

## **DEVELOPMENT CONTROL COMMITTEE MEETING – 13 NOVEMBER 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/14/644/FUL	16 GOLDEN TERRACE MAESTEG	GRANT WITH CONDITIONS
2	P/14/506/FUL	7 BREDENBURY GARDENS PORTHCAWL	GRANT WITH CONDITIONS
3	P/14/618/FUL	LAND AT MADOC CLOSE BRACKLA	SECTION 106
4	P/14/337/FUL	LAND NEAR COURT COLMAN PENYFAI	SECTION 106
5		APPEALS	
6		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.

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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/guidanceandleafllets/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;
  - increase in the height of a building;

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- 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		

**ITEM:**

1

**RECOMMENDATION : GRANT  
WITH CONDITIONS**

**REFERENCE:**

P/14/644/FUL

**APPLICANT:**

MR CHRIS STEPHENS  
1B LLAN ROAD MAESTEG BRIDGEND

**LOCATION:**

**16 GOLDEN TERRACE MAESTEG**

**PROPOSAL:**

CHANGE USE OF DWELLING TO 2 X 2 BED FLATS, SINGLE STOREY  
REAR EXT WITH ESCAPE WALKWAY OVER & METAL STAIRCASE

**RECEIVED:**

24th September 2014

**SITE INSPECTED:**

28th October 2014

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

The application seeks consent to subdivide a two-storey, mid-terraced property into two flats, each containing two bedrooms. The proposal would also involve the construction of two single-storey rear extensions and the installation of an escape walkway/staircase which would allow secondary access from the first floor flat.

#### **RELEVANT HISTORY**

None.

#### **PUBLICITY**

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 30 October 2014.

#### **NEGOTIATIONS**

The agent was requested to:

1. Modify the position of the walkway/staircase and erect solid screening on both ends.
2. Confirm that the propose development would not adjoin or overhang any land that is not within the ownership of the applicant.

#### **CONSULTATION RESPONSES**

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

Notified on 2nd October 2014

Initially offered no objections but subsequently objected. Objects to the proposal:

1. Insufficient parking and highway safety concerns
2. The proposed flats would be out of character with the area and set a precedent in Golden Terrace
3. Lack of privacy and detrimental to residential amenity of neighbouring properties

**Application Number**

**P/14/644/FUL**



**Scale 1:1000**

**Date Issued:  
06/11/2014**

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

No objections to the proposal:

"The existing 4 bedroom dwelling, which would normally require 3 spaces, does not have the benefit of any off street parking. Whilst this proposal adds a unit of accommodation, in the form of a 2 bedroom flat, there remains no ability to provide any off street parking. However given the size of the flats, particularly the small second bedrooms, the parking requirement is calculated as 1.5 spaces per flat. Taking these issues into consideration there is a nil detriment situation in terms of parking requirements associated with the proposal."

### **Councillor D K Edwards**

Objects to the proposal and requests a Committee site visit.

1. Out of character with what is a terraced row of houses
2. Parking and highway safety
3. Loss of privacy to neighbouring properties.

## **REPRESENTATIONS RECEIVED**

### **Eunice Lloyd, 20 Golden Terrace**

Objects to the proposal:

1. Adverse noise/disturbance
2. The proposal would attract undesirables and instances of anti-social behaviour

### **Ian John Lloyd, 2 Queen Street**

Objects to the proposal and requests to speak at Committee:

1. Inaccurate description

Commented that he is also the owner of No.17 Golden Terrace which adjoins the application property.

### **Lee Griffiths, 19 Golden Terrace**

Objects to the proposal:

1. Insufficient parking and highway safety concerns
2. The proposed flats would be out of character with the area and set a precedent in Golden Terrace

### **Miss Bethan Cerys Lloyd ( Tenant ) Mr Ian J Lloyd (Landlord), 17 Golden Terrace**

Objects to the proposal and requests to speak at Committee:

1. Insufficient parking and highway safety concerns
2. Increase in adverse noise levels
3. The proposed flats would be out of character with the area and set a precedent in Golden Terrace
4. Overbearing

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5. Loss of privacy
6. Loss of light

### **Mrs Margaret May Isaacs, 15 Golden Terrace**

Objects to the proposal:

1. Insufficient parking and highway safety concerns
2. Loss of privacy
3. Loss of visual amenity from the rear garden
4. Loss of light to the rear garden
5. Loss of security
6. The proposed flats would be out of character with the area and set a precedent in Golden Terrace
7. Devaluation of property

### **Petition On Behalf Of Residents Golden Terrace, Mr & Mrs Evans**

A petition has been submitted containing signatures from 20 residents of Golden Terrace and the occupier of No.1 Bridge Street. Whilst the petition states that they object to the proposal, the grounds for objecting to the scheme have not been specified. As such, only limited weight can be given to this petition.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

In response to the objections received:

1. Insufficient parking and highway safety concerns

Refer to the 'Consultation Responses' section of the report for the comments of the Head of Street Scene (Highways)

2. The proposed flats would be out of character with the area and set a precedent in Golden Terrace

Refer to paragraph 2 of the 'Appraisal' section of the report.

3. Loss of privacy to Nos.15 and 17 Golden Terrace

Apart from the proposed single-storey extensions, the flats would utilise the existing windows/openings of the dwelling. The additional windows from the extensions would be limited to the rear elevation and would not directly face any neighbouring property, namely Nos.15 and 17 which adjoin the application site.

The amended plans show a 1.8m high solid screen to be erected at both ends of the walkway and the upper half of the staircase. Subject to this screening being retained in perpetuity, it is not considered that it would result in any significant loss of amenity to Nos.15 and 17 Golden Terrace

4. Loss of visual amenity from the rear garden of No.15

The proposed development would largely consist of single-storey structures and a



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walkway/staircase with solid screening. Subject to a condition for their external finishes to be agreed, it is not considered that the scheme would be detrimental to the visual amenities of the area.

Due to the scale of the proposed development, the outlook from the rear garden of No.15 would not be unreasonably affected by this development, especially since single-storey rear extensions are commonplace along this side of Golden Terrace. Having regard to the above, the scheme would not significantly affect the overall enjoyment of the rear garden of the neighbouring property.

### 5. Overbearing

Refer to paragraphs 7 and 8 of the 'Appraisal' section of the report.

### 6. Loss of security

Planning permission is not required to install a pedestrian gate to the rear of this property provided it does not exceed 2m in height from original ground level. Whether the gate is locked or unlocked is inherently a matter of choice by its occupiers and it would be unreasonable to control this through planning conditions. As such, any loss of security to the occupiers of the flats or any neighbouring property is a private matter which cannot be given significant weight in the determination of this application.

### 7. Loss of light to Nos.15 and 17 Golden Terrace

The proposed development would be single-storey in scale with a walkway/staircase and a 1.8m high screen above. This particular extension would be to the west of No.15, and its rear garden is south-facing. The other single-storey extension would be very similar to the extension that would be demolished.

No.17 Golden Terrace is located west of the application site and also benefits from a south-facing garden. The proposed rear extension would be to the east of No.17 and adjacent to an existing single-storey extension constructed at the rear of this neighbouring property, albeit with a marginally longer projection.

Having regard to the scale of the extensions and the relationship with both neighbouring properties, it is not considered that the proposed development at the application site would result in unreasonable loss of light.

### 8. Increase in noise levels

Since the property is already in residential use, it is not considered that its subdivision into two flats would generate any unreasonable levels of noise, to the detriment of neighbouring properties. It is, however, considered necessary to attach an advisory note to any decision issued recommending the installation of adequate sound insulation between the dividing floor of the two flats.

### 9. The proposal would attract undesirables and instances of anti-social behaviour

The proposal seeks consent to subdivide an existing residential building into two flats. There is no substantive link or evidence submitted which demonstrate that the proposed subdivision would attract undesirables or generate instances of anti-social behaviour. Notwithstanding the above, such issues are not Planning matters and would be controlled by the Police.

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### 10. Inaccurate description

The application was originally submitted with a description stating that each flat would have 1 bedroom, whereas the plans showed two bedrooms per flat. The agent was requested to amend the description which subsequently led to the application being restarted and all neighbouring properties were reconsulted.

### 11. Devaluation of property

This is not a material consideration in the determination of a planning application

## **APPRAISAL**

This application is referred to the Development Control Committee for determination in view of the objections received from local residents, the local Member and Maesteg Town Council.

This is an existing dwelling, located in a street that is entirely residential in character. The subdivision of the property into flats would not change the residential use of the property nor the character of the area and is, therefore, acceptable in principle.

Notwithstanding the above, the scheme must satisfy all relevant planning policies and guidelines, namely the criteria of SP2 of the adopted Bridgend Local Development Plan and the guidelines contained within Supplementary Planning Guidance 2: Householder Development (SPG2) and Supplementary Planning Guidance 17: Parking Guidelines (SPG17).

One of the single-storey extensions would essentially replace an existing single-storey infill structure to the rear of the property. The dimensions of the proposed structure would be 3.6m x 1.8m, finished with a flat roof reaching a maximum height of 2.8m.

This element of the scheme would be very similar to the existing extension that would be demolished and, as such, it is not considered that it would have any adverse effect on the residential amenities of the immediate neighbouring property, namely 15 Golden Terrace. Being an infill extension which would be limited to one end of the property, it is not considered that this scheme would have any significant adverse effect on the amenities of any other property.

Due to the location and scale of the extension, it would not be significantly visible from public positions. Subject to a condition requiring the materials of the extension to match those used in the existing property, it is not considered that it would have any significant adverse effect on the visual amenities of the area.

The other single-storey extension would be located at the immediate rear of the property and would measure 4m x 3.5m, finished with a flat roof reaching a maximum height of 2.8m. An existing single-storey lean-to extension that projects 2m from the original rear elevation of the property would be demolished to accommodate the new extension.

Whilst this extension would be built up to the boundary with the adjoining property, 17 Golden Terrace, it was noted during the site visit that a single-storey extension that projects approximately 0.5m less than the proposed extension at the application site has been constructed to 17 Golden Terrace. The proposed extension would be built immediately adjacent to the existing structure of No.17. However, there are no direct-facing habitable room windows that would be unreasonably affected by this proposal. It is, therefore, considered that the proposal, inclusive of the proposed walkway/staircase and any privacy screening that would be erected, would not appear overbearing to the occupiers of No.17.

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The extension adjacent to 15 Golden Terrace would be set-in from the boundary. 15 Golden Terrace also has a small lean-to extension at the rear. It is, therefore considered that the proposed extension would be a modest addition to the property and compatible with the scale of other rear extensions constructed along this side of Golden Terrace. It is also acknowledged that the property, as a single dwellinghouse, could possibly construct this extension under permitted development rights.

Due to the location and scale of the extension and that it would be largely hidden by tall rear boundary walls and outbuildings, it would not be significantly visible from public positions. Subject to a condition requiring the materials of the extension to match those used in the existing property, it is not considered that it would have any significant adverse effect on the visual amenities of the area.

The final aspect of the scheme is to construct an escape walkway/staircase which would allow secondary access from the first floor flat. This structure would predominantly utilise the roof of the proposed single-storey extension at the immediate rear of the property, followed by an external staircase.

The plans have been amended so that the structure would be positioned centrally across the roof of the rear extension. The amended plans show that a 1.8m solid screen would be erected at both ends of the walkway and along the upper half of the staircase. Given the location of the walkway, and subject to a condition for the screening to be retained in perpetuity, the privacy of neighbouring properties would be safeguarded and it would be difficult to utilise the flat roof for casual amenity purposes. Subject to the above, it is not considered that the proposed walkway/staircase and screening would have any significant adverse effect on the residential amenities of neighbouring properties.

Limited details have been provided with regards to the external finishes of the walkway, staircase and screening. It is considered that an entire steel finish to these structures is likely to have a rather industrial appearance, whilst untreated surfaces would generate adverse noise and disturbance when used, to the detriment of neighbouring properties. A condition is proposed to ensure the external finishes of these structures are agreed, so that they would not have any significant adverse effect on the visual amenities of the area or on the residential amenities of neighbouring properties.

The habitable rooms of each flat would benefit from a reasonable degree of amenity, especially when compared to the standard of amenity that is normally attributed to small, terraced properties in the locality. Apart from the proposed single-storey extensions, the flats would utilise the existing windows/openings of the dwelling. The additional windows from the extensions would be limited to the rear elevation and would not directly face any neighbouring property.

The current property contains 4 bedrooms, occupying the entire first floor of the property. The proposal would result in two flats, each containing two bedrooms. The plans indicate that the flats would have relatively small floorspaces, in particular the second bedroom of each flat would have internal measurements of approximately 3m x 2m. This suggests that the flats are likely to be used by single occupiers or small families. In terms of the impact of the proposal on parking and highway safety matters, the Head of Street Scene (Highways) has no objections to the proposal (see 'Consultation Responses' section of the report). It is, therefore, considered that the proposal will not have any significant adverse effect on highway safety.

The rear garden of the property would become a communal space that would be shared between the two occupiers of the flats. The amount of space left would be comparable to other properties within Golden Terrace.

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### **CONCLUSION**

This application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect privacy, highway/pedestrian safety 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 development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

16GT/2/14b - Plans & Elevations as Proposed (received 3 November 2014)

16GT/3/14 - Section & Notes as Proposed (received 24 September 2014)

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

- 2** Notwithstanding the requirements of condition 1, no development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the development (including walkway, screening and staircase) 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** The 1.8m high solid screen on both the Eastern and Western ends of the walkway and staircase, as shown on drawing no. 16GT/2/14b - Plans & Elevations as Proposed (received 3 November 2014), shall be erected prior to the beneficial occupation of any of the flats hereby approved. The screening shall then be retained in perpetuity.

Reason: In the interest of privacy 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 guidelines and does not adversely affect privacy, highway/pedestrian safety or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

b. In the interests of residential amenity, the applicant/developer is advised to install adequate sound insulation between the dividing floors of the two flats.

c. A part of addressing condition 2, the applicant is advised that the walkway and staircase must be installed with a noise reduction surface.

**DEVELOPMENT CONTROL COMMITTEE MEETING - 13TH NOVEMBER 2014**

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**ITEM:**

**2**

**RECOMMENDATION : GRANT  
WITH CONDITIONS**

**REFERENCE:** P/14/506/FUL

**APPLICANT:** MRS NIKKI FURNESS JONES  
7 BREDENBURY GARDENS PORTHCAWL

**LOCATION:** 7 BREDENBURY GARDENS PORTHCAWL

**PROPOSAL:** 3 BEDROOM BUNGALOW IN REAR GARDEN - RE-SUB OF REFUSAL  
P/14/158/FUL

**RECEIVED:** 25th July 2014

**SITE INSPECTED:** 15th September 2014

**APPLICATION/SITE DESCRIPTION**

The application seeks planning permission to erect a two storey dwelling within the garden area of 7 Bredenbury Gardens. The proposed dwelling will measure 11.5m in length and 6.5m at the widest point. The proposed dwelling will be finished with a pitched roof, with front and rear flat roof dormers, reaching a maximum height of 5.9m. The proposed dwelling will comprise of a kitchen/diner, lounge and a bedroom at ground floor level and 2 bedrooms (one ensuite) and a bathroom at first floor level. The existing garage will be demolished to accommodate the proposed dwelling and access to the site will be gained via the existing driveway, which will be shared with 7 Bredenbury Gardens. The ground floor bedroom is quite restricted in size and it is unlikely that it will be used as such other than on a casual basis or as a study.

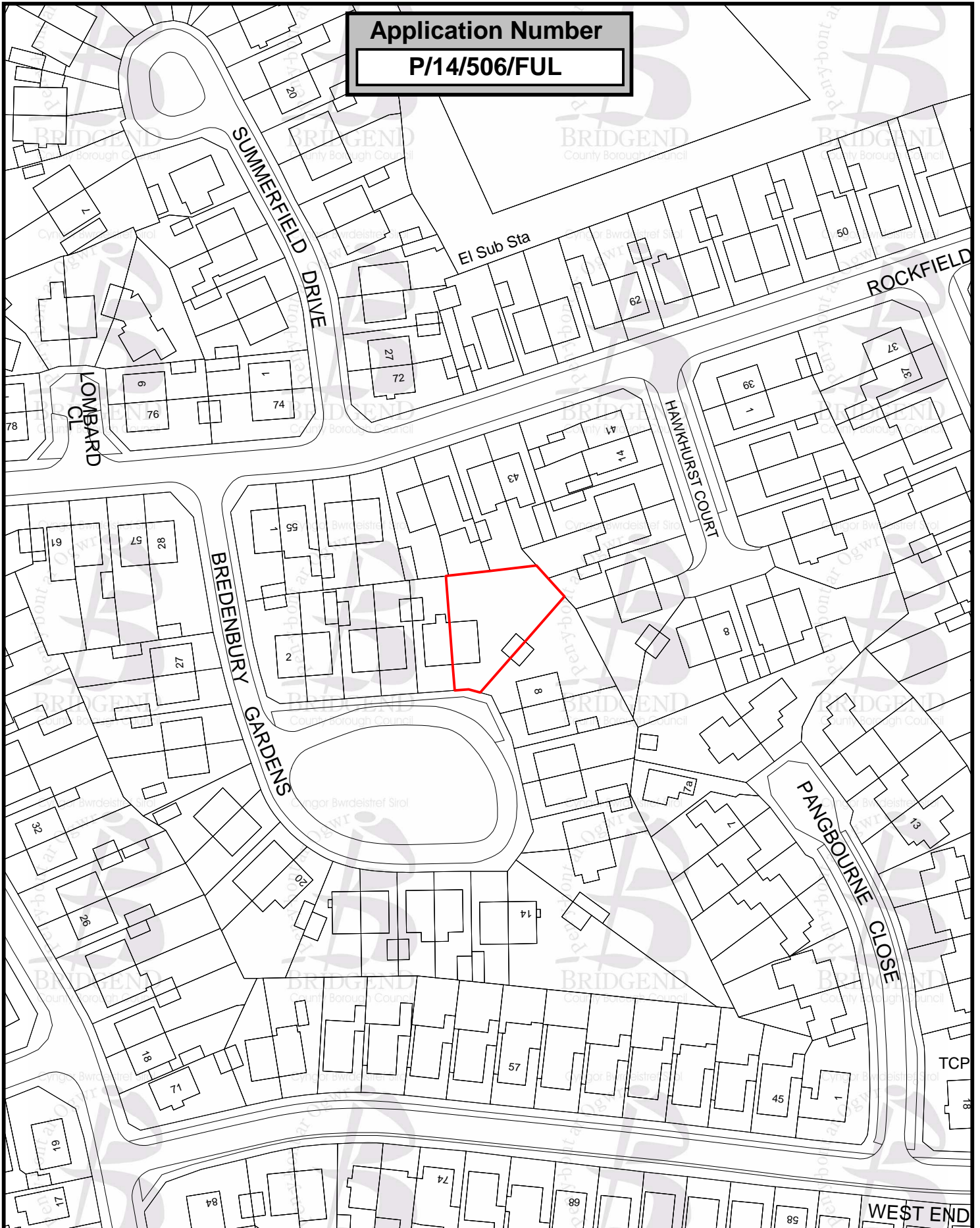
The application site lies within a cul de sac in the Rest Bay area of Porthcawl. The application site is located 2 miles to the north west of Porthcawl Town centre and 0.4 miles from the centre of Nottage.

**RELEVANT HISTORY**

<b>P/07/1269/FUL</b>	<b>APPROVED +conditions</b>	<b>30-11-2007</b>
<b>EXTENSION TO REAR CONSERVATORY</b>		
<b>P/07/74/FUL</b>	<b>APPROVED +conditions</b>	<b>28-02-2007</b>
<b>DORMER EXTENSION TO FRONT OF PROPERTY</b>		
<b>P/12/230/FUL</b>	<b>APPROVED +conditions</b>	<b>16-05-2012</b>
<b>CONSTRUCT PORCH &amp; SINGLE STOREY EXTENSION TO SIDE</b>		

**Application Number**

**P/14/506/FUL**



**Scale 1:1250**

**Date Issued:  
06/11/2014**

**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 - 13TH NOVEMBER 2014**

the communal grass verge for vehicle parking. This would solve my concern and allow people other than residents to park. Hopefully you will consider my concern before you make your final decision.'

Further concerns were submitted on 31 October 2014 which reiterated the concern raised above and photographs of the existing parking situations were provided.

### **Robert Rixon, 8 Bredenbury Gardens**

Objects to the proposal for the following reasons:-

- No consultation has been received from the applicant
- A tree has been removed on the site
- Highway and parking concerns
- Overlooking from the first floor
- Removal of garage which is attached to garage at 8 Bredenbury Gardens

### **Julie Ashton, 13 Hawkhurst Court**

Objects to the proposal for the following reasons:-

- Loss of a Protected tree
- Design
- Overlooking
- Noise
- Density

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The development of a single residential dwelling in a residential area is not considered to generate unacceptable noise levels.

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

None of the trees in the rear garden are covered by a Tree Preservation Order.

Whilst, the owner of 8 Bredenbury Gardens states that Notice has not been served the applicant has submitted a Certificate B stating that Notice was served on 13 August 2014 in regard to the removal of the garage attached to the garage at 8 Bredenbury Gardens.

The proposed dwelling will be served by an adequate level of off-street parking and amenity space and, as such, is not considered to be overdevelopment of the site.

A requirement for a boundary treatment scheme shall be attached to any permission granted.

The impact of the development in terms of visual and residential amenities is fully addressed in the 'Appraisal' section of this report.

## **APPRAISAL**

The application is referred to the Development Control Committee for determination in view of



## **DEVELOPMENT CONTROL COMMITTEE MEETING - 13TH NOVEMBER 2014**

the objections received from local residents and Porthcawl Town Council.

The application seeks planning permission to erect a detached dwelling in the garden area of Bredenbury Gardens.

The application is a resubmission of an application for a detached dwelling (P/14/158/FUL refers) which was refused for the following reasons:-

1. The proposed development would detract from the privacy and amenities reasonably expected to be enjoyed by occupiers of nearby residential properties, contrary to criterion 12 of Policy SP2 of the Bridgend Local Development Plan and Supplementary Planning Guidance 02: Householder Development.

2. The proposed development, by virtue of its design, would represent an incongruous element in the street scene to the detriment of local visual amenities, contrary to criterion 2 of Policy SP2 of the Bridgend Local Development Plan and Supplementary Planning Guidance 02: Householder Development.

The current application attempts to overcome these reasons for refusal by amending the design of the dwelling to replicate the design of the existing dwellings in the street scene and by amending the internal layout to overcome privacy concerns.

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 proposed dwelling is considered to be compliant with Policy 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¿.

The surrounding area is comprised of pitched roof bungalows, the majority of which have installed flat roof dormer extensions to the front elevations. The proposed dwelling is of a similar design to that of 7 Bredenbury Gardens and that of the other properties in the cul de sac, albeit, the proposal is a detached dwelling and the other properties in the street are semi-detached dwellings. Whilst, a detached dwelling is out of keeping with the predominant house type in the area, as the design is similar to that of the surrounding properties, it is not considered that the proposed detached dwelling would be so harmful to visual amenities as to warrant refusal of the scheme.

In order to ensure the materials used on the external surfaces are acceptable a condition should be attached to any permission granted requiring details of the materials to be agreed in writing by the Local Planning Authority.

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 13TH NOVEMBER 2014**

The design and layout of the proposed dwelling ensures that the visual amenities of the street scene are not so adversely affected as to warrant refusal of the scheme.

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.

Note 6 of SPG02 states 'An extension should respect the privacy of neighbouring houses'. The proposed dwelling does not include any first floor windows directly overlooking neighbouring habitable room windows at a distance less than 21m and, as such, the proposed development is not considered to infringe privacy standards.

In order to protect the privacy standards of the property to the rear of the proposed dwelling, 45 Rockfields, the plans show that the first floor rear facing windows do not serve habitable rooms and will be fitted with obscure glazing.

The first floor windows on the front elevation will overlook the driveways and front garden areas of both 7 & 8 Bredenbury Gardens, however, as these areas are already publicly visible, the overlooking from the first floor front windows is not considered to exacerbate the existing situation to such an extent as to warrant refusal of the development.

In terms of dominance, Note 1 of SPG02 states 'No extension should unreasonably dominate the outlook of an adjoining property.' The proposed dwelling will be some 18m from the rear elevations of the properties to the rear and, therefore, is not considered to cause an unacceptable level of domination. Whilst, the proposed dwelling will be only 4.5m from the boundary with the properties to the rear at certain points, given the position of the property within the plot and its relationship with the neighbouring properties, the proposed dwelling is not considered to an unacceptable degree dominate the garden areas of the properties of 43 & 45 Rockfields and 12 Hawkhurst Court.

The proposed dwelling is positioned within the plot to ensure that the dwelling will not give rise to any overriding concerns with regard to overshadowing. Whilst, the dwelling is located south of the properties of Rockfields and it may result in some limited overshadowing to the very rears of the gardens at Rockfields, overshadowing of this area is an existing situation caused by the large trees along the boundary of the application site. Consequently, the proposed dwelling is not considered to exacerbate the existing overshadowing situation to such an extent as to warrant refusal of the scheme.

The proposed dwelling will be served by an adequate level of private amenity space and off street parking. However, in order to ensure that future additions to the proposed dwelling will not comprise residential amenities a condition shall be attached to any permission granted restricting permitted development rights.

It is noted that a similar development has been erected within the garden of 7 Pangbourne Close. (P/06/1130/FUL refers).

Whilst determining this application Policies PLA1, COM3 & SP2 of the Bridgend Local Development Plan and Notes 1,2,6,10,11, 12 & 14 of Supplementary Planning Guidance 2 were considered.

### **CONCLUSION**

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 13TH NOVEMBER 2014**

Notwithstanding the objections received, 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** The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers BG\_PL002 Rev '06' & BG\_PL003 Rev'06' received on 6 October 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 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.

Reason: To ensure that general amenities are protected.

- 4** The parking area shall be laid out in accordance with plan number BG PL002 05, showing 3 spaces for the new dwelling and 2 spaces for the existing property, with a turning area to the front of the existing dwelling, and shall be retained as such in perpetuity.

Reason: In the interest of highway safety.

- 5** The shared access drive shall be widened to 3.65 metres and the widening works shall be completed in permanent materials prior to the development being brought into beneficial use. The shared access drive shall thereafter be maintained to the same width and in permanent materials acceptable to the Council.

Reason: In the interests of highway safety.

- 6** 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

**DEVELOPMENT CONTROL COMMITTEE MEETING - 13TH NOVEMBER 2014**

permitted under Article 3 and Classes A, B & C of Part 1 to Schedule 2 of the Order shall be carried out within the curtilage of the (any) dwelling without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual and residential amenities.

- 7 Prior to the development being brought into beneficial use the first floor windows on the rear elevation shall be fitted with obscure glazing to level 3 of the Pilkington Scale of Obscurity. The glazing shall be retained as such in perpetuity.

Reason: In order to protect residential amenities.

- 8 No development shall take place until the exact siting and levels of the dwelling in relation to the surrounding area have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed siting and levels.

Reason: In the interests of residential and visual amenity.

\* 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 as to warrant refusal.

b) 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>

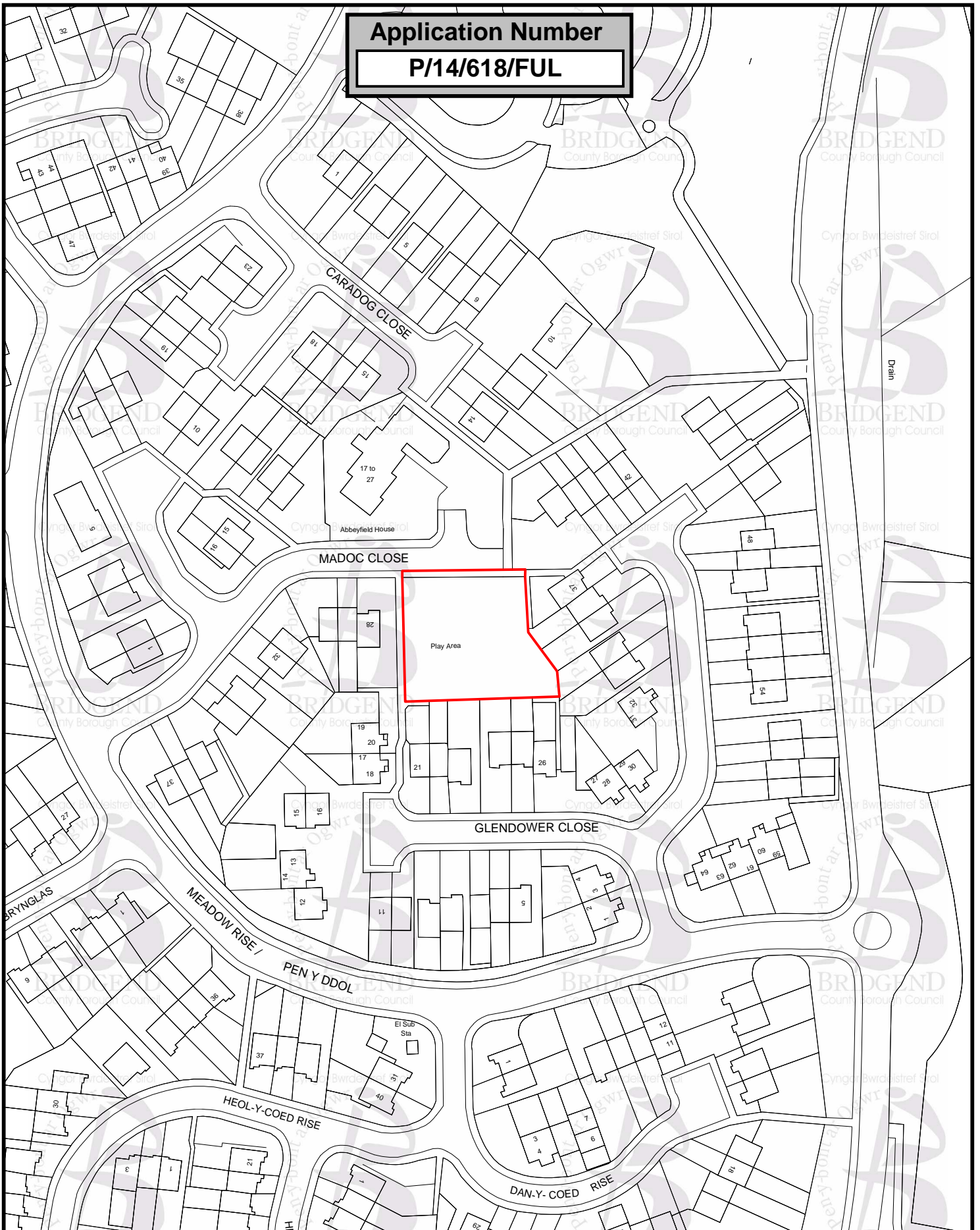
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<b>ITEM:</b>	<b>3</b>	<b>RECOMMENDATION : SECTION</b>
		<b>106</b>
<b>REFERENCE:</b>	<b>P/14/618/FUL</b>	
<b>APPLICANT:</b>	LINC CYMRU HOUSING ASSOCIATION LTD 387 NEWPORT ROAD CARDIFF	
<b>LOCATION:</b>	<b>LAND AT MADOC CLOSE BRACKLA BRIDGEND</b>	
<b>PROPOSAL:</b>	CONSTRUCT EIGHT SINGLE BEDROOM APARTMENTS	
<b>RECEIVED:</b>	12th September 2014	
<b>SITE INSPECTED:</b>	22nd October 2014	

**APPLICATION/SITE DESCRIPTION**

Application Number

P/14/618/FUL



Scale 1:1250

Date Issued:  
06/11/2014

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 - 13TH NOVEMBER 2014**

The application proposes the construction of eight one bedroom flats on land, currently open space laid to grass, on the southern side of the road and adjacent to the turning head for the cul-de-sac, known as Madoc Close, Brackla, Bridgend.

The development has been designed as effectively four two storey buildings, each of which will accommodate two flats, one on the ground floor and one at first floor level. The buildings are arranged in pairs which are linked by the entrances to the upper flats. One pair of buildings will be located just under 3m from the western site boundary and 1.75m behind the back edge of the footway at Madoc Close. This building will have an overall length of 19m by 7.75m wide with a hipped roof reaching 7.9m in height. The two flats (Flat 1 & 2) in the northernmost section of the building have been orientated to face eastwards onto the parking court although there will be a bedroom window at both ground and first floor levels in the northern elevation facing Madoc Close and the main entrance and bathroom window to the ground floor flat in its southern elevation. The southern two units (Flats 3 & 4) have a north-south orientation with the entrance to the ground floor flat in the northern elevation of this section of the building. Each flat will comprise an entrance hallway, kitchen, living/dining room, bedroom and bathroom.

The second building will be set at approximately right angles to the first building and approximately 14m back from the footway. The building will measure 18.5m by 9m at its widest reducing to 8m with the main roof designed with a hip reaching 7.9m in height. The accommodation provided in each of these flats will be similar to that of Units 1-4 but with a slightly larger living/dining area.

A parking court is to be provided containing 8 parking spaces and accessed from the southern side of the turning head of Madoc Close. On the eastern side of the parking area, a building measuring 6.8m by 3.5m widening at its southern end to 3.75m with a gable roof reaching 3.6m in height will provide a bin store to serve the proposed development. Timber entrance gates are to be located in the northern and southern elevations of this structure. The submitted drawings include a bicycle storage area for 8 bikes located between units 7 & 8 and the eastern site boundary. The allocated private amenity space to serve the development is located to the south of the proposed buildings and includes a paved area and a rotary washing line for each unit.

The buildings are to have interlocking concrete roof tiles and red clay rustic multi facing brickwork for the main walls with smooth red detail bricks at lintels and cills.

### **RELEVANT HISTORY**

### **PUBLICITY**

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 14th October, 2014.

### **NEGOTIATIONS**

On a point of detail, it was highlighted that there was a concern regarding the layout not complying with the Authority's privacy standard of 21 metres. The applicant's agent questioned whether a kitchen constituted a habitable room window in terms of the standard. It was

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 13TH NOVEMBER 2014**

suggested that the concern in respect of Units 1-4 could be relatively simply addressed by repositioning the building. In respect of Units 5-8 further consideration of a potential solution would be required and amended plans prepared in order to reposition windows. Amended plans were received on 31st October, 2014.

The amended proposals show the relocation of the block containing units 1-4 1.3m to the north towards Madoc Close thereby ensuring the 21m distance between habitable rooms in the properties to the south in Glendower Close. The kitchen windows to plots 5 & 6 have been repositioned to the side elevation so that there are no habitable room windows facing south in this block. With regard to units 7 & 8, an oriel window to the kitchen have been designed to prevent any views directly across to the east.

### **CONSULTATION RESPONSES**

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

Notified on 16th September 2014

#### **Councillor J C Spanswick**

This application needs to be reported to committee as I have some concerns with an application to build on an area of open space which once contained a play area.

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

It is noted from the submitted drawings that the proposed bicycle storage accommodates sufficient bicycle parking to serve the development but its location in the garden area of one of the blocks does not make it convenient or accessible to the residents of the other blocks. It is therefore suggested that a condition be included to require a revised scheme of cycle parking to enable a more appropriately located suitable arrangement of cycle parking facilities. It is considered that subject to conditions there are no Highway objections.

#### **Head Of Parks & Playing Fields**

No objections.

#### **Natural Resources Wales**

No observations although copies of standard advice are provided for the developer's information

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

In the event that the Authority is minded to grant planning permission for the development, it is requested that advisory notes are included within any decision notices issued in order to ensure no detriment to existing residents or the environment or to Dwr Cymru/Welsh Water.

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

The application includes a proposal to discharge foul drainage to the main sewer and dispose of surface water by means of a sustainable drainage system and/or soakaway drains. Records confirm that there are both foul and surface water public sewers adjacent to the site and therefore recommend that the developer contact Dwr Cymru/Welsh Water Network Development Services to discuss connections. It is anticipated that any surface water discharge will require attenuation to greenfield run off. It is likely that the applicant will be required to enter into agreements with Dwr Cymru/Welsh Water prior to being permitted to connect to the public sewer network.

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 13TH NOVEMBER 2014**

Any proposal to utilise infiltration drainage will require a specialist geotechnical report in support of the proposal due to the potential for the formation of solution cavities. Subject to an appropriate supporting report, there may be options to utilise permeable paving to surrounding paths and car parking areas to limit discharge to the public sewer network.

In view of the uncertainty in respect of drainage issues, it is recommended that a condition requiring the submission of a comprehensive and integrated scheme of drainage be included within any decision granting consent for the development. A guidance note clarifying the supplementary information required to satisfy the suggested condition is also recommended.

### **REPRESENTATIONS RECEIVED**

#### **Mrs Ward, 21 Glendower Close**

We object but do not register a request to speak at Committee. The reasons are outlined below:

We object due to privacy, it is proposed for outside our back fence. It will have an effect on the tenants of Arosfa (Home for the Elderly & Disabled) and it's not very accessible as its one way in and out for all residents. It is going to take away a playing area for the young children of the immediate area. Up to now, parents know they are safe to play. It will become a danger due to the level of traffic with lorries and all other machinery needed for building.

With privacy in mind, I don't think it fair to open my bedroom curtains to find someone staring back at us and also not knowing what kind of people will be housed there.

#### **Claire Stephens, 22 Glendower Close**

Objects to the proposal for the reasons outlined below and registers a request to speak at Committee:-

My garden gate leads out onto the playing fields. It's the only green in our area for children to play on. The height of the flats will give me no privacy in my garden as they will be built behind me. They will block my garden from the sun as a middle property I don't get much sun as it is, when they are built I'll have no sun at all. Madoc Close is a dead end street so I don't agree with all the lorries and extra traffic and noise which we'll receive from the build. I use my back entrance to go in and out of my property and I think the flats would put a stop to this.

### **COMMENTS ON REPRESENTATIONS RECEIVED**

The following observations are provided in response to the objections raised by local residents:-

Loss of Playing Fields - This issue will be considered fully in the following Appraisal section of the report.

Infringement of Privacy - Whilst the originally submitted proposals did not fully comply with the Authority's privacy standard of 21m between directly facing habitable room windows, the scheme has been amended in the manner described in the Negotiations Section of the report. It is considered that the layout now does not infringe the above mentioned privacy standard.

Overshadowing - One resident in the properties to the south in Glendower Close considers that



## **DEVELOPMENT CONTROL COMMITTEE MEETING - 13TH NOVEMBER 2014**

the proposed development will dominate and overshadow their property and garden. Given that the proposed flats are located to the north of the objector's home and set 21m distant, it is considered that the development will not result in domination or overshadowing of the objector's property. It is noted that due to the staggered building line in Glendower Close, Nos 24 & 25 will be just over 16m from Units 5-8 but again due to the orientation and the distance between the properties the impact will not be so significant as to warrant refusal of the scheme. For clarification, this assessment has been based on the guidance contained in the Authority's SPG 2 Householder Development, which explains that unreasonable domination is an issue only where a main window to a habitable room in an adjacent dwelling will directly overlook a proposed development. In addition, for unreasonable domination to be demonstrable, the extension must be either:-

- (a) Higher than a line, perpendicular to the window wall rising at 25 degrees to the horizontal from the mid point of the affected windows, or
- (b) closer than 10.5 metres to the window.

Access - Objectors consider that Madoc Close is unsuitable to serve the proposed development and will cause problems for existing properties, in particular to Arosfa, a home for the elderly and disabled. Access is shown from the turning head of the cul-de-sac and parking facilities are provided within the site to serve the development. The Highways Department considers these provisions to be acceptable.

Disruption due to noise and lorries during the construction phase - Whilst it is acknowledged that there may be some disruption when building works are being undertaken, however, these will be for a temporary period. Contractors can also be requested to adopt considerate working practice to minimise any impact on neighbouring residents.

Blocking of gateway - One resident in Glendower Close has a gateway from their rear garden into the application site. This is an informal arrangement that the occupier has created to facilitate access to the former play area. Whilst it is acknowledged that the development will result in the closure of this access, this is a matter to be resolved between the respective parties and not considered to be material to the consideration of the planning merits of the scheme. It is also noted that there is already provision for pedestrian access to the rear of Glendower Close via an existing footway. This arrangement will not be affected by the development.

### **APPRAISAL**

The application is referred to Committee at the request of the Ward Member and to enable consideration of objections received from local residents.

The application seeks consent for the construction of eight one bedroom flats on land which is currently open space laid to grass on the southern side of the road and adjacent to the turning head for the cul-de-sac, known as Madoc Close, Brackla, Bridgend. The land slopes gently from north to south and is surrounded on three sides by existing residential properties with Madoc Close forming the northern site boundary. The surrounding area is characterised by two storey properties externally finished with facing brick and concrete roof tiles.

The site is located within the urban area of Bridgend as defined by Policy PLA1 of the Bridgend Local Development Plan. In general terms it could be considered that the proposal represents an opportunity to develop under-utilised land within the urban area for residential development, which would be compatible with Policy COM3 of the Local Development Plan which states:-

"Residential developments within settlement boundaries defined in Policy PLA1 on windfall and small scale sites for the conversion of existing buildings or the re-use of vacant or under-utilised

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 13TH NOVEMBER 2014**

land will be permitted where no other LDP Policy protects the building or land for an existing or alternative use."

In this case, the proposed development will result in the loss of a open area currently identified in the Children's Play Space Audit as a children's play space and as such Policy COM7 of the Local Development Plan should be considered. Policy COM7 states:-

"Proposals which result in the loss of existing or proposed social and community facilities will not be permitted unless justified on one of the following grounds:

1. A suitable alternative location is available and a facility of equivalent community benefit is provided by the developer on or off the site; or
2. In the view of the local planning authority the existing facility is no longer required for the current use, or any other social and community uses, or there is already an excess of such provision in the area."

The application does not include plans to provide a facility of equivalent community benefit in accordance with criterion 1 and it is noted that the Children's Play Audit 2010 identifies Bridgend as having a deficit of children's play space. It is noted, however, that there is an area of open space in the nearby cul-de-sac of Heol Brynglas and other larger areas reasonably close at the junction of Clos Y Wern and Teilos Drive and also at the head of Clos Y Wern and Clos Y Waun. It is therefore considered that in this area of Brackla there are alternative provisions in reasonable proximity to the application site. It is also noted that the development itself is aimed to accommodate tenants aged 55 and over therefore not generating additional need for additional children's play facilities. In addition the Parks and Playing Field Manager has raised no objection to the proposed development. It is therefore considered that the proposals are compatible with criterion 2. And as such there is no conflict with the adopted Local Development Plan policy.

In terms of design, Strategic Policy SP2 of the LDP requires all development to contribute to creating high quality, attractive, sustainable places, which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment by meeting the following criteria:-

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 a 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;

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 13TH NOVEMBER 2014**

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 proposed development has been designed to resemble the surrounding residential development in terms of scale, appearance, layout and external finishes and incorporates adequate access and parking facilities. In this regard, the scheme is considered to be compatible with criteria attached to the Policy although conditions to ensure appropriate arrangements for foul sewage, waste and water together with confirmation of the means of enclosure to minimise opportunities for crime and relocation of cycle storage facilities with other access and parking issues will be recommended.

The application relates to the construction of eight single bedroom apartments and Policy COM5 of the LDP states that where a local need is demonstrated, the Council will expect an appropriate element of affordable housing to be provided on sites capable of accommodating 5 or more dwellings or exceeding 0.15 hectares in size. Within the Bridgend, Pencoed and Hinterland area of the County Borough, the Authority will seek a market target of 20% affordable housing. Such affordable housing will be implemented through the use of appropriate planning conditions and/or obligations/agreements and/or through contractual agreements between the Council, developers and Registered Social Landlords. In this case, it is noted that the application has been submitted by a Registered Social Landlord. However, in the event that the applicant, Housing Association, is unable to implement any consent for the development of eight apartments that the Council may be minded to grant and the dwellings become available on the open market then it would be appropriate for a 20% contribution to be sought. In this regard it is recommended that the applicant enter a legal agreement requiring that a minimum of 20% affordable housing be provided.

In view of the nature of the proposal it is not considered that it will generate any need for additional educational facilities.

Whilst determining this application Policies PLA1, COM3, COM5, COM7, PLA4 & PLA11 of the Bridgend Local Development Plan and of Supplementary Planning Guidance 17 Parking Guidelines were considered.

### **CONCLUSION**

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

### **RECOMMENDATION**

- (A) The applicant enter into a Section 106 Agreement to provide a minimum of 20% of the apartments on the site as affordable housing in accordance with the definitions contained in the Council's Supplementary Planning Guidance (SPG) 13 Affordable Housing
- (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:-

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 13TH NOVEMBER 2014**

- 1** The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1869(04)100, 1869(04)101, 102, 103, 104, 105 & 106 .

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 external surfaces of the buildings 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** The parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained as such thereafter.

Reason : In the interests of highway safety.

- 4** No development shall commence until a scheme for permanently stopping up the existing access and reinstating the vehicular crossing as footway has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to the development being brought into beneficial use.

Reason : |In the interests of highway safety.

- 5** The proposed means of access shall be laid out with vision splays of 2.4m by 25m to the west and a pedestrian vision splay of 1m by 1m in both directions before the development is brought into beneficial use and retained as such thereafter.

Reason : In the interests of highway safety.

- 6** No structure or erection exceeding 0.6 metres in height shall be placed within required vision splays areas at any time.

Reason : In the interests of highway safety.

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

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

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 13TH NOVEMBER 2014**

- 8 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 shall be carried out in accordance with the agreed plan and timetable.

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

- 9 No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul water, roof/yard water and land drainage will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. The drainage scheme shall be implemented in accordance with the agreement prior to the development being brought into beneficial use.

Reason : To ensure the provision of effective drainage facilities to reduce the risk of flooding and/or pollution.

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

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

(b) Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. The developer is advised to contact the highway maintenance inspector for the area at Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. (Telephone : 01656 642541).

(c) In order to satisfy Condition 9 in respect of drainage, the following supplementary information will be required:-

- \* Provide details of surface water disposal route, including confirmation of any third party agreements required, or
- \* Provide infiltration tests to confirm acceptability of any proposed soak-away and
- \* Provide a specialist geotechnical report to support any proposed infiltration system,
- \* Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system,
- \* Provide a timetable for its implementation, and
- \* Provide a management and maintenance plan for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

(d) The standard advice of the Natural Resources Wales is attached for the developer's information and consideration.

(e) The observations of Dwr Cymru/Welsh Water Developer Services are attached for the developer's information in respect of drainage, connection to the public sewerage system and provision of water supply.

**ITEM:**

4

**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)

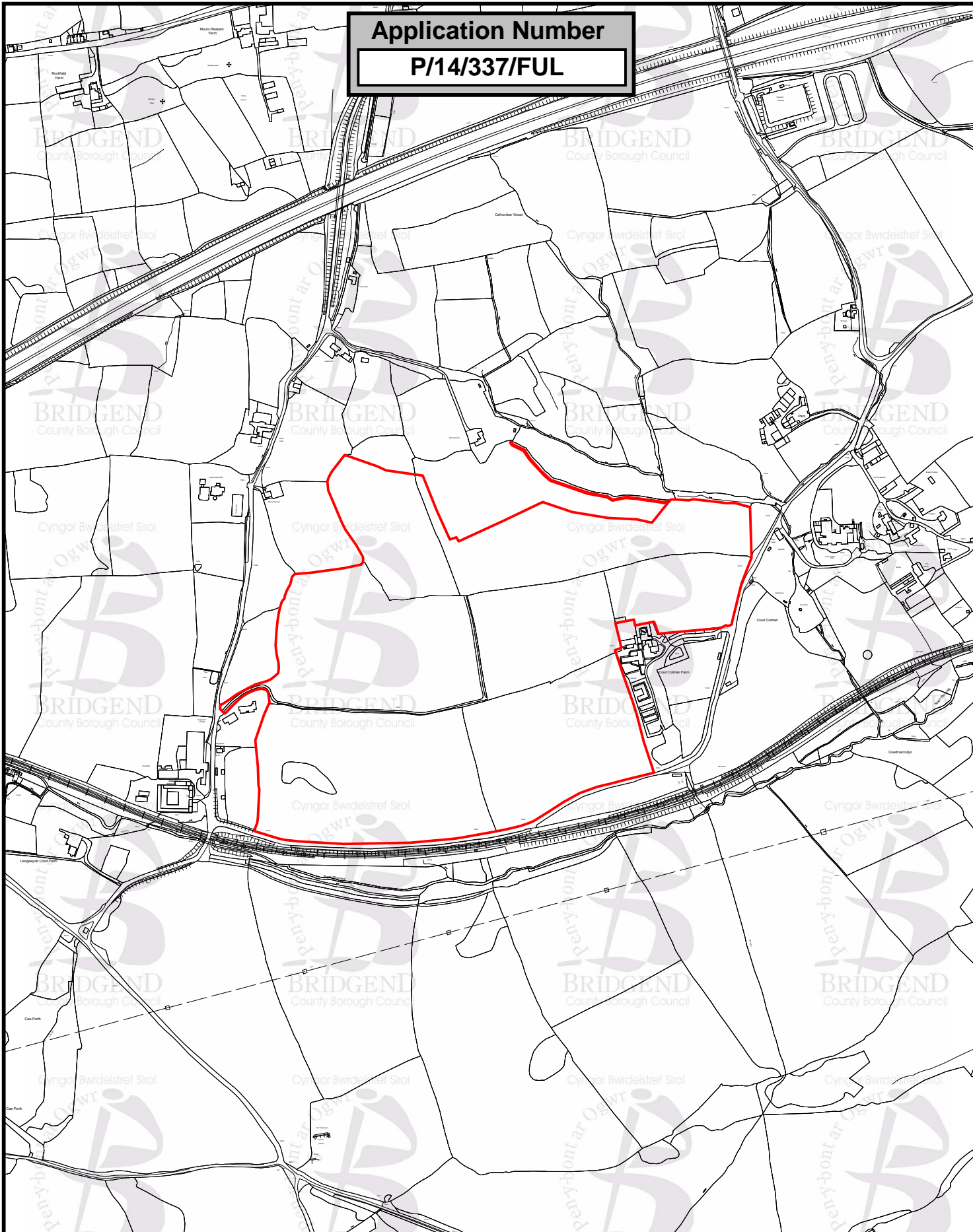
The maintenance access to the site will be via the lane to the west of the site, a secondary access point for Western Power Distribution to access the proposed substation will be located along the eastern boundary. The access point for construction vehicles will be to the south of the site, via an existing 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 1:8000**

**Date Issued:  
06/11/2014**

**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 Siro



## **DEVELOPMENT CONTROL COMMITTEE MEETING - 13TH NOVEMBER 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.

The agent provided a plan showing an increased planting scheme along the northern boundary of the site and details of the Construction Method Statement, temporary traffic management scheme, protection measures for 'The Pound' and temporary direction signage scheme on 4 November 2014.

### **CONSULTATION RESPONSES**

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

Notified on 15th May 2014



## **DEVELOPMENT CONTROL COMMITTEE MEETING - 13TH NOVEMBER 2014**

Newcastle Higher Community Council provided the following comments:-

'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 - 13TH NOVEMBER 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.

**Carwyn Jones Am, Am Support Staff**

Provided a letter which stated the following:-

'During the last year I've held a number of meetings with constituents since the initial proposal for the solar park was made known by Sun Credit. The most recent of which was earlier this week where a number of concerns were made known to me. This is what my constituents have said and which I would ask is made known to members of the Development Committee when it meets tomorrow:

1. The land which is subject to this application was not included in SLA7 and subsequent enquiries have not indicated the reasons for this;
2. The current application does not meet with the LDP and I refer to previous correspondence which I have received from the planning department of 10th October 2013;
3. My constituents fears of local flooding in the lanes near to the development have not been allayed should the application be granted;
4. Similar planning applications in the locality have not been granted because the lanes surrounding the area are not suitable for large lorries;
5. A consultant was engaged by the local authority to carry out a visual impact survey which made some critical remarks; yet the bulk of the report appears to be ignored;
6. Concerns have been raised regarding the numbers of objectors who have contacted the local authority. My constituents say the figure is in-correct and some names have been left off the objection list without explanation. In July there were 100 objections but now 82;
7. The local residents who live closest to the proposed development are adamantly against permission being granted and feel their views are being ignored.

I know that several members of the local community have already asked to speak at the committee when it meets tomorrow afternoon where they will be able to place their views on record'

**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 Farm, 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  
S Lewis - Lluest Fawr Fach, Court Colman  
Dr P D Purkayastha & L Das - Green Meadow, Court Colman  
C Bowen - Ballarat, Court Colman

## DEVELOPMENT CONTROL COMMITTEE MEETING - 13TH NOVEMBER 2014

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 (requested to speak at Committee)  
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  
A & E Deans - 11 Rogers Lane, Laleston  
AD Harris - 17 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  
G P & M A Bassett - 2 Tyddyn Gwaun, 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  
R Pritchard - 61 Chantal Avenue , 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  
A & N Ellis- 26 St Georges Avenue, Bridgend  
P W & L Daniels - 15 Glenview, Litchard  
R Trotman- 3 Bracken Way, Litchard  
D Richards - 8 Chaucer Close, Cefn Glas  
K Jenkins - 58 Westward Place, Llangewydd Court  
H Stenner - Cefn Cribwr  
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

A petition of 75 names and addresses was received on 13 & 14 October 2014, a copy of which can be viewed on the electronic file.

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 13TH NOVEMBER 2014**

A further 7 letters of objection were received, however no addresses were supplied.

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
- 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

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 13TH NOVEMBER 2014**

- 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
- Mr Gash advised that he objects to the solar panels directly to the front of his property
- The visual impact report provided by White Consultants is being ignored
- Concern in relation to the reasons for support of the proposal by residents of the county borough
- Concerns in relation to the leaflet sent by Suncredit UK to the members of the planning committee and the information within this leaflet being misleading.

### **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  
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

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 13TH NOVEMBER 2014**

C Smith - 6 Crud yr Awel, Pen y Fai  
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

**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 disturbance 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.

The main reason given for support of the proposal, from local residents, was for renewable energy creation.

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



## **DEVELOPMENT CONTROL COMMITTEE MEETING - 13TH NOVEMBER 2014**

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. The applicant has provided details of protection measures to be implemented at 'The Pound' during construction and decommissioning stages, which includes the provision of Celf Chestnut pale fencing along the northern boundary of the site. A condition shall be attached to any permission granted requiring the fencing to be erected in accordance with the details provided 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.

The leaflet provided by the applicant to the members of the planning committee is not a planning matter.

### **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.

A Full Committee Site visit took place on 15 October 2014, where the site was viewed from a series of vantage points. The local member, applicant and objector were in attendance at the site meeting.

The application was deferred at the committee meeting on 16 October 2014 to allow the applicant to provide further traffic management details and a plan showing increased landscaping along the northern boundary of the site. Details of which were submitted on 4 November 2014.

The Welsh Government has advised that a request has been received for the Welsh Government to 'call-in' the application for determination. This would remove the Council's ability to determine the application if the request were to be upheld. To date Welsh Government has not indicated that it wishes to 'call-in' the application. The Welsh Government has been advised that the application is referred to the Development Control Committee on 13 November 2014 for

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determination.

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 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

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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 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

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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, 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 outdoor education area, an environment management plan, a dog walking path, insect hotel & beehives, annual donations of £5,000 per community will be made to the Pen Y Fai, Laleston and Wildmill communities for 15 years to support local community projects, for immediate neighbours of the project £4,000 worth of Solar PV or energy saving measures and free Solar PV or other forms of micro-renewables and energy efficiency measures will be provided for local community buildings. 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

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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 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.

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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 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

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sightly 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, however the proposed mitigation of hedges together with additional landscaping, including 'instant' hedges, 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. The additional landscaping submitted on the plan received on 4 November 2014 would not entirely screen the development from the Pantrosia Fach and the footpath to the north of the site, 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 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.

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- 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 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 the proposed instant hedging and landscaping measures along the northern boundary will 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



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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.

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

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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.

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

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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 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).

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### **RECOMMENDATION**

(A) The applicant enter into a S106 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 S106 Agreement, as follows:-

**1** 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-H, 2xxx.AP.010.2.0, 2xxx.AP.007.4.0, 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.

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.

Reason: In the interests of visual amenities

**5** 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.

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 13TH NOVEMBER 2014**

Reason: In the interest of safeguarding visual amenities.

- 6** 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.

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

- 8** 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.

- 9** The landscaping scheme shall be implemented as detailed on the 'Site Layout & Planting Proposals' plan, (Plan No. S.0384\_07-H) received on 4 November 2014 and the landscaping directly to the south of Pantrosia Fach shall be planted prior to the solar panels being erected in the north eastern field. The landscaping shall be maintained for the duration of the operation of the solar installation.

Reason: In the interests of visual amenities

- 10** Prior to any the construction and decommissioning phases commencing the protection measures proposed for 'The Pound' at the junction of Waun Bant Road, as detailed in Appendix A of the PFA report named 'Discharge of (draft) conditions 11,13,14 & 15' received on 4 November 2014, shall be implemented. The protection measures shall be removed within 21 days of the completion of the construction and decommissioning phases.

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

- 11** 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.

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.

- 12** 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

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 13TH NOVEMBER 2014**

Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. The routing 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.

- 13** 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.

- 14** 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.

- 15** 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.

- 16** 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.

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 13TH NOVEMBER 2014**

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

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>

j) The developer is advised that the landscaping scheme required under condition 10 should include mature trees planted within close proximity to each other along the northern boundary.

## DEVELOPMENT CONTROL COMMITTEE MEETING – 13 NOVEMBER 2014

### ITEM: 5

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

**CODE NO.** A/14/2225624 (1745)  
**APP. NO.** P/14/371/FUL  
**APPELLANT** MR KARL LEWIS  
**SUBJECT OF APPEAL** CHANGE OF USE FROM A1 TO A3 (TAKE AWAY)  
31 COMMERCIAL ST KENFIG HILL  
**PROCEDURE** WRITTEN REPS  
**DECISION LEVEL** DELEGATED OFFICER

The application was refused for the following reason;

The proposed hot food takeaway at this location would give rise to a greater intensity of short term, indiscriminate on-street parking and abuse of the traffic orders along the classified transport corridor route B4281 Commercial Street, to the detriment of highway safety and the free flow of traffic contrary to Supplementary Planning Guidance 14: Hot Food Takeaway Establishments.

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**CODE NO.** A/14/2226490 (1746)  
**APP. NO.** P/14/419/RLX  
**APPELLANT** W M MORRISON SUPERMARKETS PLC  
**SUBJECT OF APPEAL** RELAXATION OF CONDITION 4 OF P/12/878/OUT TO ALLOW  
OPENING BETWEEN 0700-2300 EVERY DAY OF THE WEEK:  
270/270A NEW ROAD PORTHCAWL  
**PROCEDURE** WRITTEN REPS  
**DECISION LEVEL** DELEGATED OFFICER

The application was refused for the following reason;

The proposed development would detract from the amenities reasonably expected to be enjoyed by occupiers of the existing and proposed properties at New Road, contrary to Policy SP2 of the adopted Bridgend Local Development Plan.

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**CODE NO.** A/14/2224236 (1747)  
**APP. NO.** P/14/135/FUL  
**APPELLANT** MR P HEARNE  
**SUBJECT OF APPEAL** RETENTION OF JOINERY WORKSHOP, CAR PARKING IN  
CONJUNCTION WITH OLD POLICE STATION & BOUNDARY WALL  
LAND ADJACENT CORBETT STREET OGMORE VALE



## **DEVELOPMENT CONTROL COMMITTEE MEETING – 13 NOVEMBER 2014**

**PROCEDURE** WRITTEN REPS

**DECISION LEVEL** DELEGATED OFFICER

The application was refused for the following reasons:

1. The development reduces the available visibility for emerging vehicles at the two adjacent accesses, which will create hazards to the detriment of highway safety.
2. Insufficient details in respect of the machinery to be operated within the workshop and the construction of the building itself have been submitted to enable the noise implications of the proposal on the residential amenities of nearby properties to be properly evaluated by the Local Planning Authority.

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**CODE NO.** C/14/2227670 (1748)

**ENF. NO.** ENF/55/14/C

**APPELLANT** MR C DAVIES

**SUBJECT OF APPEAL** NON COMPLIANCE WITH APPROVED PLANS P/13/495/FUL  
(DORMERS): 16 SHELLEY DRIVE BRIDGEND

**PROCEDURE** WRITTEN REPS

**DECISION LEVEL** ENFORCEMENT NOTICE

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**CODE NO.** A/14/2227669 (1749)

**ENF. NO.** P/14/229/FUL

**APPELLANT** MR C DAVIES

**SUBJECT OF APPEAL** RE-POSITION DORMERS TO FRONT ELEVATION & CONSTRUCT  
SINGLE STOREY EXTENSION TO REAR: 16 SHELLEY DRIVE  
BRIDGEND

**PROCEDURE** HOUSEHOLDER

**DECISION LEVEL** COMMITTEE

The dormer windows, by virtue of their size, siting and external finishes are visually obtrusive, generally out of character with existing properties in the area and represent an incongruous element in the street scene to the detriment of local visual amenities, contrary to criteria 2 and 3 of Policy SP2 of the Local Development Plan and Supplementary Planning Guidance 02: Householder Development.

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### **RECOMMENDATION:**

That the report of the Corporate Director Communities be noted.

**DEVELOPMENT CONTROL COMMITTEE MEETING – 13 NOVEMBER 2014**

**ITEM: 6**

**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>
David Llewellyn - Group Manager Development, BCBC	Wales Planning Bill	11 Dec 2014	12.45pm

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

**Subject**

- Planning enforcement

**Recommendation:**

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

**MARK SHEPHARD  
CORPORATE DIRECTOR - COMMUNITIES  
7 NOVEMBER 2014**