

## **DEVELOPMENT CONTROL COMMITTEE MEETING – 16 OCTOBER 2014**

### **BRIDGEND COUNTY BOROUGH COUNCIL**

#### **REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES ON PLANNING APPLICATIONS**

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.

#### **AGENDA FOR PLANNING APPLICATIONS**

<b><u>ITEM NO.</u></b>	<b><u>APPLICATION NUMBER</u></b>	<b><u>APPLICATION ADDRESS</u></b>	<b><u>RECOMMENDATION</u></b>
1	P/14/118/FUL	5 SOUTH ROAD PORTHCAWL	GRANT WITH CONDITIONS
2	P/14/573/FUL	PLOT 3 N.EAST SIDE ABERGARW FARM NEW ROAD BRYNMENYN	GRANT WITH CONDITIONS
3	P/14/337/FUL	LAND NEAR COURT COLMAN PENYFAI	SECTION 106
4	P/13/937/OUT	LAND REAR OF 114-118 CWRT COED PARC MAESTEG	SECTION 106
5		APPEALS	
6		THE PLANNING (WALES) BILL	
7		TRAINING LOG	

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.

##### Recommendation:

That Members note the requirements of the Act to impose time limits when granting planning permission for all new developments.

#### **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.

## **DEVELOPMENT CONTROL COMMITTEE MEETING – 16 OCTOBER 2014**

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](http://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;

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- 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

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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		

## DEVELOPMENT CONTROL COMMITTEE MEETING - 16TH OCTOBER 2014

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**ITEM:**

1

**RECOMMENDATION : GRANT  
WITH CONDITIONS**

**REFERENCE:**

P/14/118/FUL

**APPLICANT:**

MR P V ROSSINI  
MARLBORO HOUSE EITHEN PLACE PORTHCAWL

**LOCATION:**

**5 SOUTH ROAD PORTHCAWL**

**PROPOSAL:**

CONVERT DISUSED SHOP TO DOMESTIC DWELLING WITH ALTS TO  
ROOF TO INC ADDITIONAL FLOOR

**RECEIVED:**

21st February 2014

**SITE INSPECTED:**

5th March 2014

### **APPLICATION/SITE DESCRIPTION**

The application seeks planning permission to demolish the existing single storey building on site and replace with a one and a half storey dwelling. The proposed dwelling will be finished with a pitched roof form and will measure 10m x 6m and will reach a maximum height of 6m. The proposed dwelling will accommodate a kitchen/living area, shower room and store at ground floor level and 2 bedrooms and w.c. served by a spiral staircase at first floor level.

The proposed dwelling will be served by a garden area to the rear which measures 3m x 5.7m, there are no off street parking spaces proposed.

The application site is a former shop located on South Road, there is an access lane serving the Royal Oak public house located to the south of the site, an access path and Philadelphia Road is located to the north of the site and an area to the rear, owned by several properties of Philadelphia Road.

### **RELEVANT HISTORY**

None

### **PUBLICITY**

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations and publicity expired on 28 April 2014.

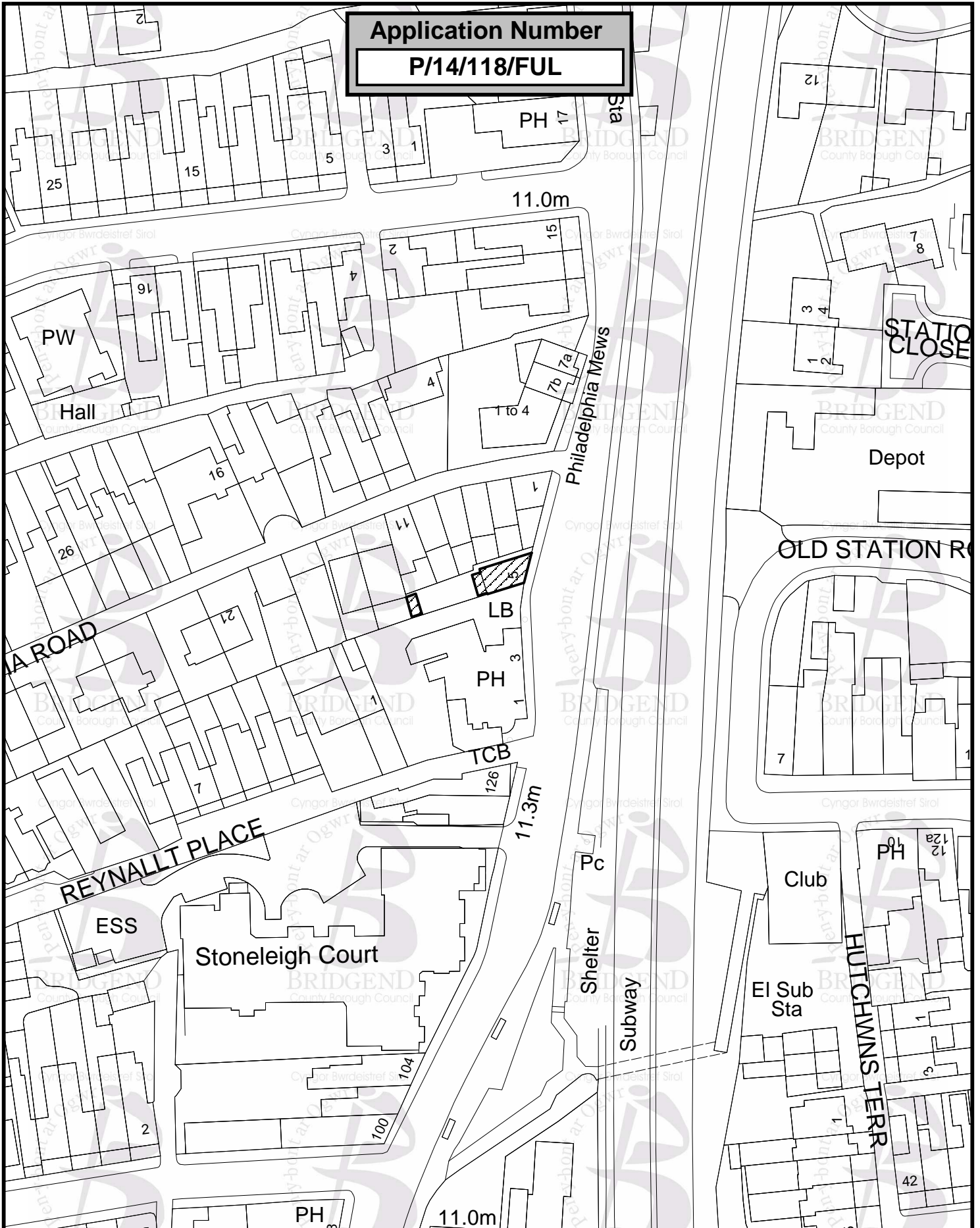
### **NEGOTIATIONS**

The agent was advised that a claim had been received that the location plan was incorrect; an amended location plan was received on 16 April 2014.

The agent was advised that there were discrepancies between the plans submitted, amended plans were received on 11 September 2014.

Application Number

P/14/118/FUL



Scale 1:1,000

Date Issued:  
09/10/2014

Development-GIS Team  
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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The agent was also requested to provide details of any attempts made to let the property. The agent advised that the applicant had attempted to let the property over the past two years with local letting agencies and has attempted to let the property himself, however he has not been able to secure rental of the property.

### **CONSULTATION RESPONSES**

#### **Town/Community Council Observations**

Notified on 3rd March 2014

Has no objections to the proposal.

#### **Councillor S Aspey**

Considers that the application can be determined under officer delegated power and provided the following comments:-

'I have no objections to make regarding this planning application and having looked at the plans in finer detail I would consider that the quirkiness of this property would be retained and the design has been carefully thought out given the limited space that there is to work with.'

#### **Head Of Street Scene (Highways)**

Has no objection to the proposal.

#### **Destination & Countryside Management**

Advised that a bat survey is not required.

#### **Welsh Water Developer Services**

Advised on sewerage.

#### **Head Of Street Scene (Drainage)**

Recommended that a condition be attached to any consent granted.

### **REPRESENTATIONS RECEIVED**

#### **Jeanette Thomas, 7 Philadelphia Road**

Objects to the proposal and the objections are as follows:-

- Not in keeping
- Dust
- Loss of privacy
- Loss of light

#### **Beverley Price, 9 Philadelphia Road**

Objects to the proposal and has requested to speak at Committee. The objection is summarised as follows:-

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- Loss of light to properties of Philadelphia Road
- Loss of privacy
- Disturbance
- Development could jeopardise future use of communal land
- Proposed house type is out of keeping in area
- Land is not wholly in the ownership of the applicant.
- Loss of access along the side of the property.

### **Alison Brown, 11 Philadelphia Road**

Objects to the proposal and has requested to speak at Committee. The objection is as follows:-

'The height of the building with windows at the back will block out light and allow a view of the back of my home and garden.

I have concerns that the project proposes changes to a plot of land that I own. I have not been consulted on any aspect of this no-one has sought my permission to carry out work on my property/land.

I believe the project may make the back of my property easier for access to criminal behaviour and it will cost me money to make it more secure.'

### **Giles Parbery, 8 Severn Road**

Raised the following concerns in regard to the application:-

'As owner of 3&5 Philadelphia Rd, I have concerns that the site plan is incorrect and does not correspond with the deeds I hold. I am concerned about the loss of light to the gardens of No 3&5 and that the window proposed allow a direct view into the bedrooms of No 3&5 and reduces the privacy of the yard.'

Advised that not all the land within the red line boundary was in the ownership of the applicant.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The impact of the proposal on residential and visual amenities is fully addressed in the Appraisal section of this report.

The proposed development of a residential dwelling is not considered to give rise to any overriding concerns in regard to disturbance, dust or criminal activity.

The Transportation Development Control Officer has assessed the scheme and considers it acceptable in terms of highway safety.

The application does not propose to stop up the access to the north of the building.

In response to the comments raised in regard to land ownership, the applicant was advised of the claim on the land and has amended the red line boundary accordingly. The application does not involve work on the land directly to the rear of the site and is therefore not considered to impact on the future use of this land.

The proposed development will be of a similar design and scale as the existing building on site and, consequently, is considered to be in keeping with the existing street scene.



**APPRAISAL**

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

The application seeks planning permission to demolish the existing commercial building on site and to replace it with a one and a half storey residential dwelling of a similar scale.

The existing building on site covers an area of 55.5 square metres and is finished with a pitched roof reaching a maximum height of 5.7m, the proposed replacement dwelling measures an area of 49.5 square metres and is finished with a pitched roof reaching a maximum height of 6m. The proposed replacement building also includes two dormer extensions on the side elevations.

The application site is located within the settlement boundary of Porthcawl as identified by Policy PLA1 of the Local Development Plan (LDP) and, as such Policy COM3 of the LDP is relevant.

Policy COM3 states:-

'Residential developments within settlements boundaries defined by Policy PLA1 on 'windfall' and 'small scale' sites for the conversion of existing buildings, or the re-use of vacant or under-utilised land will be permitted where no other LDP policy protects the building or land for an existing or alternative use.'

The application property is also located within the retailing and commercial Centre of Porthcawl which is defined by Policy SP10 of the LDP and, as such, Policy REG7 of the LDP is relevant.

Policy REG 7 states that changes of use to non A1, A2 or A3 premises on the ground floor outside of primary shopping frontages but within a retailing and commercial centre will only be permitted where, if for residential purposes, the premises has been vacant for at least two years and has been actively marketed over that time.

The applicant has advised that the site has been actively marketed over the past two years by a local letting agency and the applicant has attempted to market the premises himself by placing a sign in the window but has not been able to secure rental of the premises. The applicant has advised that the site is currently used for his own personal storage. Given the applicants attempt to let the premises, the proposed development is considered to comply with Policy REG7 of the LDP.

Additionally the application site is located on the very outer limits of the retailing and commercial centre and a residential property on the site would be in keeping with the residential area located to the north.

The proposed dwelling is considered to generally be compliant with Policies REG7 and COM3 of the LDP. All new development in the County borough is also assessed against Policy SP2 of the LDP, which 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

In terms of visual amenities the proposed dwelling is of a similar scale and design of the existing

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building on site, however the application does propose two dormer windows on the side elevations. The dormer on the northern elevation is relatively small in scale and set back from the front elevation and, consequently, is not considered to have an adverse impact on the street scene. The proposed dormer on the southern elevation will be more visible in the street scene however, as it will only be prominent when viewed directly in front of the proposed dwelling it is not considered to be so harmful to visual amenities as to warrant refusal of the scheme. Furthermore, a condition shall be attached to any permission granted requiring details of the materials to be used in the external surfaces to be agreed in writing by the Local Planning Authority.

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

Note 1 states 'No extension should unreasonably dominate the outlook of an adjoining property.' and Note 2 states 'No extension should unreasonably overshadow adjoining property'. The proposed building will only be 30cm higher than the existing building on site and the eaves will be at a similar height to the existing building. As such, the proposed development is not considered to further overshadow or dominate the properties on Philadelphia Road to the north.

Note 6 of the SPG02 states that a development should respect privacy of neighbouring houses. The dwelling does not propose any habitable room windows which will directly overlook any habitable room windows at neighbouring properties, and whilst the first floor window on the rear elevation will allow for indirect views of neighbouring property gardens, given the built up nature of the immediate area, it is not considered that the overlooking from this window will exacerbate the existing situation to an unacceptable degree. The proposal is, therefore, not out of character with the built-up nature of the area, where a certain degree of mutual overlooking is to be expected. In terms of the windows and roof lights proposed on the northern elevation of the dwelling, due to the low height of the proposed dwelling and the level of the roof lights, it is possible that direct views of the gardens at Philadelphia Road will be possible. In order to overcome this, a condition shall be attached to any permission granted requiring these windows and roof lights to be fitted with obscure glazing.

In terms of the residential amenities for the future residents of the proposed dwelling Note 8 of SPG02 states that a development should have adequate garden area for private use. The application proposes a garden area measuring 3m x 5.7m, at its widest point. Whilst this garden is modest it will serve a very modest dwelling house. It is also noted that the site is within walking distance of Porthcawl Town Centre, Coney Beach and public open space and consequently, it is considered that the limited private amenity space is considered acceptable in this instance.

Additionally, it should be noted that an Inspector allowed an appeal at a site in West Drive, Porthcawl (1690 refers) where the development was served by a comparable amount of amenity space. The Inspector, in that case, considered the limited outside area would be sufficient to provide basic amenities, such as refuse storage, sitting out area and clothes drying. The Inspector also considered that the proximity of the residential development in relation to public open space would not result in the development being considered as overdevelopment of the site or cause harm to the residents living conditions. Given, the Inspector's comments in relation to a similar development in Porthcawl, it is considered that the amount of amenity space provided will not harm residential amenities.

Whilst determining this application Policies PLA1, COM3, REG7, SP10 & SP2 of the Bridgend Local Development Plan and Notes 1,2,6,8,9,10,11,12 & 14 of Supplementary Planning

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Guidance 2 were considered.

### **CONCLUSION**

This application is recommended for approval because the development complies with Council policy and Council's guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities or highway safety as to warrant refusal.

### **RECOMMENDATION**

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

- 1 Unless otherwise agreed in writing by the Local Planning Authority the development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, named 'First Floor as Proposed' (dated 22 July 2014), 'Ground Floor as Proposed'(dated 29 August 2014) and 'Elevations as Proposed'(dated 11 September 2014).

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

- 2 No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the surfaces of the dwelling 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.

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

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

- 4 Notwithstanding the approved plans the window and the roof lights in the northern elevation and roof space shall be fitted with obscure glazing to level 3 on the Pilkington scale of obscurity and shall be retained as such in perpetuity.

Reason: In the interests of safeguarding residential amenities.

- 5 No development shall commence until there has been submitted to and agreed in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the agreed details.

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Reason: To ensure that general amenities are protected.

- 6 Notwithstanding condition 1 above no development shall take place until the exact siting and finished floor levels of the dwelling have been agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details

Reason: In the interests of visual and residential amenities

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

a) This application is recommended for approval because the development complies with Council policy and Council's guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities or highway safety as to warrant refusal.

b) Rainwater run off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under the Highways Act 1980.

c) The applicant should be advised that any building materials delivered to the development site shall not be deposited or stored on the highway, without the express PRIOR consent of Bridgend County Borough Council as the Highway Authority.

d) In order to satisfy condition 3 the following supplementary information is required:-

- Provide proposed layout in accordance with BRE-Digest 365, taking into consideration the requirement for the soak-away to be sited at least 5m from building or boundary
- Provide infiltration tests to confirm acceptability of any proposed soak-away
- 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
- Provide a timetable for its implementation
- 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.

e) No net increase of surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

f) The developer is advised that there is a small chance of encountering bat roosts unexpectedly during the development work. In the unlikely event of bats being found to be present on site, work should stop immediately and advice sought from the Natural Resources Wales (NRW) (tel. 02920 772400)

g) If at any time nesting birds are observed, works which may disturb them, must cease immediately and advice sought. Any active nests identified should be protected until the young have fledged. Where a Schedule 1 species is involved, mitigation for impacts, e.g. loss of nesting site, should be devised and implemented.

h) The developer is urged to consider the advisory information on this application that has been received from consultees and which may be accessed via <http://www.bridgend.gov.uk/planningapplications/search.php>

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**ITEM:** 2 **RECOMMENDATION : GRANT WITH CONDITIONS**

**REFERENCE:** P/14/573/FUL

**APPLICANT:** LEE THOMAS  
C/O THE STUDIO 22 SUNNY COURT REST BAY CLOSE PORTHCAWL

**LOCATION:** PLOT 3 N.EAST SIDE ABERGARW FARM NEW ROAD BRYNMENYN

**PROPOSAL:** AMENDED HOUSE DESIGN (P/12/782/FUL) 1ST FLR BEDROOM TO EXTEND OVER EXISTING KITCHEN FAMILY ROOM

**RECEIVED:** 26th August 2014

**SITE INSPECTED:** 22nd September 2014

**APPLICATION/SITE DESCRIPTION**

The application proposes an amendment to the design of a detached two and a half storey dwelling on Plot 3 of a development of four properties previously approved in outline in 2006 (P/06/0744/OUT) with detailed approval being granted in 2009 (P/09/774/FUL refers). Earlier revised details of the property on Plot 3 were granted consent in 2012 (P/12/782/FUL refers).

The footprint of the dwelling will remain the same as previously approved with a floor area of 124 square metres. The ground floor layout will also remain the same as the 2012 consent with a porch, integral garage, hall, wet room, kitchen/dining room and living room. The revision to the property is proposed at first floor level with a master suite comprising bedroom, dressing room and en-suite to be constructed above the previously single storey wet room, kitchen/dining room wing at the side/ rear of the dwelling. Three further bedrooms, two of which will share a 'jack and jill' en-suite, and a family bathroom will be provided at in the remainder of the first floor. A games room/snug, bathroom and media lounge will be located in the roof space at second floor level.

The external finishes of the dwelling have not been specified on the plans but these suggest that there will be a stone finish to the ground floor with the upper floors rendered and the roof appearing to be slate.

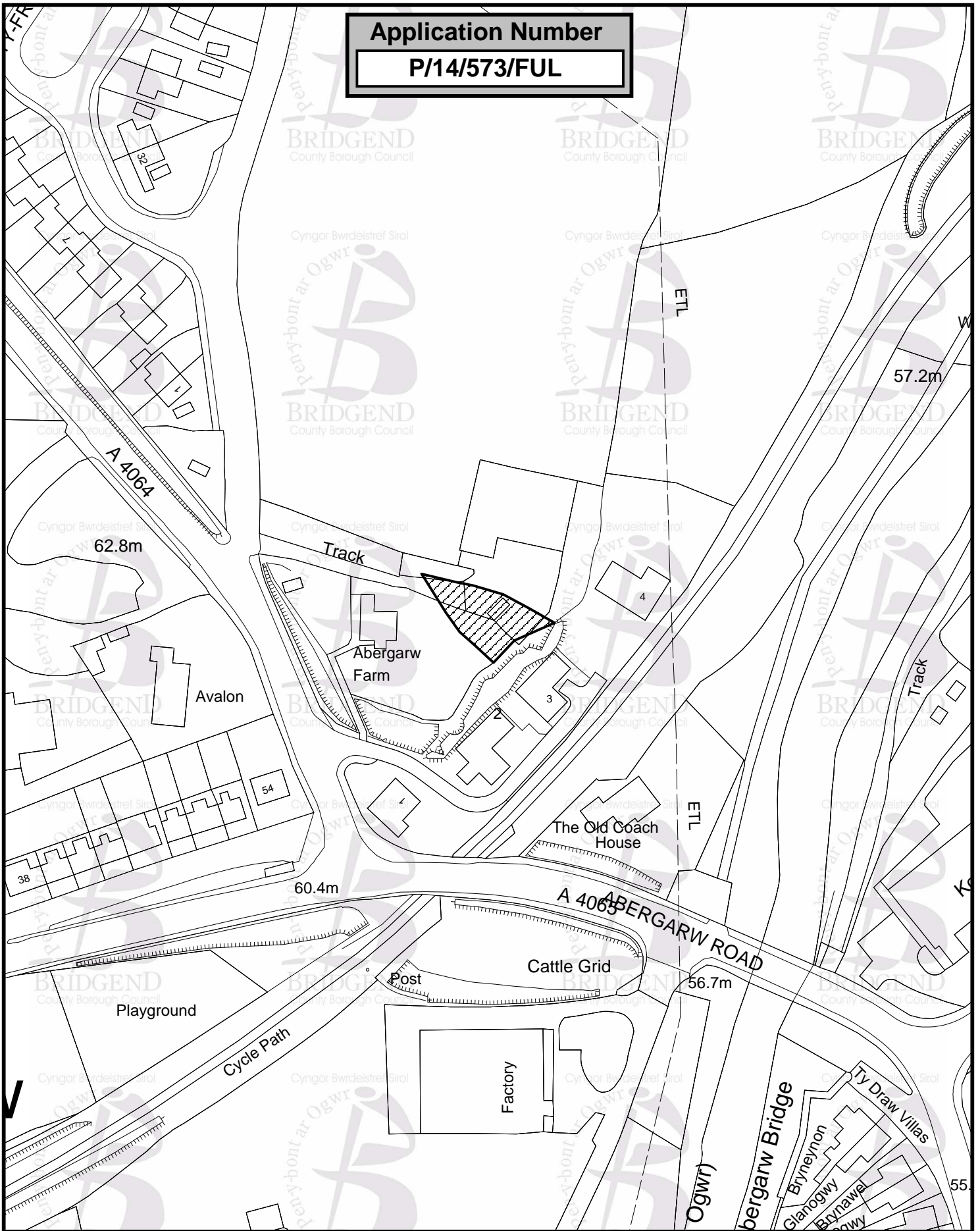
**RELEVANT HISTORY**

P/00/660/OUT APPROVED 22-12-2000  
+conditions  
EXTENSION OF LAND FOR RESIDENTIAL USE IN CONNECTION WITH CONSENT 99/461

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

Application Number

P/14/573/FUL



Scale 1:1,250

Date Issued:  
08/10/2014

Development-GIS Team  
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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Cyngor Bwrdeistref Sirol



## DEVELOPMENT CONTROL COMMITTEE MEETING - 16TH OCTOBER 2014

<b>P/01/635/FUL</b>	APPROVED +conditions	10-09-2001
APPROVAL OF SITE ACCESS		
<b>P/02/486/OUT</b>	APPROVED +conditions	26-07-2002
RE-SITE HOUSE (APPLICATION IN OUTLINE)		
<b>P/02/772/FUL</b>	APPROVED +conditions	30-10-2002
ERECTION OF TWO DETACHED DWELLINGS		
<b>P/02/857/RES</b>	APPROVED +conditions	08-11-2002
1 NO. DETACHED HOUSE		
<b>P/04/1174/OUT</b>	REFUSED	07-12-2004
RESIDENTIAL DEVELOPMENT OF APPROXIMATELY 24 HOUSES		
<b>P/05/299/OUT</b>	REFUSED	17-05-2005
RESIDENTIAL DEVELOPMENT COMPRISING 18 DWELLINGS. RE-SUBMISSION OF REFUSAL P/04/1174/OUT.		
<b>P/06/744/OUT</b>	APPROVED +conditions	12-07-2006
4 DETACHED DWELLINGS & RETENTION OF FARM SERVED BY NEW DRIVE - RE-SUB OF 06/155		
<b>P/07/907/FUL</b>	APPROVED	17-09-2007
DETACHED GARAGE		
<b>P/09/520/RES</b>	REFUSED	28-08-2009
4NO. DETACHED DWELLINGS AND RETENTION OF FARMHOUSE SERVED BY NEW DRIVE		
<b>P/09/774/FUL</b>	APPROVED +conditions	24-11-2009
4NO. DETACHED HOUSES & ACCESS ROAD AND RETENTION OF FARM HOUSE		
<b>P/12/782/FUL</b>	APPROVED +conditions	26-07-2013
CONSTRUCT A 2.5 STOREY 4 BEDROOM DETACHED DWELLING WITH INTEGRAL GARAGE		

**PUBLICITY**

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 16TH OCTOBER 2014**

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 25th September, 2014.

### **NEGOTIATIONS**

None

### **CONSULTATION RESPONSES**

#### **Town/Community Council Observations**

Notified on 28th August 2014

#### **Head Of Street Scene (Highways)**

No objection subject to conditions previously imposed in respect of the access road and vision splays on consent P/12/782/FUL.

#### **The Coal Authority**

The application site falls within the defined Development High Risk Area therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority was previously consulted on planning application P/12/782/FUL. A desk top Mining Risk Assessment Report (February, 2013) was submitted in support of that application.

The desk top Mining Risk Assessment Report correctly identifies that the application site is located within an area where coal is believed to be present at or close to the surface. However, on the basis of an analysis of coal mining records and geological information, the Report is able to conclude that there is an extremely low to zero risk of coal related workings beneath the site.

The Coal Authority considers that the content and conclusions of the desk top Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of Planning Policy Wales is demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

#### **Natural Resources Wales**

It does not appear that any of the issues relating to the application fall under the remit of Natural Resources Wales but it is requested that the applicant's attention is drawn to advisory notes which can be attached to any decision granting planning permission that the Authority may be minded to grant.

#### **Head Of Street Scene (Drainage)**

No observations or adverse comments in relation to the amended house design.

### **REPRESENTATIONS RECEIVED**

**Mrs Helen M Price, Abergarw Farm**



## **DEVELOPMENT CONTROL COMMITTEE MEETING - 16TH OCTOBER 2014**

Objects to the proposal for the reasons outlined below but does not register a request to speak at Committee:-

I am objecting on health and safety grounds. The house is already close to the cliff face and any extra weight could be dangerous as the cliff face could collapse. There are buildings below it. I refer to the geologists report. If this occurred, it could affect my house.

### **Janine Hutchinson, 2 Abergarw Drive**

I would like to object and make comments stating my concern regarding the amendment to this house design.

Firstly the original plans were proposed as bungalows which are far more suited to the cliff edge that they are situated on.

Secondly the owner of plot 3 is already building the 1st floor extension over the existing kitchen plan which is a statement of his lack of concern for our wellbeing and true neglect to the enforcement of planning permission.

With this currently happening my concerns lie with the sheer height of the property being seen already because of this planning amendment, whereas the original existing family room was in keeping and appropriate to the build and its surrounding neighbours and environment.

Its environment being a house situated at the edge of a cliff face of sheer drop where my home and neighbour's home's reside beneath.

I am also concerned that the original plans show the dwelling to be sited at least 10-15ft away from the cliff edge not where it currently sits directly at the edge of the cliff.

Furthermore the cliff itself is pinned and netted for safety. These pins were original situated where the house seems to be. Have these pins been removed and are our homes now at risk?? Therefore I request an enquiry into its current positioning and would like to state that this property due to its height overlooks our homes and provides a view of our bedrooms and gardens to its owners.

I feel the site is too small for such builds due to the cliff edge they are sited on and regard this further application to amend the existing kitchen area will completely change our skyline view, privacy and home appearance

Regards

Janine Hutchinson

### **Mrs M Thomas, 3 Abergarw Drive**

Objects to the proposal for the reasons outlined below but does not wish to register a request to speak at Committee:-

I would be most grateful if a member from the planning department could come and visit my home address. I have a great concern that the properties that are being built above me are too close to the cliff edge, too high as they are looking straight into our bedroom. I have a fear that because of the closeness to the edge, it could give way at any time. Please could this be dealt with as a matter of urgency.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The following observations are provided in response to the issues raised by the objectors:-

Proximity of Dwelling to Cliff Edge - The objectors' concern relate to a belief that the dwelling will be closer to the cliff edge than previously approved and one objector has suggested that the development now extends up to the edge of the cliff. The submitted plans confirm that at its nearest point the rear annex will be 2.2m away from the edge. During the site inspection, it was

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 16TH OCTOBER 2014**

noted that the dwelling is set back from the cliff edge by approximately 2m although it was not possible to accurately measure this due to the presence of a mature hedge that currently exists along the top of the cliff. It is also highlighted that the application only seeks to amend the house design by including a first floor master bedroom suite above the previously approved single storey kitchen/living room annex and therefore does not propose to move the development closer to the cliff face.

Height of the Property - Objectors have expressed concern that the 2.5 storey dwelling with the rear balcony area serving the master bedroom and bedroom 3 will infringe their privacy of their bedrooms. Whilst it is acknowledged that the distance between the dwelling on the application site and the existing properties at Abergarw Drive is less than the Authority's adopted standard of 21m, it is considered that due to the topography of the land with the objectors' homes set at the base of the cliff approximately 9-10 metres below the application site and the orientation of the dwellings that it will not be possible to obtain views into these properties.

Stability of the Cliff - Concern has been expressed in respect of the structural integrity of the cliff face with objectors also considering that the additional loading from the dwelling, as amended, will result in a collapse. A condition was attached to the earlier consent requiring a certificate from a consulting engineer confirming that the development would not adversely impact on the stability of the rock face. Records confirm that a Certificate was submitted following the grant of planning permission and that condition was agreed as recently as November, 2013. It is considered unlikely that the revisions to the house design would so significantly change the stability of the area as to warrant a further survey/investigation being required by condition.

Scale of Development - One objector believes that originally bungalows were proposed for the wider development site but this is incorrect as the planning permission issued in 2009 related to three storey five and six bedroom properties. The current proposal is 2.5 storey four bedroom dwelling and it is considered that the development is compatible with the surrounding properties.

Development Already Proceeding - An objector considers that the developer has disregarded due process and is proceeding with the works prior to obtaining planning permission. During the site inspection it was noted that construction of the dwelling had already commenced with walls reaching up to roof level although no roof yet provided. It is highlighted that, other than the currently proposed master bedroom suite above the kitchen/dining room, the development already benefits from planning permission. Although the developer has constructed the exterior walls of this first floor element at his own risk, these works have now ceased pending the outcome of this application.

### **APPRAISAL**

The application is referred to Committee to consider the objections submitted by local residents.

The application seeks consent for the revisions to the design of a detached two and a half storey dwelling on land at Abergarw Farm on what previously was identified as Plot 3 of a development of four dwellings previously approved under consent P/12/782/FUL.

The application site is located approximately 50m north of the junction of the A4064 and A4065 and to the south of the junction with Ty Fry Close, Brynmenyn. The land formed part of the farm yard to Abergarw Farm and planning permission was previously granted for the construction of four detached dwellings together with the retention of the existing farm house served by a new access driveway. The site is reasonably level with a gentle slope to the south east. At the application's south eastern site boundary, however, there is an abrupt change in levels with the

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 16TH OCTOBER 2014**

properties in Abergarw Drive, which are set at a significantly lower level (approximately 9-10 metres) with an almost sheer cliff face between the site and these adjoining dwellings.

The application site lies within the designated settlement boundary for Brynmenyn and, as indicated above, already benefits from planning permission, having previously been assessed and considered acceptable. It is considered that the addition of the master bedroom suite above the originally approved single storey kitchen/dining room annex does not so significantly change the nature of the development from the existing consent as to warrant refusal of this amendment. For the reasons outlined in the previous section of the report providing comments on representations received, it is considered that the first floor addition now proposed does not adversely impact on the privacy, amenity or safety of neighbouring properties in Abergarw Drive. The Highways Department considered in respect of the earlier application that satisfactory provision for access could be made to serve the development and it has been recommended that the conditions imposed on the previous permission are repeated to secure the provision.

With regard to private amenity space, it was calculated that the dwelling approved under consent P/12/782/FUL represented approximately 38% plot coverage with a rear garden area of 90sq.m. It was considered that this provision was comparable to the dwellings in Abergarw Drive and on balance the development was considered acceptable. The current proposal does not impact on this provision relating only to an addition at first floor level.

Whilst determining this application Policies PLA1, COM3, SP2, PLA11, ENV7 & ENV9 of the Bridgend Local Development Plan were considered.

### **CONCLUSION**

The application is recommended for approval because the development complies with Government and Council policy and guidelines and does not adversely affect safety, privacy or visual amenities nor so significantly harms neighbours amenities as to warrant refusal.

### **RECOMMENDATION**

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

- 1 The proposed means of access shall be located no less than 15m from the junction of the A4061 and the un-named road leading to Ty Fry Close.

Reason : In the interests of highway safety.

- 2 The access, drive and turning facility shall be completed in permanent materials prior to the development being brought into beneficial use and shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason : In the interests of highway safety.

- 3 The site boundary fronting the un-named road serving the site shall be set back to widen the carriageway to 7.3m and provide a 1.8m footway from the site access to the footway on the northern side of the A4064 and be completed in permanent materials before the development is brought into beneficial use.

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 16TH OCTOBER 2014**

Reason : In the interests of highway safety.

- 4** Within three months of the date of this consent, design details, duly certified by a professional engineer, including full engineering details and structure calculations of any retaining wall abutting or having an influence on the highway have been submitted to and agreed in writing by the Local Planning Authority. The retaining structures shall be constructed in accordance with the approved design and construction details prior to the development being brought into beneficial use.

Reason : In the interests of highway safety.

- 5** The carriageway of the proposed new access road shall not be less than 4.5m wide to serve the proposed development for the first 10m and no less than 3.65m thereafter.

Reason : In the interests of highway safety.

- 6** The proposed means of access shall be laid out with 6m radius kerbing on either side of the entrance constructed and retained in permanent materials as agreed in writing by the Local Planning Authority with vision splays of 2.4m by 33m before the development is brought into beneficial use and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason : In the interests of highway safety.

- 7** No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas.

Reason : In the interests of highway safety.

- 8** Within three months of the date of this consent, a scheme for permanently stopping up the existing access shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented in full before the development is brought into beneficial use.

Reason : In the interests of highway safety.

- 9** The access, hereby agreed, shall be at a gradient not steeper than 5% (1 in 20) for the first 5m and thereafter not steeper than 8.3% (1 in 12) unless otherwise agreed in writing by the Local Planning Authority.

Reason : In the interests of highway safety.

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 16TH OCTOBER 2014**

- 10** The materials to be used in the construction of the external surfaces of the building, hereby permitted, shall remain the same as those previously agreed in respect of consent P/12/782/FUL unless the Local Planning Authority agrees in writing to any variation.

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

- 11** The drainage scheme submitted and agreed as part of consent P/12/782/FUL shall be implemented in full prior to the development being brought into beneficial use.

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

- 12** Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification), no development which would be permitted under Article 3 and Classes A,B,C,D,E, f & G of Part 1 to Schedule 2 of the Order shall be carried out within the curtilage of the dwelling without the prior written consent of the Local Planning Authority.

Reason : In the interests of visual and residential amenities.

(a) The application is recommended for approval because the development complies with Government and Council policy and guidelines and does not adversely affect safety, privacy or visual amenities nor so significantly harms neighbours amenities as to warrant refusal.

(b) Given the location of the development adjacent to natural green space, the development is recommended to consider the provision of nest boxes for bird species such as house sparrow and house martin and incorporating bat bricks and bat tiles into the development. Information of bird boxes can be obtained from [www.rspb.org.uk](http://www.rspb.org.uk) and further information on bats and buildings from [www.bats.org.uk](http://www.bats.org.uk)

(c) Planning Advice Notes provided by Natural Resources Wales are attached for the developer's information.

**ITEM:**

3

**RECOMMENDATION : SECTION  
106**

**REFERENCE:**

P/14/337/FUL

**APPLICANT:**

SUNCREDIT UK LTD  
25 WATLING STREET LONDON

**LOCATION:**

LAND NEAR COURT COLMAN PENYFAI

**PROPOSAL:**

SOLAR PARK INC. SWITCHROOM, FENCING & CAMERAS,  
LANDSCAPING & ASSOC. WORKS

**RECEIVED:**

13th May 2014

**SITE INSPECTED:**

21st May 2014

#### **APPLICATION/SITE DESCRIPTION**

The application seeks planning permission for a Solar Park at Court Coleman, Pen y Fai.

The application proposes the construction of a photovoltaic (pv) Solar Park covering an area of 28.2 hectares and includes 70,000 solar panels mounted on a steel frame work to a maximum height of 1.92m, a substation, 11 inverter cabinets at various locations throughout the site, a substation and a 2m high deer fence and dog walking path surrounding the site.

The solar panels will collectively have a capacity of 15 MW and it is proposed that the panels are in place for 30 years. The panels will be laid out in rows from east to west across the site, orientated due south, each panel will be mounted on a metal framework, which will be driven into the soil. The height of the panels will be 0.72m above ground level, angled at 25 degrees and reaching a maximum height of 1.92 m.

Underground cabling will link the solar panels to the onsite substation to the north eastern edge of the site, which then connects underground to the electricity grid off site, at Wild Mill. A planning application has been received by the Local Planning Authority for the connection to the grid (P/14/641/FUL refers)

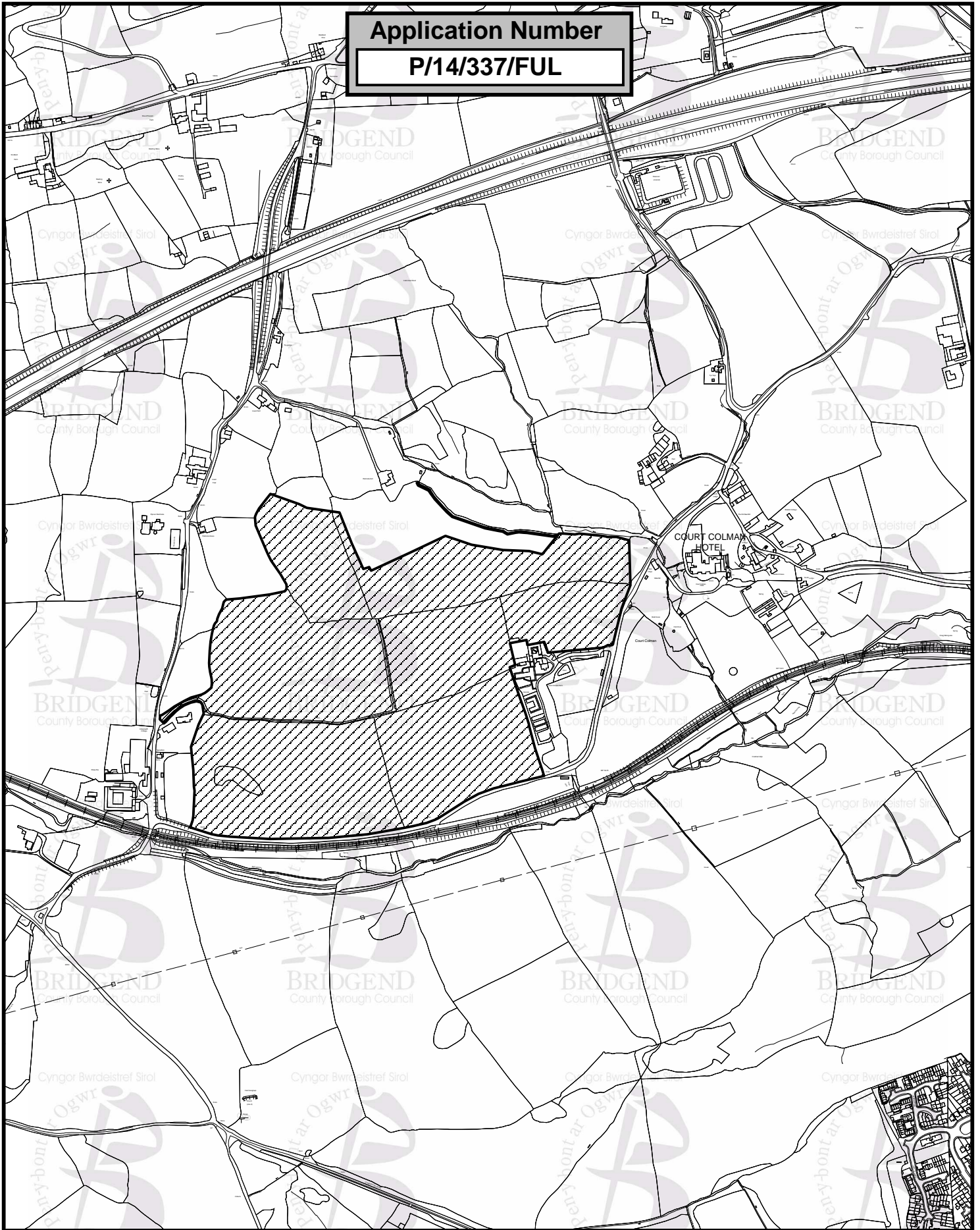
The maintenance access to the site will be via the lane to the west of the site, a secondary access point for Western Power Distribution to access the proposed substation will be located along the eastern boundary. The access point for construction vehicles will be to the south of the site, via an existing field access gate.

The application proposes to retain existing landscaping enhancements and to introduce further landscaping. The application also proposes a dog walking path around the perimeter of the site for use by the Dogs Trust.

The construction phase will take place over a period of 3 months, it is anticipated that this would generate approximately 310 deliveries to the site and at the most intense period of construction this would generate 10 HGV movements per day (or two deliveries per hour). Construction traffic will enter the site from the proposed southern access point. Following the construction of the solar park, vehicle movements to the site will be limited and access will be gained via the access

**Application Number**

**P/14/337/FUL**



**Scale 1:9000**

**Date Issued:  
08/10/2014**

**Development-GIS Team  
Tel: 01656 643176**

**Mark Shephard**

Corporate Director-Communities

Communities Directorate,  
Bridgend County Borough  
Council, Civic Offices,  
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O/Drive/Plandraw/new MI layouts/  
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## **DEVELOPMENT CONTROL COMMITTEE MEETING - 16TH OCTOBER 2014**

point to the western boundary. The route proposed for HGV movements through the site is from the A48, via Rogers Lane, Laleston.

The proposed solar park covers an area of 28.2 hectares of open farm land, made up of individual fields demarcated by hedgerows. The topography of the site slopes from approximately 85 Above Ordnance Datum (AOD) at the north to 53 AOD to the south.

The application site is approximately 1km west of the village of Pen y Fai, the London to Swansea railway line runs to the south of the site and the site is bound by highways to the south and western boundaries. The nearest residential properties are Pantrosia Fach to the north, Court Coleman Farm to the west and Llangewydd Cottage to the east of the site.

The Grade II listed Court Colman Manor and park are located to the east of the application site.

### **RELEVANT HISTORY**

The site has been the subject of detailed pre-application discussions.

### **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 and publicity expired on 10 October 2014.

### **NEGOTIATIONS**

The applicant and agent were supplied with a copy of the Landscape and Visual Impact Assessment Report from White Consultants, which the Local Planning Authority commissioned in order to fully assess the proposal.

The applicant was advised of the original comments received from White Consultants and CADW, which stated that the original scheme has an adverse impact upon the listed building and historic park at Court Colman. In view of the statement in Technical Advice Note 8 at paragraph 3.15 'Other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported', the Local Planning Authority advised that the original scheme was likely to be recommended for refusal. The applicant advised that they would submit amended plans in an attempt to overcome the concerns and submitted an amended scheme on 12 September 2014, which reduced the overall size of the solar park from 32.5 hectares to 28.2 hectares, reduced the height of the solar panels from 2.46m to 1.92m, reduced the amount of inverter cabinets to 11 but increased their height from 2.27m to 2.8m, removal of all the security cameras and included additional landscaping.

### **CONSULTATION RESPONSES**

#### **Town/Community Council Observations**

Notified on 15th May 2014

Newcastle Higher Community Council provided the following comments:-



## **DEVELOPMENT CONTROL COMMITTEE MEETING - 16TH OCTOBER 2014**

'The Community Council is very concerned about access to the land, and about the detrimental effect on Footpath No. 1, which is much used and enjoyed and is the subject of an agency maintenance agreement between the Community Council and the County Borough Council.

The application is felt to be potentially damaging to the rural community of Court Colman and Pen y Fai given that it is set in a Landscape Conservation Area designated under Policy EV10 of the Bridgend Unitary Development Plan.

Court Colman Hotel to the east of the land is a listed Building which is located within a Registered Park which extends 300 metres south of the intended site. Further to the south west of the hotel an area of land is designated as Essential Setting to the Registered Park.

The Community Council is seriously concerned at the potential for traffic chaos and danger with the narrow roads, which are an essential feature of the rural part of the County Borough.

Over recent years, there has been more rain than sun, so it is wondered how effectively the site will be, also what limited possibilities there are for sunlight may be better utilised in photosynthesis for production of agricultural crops to feed the country in a local sustainable manner.

The Council feels that this application has nothing to commend it, and it is contrary to the nature and amenity value of the environment of Court Colman. It is also noted that when the potential developer held consultative meetings, there was unanimous objection from all who attended.'

Notified on 20th May 2014

Laleston Community Council raised the following concerns:-

'Members of this Council have attended consultation meetings and have raised concerns with regard to the possible damage to 'The Pound' whilst transporting the solar panels to site.

The Pound is on BCBC's draft list of buildings of Local Significance for its contribution to the local scene and its historical significance.

If the development is approved, would BCBC please ensure that the developer agrees to protect the Pound from such damage.'

Further objection was received which stated:-

'Laleston Community Council wishes to object to the claim / decision that the preferred inward route is via Roger's Lane, Laleston. This is a dangerous situation at the best of times and local residents feel that the route is highly unsuitable for convoys of articulated lorries.'

### **Councillor D Lewis**

Requested that the application be the subject of a Full Site Visit to consider infrastructure, access, drainage and privacy.

### **Conservation & Design**

No comments have been received on the amended scheme to date.

### **Destination & Countryside Management**

Has no objection to the proposal and requests that conditions be attached to any consent granted.

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 16TH OCTOBER 2014**

### **Head Of Street Scene (Drainage)**

Advised that the drainage arrangement is acceptable for the proposed development.

### **Group Manager Public Protection**

Has no observations to make on the proposal.

### **Rights Of Way Team**

Requested that a condition be attached to any permission granted.

### **Cardiff Airport**

Has no objection to the proposal.

### **Glamorgan Gwent Archaeological Trust**

Advised that no further mitigation is required in regard to archaeology.

### **Bridgend & District Ramblers**

Have no objections to the applications and provide the following comments:-

'Footpath 1 Newcastle Higher to remain open during building works. Fencing and tree planting to be a minimum of 3m from footpath 1 Newcastle Higher.'

### **Councillor C A Green**

Objects to the proposal and provides the following comments:-

'If the proposal identifies Roger's Lane as the site access off the A48, I object on the grounds of pedestrian safety as there is no pavement along parts of this narrow road and HGV movements on the scale proposed would be unsafe.'

### **Cllr C E Smith**

Considers that the application should be referred to the committee for the following material planning considerations:-

'Concerns about road access to the site; reported remarks from developer apparently threatening historic buildings on the route'

Has requested that a site visit been undertaken due to the serious local concerns about the appropriateness of this industrial development in a countryside setting.

### **Network Rail (Western Region)**

Provided advice on drainage, ground disturbance, fencing and site layout. The comments were forwarded to the applicant.

### **Cadw**

Advised that the proposed development is considered to have a low adverse impact on the ancient monument to the south of the site, Llangewydd Church and Churchyard remains, and advised that the impact of the development on the registered park and garden will now be negligible.

### **Natural Resources Wales**

Requested a condition be attached to any permission granted.

**REPRESENTATIONS RECEIVED**

**Cllr Pete Foley, Ward Member For Morfa**

Supports the proposal.

**Objections Were Received From The Following:-, -**

Objections were received from the following:-

M & R Stroud - Nest Bungalow, Pen y Fai  
D & R & J& R Thomas - Lluest Fach, Court Colman ( requested to speak at Committee)  
J Pike - Swynyderyn, Court Coleman  
M & G & S Shahbazian - West Lodge, Court Colman  
A C Williams MBE - The Cottage , Lluest Fawr Fam, Court Colman  
A, E, M & N Gash - Pantrosia Fach (requested to speak at Committee)  
K & S Reffell - The Garden House, Court Colman  
A Chuter, P & A & L Young - Llangewydd Cottage, Court Colman  
G & M Pritchard - Caegarw, Court Colman  
Dr P D Purkayastha & L Das - Green Meadow, Court Colman  
C Bowen - Ballarat, Court Colman  
C Hunt - 1 Tyn Twyn, Court Colman  
R John - 2 Tyn Twyn, Court Colman  
H & O Griffiths - Pant Farm, Court Colman  
R & C Griffiths - Pantrosia House, Court Colman  
J Thomas - Stoney Walls, Court Colman  
K & J Brady - South Lodge, Court Colman  
A Jenkins - Ballarat House, Court Colman  
Mr & Mrs I Jones & Mrs M Jones - Ty George , Court Colman  
Dr R Coles - Swinford House, Court Colman  
N & J Gambarini - Seven Oaks, Court Colman Road, Pen y Fai  
M Harris - Westways, 2 Rogers Lane,  
C Morwood - 5 Rogers Lane, Laleston  
J Williams - The Coach House, Rogers Lane, Laleston  
S & R Prior - 8 Rogers Lane, Laleston  
B Jones - 22 Rogers Lane, Laleston  
J Woods - 9 Wind Street, Laleston  
E Hughes - 30 Wind Street, Laleston (requested to speak at Committee)  
D Pritchard - 11 Church View, Laleston  
N & P Jarrett - 29 Church View, Laleston  
K Coaley - 35 Church View, Laleston  
D & A Crew - 19 Church View, Laleston  
A Clough - 2 Riverside, Aberkenfig  
K Eagle - Flat 4 Dan y Coed, Aberkenfig  
J & L & M Bater - Whitehall Cottage, Pen y Fai  
M & C Bater - 2 Rhodfa Ceiros, Pen Y Fai  
M Wilkins - 1 Penyheol, Pen y Fai  
G W Jenkins - 22 Angelton Green, Pen y Fai  
G E Crocombe - 7 Heol Trelales, Laleston  
B Berry - 1 Broadway Cottage, Wind Street, Laleston  
E & P Hughes - 30 Wind Street, Laleston  
P W & L Daniels - 15 Glenview, Litchard

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R Trotman- 3 Bracken Way, Litchard  
D Richards - 8 Chaucer Close, Cefn Glas  
K Jenkins - 58 Westward Place, Llangewydd Court  
S Jarvis - South Wales University  
C Billett - Chapel Cotage, Colwinston  
J Arquero - 145 Mauldeth Road, Manchester  
P Jarvis - 29 Kings Avenue, Rochester  
G Bonyadi - 12 Elmbridge Avenue, Surrey  
S Young - 249 Droitwich Road, Worcester  
E Samson - 14 Carrsfield, Northumberland  
A Hussian, K Sultan - No addresses provided

The objections are summarised as follows:-

- Highway safety concerns including pedestrian safety, adverse impact on access to area during construction phase, damage to roads, the proposed delivery route and railway bridge are not suitable for HGVs, lack of pavements on Rogers Lane, traffic surveys are required on Rogers Lane, up-to-date accident data should be obtained for Rogers Lane from South Wales Police

- The development will have an adverse impact on the visual appearance of the countryside by means of the scale of the development and height of the panels. Other objections included loss of countryside view, the development will transform this development into an industrial landscape, the Bridgend circular walk will be adversely affected,

- Several objections cited the English Policy on Solar development and stated that solar parks should be located on brownfield sites or roof spaces.

- Noise and air pollution and general disturbance during construction phase and while digging trenches for cables.

- Damage to hedges

- Increase risk of flooding to lane which is already susceptible to flooding

- Inadequate drainage

- Development would result in the loss of some of the highest quality farm land in the county borough

- Concern that the panels will deteriorate in 10 years

- Adverse impact on biodiversity and wildlife

- Land will not also be used for sheep grazing due to weed killer required for non native plants

- Impact on residential amenity of immediate neighbours

- Adverse impact on tourism in the area

- Cattle pound and medieval settlement would be adversely affected

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- Risk of hazardous waste being released if a panel is damaged
- Planning Policy states that farm land should not be used for solar parks
- Reed bed sewerage system to the south of the site causes existing flooding issues, which the planning department have failed to act upon.
- Concerns that the community benefits will not be forthcoming
- Concern with maintenance of panels and what procedure is if they are damaged
- Concern in regard to waste from the site
- Planning department did not notify residents of the development
- Length of proposed development (30 years) is too long
- Potential devaluation of property

### **Letters Of Support Were Received From The Following:-, -**

Cllr P Foley - 5 Caeffatri Close  
K Storer - 52 Chantel Avenue, Pen y Fai  
R Gibbs - 44 Chantel Avenue, Pen y Fai  
L Gardener - 6 Chantel Avenue, Pen y Fai  
T Thomas - 2 Chantel Avenue, Pen y Fai  
N Williams - 14 Chantel Avenue, Pen y Fai  
P Harris - 4 Y Lluest, Pen y Fai  
M Clemett - Awel Deg, Pen y Fai  
D Gill - Highbury House, Pen y Fai  
D & E Oatridge - 16 Hillcrest, Pen y Fai  
A Burton - 15 Hillcrest, Pen y Fai  
G & J Morse - 11 Hillcrest, Pen y Fai  
N John - 10 Hillcrest, Pen y Fai  
S Williams - 14 Pen yr Heol, Pen y Fai  
G Hunt - 9 Glen View, Pen y Fai  
B Powell - 31 Protheroe Avenue, Pen y Fai  
P Rowe - 5 Glen View, Pen y Fai  
A Cowell - Glenview House, Pen y Fai  
C Lyons - 33 Hillcrest, Pen y Fai  
R Pritchard - 61 Chantel Avenue, Pen y Fai  
A Morgan - 1 Ysbryd y Coed, Pen y Fai  
J Davies - 4 Ysbryd y Coed, Pen y Fai  
D Tiffin - 5 Ysbryd y Coed, Pen y Fai  
C Lewis - 7 Ysbryd y Coed, Pen y Fai  
M Fryer - 30 Ysbryd y Coed, Pen y Fai  
J Thomas - 31 Ysbryd y Coed, Pen y Fai  
J Hall - 52 Ysbryd y Coed, Pen y Fai  
R West - 3 Plas Tymawr, Pen y Fai  
R Howells - 6 Plas Tymawr, Pen y Fai  
R Millar - 18 Plas Tymawr, Pen y Fai  
B Boobysr - 19 Plas Tymawr, Pen y Fai  
C Smith - 6 Crud yr Awel, Pen y Fai

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R Stinchcombe - 6 Cwrt y Cadno, Pen y Fai  
E Morgan - 5 Rhoda Ceirios, Pen y Fai  
K Armstrong - 6 Rhoda Ceirios, Pen y Fai  
V Samuel - 9 Rhoda Ceirios, Pen y Fai  
T Davies - 2 Clos y Talcen, Pen y Fai  
B Green - 8 Clos y Talcen, Pen y Fai  
A Golebiowski - 10 Clos y Talcen, Pen y Fai  
M Chim - 13 Clos y Talcen, Pen y Fai  
Y Jones - 27A Austin Avenue, Laleston  
J Molones - 6 Austin Avenue, Laleston  
L Gregson - 20 Mayfield Avenue, Laleston  
J Rowling - 34 Mayfield Avenue, Laleston  
P Ball - 35 Well Street, Laleston  
M Jones - 9 The Dell, Laleston  
P Trotterdale - 13 The Dell, Laleston  
J V Jones - Ty Hufen, Laleston  
J Bowdidge - 57 High Street, Laleston  
R Roberts - 89 High Street, Laleston  
A Thomas - 6 Rogers Lane, Laleston  
A Trelise - 9 Tair Felin, Wildmill  
N & SJ Myerscough & D Hayles- 71 Glanffornwg, Wildmill  
A Howells - 18 Tremgarth, Wildmill  
S & N Williams - 81 Llys Gwyn, Litchard  
D Chubb - 5 The Precinct, Wildmill  
N Morris - 258 Maes y Felin, Wildmill  
J Williams - 63 Glynffornwg, Wildmill  
C Stevens - 151 Tairfelin, Wildmill  
R Stevens - 159 Tairfelin, Wildmill  
E Faulkner - 40 Maes y Felin, Wildmill  
S Heath - 168 Maes y Felin, Wildmill  
R Marsh - 160 Maes y Felin, Wildmill  
I Pilliner - 169 Maes y Felin, Wildmill  
R Morse - 96 Maes y Felin, Wildmill  
W Lewis - 12 Tairfelin, Wildmill  
G Roberts - 30 Tairfelin, Wildmill  
S Lawrence - 49 Maes y Felin, Wildmill  
N Evans - 22 Tairfelin, Wildmill  
J Moses - 188 Maes y Felin, Wildmill  
A Stanley - 216 Maes y Felin, Wildmill  
T Bailey - 79 Maes y Felin, Wildmill  
C Bond - 47 Tairfelin, Wildmill  
C Shaw - 52 Glanffornwg, Wildmill  
J Davies - 17 Tairfelin, Wildmill  
J Davies - 54 Tairfelin, Wildmill  
D Davies - 190 Maes yr Felin, Wildmill  
E Hopkins - 21 Tremgarth, Wildmill  
R Watkins - 61 Tairfelin, Wildmill  
M Smith - Tairfelin, Wildmill  
S Jones - 89 Tairfelin, Wildmill  
J Rees & A Cross- 36 Arther Street, Ystrad, Pentre

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### **COMMENTS ON REPRESENTATIONS RECEIVED**

The impact of the development on highway safety, visual amenities, ecology, agriculture, the countryside landscape and the Bridgend circular walk are fully addressed in the appraisal section of this report.

English Policy in relation to solar pv development differs to Welsh Policy, as Wales has a devolved planning system and the application is assessed against Welsh National Policy and local Policy only.

The Public Protection department have assessed the scheme and have raised no concerns in regard to air or noise pollution.

Any distribution caused during the construction phase of the development is a short term disruption only and, as such, it is not considered that the short term disturbance would warrant refusal of the scheme.

The Land Drainage Officer has assessed the scheme and does not consider that it would raise any concerns in regard to drainage. A review of the Environmental Report Compendium notes that the proposed development will not increase surface water run-off flow rates, due to the ground underneath the solar panels remaining as permeable grassland. The Report notes that for the whole development, including ancillary structures the total impermeable area is 0.29% which is considered to be insignificant. The application proposes to install a series of soak-away trenches and swale systems along the curtilage of the development site, to assist in reducing overland flows during extreme rainfall events.

Many local residents have advised that the surrounding roads currently suffer from flooding, this is an existing situation and the Land Drainage Officer does not consider that the development would increase the risk of flooding.

It is not considered that the proposed solar panels will adversely affect the residential amenities of the neighbouring properties. Whilst, it is noted that the proposed solar park will detract from the existing countryside view enjoyed by the residents of neighbouring properties, the loss of view is not a material consideration. The proposed panels will not dominate or overshadow any neighbouring properties to an unacceptable extent.

The proposal is for a solar park for a period of 30 years; whilst this is a long period of time and it can be considered that there is a certain degree of permanency, it is not considered an unreasonable amount of time for a solar development. It is likely that a bond for the decommissioning of the development would form part of any S106 Agreement, which would ensure that the land is restored to its former condition after the operation period.

The applicant has advised in the environment statement that the operation of the site will include the maintenance, monitoring, upkeep and cleaning of the site, which infers that panels will be regularly maintained. The potential deterioration of the panels is not considered to be a reason to refuse the scheme.

The impact on Biodiversity is addressed in the Appraisal section of this report.

In regard to the protection of 'The Pound', whilst the building is not listed or an ancient monument, it is listed on the Council's local list of locally significant buildings. Policy SP5 of the LDP states that development will only be permitted where it can be demonstrated that it will not have a significant adverse impact upon a building on the local list of significant buildings. In order

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to ensure that 'The Pound' is not adversely affected a condition shall be attached to any permission granted requiring a scheme detailing the protection of 'The Pound' during the construction and decommissioning phases.

The community benefit being proposed by the applicant is a voluntary arrangement and cannot be controlled via the planning system. Planning Policy Wales at para 12.10.5 states the Welsh Government supports the principle of securing sustainable community benefits for host communities through voluntary arrangements and that such arrangements must not impact on the decision making process and should not be treated as a material consideration unless it meets the tests set out in Circular 13/97.

The planning authority notified properties which shared a boundary with the site of the application in writing and also posted two notices in the area. One notice was posted on the road to the west of the site and the other was posted in Pen y Fai village.

The solar panels absorb light in order to create energy and, consequently, the panels are non-reflective and do not create glare.

Potential devaluation of property and loss of view from a residential property is not a material planning consideration.

### **APPRAISAL**

The application is referred to the Development Control Committee for determination in view of the number of objections received from local residents, the Community Councils and at the request of local Members.

The application seeks planning permission to construct a photo voltaic solar park, which will generate 15 MW of electricity and consists of 70,000 solar panels over an area of 28.2 hectares in the Court Colman area of Bridgend.

The report will assess the relative merits of the proposed Solar Park and its impact within the County Borough of Bridgend.

The Appraisal will cover the following topics:-

1. The development in relation to National and Local Policy context
2. Landscape and visual amenity
3. Ecology
4. Transportation
5. Conservation & Archaeology
6. Agriculture

#### **1. NATIONAL AND LOCAL POLICY**

National Policy in relation to renewable energy developments is contained within Planning Policy Wales (7th edition 2014) (PPW) and Technical Advice Note 8: Renewable Energy (TAN8).

PPW identifies a UK target of 15% of energy from renewables by 2020 and states that the Welsh Government is committed to delivering an energy programme to reduce carbon emissions whilst



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enhancing the economic, social and environmental wellbeing of the people and communities of Wales. This is outlined in the Welsh Government's Energy Policy Statement Energy Wales: A Low Carbon Transition (2012).

PPW advises that the Welsh Government's aim is to secure an appropriate mix of energy provision for Wales, whilst avoiding and minimising environmental, social and economic impacts.

PPW aims at para 12.1.4 to promote the generation of energy from renewable (and low carbon) sources at all scales and para 12.8.6 seeks to maximise its benefits to the economy and communities, whilst minimising potential environmental and social impacts.

Para 12.10.1 of PPW states in determining applications for renewable and low carbon energy development and associated infrastructure planning authorities should take the following into account:-

- The contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gases;
- The wider environmental, social and economic benefits and opportunities from renewable energy and low carbon development;
- The impact on the national heritage, the coast and the historic environment;
- The need to minimize impacts on local communities, to safeguard quality of life for existing and future generations;
- Ways to avoid, mitigate or compensate identified adverse impacts;
- The impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts;
- Grid connection issues where renewable (electricity) energy developments are proposed; and
- The capacity of and effects on the transportation network relating to the construction and operation of the proposal

Technical Advice Note 6 - Planning for Sustainable Rural Communities (TAN 6) at para 3.7.2 recognises that renewable energy is an appropriate use in rural locations and states ' Many economic activities can be sustainably located on farms. Small on-farm operations such as food and timber processing and food packing, together with services (e.g. offices, workshop facilities, equipment hire and maintenance), sports and recreation services, and the production of non-food crops and renewable energy, are likely to be appropriate uses.'

Technical Advice Note 8- Planning for Renewable Energy states at para 1.6 'As well as developing new sources of renewable energy which are essential to meeting the targets set by energy policy, the Assembly Government is fully committed to promoting energy efficiency and energy conservation. The land use planning system is one of a number of mechanisms which can help deliver improved energy efficiency and local planning authorities are expected to consider matters of energy efficiency when considering planning policy and applications.'

TAN8 at paragraph 3.15 indicates that, except where the visual impact would be critically

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damaging to a listed building, ancient monument or conservation area vista, proposals for appropriately designed solar pv systems should be supported.

In addition to PPW and the Technical Advice Notes, the Welsh Government issued "Practice Guidance - Planning Implications of Renewable and Low Carbon Energy" in February 2011. This document updates the advice contained in TAN 8 as well as providing detailed criteria for the assessment of renewable energy schemes. "Energy Wales: A Low Carbon Transition" (March 2012) was also issued by the Welsh Government and outlines aims and objectives as to how Wales can move towards a low carbon economy with specific reference to the planning process and renewable energy schemes.

Other Relevant Policy and Technical Advice Notes are Climate Change Strategy for Wales 2010, Planning for Renewable and Low Carbon Energy - A Toolkit for Planners 2010, TAN5 - Nature Conservation and Planning and TAN 12 - Design.

National Policy is translated at a local level via the Local Development Plan (LDP), which was adopted by the County Borough in September 2013.

The proposal is located outside of any settlement boundaries as defined by Policy PLA1 of the LDP and, as such, is located in the countryside and should be assessed in the context of Policy ENV1 which strictly controls development in the countryside except for specific identified purposes. Criterion 6 of Policy ENV1 identifies utilities infrastructure as an appropriate exception

Paragraphs 4.1.11 and 4.1.12 of the LDP, expand on Policy ENV1 and make it clear that whilst certain development maybe appropriate in the countryside in respect of Policy ENV1, the Policy only forms the starting point for assessment of proposed development in countryside and proposals will need to satisfy other relevant policies in the LDP.

In this regard, strategic Policy SP8 of the LDP is relevant, which states that development proposals which contribute to meeting national renewable energy and energy efficiency targets will be permitted where it can be demonstrated that there will be no adverse impacts on the environment and local communities.

Policy ENV18 of the LDP is especially relevant and provides a more robust assessment for renewable energy schemes. Policy ENV18 states:-

'Proposals for renewable energy developments will be permitted provided that:

- 1) In the case of wind farm developments of 25MW or more, the preference will be for them to be located within the boundary of the refined Strategic Search Area;
- 2) The availability of identified mineral resources or reserves will not be sterilised;
- 3) Appropriate monitoring and investigation can demonstrate that the development will not have any significant impacts on nature conservation;
- 4) Appropriate arrangements have been made for the preservation and/or recording of features of local archaeological, architectural or historic interest;
- 5) They can be safely accessed to permit regular maintenance without detriment to the environment or the public rights of way network;
- 6) They will not detrimentally affect local amenity by reason of noise emission, visual dominance, shadow flicker, reflected light, the emission of smoke, fumes, harmful gases, dust, nor otherwise cause pollution to the local environment;
- 7) They will not lead to electromagnetic disturbance to existing transmitting and receiving systems (which includes navigation and emergency services), thereby prejudicing public safety;
- 8) Local receptors of heat and energy from the proposal are identified and, where appropriate,

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are connected to/benefit from the facility; and

9) Provision has been made for the removal of all infrastructure from, and reinstatement of the site following termination of the use.

Relevant criteria are commented upon in turn below:-

Criteria 3, 4, 5 & 6 - The impact of the development on ecology, archaeology, historic buildings, highways and visual amenities/landscape are fully considered in the relevant sections of this Appraisal.

Criterion 8 - The applicant has advised that they propose to provide a package of community benefit which includes £500,000 fund to include an education programme, an environment management plan, a dog walking path, solar installations for the most affected neighbours, low cost solar installation and an annual social fund totalling £120,000 to support local community projects. The applicant has also verbally advised that there will be benefits to local unemployed people in terms of gaining employment. These issues however, are controlled outside of the planning process.

Paragraph 4.6.10 of the LDP seeks to expand on this policy criteria stating 'This policy, together with SP8 will ensure that consideration of proposals is balanced between the desire to generate increased levels of renewable energy and the need to protect sensitive areas. The local community should also benefit appropriately from any facility with examinations of the potential to connect existing/future developments to the facility or, where this is not possible, other forms of community benefits should be examined.'

Criterion 9 - Provision has been made for the removal of all infrastructure from, and reinstatement of, the site following termination of the use. The applicant has indicated that planning permission is sought for a period of 30 years. If the application were given planning permission conditions would be attached to any permission limiting the time period of the development to 30 years and requiring the submission of a decommissioning method statement prior to commencement of any works on site.

In light of the above, the applicant has satisfactorily demonstrated the acceptability of the proposal in the context of criteria 8 and 9 of Policy ENV18 of the LDP.

Policy ENV18 of the LDP together with strategic Policy SP8 ensures that consideration of proposal is balanced between the desire to generate increased levels of renewable energy with the need to protect the environment and local communities.

Strategic Policy SP4 of the LDP is also relevant to the proposed development. Policy SP4 states that development which will conserve and, wherever possible, enhance the natural environment of the County Borough will be favoured. Development proposals will not be permitted where they will have an adverse impact upon the integrity of the County Borough's countryside, the character of its landscape, its biodiversity and habitats and the quality of its natural resource including water, air and soil. The impact of the development on landscape is further discussed in the Landscape and Visual amenity section of this Appraisal.

To the south and east of the site is the Laleston Special Landscape Area (SLA) as defined by Policy ENV3(7) of the LDP.

The proposal is also considered in the context of Policy SP2 of the LDP which considers general issues associated with amenity and design. Many of the issues which are the subject of Policy

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SP2 are also considered in the context of Policy ENV18 and, of significant importance in respect of the proposed Solar Park, is criterion 2 of Policy SP2, which states that all development should have:

'A design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character'

To supplement the above the County Borough has been subject to a Landscape Character Assessment, the results of which have been used to inform a landscape sensitivity assessment which considers the impact of different scales of wind and solar developments in the landscape of the County Borough known as 'Renewables in the Landscape: DRAFT Supplementary Planning Guidance' (SPG). However, this document is still in draft form and has yet to be the subject of any form of formal consultation and, as such, this document cannot be considered as a material consideration in the determination of this planning application. Consequently, the SPG cannot be given any weight by the Local Planning Authority in the determination of the application.

### **2. LANDSCAPE AND VISUAL AMENITY**

A Landscape and Visual Impact Assessment (LVIA) accompanied the planning application which concluded that the location and enclosing vegetation of the proposed site and surrounding area can accommodate a solar development of the type proposed without any unacceptable landscape effects, and that the proposed mitigation planting would provide long term beneficial effects on the local landscape.

The submitted LVIA and amended LVIA includes photomontages on the proposed solar park from a series of different locations around the site.

The Local Authority has limited capacity to properly assess the submitted LVIA and, consequently, the Local Authority commissioned White Consultants to carry out an assessment of the submitted LVIA and to provide an expert conclusion as to whether the proposed solar park is likely to have a detrimental impact on visual amenities and the landscape. The Local Planning Authority has regard to the report supplied by White Consultants in the appraisal of the development in terms of visual amenity and the impact on the landscape and historic sites.

The proposed solar park covers an area of 28.2 hectares of agricultural land and consists of 70,000 solar panels and associated equipment, therefore, by its nature the proposed development will be a visible development. The proposed solar park is the largest that has been considered by Bridgend County Borough Council to date. The solar panel structures will reach 1.92m in height, the site will be surrounded by a deer fence reaching 2 metres high, there will be access tracks throughout the site, a dog walking path around the perimeter of the site and a number of inverter cabinets positioned at various locations within the site.

The key findings of the assessment by White Consultants on the amended scheme are outlined below and the full assessment can be viewed at Appendix A.

The LVIA states that the proposed development is considered to be of a medium scale and therefore appropriate, it is not considered that the proposed 28.2 hectare solar park is medium scale and it is a large scale development.

The applicant also states, in the LVIA that, the site is low lying and gently undulating and the hedgerows, trees and woodland contribute with the landform to create a moderate sense of

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enclosure, which is reasonable. The LVIA states that the existing hedgerows would break up the perceived massing of development and provide screening from outside the site. Whilst this is the case in some directions it is not true in from certain locations i.e. the side of the valley to the south.

The submitted LVIA also states that the landscape is of moderate complexity dominated by geometrically shaped fields with hedges, trees and woodland and that the proposed development is simple in nature and would respect the existing landscape pattern by being designed around the field pattern. The assessment by White Consultants found that the shape of the fields is not geometric (which are straight lined, usually rectangular fields, usually in late enclosed planned landscapes), rather the fields on the site are curved with irregular parts and of different sizes and shapes and could be defined as semi-regular. Whilst, the hedges will be left substantially intact, the proposed regular straight lines of arrays respond to the irregular boundary pattern.

The submitted LVIA acknowledges that the landscape remains rural but has strong urban and human influences nearby including the M4 motorway and railway line. It further states that the proposed development is of the type and scale which would not materially change the extent and proportion of human influence on the surrounding landscape. It is considered that this is incorrect, as by its very nature, the proposed development would result in a step change in development in the area, particularly the environs of the site.

It is considered that the proposed solar park will not be prominently visible in the wider landscape, however, the development will have an impact from a number of locations within close proximity of the site, which have been identified by White Consultants and are expanded upon below.

- The public footpath to the north east of the site would have views of the backs and sides of the arrays and would be visible on the skyline to the right of the view. The rears of the arrays are less slightly than the front due to the steel frames. In order to mitigate against and reduce the impact of this direct viewpoint a condition shall be attached to any permission granted requiring additional landscaping along this boundary, including trees, to be planted in the first planting season. It is considered that, with the appropriate landscaping, the long term visual impact would not be so significant to the landscape as to warrant refusal.

- When the site is viewed from the public footpath directly to the north of the site and adjacent to Pantrosia Fach the backs and sides of arrays would again be visible covering a wide angle of view. The proposed mitigation of hedges together with additional landscaping, including 'instant' hedges, required by condition, would adequately screen views from the public footpath and from ground level at the residential property Pantrosia Fach. White Consultants have advised, in their assessment, that the level of effect of the development on the views from the first floor windows at Pantrosia Fach would be substantial in both the short and the long term and that the mitigation proposed is insufficient to reduce the impact on views from these first floor windows. Whilst, the development will dominate the views from the first floor windows of Pantrosia Fach, the impact of a development from bedroom windows is not given as much weight as on other, more intensively occupied, habitable rooms, such as living rooms. A condition shall be attached to any consent granted requiring additional landscaping, including trees and instant hedges, along the northern boundary of the site. The additional landscape required by the condition would not entirely screen the development, but would mitigate to a certain extent. Whilst, the development would result in a loss of countryside view from the residential property, there is no right to a view in planning and this is not a material consideration in this case.

- The view from the minor road at the bridge over the railway to the south west of the site from a

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public highway would overlook the fronts and sides of the arrays in two fields and would cover a wide section of the view running up and along the valley slopes. The mitigation shown in the Year 5 photomontage provided by the applicant shows the hedge allowed to grow 3-4 m high and includes the planting of hazel, which is considered to go some way to reducing the visual impact of the development from this viewpoint. However, the view of the site from the highway at this point is likely to remain significant in the short term and the development will remain noticeable in the long term, due to the size of the development. Whilst, the solar park will be visible from this location, the majority of receptors at this point will be motorist's, and motorists are generally attributed a lower sensitivity. Consequently, the impact is not considered to be so significant in the long term as to warrant refusal of the scheme. It is noted, however, in relation to pedestrians, that the proposed development will be highly visible and will have more of an impact on receptors using this route.

- When the site is viewed from the road that runs along the south of the site the arrays will be screened by the proposed raised hedges and glimpses will only be possible through the gateway breaks in the hedge. In terms of the view from the railway, to the south of the site, the effect will be significant in the long term, however, due to the speed that the train is likely to be travelling, the impact of the proposed solar park is considered to be limited at this point.

- The view of the site from the Bridgend Circular Walk, to the south of the application site, would cover a wide sweep of the fields on the opposite valley side dominating the view. The development would leave a spatial gap between the solar arrays and the Grade II Listed Building and historic park at Court Colman Manor. The trees along the Valley floor would be unlikely to screen the development significantly in the long term and cannot be relied on to do so. Mitigating measures on the site would not have an effect due to the elevation of the view. White Consultants have advised that the visual effect of the development on users of the Bridgend Circular Walk within the Laleston Special Landscape Area (SLA) would be likely to be significantly adverse in the short to long term.

- With regard to views of the site, when viewed from the Grade II listed Court Colman Manor and the Court Colman Park, direct views of the solar park would not be possible from this location and, as such, there would be no detrimental effects from the development in this context of this historic environment.

- The amended scheme removes the arrays from the Dogs Trust location and, as such, the development is considered to have no effect on visual amenities at this location. However, as there is no mitigation proposed between the western boundary of the site and the accommodation at the Dogs Trust it is considered that the solar park would have a significant impact on the Dogs Trust. However, this is not a residential property, but a commercial property and, as such, it is not considered that the application can be refused based on the impact upon the view from the accommodation at the Dogs Trust.

The LVIA submitted by the applicant states that the proposed development would not become a key characteristic of the area in general. However, in light of its size and location on the slopes of the valley, it is considered that the proposed development would be a key characteristic in the area.

In terms of tranquillity, it is acknowledged that the landscape is predominantly rural but the tranquillity of the site is influenced by the M4 and the railway. Tranquillity also includes the presence of people and modern development in views. The individual and cumulative adverse effects on tranquillity to which the development would give rise, would therefore, remain.

The proposed solar farm will be a dominant feature when viewed from certain locations, such as

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the railway bridge to the south west of the site. However, it is considered that the additional landscaping will mitigate against the adverse impacts of the development to an extent. The proposed solar park will be located outside of the Laleston SLA, but will be visible from within the SLA and Bridgend Circular walk. The proposed solar park will also be visible from the residential property to the north and the footpath to the north, however a condition will be attached to any consent granted requiring additional landscaping along the northern boundary in order to reduce the visual dominance of the development on the residents of this property. Whilst, there will be an impact on the visual amenities of the landscape this impact has to be balanced against the strong national policy acceptance of renewable energy schemes.

### **3.ECOLOGY**

The application was supported by an Ecology Appraisal (EA), which was updated as part of the amended scheme. The EA concluded that the overall impact on a range of protected species including birds, bats and badgers is considered to be negligible and the implementation of appropriate mitigation and sensitive design measures will ensure that any impacts are avoided and minor positive effects are anticipated for most species.

The proposed development is considered to promote some ecological gain and the EA makes several references to habitat creation and management, such as hedgerow management and creation of species-rich grassland. The works will be the responsibility of the solar park owner and the works will be undertaken by experienced contactors and/or under the watch of suitably qualified ecologist and future monitoring and reporting on the effectiveness of the proposed measures will be undertaken by a suitably qualified ecological consultancy.

The EA identifies the presence of Himalayan Balsam/Japanese Knotweed in the vicinity of the application site. The applicant has advised that measures are proposed to remove all invasive species from within the site using non-invasive spraying methods over at least 3 years until the plants have become dormant.

The EA suggests that habitat protection and enhancement plan will be implemented as part of the development to improve biodiversity in the local area. A condition will be attached to any permission granted requiring details of the plan to be submitted to and agreed in writing by the Local Planning Authority.

### **4. TRANSPORTATION**

The traffic generation associated with the proposed development once operational is minimal in terms of maintenance visits. The construction phase of the proposed development, however, is may result in disruption to the highway network. Given the rural location of the site the developer entered in to pre-application discussions with the Highway Authority and the most appropriate route to use to service the site was agreed as being North along Rodger's Lane from Laleston, East, North and East along Waunbant Road to the site.

The Design and Access Statement submitted with the application, states the proposed three month construction phase will generate 310 Heavy Goods Vehicle trips in total.

The peak number of trips has been identified as being within the first three weeks of the programme with 126 vehicles (42 per week) and with the proposed construction hours (Mon - Fri 8am-6pm and Sat 8am-1pm) this would result in a frequency of no more than 3 vehicle movements per 2 hours.

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 16TH OCTOBER 2014**

The next 7 weeks (Weeks 4-10) of the programme have been identified as generating a much lesser quantity of 150 vehicle trips (21 per week) which would result in one vehicle movement every 78 minutes (approx. 3 movements per 4 hours).

The final two weeks of the programme have been identified as generating the least traffic - 30 vehicles (approx. 1 movement every 2 hours)

Whilst the Highway network serving the site is not to a generally high standard it must be appreciated that there are no current restrictions on the numbers or size of vehicles that can use the lanes. Whilst, the existing vehicle movements along the lanes are reasonably low, it is considered that there are limited passing opportunities and there is the potential for vehicles to meet oncoming large vehicles, a such, a condition will be attached to any permission granted requiring the developer to prepare a scheme of temporary traffic management. The scheme shall include for temporary signage together with a requirement for all large vehicles to be shepherded by an escort vehicle which will temporarily hold oncoming traffic at pre agreed locations such that vehicles can pass. A suitable site compound and contractor parking area will also need to be identified.

In order to ensure that highway safety is maintained it is considered necessary for the developer to enter into a S106 Agreement with the Local Authority for a routeing arrangement, to ensure that delivery vehicles do not utilise the surrounding lanes inappropriately.

### **5. CONSERVATION & ARCHAEOLOGY**

The application is supported by a Heritage Assessment which, in summary, has identified no development effects upon heritage assets that would preclude development within the site or influence development design.

The Grade II listed Court Colman Manor and the Grade II listed Registered Historic Park are located to the east of the application site and, within the wider locality, there is a Scheduled Ancient Monument at Llangewydd Church and a Churchyard, which are 230m south of the development boundary.

The Grade II listed building and its Grade II listed Historic Park and Garden are located approximately 180m to the east of the site, Policy SP5 of the LDP states:-

'Development should conserve preserve or enhance the built and historic environment and its setting and in particular development proposals will only be permitted where it can be demonstrated that they will not have a significant adverse impact upon the heritage assets including:

SP5(1) Listed Buildings and their settings

SP5(5) Historic Landscapes and Parks and Gardens

The LDP states that the specific characteristics of the above designations and their settings must be preserved and/or enhanced by any proposed development. This is supported by National Guidance in para 11 of Welsh Office Circular 61/96 which states that, when considering applications for planning permission or listed building consent for works which affect a listed building, special regard should be had to certain matters, including the desirability of preserving the setting of the building.

The amended scheme removes the view of the proposed development from the listed building and historic park and, therefore, the impact of the proposed development on the setting of the registered park and garden will be negligible and less significant.



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There is a scheduled ancient monument, the remains of Llangewydd Church and Churchyard, located some 400m to the south of the application site. The ancient monument is located on a slight elevation and the proposed development will be visible from it. However, the fields where the solar park will be developed are only slightly sloping towards the south and the existing hedgerows will provide some screening of the panels in views from the designated monument, it is therefore considered that the impact of the development on the monument is low adverse.

In terms of archaeology, it considered that due to the nature of the topography and the design implemented to protect the archaeology that the impact of the proposed development has been considerably reduced and no further mitigation is required.

### **6.AGRICULTURE**

The application site is located on Grade 3 agricultural land as identified in the Agricultural Land Classification map for the area. 15 hectares of the site is on Grade 3a agricultural land and the remaining site is on Grade 3b land. There are several areas to the south of the site which are of a higher agricultural quality i.e. Grade 2 and to the north of the site poorer quality land is found, Grade 4 and Grade 5. The applicants contend that the loss of the land would not be on a permanent basis and that the land would not be irreversibly developed due to the temporary nature of the proposal and the unobtrusive construction methods, with only the frames of the panels being pile-driven into the ground. The applicant has also advised that the land beneath and around the solar panels will be capable of being grazed by sheep.

The applicant verbally advised that the reason for not using the lower grade land to the north was due to the increased visibility of the sites, grid connectivity and other restrictive issues.

Paragraph 6.2.3 of Technical Advice Note 6 states 'The best and most versatile land falls into grades 1,2 and sub-grade 3a and is the most flexible, productive and efficient in response to inputs.' The Land Use Planning Unit of Welsh Government has assessed the scheme and has advised that Best and Most Versatile land is likely to be found in mosaic with dominant agricultural land classification Grade 3(b). As the development is unlikely to reach the threshold of 20 hectares of Best and Most Versatile land the Welsh Government will not express a view on the proposal.

The quality of the land at the application site is not the highest in the County Borough, Grade 3 agricultural land is not being permanently lost as a result of any grant of planning permission and the intensity of the agricultural use of the land is likely to be reduced whilst the land is used as a solar park, however it is not considered to be diminished to such a degree as to warrant refusal of the scheme for this reason.

### **CONCLUSION**

There is strong national support for renewable energy in Planning Policy Wales and TAN8, the Local Development Plan also supports schemes for renewable energy in Policies SP8 & ENV18, which carry significant weight. The production of 15MW of electricity is a significant factor in favour of the proposed solar park. The development also proposes a number of ecological enhancements, which will also act in favour of the proposed solar park.

In terms of highways the proposed development is not considered to generate a high level of traffic movements, however it is considered that the construction and decommissioning phases will. Whilst, the roads, proposed by the developer to be used by construction and decommissioning traffic, are unrestricted, it is considered appropriate to attach conditions to the

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 16TH OCTOBER 2014**

permission in the interests of highway and pedestrian safety and for the developer to enter into a S106 Agreement with the Local Planning Authority to agree a route to be used by HGV's.

There will be an impact on the Grade 3 (a) and (b) agricultural land and the intensity of the agricultural use will be reduced during the use of the land as a solar park. The agricultural impact is not considered to be a factor in favour of the proposal, nor is it considered to be so detrimental as to warrant refusal of the scheme for this reason.

In terms of the visual impact of the proposal, it is considered that there will be a step change in the landscape of Court Colman and the character and appearance of the rural surroundings. However, the use of the existing landscaping and the introduction of additional landscaping will mitigate the impact to an extent. The impact of the proposed solar park, as perceived from the south, the Bridgend Circular Walk, is considered to be moderately harmful. However, given the national and international desirability of the generation of electricity from a renewable resource, such as solar power, and the statement within TAN 8 at paragraph 3.15 - 'Other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported', the planning balance weighs in favour of renewable energy creation.

In reaching the recommendation below, the Local Authority has had regard to national and local policy, the environmental statement, the comments of statutory consultees, comments from members of the public and the reports received from White Consultants. In addition, all relevant European Directives, legislation and regulations have been taken into consideration.

The Local Planning Authority has also had regard to the recent appeal in Pembrokeshire Council, where a solar park of 23 hectares was allowed as it was considered by the Inspector that, despite the development having a moderately harmful impact on the local landscape, the proposals would be acceptable bearing in mind the desirability of the generation of electricity from this renewable solar resource (APP/N6845/A/13/2204295 refers).

### **RECOMMENDATION**

(A) The applicant enter into a Section 106 Agreement to:-

(i) Provide Financial Security to ensure that decommissioning works are carried out following cessation of operation of the development.

(ii) Control the route of all construction and decommissioning HGV traffic to and from the site

(B) 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, as follows:-

**1** Unless otherwise agreed in writing by the Local Planning Authority the development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers s.0384-07-f, 2xxx.AP.010.2.0, 2xxx.AP.007.4.0,

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2xxx.AP.008.4.0 and 2XXX.AP.004.2.0.

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

- 2** No generation of electricity hereby permitted shall take place after 30 years from the date on which electricity is first transmitted from the site. The photovoltaic arrays and their associated ancillary equipment and buildings shall be removed from the site within a period of 6 months from the end of that period and the site restored in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority unless otherwise agreed in writing.

Reason: In the interests of visual amenity.

- 3** No generation of electricity hereby permitted shall take place unless a monthly record is kept by the site operator of the amount of electricity generated that month. That record shall be made available for inspection by the Local Planning Authority at any time during normal working hours.

Reason: In order to ensure proper monitoring of the operation.

- 4** All planting, seeding and turfing included in the approved details and plans shall be carried out in the next available season following the start of development. If within a period of 2 years of the date of planting, any tree or hedge dies, is removed, or becomes seriously damaged or diseased, it shall be replaced in the next available planting season with another of the same size and species, unless the Local Planning Authority agree otherwise in writing.

Reason: In the interests of visual amenities

- 6** No development shall commence on site until there has been submitted to and agreed in writing by the Local Planning Authority details of all plant, machinery and buildings hereby permitted, including their external materials and finishes. The development shall be carried out in accordance with the agreed details and the agreed external materials and finishes shall be retained for the lifetime of the development, including for any repair or renewal works.

Reason: In the interest of safeguarding visual amenities.

- 7** No development shall commence on site until a scheme has been submitted to and agreed in writing by the Local Planning Authority, detailing how Himalayan Balsam and Japanese Knotweed will be treated and/or disposed of and measures to be put in place to stop the spread of these species during the construction phase of the development. The scheme shall be implemented as agreed.

Reason: In the interests of ecology.

- 8** No development shall commence on site until a habitat protection and enhancement

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 16TH OCTOBER 2014**

plan has been submitted to and agreed in writing by the Local Planning Authority. The plan shall be implemented as agreed.

Reason: In the interest of safeguarding biodiversity.

- 9** Prior to any works commencing on the re-routing of overhead cables the applicant shall obtain a temporary stopping up/diversion of the public footpath.

Reason: In the interest of pedestrian safety

- 10** Prior to any development commencing on site a scheme for landscaping to the northern boundary of the site shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include detail of instant hedges, trees, planting timetable and maintenance plans. The landscaping scheme shall be implemented as agreed and maintained for the duration of the planning permission.

Reason: In the interests of visual amenities.

- 11** Prior to any development commencing on site a scheme shall be submitted to and agreed in writing by the Local Planning Authority detailing the measures to be implemented to protect 'The Pound' at the junction of Waun Bant Road. The scheme shall be implemented as agreed and prior to construction traffic accessing the site.

Reason: In the interests of safeguarding a building of historic interest.

- 12** If any solar panel fails to produce electricity to the grid for a continuous period of 12 months and, if so instructed by the Local Planning Authority, the solar panel shall be removed from site or replaced within a period of 6 months from the end of that 12 month period unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenities and to ensure that the solar panels produce energy whilst in situ and that they are removed from the land if they cease to function.

- 13** No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. The routeing and control of HGV construction traffic to/from the site
  - ii. the parking of vehicles of site operatives and visitors
  - iii. loading and unloading of plant and materials
  - iv. storage of plant and materials used in constructing the development
  - v. wheel washing facilities

Reason: In the interests of highway safety.

**14**

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 16TH OCTOBER 2014**

Notwithstanding the submitted plans, no development shall commence until a scheme for the provision of temporary traffic management from Laleston along Rodgers Lane and Waunbant Road to the site from Laleston and on the approaches to the route during the construction period has been submitted to and agreed in writing by the Local Planning Authority and implemented as agreed before and during such works.

Reason: In the interests of highway safety.

**15**

A temporary direction signage scheme for the proposed control of vehicle movements to the site shall be submitted to and agreed in writing by the Local Planning Authority. The signage scheme shall be implemented prior to, and retained for the duration of, the construction phase.

Reason: In the interests of highway safety.

**16**

Not later than 12 months before the cessation of the proposed solar farm, a site restoration scheme shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the management and timing of works and a traffic management plan to address highway issues arising during the decommissioning period.

Reason: In the interests of pedestrian and highway safety.

**17**

No development shall commence until such time as a Method Statement detailing all necessary pollution prevention measures for the operational and post operational phase of the development is submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify as a minimum;

- Any sources of pollution (including silt), potential pathways for that pollution to enter any watercourses within the vicinity of the site and appropriate pollution control measures to be implemented on site.
- Full details of how any watercourses will be crossed or confirmation that this is not applicable.
- Storage facilities for any oils if applicable.
- Details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off.
- Details of measures to ensure no polluting discharge from disturbed areas.
- Measures for dealing with any contaminated material (excavated waste)
- Details of emergency contacts, for example Natural Resources Wales; Pollution hotline 0800 807 060.

Reason :To prevent pollution.

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 16TH OCTOBER 2014**

a) Notwithstanding the objections received this application is recommended for approval because the development complies with National and Council policy and does not significantly harm highway safety, visual amenities, biodiversity or drainage as to warrant refusal.

b) The developer is advised that any reflective material used in the solar collecting equipment should not interfere with the line of sight of train drivers and the potential for glare or reflection of light from the panels that may impact upon signalling must be eliminated.

c) All surface water drainage should be directed away from Network Rails land to the public mains system.

d) The works involve disturbing the ground on or adjacent to Network Rails land and it is possible that the Network Rail and utility companies have buried services in the area in which there is need to excavate. The developer is advised that Network Rails ground disturbance regulations apply.

e) No surface water is allowed to discharge to the public highway

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

g) 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 secondary highway network.

h) Rainwater run off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under the Highways Act 1980.

i) The developer is urged to consider the advisory information on this application that has been received from consultees and which may be accessed via <http://www.bridgend.gov.uk/planningapplications/search.php>

**ITEM:**

4

**RECOMMENDATION : SECTION  
106**

**REFERENCE:** P/13/937/OUT

**APPLICANT:** MRS J JAMES  
GABLE COTTAGE LLANGEWYDD BRIDGEND

**LOCATION:** LAND REAR OF 114-118 CWRT COED PARC MAESTEG BRIDGEND

**PROPOSAL:** ERECTION OF 1NO. TWO STOREY 3 BEDROOM DWELLING WITH GARAGE

**RECEIVED:** 30th December 2013

**SITE INSPECTED:** 2nd January 2014

#### **APPLICATION/SITE DESCRIPTION**

The application seeks outline consent with all matters reserved for subsequent approval for a single two-storey (three-bedroom) dwelling on a parcel of land with a relatively modern estate of Cwrt Coed Parc, Maesteg.

The applicant has submitted an indicative plan illustrating the potential layout and siting of the dwelling. The plan indicates a dwelling with a maximum footprint of 10m x 10m, with a maximum ridge height of 8m. The plan also shows the location of a garage alongside the dwelling.

The planning history section of the report details all previous applications made at the site.

#### **RELEVANT HISTORY**

The originally approved outline planning application, which included this site (ref 89/1346), included a condition requiring public open space, including a children's play area, to be provided. However, the outline application was not followed up by reserved matters applications.

Subsequent full applications for other phases of development adjacent to the application site (Ref. P/95/636/FUL, P/97/140/FUL and P/00/159/FUL) included site layout plans for the whole of the Cwrt Coed Parc site. These plans showed the area of the current planning application forming part of an area being reserved as open space. As such, it is considered that the developer had repeatedly indicated an intention to reserve parts of the Cwrt Coed Parc site for open space.

A full planning application subsequently approved for this part of the Cwrt Coed Parc site (P/01/783/FUL refers) for the construction of a development plateaux and access, required a part of the area previously identified as open space to be landscaped to provide a buffer between existing and proposed dwellings. Due to the gradients on the site, the land was not considered suitable to provide a children's play space and access onto the site for maintenance purposes could be difficult, due to the steepness of the site and due to the access road being in private ownership.

**Application Number**

**P/13/937/OUT**



**Scale 1:1250**

**Date Issued:  
08/10/2014**

**Development-GIS Team  
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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## **DEVELOPMENT CONTROL COMMITTEE MEETING - 16TH OCTOBER 2014**

The site developer subsequently went bankrupt and the landscaping on this part of the site was partially completed but no maintenance was carried out. The application site and the adjoining area appears to have been bought from the liquidators by the current applicant.

In 2011, an outline application with all matters reserved for subsequent approval was submitted for an identical form of development as that currently submitted (P/11/228/OUT refers). This application was refused on the following grounds:

The proposal would result in the loss of an area of land reserved for open space on approved layout plans for the site which would be detrimental to visual and residential amenity contrary to Policies EV45 and RC3 of the Bridgend Unitary Development Plan.

The area to the east of the application site (adjacent to No.104 Cwrt Coed Parc) has been the subject of a recent planning permission for a new dwelling (Ref P/10/665/OUT). This consent lapsed on 11 March 2014.

The area to the west of the application site is steeply sloping and the Parks and Playing Fields Manager has advised that it is unsuitable for transfer to the Council as open space. As such, it is considered that the applicant does not control any other land nearby which would be suitable for transfer to the Council to be maintained as open space.

A previous application submitted in June 2005 (P/05/828/OUT) seeking outline consent for 2 dwellings on land to the west of the current application site (adjacent to No.95 Cwrt Coed Parc) was refused for the following reason:-

The proposal would result in the loss of an area reserved for public open space on approved layout plans for the site which would be detrimental to visual and residential amenity contrary to Policies EV45(7) and RC3 of the Unitary Development Plan.

An appeal against the refusal was subsequently dismissed by the Planning Inspectorate. The Inspector, in his decision letter, highlighted the lack of any open space or play areas on the Cwrt Coed Parc site and was of the view that, if the site was developed as suggested it would deny the opportunity to provide much needed public open space on the site and thus conflict with development plan policies and government guidance.

A subsequent application on the same site (P/09/287/OUT refers) to construct 2 dwellings was also refused for the same reasons and dismissed on appeal. The Planning Inspector in his decision letter commented that 'Cwrt Coed Parc is a reasonably large and dense housing area, and from what I saw it is lacking in informal open space provision'. He was also of the view that the area to the east of the appeal site (i.e. the current application site) was steeply sloping.

### **PUBLICITY**

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 6 February 2014.

### **NEGOTIATIONS**

The applicant was requested to submit a Coal Mining Risk Assessment Report and amend the location plan to include additional land within the red-line boundary.

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 16TH OCTOBER 2014**

### **CONSULTATION RESPONSES**

#### **Town/Community Council Observations**

Notified on 9th January 2014

Supports the proposal.

#### **Head Of Street Scene (Highways)**

No objections to the proposal subject to conditions and advisory notes.

#### **Head Of Street Scene (Drainage)**

No objections to the proposal subject to a condition and advisory notes.

#### **Destination & Countryside Management**

No objections to the proposal subject to an advisory note.

#### **The Coal Authority**

No objections to the proposal subject to an advisory note.

#### **Group Manager Public Protection**

No objections to the proposal subject to an advisory note.

### **REPRESENTATIONS RECEIVED**

#### **R A Brett, 112 Cwrt Coed Parc**

Objects to the proposal but does not request to speak at Committee:

1. Loss of open space

#### **Robert Beedle, 116 Cwrt Coed Parc**

Objects to the proposal and requests to speak Committee:

1. Proposed development will be on made-up ground
2. Inadequate access for additional dwelling
3. Drainage/flooding/building over drains
4. Loss of landscaped area/open space to residential use.
5. Loss of privacy
6. Noise/Disturbance and dirt
7. Proposal does not follow existing building lines
8. Contravenes the Charter of Fundamental Rights of the European Union
9. Loss of amenity

#### **Dale Wines, 114 Cwrt Coed Parc**

Objects to the proposal but does not request to speak at Committee:

1. Development out-of-character with the area
2. Detrimental to visual amenities
3. Loss of privacy
4. Loss of light
5. Loss of view
6. Devaluation of property
7. Highway safety (parking and access)
8. Noise and disruption from building work
9. Proposal could lead to neighbour disputes

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 16TH OCTOBER 2014**

10. Loss of open space

### **E C & V J Cox, 117 Cwrt Coed Parc**

Objects to the proposal but does not request to speak at Committee:

1. Overdevelopment
2. Loss of privacy
3. Loss of landscaping/open space

### **Yuk Kin Lau, 115 Cwrt Coed Parc**

Objects to the proposal but does not request to speak at Committee:

1. Overbearing
2. Loss of privacy
3. Loss of light
4. Noise/nuisance due to the proximity of the proposed dwelling to No.115

## **COMMENTS ON REPRESENTATIONS RECEIVED**

1. Proposed development will be on made-up ground.

The site is within a coal mining referral area and, as such, a coal mining risk assessment report has been submitted. The Coal Authority has examined the report and there are no objections subject to an advisory note. The Group Manager Public Protection also has no objections subject to an advisory note.

2. Inadequate access and parking for additional dwelling.

The Group Manager Transportation and Engineering (Highways) has no objections to the proposal subject to conditions and advisory notes. It is, therefore, considered that a single-dwelling on this plot would not have any significant adverse effect on highway/pedestrian safety.

3. Drainage/flooding/building over drains.

The Land Drainage Section of the Council has no objections to the proposal subject to a condition for comprehensive drainage details being agreed.

Notwithstanding the above, separate building regulations consent would be required for this scheme, which would include the agreement of drainage details. Additionally, building over any existing drains may require permission from Welsh Water.

4. Overdevelopment and loss of landscaped area/open space to residential use.

With regards to overdevelopment, the site would cover an approximate area of 620 sq. m. Within the site, it is proposed to construct a dwelling with a maximum footprint of 10m x 10m (100 sq. m.), with a maximum ridge height of 8m. The plan also shows the location of a garage (approximately 20 sq. m.) alongside the dwelling. The development as a whole would only cover approximately 20% of the site. The site can also accommodate sufficient parking and amenity space and, as such, it is not considered that this would represent overdevelopment of the site.

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 16TH OCTOBER 2014**

With regards to the loss of landscaped area/open space, refer to paragraphs 9-21 of the appraisal section of the report.

5. Loss of privacy to neighbouring properties.

Refer to paragraph 6 of 'Appraisal' section of the report.

6. Overbearing and loss of sunlight/daylight to neighbouring properties.

Despite the indicative plan suggesting that the dwelling would be sited within 1-2m of the boundary with No.116, the development would generally be due north of Nos.114-118. These neighbouring properties benefit from large rear gardens and the overall distance of the proposed dwelling from the main parts of Nos.114-118 would be approximately 20m. As such, it is considered that the proposed development would be not be unreasonably overbearing or result in significant loss of daylight and sunlight as to warrant refusal.

By siting the dwelling forwards within the plot, it would reduce the overall impact on the other neighbouring property, No.99 Cwrt Coed Parc.

7. Noise/Disturbance and dirt.

It is acknowledged that there would be a degree of noise/disturbance and dirt during the construction stages, however, this is likely to be on a temporary basis only and it would be unreasonable to refuse an application on these grounds alone.

It is not considered that the scheme would generate any unreasonable levels of noise/disturbance and dirt once the dwelling is occupied and the use of the plot for residential purposes is compatible with neighbouring land uses.

8. Detrimental to visual amenities, the proposal would be out-of-character with the area and it would not follow existing building lines.

Refer to paragraphs 5-8 of the appraisal section of the report.

9. Loss of view, devaluation of property and that the proposal could lead to neighbour disputes.

The above are deemed to be private matters which cannot be considered as material planning considerations in the determination of this application.

10. Contravenes the Charter of Fundamental Rights of the European Union.

The general purpose of the Charter is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a democratic society. It sets out the basic rights of every person together with the limitations placed on these rights in order to protect the rights of others and of the wider community.

The Local Planning Authority is satisfied that it has considered the Charter during the assessment of this application. The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process for the Local Planning Authority to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed.

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 16TH OCTOBER 2014**

### **APPRAISAL**

The application seeks outline consent with all matters reserved for subsequent approval for a single two-storey (three-bedroom) dwelling on a parcel of land within a relatively modern estate of Cwrt Coed Parc, Maesteg.

The site is located within the designated settlement boundary of Maesteg. Policy COM3 of the Bridgend Local Development Plan (BLDP) permits small-scale housing development within the designated settlement boundary of Maesteg. The proposal may therefore be considered to represent an opportunity to develop under-utilised land within the urban area for residential development.

Policy SP2 of the BLDP 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 by:

- 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;
- 4) Using land efficiently by:
  - (i) being of a density which maximises the development potential of the land whilst respecting that of the surrounding development; and
  - (ii) having a preference for development on previously developed land over greenfield land;
- 5) Providing for an appropriate mix of land uses;
- 6) Having good walking, cycling, public transport and road connections within and outside the site to ensure efficient access;
- 7) Minimising opportunities for crime to be generated or increased;
- 8) Avoiding or minimising noise, air, soil and water pollution;
- 9) Incorporating methods to ensure the site is free from contamination (including invasive species);
- 10) Safeguarding and enhancing biodiversity and green infrastructure;
- 11) Ensuring equality of access by all;
- 12) Ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected;
- 13) Incorporating appropriate arrangements for the disposal of foul sewage, waste and water;
- 14) Make a positive contribution towards tackling the causes of, and adapting to the impacts of Climate Change; and
- 15) Appropriately contributing towards local, physical, social and community infrastructure which is affected by the development."

The applicant has reserved all matters for subsequent approval therefore much of the criteria under Policy SP2 cannot be fully assessed at this stage. Detailed proposals will be the subject of a future application if planning permission is forthcoming and Policy SP2 will be assessed then. Members are made aware that standard conditions would be imposed on any outline consent issued for this particular development. Notwithstanding the above, the applicant has submitted an indicative plan illustrating the potential layout and siting of the dwelling. The plan indicates a dwelling with a maximum footprint of 10m x 10m, with a maximum ridge height of 8m. The plan also shows the location of a garage alongside the dwelling.

The layout plan suggests that the building would be orientated in an east/west direction which would allow habitable room windows to face away from adjacent dwellings. The plan also shows that adequate amenity space could be secured for the proposed dwelling. Such a proposal

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 16TH OCTOBER 2014**

would allow the future occupiers of the dwelling to benefit from a reasonable degree of amenity without any significant loss of privacy or detriment to the amenities of neighbouring properties.

Having regard to the indicative plan, the general layout of the plot and the dimensions given, it is considered that the proposed dwelling would be similar in size to adjacent dwellings.

Whilst there is a definable building-line present along this side of the cul-de-sac, the plot is located on a bend and this deviation and change in plot size allows a degree of flexibility concerning the location of the dwelling. It is not possible to comment on specific design issues, however, the plot would also represent the start of the cul-de-sac and having a dwelling that is situated slightly further forwards than those adjacent would not, in principle, be significantly detrimental or out-of-character with the appearance of the street-scene.

The planning history of the application site and those which are relevant within the wider estate are well-documented under the 'Planning History' section of the report.

The issue of public open space remains a fundamental consideration in the determination of this current application. In this context, the application is assessed against Policy COM11 of the BLDP:

"Provision, or the equivalent value of a satisfactory standard of outdoor recreation space will be required for all new housing developments. A satisfactory standard of recreation will be based on:

1. 1.6 hectares per 1,000 population for outdoor sport;
2. 0.8 hectares per 1,000 population for children's playing space;
3. 0.2 hectares per 1,000 population for allotment provision;
4. No person should live more than 300 metres from their nearest area of accessible natural green space.

The above range and type of provision is subject to negotiation and may be provided on or off site. The alternative is to provide equivalent value to the above standards in developer contributions. These contributions can be used to improve existing provision by:

- (a) making an area more accessible to the community;
- (b) better management for biodiversity and/or for passive enjoyment;
- (c) enhancements through more usable equipment, or better space or ancillary facilities;
- (d) increase in playing capacity; or a combination of the above."

It is evident from the planning history that the Council has strived to safeguard the land as open space. However, over the years, it has become apparent that the site has not fulfilled its intended purpose and subsequent discussions with the Parks and Playing Fields Department have confirmed it is unsuitable for formal adoption.

For example, Parks require all adopted spaces to be accessed from a public highway. The applicant owns land to the west of the application site and whilst this can be accessed from the public highway, it is deemed too steep to be adopted by Parks for maintenance purposes. The application site is relatively flat (or could be made flat), however, it could only be accessed via a non-adopted (private) road or the steep land to the west which has already been discounted.

The applicant owns a parcel of land to the east of the application site (adjacent to No.104 Cwrt Coed Parc). This has been the subject of a recent planning consent for a new dwelling (Ref P/10/665/OUT). Whilst this consent lapsed on 11 March 2014, the applicant's agent has clarified

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 16TH OCTOBER 2014**

that this land will remain earmarked for development. Notwithstanding the above, this site can only be accessed off the non-adopted (private) road.

Finally, during the site visit by the Case Officer, the site appeared overgrown and there was little or no sign of significant use as public open space.

Despite the extensive planning history on the site and the intention of the land to be formally retained as open space, there are no legal obligations on the landowner to maintain the land for this purpose. The only restriction that was placed on the land was via a condition imposed on planning consent P/01/783/FUL which required the site to be landscaped. The combination of the above may, therefore, have given the impression that the land was already designated as open space. However, what has resulted is a site that lacks a sense of purpose and, in visual terms, makes the wider estate appear incomplete. It is also noted that under permitted development rights, the land could be enclosed at any time to restrict public entry.

In summary, the particular circumstances of this site and discussions with the Parks and Playing Fields Department have brought a new material consideration which must be taken into account in the assessment on this latest application. It is concluded that the site is inherently land-locked and unsuitable for adoption as open space by the Council. Under such circumstances, it is considered unreasonable to refuse planning permission on grounds of loss of public open space if there are no legal agreements already in place which safeguard the land for this purpose in the first instance.

Notwithstanding the above, this scheme represents an opportunity to formally safeguard a degree of public open space within the site, albeit smaller than originally intended. The Design and Access Statement indicates that if this current application was granted then the applicant is prepared to maintain the western parcel of land as public open space. It is possible that a legal agreement could be formulated which requires the applicant to legally maintain the land in accordance with a schedule of works and that it must be retained as public open space. There would be no requirement for the Council to subsequently adopt the land as any enforcement would occur through a breach of the legal agreement. A letter from the applicant's solicitor has confirmed that the landowner is prepared to enter into such an agreement. This would provide a degree of certainty and in view of the circumstances of the site, it is considered that this arrangement would be the best possible solution available to formally secure a degree of open space within Cwrt Coed Parc. A similar compromise and agreement was secured in the granting of a single dwelling on a plot of land adjacent to No.95 Cwrt Coed Parc (P/09/483/OUT refers).

The site is largely overgrown and does not appear to have any significant ecological/biodiversity value. The Council's Ecologist has no objections to the proposal subject to advisory notes.

With regards to the impact of the development on highway/pedestrian safety and drainage, refer to the 'Comments on representations received' section of the report.

Since the site represents a parcel of land within a relatively large housing estate, it is considered that the site is reasonably served by a number of utilities.

### **CONCLUSION**

Subject to the applicant entering a legal agreement to secure part of the site as public open space, this outline application with all matters reserved for subsequent approval is recommended for approval because the development generally complies with Council policy and

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 16TH OCTOBER 2014**

guidelines. The scheme does not adversely affect privacy, highway/pedestrian safety, drainage or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

### **RECOMMENDATION**

(A) The applicant enters into a Section 106 Agreement to dedicate the area known as 'Plot No.1', as shown on the submitted location plan (received 29 September 2014) as public open space, in conjunction with a schedule for landscaping and maintenance, in perpetuity, of that open space.

(B) The Corporate Director Communities be given plenary powers to issue a decision notice granting outline consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement and subject to the standard outline conditions and the following additional conditions:

- 1** No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, road and roof/yard (surface) water will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the occupation of any of the dwellings hereby approved.

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

- 2** No development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority for the improvement/surfacing of the footway between the back edge of footway between numbers 118 and 143 Cwrt Coed Parc and the point opposite the southern site boundary of number 99 Cwrt Coed Parc. The agreed scheme shall be completed in accordance with the agreed details and implemented prior to the beneficial occupation of the dwelling hereby approved.

Reason: In the interests of highway safety.

- 3** No development shall commence until the precise siting of the dwelling hereby approved has been submitted to and agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: To protect the general amenities of the area.

- 4** No development shall take place until details of the proposed floor levels of the building 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.

- 5** No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation.



## **DEVELOPMENT CONTROL COMMITTEE MEETING - 16TH OCTOBER 2014**

Development shall be carried out in accordance with the agreed plan and timetable unless otherwise agreed in writing by the Local Planning Authority.

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

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

a) Subject to the applicant entering a legal agreement to secure part of the site as public open space, this outline application with all matters reserved for subsequent approval is recommended for approval because the development generally complies with Council policy and guidelines. The scheme does not adversely affect privacy, highway/pedestrian safety, drainage or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

b) Foul water and surface water discharges shall be drained separately from the site.

c) No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

d) Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

e) If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru/Welsh Water's Developer Services on 0800 917 2652.

f) An adoption agreement from Dwr Cymru/Welsh Water may be required if a connection to the public sewerage system is required. For further information, please contact Developer Services.

g) Under the Water Industry Act 1991 Dwr Cymru/Welsh Water has rights of access to its apparatus at all times.

h) In respect of Condition 2, the applicant/developer is required to submit an assessment into the potential for disposing of surface water by means of a sustainable drainage system, in accordance with the principles set out in Technical Advice Note 15. The submitted details must include:

(1) A ground investigation report sufficient to support the design parameters and suitability of the proposed system.

(2) 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 to prevent the pollution of the receiving groundwater and/or surface water.

(3) A timetable for its implementation; and

(4) A management and maintenance plan, for the lifetime of the development and any agreements to secure the operation of the scheme throughout its lifetime.

i) Rainwater run-off 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.

j) The applicant/developer is advised that off-street parking will need to be provided within the site to the satisfaction of the Local Planning Authority.

k) The applicant/developer is advised that the level of housing on this private road has been accepted historically due to extenuating circumstances relating to the overall residential

**DEVELOPMENT CONTROL COMMITTEE MEETING - 16TH OCTOBER 2014**

development at Cwrt Coed Parc and associated earthworks issues. The route will not be adopted by the Highway Authority.

## DEVELOPMENT CONTROL COMMITTEE MEETING – 16 OCTOBER 2014

ITEM: 5

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

<b>CODE NO.</b>	A/14/2225002 (1743)
<b>APP. NO.</b>	P/13/452/RLX
<b>APPELLANT</b>	GREENHILL CONSTRUCTION LTD
<b>SUBJECT OF APPEAL</b>	RELAX COND. 13 OF P/11/798/FUL TO OMIT THE PROVISION OF A PEDESTRIAN CROSSING ON BLACKMILL ROAD: FMR MAESGWYN HOSPITAL, HIGHLAND AVENUE, BRYNCETHIN
<b>PROCEDURE</b>	WRITTEN REPS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reason:

1 The applicant has failed to provide robust evidence to justify the relaxation of planning condition 13 of P/11/798/FUL which requires the provision of an enhanced pedestrian crossing facility (a signalised crossing), which was considered necessary in the interest of highway safety and to promote sustainable travel which accords with Planning Policy Wales, Technical Advice Note 18 and Policy SP2 of the Bridgend Local Development Plan.

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<b>CODE NO.</b>	A/14/2226395 (1744)
<b>APP. NO.</b>	P/14/222/FUL
<b>APPELLANT</b>	SUSAN JONES
<b>SUBJECT OF APPEAL</b>	CHANGE OF USE OF GROUND FLOOR TO TEA ROOMS (A3) & RETAIN RESIDENTIAL USE TO FIRST FLOOR: THE BREAKERS 17 WEST DRIVE PORTHCAWL
<b>PROCEDURE</b>	WRITTEN REPS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reasons:

1 The proposed development would introduce an inappropriate commercial activity in an otherwise predominantly residential area and, given its location, would be detrimental to the vitality and viability of Porthcawl Town Centre and contrary to Policies SP10 of the adopted Bridgend Local Development Plan.

2 The proposal would constitute a source of nuisance to the residents of properties in close proximity to the site, by virtue of noise and disturbance, contrary to Policies SP2 and ENV7 of the adopted Bridgend Local Development Plan.

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

<b>CODE NO.</b>	A/14/2222838 (1742)
<b>APP. NO.</b>	P/13/661/FUL

**DEVELOPMENT CONTROL COMMITTEE MEETING – 16 OCTOBER 2014**

**APPELLANT** MR WAYNE ADAMS

**SUBJECT OF APPEAL** CHANGE OF USE OF LAND AND CONSTRUCTION OF WORKSHOP AND SUMMERHOUSE: LAND ADJACENT TO FORMER ABER INFANTS SCHOOL RHIWGLYN ROAD OGMORE VALE

**PROCEDURE** WRITTEN REPS

**DECISION LEVEL** DELEGATED OFFICER

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

A copy of this appeal decision follows this report

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**RECOMMENDATION:**

That the report of the Corporate Director Communities be noted.



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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 04/09/14

gan **Melissa Hall BA(Hons) BTP MSc  
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 2 Hydref 2014

## Appeal Decision

Site visit made on 04/09/14

by **Melissa Hall BA(Hons) BTP MSc  
MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 2 October 2014

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**Appeal Ref: APP/F6915/A/14/2219657**

**Site address: Land adjacent to former Aber Infants School, Rhiwglyn Road,  
Ogmore Vale, Bridgend, Glamorgan CF32 7AS**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Wayne Adams against the decision of Bridgend County Borough Council.
- The application Ref P/13/661/FUL, dated 5 September 2013, was refused by notice dated 6 December 2013.
- The development proposed is the change of use of land and construction of workshop and summerhouse.

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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. At the time the planning application was submitted, the development was described as '*Proposed construction of workshop and summerhouse on existing brownfield site*'. The Council subsequently amended the description of development to include reference to a change of use of the land in connection with the residential property known as 'Ty Aber'. It is on this basis that the Council determined the application.
3. The appellant has since requested that the summerhouse be omitted from the scheme. The appeal is therefore pursued in relation to the change of use and workshop only, and it is on this basis that I have determined the appeal.
4. The site address stated on the planning application form is Rhiwglyn Road, whereas the site address on the appeal form is shown as Fern Street. Nevertheless, I am satisfied that both refer to the same site.

### Main Issue

5. This is the effect of the proposed development on the character and appearance of the surrounding area.

## Reasons

6. The appeal site bounds the eastern edge of the settlement of Ogmores Vale. It is located between the rear boundary of a vacant school and a forestry track leading to Ogmores forestry, with the open countryside beyond.
7. I accept that the site is adjacent to the existing built form. Nevertheless, the Council has confirmed that it is outside settlement boundaries as defined in the adopted Bridgend Local Development Plan 2013(LDP) and so, for planning purposes, and in the context of LDP Policy ENV1, it is in the countryside where development is subject to strict control.
8. Although the appeal site is not in use for the purposes of agriculture or forestry, it has a largely verdant and natural character. It therefore identifies closely with the natural landscape quality of Ogmores Forestry beyond its boundaries. Whilst I acknowledge that the vegetation is overgrown, fly tipping has occurred and there is an area of hardstanding within the site, this does not, overall, dilute the character that I have described.
9. The vegetation and the gap maintained between the built form and the forestry represents an important visual transition from urban to a more natural, rural character beyond the settlement limit. In these circumstances, the proposed use and any associated domestic paraphernalia, together with a workshop in this location, would extend the built form into the open countryside. In doing so, it would harmfully erode the prevailing natural appearance and character of its setting.
10. I acknowledge that distant views of the site may be limited. However, the site is highly visible from close range. In this context, I am not persuaded that allowing incremental changes to this area of land resulting in a more widespread distribution of development in the countryside beyond the existing settlement would safeguard its character or appearance. In this context, the proposal would not meet the objectives of LDP Policy ENV1 to prevent inappropriate development in the countryside.
11. Whilst I note the appellant's contention that the proposal would represent rounding off of the settlement, I observed that the edge of the existing built form is clearly defined and the site forms part of a natural landscape that runs the length of the rear curtilages of the dwellings on Sunnyside, Rhiwglyn Road and Aber Court. To this end, the proposed development would encroach into this area, extending the built form beyond its existing, clearly defined limits. I am not therefore convinced that it can properly be considered rounding off of the settlement.
12. The appellant also states that it is a brownfield site, with the base of an unauthorised garage / workshop remaining and upon which vehicles are parked. I do not know the full details of this situation and it is for the Council in the first instance to investigate enforcement action regarding any unauthorised development. I can therefore offer no further comment in this respect.
13. Nevertheless, in reaching my decision, I have had regard to current national planning guidance in Planning Policy Wales (PPW) that seeks to maximise the use of previously developed land. However, whilst the site may fall within such a definition, not all previously developed land will be suitable for development. Similarly, whilst PPW advises that infilling or minor extensions to existing settlements or groups of dwellings in the countryside may be acceptable, it also maintains that development away from settlements must be strictly controlled and that all development should respect the

character of the surrounding area. For the reasons that I have given, I do not find this to be the case.

### **Other Matters**

14. Whilst the Council refers to the development setting an undesirable precedent for further applications for similar development in the countryside in its reason for refusal, each proposal must be determined on its individual planning merits. I have not therefore given this matter significant weight.
15. I acknowledge the letter of support that has been received from a neighbouring resident. I do not dispute the potential benefits of the scheme, including the removal of the fly tipping and access to the school grounds. Be that as it may, these matters do not outweigh the harm I have identified to the character and appearance of the surrounding area.

### **Conclusion**

16. For the reasons outlined above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

*Melissa Hall*

INSPECTOR

## **DEVELOPMENT CONTROL COMMITTEE MEETING – 16 OCTOBER 2014**

### **ITEM: 6**

#### **The Planning (Wales) Bill**

The Planning (Wales) Bill was published on the 6<sup>th</sup> October 2014.

Members will recall that the draft Wales Planning Bill was the subject of a training session in February this year when Bridgend County Borough Council also submitted its formal observations to the accompanying consultation document – Positive Planning Proposals to reform the Planning System in Wales.

The published Bill sets out a series of legislative changes informed by a comprehensive evidence base and extensive consultation to deliver reform of the planning system in Wales, to ensure that it is fair, resilient and enables development.

The Bill addresses 5 key objectives:

- a modernised framework for the delivery of planning services – the Bill will allow planning applications to be made directly to Welsh Ministers in limited circumstances
- strengthening the plan led approach – the Bill will introduce a legal basis for the preparation of a National Development Framework and Strategic Development Plans
- improved resilience – the Bill will allow the Welsh Ministers to direct local planning authorities to work together and for local planning authorities to be merged
- frontloading and improving the development management (development control) system – the Bill will introduce a statutory pre application procedure for defined categories of planning application
- enabling effective enforcement and appeals – the Bill will make changes to enforcement procedures to secure prompt, meaningful action against breaches of planning control and increase the transparency and efficiency of the appeal system.

Taken together with proposed changes to secondary legislation, policy and guidance, the Bill will support delivery of the homes, jobs and infrastructure that Wales requires, whilst providing opportunities to protect and enhance our most important built and natural environments and support the use of the Welsh language.

The Bill is set out in 8 Parts and 7 Schedules. Building on and amending existing primary legislation, the principal provisions are contained in the following sections:

- Development Planning
- Applications for Welsh Ministers
- Development Management (Development Control)
- Enforcement and Appeals
- Town and Village Greens.

Following the introduction of the Bill to the National Assembly for Wales, it will progress through the Assembly's legislative process. This involves:

- Stage 1: consideration of the general principles of the Bill by a committee of the National Assembly for Wales which will invite comments on the Bill from the people of Wales either in writing, or in person; the general principles will then be considered and voted on by the Assembly. If successful at the general principles debate the Bill will progress to Stage 2



## **DEVELOPMENT CONTROL COMMITTEE MEETING – 16 OCTOBER 2014**

- Stage 2: detailed consideration of each section of the Bill by a committee. Amendments can be tabled and will be voted on by the committee
- Stage 3: further detailed consideration of each section of the Bill, by the whole Assembly. Amendments can be tabled and voted on by the whole Assembly
- Stage 4: a short debate and a vote by the whole Assembly on whether to approve the final text of the Bill.

If the Bill passes through all four stages, after which it should receive Royal Assent in summer 2015.

Further information and details of the Bill may be found at the following website:

<http://wales.gov.uk/topics/planning/policy/circulars/welshgovcirculares/?lang=en>

To accompany the Bill, the following consultation documents have also been issued:

Frontloading the Development Management System (WG23314) – This consultation paper details the operation of the pre-application processes introduced by sections 15 and 16 of the Planning (Wales) Bill. It also seeks the views of stakeholders on how powers in the Bill and the Planning and Compulsory Purchase Act 2004 can facilitate improved service delivery by statutory consultees.

Design in the Planning Process (WG23161) – This consultation seeks the views of stakeholders on how we can support our national planning policy on design and facilitate the delivery of good design through the planning system (section 27 of the Planning (Wales) Bill).

Planning Committees, Delegation and Joint Planning Boards (WG23070) – This consultation address delegation procedures and planning committees to secure a fair, consistent and efficient decision-making process throughout Wales. Sections 3 (2), 13, 37 and Schedule 1 of the Planning (Wales) Bill refer. It seeks views on our proposals on how a national scheme of delegation and national standard on committee size and make-up could be put into practice. Views are also sought on the size and make-up of joint planning boards and strategic planning panels.

Power to Override Easements and other Rights (WG23294) - Alongside the consultation papers accompanying the Bill, the Welsh Government has also issued a paper seeking views on a proposal to provide powers enabling relevant organisations to override easements and other rights over land in their ownership that has been acquired or appropriated for planning purposes. It proposes making an order under section 203 of the Planning Act 2008 that will have an effect which corresponds to section 194(1) of and Schedule 9 to that Act.

Details of the consultations can be found on the Welsh Government's consultation pages at <http://wales.gov.uk/consultations/planning/?lang=en>

Responses to the consultation papers are invited by 16th January 2015 and a further report will be brought to Committee in December.

### **Recommendation**

That the contents of the report be noted.

**DEVELOPMENT CONTROL COMMITTEE MEETING – 16 OCTOBER 2014**

**ITEM: 7**

**TRAINING LOG**

*All training sessions are held in the Council Chamber unless otherwise stated.*

<b><u>Facilitator</u></b>	<b><u>Subject</u></b>	<b><u>Date</u></b>	<b><u>Time</u></b>
Jonathan Parsons & Craig Flower - Planning Dept., BCBC	Life of a planning application	16 Oct 2014	12.45pm

Dates for other topics and speakers to be arranged including the following:

**Subject**

- Annual review of planning decisions ~ Bridgend & Maesteg Regeneration Projects ~ Autumn 2014
- Planning enforcement

**Recommendation:**

That the report of the Corporate Director - Communities be noted.

**MARK SHEPHARD  
CORPORATE DIRECTOR - COMMUNITIES  
10 OCTOBER 2014**

**APPENDIX A**

**TO BE READ IN CONJUNCTION WITH ITEM 3**

**P/14/337/FUL**

**OF THE REPORT OF THE  
CORPORATE DIRECTOR – COMMUNITIES**

127-129, Bute Street  
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CF10 5LE  
Tel: 029 2043 7841  
Email: sw@whiteconsultants.co.uk



# Memo

<b>To:</b> Nicola Gandy	<b>From:</b> Simon White
	<b>Date:</b> 4/10/14
<b>Project:</b> Court Colman Solar Farm	<b>No:</b> WC286

Dear Nicola

Thank you for the Pegasus 'Addendum to the environmental reports compendium', dated September 2014. This sets out the proposed revised scheme for Court Colman solar farm with accompanying LVIA addendum. You have requested that I make comments on this and in particular on how the effects may change from the viewpoint from the public footpath and from Pantrosia Fach to the north of the scheme.

The comments in this review should be considered alongside my evaluation of proposals and the LVIA dated July 2014 and subsequent comments dated 7/8/14 on Pegasus's rebuttal.

In this memorandum, the use of the word significant in terms of effect is meant to assist in defining those effects which should be taken into account in the decision-making process. It is noted that it is referred to as the term in Policy SP8 Renewable Energy.

## Revisions to the scheme

The total area covered by the development has been reduced from 32.5 ha to 28.2 ha. This is still a large scheme as defined by the Bridgend renewable energy landscape sensitivity SPG (draft). The reduction in area is achieved by removing solar panels from the field north of the Dog's Trust and from part of the field further north closest to Court Colman's entrance. The output remains as 15MW. This has been achieved by reducing the height of the arrays to 1.92m which means they can be placed closer together- with a 2.5m gap between arrays. This will result in a denser form of development. It is not clear if the grass beneath will still be managed by a combination of mowing and grazing as the panels will be lower. It would be highly desirable if grazing was still possible. The reduction in height of the arrays and the reduction in area is an improvement.

The layout of the access tracks is amended. The proposed switch rooms are accessed from the Dogs Trust entrance which avoids widening a narrow spur track and embankment from the lane close to the Court Colman entrance. This is an improvement.

The inverters are higher (2.27m to 2.8m) which is less desirable but their locations appear to be rationalised and, apart from the south western field, tend to be located close to existing hedges. This is an improvement with the exception of the proposed inverter which is in the field south of Pantrosia Fach.

Security cameras have now been removed from the scheme. This is an improvement. However, it is not clear how the developer will maintain security on the site without these cameras. This needs to be clarified and written confirmation received that cameras will not be added at a later date.

There is an increase in tree planting to the north to aid screening over time from Pantrosia Fach and the public footpath, and additional 'tall hazel planting' to the south west to increase screening from

the minor road crossing the railway. The planting in the site layout (S. 0384\_07 - F) now equates to that which is illustrated in the photomontages.

### **Effects on landscape character**

The LVIA addendum states that the magnitude of change on the wider landscape character would not reduce and therefore the scale of effect would remain the same (3.12). I agree with this. However, in my view the effect remains significant adverse on LCA 15: 'Cefn Cribwr and Settled Farmland'. The following characteristics remain adversely affected and/or changed:

- The visible slopes forming part of the intricate landform in the southern half of the LCA
- The strongly rural and historic character away from areas of development
- Strongly pastoral character of the landscape, with an historic estate influence around Court Colman.

The effects on the setting of the Laleston SLA also remain the same i.e. significantly adverse.

The development would dominate the character of the valley in which it is set but the spread of effects would be limited by trees and landform.

The direct effects on landscape elements such as hedges on the site should be beneficial in the long-term.

### **Visual effects**

The revised effects on individual viewpoints are set out in the attached Appendix. Based on these, the effects on various visual receptors are discussed below.

#### *Residents*

Based on the review of the LVIA the residents of the following dwellings are still considered to undergo significant adverse effects extending into the long-term:

- Pantrosia Fach
- Llangewydd Cottage
- The farmhouse associated with the Dogs Trust (if used as a dwelling)

The development is considered such that it would make Pantrosia Fach an unattractive place to live in the short-term which is of particular concern. The mitigation proposed is not considered adequate even though the arrays have been reduced in height. Ideally the arrays in the field south of the dwelling should be removed. At the very minimum, instant hedging should be used with an additional tree /shrub copse planted.

#### *Footpath users*

The users of the Bridgend Circular Walk are considered to undergo significant adverse effects extending into the long-term where they walk down the valley side opposite the site.

Users of the footpath to the north would undergo significant adverse effects in the short to medium term but this may become not significant in the long-term due to hedge planting.

### **Conclusions**

The revised scheme is an improvement on the original scheme. However, the level of significant effects on landscape character remain although, as stated before, these are limited in spread and the juxtaposition with Court Colman is reduced. These could be considered in conflict with Policy ENV3 and SP8. The level of visual effects are reduced in places such as to the footpath to the north and from the road to the east adjacent to Court Coleman. However, significant visual effects remain as described above on a few receptors and these could be considered in conflict with policy SP8. These need to be considered in the balance with the benefits of the development through the production renewable energy.

Regards Simon White

## Appendix

### Expected effects at key viewpoints

<i>Viewpoint number</i>	<i>Comment on original scheme in review dated July 2014</i>	<i>Comment on revised scheme</i>
1 From entrance to Court Coleman	The site is located on the skyline just visible through the trees and heavily filtered when the trees are in leaf. The rhododendron adjacent to the viewpoint would screen views even in winter but to the south of this the edge of the site would be apparent in winter visible between tree trunks. There may be potential views towards the arrays but views are more likely to the proposed switchgear building and associated sub-station (not part of this application). A more detailed layout would be helpful to ascertain the likelihood of views. The assessment does not take into account these buildings. In the longer term there is potential for mitigation but in the short-term there will be adverse effects in winter. These are not likely to be significant from this viewpoint.	Views are more likely to the proposed switchgear building and associated sub-station which are not part of this application.  There would be no effects from arrays.
2 view from public footpath to the North East of the site	The backs and sides of arrays would be visible at close quarters to the left of the photo view as well as on the skyline in front and to the right of the view. The arrays would be at two different angles and to the left as they would be on a north east falling back slope and would appear very awkward. These issues are not mentioned in the LVIA. The rear of arrays are less slightly than the front due to the steel frames being visible. The proposed mitigation of hedges will not substantially screen the arrays for some years and is unlikely to be fully effective. The significance of effect is rightly suggested in the LVIA as substantial (presumably adverse) in year 1 but major neutral in year 5. There is no definition of what neutral means or any justification as to why the adverse or negative effect becomes neutral over a short time. This review considers that the effect will remain significant adverse and that the LVIA understates the effects.	The backs and sides of arrays and fencing would be visible on the skyline to the right of the view. The effect is likely to be significant adverse in the short-term reducing to not significant in the longer term once the hedge is fully established.
3 view from a public footpath to the North of the site adjacent to Pantrosla Fach	The backs and sides of arrays would be visible covering a wide angle of view halfway across the field in the centre of the view as well as to the left and to the right. The rear of arrays are less slightly than the front due to the steel frames being visible. The proposed mitigation of hedges will not substantially screen the arrays for some years and is unlikely to be fully effective, especially within five years. The 30 or so proposed trees shown in the photomontages does not correspond with the around 12 indicated on the stretch on the site layout planting proposals. The dwelling and its rear garden just behind the viewpoint would have clear views from frequently used areas and the view of the site and proposed development from upstairs windows would be even greater. Users of the footpath would also have clear views whilst traversing this field. The significance of effect is	The backs and sides of arrays and fencing would remain visible covering a wide angle of view in the short-term. The proposed hedging and trees will potentially screen part of the reduced height arrays in five years but not all, as indicated by the photomontage. It may be possible that these will be screened within 10 years from ground level (ie walkers and ground floor of Pantrosla Fach) if the hedge is allowed to grow to 3-4m. The main issue appears to be the arrays

	<p>rightly suggested in the LVIA as substantial (presumably adverse) in year 1 but major neutral in year 5. As with viewpoint 2, there is no definition of what neutral means or any justification as to why the adverse or negative effect becomes neutral over a short time. This review considers that the effect will remain significant adverse for both the dwelling and footpath users and that the LVIA understates the effects. The mitigation of a new hedge and separation between the dwelling and the development is considered to be insufficient to minimise the effect on this dwelling which otherwise enjoys an attractive rural view. The effects on the residents of the dwelling are considered unacceptable.</p>	<p>to the east in ground level views.</p> <p>The hedge planting is unlikely to screen views of the arrays from the first floor of Pantrosla Fach even in the longer term.</p> <p>It is considered that the level of effect is substantial in the short term dominating this view. It would make Pantrosla Fach an unattractive place to live. The mitigation is insufficient and will take a long time to establish.</p> <p>In the longer term, the effects on walkers will become less significant, but will remain significant for Pantrosla Fach's visual amenity due to the visibility from first floor views. Whilst the latter are likely to be from bedrooms which are given less weight in impact assessment, the view to the development is direct and extensive and would be the key visual focus on opening the curtains every morning.</p> <p>If permission were decided to be granted, the minimum requirement for mitigation should be an 'instant hedge' along the straight length of hedge directly south of the dwelling and a small tree and shrub copse on the eastern end of this to screen views more effectively in this direction. The effects would still be significant adverse on Pantrosla Fach but would be mitigated to an extent.</p>
<p><i>Viewpoint number</i></p>	<p><i>Comment on original scheme in review dated July 2014</i></p>	<p><i>Comment on revised scheme</i></p>
<p>4 public footpath to the North West of the site</p>	<p>This viewpoint on a public footpath is considered in the LVIA as partially representative of views from Pantrosla House. From the footpath, the tops of the arrays may be visible at year 1 but would be more effectively screened by year 5 by existing hedgerows meaning the effect on footpath users would not be significant in the longer term. From the dwelling the</p>	<p>The level of effects will not change.</p>

	backs and sides of the arrays would be visible at a greater distance across its associated pasture. Views from upstairs windows would be even greater. Whilst mitigation of trees and allowing the existing hedge to grow would have some effect on views from ground floor, views from the upper floor would remain adverse in the longer term. The longer-term effect is likely to be moderate adverse on the residents of the dwelling.	
<i>Viewpoint number</i>	<i>Comment on original scheme in review dated July 2014</i>	<i>Comment on revised scheme</i>
6 view from minor road at bridge over the railway to the South East	<p>This viewpoint on a public road is considered in the LVIA as partially representative of views from adjacent properties- Llangewydd Cottage and Swyn y Deryn. The front and side of the arrays in two fields would cover a wide section of the view running up and along the valley slopes and would be highly prominent. The mitigation shown in the Year 5 photomontage shows the hedge allowed to grow 3-4 m high compared to the 2.5 m high suggested in LVIA mitigation measures and many more trees (around 23) than indicated on the plant proposal plan (5). As the operator would probably wish to allow as much light coming from the West as possible the photomontage is likely to be misleading. This intent is reinforced by the fact that some existing trees on this boundary have been lopped (comparing Google Earth street view images with site visit photos). The LVIA indicates that the effects on the occupiers of the residential properties would be substantial in year 1 changing to major in year 5 and beyond. This review considers that this applies to Llangewydd Cottage and views from upstairs windows would be particularly marked. It is agreed that the effects will be significant adverse in the short, medium and long-term. There would not be significant adverse effects on Swyn y Deryn as it is a bungalow and better screened as well as overlooking an unsightly yard adjacent. The LVIA suggests that road users will be concentrating on the road rather than the view and therefore the magnitude of effects would be less. However, the extent of the proposed development is such that it would be expected that it would have a significant adverse effect from this location, at least in the short/medium term, depending on mitigation.</p>	<p>The addition of the hazel planting reinforces the intent of the original scheme (illustrated by the original photomontage) to grow the south western hedge to 3-4m. This is welcome.</p> <p>The LVIA addendum states that the effects will remain major in year 5 and beyond. This review considers that this still applies to Llangewydd Cottage and views from upstairs windows would be particularly marked.</p> <p>The view from the minor road would remain significant in the short term and is likely to remain noticeable in the longer term due to the size of the development on the valley slopes. The significance depends on the perceived sensitivity of the receptor i.e. users of the minor road. Generally road users are attributed a lower sensitivity so the level of effect may not be significant in the longer term for them. Of consideration, however, is that many of the users will be local residents, walking or driving, and they will be reminded of the size and scale of development close to their dwellings when travelling this road.</p>
7- view from minor road to the south of	The development would be visible at very close quarters by road users from this viewpoint and from a further access point along the road. There may also be occasional glimpsed views of arrays or infrastructure such as CCTV cameras at certain	The level of effect from the road entrance would remain the same. From the rest of road, the reduced height arrays without the CCTV



the site	<p>points. The road user would therefore be highly aware that a large-scale development lies adjacent to the minor road. The effects at the accesses would be substantial into the longer-term but along the rest of the road the effects can be mitigated to a larger extent.</p> <p>Train users would observe the site from a higher elevation than road users. The 2.5 m high hedge would not screen the majority of the development which would dominate the view of the valley side. The effects would remain significant in the long term.</p>	<p>cameras mean the development is more likely to be screened by the raised hedge.</p> <p>From the railway, the level of effect will remain the same. The speed of travel is likely to mean that whilst the visual impact of the development will be substantial, its duration is likely to be limited.</p>
<i>Viewpoint number</i>	<i>Comment on original scheme in review dated July 2014</i>	<i>Comment on revised scheme</i>
8 view from the Bridgend Circular Walk to the South	<p>As already stated, this view is unnecessarily low on the valley side meaning that the extent of the site and its relationship with Court Colman cannot be fully appreciated. The conclusions it arrives at of medium adverse in the short term and low adverse in the long term can therefore not be relied upon.</p> <p>The proposed development would cover a wide sweep of the fields on the opposite valley side dominating the view. The development would extend close to Court Colman and would clearly be seen in juxtaposition with it. The listed building is visible in its parkland/gardens. Trees along the valley floor would be unlikely to screen the development significantly in the long term and cannot be relied on to do so. Mitigating measures on the site would not have an effect due to the elevation of the view. The power lines along the valley and the roofs of the Dogs Trust are minor detractors but not at the same scale and intensity as the proposed development. The visual effect of the development on footpath users within the Laleston SLA would be likely to be significantly adverse in the short to long term.</p> <p>It appears that there would only be limited views of the development from the Court Colman Park and not from the listed building itself. Direct views would tend to be filtered by intervening trees and hedges. However, the development would be apparent on the approaches, especially from the south.</p>	<p>LVIA Viewpoint 8 is not a worst-case location. Therefore the following remarks relate to the alternative location illustrated in the LVIA review.</p> <p>The removal of the eastern part of the development means that there is greater visual separation between the house at Court Colman and its registered park and garden. It also makes the proposed development appear more contained by surrounding vegetation. Both these factors are an improvement on the original scheme. However, both the development and Court Colman would be seen within the same view and the development would be the dominant visual element.</p> <p>The level of visual effect on footpath users within Laleston SLA would remain the same as for the original ie significantly adverse in the short and long-term.</p>
9 view from minor road adjacent to Dogs Trust entrance	<p>The proposed development would be seen at close quarters adjacent to the entrance to the Dogs Trust. It would reinforce the detractive nature of the container and fencing on the Trust's site and would have an adverse effect. The proposed hedge mitigation is unlikely to be effective within five years although this is what appears to be indicated in the photomontage. As this location is adjacent to the</p>	<p>The removal of the array adjacent to the entrance would mean that there would be a substantial improvement and there would be no effect.</p>

	<p>Court Colman Park this cumulative effect is undesirable.</p> <p>The residential properties within the Dogs Trust site are also mentioned in relation to this viewpoint. It is not entirely clear how many there are and where they are located. The LVIA states that residential properties would have views across a considerable proportion of the site especially from first floor windows. It also suggests that residents in these properties would be less sensitive than other residents as they are within the complex. Overall it states that the effects are moderate in the short term and low in the longer term. The sensitivity of the residential receptors really depends on the length of time that occupiers are in the properties rather than their surroundings which should be factored in in terms of the magnitude of effect. If the old farmhouse on the north west corner of the Trust's site is used as a residence this would have development at close quarters on two sides. The effects would be likely to be substantial in the short and medium term with no mitigation proposed. If there are other properties to the East of this the effects would be of less concern.</p>	<p>The removal of the arrays from the field to the north of the farmhouse mean that the magnitude of effect is reduced with the arrays to the west being visible in oblique views only. However there is still no mitigation proposed on this boundary. The effect on this property, if used as a residence, is therefore still significant and of concern.</p>
<i>Viewpoint number</i>	<i>Comment on original scheme in review dated July 2014</i>	<i>Comment on revised scheme</i>
12 view from the minor road between Laleston and Llangewydd	<p>The proposed development would be noticeable in several fields across the valley in a glimpsed view through a wide gap in the field hedge from the road which lies within the Laleston SLA. The view may be more widely available along the road as an oblique view with low cut hedges, particularly in winter. The effect is likely to be of moderate significance and is likely to extend over a wider area within the SLA so could be significant.</p>	<p>The level of effect from this viewpoint will not be changed.</p>

## **DEVELOPMENT CONTROL COMMITTEE : 16-OCT-14**

**P/14/118/FUL/NG**

Town/Community Council : **PORTHCAWL**

5 SOUTH ROAD PORTHCAWL

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**P/14/337/FUL/NG**

Town/Community Council : **NEWCASTLE HIGH**

LAND NEAR COURT COLMAN PENYFAI

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**P/14/573/FUL/EW**

Town/Community Council : **YNYSAWDRE**

PLOT 3 N.EAST SIDE ABERGARW FARM NEW ROAD  
BRYNMENYN

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**P/13/937/OUT/EJ**

Town/Community Council : **MAESTEG**

LAND REAR OF 114-118 CWRT COED PARC MAESTEG  
BRIDGEND

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**BRIDGEND COUNTY BOROUGH COUNCIL**

**LOCAL GOVERNMENT ACT, 1972 - SECTION 100 LIST OF BACKGROUND PAPERS**

**MEETING: Development Control Committee**

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**DATE OF MEETING: 16 OCTOBER 2014**

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**REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES**

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<b><u>ITEM</u></b>	<b><u>FILE NO.</u></b>	<b><u>LOCATION</u></b>
Where the application / appeal / enforcement number is quoted, please refer to the file of that number		Corporate Director - Communities - (Planning Dept)
Training Log		Corporate Director - Communities - (Planning Dept)

For further details on the above please contact Craig Flower on 01656 643157 or email [planning@bridgend.gov.uk](mailto:planning@bridgend.gov.uk)