

**REFERENCE:** P/14/838/FUL

**APPLICANT:** Barratt South Wales C/O L R M Planning Ltd, Sophia House, 28 Cathedral Road, Cardiff, CF11 9LJ

**LOCATION:** Land East Cwm Felin & South Craig Terrace / Ebenezer Terrace Blackmill CF32 8RS

**PROPOSAL:** Erection of 36 dwellings, car parking, an acoustic fence landscaping and assoc. works

The above application was reported to the Development Control Committee on 19 January 2017. The Officer's recommendation was for approval subject to a S106 Legal Agreement and conditions. A copy of the Officer's report, amendment sheet and recommendation presented to the previous Committee (incorporating details included in the amendment sheet) is attached as **Appendix A**.

Members were minded to refuse planning permission contrary to the Officer's recommendation and voted against the development.

The main areas of concern raised by Members were as follows: (i) the visual impact of the proposed acoustic fence on the adjacent residents and surrounding area. (ii) The potential for the development without the noise mitigation measures to compromise the viability of the adjacent commercial operation; (iii) the development having an unacceptably high density, evidenced by a deficiency in parking provision and a lack of private amenity space which would be to the detriment of the living conditions and well-being of existing and future residents; and (iv) the development could result in surface water flooding to the adjacent commercial land and the existing properties on Cwm Felin.

In response to the resolution of Members to refuse planning permission, the applicant's agent has advised in writing that representatives of Barratt Homes are intending to meet with local residents, the community council and the local member to discuss the legacy issues associated with the first phase of development and the design changes which the developer is considering to overcome the issues that were raised by the objectors. The applicant's agent has acknowledged that the installation of the acoustic fence is a necessary part of the development but that a number of changes could be considered to reduce its visual impact. A copy of the letter is reproduced in full as **Appendix B**. To allow the applicant time to meet with the community and revise the scheme, they have requested that the application be deferred.

In line with the decision at the last committee officers have drafted reasons for refusal for members to consider which are set out below.

***1. The 5m acoustic fence which forms part of the required noise mitigation works would, by reason of its scale and proximity dominate the outlook from the existing and proposed housing estate and would detract from the visual amenities to the area, contrary to Policy SP2 Design and Sustainable Place Making of the Bridgend Local Development Plan (2013).***

***2. The failure to successfully implement the noise mitigation works set out in the Hunter Acoustics' Environmental Noise Survey 3187/ENS 1\_Rev1 dated 17 December 2014 in association with the proposed development would be likely to lead to complaints from future occupiers of the housing estate and would compromise the viability of the adjacent commercial site which is allocated and protected for employment development under Policy REG1 of the Bridgend Local Development Plan (2013).***

***3. The proposed housing layout constitutes an unacceptably high building density evidenced by a deficiency in car parking spaces for the proposed three bedroom units and the inappropriate allocation of car parking spaces for the future residents, a lack of both private and public amenity space and the close proximity of the proposed housing to existing residents which would be to the detriment of the living conditions and well-being of existing and future residents, contrary to Policies SP2 Design and Sustainable Place Making, Design and PLA11 – Parking Standards of the Bridgend Local Development Plan (2013) and advice contained with Supplementary Planning Guidance Note 17 – Parking Standards (2011).***

***4. The application fails to demonstrate that existing surface water can be disposed of in a manner that would not result in surface water flooding to the adjacent commercial land and the existing properties on Cwm Felin. The proposal therefore does not accord with Policy SP2 Design and Sustainable Place Making.***

The above reasons will be discussed at the meeting. Members are reminded that in accordance with the Planning Code of Practice, it is expected that the mover (or seconder) of the motion at Committee will represent the Council in any subsequent appeal process with technical support from Officers.

#### **RECOMMENDATION:**

If Members are not minded to defer determination to allow discussions between the applicant, the local member and residents that the reasons outlined above be considered.

**MARK SHEPHARD  
CORPORATE DIRECTOR COMMUNITIES**

#### **Background Papers**

None

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**LOCATION:** Land East Cwm Felin & South Craig Terrace / Ebenezer Terrace Blackmill CF32 8RS

**PROPOSAL:** Erection of 36 dwellings, car parking, an acoustic fence, landscaping and assoc. works

**RECEIVED:** 22 December 2014

**SITE INSPECTED:** 14 January 2015

**APPLICATION/SITE DESCRIPTION**

This application was included on the agenda for the Development Control Committee meeting on 18 February 2016 and was the subject of a Full Committee Site Inspection, attended by the Ward Member, representatives of Ogmore Valley Community Council and one of the residents registered to speak. On the day prior to Committee, the Council received an objection from Natural Resources Wales (NRW) and the application was deferred to enable the developer to submit a revised Flood Consequence Assessment detailing how flood risk on the application site would be managed. On 1 October 2016, a revised Flood Consequence Assessment was submitted to the Council and Natural Resources Wales. The comments of NRW are included in the amended report which is reproduced below:

'Barratt Homes South Wales Limited is seeking planning consent for the erection of 36 dwellings and associated works on an area of vacant land situated between Isfryn Industrial Estate, to the east, existing housing on Cwm Felin to the west and the Ogwr Fach River to the south, located in the village of Blackmill. The application site also includes an area of undeveloped, sloping land, in the ownership of the Council that adjoins the highway and properties on Ebenezer Terrace and fronting the access and yard serving Coppice Alupack, an industrial operator on Isfryn Industrial Estate.

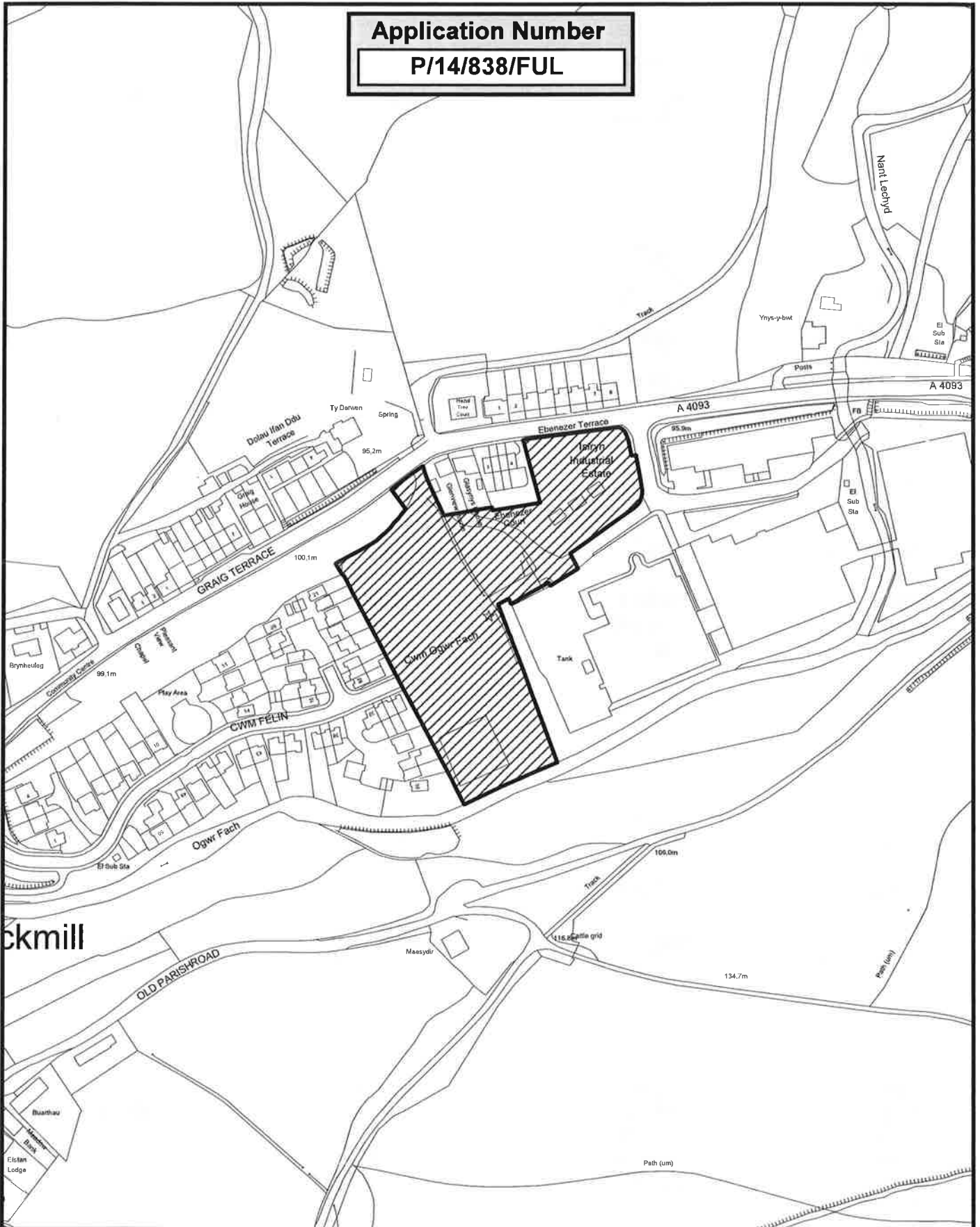
**BACKGROUND INFORMATION**

The site has a long planning history which records a number of applications where the Council has resisted the development of housing on this site that, under previous development plans, had been allocated for employment uses. In August 2010, under planning reference P/09/691/OUT, the Council resolved to grant planning permission for a mixed use development of 43 residential units, 'Live Work' units and an enterprise centre on the current application site. Permission was to be granted subject to Barratt Homes signing a S106 agreement which required the provision of a financial contribution of £200,000 to be used for the development of employment and community facilities, provision of 8 'Live Work' units, 6 affordable housing units and various land transfers between the developer and the Council. The S106 agreement was not progressed as the developer was unable to find a partner to deliver the 'Live Work' and affordable housing units.

A report proposing alternative heads of terms was prepared for the meeting of the Development Control Committee on 30 May 2013. The application was deferred to consider a legal challenge from Solicitors, acting on behalf of Coppice Alupack, who claimed that the Council had not properly considered the impact of the proposed

**Application Number**

**P/14/838/FUL**



ckmill



**Scale 1:2,500**

**Date Issued:  
12/01/2017**

**Development-Mapping  
Tel: 01656 643176**

**Mark Shephard**

Corporate Director-Communities

Communities Directorate,  
Bridgend County Borough  
Council, Civic Offices,  
Angel Street,  
Bridgend CF31 4WB.

O/Drive/Plandraw/new M/ layouts/  
Committee DC Plan

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Cyngor Swyddfaeth Siro



housing on the operation of their client's business. It became apparent that consideration of the application was based on a 2009 noise survey which the Group Manager Public Protection recommended should be reviewed. On the basis of a detailed examination of site operations and information contained in a revised Noise Report, it became apparent that part of the application site would no longer be viable for residential development - the predicted noise levels would exceed those permitted in legislation. The development, as proposed on the indicative plan that accompanied application P/09/691/OUT, could no longer be supported on the basis of the predicted noise levels and discussions with the developer focused on a revised application which resulted in this current submission.

The current application has been the subject of prolonged negotiation and consultation and, as revised, proposes 36 dwellings being a mix of three house types, including 1 bedroom flats, 2/3 bedroom terraced and semi-detached properties. The Planning Statement confirms that the proposed finishes will consist of a mixture of yellow and red facing brick with a variation of brick detailing and grey tiled roofs. The proposed boundary treatments between properties will generally be formed by a combination of 1.8m privacy panels and 1.2m high post and wire fencing between plots and either 1.8m close boarded fencing or screen walling in other locations. On the riverside boundary, to the rear of Plots 22-29, 1.8m high 'hit and miss' fencing will allow, in an extreme event, flood water to enter and egress without restriction.

Access, both vehicular and pedestrian, to the proposed housing site from the public highway will be from the A4093 via the currently un-adopted estate road that already serves the existing Cwm Felin estate. This will be extended, bisecting the development area into two halves. The new access road will then form a 'T' junction at the north east boundary with two separate arms extending into the two portions of the site. These access roads run along the length of the north east boundary terminating in turning heads which provide access to parking courts and the associated dwellings. The Planning Statement indicates that car parking and cycle provision will both be provided at a ratio of at least one space per unit. The majority of car parking will be located in parking courtyards off the main access route, with the exception being those spaces accessed directly off the main estate road in to the development area.

In an attempt to mitigate the impact of noise from the adjacent Coppice Alupack operation and to limit the risk of potential complaints from future residents, the application proposes the construction of a 5m high acoustic barrier to be positioned between the diverted watercourse and the adjacent factory unit. A number of existing trees will be removed to accommodate the barrier, the design of which has been informed by a Noise Report prepared by Hunter Acoustics. Additional noise mitigation works, as recommended in the aforesaid Report, are proposed to the adjacent factory. These include replacing the tonal reversing beepers on the forklifts with white noise alarms and providing alternative access arrangements to the warehouse. A legal agreement is proposed to secure these measures and initial discussions with representatives of Coppice Alupack indicate that such an agreement will be signed by the parties.

That part of the application site that lies adjacent to Ebenezer Terrace and the Coppice Alupack operation is to be retained for future community/employment use, with the developer proposing to eradicate invasive species on site (Japanese Knotweed), clear scrub and plant new trees and shrubs. The Planning Statement suggests that this will assist the Council in attracting investors to Isfryn Industrial Estate.

In terms of the planning obligations, the developer proposes 2 affordable units on-site (as opposed to the 6 on the original submission) with the remainder being in the form of a financial contribution towards off site provision. A viability appraisal has accompanied the revised offer which seeks to support a financial contribution of £124,000 towards off-site affordable housing provision, in addition to the 2 on-site affordable units proposed and the £20,000 contribution to be offered towards off-site community facility improvements.

The application has been accompanied by the following supporting documents:

Planning Statement (Asbri Planning)

Design and Access Statement (Asbri Planning)

Engineering Layout and Revised Sections (Hammond Yates - 23/12/2016)

Environmental Noise Survey (Hunter Acoustics)

Hydrology Assessment (Waterco Consultants)

Flood Consequence Assessment (CD Gray & Associates)

Site Investigation Report (Integral Geotechnique)

Site Preparation Report (Integral Geotechnique)

Blackmill Supplemental Soakaway Tests (Integral Geotechnique)

Coal Mining Risk Assessment (Integral Geotechnique)

Extended Phase 1 Habitat Survey and Summary of Ecology (Soltys Brewster)

Site Report and Management Plan for Control and Eradication of Japanese Knotweed and After Dig Report (Elcot Environmental)

Tree Survey (Treescene)

## **RELEVANT HISTORY**

P/05/1425/FUL - Erect 26 Dwellings with Associated Highways & Engineering Works - REFUSED - 23-12-2005

P/07/340/FUL - 32 Dwellings & Associated Works plus Community Centre - REFUSED - 05-11-2007

P/08/591/FUL - 32 Dwellings & Associated Works and Community Centre - REFUSED - 27-11-2009

P/09/691/OUT - Mixed Use Development Comprising 44 Dwellings, Community Centre & Employment Units - APPLICATION UNDETERMINED

## **PUBLICITY**

The application has been advertised in the press and on site.

Neighbours have been notified of the receipt of the application.

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

## **NEGOTIATIONS**

Negotiations commenced on 11th February 2015 in response to observations received from Natural Resources Wales, Public Protection, the Coal Authority and the Transportation and Engineering Section.

## **CONSULTATION RESPONSES**

Ogmore Valley Community Council - The Community Council provided two sets of observations dated 27th January 2015 and 17th July 2015 objecting to the development for the following reasons:

- \* Highway through Cwm Felin (Phase 1) which has not been adopted and is not fit for extra traffic
- \* Car parking not enough on plan, already problems with Phase 1 due to insufficient place for parking
- \* Threat to factory if residents complain about future noise problems
- \* Is sewerage system able to cope with extra load?
- \* That any future resident/tenants are not affected by the noise from the factory. The factory must be protected from possible noise complaints against them.

Head of Street Scene (Highways) - No objection subject to conditions.

Head of Street Scene (Waste & Recycling) - Private access roads can limit accessibility by the Council's waste contractor. This may result in residents having to deposit waste and recyclates for collection beside the nearest adopted footpath. The Developer should consider provision of suitable collection points where necessary.

Head of Street Scene (Drainage): - No objection subject to clarification and additional information to be submitted and agreed through a condition to be imposed on the consent requiring the agreement of a comprehensive and integrated drainage for the site, showing how foul drainage, highway and roof/yard water will be dealt with.

Head of Parks & Playing Fields - Previously provided comments concerning an earlier application by the same applicant in 2009 (P/09/691/OUT refers). At the time of the previous application, the Parks and Playing Fields Manager considered that, as the applicant provided play facilities above the value of those normally required in the Phase 1 development, no on site provision or off-site in-lieu payment would be necessary.

I note that the total number of dwellings for both developments would be 86 (50 Phase 1 and 36 Phase 2). Based on the provision of one LEAP per 100 dwellings it is considered that the provision of the equipped children's play area on Phase 1 is sufficient for both development phases. The Council has adopted the open space with equipped children's play area on the Phase 1 development area and has noted that the

standard of provision is more in line with the standard required for a NEAP type play area.

Natural Resources Wales have confirmed that the modelling used to inform the updated Flood Consequences Assessment (FCA) is acceptable and the hydrology used in the model has also been approved. They recommend that, should the Council grant planning permission, the mitigation measures set out in the FCA are implemented and secured by planning conditions. Such measures would address significant concerns that have been identified. Raising the site would comply with recommended guidance given in TAN 15 and has the potential to cut-off the existing flood route to nearby residential properties downstream of the site, thereby increasing their standard of protection.

Welsh Water Developer Services - No objection subject to advisory notes.

Crime Prevention Design S.Wales Police - Comments provided - no objection.

The Coal Authority - No objection subject to conditions.

Group Manager Public Protection - No objection subject to the following:

1. A 5m closed boarded fence shall be erected along the eastern boundary as shown on plan 3187/SP2 - Proposed Housing Layout Plan of the noise report by Hunter Acoustics entitled 'Environmental Noise Survey 3187/ENS1\_Rev1' dated 17 December 2014 to remove line of sight from first floor windows to the service yard of Coppice Alupack. The fence shall be maintained in perpetuity.
2. The layout of the houses shall be designed as shown on 3187/SP2 - Proposed Housing Layout Plan of the noise report by Hunter Acoustics entitled 'Environmental Noise Survey 3187/ENS1\_Rev1' dated 17 December 2014 i.e. with no habitable rooms directly overlooking the service yard of Coppice Alupack with gable ends facing the site.
3. There shall be no residential development on the parcel of land shown on the layout '3187/SP1 on the supplementary letter by Hunter Acoustics to Sam Courtney dated 30 October 2013.
4. A legal agreement shall be in place between Barratt and Coppice Alupack so that Coppice Alupack will carry out work to replace the tonal reversing alarms with white noise reversing alarms and alternative arrangements shall be put in place to prevent the necessity for the forklifts at Coppice Alupack to sound their horns as they enter and leave the building.

## **REPRESENTATIONS RECEIVED**

Residents have been consulted on three occasions in response to variations to the submitted scheme with the latest consultation being sent on 1 February 2016.

Following the receipt of observations from Natural Resources Wales and in response to the revised engineering layout and site sections, additional letters of objection have been received.

Overall, objections have been received from the following residents: -

2, 6, 12, 16, 17, 21, 22, 29, 32, 33, 35, 37, 44, 48, 47 and 49 Cwm Felin;



2 Mount Pleasant Blackmill;

Blackmill and Glynogwr Residents and Tenants Association;

A petition signed by 59 residents of Cwm Felin was also received objecting to the development. The following is a summary of the objections received to date:

1. The status of the land was previously 'greenfield' but the applicants now maintain that this has changed to brownfield - on what basis?
2. The proposed development is out of character and differs from the surrounding - the mix of house types has changed and the density is higher than that recommended by Welsh Government. The development will affect the neighbours' privacy, will dominate outlook and will overshadow homes and gardens - this will be exacerbated by the need to raise ground levels in line with the requirements of Natural Resources Wales.
3. Can the existing access road cope with the additional traffic - increase in traffic will affect the safety of the children in the streets - existing traffic calming facilities are ineffective in controlling speed. The level of car parking for the proposed housing is below the required standard.
4. The site drains poorly with the natural flow of water impeded by the developer's actions and ground conditions. Local Authority must be satisfied that the proposed surface water collection, storage and discharge arrangements are sufficient and fit for purpose; are the foul and surface water drainage connections adequate to serve the proposed development?
5. Flood Consequence Assessment is based on out dated information - future flood events could affect residents in Cwm Felin. New residents may also have problems in obtaining mortgages on the new properties.
6. Buildings works and associated construction traffic, noise, dust will inconvenience existing residents and affect the levels of amenity that are currently enjoyed.
7. Loss of wildlife.
8. The proposed acoustic barrier is no guarantee to preventing noise nuisance - the proposed dwellings in close proximity to the industrial premises could give rise to complaint which could constrain the commercial activity and potentially result in job losses or relocation of the business. The proposed 5m acoustic fence will be an eyesore - a dominant feature to those living close to the structure.
9. The method used for the eradication of Japanese Knotweed is not a guarantee that the invasive species will not return. The developer must have regard to the potential re-infestation.

Residents of Cwm Felin in a joint communication dated 21 June 2016 petitioned Natural Resources Wales directly drawing attention to the developer's on site activities (removing Japanese Knotweed/diversion of existing site drainage) that resulted in problems with standing water on site. Concerns have also been expressed regarding any flood events affecting not only the development site but existing properties in Cwm Felin.

The applicant's agent has provided a brief statement that seeks to address concerns that were offered by Members at the Committee site inspection. The following is a summary of their submission:

A number of factors have influenced the current scheme design due to the emergence of constraints including the discovery of changes to the operation/working practices at the adjacent factory. A consequence of these changes has been the sterilisation of part of the site (immediately north of the factory) and reduction in proposed development but increase in construction costs. This has impacted upon the viability and subsequently meant that the overall package of planning obligations has been reduced; this has been verified by Officers through the submission the viability appraisal.

Change in operational practices at the adjacent factory came to light in 2013 and resulted in further noise survey work and a redesign of the proposal. A package of mitigation measures have been agreed including replacement of the forklifts reversing tonal alarms with white noise reversing alarms and other changes to limit/avoid the need of operators to sound the forklift horns. Furthermore, the design of the development has now changed so that the proposed units are not directly oriented towards the factory, whilst a 5m high acoustic barrier is proposed along the site boundary. It is considered that these measures will not only protect the amenities of the future occupiers but also improve the amenity to those existing residents located adjacent. The noise mitigation measures will also allow the factory to maintain its current working operations.

Delay to the adoption is down to the delays to the application(s) over the years. If the roads were offered for adoption now, the council would be liable for any repairs or maintenance costs, which could be exacerbated if construction traffic were to use the road as part of the delivery of phase 2.

The updated FCA confirms that the development proposals, which will include the re-profiling of the site and reinstatement of an unnamed watercourse into the Ogwr Fach, will offer a betterment to not only the proposed development but also the existing houses within Cwm Felin (phase one). It is anticipated that this will resolve NRW's concerns.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

Objections received from residents are relevant and are generally considered in detail in the following section of the report, however, the following comments are offered in response to the specific representations received:

1. Planning Policy Wales indicates that previously developed (or brownfield) land should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value. As the site has not previously been occupied by a permanent structure, it could not be defined as brownfield. Nonetheless, it lies within the settlement boundary of Blackmill and is allocated for mixed use development including residential, employment and community uses.

6. Inevitably, a development so close to existing properties is going to result in some inconvenience for highway users and noise and general disturbance during the construction phase and thereafter. Whilst this is not grounds for refusing planning permission, given the scale of the development it will be reasonable to impose planning conditions to control the hours of construction and the implementation of a traffic management plan throughout the period of construction. The Group Manager Public

Protection has not indicated that the additional traffic along the existing estate road will cause an unacceptable level of disturbance.

7. Any potential ecological impacts have been considered in an 'Extended Phase I Habitat Survey undertaken by Soltys Brewster. The survey concluded that the area revealed a range of habitat types which were generally considered to be of low intrinsic ecological value although the ponds were of local ecological value in the context of the site. The report recommends that the development should seek to minimise the impacts on the broadleaf woodland and riparian corridors. Reptiles (common lizard and slow worms) were noted on site and it is understood that the developer has already implemented a programme of translocation from the development area. The Extended Phase I Survey also includes a number of recommendations in respect of vegetation clearance, translocation of amphibians from ponds and the eradication of invasive species which will be the subject of a planning condition. Any loss of habitat is considered to have only local significance and would not be grounds for resisting the grant of planning permission.

9. The existence of knotweed is acknowledged by the landowner and a site report and management plan for its eradication has accompanied the application. Implementation of the plan has also commenced which involves application of herbicide, the digging out of all material containing knotweed, sifting out rhizome material, followed by a period of inspection and management. Should permission be granted, a condition will be imposed to ensure that the developer follows the management plan prior to works commencing on construction. On the basis of the information before the Authority it would appear that the landowner's management of this invasive species accords with the Environment Agency's code of practice.

Comments in response to the observations provided by Open Spaces Society - The application site does not constitute an area of 'open space' and is allocated for a mixed use development under Policy PLA3 (17) of the Bridgend Local Development Plan 2013. The application will deliver housing under Policy COM2 (4) which, contrary to the observation of the Open Spaces Society, does contribute to housing supply for the County Borough.

In response to the comments of the Head of Street Scene (Waste and Recycling) the scheme has been designed to ensure access to all parts by a refuse vehicle.

## **APPRAISAL**

The application is referred to the Development Control Committee for determination in view of the number of objections received from local residents and the Ogmores Valley Community Council.

The application and site history are described in detail in the first section of the report. The main issues relevant to the determination of this application are:

*(i) Whether the form of development proposed accords with the allocation of the Bridgend Local Development Plan:*

Under the Bridgend Local Development Plan (2013) the application site is allocated for 'Regeneration and Mixed Use Development' (Policy PLA3 (17) refers) where it was intended that the site would accommodate a mix of uses comprising residential, work units and local community facilities. The allocation reflected the resolution to grant permission for a mixed use development under P/09/691/OUT but, as indicated at the

beginning of the report, a change in site circumstances, namely the revised noise profile associated with the Coppice Alupack operation and the resultant reduction in the developable area, prevents the delivery of the original scheme. The application, according to the supporting planning statement, has sought to address the identified constraints and brings forward the residential element of the mixed use with associated affordable housing (reduced from six to two units and an off site contribution), on and off-site noise mitigation works, a contribution to community facilities and enhancements to the undeveloped land on Isfryn Industrial Estate.

The current proposal represents a significant downsizing both in terms of housing numbers but also the employment provision (the omission of 'Live Work' and starter units) and the levels of community benefit which previously included a new community centre. It is accepted that development viability has been significantly affected by the reduction in the housing numbers and delivering the original scheme and the associated levels of obligation is no longer achievable. Whilst the development will not realise the economic benefits of earlier submissions it will deliver the housing element of the mixed use allocation without prejudicing the implementation of the remaining policies. Furthermore, the proposed housing will meet a wider need in a sustainable location. The application does also propose obligations which are at a level that reflects the revised quantum of housing whilst including measures to mitigate against the potential negative impacts of the development. It is considered that the principle of the development accords with the site's allocation and broad policies of the Bridgend Local Development Plan.

*(ii) The effect of the proposal on the character and amenities of the area, specifically those enjoyed by existing residents:*

Strategic Policy SP2 relates to design and sustainable place making and the proposed scheme should comply with the criteria of Policy SP2.

Policy SP2 of the LDP states:-

'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'

The Supplementary Planning Guidance (SPG) 02 - Householder Development, adopted on 12/12/2008, sets out objectives that define development that is likely to be acceptable. Whilst the SPG relates to householder development it is considered that its principles are generally relevant to this application and, in particular Notes 1, 2, 6 & 8 are addressed below.

Objectors have highlighted the difference between the existing Cwm Felin estate and the proposed development in terms of housing mix, density and the scale of the development. On the latest revision, the three storey flatted complex in the north western corner of the development has been omitted. All housing units are now two storeys and, apart from the two (one bedroom) flats on Plots 10 and 11, are either two or three bedrooms semi-detached or link units. The housing mix is not significantly different to the adjoining site and is the house builder's response to market demand.

Concerns about density are also noted although Policy COM 4 of the LDP (2013) does establish a density requirement of at least 35 dwellings per hectare. Although this is exceeded (43 dwellings per hectare) the numerical increase is not in itself grounds to refuse permission. Planning Policy Wales does not prescribe 'acceptable density' levels

but states:

*In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. (Paragraph 9.3.4 Planning Policy Wales - Edition 9 November 2016 refers)*

Increased densities should therefore not be accepted if the living environment created is poorly designed. For the majority of the properties, the level of private amenity space is modest with garden lengths not achieving the 10m that would be preferable. In some of the more recent higher density schemes approved by this Council, such compromises in garden sizes have been accepted. The privacy that will be afforded to the future occupiers of the new dwellings will meet the Council's privacy standard and although garden lengths will not be generous, spacing between the proposed units will ensure that the outlook is relatively open.

The supporting Planning Statement maintains that the proposed layout has been carefully considered to ensure that the amenity of the adjacent existing residents is not unduly harmed. The omission of the three storey units has assisted in this regard.

Units 1 and 12 on the latest layout are the closest to the existing residents on the northern part of the development with gable ends (8.8m to the ridge) of the proposed dwellings being 'set in' approximately 1m from the shared boundary, with a distance of between 12.6m and 14m being recorded on plan, between the rear elevation of the existing dwelling and the side elevations of the new units. Further consideration has been given to the relationship of the development to the existing properties in terms of the finished site levels which have been indicated on the latest 'Engineering Layout', updated in line with the requirements of NRW to raise site levels. In general, the spacing between new and existing properties achieves the Council's Guidelines and, although the open aspect will be lost, the new dwellings should not unreasonably overshadow or dominate outlook.

The relationship on the southern part of the proposed layout is slightly different with the nearest units being on Plots 22 and 36. Again on Plot 22, an 9.4m high gable end of the new dwelling will be positioned adjacent to the shared boundary with the nearest existing dwelling (35 Cwm Felin). From the submitted plans, a separating distance of 13.35m is recorded which, for the reasons set out above, is acceptable. Plot 36 will share a similar orientation to 29 Cwm Felin with the driveways of the existing and new dwellings creating space between. Such an arrangement is again acceptable and should ensure that the amenities of the occupiers of this neighbouring dwelling are not unreasonably affected by the development.

The car-parking courtyards in the northern and southern parts of the site will share the remaining boundaries with the existing houses and it is intended to provide screening in the form of fencing and new planting to minimise the impact of the proposed works.

*(iii) The effect of the development on the highway network and highway safety generally*

The transportation and highway safety implications of the proposal have been fully considered by the Transportation and Development Control Officer who has not objected to the development subject to conditions. The last revisions to the proposed layout were in response to concerns regarding the level and accessibility of the parking

bays and the width of the proposed estate road. A reduction in the number of units and consequential demand for resident car parking, the provision of more convenient residents' car parking and visitor parking on the widened carriageway has addressed previous objections. Whilst it is understood that the existing estate road serving Cwm Felin has not been adopted, that process is continuing and does not prejudice the determination of the new application. Given the number of units proposed, the highway (vehicular and pedestrian) infrastructure is considered acceptable to serve the development.

*(iv) The effect of the development on the existing drainage systems and connected flood risk:*

Natural Resources Wales and all other relevant drainage bodies have commented on the proposed development and offered no objection to the development subject to conditions. The Council's Land Drainage Engineer confirms that discussions have taken place with the developer's Drainage Engineers and it is considered that an appropriate scheme can be designed and accommodated within the site.

The flood mitigation works set out in the Flood Consequence Assessment and required by Natural Resources Wales include the reinstatement of the existing watercourse running parallel to the Phase 2 on the eastern boundary of the site and the raising of ground levels on the development site. This will not only create a TAN 15 compliant development but also offers a significant betterment in terms of flood risk to the existing dwellings in Cwmfelin.

*(v) Whether the development would impact on the adjoining employment site which is allocated and protected under policies of the Bridgend Local Development Plan.*

Under Policy REG1 (31) of the Bridgend Local Development, Isfryn Industrial Estate is allocated and protected for employment uses. Planning Policy Wales (2016) indicates that employment and residential uses can be compatible but local planning authorities should have regard to the proximity and compatibility of proposed residential development adjacent to existing industrial and commercial uses to ensure that both amenity and economic development opportunities are not unduly compromised. In response to the noise survey that has accompanied the application, and on the advice of colleagues in the Public Protection Section, a number of noise mitigation measures are proposed as part of this application.

The proposed acoustic barrier is one part of a series of measures to mitigate the impact of noise emanating from the Coppice Alupack operation on the existing residents and those that will occupy the development. The additional measures are set out elsewhere in this report and include replacing the tonal reversing beepers on the forklifts with white noise alarms and providing alternative access arrangements to the warehouse. Such measures and a plan of implementation will be the subject of a S106 Agreement which will be signed by the Council, the developer and the appropriate parties in Coppice Alupack. This will ensure that the mitigation works will be implemented prior to the occupation of the proposed dwellings. Having regard to the advice contained in Technical Advice Note (TAN) 11: Noise 1997, this approach is consistent with Welsh Government guidance. Furthermore, it provides some comfort that the continued operation of the Coppice Alupack will not be compromised by the introduction of new housing on the adjacent land.

It is acknowledged that a 5m structure will appear as a somewhat 'alien feature' on this new housing estate. If such a structure does diminish the visual amenities of the area, its purpose along with all other forms of mitigation, is to protect residential amenity and allow the delivery of the residential element of this mixed use allocation thus providing housing to meet local need.

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

The well-being goals identified in the Act are:

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

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

In summary, it is considered that the development accords with SP2, PLA3 (17) and COM4 of the Bridgend Local Development Plan and will have a design that is appropriate in scale which will ensure that the viability and amenity of neighbouring users/occupiers will not be adversely affected. The implementation of biodiversity enhancements, as required by conditions 7 and 9, will help contribute to the environmental sustainability of the development and will demonstrate compliance with Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006. On the advice of the land drainage bodies, appropriate arrangements for the disposal of foul sewage, waste and existing land drainage can be accommodated on the development and methods to deal with invasive species have been incorporated in the planning submission. Finally, safe and efficient access within and outside the site can be provided by the development.

## **CONCLUSION**

This application is recommended for approval because the development is in accord with the policies of the Bridgend Local Development Plan and will deliver housing on a sustainable site without any significant adverse impact on the highway network and local drainage system. Furthermore, the proposed housing layout has been designed to ensure that the amenities of existing and future residents and adjoining users will be safeguarded.

The representations received have been taken into account however, on balance, it is not considered that they outweigh the merits of the development and the Local Development Plan.

## RECOMMENDATION

(A) The applicant and Coppice Alupack enter into a Section 106 Agreement to:

(i) Provide 2 units of affordable housing to be transferred to a Registered Social Landlord, with the type of units, location within the site and affordable tenure to be agreed by the Council and a financial contribution of £150,000.00 as the equivalent value to providing the level of affordable housing on site under Policy COM5 of the Bridgend Local Development Plan (2013).

(ii) Provide a financial contribution of £20,000.00 towards improvements to the existing community centre in Blackmill or towards the provision of a new community building

(iii) Secure the following noise mitigation works on their existing site on Isfryn Industrial Estate:

a) Replace the tonal reversing alarms with white noise reversing alarms on the forklift trucks in operation on the land currently being occupied by Coppice Alupack;

b) Provide an alternative access arrangement to the existing warehouse to prevent the necessity for the forklift trucks operating at Coppice Alupack to sound their horns as they enter and leave the building;

(iv) Ensure the aforementioned mitigation works are implemented on the Coppice Alupack site prior to commencement of the development approved under P/14/838/FUL:

(v) Establish a 'Management Company' for the future maintenance of the acoustic barrier, the existing watercourse on the eastern boundary of the development site and all storage drainage systems in the private areas of the development. Details of the Management Company, including the funding of the Management Company, and the maintenance regime shall be agreed in writing by the Local Planning Authority to ensure that the maintenance works are carried out in perpetuity.

(vi) Enter into a Highways Agreement to secure the adoption of the proposed roads that will serve the development site.

(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 and Coppice Alupack has entered into the aforementioned Section 106 Agreement, subject to the following conditions:

1. The development shall be carried out in accordance with the following approved plans: Job No. 1327 Drawing No. 1000 Revision T, 1060, 1061, 1062, 1063, 1066, 1067 and Drawing No. 1327/B105 - Section Through Existing Development received on 23 December 2016

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

2. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, how foul drainage, highway, surface water, including the means to prevent run off from driveways and parking bays discharging onto the highway, roof and yard water will be dealt with. The development shall



thereafter proceed in accordance with the agreed comprehensive and integrated drainage scheme prior to any dwelling being brought into beneficial occupation.

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

3. No development shall commence until a scheme showing the scale, design, specification and precise location of the required acoustic barrier to be erected along the eastern boundary of the application site has been submitted to and agreed in writing by the Local Planning Authority. The acoustic barrier shall be erected in accordance with the agreed scheme, prior to the occupation of any dwelling and maintained in perpetuity.

Reason: To maintain noise levels in the interests of the occupiers of the residential properties.

4. No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

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

5. No development shall take place until details of the proposed floor levels of the buildings in relation to existing ground levels and the finished levels of the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the development relates appropriately to the topography of the site and the surrounding area.

6. No development shall commence, including any works of site clearance, until a 'Site Clearance Method Statement' has been submitted to and agreed in writing by the Local Planning Authority. The statement shall include details for avoidance of harm to reptiles and nesting birds. The development shall be carried out strictly in accordance with the agreed method statement.

Reason: In the interests of visual and residential amenity and to promote nature conservation

7. No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a soft and hard landscaping scheme. The agreed landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority prior to any development commencing on site.

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

8. No development shall take place until a schedule of landscape maintenance for a minimum period of 3 years has been submitted to and agreed in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its

implementation. Development shall be carried out in accordance with the agreed schedule.

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

9. No development shall commence until a scheme for the erection of bird and bat boxes and a programme of implementation has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as agreed.

Reason: In the interests of visual and residential amenity and to promote nature conservation

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

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- wheel washing facilities
- haulage routes

Reason: In the interests of highway safety

11. No development shall commence on site until a scheme has been submitted to and agreed in writing showing the internal access road being subjected to a 20mph speed restriction. The agreed scheme shall be implemented prior to any building on the site being brought into beneficial occupation.

Reason: In the interests of highway safety.

12. No dwelling shall be occupied until the individual drive and parking bays serving the dwelling concerned have been laid out as approved and completed in permanent materials and at gradients that do not exceed 8.33% (1 in 12) in accordance with the approved layout. The individual drive and parking bays shall thereafter be retained for parking purposes in perpetuity.

Reason: To ensure the provision and retention of sufficient off-street parking and to prevent loose stones, mud and gravel being spread on to the highway, in the interests of highway safety.

13. The development shall be carried out strictly in accordance with the recommendations set out in Chapter 6 of Soltys Brewster's Extended Phase 1 Habitat Survey and Summary of Ecology dated April 2015 and the Knotweed Management Plan set out on pages 7-8 of Elcot Environmental Site Report and Management Plan for Control and Eradication of Japanese Knotweed and After Dig Report dated October 2015.

Reason: For the avoidance of doubt and in the interests of protecting biodiversity interest and the environment.

14. Construction works shall not take place outside 07:30 hours to 17:30 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

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

15. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

(a) This application is recommended for approval because the development complies with the policies of the Bridgend Local Development Plan and will deliver housing on a sustainable site without any significant impact on the highway network and local drainage system. Furthermore, the proposed housing layout has been designed to ensure that the amenities of existing and future residents and adjoining users will be safeguarded.

(b) Foul and surface water shall be drained separately.

(c) No surface water will be allowed to discharge to the public sewer.

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

(e) Rainwater run-off from driveways shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under Section 163 of the Highways Act 1980.

(f) It is a requirement under Section 153 of the Highways Act 1980 that any gates must be located and fitted so as not to open out over the highway.

(g) The Highway Authority will require the developer to enter into a Section 38 Road Agreement and a Section 104 Sewer Agreement, including appropriate bonds to secure the implementation of the proposed highway and sewer works.

(h) The applicant is advised that the Highway Authority reserves the right to invoke the powers contained in Section 59 of the Highways Act, 1980 and recover additional expenses incurred in maintaining certain lengths of the highway network.

(i) The applicant is advised that the development should be designed and constructed in accordance with the January 1993 Mid Glamorgan County Council Design Guide for Residential and Industrial Estate Roads which has been adopted by Bridgend County Borough Council.

(j) In accordance with the Bridgend County Borough Council Design Guide, road gradients shall be such that the maximum gradient of 1:12 is not exceeded. A 10m near level platform shall apply at junctions. Access roads shall have a minimum gradient of 1:125.

(k) The developer should make every effort to ensure surface water from any permanent surface drains onto adjacent porous surfaces, thereby reducing the demand on the drainage system. Alternatively, the developer may wish to explore the use of permeable materials for the access and parking areas, although compacted chippings would not be acceptable as they may be dragged onto the highway to the detriment of highway and pedestrian safety. As a result of the above, impermeable surfacing such

as concrete or tarmacadam extending across the full width of the access and parking areas should not be considered as a first option.

(l) Details of any retaining walls within the site to be submitted to the Authority should include location, finishes, structural calculations and constructional details proving that the structures concerned have been designed and will be constructed so as to prevent subsequent structural failure and ground movement and, in addition, in respect of any retaining wall or embankment supporting or having an influence on the abutting highway, the design details duly certified by a professional Structural Engineer, including full engineering details and structural calculations produced in accordance with the requirements of BD2/12 - Technical Approval Highway Structures as well as qualification that the structure will achieve a 120 year life span.

(m) Commuted sums to cover the extraordinary long term maintenance costs of any highway structures will be a prerequisite of the adoption of the road works as highways maintainable at public expense.

(n) Street nameplates reflecting the official street name allocated by the Council should be erected by the developer at locations and to a specification to be agreed with the Local Planning Authority prior to beneficial occupation of the first dwelling house in the street that has been so allocated.

(o) The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

**MARK SHEPHARD  
CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None

**DEVELOPMENT CONTROL COMMITTEE**

**19 JANUARY 2017**

**AMENDMENT SHEET**

**The Chairperson accepts the amendment sheet in order to allow for Committee to consider necessary modifications to the Committee report to be made so as to take account of late representations and corrections and for any necessary revisions to be accommodated.**

<b>ITEM NO.</b>	<b>PAGE NO.</b>	<b>APP. NO.</b>
<b>8a</b>	<b>13</b>	<b>P/14/838/FUL</b>

The following additional conditions shall be added to the recommendation:

Following the publication of the committee report, further objections have been received from the residents of Cwmfelin, Blackmill, which includes an emailed communication from Mr G Hando which has been copied to all Members of the Development Control Committee, the local member and representative of the community council. The detailed objection considers the issues of noise, the visual impact of the acoustic screen, the additional traffic generated by the development, questionable car parking design, flood risk, site drainage problems and the design of the development with reference to housing density, poor arrangements for waste collection etc. The letter has not been reproduced in full on the basis that it has already been circulated to members by the objector.

On further review of the housing layout, the Highways Section has requested the imposition of the following additional conditions:

15. Notwithstanding the submitted 'Planning Layout' (Job No. 132 Drawing No. 1000 Revision T), no development shall commence until a scheme for the provision of an enlarged turning head and revised waste and recycling collection area adjacent to plot 29 on the layout has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of vehicle swept path analysis and the development shall proceed in accordance with the agreed scheme with the collection areas being retained in perpetuity.

Reason: In the interests of highway safety and satisfactory refuse and recycling collection.

16. Notwithstanding the submitted 'Planning Layout' (Job No. 132 Drawing No. 1000 Revision T), no development shall commence until a revised scheme car parking scheme for plots 30 and 31 has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall provide three car parking spaces, shall be completed in permanent materials prior to the dwellings being brought into beneficial use and shall thereafter be kept available for the parking of vehicles in perpetuity.

Reason: In the interests of highway safety.

17. Notwithstanding the submitted 'Planning Layout' (Job No. 132 Drawing No. 1000 Revision T), no development shall commence until a scheme for the provision of an enlarged turning head and revised parking arrangements for plots 20 & 21 has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of vehicle swept path analysis and the development shall

proceed in accordance with the agreed scheme with the collection areas being retained in perpetuity.

Reason: In the interests of highway safety and satisfactory refuse and recycling collection.

18. Notwithstanding the submitted 'Planning Layout' (Job No. 132 Drawing No. 1000 Revision T), no development shall commence until a revised scheme of allocation of car parking spaces has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be completed in permanent materials with the spaces demarcated in permanent materials prior to the dwellings being brought into beneficial use and shall thereafter be kept available for the parking of vehicles in perpetuity.

Reason: In the interests of highway safety.

**8b**

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**P/16/861/FUL**

A full Development Control Committee site visit was undertaken on Wednesday 18 January 2017.

Representatives of the applicant and the agent attended the site visit.

The word "activities" in the fifth paragraph on page 38 should be replaced by "actively".

**11**

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**PENCOED PRIMARY SCHOOL  
PLANNING DEVELOPMENT BRIEF**

Paragraph 8.1a - Remove 'a' from the sentence.

**MARK SHEPHARD  
CORPORATE DIRECTOR – COMMUNITIES  
19 JANUARY 2017**

## APPENDIX B



Date: 02 February 2017  
Our Ref: SC/15.150

Phil Thomas  
Development Control  
Bridgend County Borough Council  
Civic Offices  
Angel Street  
Bridgend  
CF31 4WB

Dear Phil,

**P/14/838/FUL – Erection of 36 dwellings, car parking, an acoustic fence, landscaping and associated works on land at East Cwm Felin & South Craig Terrace / Ebenezer Terrace, Blackmill**

I refer to the above planning application which was deferred at the recent Planning Committee meeting dated 19<sup>th</sup> January.

At the committee meeting a number of issues of concern were expressed including matters related to the density of development, inadequate parking provision, adequacy of surface water drainage proposals and the visual impact of the acoustic fence. It was clear that whilst some of these issues were directly related to the proposed development, a number of others were potential legacy issues unrelated to the application but instead associated with the original phase of development.

In light of this, the applicant is attempting to arrange a meeting with the local residents, community council and Councillor Hywel Williams to discuss both the legacy issues and the design changes which could be considered to overcome a variety of the issues that were raised by the objectors who spoke against the application and during the subsequent debate. Immediately after the meeting the applicant met with a number of residents who made it clear that whilst they have issue with the current design, they are not opposed to the principle of the proposal. In addition, the applicant has met with Coppice Alupac who has confirmed that despite the decision by the Planning Committee they remain supportive of the proposed development.

I therefore write to request that formal determination of the application be deferred to allow the applicant time to meet with the local residents and Councillors with a view to exploring what can be undertaken to address the 'legacy issues' and to review the current design. To be clear however, we are not able to avoid the installation of the acoustic fence but do feel that there are a number of changes which could be considered to reduce its visual impact.



As you are certainly aware, this application seeks to deliver the housing element of a mixed-use site which is allocated within the LDP, and so it is hoped that Members will agree to the applicants' request, which is sought with the clear aim of finding a suitable compromise which will not only address the main concerns raised but will deliver much needed housing for the local community.

I trust that you will report this request to planning committee. Should you require any further information in the meantime, please do not hesitate to contact me.

Yours faithfully,



**Sam Courtney** BA (Hons) MA (Uc) MRTPI  
Director  
LRM Planning

