

REFERENCE: P/18/163/FUL

APPLICANT: Club Penybont Ltd c/o John Matthews Planning & Development
47 Anglesey Way, Porthcawl CF36 3QP

LOCATION: Penybont Football Club, Llangewydd Road, Bridgend CF31 4JU

PROPOSAL: Provision of a second stand (250 seater) plus tv gantry

RECEIVED: 7 March 2018

APPLICATION/SITE DESCRIPTION

The application relates to the existing playing field and clubhouse facility at Llangewydd Road and comprises the provision of a second stand (250 seater) plus tv gantry on the northern side of the football pitch.

The site lies outside the defined settlement boundary and within a designated landscape protection area (SLA). The built up settlement of Bryntirion bounds the site to the south and east and is primarily residential in nature. The land to the north is allocated for residential development in the LDP (Policy COM2(6)) and is also the subject of outline approvals for residential development (P/15/358/OUT & P/17/1043/RLX refer).

The site is surrounded by mature trees and hedgerows, protected under a Tree Preservation Order.

The stand approved under P/16/547/FUL complies with the Football Association of Wales' requirements for the Welsh Football League and, to facilitate the Club's aspirations for promotion to the Welsh Premier League, a further 250 capacity stand and a tv gantry is proposed.

The applicant's agent has provided the following:-

In support of the application, and taking account of the Planning Officer's report assessment of the P/16/547/FUL planning application, it is submitted that the proposed development will be satisfactorily accommodated within the existing Penybont Football Club site:

- a) Without any unacceptable visual, noise or other environmental impacts with regards to the needs to protect the countryside, the Laleston Special Landscape Area, the environmental quality of the surrounding areas, and the amenity and privacy of neighbouring residential areas; and,*
- b) Without any unacceptable access and parking implications as the current access and parking arrangements as approved by the P/16/547/FUL planning permission are sufficient to satisfactorily accommodate the additional 250-seater stand. In this respect, the Authority's SPG17 indicates a requirement of 1 parking space per 15 seats for stadia, and this amounts to a requirement of 34 spaces for the already approved 250-seater stand plus the now proposed additional 250-seater stand. The already approved 44 parking spaces and 10 staff parking spaces are accordingly sufficient to satisfy the requirements of the 2 x 250-seater stands plus the existing clubhouse facility.*

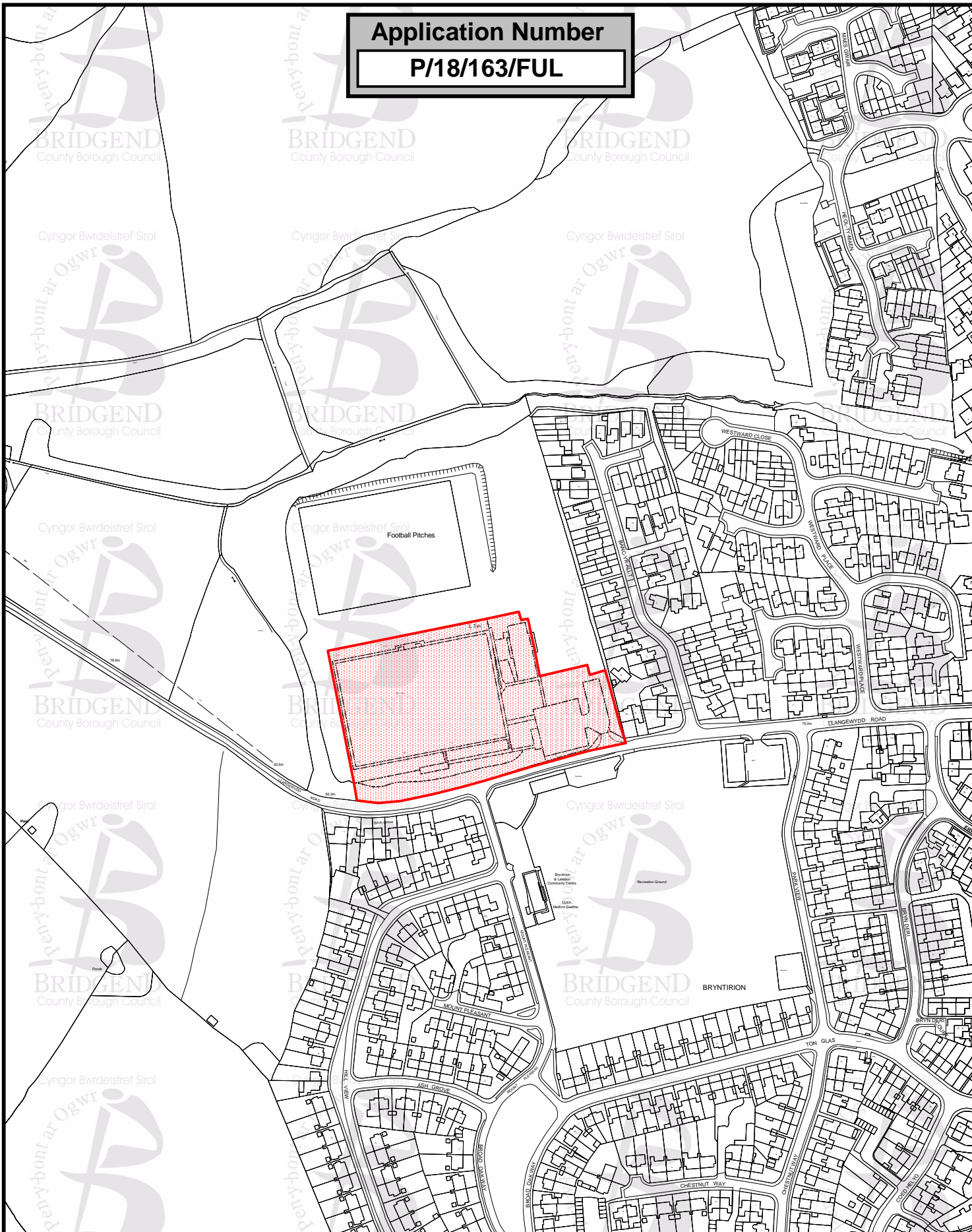
RELEVANT HISTORY

P/97/858/FUL - New clubhouse, floodlights, spectator stand and ancillary works, pitch drainage and car park extension

Conditional Consent - 23 December 1997

Application Number

P/18/163/FUL



Scale 1:1,750

**Date Issued:
11/07/2018**

**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 MI layouts/
Committee DC Plan

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P/01/553FUL - Viewing area

Conditional Consent - 6 August 2001

P/06/289/FUL - 2 add pitch floodlighting columns

Conditional Consent 13 April 2006

P/06/935/FUL - Palisade fence enclosure to football pitch

Consent 12 September 2006

P/11/218/FUL - 4 additional flood lights to training area (2 x lamps/10m high columns)

Conditional Consent 13 May 2011

P/16/547/FUL - Extension & enhancement of existing facilities

Conditional consent 13 February 2017

P/17/746/FUL - Rear single storey extension for family room

Conditional consent 5 October 2017

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 expired on 9 April 2018

CONSULTATION RESPONSES

Welsh Water Developer Services request advisory notes be included on any consent to ensure no detriment to existing residents, the environment or Dwr Cymru/Welsh Water's assets.

The Head of Street Scene (Highways) has no objection subject to the inclusion of conditions on any consent.

The Head of Street Scene (Drainage) requests the inclusion of conditions on any consent.

REPRESENTATIONS RECEIVED

Representations have been received from 43, 45 and 54 (registered a request to speak at Committee) Banc yr Allt as follows:-

- existing problems with parking and obstruction and existing inconsiderate speeding drivers and therefore more people will create chaos and the area/streets surrounding the club;
- existing problems with noise and foul language;
- floodlights being left on after 10:00pm (sometimes all night);
- the club could not accommodate that amount of people.

COMMENTS ON REPRESENTATIONS RECEIVED

- Whilst the Department can seek to provide facilities for parking through the Planning system, it cannot force people to use the facilities and the problems of parking, speeding drivers and obstruction are a Police matter.
- Noise is a matter for investigation as a Statutory Nuisance by the Public Protection Section.
- The 2011 consent restricted the hours that the floodlights could operate and the Club will be reminded of the condition.
- There is no current limit on the use of the site and capacity issues are outside the scope of the planning process.

APPRAISAL

The application is referred to Committee to consider the objections received.

The site lies within the open countryside where development is strictly controlled. Policy ENV1 of the LDP identifies types of development that may be acceptable and this

includes outdoor recreational and sporting activities. Where development is considered in principle to be acceptable in the countryside then it should, where possible, utilise existing buildings. In this case the site is an existing facility with a stand, clubhouse and car parking already in position and the proposal will not extend beyond current established boundaries. The proposal therefore does not conflict with countryside protection policies.

The land also forms part of the Laleston Special Landscape Area (SLA). Under Policy ENV3(7) of the LDP, development in SLAs is also strictly controlled. However, the site is an existing facility comprising buildings and supporting infrastructure, is located on the very fringe of the SLA and is separated from the wider SLA by mature trees and hedgerows. The development, when seen in the context of the SLA, will be seen against the back drop of the established settlement, which is located directly adjacent. As the development involves the consolidation and extension of the current facility and will not be prominent in the landscape, it is considered that the proposal will not adversely impact on the designated area.

With respect to the visual impact on the local area, the development proposes the replacement of the existing stand. The closest dwellings are approximately 100 metres from the stand. The structure will measure approximately 33 metres in length by 4.0 metres in depth and 4.0m in height, with the tv gantry centrally located and measuring 7.4m in length, 3.4m in depth and 7.2m in height. Externally, the stand will be coloured blue to match the football club's main kit colour and the existing approved stand. The stand is located centrally within the playing fields but will be substantially screened by the existing treeline and hedgerow along the boundaries of the site.

The proposed residential development to the north and the existing residential development to the east are similarly separated by a mature treeline and are some 250 metres and 100 metres respectively from the stand.

Access to the site is gained directly from Llangewydd Road which forms part of the unclassified highway network serving north-west Bridgend and which in turn links to the wider classified highway network serving Bridgend and beyond.

This application is in addition to the already consented 259 seater stand (P/16/547/FUL refers) and as such brings the total quantum to 509 seats. That 2016 planning application originally sought consent for a 500 seater stadium which attracted a number of highway safety related planning conditions to enable that development to go ahead, however, the applicant was not in a position at that time to be able to implement the recommended conditions and the 2016 application was subsequently reduced to a 259 seater stand which, in turn, reduced the number of highway related planning conditions.

It is considered that in order for this application to be progressed the original planning conditions required for the 500 seater stand are now applicable to ensure that the increase in users can access the stadium safely and park appropriately.

In order to prevent any on street parking/loading/unloading, it is considered necessary to prevent inappropriate parking around the site generated by this development and, in this respect, double yellow lines are proposed around the site access, opposite the site access and any other areas deemed necessary to stop vehicles parking indiscriminately and affecting the free flow of traffic.

In addition and in order to improve the sustainability credentials of the site to meet the requirements of the Active Travel Act 2013, a condition requiring the provision of cycle parking spaces to promote alternative sustainable transport modes is recommended.

Some concern has been raised that the development will result in the intensification of the facility and increased use resulting in further amenity problems including noise. In planning terms there is no current limit on the use of the site and capacity issues are outside the scope of the planning process. The development must be assessed on its own merits and whilst the applicant's intention may be to facilitate further use, intensification is not in itself a sufficient reason to withhold consent. The site is constrained by its physical boundaries and the development retains existing parking levels and turning facilities within the site. This will not address some of the concerns raised, however, the Local Planning Authority cannot control inconsiderate parking and obstruction is a Police matter. The issue of noise as statutory nuisance is governed by other legislation.

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

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular:-

- (a) diversity between and within ecosystems;
- (b) the connections between and within ecosystems;
- (c) the scale of ecosystems;
- (d) the condition of ecosystems (including their structure and functioning);
- (e) the adaptability of ecosystems."

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

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

Given the nature of the development on a previously developed site, it is considered that there will be no significant adverse residual impacts on biodiversity.

Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

Section 3 of the Wellbeing 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 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, which will also extend the provision of recreational facilities in the area.

CONCLUSION

This application can be recommended for approval because the development complies with Council policy and guidelines and will not adversely affect highway safety or visual amenities.

The proposed overall layout and appearance is considered to be compatible with the character and appearance of the countryside and Special Landscape Area and is designed so as to have a minimal impact on the privacy and amenity of neighbouring residential occupiers.

The proposed development will also enhance the level of existing facilities provided at the site and will be of benefit to a range of existing and potential new recreation and social participants as well as to the local community in general.

The proposed content, layout and design of the development has taken full and appropriate account of all the relevant planning and transport considerations and is accordingly consistent with all applicable national and local planning policy intentions and aspirations.

RECOMMENDATION (R34)

A. The applicant enters into a Section 106 Agreement to:-

- a. provide a contribution of £8000 for the application of double yellow lines around the site access, opposite the site access and any areas deemed necessary to stop vehicles parking indiscriminately and affecting the free flow of traffic.
- b. undertake that planning permission P/17/744/FUL will not be implemented.

B. That the Corporate Director Communities be given plenary 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 subject to the conditions as follows:-

1. The development shall be carried out in accordance with the following approved plans Job No 781-16-10 and Job No 781-16-11 received 7 March 2018.

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

2. Notwithstanding condition 1, no development shall commence until a scheme of 150 off street parking spaces, 10 staff parking spaces, 1 commercial/TV Media parking space and 1 coach parking space has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall make adequate provision for circulatory vehicular movements and road markings together with a dedicated pedestrian route from the site access to the facilities. The parking area and pedestrian route shall be completed in permanent materials with the individual spaces and circulatory markings clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and retained for parking purposes thereafter in perpetuity.

Reason: In the interests of highway safety.

3. Notwithstanding condition 1, no development shall commence until a scheme detailing a widened vehicular access of 6m and segregated pedestrian access has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include for site frontage set back and vision splays of 2.4m x 43m, shall be implemented in permanent materials before the development is brought into beneficial use and shall thereafter be retained in perpetuity.

Reason: In the interests of pedestrian and highway safety.

4. No development shall commence until a scheme for the provision of 6 cycle parking stands has been submitted to and approved in writing by the Local Planning Authority. The stands shall be implemented before the development is brought into beneficial use and retained as such thereafter in perpetuity.

Reason: In the interests of promoting sustainable means of travel to/from the site.

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

Reason: In the interests of highway safety.

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

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

7. If an infiltration system is proposed for surface water disposal, no development shall commence on site until suitable infiltration tests, sufficient to support the design parameters and suitability of any proposed infiltration system, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to beneficial use commencing.

Reason: To ensure that effective satisfactory management and disposal of surface water is provided for the proposed development.

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

- (a) This application can be recommended for approval because the development complies with Council policy and guidelines and will not adversely affect highway safety or visual amenities.

The proposed overall layout and appearance is considered to be compatible with the character and appearance of the countryside and Special Landscape Area and is designed so as to have a minimal impact on the privacy and amenity of neighbouring residential occupiers.

The proposed development will also enhance the level of existing facilities provided at the site and will be of benefit to a range of existing and potential new recreation and social participants as well as to the local community in general.

The proposed content, layout and design of the development has taken full and appropriate account of all the relevant planning and transport considerations and is accordingly consistent with all applicable national and local planning policy intentions and aspirations.

- (b) The Developer is reminded that consent under the Town and Country Planning Act 1990 conveys no approval under the Highways Act 1980 for works to be undertaken affecting any part of the public highway including verges and footways and that before any such works are commenced the developer must:-

- obtain the approval of Bridgend County Borough Council as Highway Authority to the details of any works to be undertaken affecting the public highway;
- indemnify the County Borough Council against any and all claims arising from such works;
- give not less than one calendar months' notice in writing of the date that the works are to be commenced to the Policy, Development and Transport Team Leader, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

- (c) In order to satisfy the drainage conditions the following supplementary information is required:-

- Provide a surface water drainage layout;
- Provide infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE 365.
- Provide a plan showing locations of trial holes and at least 3 separate tests at each trial hole location.
- Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system.
- Provide a timetable for its implementation; and
- Provide a management and maintenance plan, for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

- (d) No surface water is allowed to discharge to the public highway.

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

- (f) The applicant may need to apply to Dwr Cymru/Welsh Water for any connection to

the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

- (g) Some public sewers and lateral drains may not be recorded on Dwr Cymru/Welsh Water's maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru/Welsh Water in dealing with the proposal the applicant may contact Dwr Cymru/Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None