

DEVELOPMENT CONTROL COMMITTEE

14 JULY 2022

AMENDMENT SHEET

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

<u>ITEM NO.</u>	<u>PAGE NO.</u>	<u>APPLICATION NO.</u>
8	23	P/21/1057/OUT

Following completion of the report to Members, Maesteg Town Council have confirmed they have no objection to the revised planning application.

The occupiers of 5 Bryn Rhedyn, who previously raised objections to the scheme as highlighted and considered in the report to Members, have provided a further letter of objection given they are unavailable to attend the Committee Meeting. The comments raised are as follows:

Regrettably I am not available at this time, finding myself in between work locations and therefore offline.

Would the Planning Committee read the following statement.

We note and are grateful to the Committee in their revision which reduced the size of the Development. Our objection is based on density and proximity of the neighbouring Plot. and increased traffic particularly with the removal of many hundreds tonnes of Earth at excavation stage on temporary road surfacing.

- a) Loss of amenity includes*
- b) Complete Overshadowing*
- c) Our Right to Light.*

It may not be clear on the outline plans but I have ground/garden at rear which I can only access via the pathway which would be taken away by the development.

How do you suggest I access this part of my property?

This pathway also accessed by many walkers and residents of Maesteg Park who no longer have a Bus service.

May I ask for deferral as it would be helpful for a Planning Committee Member to attend this site before a decision is made.

It is my contention that under Common Law such pathways can be claimed as right of way, when there is long standing use by members of the public.

*Best Regards
Peter Holly*

The applicant's agent has provided the following to be considered by the Committee-

The application is about renewal, mitigation and opportunity.

It is a renewal of a previous Outline consent for 3 plots approved in 2007.

The applicant company has so far spent £169,250 on satisfying planning conditions attached to P/07/184/OUT, fulfilling off-site highway/drainage requirements, road widening and build outs to Salisbury Road and installing foul and storm drains and the road base.

The development can be resumed as a brownfield site due to improved market conditions having been interrupted by the 2008 financial crisis.

The applicant has tried to mitigate the impact of the development concluding that the development is eminently manageable to reduce impact.

The supporting evidence includes drainage details that were completed in 2016, SuDS proposals, highway details carried out in 2016, clear separation from nearest neighbour (5.5m), 40m to the properties to the rear of Salisbury Road, minimal ecological value, no prospect of ground instability due to mining, compliance with parking requirements, no contamination, suitable waste and recycling provision and neighbourhood safety is improved with the development in line with Manual for Streets.

The opportunity is minor but important. The valley needs growth, the site was stalled due to factors outside of the applicant's control, longstanding historical permissions that neighbours are aware of, promotes opportunities for self build properties, self build wales candidate, design/layout/appearance in line with guidance and application is in Outline only with all matters reserved for future approval apart from access.

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P/22/211/FUL

In response to the re-consultation, an additional 18-page letter of objection has been received from the occupiers of 1 Glanavon Terrace, Nantymoel. The following is a summary of the main objections raised:

- Loss of community building - should be required by condition or S106 agreement to fund the provision of a facility of similar value elsewhere in the village of Nantymoel; the facility has been mismanaged over the years and not promoted for community use.
- The proposed use will raise serious amenity issues (noise nuisance during daylight hours from customers in outside seating area and surroundings, odour from cooking food outside, lighting etc.) and will be a potential focal point for anti-social behaviour and will detract from the vitality, attractiveness, and viability of the designated village centre in Nantymoel.
- Conflict with Supplementary Planning Guidance 14 – not sited in a Town or District Centre – the development will result in a cluster of hot food takeaways to the detriment of local residential amenity. Development must meet an “unfulfilled local need” – it does not; unlikely to comply with conditions controlling hours of operation.

- The use will not enhance the attractiveness of this location and would detract from the leisure and tourism potential for the area carefully fostered by Bridgend County Borough Council over many years.
- Continued concerns about the storage and collection of waste - customers will drop litter and waste food – this will encourage rats detract from the appearance of the area.
- Foul sewage should be fitted with a commercial food trap – no details provided.
- Visitors will park on the roadside as near as possible to The Bryant Centre building - this has significant, critical implications for highway safety. The public car park likely to be used in connection with a larger Street food project

Comments on Further Representations Received

Many of these issues are considered in the committee report on this item. The following brief comments are offered in response:

- The management of the Bryant Centre is not material to the determination of this application. The submitted evidence suggests that it has been number of years since the building was last used by any community group.
- The potential impacts on residential amenity have been assessed and it is considered that subject to conditions those can be limited. Furthermore, a temporary consent will allow the situation to be monitored.
- SPG 14 does acknowledge that hot food takeaways may be proposed outside of the defined town and district centres of the County Borough and suggests that such applications should be scrutinised closely. It does not explicitly state that such applications should be refused although it does acknowledge that in an area that is completely residential, the impacts on residential amenity would be too great to allow such a use to be permitted.
- A condition will be added that will require a grease trap/interceptor to be installed in the drainage system with the details to be agreed with the Council before the use formally commences.
- Concerns about highway safety have been addressed in the main report

The existing conditions will be amended, and additional conditions shall be added as follows:

5. Notwithstanding the submitted plans, the use hereby permitted does not include the cooking of food in an outside barbecue area or any cooking facilities that will utilise charcoal fuel or any fuel likely to cause problems of odour or smoke. Prior to the beneficial use of the premises commencing, a scheme shall be submitted to and agreed in writing by the Local Planning Authority detailing the following: -

- the extraction system to be installed, including its siting, design, appearance, odour abatement and sound power/pressure levels generated by the external unit.

- a vertical section plan indicating the position and height of final openings.
- details of an odour management plan.

The equipment to control the emission of fumes, smell, and noise from the premises shall be installed in accordance with the agreed scheme prior to the beneficial occupation of the premises and shall thereafter be operated and maintained in accordance with the agreed scheme for as long as the use continues.

Reason: For the avoidance of doubt as to the extent of the permission granted and in the interests of safeguarding the amenities of the occupiers of the nearest residential properties.

7. Details of equipment to prevent fats, oils, and grease from cooking and other activities carried out on the site from entering any drainage system, including the location and design of any traps or interceptors and a maintenance schedule for such traps or interceptors, shall be submitted to and approved in writing by the Local Planning Authority before the use begins. The approved equipment shall be installed before the use commences and thereafter retained and operated in accordance with the agreed maintenance schedule.

Reason: To ensure the safe drainage of the site.

* THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION

Natural Resources Wales recommends that the developer be made aware of the potential flood risks and advised to install flood-proofing measures as part of the development. Consideration should be given to the incorporation of flood resistance/resilience measures into the design and construction of the development.

These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor and locating electrical sockets/components at a higher level above possible flood levels. The applicant is directed to NRW website for further advice and guidance.

JONATHAN PARSONS
GROUP MANAGER – PLANNING & DEVELOPMENT SERVICES
14 JULY 2022