

**DEVELOPMENT CONTROL COMMITTEE**

**23 MARCH 2023**

**AMENDMENT SHEET**

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

<b>ITEM NO.</b>	<b>PAGE NO.</b>	<b>APPLICATION NO.</b>
8	11	P/22/588/RLX

Late representations have been received from residents of Birch Walk concerning the application. The comments are re-produced in full for Members consideration:

## **22 Birch Walk:**

*"I would like to emphasise that because my property adjoins the site, I have personally witnessed the raising of the ground level by approximately 600mm on the entire lower part of the development where plots 1-13 are located. The ground level was raised by using compacted stone and concrete from the eastern boundary to the western boundary and extended to the North of Plot 1 and 8. An impermeable ground control membrane was also installed to provide additional ground stabilisation; all foundations were also built with 10M concrete filled steel piles because of the very poor ground conditions in the lower part of the development. The entire lower part of the development was then covered with approximately 300mm of topsoil which had previously been removed prior to the compacted hardcore layer being laid.*

*It is clear to me and others that there is absolutely nothing BCBC or the residents can do to undo or prevent the sustained attack on the protected trees by the developer. The developers scorched earth policy with regard to this development has continued unabated, and without any consequences since the first day on site, this has resulted in a significant number of trees being illegally felled or significantly damaged. The best we can now hope for as a community is a landscaping scheme that will contribute to the biodiversity and the natural environment in a meaningful way, but unfortunately the proposed revised landscape plan has a major flaw. Saplings were planted very close to the location identified as the area for the replacement trees last spring, several of these soon withered and died and have already been replaced by the developer, the replacement saplings are not looking too healthy either. With such a shallow soil depth in this lower part of the development no trees will be able to thrive or reach maturity, it is fully understood that 1M of soil depth as a minimum is required to plant a tree, but unfortunately there is less than 30% of the accepted minimum recommended by the Royal Horticultural Society. The potential for damage to properties or the site infrastructure and buried services is significantly increased due to the roots not being able to move downwards. Should by some miracle a tree manages to survive, then the tree could become very unstable and pose a safety risk with a root structure that is so close to the surface.*

*I have made this concern known before but want to remind the committee members that this has so far been ignored by the developer, by their actions in planting saplings that have not lasted more than a few months, I do question whether the full information regarding the actual ground conditions in the lower part of the development has ever been given to the environmental consultants employed by the developer to produce the plans. Maybe the developer or their consultants could acknowledge in writing that they are aware that they are planting trees in very shallow soil and be able to justify this action somehow?*

*It is one thing to have to witness the destruction that has already happened, but to witness a landscaping scheme that is likely to fail in a spectacular way and be of little or no benefit for future generations because of a such a basic error would be unforgivable, and is certainly avoidable at this stage, I would now hope for BCBC to do their own due diligence regarding this important point, and not rely on voluntary submissions from the developer or their agents which have now been challenged with one basic fact. The Developer will not care what they leave behind for future generations, but I hope this observation will be considered and acted upon by BCBC to ensure a viable and worthwhile scheme is implemented”.*

### **Comments on Representations Received.**

The objector references the deposition of materials over the area of Plots 1-13 and the impact of the works on the implementation of the approved landscaping. The original application was accompanied by a Geotechnical and Geoenvironmental Site Investigation Report by Terra Firma (March 2019) which set out number of engineering recommendations regarding site preparation, foundation design etc. The report indicated that allowances should be made for the excavation of any soft spots/areas and their replacement with well compacted imported granular materials. It stated that any reduced levels should be brought up to the required levels with suitable inert mainly granular materials. Department of Transport (DoT) type 2 sub-base or similar should be used and should be compacted in layers. This may provide an explanation for the works witnessed by the objector.

Turning to the approved and revised landscaping schemes which have been submitted by a registered practice of the Landscape Institute. They include detailed specifications of proposed and tree and hedgerow planting and a programme for maintenance and management which accords with British Standards. However, the failure of trees to establish is a concern and as indicated in the main report, this is a matter that will be investigated separately with the developers and their landscape contractors. Members should be aware that a condition will be imposed on the consent requiring re-planting where trees are damaged, become defective or die.

### **37 Birch Walk:**

*“May I take this opportunity to draw your attention to a sales notice outside the show house in Church Street. It is a large, solid and prominent hoarding flanked by flags that has been in position for considerable time. This non generic advertisement, specifically pertaining to the Taylor Wimpey development The Grange of planning application P/22/588/RLX, trumpets the sale of 3,4- & 5-bedroom homes. To the best of my knowledge no planning has been granted for the construction of any 5-bedroom homes.*

*If one visits the Taylor Wimpey website relevant to The Grange one does not find any 5-bedroom homes advertised, sold or otherwise. What one does find are 4-bedroom homes with a separate study. This on its own is of no consequence or concern. However, when coupled with the aforementioned advertising on site in front of the show house and Taylor Wimpey’s formulaic construction method it warrants clarification. The difference between a bedroom and a study is merely furnishing so marketing is of significance.*

*In your “Agenda reports pack” 82 page document it states on page 21 “Recommendation” that “Permission be granted subject to following condition(s): The development shall be carried out in accordance with the following approved plans and documents” .... House Type Plans and elevations etc.*

*If a property on the development is marketed as a 5-bedroom home, would it not be in breach of approved plans and materially affect the validity of accepted survey conclusions such as Highway & pedestrian safety and access to local amenities which the planning committee considers in judgement?*

*Perhaps you and the committee can clarify this anomaly between website and on-site marketing while considering planning application P/22/588/RLX.*

### **Comments on Further Representations Received**

The Department has contacted Taylor Wimpey in response to the above concern and has received the following:

“I can confirm that following conversations with our sales team we are not building any 5-bedroom houses, seems this may be a generic advertising board. We will look to get this amended and rectified...”

<b>ITEM NO.</b>	<b>PAGE</b>
<b>9</b>	<b>APPEALS</b>

There is an error in this Appeal decision as the following appeal was DISMISSED not allowed.

<b>APPEAL NO.</b>	CAS-02102-T9M5R1 (1961)
<b>APPLICATION NO.</b>	P/20/729/OUT
<b>APPELLANT</b>	C H KNIGHT & PARTNERS
<b>SUBJECT OF APPEAL</b>	RESIDENTIAL DEVELOPMENT WITH CAR PARKING, LANDSCAPING AND ANCILLARY WORKS LAND TO NORTH & EAST OF CYPRESS GARDENS, PORTHCAWL
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

A copy of the appeal decision is attached as **APPENDIX D**

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**23 MARCH 2023**