 12.2b Common Land Swap Plan, Drawing No: 02959D2223 – Revision 6.

	Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application.
3	<p>The permission hereby granted shall expire 35 years from the date when electrical power is first exported ('First Export Date') from the development to the electricity grid network. Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than one calendar month after this event.</p> <p>Reason: In the interests of the character and appearance of the area - Policies SP2, SP4, ENV3 and ENV18 of the adopted Bridgend LDP.</p>
4	<p>Within 35 years and six months following the date of first export, or within six months of the cessation of electricity generation by the facility, whichever is the sooner, the turbines and all associated infrastructure and works hereby approved shall be removed from the site and the land returned to its former agricultural status, in accordance with a decommissioning and site restoration scheme which has first been submitted to and approved in writing by the Local Planning Authority. The decommissioning plan shall include pollution control measures. All existing and new planting implemented as part of the approved scheme shall be retained. The developer shall notify the Local Planning Authority in writing no later than one month following cessation of power production. The approved restoration scheme shall be implemented in full within 12 months of the cessation of electricity generation.</p> <p>Reason: In the interest of the character and appearance of the area - Policies SP2, SP4, ENV3 and ENV18 of the adopted Bridgend LDP.</p>
5	<p>If any wind turbine fails to produce electricity to the grid for a continuous period of 12 months, the wind turbine and its associated ancillary equipment shall be removed from the site within a period of 6 months from the end of that 12-month period.</p> <p>Reason: In the interest of the character and appearance of the area - Policies SP2, SP4, ENV3 and ENV18 of the adopted Bridgend LDP.</p>
6	<p>No wind turbine shall be erected and no external transformer unit installed until details of the make, model and external appearance (including colour and surface finish) of the wind turbines and any unit transformer housing have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and retained in accordance with the approved details.</p> <p>Reason: In the interest of the character and appearance of the area - Policies SP2, SP4, ENV3 and ENV18 of the adopted Bridgend LDP.</p>
7	<p>All wind turbines blades shall rotate in a clockwise direction.</p> <p>Reason: In the interest of the character and appearance of the area - Policies SP2, SP4, ENV3 and ENV18 of the adopted Bridgend LDP.</p>
8	<p>Notwithstanding the design or colour approved by the Local Planning Authority pursuant to Condition No.6, above, all wind turbines shall be of a 3 bladed configuration and shall be of a semi-matt finish and shall not display any prominent name, sign, symbol or logo on any external surfaces.</p> <p>Reason: In the interest of the character and appearance of the area - Policies SP2, SP4, ENV3 and ENV18 of the adopted Bridgend LDP</p>

9	<p>Except during installation and maintenance, the turbines shall not be illuminated. There shall be no permanent illumination on the site at any time.</p> <p>Reason: In the interest of the character and appearance of the area - Policies SP2, SP4, ENV3 and ENV18 of the adopted Bridgend LDP.</p>
10	<p>Subject to the allowance for micro-siting provided by this condition, the turbines shall be erected at the coordinates indicated on Figure 2.2 Turbine Layout (Reference: 02959D2227-04).</p> <ol style="list-style-type: none"> I. Any variations to the indicated position of any turbine(s) shall be permitted by up to 50m in any direction, subject to the written approval of the Local Planning Authority. II. In determining the final position of the turbines, the developer must consult BT and, subject to substantive responses to that consultation being provided within 30 days, shall have due regard to minimising impacts of the turbines on delivery of the Emergency Services Network. Within 30 days of receipt of BT's consultation responses, the developer shall provide a written explanation of the reasons for the final micro-siting of the Turbines and how any BT consultation responses have been taken into account. III. A plan showing the position of the turbines as built shall be submitted to the Local Planning Authority within one month of the first export date. <p>Reason: In the interest of the character and appearance of the area - Policies SP2, SP4, ENV3 and ENV18 of the adopted Bridgend LDP.</p>
11	<p>No development shall take place until the proposed means of access onto the A4107 has been laid out as detailed on Drawing No: 02959D2407-01. The means of access shall be completed in permanent materials for a distance of no less than 20m from the edge of the classified route A4107.</p> <p>Reason: In the interest of the character and appearance of the area and highway safety - Policies SP2, SP3, SP4, ENV3 and ENV18 of the adopted Bridgend LDP.</p>
12	<p>Notwithstanding the details approved under Drawing No: 02959D2407-01, no development shall commence until the proposed means of access onto the A4107 has been laid out with visibility splays of 2.4m x 120m in both directions.</p> <p>Reason: In the interests of highway safety - Policies SP2, SP3 and ENV18 of the adopted Bridgend LDP.</p>
13	<p>No structure, erection or planting exceeding 0.9m in height above adjacent carriageway level shall be placed within the required vision splay areas.</p> <p>Reason: In the interests of highway safety - Policies SP2, SP3 and ENV18 of the adopted Bridgend LDP.</p>
14	<p>No development shall commence until a scheme of road markings detailing the edge of carriageway across the junction bell mouth has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be completed in permanent materials in accordance with the approved layout prior to the approved development being brought into beneficial use.</p>

	Reason: In the interests of highway safety - Policies SP2, SP3 and ENV18 of the adopted Bridgend LDP.
15	<p>No development shall commence until a scheme for junction warning signs on the Eastbound approach to the proposed site access has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be completed prior to the approved development being brought into beneficial use.</p> <p>Reason: In the interests of highway safety - Policies SP2, SP3 and ENV18 of the adopted Bridgend LDP.</p>
16	<p>No works shall commence on site until a scheme of temporary traffic management, including traffic speed reduction measures on the classified route A4107 at and on the approaches to the proposed site access, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to construction of the proposed access and retained during the construction of the proposed development.</p> <p>Reason: In the interests of highway safety - Policies SP2, SP3 and ENV18 of the adopted Bridgend LDP.</p>
17	<p>Details showing the entrance/ gates set back not less than 20 metres from the nearside edge of carriageway and the area between the gates and the edge of highway completed in permanent materials shall be approved in writing by the Local Planning Authority before any works commence. The details shall be implemented in accordance with those approved by the Local Planning Authority.</p> <p>Reason: In the interests of highway safety - Policies SP2, SP3 and ENV18 of the adopted Bridgend LDP.</p>
18	<p>No development shall take place, until a Construction Transport Management Plan ("CTMP") has been submitted to and approved in writing by the Local Planning Authority. The approved CTMP shall be adhered to throughout the construction period and shall provide for:</p> <ul style="list-style-type: none"> a) The routing of HGV construction traffic to and from the site in order to avoid the A4061 south of its junction with the A4107 and the A4063 south of its junction with the A4107; b) details of the number and frequency of HGV movements along the A4107; c) the parking of vehicles of site operatives and visitors; d) loading and unloading of plant and materials; e) storage of plant and materials used in constructing the development; f) wheel washing facilities; g) measures to control the emission of dust and dirt during construction; and h) the provision of temporary traffic and pedestrian management along the A4107. <p>Reason: In the interests of highway safety - Policies SP2 and SP3 of the adopted Bridgend LDP.</p>
19	<p>No development, including any vegetation clearance or tree felling, shall take place until a Construction Environment Management Plan ("CEMP") has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with the approved CEMP. The CEMP shall address the</p>

	<p>following:</p> <ul style="list-style-type: none"> i. Noise and vibration associated with the construction of the development, in accordance with British Standard 5228, 2009: Code of Practice for Noise and Vibration Control on Construction and Open Sites - Part 1 - Noise, Part 2 –Vibration; ii. The management of foul and surface water, temporary and permanent drainage details and details of the hydrological and hydraulic calculations to control flow rates; iii. The protection and conservation of soil in order to prevent pollution of the water environment, including details of the pollution prevention techniques to be deployed during the construction and restoration phases; iv. Details of the timing and methods of works for cable trenches and foundations; v. Borrow pit management arrangements; vi. Dust management arrangements; vii. Arrangements for the disposal of surplus materials; viii. A construction noise management plan, including identification of access routes, locations of material laydown areas, equipment to be employed, operations to be carried out, mitigation measures and a scheme for the monitoring of noise; ix. Temporary site illumination, including measures to reduce light-spill onto sensitive ecological receptors; x. Access arrangements from the access track onto the A4107 which shall include the maintenance of the existing asphalt surface for the first 20 metres measured back from nearest edge of metalled carriageway, the creation and maintenance of visibility splays and temporary speed reduction measures within the vicinity of the track exit; xi. Arrangements for wheel cleaning facilities and keeping the site access onto the A4107 and adjacent public highway clean; xii. Details of forestry track widening, including layout plans; xiii. Arrangements for the protection of breeding birds, reptiles, water vole, and clubmoss populations on both the site and access track, including pre-construction surveys and mechanisms to take remedial action and monitor outcomes; xiv. Measures to minimise and where possible avoid impacts on areas of wet modified bog and deep peat (over 50cm in depth) on both the site and access track; xv. Details of the re-use of extracted peat with priority given to support existing peat resources and peat/ bog habitat; xvi. Methods and timescales for habitat reinstatement in any areas needed temporarily during the construction process; and xvii. A prescription and timeline for the removal of Japanese knotweed from the vicinity of the access track. <p>Reason: In the interest of highway safety, the character and appearance of the area and nature conservation - Policies SP2 and SP3 of the adopted Bridgend LDP.</p>
20	<p>No development shall take place until a site investigation in respect of land stability has been carried out in accordance with a methodology first submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be submitted to the Local Planning Authority before any development begins. If any land instability issues are found during the site investigation, a Report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the Local Planning Authority. Remedial measures shall be undertaken in accordance with the approved details prior to the commencement of the development.</p> <p>Reason: In the interests of highway safety - Policies SP2 and ENV18 of the adopted Bridgend LDP</p>
21	<p>Should any contaminated material be observed during construction which has not been previously identified, then development shall cease and the Local Planning Authority</p>

	<p>immediately informed. A desk study, site investigation and risk assessment to determine the nature and extent of the contamination should be undertaken in accordance with methodologies which have been first submitted to and approved in writing by the Local Planning Authority. The results of the desk study, site investigation and risk assessment, and a Report specifying the measures to be taken to remediate the site to render it suitable for the development, shall be submitted to and approved in writing by the Local Planning Authority. Remedial action, which may include measures to protect surface and ground water interests, shall be undertaken in accordance with the approved details prior to development recommencing.</p> <p>Reason: In the interest of public safety and nature conservation – Policies SP2, SP4, ENV6 and ENV7 of the adopted Bridgend CBC LDP.</p>
22	<p>No development shall commence until a scheme for the comprehensive and integrated drainage of the site, including the means of drainage from all hard surfaces and structures within the site and accesses to the local highway network, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained for the duration of the construction works and operation of the development.</p> <p>Reason: In the interest of adequate site drainage - Policies SP2, SP4, ENV6 and ENV18 of the adopted Bridgend LDP.</p>
23	<p>No development shall take place until a scheme for the protection of public rights of way during the construction period, including safety signage and repair of damage caused during construction, has been submitted to and approved in writing by the Local Planning Authority. During the construction period the development shall be carried out in accordance with the approved scheme.</p> <p>Reason: In the interests of the protection of public rights of way - Policies SP2, SP3 and PLA9 of the adopted Bridgend LDP.</p>
24	<p>No development shall commence, including any vegetation clearance, until an Ecological Management Plan (“EMP”) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall set out the management and monitoring arrangements for all relevant ecological features, set out detailed enhancement measures proposed and include timescales for implementation. The development shall be carried out in accordance with the approved details.</p> <p>The EMP shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> a) Description and evaluation of ecological features, present or to be created on site, to be managed; b) Details of the desired condition of features, present and to be created at the site, using attributes with measurable targets to define favourable condition; c) Aims and objectives of management; d) Ecological trends and constraints on site that might influence management and achieving favourable condition of the retained and new features to be created on site; e) Identification of appropriate management options for achieving aims and objectives, including management prescriptions; f) Details of the monitoring of habitats, species and conservation enhancement measures. Where the results from monitoring show that conservation aims and objectives of the EMP are not being met, the EMP shall set out how contingencies and/ or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally agreed scheme; g) Details of the body or organisation responsible for implementation of the plan, including

management and maintenance responsibilities of the EMP and ensure compliance with all relevant regulatory and other requirements, method statements and plans, and to report to the principal contractor and statutory consultees;

h) Preparation of a work scheme detailing the timescale for delivery of the initiatives identified within the EMP, including all species and habitat management and monitoring and habitat aftercare, and a five year rolling programme with specified timescales for each element;

i) Details of the periodic review of effectiveness of the EMP, with a written report submitted to the Local Planning Authority every 5 years, and any revisions to the plan to be agreed in writing by the Local Planning Authority prior to implementation.

The above shall be provided for the following initiatives:

i. Upper Garw Valley - Natural Sediment Management initiative and wider habitat creation works

- Contribute towards implementation of natural sediment management schemes in Upper Garw to reduce the quantity of excess fine sediment entering the river system and improve water quality.
- Slow down water-flow into the catchment.
- Implementation of measures at the head of the Garw Valley (the northern end of Cwm Garw) and along the western side of Mynydd Llangeinwyr.
- Measures shall include installation of gully blocks, channel stuffing and leaky barriers to reduce scour and siltation of watercourse and pools further down the catchment.
- Improvement of water quality, rewetting and reducing erosion of marshy grassland and bog habitats, improvement of habitat for water vole, breeding passerines (such as grasshopper warbler), reptiles and wetland invertebrates.
- Implementation of measures along Mynydd Llangeinwyr, including land which extends over 5.5km to the south of the wind farm, to include biodiversity gain through wetland habitat creation and the erection of kestrel boxes, with associated net benefits to species such as water vole and kestrel.

Locations of initiatives, as indicated on Drawing No.02959-RES_IMP-DREN-001, to be agreed in writing with the Local Planning Authority following feasibility work and optioneering study.

ii. Water Vole Conservation Works

- Objective of increasing the extent of optimal habitat for water vole within the application site and, in particular, land in the eastern part of the application area, increasing the size and resilience of the population.
- The feasibility of proposed water vole conservation measures shall be carefully considered and assessed. Measures to include localised water management measures such as gully blocks, channel stuffing, leaky barriers and stock management measures.
- Conservation measures to be submitted to and agreed in writing with the Local Planning Authority.

Locations of initiatives, as indicated on Drawing No.02959-RES_IMP-DREN-001 to be agreed in writing with the Local Planning Authority following feasibility work and optioneering study.

iii. Operational mitigation to reduce bird and bat strike

- Between dusk and dawn between 1 April and 31 October each year, all turbine blades shall be 'feathered' when wind speeds are below the cut in speed of the operational turbines. This shall involve pitching the blades to 90 degrees and/ or rotating the blades

	<p>parallel to the wind direction to reduce the blade rotation speeds below two revolutions per minute whilst idling.</p> <p>Reason: To maintain and improve the appearance of the area in the interests of visual and residential amenity and to promote nature conservation - Policies SP2, ENV5, ENV6 and ENV18 of the adopted Bridgend LDP.</p>
25	<p>No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been first submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource - Policies SP2, SP5, and ENV18 of the adopted Bridgend LDP.</p>
26	<p>No development shall take place until a Monument Management Plan covering the Designated Historic Assets within the application site has been submitted to and approved in writing by the Local Planning Authority. The Monument Management Plan shall include measures to protect and manage historic assets on site, proposals to improve access to the historic assets including details of interpretation/information panels and a programme of works. The site shall be developed in accordance with the approved Monument Management Plan.</p> <p>Reason: To mitigate the impact of the works on the Designated Historic Assets on site - Policies SP2, SP5, and ENV18 of the adopted Bridgend LDP.</p>
27	<p>Construction works which are audible at the boundary of any residential receptor shall not take place outside the hours of 8:00am to 18:00pm Monday to Friday, 8:00am to 1:00pm on Saturday. No construction work shall be conducted on Sundays or Bank Holidays. Outside of these hours, development shall be limited to turbine testing, commissioning works, emergency work and dust suppression.</p> <p>Reason: In the interests of the amenities of the area – Policies SP2, ENV7 and ENV18 of the adopted Bridgend LDP.</p>
28	<p>Within 28 days of a written request from the relevant Local Planning Authority, following a complaint alleging shadow flicker from an occupant of a dwelling which lawfully existed or had planning permission at the date of this permission, the wind farm operator shall, at its expense, commission and submit a report to the relevant Local Planning Authority assessing the reported shadow flicker event(s). Where the relevant Local Planning Authority confirms in writing that the incident of shadow flicker is affecting the living conditions of the resident(s), the wind farm operator shall, within 21 days, submit for approval a scheme of mitigation to the Local Planning Authority. The scheme shall be designed to mitigate the event of shadow flicker and to prevent its future recurrence and shall specify timescales for implementation. The scheme shall be implemented as approved.</p> <p>Reason: In the interests of the amenities of the area – Policies SP2, ENV7 and ENV18 of the adopted Bridgend LDP.</p>
29	<p>The rating level of noise emissions from the combined effects of the wind turbines hereby permitted (the wind farm) (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speeds set out in Tables A1 to A6 and B1 to B6 (attached to these</p>

	<p>conditions). Noise limits for dwellings which lawfully exist or have planning permission for construction at the date of this consent but are not listed in the Tables attached shall be those of the physically closest location listed in the Tables unless otherwise agreed in writing by the relevant Local Planning Authority. The coordinate locations to be used in determining the location of each of the dwellings listed in Tables A1 to A6 and B1 to B6 shall be those listed in Table C.</p> <p>Reason: In the interests of the amenities of the area – Policies SP2, ENV7 and ENV18 of the adopted Bridgend LDP.</p>
30	<p>Within 21 days from receipt of a written request from the relevant Local Planning Authority, following a complaint from the occupant of a dwelling which lawfully existed or had planning permission at the date of this consent alleging noise disturbance at that dwelling from either the operational Llynfi Afan site or the wind farm hereby approved, the wind farm operator of the development hereby approved shall, at its expense, employ an independent consultant approved by the relevant Local Planning Authority to assess the level of noise emissions from the turbines of the hereby approved wind farm at the complainant's property following the procedures described in the attached Guidance Notes.</p> <p>Reason: In the interests of the amenities of the area – Policies SP2, ENV7 and ENV18 of the adopted Bridgend LDP</p>
31	<p>The wind farm operator shall provide to the relevant Local Planning Authority the independent consultant's assessment and conclusions of the rating level of noise emissions undertaken pursuant to Condition No.30, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based. The data shall be presented in a format that can be independently verified by the relevant Local Planning Authority and demonstrates compliance with each of the Tables A1 to A6 and B1 to B6. Such information shall be provided within 2 calendar months of the date of the written request from the relevant Local Planning Authority, unless otherwise extended in writing by the relevant Local Planning Authority.</p> <p>Reason: In the interests of the amenities of the area – Policies SP2, ENV7 and ENV18 of the adopted Bridgend LDP.</p>
32	<p>Where, following receipt of the independent consultant's noise assessment required by Condition No.30, the relevant Local Planning Authority is satisfied of an established breach of the noise limits set out in the attached Tables A1 to A6 and B1 to B6, the wind farm operator shall within 21 days of written notification by the Local Planning Authority, submit a scheme of mitigation for approval. The scheme of mitigation shall include measures to mitigate the breach, measures to prevent its future recurrence and a timetable for implementation. The scheme shall be implemented as approved and shall be retained thereafter unless otherwise agreed in writing by the relevant Local Planning Authority.</p> <p>Reason: In the interests of the amenities of the area - Policies SP2, ENV7 and ENV18 of the adopted Bridgend LDP</p>
33	<p>Where a dwelling to which a complaint is related is not listed in Table C, the wind farm operator shall submit to the relevant Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables A1 to A6 and B1 to B6 to be adopted at the complainant's dwelling. The rating level of noise emissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the</p>

	<p>relevant Local Planning Authority for the complainant's dwelling.</p> <p>Reason: In the interests of compliance-checking and the amenities of the area -Policies SP2, ENV7 and ENV18 of the adopted Bridgend LDP.</p>
34	<p>The assessment of the rating level of noise emissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the relevant Local Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise emissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the relevant Local Planning Authority under Condition No.30, and such others as the independent consultant considers likely to result in a breach of the noise limits.</p> <p>Reason: In the interests of the amenities of the area - Policies SP2, ENV7 and ENV18 of the adopted Bridgend LDP.</p>
35	<p>Wind speed, wind direction and power generation data shall be continuously logged and provided to the relevant Local Planning Authority within 14 days of any such request and shall be in a format that will allow the relevant Local Planning Authority to enable checks to be undertaken to verify compliance with Tables A1 to A6 and B1 to B6 and in accordance with the attached Guidance Notes. Such data shall be retained for a period of not less than 24 months.</p> <p>Reason: In the interests of the amenities of the area - Policies SP2, ENV7 and ENV18 of the adopted Bridgend LDP.</p>
36	<p>For the purposes of demonstrating compliance with the levels stated in Tables A1 to A6 and B1 to B6, during the first 12 months of operation, the wind farm operator shall, at its expense, employ a consultant approved by the relevant Local Planning Authority to assess the level of noise emissions from the wind farm, according to a measurement protocol to be agreed with the relevant Local Planning Authority.</p> <p>Reason: In the interests of the amenities of the area - Policies SP2, ENV7 and ENV18 of the adopted Bridgend LDP</p>
37	<p>In the event that the sound power levels of the proposed turbine model for installation are higher, or the turbine model is more tonal, than the candidate turbine used in the acoustic assessment in Chapter 10 of the Upper Ogmere Wind Farm & Energy Storage Facility - Environmental Statement, a revised noise assessment report shall be submitted prior to the erection of the turbines, demonstrating that the predicted noise levels still indicate compliance with the limits stated in Tables A1 to A6 and B1 to B6. Should the revised assessment show that the limits stated in Tables A1 to A6 and B1 to B6 will be exceeded, a scheme of mitigation shall be submitted to and approved in writing by the relevant Local Planning Authority, demonstrating how compliance with the limits state in Tables A1 to A6 and B1 to B6 will be achieved. The scheme of mitigation shall be implemented in full prior to the turbines being brought into beneficial use and shall be retained for the lifetime of the development.</p>

	Reason: In the interests of the amenities of the area - Policies SP2, ENV7 and ENV18 of the adopted Bridgend LDP.
38	<p>No development shall commence until details of a nominated representative for the development to act as a point of contact for local residents (in connection with Condition Nos. 30-35), together with the arrangements for notifying and approving any subsequent change in the nominated representative, have been submitted to and approved in writing by the relevant Local Planning Authority. The nominated representative shall have responsibility for liaison with the relevant Local Planning Authority in connection with any noise complaints made during the construction, operation and decommissioning of the wind farm.</p> <p>Reason: In the interests of the amenities of the area - Policies SP2, ENV7 and ENV18 of the adopted Bridgend LDP</p>
39	<p>No turbines shall be erected until a scheme for the mitigation of impact of the wind turbines on the operation of Cardiff Airport primary surveillance radar (the “radar mitigation scheme”) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated fully in accordance with the approved radar mitigation scheme throughout the operational life of the development.</p> <p>Reason: To ensure no unacceptable impacts on radar operations - Policy 18 (8) Future Wales</p>
40	<p>Noise Planning Conditions - Tables of Noise Limits</p> <p>The limits in each of the six 60-degree sectors are based on the assumptions that the existing sites are operating at their predicted noise levels for each sector, with an additional 5 dB uncertainty added capped at the level set by limits in their planning conditions.</p> <p>The curtailment required to meet these limits, for the candidate turbine, results in an energy yield of 81.0848 GWh/annum, relative to the base case of no curtailment which results in a yield of 84.0000 GWh/annum. This reduction of 2.9152 GWh/annum would be the equivalent to a loss in the supply of renewable energy to some 770 homes each year (This figure is derived using the annual UK average domestic household consumption of electricity published by BEIS)</p> <p>Tables A1 – A6 - Noise Limits: Day-Time Hours 0700-2300</p>

Table A1 – Wind Direction >= 345 and < 45 degrees

Property	Standardised 10 m Height Wind Speed (m/s)											
	1	2	3	4	5	6	7	8	9	10	11	12
	Noise Limit (dB LA90,10 min)											
H1	27.5	27.5	27.5	27.5	29.7	30.7	27.5	27.9	34.2	35.9	35.9	35.9
H2	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H3	27.5	27.5	27.5	27.5	30.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2
H4	27.5	27.5	27.5	28.3	30.9	27.6	28.6	29.1	29.9	30.2	30.2	30.2
H5	27.5	27.5	27.5	27.5	30.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2
H6	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.7	29.1	29.1	29.1
H7	27.5	27.5	27.5	29.2	30.2	27.5	28.7	29.2	29.8	30.0	30.0	30.0
H8	27.5	27.5	27.5	27.5	29.0	31.4	27.5	27.9	35.1	35.1	35.1	35.1
H9	27.5	27.5	27.5	27.5	27.5	27.5	27.6	27.5	27.7	29.1	29.1	29.1
H10	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H11	27.5	27.5	27.5	29.0	30.3	27.5	28.7	29.2	29.8	30.0	30.0	30.0
H12	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H13	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.7	28.9	28.9	28.9
H14	27.5	27.5	27.5	27.5	29.5	30.4	27.5	27.9	33.9	35.7	35.7	35.7
H15	27.5	27.5	27.5	27.5	30.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2

Table A2 – Wind Direction >= 45 and < 105 degrees

Property	Standardised 10 m Height Wind Speed (m/s)											
	1	2	3	4	5	6	7	8	9	10	11	12
	Noise Limit (dB LA90,10 min)											
H1	27.5	27.5	27.5	27.5	29.7	33.6	32.9	32.9	35.9	35.9	35.9	35.9
H2	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H3	27.5	27.5	27.5	27.5	27.6	31.5	33.5	33.8	33.8	33.8	33.8	33.8
H4	27.5	27.5	27.5	28.3	32.2	32.5	32.2	34.7	34.7	33.3	33.2	33.2
H5	27.5	27.5	27.5	27.5	27.5	29.0	31.0	31.3	31.3	31.3	31.3	31.3
H6	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	28.9	30.3	30.3	30.3
H7	27.5	27.5	27.5	29.2	32.5	31.5	31.0	34.0	33.6	31.4	31.3	31.3
H8	27.5	27.5	27.5	27.5	29.0	32.9	32.4	32.2	35.1	35.1	35.1	35.1
H9	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.6	29.2	30.3	30.3	30.3
H10	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H11	27.5	27.5	27.5	29.0	32.6	31.6	31.2	34.0	33.7	31.7	31.5	31.5
H12	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H13	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.8	29.5	30.6	30.6	30.6
H14	27.5	27.5	27.5	27.5	29.5	33.4	33.0	33.0	35.7	35.7	35.7	35.7
H15	27.5	27.5	27.5	27.5	27.5	29.0	31.0	31.3	31.3	31.3	31.3	31.3

Table A3 – Wind Direction >= 105 and < 165 degrees

Property	Standardised 10 m Height Wind Speed (m/s)											
	1	2	3	4	5	6	7	8	9	10	11	12
	Noise Limit (dB LA90,10 min)											
H1	27.5	27.5	27.5	27.5	27.5	31.3	33.3	33.6	33.6	33.6	33.6	33.6
H2	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.7	27.7	27.7	27.7	27.7
H3	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H4	27.5	27.5	27.5	27.6	31.5	35.4	35.2	37.1	37.7	37.3	37.0	37.0
H5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H6	27.5	27.5	27.5	27.5	27.5	29.4	29.8	27.5	28.7	30.2	30.2	30.2
H7	27.5	27.5	27.5	27.5	31.5	35.2	35.0	37.0	37.6	37.1	36.8	36.8
H8	27.5	27.5	27.5	27.5	27.5	30.2	32.1	32.4	32.4	32.4	32.4	32.4
H9	27.5	27.5	27.5	27.5	27.5	30.6	29.2	27.5	28.7	29.8	30.2	30.2
H10	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H11	27.5	27.5	27.5	27.5	31.3	35.2	35.1	37.0	37.4	37.1	36.8	36.8
H12	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H13	27.5	27.5	27.5	27.5	27.5	30.1	28.5	27.5	28.8	29.8	30.3	30.3
H14	27.5	27.5	27.5	27.5	27.5	31.2	33.1	33.4	33.4	33.4	33.4	33.4
H15	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5

Table A4 – Wind Direction >= 165 and < 225 degrees

Property	Standardised 10 m Height Wind Speed (m/s)											
	1	2	3	4	5	6	7	8	9	10	11	12
	Noise Limit (dB LA90,10 min)											
H1	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H2	27.5	27.5	27.5	27.5	27.5	28.4	30.4	30.7	30.7	30.7	30.7	30.7
H3	27.5	27.5	27.5	27.5	27.5	28.6	30.6	30.9	30.9	30.9	30.9	30.9
H4	27.5	27.5	27.5	27.5	27.5	27.8	29.8	30.2	30.2	30.2	30.2	30.2
H5	27.5	27.5	27.5	27.5	27.5	30.1	32.1	32.4	32.4	32.4	32.4	32.4
H6	27.5	27.5	27.5	27.5	27.5	29.4	30.6	27.6	28.6	29.8	29.8	29.8
H7	27.5	27.5	27.5	27.5	27.5	29.1	31.2	31.5	31.5	31.5	31.5	31.5
H8	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H9	27.5	27.5	27.5	27.5	27.5	30.6	30.5	27.5	28.7	29.8	29.8	29.8
H10	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H11	27.5	27.5	27.5	27.5	27.5	28.8	30.9	31.2	31.2	31.2	31.2	31.2
H12	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H13	27.5	27.5	27.5	27.5	27.5	31.0	30.4	27.5	28.7	29.8	29.8	29.8
H14	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H15	27.5	27.5	27.5	27.5	27.5	29.9	31.9	32.2	32.2	32.2	32.2	32.2

Table A5 – Wind Direction >= 225 and < 285 degrees

Property	Standardised 10 m Height Wind Speed (m/s)											
	1	2	3	4	5	6	7	8	9	10	11	12
	Noise Limit (dB LA90,10 min)											
H1	27.5	27.5	27.5	27.5	27.5	28.7	30.8	31.2	31.2	31.2	31.2	31.2
H2	27.5	27.5	27.5	27.5	27.5	28.4	30.4	30.7	30.7	30.7	30.7	30.7
H3	27.5	27.5	27.5	27.5	30.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2
H4	27.5	27.5	27.5	27.5	27.5	27.5	29.1	30.8	29.8	30.0	30.0	30.0
H5	27.5	27.5	27.5	27.5	30.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2
H6	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H7	27.5	27.5	27.5	27.5	27.6	28.7	30.0	33.4	30.4	30.0	30.0	30.0
H8	27.5	27.5	27.5	27.5	27.5	28.7	30.7	31.1	31.1	31.1	31.1	31.1
H9	27.5	27.5	27.5	27.5	27.5	27.5	27.7	27.5	28.1	28.1	28.1	28.1
H10	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H11	27.5	27.5	27.5	27.5	27.5	28.1	29.6	33.1	29.8	30.0	30.0	30.0
H12	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H13	27.5	27.5	27.5	27.5	27.5	27.5	29.3	28.3	28.4	29.7	29.7	29.7
H14	27.5	27.5	27.5	27.5	27.5	28.6	30.7	31.0	31.0	31.0	31.0	31.0
H15	27.5	27.5	27.5	27.5	30.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2

Table A6 – Wind Direction >= 285 and < 345 degrees

Property	Standardised 10 m Height Wind Speed (m/s)											
	1	2	3	4	5	6	7	8	9	10	11	12
	Noise Limit (dB LA90,10 min)											
H1	27.5	27.5	27.5	27.5	29.5	33.1	29.0	27.9	34.9	35.7	35.7	35.7
H2	27.5	27.5	27.5	27.5	27.5	28.4	30.4	30.7	30.7	30.7	30.7	30.7
H3	27.5	27.5	27.5	27.5	30.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2
H4	27.5	27.5	27.5	28.0	31.9	27.5	28.6	29.6	30.4	30.6	30.6	30.6
H5	27.5	27.5	27.5	27.5	30.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2
H6	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H7	27.5	27.5	27.5	28.9	32.2	27.5	28.6	29.5	30.3	30.5	30.5	30.5
H8	27.5	27.5	27.5	27.5	28.8	32.7	30.5	28.9	35.0	35.0	35.0	35.0
H9	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H10	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H11	27.5	27.5	27.5	28.8	32.1	27.5	28.6	29.6	30.4	30.6	30.6	30.6
H12	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H13	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H14	27.5	27.5	27.5	27.5	29.2	33.0	28.5	27.9	34.7	35.5	35.5	35.5
H15	27.5	27.5	27.5	27.5	30.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2

Tables B1 – B6 - Noise Limits: Night-Time Hours 2300-0700

Table B1 – Wind Direction >= 345 and < 45 degrees

Property	Standardised 10 m Height Wind Speed (m/s)											
	1	2	3	4	5	6	7	8	9	10	11	12
	Noise Limit (dB LA90,10 min)											
H1	33.0	33.0	33.0	33.0	33.0	33.6	35.6	35.9	35.9	35.9	35.9	35.9
H2	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H3	33.0	33.0	33.0	33.0	33.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2
H4	33.0	33.0	33.0	33.0	33.0	36.1	38.1	38.5	38.5	38.5	38.5	38.5
H5	33.0	33.0	33.0	33.0	33.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2
H6	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H7	33.0	33.0	33.0	33.0	33.0	36.9	39.0	39.3	39.3	39.3	39.3	39.3
H8	33.0	33.0	33.0	33.0	33.0	33.0	34.8	35.1	35.1	35.1	35.1	35.1
H9	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H10	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H11	33.0	33.0	33.0	33.0	33.0	36.8	38.9	39.2	39.2	39.2	39.2	39.2
H12	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H13	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H14	33.0	33.0	33.0	33.0	33.0	33.4	35.4	35.7	35.7	35.7	35.7	35.7
H15	33.0	33.0	33.0	33.0	33.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2

Table B2 – Wind Direction >= 45 and < 105 degrees

Property	Standardised 10 m Height Wind Speed (m/s)											
	1	2	3	4	5	6	7	8	9	10	11	12
	Noise Limit (dB LA90,10 min)											
H1	33.0	33.0	33.0	33.0	33.0	33.6	35.6	35.9	35.9	35.9	35.9	35.9
H2	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H3	33.0	33.0	33.0	33.0	33.0	33.0	33.5	33.8	33.8	33.8	33.8	33.8
H4	33.0	33.0	33.0	33.0	33.0	36.1	38.1	38.5	38.5	38.5	38.5	38.5
H5	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H6	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H7	33.0	33.0	33.0	33.0	33.0	36.9	39.0	39.3	39.3	39.3	39.3	39.3
H8	33.0	33.0	33.0	33.0	33.0	33.0	34.8	35.1	35.1	35.1	35.1	35.1
H9	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H10	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H11	33.0	33.0	33.0	33.0	33.0	36.8	38.9	39.2	39.2	39.2	39.2	39.2
H12	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H13	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.4	33.4	33.4	33.4	33.4
H14	33.0	33.0	33.0	33.0	33.0	33.4	35.4	35.7	35.7	35.7	35.7	35.7
H15	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0

Table B3 – Wind Direction >= 105 and < 165 degrees

Property	Standardised 10 m Height Wind Speed (m/s)											
	1	2	3	4	5	6	7	8	9	10	11	12
	Noise Limit (dB LA90,10 min)											
H1	33.0	33.0	33.0	33.0	33.0	33.0	33.3	33.6	33.6	33.6	33.6	33.6
H2	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H3	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H4	33.0	33.0	33.0	33.0	33.0	35.4	37.4	37.7	37.7	37.7	37.7	37.7
H5	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H6	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H7	33.0	33.0	33.0	33.0	33.0	35.4	37.3	37.6	37.6	37.6	37.6	37.6
H8	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H9	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H10	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H11	33.0	33.0	33.0	33.0	33.0	35.2	37.2	37.4	37.4	37.4	37.4	37.4
H12	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H13	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.4	33.4	33.4	33.4	33.4
H14	33.0	33.0	33.0	33.0	33.0	33.0	33.1	33.4	33.4	33.4	33.4	33.4
H15	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0

Table B4 – Wind Direction >= 165 and < 225 degrees

Property	Standardised 10 m Height Wind Speed (m/s)											
	1	2	3	4	5	6	7	8	9	10	11	12
	Noise Limit (dB LA90,10 min)											
H1	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H2	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H3	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H4	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H5	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H6	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H7	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H8	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H9	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H10	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H11	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H12	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H13	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.4	33.4	33.4	33.4	33.4
H14	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H15	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0

Table B5 – Wind Direction >= 225 and < 285 degrees

Property	Standardised 10 m Height Wind Speed (m/s)											
	1	2	3	4	5	6	7	8	9	10	11	12
	Noise Limit (dB LA90,10 min)											
H1	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H2	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H3	33.0	33.0	33.0	33.0	33.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2
H4	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H5	33.0	33.0	33.0	33.0	33.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2
H6	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H7	33.0	33.0	33.0	33.0	33.0	33.0	33.6	34.0	34.0	34.0	34.0	34.0
H8	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H9	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H10	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H11	33.0	33.0	33.0	33.0	33.0	33.0	33.4	33.8	33.8	33.8	33.8	33.8
H12	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H13	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H14	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H15	33.0	33.0	33.0	33.0	33.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2

Table B6 – Wind Direction >= 285 and < 345 degrees

Property	Standardised 10 m Height Wind Speed (m/s)											
	1	2	3	4	5	6	7	8	9	10	11	12
	Noise Limit (dB LA90,10 min)											
H1	33.0	33.0	33.0	33.0	33.0	33.4	35.4	35.7	35.7	35.7	35.7	35.7
H2	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H3	33.0	33.0	33.0	33.0	33.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2
H4	33.0	33.0	33.0	33.0	33.0	35.8	37.9	38.2	38.2	38.2	38.2	38.2
H5	33.0	33.0	33.0	33.0	33.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2
H6	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H7	33.0	33.0	33.0	33.0	33.0	36.7	38.3	38.4	38.4	38.5	38.5	38.5
H8	33.0	33.0	33.0	33.0	33.0	33.0	34.7	35.0	35.0	35.0	35.0	35.0
H9	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H10	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H11	33.0	33.0	33.0	33.0	33.0	36.6	38.2	38.3	38.4	38.4	38.4	38.4
H12	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H13	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H14	33.0	33.0	33.0	33.0	33.0	33.1	35.2	35.5	35.5	35.5	35.5	35.5
H15	33.0	33.0	33.0	33.0	33.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2

Table C - Dwellings

ID	Address	Easting*	Northing*
H1	Brynbedw House	290444	193183
H2	1 Greenfield Terrace	294341	195716
H3	Nantymoel Farm	293130	193296
H4	Bryn Eglur	289909	193514
H5	60 Vale View Terrace	293425	193458
H6	13 Scotch Street	289339	196040
H7	14 Pwllgarn Terrace	290069	193653
H8	Residential Caravan	290722	193207
H9	Abergwynfi	289368	196146
H10	Blaen Cwmdu Farm	287709	192104
H11	Blaengarw	290048	193644
H12	Bryn Coed	287062	195082
H13	40 High Street	289431	196124
H14	30 Queen Street	290404	193174
H15	Ty-Talgarth	293626	193025

*Eastings and northings are included to show approximate location

Guidance for Noise Conditions

These notes are to be read with and form part of the noise conditions. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise emissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication entitled “The Assessment and Rating of Noise from Wind Farms” (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

Guidance Note 1

(a) Values of the LA90,10-minute noise statistic should be measured at the complainant’s property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent standard thereof). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3. These measurements shall be made in such a way to enable a tonal penalty to be applied in accordance with Guidance Note 3 to satisfy that the requirements of Guidance Note 3 shall also be satisfied.

(b) The microphone should be mounted at 1.2 - 1.5 m above ground level, fitted with a two layer windshield (or suitable alternative approved in writing from the relevant Local Planning Authority), and placed outside the complainant’s dwelling. Measurements should be made in “free-field” conditions. To achieve this, the microphone should be placed at least 3.5m away from the building facade or any reflecting surface except the ground at a location agreed with the relevant Local Planning Authority.

(c) The LA90,10min measurements shall be synchronised with measurements of the 10-

minute arithmetic mean wind speed and with operational data logged in accordance with Guidance Note 1(d), including power generation information for each wind turbine, from the turbine control systems of the wind farm.

(d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine and arithmetic mean power generated by each turbine, all in successive 10- minute periods. Unless an alternative procedure is previously agreed in writing with the relevant Planning Authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. All 10 minute arithmetic average mean wind speed data measured at hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10- minute periods shall commence on the hour and in 10- minute increments thereafter.

(e) Data provided to the relevant Local Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format with the exception of audio data which shall be supplied in the format in which it is recorded.

Guidance Note 2

(a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b). Such measurements shall provide valid data points for the range of wind speeds, wind directions, times of day and power generation requested by the Local Planning Authority. In specifying such conditions, the relevant Local Planning Authority shall have regard to those conditions which were most likely to have prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the noise limits.

(b) Valid data points are those that remain after all periods during rainfall have been excluded. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10minute period concurrent with the measurement periods set out in Note 1 (c) and is situated in the vicinity of the sound level meter.

(c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90, 10 minute noise measurements and corresponding values of the 10- minute wind speed, as derived from the standardised ten metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the standardised mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Guidance Note 3

Where, in the opinion of the Local Planning Authority, noise emissions at the location or locations where assessment measurements are being undertaken contain a tonal component, the following rating procedure shall be used:

(a) For each 10-minute interval for which LA90, 10-minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise emissions during 2 minutes of each 10-minute period. The 2-minute periods should be

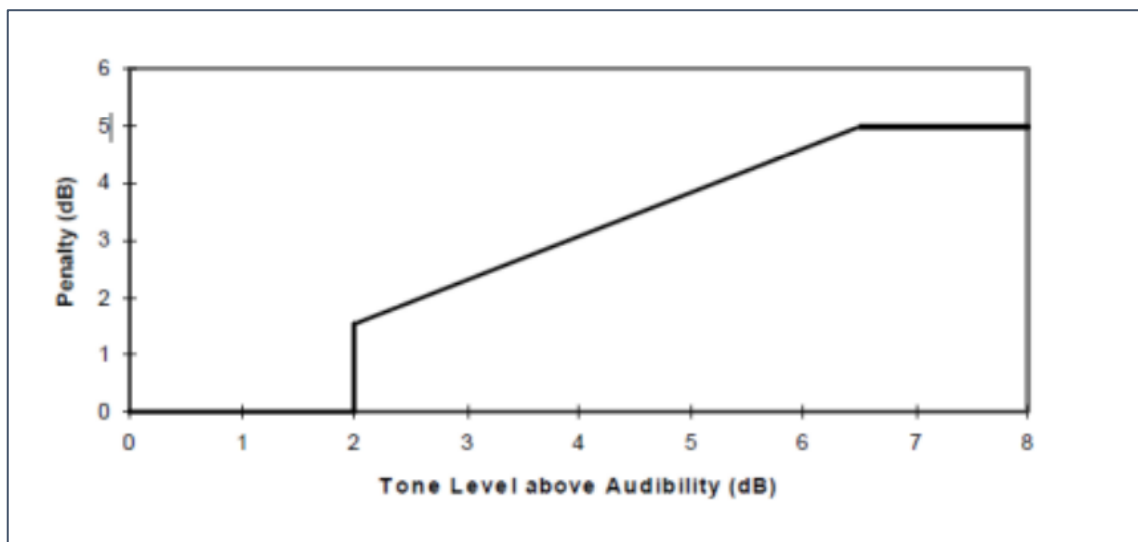
spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available (“the standard procedure”). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.

(b) For each of the 2-minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.

(c) The arithmetic average margin above audibility shall be calculated for each wind speed bin where data is available, each bin being 1 metre per second wide and centred on integer wind speeds. For samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.

(d) The tonal penalty shall be derived from the margin above audibility of the tone according to the figure below. The rating level at each wind speed shall be calculated as the arithmetic sum of the wind farm noise level, as determined from the best-fit curve described in Note 2, and the penalty for tonal noise.

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



Guidance Note 4

(a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the relevant Local Planning Authority in its written assessment protocol.

(b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.

(c) In the event that the rating level is above the limit(s) set out in Tables A1 to A6 and B1 to B6 attached to the noise conditions or the noise limits for alternative agreed

complainant's dwelling, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise emission from the site, hereby consented, only.

(d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant reasonably requires to undertake the further assessment or any other assessment to determine compliance with Tables A1 to A6 and B1 to B6 as attached. The further assessment shall be undertaken in accordance with the following steps: i. Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range requested by the relevant Local Planning Authority in its written request and the approved protocol. ii. The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

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

iii. The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Guidance Note 3) to the derived wind farm noise L1 at that integer wind speed. iv. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note (iii) above) at any integer wind speed exceeds the values set out in Tables A1 to A6 and B1 to B6 or exceeds the noise limits approved by the relevant Local Planning Authority for an alternative agreed complainant's dwelling then the development fails to comply with the conditions.

Notification of initiation of development and display of notice

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties include the following:

Notice of initiation of development

Before beginning any development to which this planning permission relates, notice must be given to the Local Planning Authority in the form set out in Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details which must be given to the Local Planning Authority to comply with this duty.

Display of notice

The person carrying out development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details the person carrying out development must display to comply with this duty. The person carrying out development must ensure the notice is: (a) firmly affixed and displayed in a prominent place at or near the place where the development is being carried out; (b) legible and easily visible to the public without having to enter the site; and (c) printed on durable material. The person carrying out development should take reasonable steps to

	protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.
--	---

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None

This page is intentionally left blank

Appeals

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

APPEAL NO.	CAS-03034-Z4Z4H7 (1997)
APPLICATION NO.	P/23/192/FUL
APPELLANT	Mr E EVANS
SUBJECT OF APPEAL	DETACHED 2 BEDROOM HOUSE: 4 NEW COTTAGES PENYFAI
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed dwelling, by reason of its siting and design, would directly and unreasonably overlook the rear amenity areas and private garden spaces of properties to the immediate rear of the site, namely 24 & 26 Protheroe Avenue, contrary to policy SP2 of the Bridgend Local Development Plan (2013), advice contained within Supplementary Planning Guidance 02 - Householder Development and Planning Policy Wales, Edition 11 (February, 2021).
2. The proposed development will generate additional demand for on-street parking in close proximity to the nearby road junction and school entrance, to the detriment of highway safety, contrary to policies SP2 and SP3 of the Bridgend Local Development Plan (2013), advice contained within Supplementary Planning Guidance SPG17: Parking Standards and Planning Policy Wales, Edition 11 (February, 2021).

APPEAL NO.	CAS-03042-Z4W3W1 (1998)
APPLICATION NO.	ENF/196/17/A21
APPELLANT	MR W TOTTERDALE
SUBJECT OF APPEAL	UNTIDY LAND: 4 ST NICHOLAS ROAD BRIDGEND
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	ENFORCEMENT NOTICE

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

APPEAL NO.	CAS-03071-C2M9Y2 (2000)
APPLICATION NO.	P/23/360/FUL
APPELLANT	MR D FLOWER
SUBJECT OF APPEAL	RETENTION OF FRENCH DOORS AND BALCONY AS BUILT: 28 SANDERLING WAY PORTHCAWL
PROCEDURE	HOUSEHOLDER

DECISION LEVEL DELEGATED OFFICER

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

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

RECOMMENDATION

That the report of the Corporate Director Communities be noted.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers (see application reference number)



Appeal Decision

by Helen Smith BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 09/02/2024

Appeal reference: CAS-03071-C2M9Y2

Site address: 28 Ffordd Sanderling, Nottage, Porthcawl, CF36 3TD

- 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 David Flower against the decision of Bridgend County Borough Council.
 - The application Ref P/23/360/FUL, dated 1 June 2023, was refused by notice dated 13 September 2023.
 - The development is described as 'retention of French doors and balcony as built'.
 - A site visit was made on 17 January 2024.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The development has been completed and I have therefore considered the appeal on the basis that it seeks retrospective planning permission.

Main Issue

3. This is the effect of the development on the living conditions of the occupiers of No. 29 Ffordd Sanderling (No. 29), having particular regard to privacy.

Reasons

4. The appeal site relates to a modern detached dwelling located within a cul de sac. Due to the orientation and layout of the street, the adjacent dwelling, No. 29, is situated in front of the appeal property, separated by a detached garage and the driveway serving the appeal site. Planning permission has been granted for a dormer extension with facing windows on the front of the appeal property, however the appeal seeks to regularise the insertion of full glazed French doors and a balcony with a glass balustrade. The dormer and balcony face towards the rear garden of No. 29, and at my site visit I observed that the room which the French doors are serving is used as a lounge area with a settee and chairs.
5. Policy SP2 of the Bridgend Local Development Plan (LDP) seeks to, amongst other things, ensure that the viability and amenity of neighbouring uses and their

users/occupiers are not adversely affected. The Bridgend County Borough Council Householder Development Supplementary Planning Guidance 02 (SPG) provides additional advice to ensure that extensions respect the privacy of neighbouring houses. In regards to balconies, the SPG recognises that while few rear gardens are entirely private, some features can create a sense of unreasonable overlooking in neighbouring properties and that balconies often cause the greatest difficulty. It further advises that if a balcony is proposed it should be located or screened to prevent or minimise overlooking.

6. I saw that there are views from within the dormer extension from the French doors into some of the garden area of No. 29. However, these views are set back and from within the room. Furthermore, they would be similar to the views that would have existed from the window subject to the previously approved planning permission (app ref: P/20/522/FUL). From my observations on site, the distance between the French doors and the boundary of No. 29 are sufficient to ensure that the level of overlooking from within the room is acceptable and do not significantly harm the privacy of the occupiers of No.29.
7. Nevertheless, there are elevated, clear and direct views from the balcony into the majority of the rear garden of No. 29. Given the balcony's significant elevation and close proximity to the side boundary of No. 29, the roof of the intervening garage only screens a small proportion of the garden. The balcony therefore results in a level of overlooking of the garden area to No. 29 that is far more intrusive than those views from the French doors. The balcony, whilst modest in size, is large enough to accommodate several chairs and potentially a table and still have sufficient space for people to stand. Whilst the appellant contends that the balcony is only intended for use as a relatively small 'passive' sitting area, the intensity and frequency of its use could not be controlled. Furthermore, it would be more attractive during the summer months at a time when the occupiers of No. 29 would be more likely to use their garden area. Both parties are in general agreement that the distance from the balcony to the neighbouring property falls just below recommended separation distances in the SPG. Nonetheless, for the reasons given above, I find that the balcony results in a level of overlooking which significantly harms the privacy of the occupiers of No. 29. I note that the neighbouring occupiers have not objected to the development, nevertheless this would not justify the identified harm.
8. Whilst the use of obscure glazing on the 1.2m high balcony enclosure would limit views of the garden area when sitting in a chair on the balcony, it would not prevent direct views when standing, nor prevent an unacceptable perception of being overlooked for the neighbouring residents. The appellant has suggested alternative design options that include a higher obscure glazed screen on the front of the balcony or replacement with inward opening French doors and a Juliette balcony. However, the appeal process cannot be used to evolve a scheme and it would be for the appellant to submit an alternative scheme to the Council.
9. I conclude that the development causes significant harm to the living conditions of the occupiers of No. 29 with regard to privacy, contrary to policy SP2 of the LDP and the objectives of the SPG.

Conclusion

10. For the reasons set out above, and having regard to all matters raised, the appeal is dismissed.
11. 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.

Ref: CAS-03071-C2M9Y2

H Smith

INSPECTOR

This page is intentionally left blank

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO DEVELOPMENT CONTROL COMMITTEE

22 FEBRUARY 2024

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

UPDATE TO MEMBERS REGARDING AN APPLICATION BY MULBERRY HOMES LTD.

APP. NO. P/21/301/FUL - LAND REAR OF WAUNSCIL AVENUE EXTENDING TO THE REAR OF MORFA STREET, BRIDGEND - ERECTION OF 70 DWELLINGS, COMMUNITY ROUTE AND ASSOCIATED PLAY AREA AND PUBLIC OPEN (WHICH IS NOW THE SUBJECT OF AN APPEAL)

1. Purpose of Report

- 1.1 The purpose of this report is to update Members of the Development Control Committee on a recent appeal against non-determination for a proposed residential development on land to the rear of Waunscil Avenue, Bridgend.

2. Connection to Corporate Well-being Objectives/Other Corporate Priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**.
- 2.2 **Supporting a successful sustainable economy** – taking steps to make the County Borough a great place to do business, for people to live, work, study and visit and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the County Borough.

3. REPORT

- 3.1 Planning application P/21/301/FUL was originally submitted to the Local Planning Authority on 24 December 2020 but validated on 20 April 2021 following the submission of the Environmental Statement and Pre-Application Consultation Report.
- 3.2 Following an extended period of consultation, the Council provided the Applicant's agent a review of the Application setting out the Council's objections to the scheme, in terms of principles and details. Notwithstanding the fundamental objections to the development proposal, the Applicant's agent sought to engage with the Local Planning Authority to address the technical concerns.
- 3.3 On 31 May 2022, an updated Environmental Statement (**ES**) was submitted which included a Preliminary Ecological Appraisal, Arboricultural Impact Assessment and Transport Assessment. A detailed response to all other technical matters that had been raised through the consultation response was also included. Re-consultations were undertaken, and the Application was advertised in accordance with the regulations.
- 3.4 On 28 July 2022, revised site layout plans were submitted that sought to address a number of matters including concerns regarding car parking for plots 26-60. Revised engineering drawings including minor changes to the site drainage were also attached to the agent's communication.
- 3.5 The final revision to the ES was submitted by the Applicant's agent on 30 September 2022. This was in response to additional documents and plans that had been prepared in connection with the Application, in particular the update to the Preliminary Ecological Appraisal and Transport Assessment. Re-consultations were again undertaken, and the Application was advertised in accordance with the regulations.

3.6 On 23 December 2022, Mulberry Homes Ltd. (“**Appellant**”) submitted an appeal against non-determination (“**Appeal**”) to Planning and Environment Decisions Wales (**PEDW**). In an email dated 21 November 2023, PEDW confirmed that an appeal had been received and validated. Under the delegated powers given to the Group Manager Planning and Development Services, it has been resolved that a refusal notice would have been issued for Application P/21/301/FUL. The reasons for refusal would have been as follows:

1. The proposed development, by reason of its design, does not promote the provision of Accessible Natural Greenspace on this land contrary to Policy COM 13 (9) of the Bridgend Local Development Plan and consequently the development of this site for housing would be to the detriment of nature conservation, biodiversity and the quality of life of local residents and the wider community and contrary to the objectives of the Bridgend Local Development Plan and advice contained within Future Wales – the National Plan 2040 and Planning Policy Wales 11 (Feb. 2021).

2. The proposed development does not accord with the Council’s Placemaking Policy SP2 and the Strategic Placemaking Principles of Future Wales: The National Development Plan 2040 as well as advice contained within Planning Policy Wales 11 for the following reasons:

(i) The development will not safeguard and enhance existing green infrastructure on site and no information has been provided as to how net benefit for biodiversity will be achieved through securing immediate and long-term, measurable, and demonstrable benefits on site.

(ii) The house design (standard house types) and housing layout will create a poor ‘townscape’, dominated by parked cars and lacking character, variation, and architectural detail.

(iii) The scale and proximity of the housing, with specific reference to Plots 15 and 16, 20-25 and 26-42 will unacceptably affect the living conditions of existing residents through a loss of privacy and a domination of outlook, exacerbated through a failure to safeguard and enhance existing landscape features.

(iv) The lack of garden space for future residents, (Plots 11, 12, 14, 15, 19, 20, 63, 64 and the terrace on plots 66-69) will provide a poor living environment for future residents of these properties.

3. The proposed development fails to provide and/or secure the required upgrade of the current MOVA system operating on the junction of Tremains Road/Coychurch Road/Asda to sufficiently mitigate the impact of the development on the highway network, contrary to Policies SP2 and SP3 of the Bridgend Local Development Plan 2013 and advice contained within Planning Policy Wales 11 (Feb. 2021).

4. The proposed layout does not provide adequate off-street parking facilities and would therefore generate a greater demand for on street parking to the detriment of highway safety, contrary to Policies SP3 and PLA11 of the Bridgend Local Development Plan (2013) and Supplementary Planning Guidance (SPG) 17: Parking Standards (2011).

5. Insufficient information has been submitted with this application to demonstrate that surface water from this development could be managed in accordance with the Statutory Standards for Sustainable Drainage Systems – Designing, Constructing, Operating, and maintaining surface water drainage systems published by Welsh Government in 2018 and Policy SP2 of the Bridgend Local Development Plan 2013.

3.7 A copy of the Officer’s Report is attached as **APPENDIX A** to the Development Control Committee Report and has formed the basis of the Council’s statement in respect of the planning Appeal.

3.8 Members should be aware that the Council has submitted its statement to PEDW and a decision on the Appeal is expected in Spring 2024.

4. Effect Upon Policy Framework and Procedure Rules

4.1 None

5. Equality Act 2010 Implications

5.1 None

6. Well-being of Future Generations (Wales) Act 2015 Implications

6.1 None

7. Financial implications

7.1 The Appellant has not made an application for costs as part of the Appeal process.

8. RECOMMENDATION

- (1) That Members note the resolution of the Group Manager Planning and Development Services to refuse Application P/21/301/FUL for the reasons set out above and in the Officer's Report, attached as **APPENDIX A**
- (2) Officers will report the outcome of the Appeal to a future DC Committee meeting as part of the standard Appeals agenda item.

Janine Nightingale
CORPORATE DIRECTOR COMMUNITIES
22 February 2024

Contact officer: Phil Thomas
Team Leader - East

Telephone: (01656) 643173

Email: Phil.Thomas2@bridgend.gov.uk

Address: Planning and Development Services
Communities Directorate
Civic Offices
Angel Street
Bridgend
CF31 4WB

Background documents:

Appendix 1 P/21/301/FUL – Officer's Report dated 13.12.2023 (Refusal)

- REFERENCE:** P/21/301/FUL
- APPLICANT:** Mulberry Homes Ltd c/o Tetlow King Planning, Unit 2, Eclipse Office Park, 3 High Street, Staple Hill, Bristol, BS16 5EL
- LOCATION:** Land rear of Waunscil Avenue extending to the rear of Morfa Street Bridgend CF31 1TG
- PROPOSAL:** Erection of 70 dwellings, community route and associated play area and public open.

APPLICATION/SITE DESCRIPTION

Mulberry Homes Ltd have submitted, through their agent, a detailed application to construct 70 dwellings and an associated community route, play area and open space on land that lies to the rear of properties on the Brackla Housing Estate, to the east and residential areas in Bridgend Town, to the west.

The application site has a lengthy and complex planning history which is addressed later in this report. It is a long linear strip of land passing between housing areas of different types and ages. It was formerly railway land with the rail line running partly through a cutting, and partly on an embankment. Along its northern section the line ran on a raised embankment, about four to five metres above the level of existing properties on Charles Street, Vernon Street and Herbert Street. The sidewalls of existing neighbouring properties on the western side of the embankment are situated close to the site boundary. Properties on the eastern side of the embankment have a similar relationship and whilst the difference in levels may not be so great, a number of properties on Heol y Coed Rise, Heol Brynglas, and Clos y Waun directly face the embankment.

The southern part of the site is where the railway went into cutting, but it has since been filled to the same level as the adjoining land. Properties on the eastern side form part of the Brackla Housing Estate and comprise mainly bungalows that face towards the site at varying distances on Chorleywood Close and Gwaun Coed. A number of two storey units occupy the southern plots on Gwaun Coed. The properties on Waunscil Avenue to west are all two storey units and are part of a post-war social housing scheme which have garden lengths which are generally similar reflecting the planned nature of the site. Boundaries are defined by a mix of wall, fences, trees, and hedgerows along much of the development site. A number of trees are protected at the rear of 28 Gwaun Coed.

The site is approximately 730 metres in length stretching from the boundary with 39 Charles Street in the north to 66-68 Waunscil Avenue in the south. The width of the site varies from about 21 to 45 metres. It is overgrown and enclosed with some self-seeded trees and hedgerows along the boundaries.

The proposed housing development will access the public highway from Waunscil Avenue over a section of highway that currently provides vehicular access to the adjacent units and pedestrian access into the Brackla Housing Estate to the east and over the existing railway bridge. The Waunscil Spur will be modified to provide vehicle and pedestrian access into the site, as detailed on the submitted layout plans. From a new 'T' junction, new estate roads will run in a northerly and southerly direction serving Plots 1-25 (25 units) to the south and Plots 26-70 (45 units) to the north.

The highway construction which will include a carriageway, footpath, and community path, (Active Travel Route) will follow a north-south alignment on the western boundary of the site, over the two watermains that lie beneath ground. Dwellings on the southern part of the site are served off two private drives (plots 1-5 and plots 12-19) with the remaining units

accessing the highway via parking spaces/driveways alongside the dwellings.

Two house types are proposed on the southern part – the KK3S, a 3-bed semi-detached dwelling of the following dimensions: footprint (including porch) of 12.2m x 4.3m with a pitched roof accommodating a dormer to the front and roof lights to the rear reaching a height of 10.2m and the JEN, a 3-bed detached of the following dimensions: footprint (including porch) of 9.8m x 5.5m with a pitched roof including small pitched roof dormers on the front and rear reaching a height of 10.1m.

Plots 1-11 occupy a central position on the site, fronting either the new estate road or private drive with the rear elevations looking toward the eastern site boundary that is shared with a number of properties on Gwaun Coed. Set back from the rear boundaries of the respective plots range from 5.5m to 8.2m.

Plots 12-19 comprise 8 units fronting a private drive/shared surface with the rear boundaries of the plots immediately adjoining plots 11 and 20 on the submitted layout. Rear gardens on these plots again vary in length from 5.2m to 10m. The orientation of this group of dwellings is such that the side elevation of plots 15 and 16 will run parallel to the eastern boundary of the site which is immediately shared with the rear gardens of 25-28 Gwaun Coed. The 10.2m high house type will be positioned a minimum of 2.2m from the new boundary that will be formed with the removal of on-site vegetation.

Plots 20-23 will also occupy the central part of the site fronting the estate road and will be positioned between 10.5m and 14m from the shared boundary with 28 Gwaun Coed which is currently defined by existing trees and vegetation. Plots 24 and 25 are set back a greater distance from the highway to accommodate the required parking arrangements and distances from the rear elevation of the proposed dwellings to the site boundary range from 9m to 10.6m.

The parapet walls of the retained railway bridge represent the split between the southern and northern parts of the site and will accommodate the pedestrian/cycle links to the Brackla Housing Estate to the east.

Five house types are proposed on the northern part – the KK3S, which is detailed above, the MR a 4-bed detached dwelling of the following dimensions: footprint of 9.5m x 6.6m with a pitched roof reaching a height of 8.8m; the KTP, a 4-bed, 2.5 storey semi-detached/terrace unit of the following dimensions: footprint of 4.6m x 9.9m with a pitched roof including a dormer on the front and roof light on the rear reaching a height of 10m; the D, a split-level, 2/3 storey 3-bed terrace unit of the following dimensions: 9.6m x 4.8m with a pitched roof measuring 8.1m. Eaves height will measure 5m at the front and 7.4m at the rear and the FOG – Flat over Garage house type being a 2-bed coach house of the following dimensions: 12m x 5.9m with a pitched roof reaching a height of 7.8m

Plots 26 to 60 will front the estate road and overlook the eastern site boundary which is in part shared with existing properties on Chorleywood Close. Apart from plots 26 & 27, the dwellings will be in blocks of three units with narrow pathways providing limited space between the units and creating almost a terrace of 35 units. Parking bays will front all the units with the rear elevations being set back just over 11m from the eastern boundary which is currently defined by a mix of trees, vegetation and the rear fences and walls of the properties on Chorleywood Close. Plans indicate that much of the existing vegetation will be cleared to accommodate the development.

Plots 61 and 62 will be occupied by two detached 4-bed units although their orientation is not clear on the submitted layout plan. They appear to face a southerly direction with plot 61 overlooking parking spaces that will serve the property and plot 62 overlooking an extended

turning head at the northern end of the new estate road. Rear garden lengths vary, (between 7m and 8m) and will face the side elevation of Plot 70 which is the 'Flat Over Garage' unit. Parking for plot 62 will be provided under the FOG unit.

Plots 65 to 69 will accommodate the terrace of 3-bed units and will be constructed across the falling levels, necessitating the split-level design. The two-storey frontage will overlook a shared surface that will serve the FOG on plot 70 and a parade of car parking spaces. The rear three storey elevation will look down over a play area and the community route as it travels north on the former railway embankment to the east of Herbert Street, Vernon Street and Charles Street. The rear gardens of the properties are not properly defined on the submitted plans but have an approximate length of 6.5m.

Plots 63 & 64 will accommodate a pair of 2.5 storey units facing south and fronting a bend in the estate road. Positioned toward the western boundary of the site, they will lie just outside the easement of the watermains and east of the proposed community route, (Active Travel route). Parking will not be provided on plot but in a parking area of shared surface driveway/turning area. Rear garden lengths range from 6.3m to 10.6m.

Plot 70 is the Flat over Garage unit that will front the shared surface driveway/turning area at the northern end of the site. It will provide spaces for Plots 62, 68 and 69 beneath the living accommodation and on bays fronting the unit. No private amenity space is provided for this unit.

In addition to the 70 units of living accommodation, the application proposes the construction of a community route for pedestrians and cyclists along the entire length of the site with links to the surrounding streets. The route lies adjacent to the western site boundary and will follow a generally straight alignment until it negotiates the change in levels at the point where the filled railway embankment terminates and the graded land transitions to the original railway embankment. The route will then run along the plateau at the top of the embankment and includes connecting paths to existing pedestrian links at the rear of Vernon Street with a stepped access provided onto the existing footway on the southern side of Charles Street. The route terminates at the high point of an embankment above the A4061 – Rotary Way. The submitted drawing for the northern part of the site indicates tree planting alongside the new route and describes the areas as POS – public open space, although these form part of the supporting embankment. The areas of open space and equipped play area on the graded land at the northern end of the housing represents the formal open space and play provision for the submitted scheme.

The application is subject to an Environmental Impact Assessment, following a direction issued by Welsh Government in 2008. The following documents have accompanied the application:

- Environmental Statement and Appendices by Tetlow King Planning (Amended September 2022)
 - Need for Proposal
 - Planning Context
 - Social and Economic Context
 - Views and Analysis of the Site
 - Ecology and Nature Conservation
 - Soils, Geology, Contamination, Water Quality and Hydrogeology
 - Traffic and Transport Sustainability
 - Utilities
 - Design Principles
- Environmental Statement – Non-Technical Summary by Tetlow King Planning

(Amended September 2022)

- Design and Access Statement by Tetlow King Planning (December 2020)
- Planning Statement by Tetlow King Planning (December 2020)
- Financial Viability Assessment by Laurence Rae Associates
- Pre-Application Consultation Report with Appendices by Tetlow King Planning (April 2021)
- Arboricultural Impact Assessment by Ascerta – August 2022 (inc. Tree Protection Plan)
- Preliminary Ecological Appraisal by Ascerta – September 2022 & Ecological Update Report by David Clements Ecology Limited
- Transportation Assessment by Laurence Rae Associates (submitted on 24/12/2020) & Transport Assessment Update May 2022
- Ground Investigation Report by CJ Associates Geotechnical Limited (August 2018) with Bore Hole Logs
- Gas and Groundwater Monitoring Results 2018 & 2019
- Site Investigation – Environmental Statement – Potential Landfill Contamination (December 2008) by CJ Associates Geotechnical Limited
- Existing Boreholes and Levels – Drawing No: 2811/SERV/01 – Revision A by Laurence Rae Associates Ltd
- Site Cross Sections 20-410 – Drawing No: 2811/CS/10 by Laurence Rae Associates Ltd
- New Storm and Foul Sewers Diversion of Gas and Water Mains – Drawing No: 2811/SERV/10 – Revision A by Laurence Rae Associates Ltd
- New Storm Sewer Outfall to Tremains Road – Drawing No: 2811/SERV/11
- Longitudinal Sections Community Path Road 1, Road 4, and Waunscil Spur – Drawing No: 2811/LSECT/02 by Laurence Rae Associates Ltd
- Planning Layout Refuse Vehicle (Site Layout South) Drawing No: 1000-10 Rev B (8)
- Community Path Connection to Rear Access Driveway – Drawing No: 2811/CP-CON/01 by Laurence Rae Associates Ltd

RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/00/282/OUT	Residential Development (Application in Outline).	Refused.	27/12/2000
P/01/36/OUT	91 Dwellings (Application in Outline)	Refused	
Appeal 1293	Appeal against the refusal of permission P/01/36/OUT	Allowed Subject to conditions.	27/03/2002
P/02/604/FUL	Application P/02/604/FUL for the erection of 107 units was refused planning permission. The subsequent appeal was dismissed.		
Appeal 1320	Appeal against non-determination of P/02/604/FUL	Dismissed	12/02/2003
P/03/237/FUL	Application P/03/237/FUL sought full planning permission for the construction of 86 dwellings and again was subject to a planning appeal – the appeal was dismissed.		
Appeal 1354	Appeal against non-determination of	Dismissed	22/04/2005

P/03/237/FUL

P/04/976/RES	Application P/04/976/RES sought consent for the approval of reserved matters pursuant to outline planning application P/01/36/OUT. An appeal was lodged against non-determination and dismissed.		
Appeal 1412	Appeal against non-determination of P/04/976/RES	Dismissed	22/04/2005
P/05/396/RLX	Application P/05/396/RLX sought consent to vary the standard condition imposed on the outline planning permission to allow an additional two years for the submission of an application for reserved matters.	Refused	
Appeal 1448	Appeal against refusal of permission for P/05/396/RLX	Allowed subject to conditions	26/10/2005
P/06/506/RES	95 dwellings together with associated parking, open space, and community route.	Refused	
Appeal 1518	Appeal against non-determination of P/06/506/RES	Dismissed	21/06/2007
P/08/349/FUL	Erection of 75 Dwellings	Minded to Refuse	
Appeal 1579	Appeal against refusal of permission P/08/349/FUL	Dismissed	15/02/2010
P/10/853/FUL	Erection of 75 Dwellings	Refused	13/05/2011
Appeal 1669	Appeal against the refusal of permission P/10/853/FUL	Dismissed	15/06/2012
P/17/75/FUL	Erection of 2 pairs of semi-detached houses (4) on former railway cutting (infilled) including associated site works.	Refused	22/06/2017
Appeal 1806	Appeal against the refusal of application P/17/75/FUL	Appeal Withdrawn	4/08/2017

CONSULTATION RESPONSES

Brackla Community Council: Following consideration of the Planning Application as well as detailed discussions, the Community Council wish to highlight the following points as evidence and argument against the above Planning Application:

1. The history of the applications by this Company previously registered as Paddle Homes Ltd is well documented and listed in para 2.17 of the Agents Planning Statement. We fully support the previous reasons for refusal of these applications by Bridgend County Borough

Council (BCBC) and the subsequent planning appeals by the Applicant that were dismissed by the Planning Inspectorate.

2. The Community Council feel that the Local Authority should recognize the numerous concerns that residents and we have raised over almost twenty years and the need to retain this valuable Greenfield asset. Whilst this application may fall outside of the parameters of section 70A of the Town and Country Planning Act 1990 (as amended) this should be a factor of consideration on this development. We are minded in the requirements laid down in the Development Management Manual and five ways of working, and as a general principle, that planning is concerned with land use from the point of view of the public interest.

3. More specifically we understand that the land in question was previously used as a railway track for the Vale of Glamorgan Railway and that no permanent structure was ever present. This fails to meet the definition of previously developed land as laid out in section 3 of PPW Edition 11. Therefore, we feel this parcel of land should not be classed as a brownfield site but recognised as an important green wedge with all that entails so far as the latest Welsh Government legislation and priorities dictate.

4. Furthermore, we consider this parcel of land as forming a natural green wedge boundary which clearly fits the purpose of a greenbelt preventing the coalescence of merging the settlements of Bridgend Town and Brackla as stated in para 3.67 of PPW Edition 11.

5. The David Clements Ecology report summary states "All of the habitats within the site are considered to be of Local Value to wildlife. The mosaic of grassland, scrub, trees, and woodland are known to support a range of common and widespread bird species, foraging bat species, invertebrates, and reptiles. Some of these species are known to be of conservation importance but only in the local importance. Local residents and we believe in the importance of Well-being through Placemaking and retaining this natural environment plays a key role in this. European protected species legislation should ensure that proposals of development works should not contravene this protection.

6. The same report makes reference to the issue of Japanese knotweed on this site which appears not to have been managed by the landowner and we feel that BCBC should consider taking action under the Town and Country Planning Act 1990 Wales through a section 215 notice to address this matter and the overgrown nature of the site.

7. The loss of habitat, mature trees and hedgerows would increase the carbon footprint for this area and coupled with a considerable increase in traffic flow, air pollution would also be increased. This would go against UK/Welsh Government key planning principles and Environmental legislation aimed at maximizing environmental protection and limiting the negative ecological impact.

8. The CJ Associates report of 2008 recognised the site is in a radon affected area and remedial measures would be necessary to reduce these levels below the government action level which was exceeded at the time of the report. This coupled with high methane gas readings and potential other contamination on the site would potentially only be exacerbated should any development be permitted.

9. The lack of a supporting Sustainable Drainage Systems (SuDS) report with this application makes it difficult to fully assess exactly how the developer proposes to deal with the considerable groundwater found on this site. The redirecting of the main sewer coupled with years of Building work is likely to cause unnecessary disruption and noise for adjoining properties. A great many elderly and long-established residents live within the

vicinity of this proposed development and the potential adverse impact to their well-being should be avoided at all costs. Many feel the approval of the development will impact on their privacy as their properties are currently not overlooked at all.

10. Section 6 of the Planning Application form indicates no known or suspected contamination for all or part of the site which appears to be at odds with the support documentation accompanying their Application.

11. Section 13 of the planning application form does not provide a clear indication of what we will be permitted by Welsh Water/DWR Cymru at this stage, and this will be critical to the development going forward.

12. Section 14 of the planning application form indicates that no provision has been included to incorporate areas to store and aid the collection of waste and no arrangements have been made for the separate storage and collection of recycled waste which is of great concern to us given the volume of development proposed.

13. Section 23 of this application form was obviously completed prior to the Agent realizing the need for a Pre-Application Consultation in Wales.

14. We commend and support the Welsh Government's goal to encourage walking, cycling and the use of public transport however we do not feel that this has yet been embraced extensively in the area, illustrated by many households still owning in excess of two cars. We feel that parking on the site will be inadequate, and this has been partly recognised in the Agent's rather small-scale plan under the heading Location Plan with red line A3 where they hope to widen an area of land at Waunscil Avenue to accommodate 'informal visitor parking'.

15. Realistically local opportunities for work are restrictive with the majority of these potential new residents have to commute by car to their place of work.

16. We understand that this area of land covered in Location Plan with red line A3 is owned by Valley 2Coast Housing and whilst the Agent includes the area within their red line boundary V2C are not shown under section 27 of the planning application form regarding land ownership certificates. This will need to be addressed and requisite notice given to V2C to comply with planning.

17. We believe the traffic report is somewhat optimistic regarding the overall impact on traffic from the development, due to the number of homes proposed and the fact that the increase in traffic linked to the local school, Penybont has not been taken into account. The traffic flow on Waunscil Avenue will also, we believe, further exacerbate the congestion ingress/egress of vehicles onto Cowbridge Road and subsequent motor pollution for existing local residents.

18. We believe that as one of the largest private housing estates in Europe, Brackla has reached saturation point in terms of further development, especially on the scale of this proposed site and the surrounding infrastructure, facilities and services are already oversubscribed.

19. We note that the Applicant has made no provision for affordable housing in their submission but are clearly aware of the requirements of policy COM5 and flag up the potential impact that this may have on the viability of this development stating that such a requirement will be subject to negotiation with BCBC. Based on the knowledge that previous applications have seemingly been refused on this matter we would have expected some form of pre-application discussion take place as part of the planning

application form process to clarify their actual intentions with this submission insofar as affordable housing inclusion. No pre-application indicated with BCBC in section 25.

20. We understand that the location of this proposed development has not been listed as one of the Candidate sites for the next Replacement LDP 2018-2033 and therefore is unlikely to support the Preferred Strategy compatibility especially as it is potentially a greenfield site.

For all the reasons stated above, the Community Council object to the application and recommend that it be rejected. Furthermore, the Community Council wish to recommend that the Landowners consider gifting this important protected asset to one of the many organisations throughout Brackla who will nurture and develop this land.

Bridgend Town Council: Object on the following grounds:

70 dwellings and associated services constitutes severe over intensification of construction on the restricted land available, in what can only be described as a narrow 'ribbon' development, sandwiched between existing and long-standing sections of residential properties.

The only vehicular and major pedestrian access for the entire development appears to rely on the existing Waunscil Avenue 'gap' which has been purposely left open over decades to allow free pedestrian access between the New Brackla Estate and Bridgend Town Centre. A single access would be wholly unacceptable in times of emergency. For example, should the Waunscil Avenue 'gap' become blocked, residents of any new development as proposed, would become trapped within a confined space with no alternative escape routes.

The recreational provision is wholly inadequate for a development of 70 dwellings – many of which would be likely to house families with young children. The proposed play area appears to be located outside the 'envelope of dwellings' and therefore distant from the majority of potential users.

70 dwellings will generate many additional vehicles and parking facilities within the site appear totally inadequate for so many extra vehicles. Suggested figures of increased traffic to and from the development would appear to be on the low side and highly speculative. The configuration of the highways within the development relies on the close proximity to the rear gardens of Waunscil Avenue and Napier Close and the light pollution from this highway, especially at night, would prove unacceptable to existing residents and cause noise disturbance at all hours.

The entire land in question forms an established green wedge of major environmental habitat between Old Brackla and New Brackla and is much used and enjoyed as an adventure play area by young people and by dog walkers from this part of urban Bridgend Town. The land is 'wild' in nature for the important purpose of providing an urban habitat for a myriad of wildlife and vegetation and contains extensive shrub and mature tree cover to enhance and enrich the local environment and retain a clear buffer between Old and New Brackla. Its loss would be a travesty and grave mistake in these times of attention to the richness of flora and fauna and the need to protect it. It could not be easily replicated once destroyed and eradicated from this locality. No amount of 'new landscaping' would achieve this.

That no social housing is provided within the development of 70 dwellings.

Cllr Ian Williams – Local Member – Bridgend Central:

I object to this application for the following reasons:

It's not in the LDP.

There's no social housing.

There's insufficient access.

The area is overdeveloped.

Loss of green space in an already overdeveloped area.

Cllr Steven Bletsoe – Local Member Bridgend Central:

I would like to raise a number of objections to the application based on my position as elected BCBC member for Bridgend Central.

This land is not designated as “housing” in the adopted LDP, whilst I know that we are in a housing shortage situation, I do not feel that this site, or the proposal properly deals with addressing that shortage. Which brings me on to a related point, this development has ZERO social housing provision and therefore does not meet the satisfactory level required for that either. My personal opinion is that every development of this size should provide some social housing.

I am also extremely concerned around the access into/out of the development with it not being satisfactory for the number of anticipated car journeys that a development of this size would generate. Waunscil Avenue is already struggling with the capacity it already serves with cars parked along its entire length and the plans state that a small area will satisfy informal visitor parking. For 70 properties? Nowhere near enough, and this plan would increase the strain that Waunscil Avenue already experiences.

Finally, the plans state that there is an associated play area, I have looked at the plans and cannot see anything at all, let alone something that would be big enough to satisfy this development.

Cllr John Spanswick – Local Member Brackla West Central

Due to the scale of the proposed development and the planning history of the site, I request that this matter be referred to the Development Control committee should officers be minded to recommend approval. In addition, it would be advisable for a full committee site meeting to take place prior to any report being submitted to the Development Control committee.

Cllr Lyn Walters – Former Local Member Bridgend Central:

The basis of my objections are as follows:

- Access to the new development along Waunscil Avenue is unsafe – there will be too much traffic along a narrow and busy road.
- Loss of green space and wild habitat
- This proposal is not within the current LDP.

Cllr N Burnett - Former Local Member Bridgend Central:

I am concerned by the narrow access road off Waunscil Avenue which will be the only vehicle access to this development. This is already a congested residential street, with insufficient parking for the number of properties. Cars are parked all along the street bumper to bumper day and night and also along the grass verges. Visibility both turning into and out of the street would be very poor. I am concerned for the safety of pedestrians and particularly school children walking to Penybont and to Brackla primary. I am also concerned for the safety of motorists and the need to reverse from the access road into the main highway.

I am concerned by the lack of visitor parking and by the narrow nature of the road and development. Parking at the side of the development would cause access issues by Waste disposal vehicles, emergency vehicles. Visitors would look to park in Waunscil Avenue, which is already suffering from poor on street parking.

I am concerned by the loss of this important green lung and natural boundary between the two very urban areas of old and new Brackla. This land is a wildlife haven and much used green space.

I am concerned by the lack of affordable housing planned for this site. This area is in great need of affordable homes to allow families to stay living within the town.

Transportation Officer (Highways)

The Highway Authority are mindful that since the previous observations of 9/9/21 several pieces of correspondence were exchanged, virtual meetings held, and a physical site meeting held with the Agent and the Transport consultant for the scheme. As a result, the situation in respect of the points of concern / objections progressed from those previous views and the following comments are provided as the updated position: -

Active Travel

The proposed development occupies part of the corridor of INM route INM-BR-24 and to this end the development proposals show a community route being provided along part of the site.

The route being proposed within the developed area of the site is considered broadly acceptable and can be suitably conditioned. Furthermore, it is considered that the provision of a spur path at the south-eastern corner of the site will enable it to be linked with existing section of active travel route (INM /BR-24) which heads South toward Coychurch Road. Again, this could be sought by condition. On the area of the site to the North of the developed area there is proposal to continue a route North partway along the remainder of the site (former railway embankment) and provide a ramp / link to the existing network at the rear of Charles Street / Vernon Street. This will enable INM-BR-24 to link with what is intended to be upgraded to become INM-BR-74. Accordingly, from an Active Travel perspective it is considered that the site has the ability to connect to the immediate network and would be acceptable.

Whilst the remainder of the site, to the North of Charles Street / Vernon Street, could be utilised toward the provision of the continuation of INM-BR-24 there are difficulties with linking to Rotary International Way to the North (this would be the corridor for INM-BR-27). In this instance it is considered that seeking the extension of the active travel route through this portion of the site would be unreasonable and may ultimately generate concerns of security and anti-social issues until such time as the two routes do connect meaningfully.

Traffic generation

The proposed development of 70 dwellings falls below the standard threshold for a TA given in TAN18 (100 dwellings) however it is considered that there are prevailing highway concerns in respect of capacity issues to the South of the site at the junction of Tremains Road with Coychurch Road sufficient to warrant an assessment. Notwithstanding the initial submission, significant work has been undertaken by the applicant in respect of the vehicular traffic generation of the site and the impact upon the above-named junction. In this regard it is considered that the concerns in respect of the capacity of this junction could be offset by a S106 financial contribution of £4,860 towards the re-phasing of this existing signalised junction and its neighbouring signalised junction (Tremains Road/ ASDA superstore). This sum would cover modifications to the signals (primarily additional signals heads at the ASDA junction), modification of the controller specification, site

commissioning, and MOVA data set modification & validation (at both junctions). Such works to rephase the junctions will facilitate greater capacity sufficient to offset the peak time traffic generation of the proposal.

On street parking

In respect of the above element our parking SPG (SPG17) indicates that residential sites such provide a maximum of 1 space per bedroom per unit (up to a maximum of three spaces per unit). Further visitor provision should be made at a ratio of 1 space per 5 units.

Whilst SPG 17 are maximum standards there are clear statements regarding residential parking a point of origin and not a destination and thus should be treated differently. A sustainability exercise reveals that the site would reach a score of 5 and thus does not achieve the score of 7 necessary to be able to reduce the parking requirements.

Accordingly, with all but one of the 70 units proposed to be 3 or 4 bedroom units this would require each of the 69 plots to provide 3 spaces. Plot 70 (Flat over Garage) is the only exception being a two-bedroom unit which would require two spaces. In addition, there is an requirement for an overall quantum of 14 visitor spaces throughout the development.

The Southern parcel of the site (Plots 1-25) has a site layout which provides for 2 spaces per unit which does not meet the standards. However, it is considered that the plots could accommodate a third space each and it is considered that a condition could seek such provision. The site layout also provides for kerbside space between individual driveways such that visitor parking could be accommodated in an on-street provision without unduly affecting driveways or the turning head.

The majority of the Northern parcel (Plots 26-60) is unfortunately a different situation. Without the units closer together there is no ability to provide parking to the side of the dwellings thus the space available to provide parking is limited to only the front gardens. Therefore, these narrower plots do not provide the same flexibility to increase the parking provision on each plot to meet the standard. Furthermore, the proximity of each vehicle access to its neighbour do not allow for kerbside overspill parking or visitor parking to meet the 42 space shortfall. With the width of the access road limited parking opposite the plots would affect resident's ability to enter and exit their driveways. It is anticipated that such limitations would lead to residents and visitors parking either half on carriageway / half on active travel route or completely on the active travel route to the detriment of pedestrian and highway safety and the encouragement of sustainable modes of travel.

The 10 units at Plots 61-70 again have only 2 spaces provided per dwelling and no visitor parking (2 required). The constraints of this area offer no ability to provide any of the 11 space shortfall such that any overspill parking will likely obstruct access to parking or more likely the ability to turn in the turning head adjacent to plot 60. Such obstruction would create difficulties servicing the properties with deliveries and refuse / recycling vehicles. In such instances vehicles may need to reverse an excessive distance to the site access adjacent to plot 26.

Accordingly, the Highway Authority opposes this application.

Right of Way Manager: The application has been forwarded to the Rights of Way section for comment because it appears that the development may affect a public right of way. Indeed, following receipt of the application, the Definitive Map was checked and I can confirm that Footpaths 2 and 3 Brackla would appear to affect the red line application boundary of the proposed development with Footpath 2 abutting the southern boundary of the site whilst Footpath 3 crosses through the site.

It is noted that the applicant has referred to two footpaths affecting the proposed development in the Design and Access Statement. However, with the prevalence of informal paths in the area, one cannot be confident that the applicant is actually referring to the two registered footpaths as only the one at the southern boundary of the site is marked on any of the plans. Furthermore, they have failed to mention how they would wish to deal with Footpath 3 Brackla, which crosses through the site, on a permanent basis.

On closer inspection of the plans submitted with the application, it would seem that the works associated with the proposed development would adversely affect public footpath 3 Brackla. I have also been unable to determine from those plans if the applicant is intending to store any materials adjacent to or on the footpath whilst construction works are undertaken if planning permission is granted. I should be grateful, therefore, if you would advise the applicant that the storage of materials on the footpath would not be permitted as access needs to be maintained along the footpath at all times for members of the public.

It is not clear from the application if any works would affect Footpath 2 Brackla which abuts the southern boundary of the site. Therefore, I would request confirmation from the applicant as to whether this footpath would be affected during the construction and completion of the development even if this is simply as a means of access to the site. If, any works associated with the development are likely to have an effect on the public footpath then I would also be grateful if you would advise the applicant that they will be responsible for reinstating the surface of the footpath, should any damage occur during the construction process, to the satisfaction of the Council's Rights of Way Section and at their own cost.

Although the Rights of Way Manger does not like to see public rights of way temporarily closed, he does understand that it may be necessary from time to time to temporarily close a route to allow for the implementation of planning permission. However, as an alternative the contractor may wish to employ a banksman, along with suitable signage, to allow the safe passage of machinery to and from the site which may not require a temporary closure.

The Rights of Way Section would object to planning application until such time as the applicant contacts the Rights of Way Section to discuss the existence of the two public footpaths; how they affect the development; and, what, if any, legal procedures will be required to protect them if the development is granted planning permission.

Land Drainage The application form states the development is not located within a flood risk zone, is not located within 20m of a watercourse and does not to propose to increase flood risk elsewhere. A review of the OS database notes the development is proposing to discharge surface water to a culverted watercourse located to the north of the site.

The application form states foul water will be disposed via the mains sewer. An outline foul drainage layout has been provided. The applicant shall contact DCWW to discuss the proposed connection to the public sewer.

The application form states surface water will be disposed to the main sewer. An outline surface water drainage plan has been provided, which identifies that surface water from the southern part of the development will drain to a public surface water sewer and surface water from the northern part of the development will drain to a culverted watercourse. There are two large water mains running parallel to the development, which also cross the inlet to the culverted watercourse. Given the easements associated with these water mains and the H&S issues around access to this location, the proposed discharge location for the northern section of development is not deemed suitable.

The development is over 100m² and serves more than 2 properties, therefore a SAB application will be required. Under the new sustainable drainage legislation, drainage serving 2 or more properties shall be adopted by the SUDs approving body and commuted sums are required for adoptable items. From an initial review of the outline drainage plan provided, the plans suggest that the new sustainable drainage legislation has not been considered for this development layout. It is unlikely that DCWW will grant the use of sustainable drainage features for the northern section of development, given the location of two large water mains with significant easement widths and the restricted width of the land associated with the drainage in this area. Based on the current proposals and given the H&S issues around access to the discharge location with DCWW water mains crossing the discharge location, it is unlikely that the current development proposals would comply with the sustainable drainage legislation.

Given the proposed discharge location for drainage serving the northern section of the development, the location of two large water mains running parallel to the site and the location of the water mains in relation to the proposed discharge location for surface water serving the northern part of the proposal, I object to the development proposals. To remove the objection the applicant shall identify an alternative discharge location for the northern section of the development and consider the sustainable drainage requirements serving the wider development.

Principal Structural Engineer: No objection subject to conditions.

Economy and Natural Resources Manager: I note the submission of the environmental statement and in general I'm in agreement with the ecological and non-statutory recommendations identified in section 7 of the statement. These recommendations include the need for more survey effort. These additional surveys would help address the issue that although a survey of the site was undertaken in February 2021 it relies on surveys undertaken in 2009, 2015 and 2018.

I also support that the site is of high local value as the site contains a number of Section 7 (of the Environment (Wales) Act 2016,) species and habitats. However, the environmental statement doesn't recognise that the development will undermine ecological connectivity in terms of habitat loss as a whole. In this respect, I consider the extent of loss of the various habitats identified is such that it couldn't be mitigated for and no suggestion of compensation for loss is identified elsewhere.

Therefore, I consider that the proposed development is out of accord with Section 6 of the Environment (Wales) Act. This Act places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems.

Dwr Cymru/Welsh Water: The site layout plan proposes for the development to be located within the easement zones (minimum of 5 meters either side) of these trunk watermains. This includes Plots 64 & 65 as the developer has noted, but also plots 1 & 2 located to the south of the site. The location of the watermains located adjacent to plots 1 & 2 do not appear to be shown on the attached layout drawing whereas our records indicate these watermains carry on south of the development site.

We believe our requirement for trial holes and also a scheme for the adequate protection of the mains may be able to be conditioned. However, this would be subject to the applicant willing to work with us/yourselves on satisfying any condition imposed on the planning consent. We have put together two potentially suitably worded conditions.

1). For the requirement of trial holes and protection scheme for watermain and 2). RAMS

to be submitted demonstrating the integrity of the mains whilst construction works are being undertaken on site.

Shared Regulatory Services – Environment Team: The applicant has submitted information from desk based environmental assessments and several phases of site-based investigations undertaken at the development from 2008 to 2019. This includes detailed contamination assessments and limited ground gas assessment undertaken by C J Associates in 2008 and supplementary monitoring in 2018/19. These assessments identify the need for remediation /mitigation works in order to ensure that the development is made suitable for use.

The applicant acknowledges the need for remediation and ground gas protection measures in relation to this. A remediation strategy and verification plan in line with current guidance will need to be submitted for approval in relation to the above. This will need to include, but not be limited to:

- A summary assessment and review of the risks from ground gas and contamination at the development in the context of current environmental standards
- Details of the site-specific proposals for ground gas protection measures and ground remediation
- Details of the verification process and records proposed to validate the completed works.

Should there be any importation of soils to develop the garden/landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.

Natural Resources Wales: We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching conditions to any permission granted in respect of land contamination and the submission of construction environmental management plan.

European Protected Species

We have considered the additional information submitted. We note that it is stated two trees on site had low bat roost potential and the remainder of the trees on site are comprised of those that did not display any features suitable for bats. As such we have no further comments to make with regard to European Protected Species.

Land Contamination

No new information relating to groundwater has been provided. Therefore, our advice and request for five conditions relating to land contamination as set out in our response dated 01/10/2021 remains.

Pollution Prevention

No new information relating to pollution prevention has been provided therefore our advice and request for a condition relating to Construction Environment Management Plan as set out in our response dated 01/10/2021 remains.

Water Quality – Drainage Scheme

We have considered the drainage information available on your website. With regards to

foul drainage we understand this is to be disposed of via foul sewer (indicated on the application form and drainage plan). We advise you liaise with DCWW regarding the acceptability of the foul drainage proposals. If there are any issues regarding this method of foul water disposal, please reconsult us. In terms of surface water, we requested a condition that included:

- Disposal of surface water drainage
- Installation of oil and petrol separators
- Installation of trapped gullies
- Installation of roof drainage – sealed at ground level.

We note that the drainage plan indicates method of surface water disposal (first bullet point), and the application form confirms that surface water is to be disposed of via mains sewer. We cannot locate any information regarding the last three bullet points. However, we understand that the application will be commented on by the SAB and that these points relating to pollution prevention/water quality should be considered under a SAB application. Should this not be the case please reconsult us.

Waste on Site

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be reused on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed-on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

South Wales Police – Designing Out Crime: I am generally pleased with the site layout. All the vehicle parking bays are within curtilage and/or overlooked. However, I have concerns in respect of the cycle route that runs to the rear of plots 1-5, and the pedestrian route that runs between plots 25 and 26. In respect of the pedestrian route that runs to the rear of plots 1-5, it provides access to the rear gardens of these properties and is not overlooked or direct. In respect of the footpath between plots 25 and 26, such paths between properties have caused issues for properties adjacent to them, with anti-social behaviour occurring on such connections. Pedestrian routes must be designed to ensure that they are visually open, direct, overlooked, lit, and well used. They must not undermine the defensible space of neighbourhoods as the above connections do. Routes must not ideally be segregated from one another or provide access to rear gardens as such paths have been proven to generate crime. Paths ideally should be 3 metres wide.

Ideally both connections would be designed out.

Entry onto the estate must be restricted to the designated routes.

PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

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

Letters of concern and objection have been received from the owner/occupiers of the following properties:

14, 15, 18, 24, 25, 28, 32, Gwaun Coed
12, 13, 14, 16, 17, 18, 19, 21, 25 Chorleywood Close
69, 126, 138, 156, 164 Waunscil Avenue
70, 72, 95, 101, 103 Morfa Street
24 Herbert Street
26 Vernon Street
23, 29, 33, 34, 39 Charles Street
2, 4 Napier Close
5 Tremains Court
46, 55, 59 Acland Road
Woodside, High View
13, 16 Penybank
42-44 High Street, Slough
Town Councillor David Unwin (Bridgend Town Councillor)
Community Councillor Lisa Lewis (Brackla Community Councillor)

A number of objections were submitted by Brackla Community Council from residents on the estate although the property addresses were not given to the Local Planning Authority.

The following is a summary of the objections received from residents in connection with the current application:

- Site is safeguarded by policies of the Bridgend Local Development Plan which define the land as 'Accessible Natural Greenspace' - the site is Green Wedge and should be protected from development - development contrary to adopted development plan.
- Insufficient infrastructure to cater for development – schools, doctors, dentists, hospitals, roads, and drainage – fails to provide affordable housing.
- Development viability is questionable - evidenced by the submitted information.
- Three storey houses would overlook neighbouring properties, (Gwaun Coed, Chorleywood Close and Waunscil Avenue) resulting in a loss of privacy and daylight - out of scale with surrounding development; users of the proposed route would overlook the gardens of neighbouring properties - difficult to assess further as the level plans do not mention the ground height for Chorleywood Close or indeed Gwaun Coed
- Information submitted in Transport Assessment is factually incorrect. Vehicle movements to site would conflict with pedestrians that access the Brackla Housing site - development will exacerbate problems of on-street parking on Waunscil Avenue; greatly increased traffic / footfall to an already busy area.
- Surrounding roads and junctions cannot accommodate the additional traffic that will be generated by the development – construction traffic would have a significant impact on the amenity of residents.
- Proposed parking allocation is deficient and could result in visitors parking in surrounding residential areas - how can a 3-bed house only be allocated a single parking space.
- The provision of footsteps linking to the community route at the end of Charles Street would create a new "leaky cul-de-sac" which is against "safer streets" planning guidance and may increase the vulnerability of the street to crime and anti-social behaviour.

- Plans do not accurately reflect the position of trees on site – existing trees are protected by an order and their root system could be affected by the new development – the development will result in the removal of all trees and vegetation which provide habitat for wildlife and screening for existing properties.
- Japanese Knotweed on site will not be properly managed - no agreed plan for its eradication.
- The site is a haven for flora and fauna – development proposes the complete removal which is not compliant with council and national policy.
- The site has evidence of concentrations of ground gas such as methane, the ground fill nature of the site means that the only viable foundation design will be pile foundations. The piling operation risks the release of such gases into the atmosphere along with the associated dangers of ignition and combustion along with poor air quality. The developer has a poor record of health and safety along with documented substandard building practices. This would compound the issue. Ground conditions have not been accurately assessed.
- Site is crossed by a number of apparatuses that will need to be diverted - this represents a significant development cost.
- Greatly increased noise pollution from traffic and construction
- The Council and Welsh Ministers have rejected this application previously.
- Proposed equipped play area is situated in a totally unsuitable location and out of site of the properties resulting in a possibly unsafe area for young children.
- The site cannot be properly drained – connections to the surface water sewers to the north of the site are unacceptable.

COMMENTS ON REPRESENTATIONS RECEIVED

Many of the objections offered by residents align with the main issues to be considered in the determination of the application and are therefore considered in the appraisal section of this report. Other matters will be addressed as follows:

The adequacy of infrastructure to serve the development is a planning consideration although refusing consent on the basis that medical facilities, (doctors, dentists, hospitals etc) cannot accommodate the patients would not be supported at appeal. This goes beyond the scope of planning legislation. The relevant health agencies are consulted when the Council prepares new development plans which include housing allocations. That said, this site would not have been factored into any calculations with regard to the adopted or replacement local development plan.

Evidence with respect to **Development viability** has accompanied the application and examined by officers of the Council. The site constraints will mean that development costs will be high and well above the average, a position accepted by a previous Inspector albeit the evidence submitted by the applicant company at that time was deficient. Consequently, the contributions towards education, affordable housing cannot be realised from this development. The key question is whether the benefits of the scheme outweigh the project's failure to make the contributions to infrastructure. That will be considered further in the appraisal section.

Japanese Knotweed is prevalent across the site and will need to be eradicated before any development could commence. It does represent a development cost, but this is a matter that could be addressed by the imposition of a planning condition.

Site is crossed by a number of apparatus that will need to be diverted - this represents a significant development cost – this is a further development cost but responses from the Drainage Bodies suggests that this could be dealt with by planning condition.

Greatly increased noise pollution from traffic and construction – two issues to be considered here with traffic, noise, and dust potentially being significant during construction. On such a constrained site, so close to existing properties, this will be challenging to control, but conditions require a phasing plan that control the rate of build along with a construction management plan may be able to control the excesses experienced during the building stages. Noise from the built, development – sound of vehicles and other domestic activities has been considered by Inspectors previously and on the basis that the site lies within a built-up residential area in which domestic noise is normal, they have concluded that the proposal would not create an unacceptable disturbance.

The Council and Welsh Ministers have rejected this application previously – this is indeed the case and a layout similar to this was dismissed at appeal. It does not however prevent the applicant from applying for planning permission again.

POLICY CONTEXT

Local Policies

The Bridgend Local Development Plan 2006-2021 (LDP) was formally adopted by the Council in September 2013 and within which the following policies and Supplementary Planning Guidance (SPG) are relevant:

Policy SP1	Regeneration Led Development
Policy PLA1	Settlement Hierarchy and Urban Management
Policy SP2	Design and Sustainable Place Making
Policy PLA4	Climate Change and Peak Oil
Policy SP3	Strategic Transport Planning Principles
Policy PLA7	Transportation Proposals
Policy PLA9	Development affecting Public Rights of Way
Policy PLA11	Parking Standards
Policy SP4	Conservation and Enhancement of the Natural Environment
Policy ENV5	Green Infrastructure
Policy ENV 6	Nature Conservation
Policy ENV 7	Natural Resource Protection and Public Health
Policy COM3	Residential Re-Use of a Building or Land
Policy COM4	Residential Density
Policy COM5	Affordable Housing
Policy SP13	Social and Community Facilities
Policy COM11	Provision of Outdoor Recreation Facilities
Policy COM13	Provision of Accessible Natural Greenspace
Policy SP14	Infrastructure

The Council has also produced the following Supplementary Planning Guidance (SPG) which is relevant to this proposal: -

SPG08: Residential Development

SPG13: Affordable Housing
SPG16: Educational Facilities and Residential Development
SPG17: Parking Standards
SPG19: Biodiversity and Development

National Policies

The following Welsh Government Planning Policy is relevant to the determination of this appeal:

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 15 Development and Flood Risk
Planning Policy Wales TAN 18 Transport

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 compromising the ability of future generations to meet their own needs (Section 5). The well-being goals identified in the act are:

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

THE 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 main considerations in the assessment of this application relate to the following:

- whether the form of development proposed accords with the site's allocation in the Bridgend Local Development Plan
- whether the accessibility of the site will reduce the need to travel by prioritising walking, cycling and public transport and whether the traffic generated by the development can be accommodated on the existing network without detriment to highway safety.
- the impact of the scheme on the natural environment and whether the scheme provides a net benefit of biodiversity.
- the design and layout of the development and the potential impact on the living conditions and future well-being of adjacent residents and the future occupiers of the proposed housing

- the effect of the development on the existing drainage systems and connected flood risk
- whether the ground conditions can support the development and whether the mitigation required is achievable through the grant of planning permission
- whether development viability affects the level of developer contributions that under the terms of the policies of the adopted development plan should be provided

Whether the form of development proposed accords with the site's allocation in the Bridgend Local Development Plan

National Policy confirms that the plan-led approach is the most effective way to secure sustainable development. For the purposes of this application and at this time, the Bridgend Local Development Plan (2013) is the adopted plan. Its replacement is still under examination and its adoption is not likely until the Spring/Summer of 2024.

This application site is located within the primary key settlement of Bridgend as defined by Policy PLA1 Settlement Hierarchy and Urban Management. All development will need 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, (Policy SP2 refers). Furthermore, schemes will need to promote safe, sustainable, and healthy forms of transport through good design, enhanced walking and cycling provision, and improved public transport provision. Policy PLA7 safeguards and allocates a number of strategic transportation improvements which includes a walking/cycling route, running roughly north to south on the application site. Such routes should provide opportunities to reduce congestion and provide enhanced facilities for walking and cycling and encouraging more sustainable travel within the County Borough.

Policy COM3 states that residential developments within settlement boundaries defined in Policy PLA1 on windfall and small-scale sites for the re-use of vacant or under-utilised land, will be permitted where no other policy protects the building or land for an existing or alternative use. The Council acknowledges that the proposed site would classify as a windfall site under Policy COM3, which could make a contribution to the overall housing supply and affordable housing provision.

Previously developed land, such as the application site should, wherever possible, be used in preference to greenfield sites where it is suitable for development. (Para 3.55 PPW11). In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. National policy does however recognise that not all previously developed land is suitable for development.

Retaining natural greenspace contributes to a healthy environment and mental and physical well-being and Policy COM13 of the LDP promote the provision of accessible natural greenspace (including public open space) wherever suitable opportunities arise. In this respect, the land off Waunscil Avenue, which includes all of the application is identified and protected for such a use, (COM13 (9) refers) – See **PLAN 1**. Areas of Natural Greenspace provide the opportunity for a mixture of activities to be enjoyed by all ages of the community. COM13 promotes the provision of such spaces, which include informal recreation spaces and communal green spaces in and around housing areas. Such areas are important components of the wider green infrastructure network to protect and enhance biodiversity and ecological resilience, whilst improving well-being outcomes. PPW highlights how informal, accessible green spaces can promote nature conservation, biodiversity, and better air quality to enhance the quality of life of individuals and communities.

In Section 4 of the submitted Planning Statement, the applicant's agent indicates that the proposed housing development accords with Policies in SP1 and PLA1 – that being development within a defined settlement and regeneration growth area. In acknowledging that the site is specifically allocated and safeguarded as 'accessible natural greenspace,' it is suggested that compliance is achieved on the basis that only part of the site would be developed - the southern half which would be occupied by housing and the associated highway infrastructure.

The remaining part of the site would accommodate the community route, open space, and play area. Reference has been made to the comments of previous appeal inspectors who suggested that the combination of housing, community route and open space would have the potential of meeting the aims of the Council's development plan. It should be noted that such decisions were made before the current development plan was adopted in 2013 and there is no reference in the wording of Policy COM13 that residential development at the scale proposed, with more than 50% of the useable space being taken by development, is compatible with the policy. Furthermore, a large percentage of the green space that is 'offered' by the development comprises a steep sided, former railway embankment. The Council contend that the retention and provision of green infrastructure and green space is critical for communities if the placemaking agenda and well-being goals of national and local policy are to be achieved.

Having regard to national policy, the allocation will be continued in the Replacement Local Development Plan under Policy COM11. The wording of the policy has been challenged and was considered at the hearing sessions held in March 2023. The agent acting on behalf of the applicant on this submission made representation that the wording of the policy should include, (see italicised text) ...*'the provision of accessible, Natural and Semi-Natural Greenspace (including Amenity Green Space) wherever suitable opportunities arise, including by supporting wider development proposals that enable the realisation of and greater accessibility to such space.* The Council resisted the change to the policy but suggested the text in the supporting paragraph could be amended instead as per the italicised text below.

"5.3.68 In addition to the benefits of formal recreation provision, PPW highlights how informal, yet high quality and accessible green spaces can promote nature conservation, biodiversity, and better air quality to enhance the quality of life of individuals and communities. Such spaces also have a role in climate protection and in enabling the adaptation of urban areas to the impacts of climate change, for example by contributing to flood management and helping to reduce the effects of urban heat islands. Natural and Semi-Natural Greenspace and Amenity Green Space are less formal in character than Outdoor Recreation Facilities and provide the opportunity for a mixture of activities to be enjoyed by all ages of the community. COM11 promotes the provision of such spaces, which include informal recreation spaces and communal green spaces in and around housing areas. Such areas are important components of the wider green infrastructure network to protect and enhance biodiversity and ecological resilience, whilst improving well-being outcomes in accordance with DNP8. *Development proposals that provide an enhanced level of accessibility to natural and semi-natural greenspace (including amenity greenspace) may be supported subject to other policies in the RLDP.*"

The agent agreed as did the Inspector and it is expected that the revised wording of the policy will be carried through to the adopted plan.

Further justification for the proposed development is offered by the applicant's agent with reference to the application delivering the walking and cycling proposal identified under Policy PLA7 and a suggestion that public funding will not deliver the proposal in the Development Plan period. The route proposed on the submitted plans does connect with the existing network to the south of the site but would terminate at the north with a stepped access to the existing pedestrian routes in Charles Street. With an increasing emphasis on walking and cycling and reducing the reliance on the private car, the Council does acknowledge that the provision of a route would realise a number of goals of the Well-Being

of Future Generations Act. The submission does however lack detail and there is no information provided regarding the phasing of its construction and whether development viability will allow the complete route to be provided alongside the housing and not at the end of the development. Paragraph 4.1.11 of PPW confirms that active travel infrastructure should be put in place early on in a development, and before the people living there move in, to support active and healthy travel patterns from the outset. There are concerns whether this would be achievable.

Residents have expressed concerns regarding the design of the route and its impact on the adjacent housing at the northern end of the site and they have not been fully addressed by the application although a detailed landscaping scheme may offer some mitigation in the medium to long-term.

The Council has identified the site for this transportation proposal over successive development plans but to date has not received the funding to deliver the scheme. That situation may however change to support the objectives of current national policy. Compromising one policy, (the protection of accessible green space) to allow a housing development, which later sections of this report will demonstrate has significant failings with regard to other policy objectives, to enable the delivery of a community route is not acceptable and does not represent an acceptable planning outcome. The Council contend that the principle of developing this site for housing is contrary to both existing and emerging local policy and, critically, aspects of national policy.

Whether the site will reduce the need to travel by prioritising walking, cycling and public transport and whether the traffic generated by the development can be accommodated on the existing network without detriment to highway safety

A key objective of Planning Policy Wales – Edition 11 is to ensure that new development is located and designed in a way which minimises the need to travel, reduces dependency on the private car and enables sustainable access to employment, local services, and community facilities. This will be achieved through integrating development with sustainable transport infrastructure and designing schemes in a way which maximises provision and use of sustainable forms of travel including prioritising these modes over the private car. Delivering this objective will make an important contribution to decarbonisation, improving air quality, increasing physical activity, and realising the goals of the Well-being of Future Generations Act.

Paragraph 4.1.10 of PPW confirms that the planning system has a key role to play by facilitating developments which:

- are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car
- are designed in a way which 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.

Development proposals must seek to maximise accessibility by walking, cycling and public transport by prioritising the provision of appropriate on-site infrastructure and where necessary, mitigating transport impacts through the provision of off-site measures such as the development of active travel routes, bus priority infrastructure and financial support for public transport services.

The proposed development occupies part of the corridor of INM route INM-BR-24 and, to this end, the development proposals show a community route being provided along part of the site. The route being proposed within the developed area of the site is considered to be broadly acceptable and can be suitably conditioned. Furthermore, it is considered that the provision of a spur path at the south-eastern corner of the site will enable it to be linked with an existing section of active travel route (INM /BR-24) which heads South towards Coychurch Road. Again, this could be sought by condition.

On the area of the site to the North of the developed area there is a proposal to continue a route North partway along the remainder of the site (former railway embankment) and to provide a ramp / link to the existing network at the rear of Charles Street / Vernon Street. This will enable INM-BR-24 to link with what is intended to be upgraded to become INM-BR-74. Accordingly, from an Active Travel perspective it is considered that the site has the ability to connect to the immediate network and would be acceptable.

Whilst the remainder of the site, to the North of Charles Street / Vernon Street, could be utilised for the provision of the continuation of INM-BR-24 there are difficulties with linking to Rotary International Way to the North (this would be the corridor for INM-BR-27). In this instance it is considered that seeking the extension of the active travel route through this portion of the site would be unreasonable and may ultimately generate concerns of security and anti-social issues until such time as the two routes do connect meaningfully.

A series of Transport Assessments (TA) have accompanied the application with the latest update being submitted in May 2022 and specifically assessing the impact of development traffic on the Coychurch Road/Tremains Road three arm traffic signal junction and the Coychurch Road/Asda supermarket three arm traffic signal junction.

The original TA which formed part of the Environmental Statement (Chapter 9) reviewed the national and local policy, existing site conditions, an assessment of existing facilities and travel characteristics and a review of trip generation and distribution. The TA concluded that the development was highly sustainable in that it would reduce the dependence on the car, promote walking, cycling and the use of public transport. Furthermore, the proposal would include a significant section of community route which would benefit both new and existing residents in the wider community. Road access within the development had also been designed to meet the guidelines in Manual for Streets, with footways designed to all links and to all dwellings on site.

The junction specific TA references a financial contribution secured by the Council to improve the two junctions in connection with the development of a petrol filling station in the Asda site in 2017. The development did not proceed, and the monies were not paid but on the basis of the applicant's TA, such a contribution is not considered justified. The TA concludes that the increase in traffic signal queue lengths in the a.m. period is minimal. In the evening peak hour without pedestrian phases the reduction in degree of saturation and queue lengths in respect of the development is again minimal. In respect of the pedestrian stage being called, the degree of saturation is greater than 90% but the increase in degree of saturation and queue lengths are small and does not justify an objection to the development on highway safety grounds.

The Council accepted that the scale of development fell below the threshold of 110 units in TAN 18 in terms of the application being accompanied by a Transport Assessment. There are however prevailing highway concerns in respect of capacity issues to the South of the site at the junction of Tremains Road with Coychurch Road which is reflected in the concerns offered by residents, sufficient to warrant an assessment being undertaken.

Significant work has been undertaken by the applicant in respect of the vehicular traffic generation of the site and the impact upon the above-named junction. In this regard it is considered that the concerns in respect of the capacity of this junction could be offset by a S106 financial contribution of £4,860 towards the re-phasing of this existing signalised junction and its neighbouring signalised junction (Tremains Road/ ASDA superstore). This sum would cover modifications to the signals (primarily additional signals heads at the ASDA junction), modification of the controller specification, site commissioning, and MOVA data set modification & validation (at both junctions). Such works to rephase the junctions will facilitate greater capacity sufficient to offset the peak time traffic generation of the proposal.

Turning to the matter of car-parking, the Council's Parking SPG (SPG17) indicates that residential sites such as this should provide a maximum of 1 space per bedroom per unit (up to a maximum of three spaces per unit). Further visitor provision should be made at a ratio of 1 space per 5 units. Whilst SPG 17 quotes maximum standards there are clear statements regarding residential parking as a point of origin and not a destination and thus they should be treated differently. A sustainability exercise reveals that the site would reach a score of 5 and thus does not achieve the score of 7 necessary to be able to reduce the parking requirements.

Accordingly with 69 of the units being three bedroom or more this would require each plot (apart from the FOG on Plot 70) to provide 3 spaces plus an overall quantum of 14 visitor spaces throughout the development.

The Southern parcel of the site (Plots 1-25) has a site layout which provides for 2 spaces per unit which does not meet the standards. However, it is considered that the plots could accommodate a third space each and it is considered that a condition could seek such provision. The site layout also provides for kerbside space between individual driveways such that visitor parking could be accommodated in an on-street provision without unduly affecting driveways or the turning head.

The majority of the Northern parcel (Plots 26-60) is unfortunately in a different situation. With the units closer together there is no ability to provide parking to the side of the dwellings thus the space available to provide parking is limited to only the front gardens. Therefore, these narrower plots do not provide the same flexibility to increase the parking provision on each plot to meet the standard. Furthermore, the proximity of each vehicle access to its neighbour does not allow for kerbside overspill parking or visitor parking to meet the 42-space shortfall. With the width of the access road limited, parking opposite the plots would affect resident's ability to enter and exit their driveways. It is anticipated that such limitations would lead to residents and visitors parking either half on carriageway / half on active travel route or completely on the active travel route to the detriment of pedestrian and highway safety and the encouragement of sustainable modes of travel.

The 10 units at Plots 61-70 again have only 2 spaces per dwelling and no visitor parking (2 required). The constraints of this area offer no ability to provide any of the 11-space shortfall such that any overspill parking will likely obstruct access to parking or more likely the ability to turn in the turning head adjacent to plot 60. Such obstruction would create difficulties servicing the properties with deliveries and refuse / recycling vehicles or by emergency vehicles. In such instances vehicles may need to reverse an excessive distance to the site access adjacent to plot 26.

The deficiencies in the parking arrangements and the schemes failure to mitigate the impact of the additional traffic on the highway network is further evidence of a conflict with planning policies.

The impact of the scheme on the natural environment and whether the scheme retains Green Infrastructure and provides a net benefit of biodiversity

National policy reminds all decision makers that green infrastructure should be a key component of the natural and built environment. It plays a fundamental role in shaping places and our sense of well-being, and is intrinsic to the quality of the spaces we live, work, and play in. The planning system must maximise its contribution to the protection and provision of green infrastructure assets and networks as part of meeting society's wider social and economic objectives and the needs of local communities. In the new Chapter 6 of Planning Policy Wales, Authorities are advised that a green infrastructure statement should be submitted with all planning applications and this document will describe how green infrastructure has been incorporated into the proposal.

The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty). This duty applies to public authorities in the exercise of their functions in relation to Wales and will help maximise contributions to achieving the well-being goals. PPW confirms that the planning system has a key role to play in helping to reverse the decline in biodiversity and increase the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. Recognising that development needs to take place and some biodiversity may be impacted, the planning system should ensure that overall, there is a net benefit for biodiversity and ecosystem resilience, resulting in enhanced well-being. Development proposals must consider the need to:

- support the maintenance and enhancement of biodiversity and the resilience of ecosystems.
- ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats, including the most recent targets set out in the 2022 UN Global
- Biodiversity Framework
- ensure statutorily and non-statutorily designated sites and habitats are properly protected and managed and their role at the heart of resilient ecological networks is safeguarded.
- safeguard protected species and species of principal importance and existing biodiversity assets from direct, indirect, or cumulative adverse impacts that affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water, air, and soil, including peat; and
- secure the maintenance and enhancement of ecosystem resilience and resilient ecological.
- networks by improving diversity, extent, condition, and connectivity.

Paragraph 6.4.5 of PPW states that a net benefit for biodiversity is the concept that development should leave biodiversity and the resilience of ecosystems in a significantly better state than before, through securing immediate and long-term, measurable, and demonstrable benefit, primarily on or immediately adjacent to the site.

At a local level, criterion (10) of Policy SP2 of the Local Development Plan (2013) seeks to ensure that biodiversity and green infrastructure is safeguarded. Policy ENV5 suggests that development that compromises the integrity and therefore overall green infrastructure should not be permitted while Policy ENV6 requires the retention, conservation, restoration and enhancement of trees, hedgerows and other natural features and habitats first. If not possible, suitable mitigation or compensatory measures will be required to secure biodiversity.

Chapter 7 of the Environmental Statement discusses 'Ecology and Nature Conservation' and references the survey work undertaken in support of the application. The summary of

the 2021 survey by David Clements Ecology Ltd notes that the site does not contain or lie immediately adjacent to any statutory sites of nature conservation value such as SSSIs or LNRs nor any non-statutory sites such as SINCs. Within the site is a mosaic of habitats including grassland, scrub, trees, and woodland which has been left unmanaged. The mosaic of grassland, scrub, trees, and woodland are known to support a range of common and widespread bird species, foraging bats species, invertebrates, and reptiles. Some of these species are known to be of conservation importance but only in the local context and none are of notable significance or exceptional rarity. Areas of hardstanding and Japanese knotweed are considered to be of Negligible Value to wildlife. The surveyor notes that the development of the site is likely to incur the loss of the majority of habitats within the development area i.e., grassland, scrub and scattered trees, and any remaining habitats such as those around the development sites periphery may be subject to some disturbances. The 2021 survey evaluated the majority of the site habitats as of Local value to wildlife, with the exception of the section of broad-leaved woodland which is considered to be of High Local value. The report concluded that although there will be some negative impacts as a result of the proposed development, they were not considered to be of more than local significance, particularly since habitats in the northern end of the site would be retained. Likely impacts, it is suggested could be mitigated and or compensated for through the implementation of various mitigation measures during the construction and development phases. The retention of habitats at the north end of the site, including the broad-leaved woodland, will also provide areas which can be enhanced for biodiversity through additional planting and management.

The updated survey work by Ascerta (2021 and 2022) which included an extended phase one habitat survey and a preliminary bat roost assessment of all trees that had potential habitat, confirmed that the development would impact on birds, bats, badgers, reptiles, and hedgehogs as a consequence of the development. Recommendations were offered to avoid impacts including Reasonable Avoidance Measures (RAMs) schemes for various species. Enhancing the site for species through appropriate landscape planting that includes native, species rich hedgerows, trees, and areas of wildflowers plus provision of integrated bat and bird features within newly constructed buildings was also suggested.

Trees form an important part of the site's biodiversity interest, and the application was originally accompanied by a tree report that was undertaken in 2008. In August 2022, a revised Arboricultural Impact Assessment (AIA) was undertaken by Ascerta, based on a 2021 survey of the site. In paragraph 5.2 of the AIA, it noted that the development would directly require the removal of the majority of the trees within the main body of the housing part of the site, save for those protected trees within G11 of our survey (G1 of the Tree Preservation Order).

To the north, a community route, play area and public open space were proposed that would require the removal of a small number of trees, as well as the thinning of the existing broad leaved woodland feature. Reference was made to the storm water sewer, water main, gas main and foul water sewer along the western boundary of the southern section of the site and the need to remove vegetation to allow access for maintenance. The long-term retention of trees, particularly within the proposed housing area was not considered viable, irrespective of the development proposals. Mitigation was offered in the report in the form of replacement planting forming part of a landscape strategy for the site. For those trees being retained, protection measures were detailed.

Officers in the Council's Countryside Management Section were in general agreement with the ecological and non-statutory recommendations identified in Chapter 7 of the Environment Statement but were concerned that the requirements had not been incorporated into the submitted planning layouts.

It is the Council's view that the site is of high local value as it contains a number of Section 7 (of the Environment (Wales) Act 2016,) species and habitats and based on the planning submission, the proposed development will undermine ecological connectivity in terms of habitat loss. Both ecological assessors recognise the importance of the broadleaved woodland that crosses the centre of the site. To construct the development including the community route is likely to have a significant impact on this feature which has not been fully considered as part of the submission. The woodland area is important as it forms a connection to the natural green space and Coed y Morfa Site of Importance for Nature Conservation (SINC) that lies to the east of the application site. The ecological reports also identify the scattered trees and hedgerows on the eastern and western boundaries of the filled cutting at the southern end of the site. These features will be cleared to accommodate the development with only the protected trees to the rear of plots 21-25 being retained. Not only does this have an impact on the living conditions of residents that will be considered again in this report, but it will also remove existing green infrastructure that could have been retained and enhanced to form ecological corridors.

Based on the extent of loss of the various habitats identified which is recognised in the submitted ecological surveys, it is difficult to see how net biodiversity will be achieved by this development and how the ecosystems of the site would be in a better state than before the development had taken place. It is the Council's view that the development is out of accord with Section 6 of the Environment (Wales) and will not 'promote the resilience of ecosystems.

The design and layout of the development and the potential impact on the living conditions and future well-being of adjacent residents and the future occupiers of the proposed housing (reference car parking)

'Good design is fundamental to creating sustainable places where people want to live, work, and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places' (Paragraph 3.3 of PPW refers). 'The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement' (Paragraph 3.9 of PPW refers).

Placemaking principles have been at the heart of the Council's local planning policies and are a fundamental facet of its approach to development management. Integrating placemaking principles and good design into development schemes at all levels has been the objective and is further re-enforced by national policy. Poor design can not only detract from the character and appearance of an area, but it can also adversely affect people's well-being and quality of life. Considerations of visual impact, loss of light, overlooking, privacy, disturbance, traffic impact and environmental effects are all key in this regard, (Policy SP2 refers).

The Design and Access Statement that has accompanied the application suggests that the development proposals have been designed to take into account the pattern of development in the surrounding area, with the layout reflecting the essentially linear nature of the site. Building heights, it is stated, reflect the variety in the area with building densities ranging across the site. Units at the northern end will provide a termination of the vista. All dwellings will be well served by existing and new footpath/cycleways thus promoting sustainability, encouraging healthier lifestyles, and increased physical activity.

The Council accepts the significant challenges in developing this site which have potentially been made more difficult with both national and local policy raising the bar and requiring

higher quality building design, recognising that, in the past, authorities have delivered 'placeless' estates that lack quality or any sense of identity or distinctiveness. Generally, the requirement is either to take a contextual or contemporary approach. The starting point should be to take cues from the architectural traditions and environmental qualities of the locality.

The context for the southern part of the application site is varied and offers the opportunity of an innovative approach to create public realm with its own distinctive character and identity. The designer's response is standard house types in a linear form, creating almost a row of terraced properties with little or no variation in set back with the street scene being dominated by parked cars, (Plots 24-70) which could be made worse if additional parking is provided at the southern end of the site to address the significant shortfall identified by the Highway Authority. Furthermore, the use of 10.5m housing units represents a poor transition in visual terms from the three-storey post-war housing on the western side of the site to the single storey units developed on the Brackla Housing Estate in the late 1980s. This has significant repercussions for the living conditions of existing residents which will be considered again in this report. The scheme's failure to retain and enhance the existing landscape features on the eastern and western boundaries of the site represents further evidence that the scheme will detract from the character and appearance of the area and will be contrary to national policy and Policy SP2 of the Bridgend Local Development Plan.

Residents, particularly the occupants of properties on Gwaun Coed and Chorleywood Close have opposed the development on the basis that the new housing will, by virtue of their scale and proximity, dominate outlook and result in a loss of privacy as a result of overlooking. Similar concerns have been considered by several Inspectors in previous planning appeals for the development of the site.

As indicated at the beginning of this report, two house types are proposed on the southern part, both 3-bed dwellings that will reach a height of over 10m from ground level. Plots 1-11 have relatively modest rear gardens, well below the 10.5m generally required for new dwellings. Consequently, the new dwellings are relatively close to the shared boundaries with properties on Gwaun Coed. The privacy standard of 21m measured from the rear elevations of the respective properties will however be achieved. The garden lengths of properties on Gwaun Coed however reduces as the estate moves north, a matter not considered by the designer. The 10m high units on plots 15 and 16 will be positioned 2.2m from the new boundary that will be formed with 24-27 Gwaun Coed, dominating the outlook from the rear facing windows and gardens and significantly affecting the living conditions of the occupants. Similar impacts on the occupier(s) of 28 Gwaun Coed are noted with the proposed dwellings on plots 20-25 being located some 9m and 14m from the shared boundary with the neighbouring property. The units on these plots would not only dominate outlook but the garden area would be overlooked, significantly detracting from the level of amenities currently enjoyed by the occupiers.

The rear elevations of the dwellings on the northern half of the site from plots 26-42 will overlook existing properties on Chorleywood Close. A distance of approximately 11m will separate the new housing from the eastern boundary which is currently defined by a mix of trees, vegetation and the rear fences and walls of the properties, all of which are single storey units. Given the scale of the proposed dwellings, (10m to ridge), the modest garden lengths of the nearest dwellings and the loss of all of the existing landscaping features, the development will dominate the outlook and, in a similar way to properties on Gwaun Coed, will detract from the living conditions of existing residents.

Residents on the western side of the application site have also raised concerns regarding loss of privacy and outlook with specific reference to the proposed split-level units on plots 65-69 and the property known as Woodside on Highview. The property is not shown on the

submitted layout but shares a similar orientation to the nearest units on the development site. Whilst overlooking is unlikely to be a significant issue, depending on the finished levels, there is potential for the split-level dwellings to appear overly prominent when viewed from the front of the objector's property. It is not however a direct view which does, to some extent, minimise the impact.

A number of residents on the western side of the railway embankment on the northern part of the site have identified the potential for users of the community route to overlook the neighbouring properties. Submitted sections confirm that the route will occupy the level part of the embankment which rises some 4-5m above the boundaries of properties to the east and west. The proposed route is currently covered with dense vegetation which has prevented an assessment of the full impact of its future use but based on the plans and survey drawings, there is the potential for users of the route to look directly into gardens and habitable room windows. Measured directly from windows on properties to the east of the site, distances of 14-20m are recorded, which will be foreshortened by the levels difference.

The older terrace and semi-detached properties to the east of the site generally lie at an angle to the embankment but views into the gardens and side facing windows from the community route will be possible. The Council is however mindful that the former railway corridor has been safeguarded for the provision of a footpath/cycle route under policies within a number of recent development plans, including the current Local Development Plan. Furthermore, the creation of the link would add to the existing network of dedicated walking and cycle routes and contribute to reducing reliance on the private car. Screening the route in a manner that would completely safeguard the amenities of the residents will be challenging but, with the use of landscaping and appropriate boundary treatments, the impacts could be mitigated. Whilst such details could be secured by conditions, it is disappointing that the submitted application has not addressed this issue which is further evidence of the designer not fully appraising and responding to the context of the development site.

Ultimately the submitted layout will be a place for new residents to live and it is incumbent on the Council to consider the design, layout, and location of the development as this will have a considerable impact on quality of life and sense of community. Retaining and enhancing existing landscape, biodiversity and ecosystem features is important and for reasons already discussed in the report, the layout fails to achieve this objective.

Providing well-designed private outdoor amenity space for all occupants of a development is important even on higher density town centre schemes such as this application. In the past, developments have included poorly considered or inadequate outdoor amenity provision with many gardens not allowing for future domestic extensions/alterations. Garden sizes should therefore be appropriate to the dwelling size and site-specific considerations. Although this Council does not have a standard and would consider a relaxation of garden sizes, this would only be where the design proposes a high quality, innovative scheme or in an urban location where it may be more appropriate to substitute individual gardens for generous balconies/ private elevated terraces and high-quality communal space etc.

This scheme lacks quality and is far from innovative and therefore a relaxation would not be acceptable. It is the Council's view that the amenity of future residents on plots 12, 14, 15, 19, 63, 64 and the terrace on plots 66-69 would be compromised by the less than generous garden areas with the privacy of the occupiers of Plots 11 and 20 affected by being overlooked for the adjoining units (plots 14 & 15 and plots 16 & 17) at a distance of less than 10.5m which is generally regarded as the minimum acceptable. It is noted that the rear elevations of plots 14 and 15 are less than 7m from the side boundary of plot 11.

Overall, the submitted application represents a poor design response that will detract from the character and appearance of the area and will adversely affect the people's well-being and quality of life. The placemaking principles will not be achieved.

The effect of the development on the existing drainage systems and connected flood risk

The planning system has an important part to play in ensuring that the infrastructure on which communities depend is adequate to accommodate proposed development. The adequacy of drainage infrastructure should be fully considered when determining applications. Planning authorities should encourage the use of sites where existing sewerage and drainage provision problems can be utilised.

Chapter 10 of the Environment Statement (ES) considers the impacts of the provision of utilities supplies to the site and of any existing services at the site including gas, water, foul sewers, storm sewers and electricity. The applicant's consulting engineer has consulted the utility providers to ascertain the location of existing services and their capacity to support the proposal.

Dwr Cymru Welsh Water (DCWW) has indicated that there is capacity within the foul sewers subject to agreement on the actual connections. Details of the existing foul sewers together with possible connection points have been submitted with the application. The applicant has indicated that ground conditions will not permit surface water being disposed to ground so alternatives are being considered.

To the north of the application site, there is an existing 36-inch diameter storm culvert crossing the former railway embankment between Herbert Street and Vernon Street. To the south, there are adopted storm sewers in Tremains Road. The high spot to the development is adjacent to the Waunscil Spur with the site falling away to the north and south. The application proposes an infiltration ditch to the north with controlled discharge into the 36" culvert. To the south, attenuation is proposed on land outside the application site in the car parking area serving the allotments, with a new storm sewer connected to the existing storm sewer to the south. The applicant's consultant indicates that there are limitations on the capacity of the sewers in the Tremains Road area and attenuation will be required to a rate to be agreed with DCWW.

The Council's Land Drainage Team note that foul water will be disposed to DCWW off-site systems to the west of the site. Surface water will also be disposed to the main sewers with the surface water drainage plan indicating the southern part of the development draining to a public surface water sewer in Tremains Road with the northern part draining to a culverted watercourse. The Council's Land Drainage Engineer has indicated that connections to the culvert are unsuitable due to their location and the proximity of the two watermains that cross the inlet to the culvert. The drainage details are therefore deemed unacceptable. Surface water drainage for this development would need to be the subject of a SAB application which is assessed and determined outside the planning process. From a review of the outline drainage plan submitted, the requirements of the sustainable drainage legislation have not been considered. It is unlikely that DCWW will grant the use of sustainable drainage features for the northern section of development, given the location of two large water mains with significant easement widths and the restricted width of the land associated with the drainage in this area.

Based on the current proposals and given the health and safety issues around access to the discharge location with DCWW water mains crossing the discharge location, it is unlikely that the current development proposals would comply with the sustainable drainage legislation. Accordingly, the Council opposes the development on the basis that there are significant doubts as to whether surface water drainage can be provided to serve this

development. Furthermore, any SuDS system could have significant implications for the proposed layout. The applicant was advised that to remove the objection, an alternative discharge location for the northern section of the development should be considered along with sustainable drainage requirements serving the wider development. No revised schemes have been submitted.

Whether the ground conditions can support the development and whether the mitigation required is achievable through the grant of planning permission

As indicated in the introduction to this report, part of the application site, and the area on which the housing is proposed, is a filled railway cutting. Over many applications, residents have questioned the suitability of the ground to accommodate the development and whether contamination and ground gases could pose a danger to future residents and the wider community.

When considering any development proposal, Planning Policy Wales advises authorities to take into account the nature, scale and extent of surface and subsurface hazards which may pose risks to health and environment and to ensure that new development is not undertaken without an understanding of the risks. Development should not take place without appropriate remediation or precautions and consideration should be given to the potential impacts which remediation of land, including land contamination, might have upon the natural and historic environment.

Chapter 8 of the ES considers soils, geology, contamination, water quality and hydrogeology and draws on historical site investigations and more recent testing in 2018/19. Paragraphs 8.92 to 8.116 summarise the investigations into soil and groundwater contamination and indicate that levels are low and could be the subject of schemes of mitigation. Higher levels of methane were observed in one of the boreholes in 2018 and there would be a requirement for further testing before any development commences. It may however be prudent to include ventilation of for each dwelling below the concrete floor slab.

From the information and survey work that forms part of the ES it is clear that the ground conditions represent a significant development constraint, but the applicant does acknowledge the need for remediation and ground gas protection measures.

NRW noted that some preliminary risk assessment, site investigation and assessment have been undertaken but they did not cover the entirety of the redline boundary, and only the southern half of the site. Additionally, the borehole location plan in the 2018 report did not have any boreholes labelled. It was recognised that some groundwater level monitoring has been conducted, however it was unclear how the groundwater level relates to the natural strata/infill material. Groundwater sampling results were presented from 2008, which indicated that the site was not the subject of gross contamination. However, this did not constitute comprehensive groundwater monitoring/assessment.

Notwithstanding the comments referenced above, the consultation responses received from Natural Resources Wales and the Shared Regulatory Services (Environment) have suggested that conditions could be imposed to deal with contamination, remediation (including verification report) and long-term monitoring. Natural Resources Wales are satisfied that remedial options are available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing.

On this matter, the scheme could potentially address the requirements of both national and local planning policy.

Whether development viability affects the level of developer contributions that should be provided under the terms of the policies of the adopted development plan

Policy SP14 of the Bridgend Local Development Plan requires applications for development to include material proposals to deal with the fair and reasonable infrastructural requirements of the development and to mitigate any negative impacts that may arise. The Council does acknowledge that development costs including the costs of implementing planning agreements may result in a scheme being unviable and in such circumstances the Council may consider the benefits of the development may outweigh the benefits of seeking to secure all infrastructural requirements.

Under Policy COM5, a new housing development should include 20% affordable housing which would represent 14 units on this development. A contribution to education would not however be sought as sufficient capacity currently exists in the school to accommodate the likely number of children generated by the proposed development.

The applicant's planning statement acknowledges that Council policy will normally require a level of affordable housing but suggests that development viability can affect the level of contribution. SPG 13 on Affordable Housing does indicate that where viability of providing affordable housing is considered to be an issue, developers will be required to provide information to allow a financial assessment of the costs and anticipated profits of the scheme based on responsibly sourced evidence.

The applicant's engineering consultant has carried out detailed assessments for the site, based on a detailed cost assessment of the works and the predicted sales values of the dwellings. The Development Viability Model (DVM) can include Affordable Housing or Shared Equity Housing and to factor up or down the predicted works costs or selling values. Based on the evidence, the development would not be viable if any level of affordable housing provision were to be made. The DVM has been considered by the Council and the findings cannot be challenged.

Policy COM11 requires the provision of satisfactory standards of open space from all residential development which is defined as 2.4ha per 1,000 people. The Council's Outdoor Sports & Childrens Play Space Audit (2017) shows a deficit of Equipped Play Areas and Outdoor Sport provision in this location and the following amount of open space is required to ensure compliance with COM11. A development of 70 dwellings would lead to an estimated development population of 164 (based on an average of 2.34 people per house):

- The total amount of outdoor recreation space required should consist of approximately 2624 sq m of Outdoor Sport and 1312 sq m of Children's Play Space

The proposed site layout includes the provision of public open space and an equipped playing area (approx. 96sqm) to the north of the development. A sum of £51,000 should be provided for the maintenance of this equipped playing area. Based on the submitted layout, the level of children's play space falls significantly short of the quantum required policy and again represents a failure to address current policies. This deficiency, along with the scheme's inability to deliver much needed affordable housing and deliver development that meets placemaking objectives, is further evidence that developing this land for housing is not meeting the objectives of local and national planning policies.

CONCLUSION

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

It is the role of the planning authority to exercise its judgement and consider many and often conflicting issues to decide whether a development scheme is acceptable. The policies of the adopted Bridgend Local Development Plan (LDP) (2013) are the starting point. The broad support for the development of underused brownfield sites for housing has been part of the plan strategy at a national and local level. Such support is not, however, unqualified and Policies will only permit the use of land where it is not allocated for another use and achieves the placemaking objectives of local and national policy.

To promote nature conservation, biodiversity and to enhance the quality of life of individuals and communities, the Council promotes the provision of accessible natural greenspace and one such area includes the application site. Residential development is in the view of the Council, incompatible with the requirements of the policy and is therefore unacceptable as a matter of principle. The accepted high development costs which have been fully evidenced in the planning submission are not contested by the Council, but the benefits of the development as contended by the applicant company do not outweigh the scheme's inability to deliver affordable housing and contributions to public open space and its future maintenance.

The Council's own placemaking policy (Policy SP2) requires all development to be of a high-quality, creating attractive places which enhance the community in which they are located. For the reasons set out above, the development fails to safeguard and enhance biodiversity and green infrastructure. A net benefit for biodiversity is a requirement of national policy and a development should leave biodiversity and the resilience of ecosystems in a significantly better state than before, through securing immediate and long-term, measurable, and demonstrable benefit, primarily on or immediately adjacent to the site. This has not been fully demonstrated in the planning submission. The character and appearance of the area will not be enhanced with the lack of green infrastructure, the use of standard house-types and a layout that lacks any sense of place. Furthermore, the scale and proximity of the development to existing properties will adversely affect their living conditions.

Based on the Transport Assessment work carried out by the developer, any impacts on the network and junctions could be off set through the installation of an upgraded adaptive traffic control system at the junction of Tremains Road with Coychurch Road. Monies would have been secured by agreement, had the Council been minded to approve this application. With no other means of delivering the improvements to the junction, concerns about the impact of the development on the network remain.

The Council acknowledges that the development would incorporate a community route that could be used for active travel that would benefit both new and existing residents. Whilst this could help reduce the dependency on the private car and promote, walking and cycling, this is only one aspect of placemaking and the schemes deficiencies elsewhere cannot be set aside simply to allow the construction of the new community route.

Site drainage is a fundamental requirement of any new housing site and whilst other bodies and agencies (SAB Approving Body and Dwr Cymru Welsh Water) regulate surface and foul water disposal, there are significant concerns as to whether surface water can be appropriately managed on this site. If the Council were minded to approve this development, a pre-commencement condition could be imposed but, based on the consultation responses received, this will be another reason for resisting the development of this site.

RECOMMENDATION

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

1. The proposed development, by reason of its design, does not promote the provision of Accessible Natural Greenspace on this land contrary to Policy COM 13 (9) of the Bridgend Local Development Plan and consequently the development of this site for housing would be to the detriment of nature conservation, biodiversity and the quality of life of local residents and the wider community and contrary to the objectives of the Bridgend Local Development Plan and advice contained within Future Wales – the National Plan 2040 and Planning Policy Wales 11 (Feb. 2021).
2. The proposed development does not accord with the Council's Placemaking Policy SP2 and the Strategic Placemaking Principles of Future Wales: The National Development Plan 2040 as well as advice contained within Planning Policy Wales 11 for the following reasons:
 - (i) The development will not safeguard and enhance existing green infrastructure on site and no information has been provided as to how net benefit for biodiversity will be achieved through securing immediate and long-term, measurable, and demonstrable benefits on site.
 - (ii) The house design (standard house types) and housing layout will create a poor 'townscape', dominated by parked cars and lacking character, variation, and architectural detail.
 - (iii) The scale and proximity of the housing, with specific reference to Plots 15 and 16, 20-25 and 26-42 will unacceptably affect the living conditions of existing residents through a loss of privacy and a domination of outlook, exacerbated through a failure to safeguard and enhance existing landscape features.
 - (iv) The lack of garden space for future residents, (Plots 11, 12, 14, 15, 19, 20, 63, 64 and the terrace on plots 66-69) will provide a poor living environment for future residents of these properties.
3. The proposed development fails to provide and/or secure the required upgrade of the current MOVA system operating on the junction of Tremains Road/Coychurch Road/Asda to sufficiently mitigate the impact of the development on the highway network, contrary to Policies SP2 and SP3 of the Bridgend Local Development Plan 2013 and advice contained within Planning Policy Wales 11 (Feb. 2021).
4. The proposed layout does not provide adequate off-street parking facilities and would therefore generate a greater demand for on street parking to the detriment of highway safety, contrary to Policies SP3 and PLA11 of the Bridgend Local Development Plan (2013) and Supplementary Planning Guidance (SPG) 17: Parking Standards (2011).
5. Insufficient information has been submitted with this application to demonstrate that surface water from this development could be managed in accordance with the Statutory Standards for Sustainable Drainage Systems – Designing, Constructing, Operating, and maintaining surface water drainage systems published by Welsh Government in 2018 and Policy SP2 of the Bridgend Local Development Plan 2013.

 Phil Thomas. 13/12/23

 Kim Davis 13.12.23

 Jonathan Parsons
13.12.23

PLAN 1



TRAINING LOG

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

<u>Subject</u>	<u>Date</u>
Green Infrastructure Statements and Chapter 6 of Planning Policy Wales 12 (PPW 12)	21 February 2024
Glamorgan Gwent Archaeological Trust	15 May 2024
Conservation & Design	26 June 2024
PEDW Briefing for Members	2024
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

This page is intentionally left blank