

APPLICATION NO: P/13/808/OUT

APPLICANT NAME & ADDRESS: PONTARDAWE COAL & METALS CO. LTD, C/O THE URBANISTS, THE CREATIVE QUARTER, 8A, MORGAN ARCADE, CARDIFF, CF10 1AF

LOCATION: LAND OFF OAKWOOD DRIVE, MAESTEG

DEVELOPMENT: MIXED-USE DEVELOPMENT: 138 DWELLINGS, PUBLIC HOUSE, RESTAURANTS, RETAIL AND EMPLOYMENT

APPLICATION / SITE DESCRIPTION

This planning application was submitted in 2013 by Pontardawe Coal and Metals Company Ltd (PCMC) who acquired the majority of the site in early 2012. The land was previously occupied by general industrial uses (Budelpac COSi and Cooper Standard) which ceased in 2008 and, subsequently, the site was cleared of the former factory buildings. The application is made in outline with all matters reserved for subsequent approval. This development relates to a comprehensive mixed-use development.

The proposed development area comprises 4.9 hectares within the freehold ownership of PCMC and 2.75 hectares within the freehold ownership of Bridgend County Borough Council (BCBC). The planning proposals have, therefore, been prepared with involvement from several Council Departments.

BACKGROUND

The Outline planning application was submitted in November 2013. On 26 June 2014, the Development Control Committee resolved to approve a development on this site consisting of:

- i) no more than 115 units of residential accommodation
- ii) up to 650sqm fast food retail
- iii) up to 447sqm non-food retail
- iv) up to 464sqm bulky goods retail
- v) up to 557sqm food retail
- vi) up to 557sqm public house
- vii) up to a 50 bed extra care residential home
- viii) 1 larger B1 industrial unit measuring no more than 929sqm
- ix) up to 14 smaller B1 industrial units, providing no more than 2323sqm of industrial floor space in total

The development was approved subject to a number of planning conditions and the applicant entering into a Section 106 Agreement to:

- i) Provide a financial contribution for the sum of £7,000 for the creation and extension of a traffic order;
- ii) Construct an extra care facility;
- iii) Provide a Local Area of Play (LAP) and Local Equipped Area of Play (LEAP);
- iv) Provide a riverside walkway;
- v) Ensure that the land identified as Employment Land is re-profiled, surfaced, fully serviced and includes a highway access

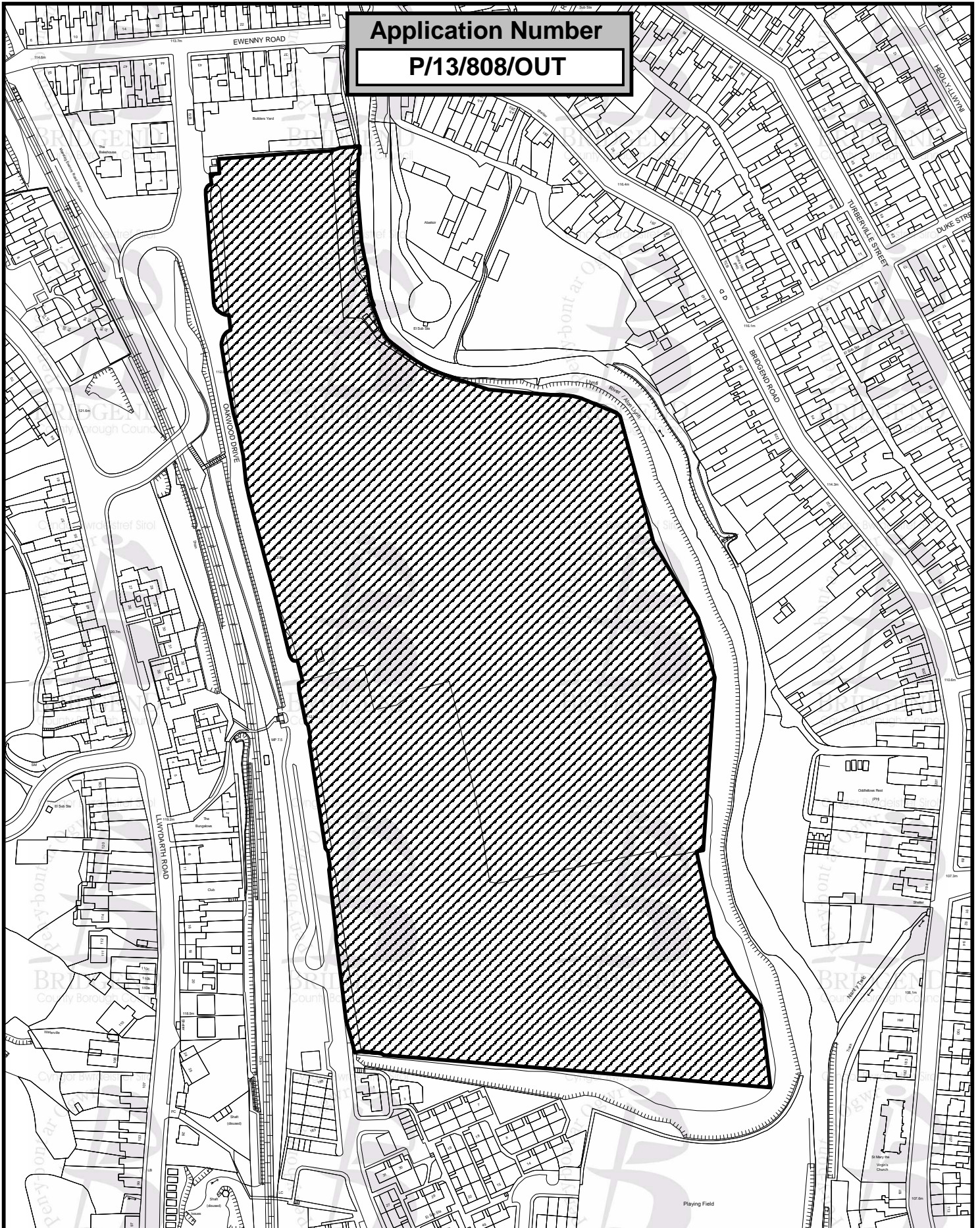
The original Committee report and amendment sheet can be found under Appendix A.

POST RESOLUTION

Since the resolution to grant the permission was made, there have been on-going discussions between the agent and the Council in terms of implementing the project. The viability of the project was examined in detail through the appointment of Savills, on behalf of the applicant, and by Alder King on behalf of the Council.

Application Number

P/13/808/OUT



Scale 1:2,500

Date Issued:
03/06/2016

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

Communities Directorate,
Bridgend County Borough
Council, Civic Offices,
Angel Street,
Bridgend CF31 4WB.

O/Drive/Plandraw/new MI layouts/
Committee DC Plan

(c) Crown Copyright and database rights
(2016) Ordnance Survey (100023405)

(c) Hawlfraint a hawliau cronfa ddata'r Goron
(2016) Rhif Trwydded yr Arolwg Ordnans
(100023405)

(c) Cities Revealed Aerial Photography
copyright, The GeoInformation Group (2009)

Cyngor Bwrdeistref Siro



Additionally, the principle of providing an extra care facility on the site was revisited, especially since the Council, in discussion with service providers, has subsequently identified an alternative site within Maesteg for this purpose.

Having considered the viability and proposed outcomes of the project, the applicant has requested modifications to the scheme. On 12 May 2016, Members of the Development Control Committee resolved to defer the application, to enable further discussions to take place between the Authority and the agent. The focus of the discussion was based on the aim to increase on-site provision of open space instead of the £35,000 off-site contribution offered by the applicant to enhance existing provision in the locality.

As a result of the above, the applicant has requested the following modifications:

- i) To omit the requirement for the provision of an extra care facility and increase the number of dwelling-units on the site from 115 to 138 by utilising the land previously allocated for the extra care facility and make a financial contribution of £200,000 in lieu of direct on-site provision of affordable housing;
- ii) To omit the provision of a river walkway and instead, provide alternative recreation spaces within the site
- iii) Modifications to the wording of several planning conditions, to allow additional flexibility in their implementation

PUBLICITY

The initial changes to the Masterplan were subject to public consultation. The period allowed for response to consultations/publicity expired on 25 April 2016.

CONSULTATION RESPONSES

1. Maesteg Town Council - Supports the proposal
2. Cllr. Ceri Reeves - Has requested a site meeting and to speak at Committee
3. Group Manager Public Protection - No objections to the proposal
4. Group Manager Transportation and Engineering (Highways) - No objections to the proposal
5. Natural Resources Wales - No objections to the amended proposal.

REPRESENTATIONS RECEIVED

1. Maddock Kembery Meats Ltd (Maesteg Abattoir), Bridgend Road, Maesteg:

The agent acting on behalf of the Abattoir submitted a copy of their original comments.

2. E.T & S. Construction Ltd., 244 Bridgend Road, Maesteg:

Support the proposal.

3. Mr. K. Phillips, 227 Bridgend Road, Maesteg:

Objects to the proposal on the following grounds:

- i) Adverse noise
- ii) No demand for a public house or residential
- iii) Adverse impact on the town centre

- iv) Highway safety
- v) Adverse visual impact during construction

COMMENTS ON REPRESENTATIONS RECEIVED

The original comments made by the Abattoir and the occupier of 227 Bridgend Road have already been covered and addressed within the Committee Report dated 6 June 2014 (Appendix A). It is noted that 227 Bridgend Road is approximately 200m away from the area of the Masterplan which is changing from an Extra Care Facility to additional residential units. The Abattoir is located approximately 300m away from the relevant area of the Masterplan. Furthermore, the removal of the river walkway is likely to reduce the public interaction and views of the abattoir and properties on Bridgend Road from the application site. As such, the replacement of the extra care facility with housing and the removal of the river walkway do not materially alter the comments made in the previous Committee report.

Whilst it is acknowledged that the construction phase may have a degree of visual impact, this is likely to be short-term only and it would be unreasonable to refuse the application on this basis.

MASTERPLAN

The Masterplan has been updated to reflect the modifications requested by the applicant. The Plan is largely unaltered apart from:

1. The south-eastern corner of the site which demonstrates residential development instead of an extra care facility.
2. Alternative recreation open-spaces which have also increased in size.

As a result, this report does not seek to revisit the merits of the entire development, but focuses solely on the impact of the changes to the Masterplan, the Heads of Terms and associated planning conditions.

APPRAISAL

i. To omit the provision of an extra care facility and increase the number of dwelling-units on the site from 115 to 138 by utilising the land previously allocated for the extra care facility and make a financial contribution of £200,000 in lieu of direct on-site provision of affordable housing.

Policy COM1(17) of the adopted Bridgend Local Development Plan (BLDP) allocates the site for residential development and, based on average densities, the site can accommodate approximately 115 units. The original scheme also included a 50-bed extra care facility which would bring the provision up to 165 units.

The site is not allocated within the BLDP for the provision of an extra care facility. The provision of this facility was in lieu of affordable housing and satisfied Policy COM5.

As a result, the Masterplan has been modified to omit the extra care facility and utilise this space to increase the number of traditional dwelling-units on the site from 115 to 138. The scale parameters of the proposed dwellings would remain as stated on the original Masterplan. Whilst the extra care unit would have been a building with a smaller footprint than additional housing, its scale would have been greater. The modified Masterplan would bring a more consistent and uniform scale to the overall development.

The potential layout would result in the creation of an entirely new residential estate which, subject to more specific design details, is likely to create its own character and identity. However, at this Outline stage, it is considered that the scale parameters and indicative layout, in principle, are acceptable and would not appear so out of character with its surroundings as to warrant refusal.

The revised proposal for 138 dwellings triggers Policy COM5 of the BLDP which requires 15% affordable housing in the Upper Llynfi Valley. The supporting text to COM5 states that it is the Council's preference for affordable housing provision to be met on site, but exceptional circumstances may exist where this is considered to be unfeasible or unviable and would not deliver the Council's strategic objectives. In such cases, payment of a commuted sum may be considered as an acceptable alternative.

The supporting text of Policy SP14 of the BLDP states that the importance of development costs, including the costs of fulfilling planning agreements, should not prejudice development that supports the Council's aspiration to regenerate and improve the County Borough. It is also noted that if such costs would result in a proposal becoming unviable, the Council may conclude that the benefits of the development outweigh the benefits of securing the infrastructural requirements. In such cases, a developer is required to demonstrate this through a detailed viability appraisal, in accordance with advice contained within Supplementary Planning Guidance 13: Affordable Housing (2007).

In this regard, the applicant has submitted a detailed financial appraisal that has undergone various revisions and independent verification on behalf of the Council, to demonstrate that exceptional circumstances apply to this proposal, necessitating a relaxation of the affordable housing target and provision of a monetary contribution in lieu of on-site provision.

The developer has sought to demonstrate that a shortfall in viability exists as a result of the costs associated with the purchase of the land, the mixed use nature of the proposals, the abnormal site development costs and the relatively low level of local house prices. The appraisal has been carefully scrutinised by the Principal S.106 Officer and has been subject to independent verification, with justification sought from the applicant for the various costs provided.

Whilst the purchase of land is a known cost, to be borne by the majority of development proposals, the abnormal site development costs are exceptional characteristics of this scheme and will undoubtedly have a negative impact on the viability of the project. These characteristics are largely due to the previous industrial use of the site and the significant adverse ground conditions which require extensive remediation in order to bring the site up to a standard to accommodate new development. This includes the need to remove vast amounts of hard-core left by the previous uses on the site and the presence of a mine shaft which requires capping. Furthermore, the mixed use nature of the proposals requires substantial site remediation and primary infrastructure work to be undertaken up-front in order to make the site more marketable. It is extremely unlikely that this scheme could be delivered without undertaking a substantial amount of costly work up-front. Although the precise value of abnormal costs may change, the Council accepts the conclusion of the viability assessment.

Whilst this needs to be balanced against the financial return to be gained from the sale of the residential element of the proposals and the letting of the retail / commercial components, sales values and demand for residential development in this part of the County Borough will be lower than elsewhere, particularly when compared to areas closer to the M4 corridor. This has been demonstrated in the Affordable Housing Viability Study prepared on behalf of Bridgend County Borough Council as part of the Local Development Plan evidence base. It is also acknowledged that there has been no large scale housing development in Maesteg since the peak of the market. There must, therefore, be recognition of the speculative nature, and associated risks, of delivering such a major development in this part of the County Borough. In this particular case, the extent of the up-front costs associated with the site and the lower sales values of the residential phase of the development represents a clear and apparent risk to the overall viability of the scheme.

Whilst the initial Viability Appraisal did not provide a commuted sum towards affordable housing, the process of careful scrutiny and extensive negotiation has led to various revisions of the appraisal. The latest appraisal, which is to be considered as part of this proposal, is deemed by the Council to provide a realistic and reasonable assessment of the viability of the scheme. Based on this appraisal, it is possible to secure a commuted sum of £200,000 towards the provision of affordable housing.

It must be acknowledged that the commuted sum represents a significant increase to the original viability appraisal submitted by the applicant. This figure is derived from a reduction in the level of developer's anticipated profit in the scheme, which must be noted to be a level that is below market

expectations. In light of the marginal viability, it is considered that the benefits the proposals will provide through the construction of 138 dwellings in an area of minimal new house building, is a significant benefit to the Llynfi Valley and justifies a relaxation of Policy COM5. It is, therefore, considered that the commuted sum proposed by the applicant towards affordable housing is acceptable in lieu of on-site provision. It is considered necessary to secure this through a legal agreement and the relevant Heads of Terms have been formulated as listed under the 'Recommendation' section of this report.

ii. To omit the provision of a river walkway and instead, provide alternative recreation spaces within the site

Policy COM11 of the adopted Bridgend Local Development Plan (BLDP) states that all new housing developments should provide a satisfactory level of outdoor recreation space or its equivalent value. This requirement is in addition to the basic amenity space requirements necessary to meet the individual needs of occupiers.

The original Masterplan indicated that general public open space would be provided along the eastern boundary of the site with the creation of a new river walkway. The original Masterplan did not include any specific details concerning the river walkway, other than an indication of its potential route which followed the river and spanned the length of the site.

Since the Development Control Committee resolved to approve the original development, further consideration has been given to the river walkway. It became apparent that there were a number of issues associated with its deliverability, particularly those relating to its construction, future maintenance and liability. Furthermore, the walkway lacked connectivity at the northern end of the site and would terminate rather abruptly with users having to turn back rather than access other parts of the site or existing roads and paths. Having regard to the above, it is reasonable to conclude that, whilst the walkway met the requirements of Policy COM11, there was sufficient scope to consider more appropriate provision of open space which would have greater benefits to future residents of the proposed development and the local community.

On 12 May 2016, Members of the Development Control Committee resolved to defer the application, to enable further discussions to take place between the Authority and the agent. The focus of the discussion was based on the aim to increase on-site provision of open space instead of the £35,000 off-site contribution offered by the applicant to enhance existing provision in the locality.

The application proposes to provide a range of recreational facilities. The Masterplan includes on-site provision of a Local Area for Play (LAP) for children. This is supplemented by the more formal on-site provision of a Local Equipped Area for Play (LEAP).

The Masterplan has been amended to increase the provision of open space within the site. The additional areas are to the south and east. This increase represents informal play areas totalling 3,400 sq. m. and a further 800 sq. m. of formal play areas. The site cannot accommodate any further open space as this would result in the loss of dwelling-units which would severely compromise the overall viability of the scheme, as discussed in detail above.

The above provision exceeds the requirement for children's playing space (0.8 Ha per 1000 population), as defined by Criterion 2 of Policy COM11 of the adopted Bridgend Local Development Plan (BLDP). A relatively recent survey of Maesteg (2014) highlights that there is a surplus of allotment space (criterion 3) and, in terms of the provision of general outdoor space (criterion 1), there is already sufficient provision in Maesteg. In any case, the future occupiers of the dwellings on the application site would be within 300m of accessible natural green space (criterion 4).

In addition to the above, since Members resolved to defer the application in May, a scheme has been granted planning permission to enhance approximately 70 hectares of outdoor recreational open space on land reclaimed from the former Maesteg Washery and Coegnant Colliery (P/16/291/FUL refers). This land, which is approximately 1km away from the application site, has been transferred to Natural Resources Wales (NRW) on a long lease. NRW has recently planted approximately 60,000 trees on

the site which, subject to the implementation of the above mentioned planning permission, would significantly enhance the provision of open space serving the Llynfi Valley.

It must be noted that Policy COM11 allows for flexibility. Whilst securing outdoor recreation space from residential development is 'based on' addressing four specific criteria, the Policy acknowledges that it is 'subject to negotiation'. In this particular case, such requirements must be balanced against the viability of the overall scheme which remains a fundamental material planning consideration in the determination of this application and is such that it cannot be set aside lightly. As such, and based on increases in on-site provision of open spaces, the proposal is deemed to satisfy Policy COM11 of the BLDP. Their implementation, inclusive of arrangements for their management, would be secured through a legal agreement. The Heads of Terms have been amended accordingly, as listed under the 'Recommendations' section of this report.

The masterplan has been amended and now includes 4,200 square metres of open space within the site. As such this now fully complies with Policy COM11

iii) Conditions

The agent has reviewed the planning conditions that were imposed on the original Development Control Committee Report (Appendix A). Whilst several conditions require modification as a result of updates to the Masterplan, the agent has requested additional flexibility to the wording of several conditions, particularly with regards to the timing of submitting information to address pre-commencement conditions and their implementation. For example, given the mixed-use nature of the proposal, it is highly unlikely that all phases of the development would be commencing simultaneously. Several conditions have, therefore, been modified to be more pragmatic so that they address each phase of development and are 'triggered' when that particular phase is to be brought forward for construction.

Several conditions have been modified after consultation with the Group Manager Public Protection, Group Manager Transportation and Engineering (Highways), and changed to procedures in the processing of applications.

For clarity, all 48 conditions have been re-produced and can be found under the 'Recommendations' Section of this report.

Biodiversity/Ecology

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

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems."

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

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

The scheme has been subject to biodiversity/ecology report which was considered by the Council's Ecologist. There are no objections to the proposal subject to conditions and, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity/ecology. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

CONCLUSION

Having considered all relevant evidence and material planning considerations, this Outline application is again recommended for approval because the development complies with Council policy and guidelines. The development, in principle, would offer significant benefits to the economic, social and environmental regeneration of Maesteg and would not adversely affect visual amenities, highway/pedestrian safety, ecology/biodiversity, the vitality and viability to Maesteg Town Centre nor so significantly harm neighbours' amenities as to warrant refusal.

It is concluded that the benefits of the development are a significant material consideration in the determination of this application which outweigh any shortfall in infrastructural requirements. As referenced within the original Committee report, matters relating to flooding only marginally exceed the guidance of Technical Advice Note 15 and, in the absence of adverse comments from Emergency Services and subject to conditions, any flood risks could be reasonably mitigated so as to avoid undue risk and harm to the public.

RECOMMENDATION

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

(i) Provide a financial contribution for the sum of £7,000 for the creation and extension of a traffic order to ensure vehicle speeds along Oakwood Drive and within the site are limited to an appropriate level, and to ensure on-street parking is not generated in the vicinity of the fast food restaurants, or around the proposed junctions directly serving the site.

(ii) Provide a financial contribution for the sum of £200,000 towards affordable housing.

(iii) Provide on-site a Local Area of Play (LAP) and Local Equipped Area of Play (LEAP) with a combined total of 4,200 square metres, prior to the completion of the 50th residential unit built on the site. The specification of the Local Area of Play and Local Equipped Area of Play, including precise location, size and future maintenance and management requirements, to be agreed in writing by the Council prior to the submission of the first reserved matters application for residential development;

(iv) Ensure that the land identified as Employment Land on Plan Number: Masterplan 15095 F002 Rev. C (received 20 May 2016) is re-profiled, surfaced and fully serviced, including a highway access of appropriate size and standard, in accordance with a scheme and method statement to be submitted and approved in writing by the Council, no later than the construction of the 50th residential unit on the site.

(B) The Corporate Director Communities be given plenary powers to notify the Welsh Government of the intention to approve the application in accordance with Circular 7/12: Town and Country Planning (Notification) (Wales) Direction 2012.

(C) The Corporate Director Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal should the Welsh Government offer no adverse comments to the application and once the applicant has entered into the aforementioned Section 106 Agreement and subject to the standard outline conditions and the following additional conditions:

1. The development shall be carried out in conformity with the following drawings:

Site Boundary Plan (received 22 November 2013)
Masterplan 15095 F002 Rev. C (received 20 May 2016)
Parameters Plan 15095 F003 Rev. C (received 20 April 2016)

Reason: To avoid doubt or confusion as to the extent of the permission hereby granted and in the interests of highway safety and to safeguard the general amenities of the area.

2. Notwithstanding the submitted plans the consent hereby granted shall be limited to:

- i) no more than 138 units of residential accommodation
- ii) up to 650sqm fast food retail
- iii) up to 447sqm non-food retail
- iv) up to 464sqm bulky goods retail
- v) up to 557sqm food retail
- vi) up to 557sqm public house
- vii) 1 larger B1 industrial unit measuring no more than 929sqm
- viii) up to 14 smaller B1 industrial units, providing no more than 2323sqm of industrial floor space in total

Reason: To avoid doubt and confusion as to the extent of the permission hereby granted and in the interests of highway safety and to safeguard the general amenities of the area.

3. No development shall take place, including any works of demolition/site clearance, until a Construction Method Statement has been submitted to, and agreed in writing by, the Local Planning Authority. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel washing facilities
 - v. measures to control the emission of dust and dirt during construction
 - vi. the provision of temporary traffic and pedestrian management along the A4063 Llwydarth Road and Oakwood Drive
 - vii. Construction noise management plan identifying details of equipment to be employed, operations to be carried out and mitigation measures (such as those identified in section 6.1 of the noise report) to be used;
 - viii. Approximate timescales of each operational phase;
 - ix. Operational hours;
 - v. A scheme of vibration monitoring for any piling operations that are to be undertaken and their locations
 - x. A scheme for implementing effective liaison with the local residents

Development shall be carried out in accordance with the agreed Construction Method Statement.

Reason: In the interests of highway safety and general amenities.

4. There shall be no direct means of vehicle access from Oakwood Drive into the area of land accommodating the fast food restaurants, as shown on drawing number: Masterplan 15095 F002 Rev. C (received 20 May 2016).

Reason: In the interests of highway safety.

5. There shall be no means of vehicle access into the western site boundary for the first 80m (measured from the northern site boundary - the communal boundary with the adjacent builders merchants), as shown on drawing number: Masterplan 15095 F002 Rev. C (received 20 May 2016)

Reason: In the interests of highway safety.

6. The main access points into the site shall be no less than 40m apart (measured from the centre of each junction).

Reason: In the interests of highway safety.

7. Notwithstanding the submitted plans, no development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing the site frontage boundary being set back and a 3.0m wide segregated, shared community route provided, which shall appropriately link into the existing footways abutting 43 Ewenny Road and 1 Oakwood. The scheme shall be fully implemented in accordance with the agreed details before the development is brought into beneficial use.

Reason: In the interests of highway safety and to promote sustainable means of transport to/from the site.

8. Notwithstanding the submitted plans, and prior to the commencement of each phase of the development, hereby approved, no development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a scheme showing vehicular turning facilities for that particular phase. The turning facilities shall be designed so as to enable vehicles to enter and leave in a forward gear. The turning facilities shall be implemented in accordance with the agreed scheme and completed prior to the respective proposed

development associated with that phase of development being brought into beneficial use. The agreed turning facilities shall be retained thereafter in perpetuity.

Reason: In the interests of highway safety.

9. All vehicle accesses linking onto Oakwood Drive shall be laid out with vision splays of 2.4m x 43m in both directions before the development is brought into beneficial use and retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

11. Notwithstanding the submitted plans, no development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing traffic speed reduction measures along Oakwood Drive between Ewenny Road and 1 Oakwood. Such a scheme shall include appropriate signage and carriageway markings and shall be fully implemented in accordance with the agreed scheme before each individual development is brought into beneficial use.

Reason: In the interests of highway safety.

12. Notwithstanding the submitted plans, no phase of development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing traffic speed reduction measures along the internal access roads within that phase. Such a scheme shall include measures to reduce vehicle speeds to no more than 20mph and shall be fully implemented, along with the appropriate signage and carriageway markings, in accordance with the agreed scheme before that phase of development is brought into beneficial use.

Reason: In the interests of highway and pedestrian safety.

13. No development shall commence until a scheme for the provision of improvements to the two bus stops sited on the A4063 in the vicinity of 26 Bethania Street has been submitted to and agreed in writing by the Local Planning Authority. The improvement works shall be fully implemented in accordance with the agreed scheme before each individual development is brought into beneficial use.

Reason: To promote sustainable means of transport to/from the site.

14. No development shall commence until a scheme for the provision of pedestrian crossing points at appropriate locations across: Oakwood Drive, the road linking Oakwood Drive with the A4063, each of the accesses into the site, and the roads between 2 and 31 Oakwood, and 48 and 49 Oakwood has been submitted to and agreed in writing by the Local Planning Authority. The crossing points shall consist of dropped kerbs and tactile paving and shall be implemented before each related phase of development is brought into beneficial use and retained as such thereafter in perpetuity.

Reason: In the interests of highway safety and to promote sustainable means of transport to/from the site.

15. No development of the fast food / restaurant buildings (Buildings A) shall commence until a scheme for the provision of a physical barrier incorporating an anti-dazzle function along the first 70m of the site frontage (measured from the northern site boundary), as shown on drawing number: Masterplan 15095 F002 Rev. C (received 20 May 2016), has been submitted to and agreed in writing by the Local Planning Authority. The barrier shall be installed in accordance

with the agreed scheme and implemented prior to the beneficial use of any of the fast food / restaurant buildings commencing.

Reason: In the interests of highway safety.

16. This permission granted does not extend to any matters which are by other conditions required to be further approved by or agreed with the Local Planning Authority, notwithstanding that all or any such matters are included or referred to on the submitted plan.

Reason: For the avoidance of doubt as to the extent of permission hereby granted.

17. Prior to commencement of each phase of the development hereby approved, no development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority, details of the location, layout and mitigation measures to be applied to any business capable of giving rise to odour nuisance. The agreed mitigation measures shall be implemented prior to the beneficial occupation of that business premises and any equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.

Reason: In the interests of amenities.

18. Prior to commencement of each phase of the development hereby approved, no development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority an options appraisal and remediation strategy giving full details of the remediation measures required in residential gardens/soft landscaped areas and how they are to be undertaken. Development shall be carried out in accordance with the agreed appraisal and strategy.

Reason: In the interests of the amenities of future occupiers.

19. Prior to the beneficial occupation of any part of the permitted development, a verification report demonstrating completion of works set out in the approved remediation strategy referred to in condition 18 above, and the effectiveness of the remediation shall be submitted to and agreed, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the agreed verification plan to demonstrate that the site remediation criteria have been met. The report shall also include:

- i) A 'long-term monitoring and maintenance plan' for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan;
- ii) Reports on monitoring, maintenance and any contingency action;
- iii) A final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring

The long-term monitoring and maintenance arrangements shall be implemented in accordance with the agreed reports and plan(s).

Reason: In the interests of the amenities of future occupiers.

20. If during development, contamination not previously identified is found to be present at the site then no further development shall be carried out on that phase of development until there has been submitted to and agreed in writing by the Local Planning Authority a remediation strategy. The strategy shall include details of all measures for the treatment of any unsuspected contamination. Development shall be carried out in accordance with the remediation strategy.

Reason: In the interests of amenities.

21. No development shall commence of the fast food / restaurant buildings (Buildings A) until a scheme has been submitted to and agreed in writing by the Local Planning Authority for a 2.0m

high acoustic barrier to be erected immediately west of the car park and 'drive through' to the northernmost fast food restaurant. The scheme shall also include the design details of the barrier and construction material. The barrier shall be erected in accordance with the agreed scheme prior to the beneficial occupation of any of the 'drive through' restaurants hereby approved and shall be so retained in perpetuity.

Reason: In the interests of amenities.

22. No development shall commence of the food retail unit (Building E) until a scheme has been submitted to and agreed in writing by the Local Planning Authority for a 2.3m high and 3.0m high acoustic barrier at the locations recommended in Section 6.2.2 of the Noise Impact Assessment (conducted by Waterman Transport & Development Limited - received 25 November 2013). The scheme shall also include the design details of the barriers and construction material. The barriers shall be erected in accordance with the agreed scheme and in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority. The barriers shall be so retained in perpetuity.

Reason: In the interests of amenities.

23. The A1 uses hereby permitted, as defined by the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order), shall not be open to customers outside the following times:

0700-2300 hours Monday-Saturday
0700-2200 hours Sundays

Reason: In the interests of amenities.

24. The A3 uses hereby permitted, as defined by the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order), shall not be open to customers outside the following times:

0700-2300 hours Sunday-Thursday
0700-midnight Friday-Saturday

Reason: In the interests of amenities.

25. Deliveries to the A1, A3 and B1 units, as defined by the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order) shall be restricted to:

0700-2200 hours Monday-Friday
0800-2200 hours Saturday-Sunday

Reason: In the interest of amenities.

26. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), or The Town and Country Planning use Classes (Order) 1987 no development which would be permitted under Article 3 and Class B of Part 3 to Schedule 2 (Change of Use) of the Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenities.

27. Any subsequent reserved matters application associated with the permission hereby granted shall include the submission of a detailed noise assessment to ensure that the rating level (when assessing the noise using BS4142) of the cumulative noise generated from fixed plant and any other operations which fall within the scope of BS4142 as measured (or where this is not possible, calculated) as an A-weighted equivalent continuous sound pressure level (LAeq),

in free field conditions at the boundary of any residential premises, shall not exceed the following:

Daytime (0700-1900 hrs)	Evening (1900- 23.00hrs)	Night (23.00-07.00hrs)
49dB LAeq,1hr	43dBLAeq,1hr	40dB LAeq, 5mins

28. Any subsequent reserved matters application for employment uses (B1) shall include the submission of a report which reviews the noise likely to be emitted as a result of the employment uses. The report shall include:

- i) a review of the type of operations at the site and the noise levels/noise impact likely to be generated from these operations
- ii) details of fixed plant, including the location and noise levels to be emitted from the plant
- iii) hours of operation
- iv) details of deliveries
- v) any mitigation measures

Reason: In the interests of amenities.

29. The remedial measures for the shallow workings and the stabilisation and remediation works for the mine entries, shall be carried out in accordance with the documents titled:

Report on Site Investigations (2010) - Undertaken by Johnson Poole & Bloomer Land Consultants (received 29 November 2013)

Site Investigations (2013) - Undertaken by Johnson Poole & Bloomer Land Consultants (received 29 November 2013)

Reason: In the interests of safety.

30. No development shall commence until the mitigation measures and recommendations identified within Chapter 7 of the Extended Phase I Habitat Survey (November 2013) - conducted by Acer Ecology (received 22 November 2013) have been completed in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority. The mitigation measures and recommendations shall be carried out in accordance with the agreed timetable.

Reason: To ensure that adequate mitigation measures are undertaken in respect of ecology and biodiversity.

31. Any subsequent reserved matters application associated with the permission hereby granted shall include the submission of an Ecological Management Plan, as identified within Chapter 7 of the Extended Phase I Habitat Survey (November 2013) - conducted by Acer Ecology (received 22 November 2013).

Reason: To ensure that adequate mitigation measures are undertaken in respect of ecology and biodiversity.

32. No development shall commence until a scheme for the eradication and/or control of Japanese Knotweed & Himalayan Balsam has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity/ecology.

33. No development shall commence until a scheme for the comprehensive and integrated drainage of the site, including attenuation to brownfield run-off, showing how foul drainage, road and roof/yard (surface) water will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the beneficial use of any part of the development hereby approved commencing..

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

34. No development shall commence on site until a scheme has been submitted to and agreed in writing by the Local Planning Authority to include a ground investigation report and infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system. Development shall be carried out in accordance with the agreed scheme and implemented prior to the beneficial occupation of any of the development hereby approved.

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

35. No development shall commence on site until a detailed, comprehensive and site-specific emergency flood plan has been submitted to and agreed in writing by the Local Planning Authority. The plan shall include details on the designated emergency routes and the method of how on-site occupants will be notified of the flood event.

Reason: To ensure that flood risk is clearly identified and that all parties are aware of the associated risks.

36. Prior to the construction of each building, hereby approved, 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 that building has 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.

37. Prior to the construction of each phase of development, hereby approved, 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 (including noise barriers) to be erected for that phase of development 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.

38. Prior to the construction of each building, hereby approved, no development shall take place until details of the proposed floor levels of that building in relation to existing ground levels and the finished levels of the site has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the development relates appropriately to the topography of the site and the surrounding area.

39. The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief will be undertaken to the standards laid down by the Institute of Field Archaeologists. The Local Planning Authority shall be informed in writing, at least two weeks prior to the commencement of the development, of the name of the said archaeologist and no work shall commence until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief shall be submitted to the Local Planning Authority within three months of the fieldwork being completed by the archaeologist.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

40. Prior to the construction of each phase of development, hereby approved, full details of both hard and soft landscape works for that phase shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include: the proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant. The landscaping works shall be carried out in accordance with the agreed details and implemented prior to the occupation of any part of that phased of development or in accordance with a programme to be submitted to and agreed in writing by the Local Planning Authority prior to any development of that phase commencing on site.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, and to promote nature conservation.

41. The plans and particulars submitted in accordance with the reserved matter in respect of landscaping above shall include:-

(a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and crown spread of each retained tree;

(b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs(c) and (d) below apply;

(c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site.

(e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, and to promote nature conservation.

42. No development shall take place until a schedule of landscape maintenance (excluding domestic gardens) for a minimum period of 3 years has been submitted to and agreed in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the agreed schedule.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, and to promote nature conservation.

43. There shall be no amalgamation of Units marked 'C' on drawing number: Masterplan 15095 F002 Rev. C (received 20 May 2016) at any time.

Reason: To establish and retain a local service centre and to avoid undue harm on the vitality and viability of the Maesteg town centre.

44. There shall be no amalgamation of Units marked 'D' and 'E' on drawing number: Masterplan 15095 F002 Rev. C (received 20 May 2016) at any time.

Reason: To establish and retain a local service centre and to avoid undue harm on the vitality and viability of the Maesteg town centre.

45. Unit marked 'D' on drawing number: Masterplan 15095 F002 Rev. C (received 20 May 2016) shall only be used for the sale of bulky goods and for no other purpose including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To establish and retain a local service centre and to avoid undue harm on the vitality and viability of the Maesteg town centre.

46. There shall be no subdivision of Unit marked 'D' on drawing number: Masterplan 15095 F002 Rev. C (received 20 May 2016) at any time.

Reason: To establish and retain a local service centre and to avoid undue harm on the vitality and viability of the Maesteg town centre.

47. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and agreed, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Development shall be carried out in accordance with the agreed details.

Reason: In the interests of safety and to ensure effective control of pollution and contamination.

48. Piling or any other foundation designs using penetrative methods shall not be permitted in the construction of the development hereby approved.

Reason: In the interests of safety and to ensure effective control of pollution and contamination.

ADVISORY NOTES

As detailed in the report to Committee on 26 June 2014.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers : None

APPENDIX A

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a) 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.

b) The applicant is advised that off street parking for the proposed dwelling must be provided to the satisfaction of the Local Planning Authority and your attention is drawn to SPG17 - Parking Standards 2010.

c) A sufficient area of land will need to be set aside between the existing and proposed dwellings to cater for the required replacements/additional off street parking, and common turning facility. It is envisaged that the proposed replacement garage will need to be omitted to cater for these works, with the overall parking and turning scheme resulting in a smaller rear garden to 25 West Road (as provided for 23 West Road adjacent to the site).

d) The applicant is advised to check the deeds of the property prior to commencing development to ensure there are no restrictive covenants.

e) The applicant is advised that the porch on the front elevation of 25 West Road may require separate planning permission. The applicant is advised to contact the Local Planning Authority regarding this matter.

ITEM:

6

RECOMMENDATION : SECTION
106

REFERENCE: P/13/808/OUT

APPLICANT: PONTARDAWE COAL & METALS CO. LTD
C/O MR J W MELVILLE BRAILSFORD HALL BRAILSFORD
DERBYSHIRE

LOCATION: LAND OFF OAKWOOD DRIVE MAESTEG BRIDGEND

PROPOSAL: MIXED-USE DEVELOP - EXTRA CARE FACILITY (50 BEDS), PUBLIC
HOUSE, RESTAURANTS, RETAIL, EMPLOYMENT & 115 DWELLINGS

RECEIVED: 8th November 2013

SITE INSPECTED: 10th December 2013

APPLICATION/SITE DESCRIPTION

This planning application is submitted by Pontardawe Coal and Metals Company Ltd (PCMC) who acquired the majority of the site in early 2012. The land was previously occupied by general industrial uses (Budelpac COSi and Cooper Standard) which ceased in 2008 and, subsequently, the site was cleared of the former factory buildings. The application is in outline form with all matters reserved for subsequent approval for a comprehensive mixed-use development.

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

The proposed development area comprises 4.9 hectares within the freehold ownership of PCMC and 2.75 hectares within the freehold ownership of Bridgend County Borough Council (BCBC). The planning proposals have therefore been prepared with the involvement from several Council Departments.

In terms of context, the site is located on land occupied by the former Ewenny Road Industrial Estate. To the east is the River Llynfi, to the west is the site access road and Maesteg railway line, both of which are parallel to the site in a north-south orientation. To the south is Oakwood, a housing estate managed by Valleys to Coast Housing (V2C). Also to the south is an under-utilised recreation area which forms the north east corner of the V2C estate. Further south is an additional recreation area which includes playing fields, tennis courts, a bowls green and children's play area.

The majority of the wider environment in this area of Maesteg is residential and ad-hoc local shops. Of note, however is the builder's yard and café located to the north, an abattoir located to the north-east (on the opposite side of the river) and a small newsagent/grocery shop to the south-west (at the entrance to Oakwood residential estate). The type and nature of the residential accommodation varies from traditional terraced streets to more modern housing estates of detached and semi-detached properties, including the 'Radburn' design of the Oakwood residential estate.

The site has been almost entirely cleared of any buildings/structures and currently consists of an expanse of relatively flat areas of concrete and levelled hardcore. Access to the site is via an unnamed link over the railway leading to Oakwood Drive that runs along the length of the western boundary of the estate. Oakwood Drive terminates in the Oakwood estate to the south but connects to Ewenny Road in the north providing a link to the residential area on the eastern side of the valley.

There are no vehicle or pedestrian links from the site over the Llynfi River to the east. There are a number of pedestrian links over the railway line which appear to be underutilised but allow connectivity from the site to the existing residential areas in the west. The Ewenny Road train station is located to the north of the site with a pedestrian connection from the unnamed link road to the site.

There are additional constraints associated with the site, as it is almost entirely within Zone C2 Flood Risk Area, there are issues of land contamination as a result of the previous industrial uses and there are two recorded coal mine entries within the site, with the main Oakwood Colliery Shaft being approximately 230m deep and filled to an "unknown specification". There are no treatment details recorded for the other mine entry.

This outline planning application seeks consent for a mixed use scheme including residential, employment/industrial, retail, leisure and an extra care facility on the former Ewenny Road Industrial Estate. The extent of the application area covers 7.65 hectares of entirely brownfield land. A Masterplan has been prepared to demonstrate an indicative layout and the variety of proposed land-use designations across the site.

Prior to the submission of this application a screening opinion was submitted to determine whether an Environmental Impact Assessment would be required (P/13/741/SOR refers). It was concluded "that the proposed use would not have significant environmental affects above the previous use in the context of Circular 02/99 Environmental Impact Assessments". Notwithstanding the above, a number of statutory consultees provided comments and requested the submission of variety of reports, surveys and assessments that were necessary to accompany this current outline application. Those submitted include: Noise and Air Quality

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

Assessments, Contamination and Ground Investigation Surveys, Cultural Heritage and Archaeology report and Transport Assessment and an Ecology Assessment.

Members are informed that this outline application seeks only to establish the principle for the development since all specific matters such as access, appearance, landscaping, layout and scale have been reserved for subsequent approval.

RELEVANT HISTORY

P/06/1000/FUL	APPROVED temporarily	27-09-2006
DRILLING OF METHANE WELL		
P/12/530/DPN	DPN approve	04-09-2012
DEMOLISH LAST REMAINING BUILDING ON FORMER FACTORY SITE		
P/13/741/SOR	EIA not required	05-11-2013
SCREENING OPINION FOR MIXED USE DEVELOPMENT		

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/publicity expired on 30 December 2013.

NEGOTIATIONS

During the assessment of this application, the agent was requested to:

1. Amend the Masterplan to reconfigure the layout of the two 'drive-thru' restaurants (in the interests of residential and visual amenities);
2. Submit an Archaeological Survey (to properly assess the merits of the proposal and in the interests of archaeology);
3. Submit a statement addressing the initial flood risk concerns of Natural Resources Wales (in the interests of water management);
4. Amend the Masterplan to include maximum ridge heights of all proposed buildings/structures (to properly assess the merits of the proposal);
5. Submit a viability assessment and a statement addressing matters associated with affordable housing and public open space (to properly assess the merits of the proposal and in the interests of sustainability and residential amenities);
6. Submit a statement addressing issues associated with Policies REG5 and REG11 of the adopted Bridgend Local Development Plan (to properly assess the merits of the proposal);

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

7. Submit a Flood Management Plan (in the interests of safety)
8. Amend the plans to include public open space and outdoor play areas (in the interests of amenities).
9. Confirm the acceptability of the Heads of Terms.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 27th November 2013

No observations to make on the proposal.

Head Of Street Scene (Highways)

No objections to the proposal subject to planning conditions and advisory notes. There is also a requirement for the applicant to enter into a legal agreement for the payment of the sum of £7,000 for the creation and extension of a traffic order.

Bcbc Emergency Planning Dept.

Commented that this is a matter for Natural Resources Wales to consider.

Head Of Street Scene (Drainage)

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

Group Manager Public Protection

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

Communities - Housing Manager

No objections to the proposal since the provision of extra care meets the requirement of addressing the Corporate Project for Transforming Residential Care for Older People.

Natural Resources Wales

Flooding:

A Flood Consequences Assessment has been submitted with the application. NRW confirms that the technical analysis of flood risk for the application site is sound.

They also confirm that the development would not give rise to flooding on areas outside the application site and increased flood risk associated with the proposal lies either on the site or within land owned by the Council. However, the FCA has demonstrated that flood risk can be satisfactorily managed on site and that residential, commercial/retail, industrial uses and general infrastructure would be within acceptable limits.

NRW considers that the FCA has underestimated the flood risk associated with emergency access/egress to and from the site via the only possible route, namely Oakwood Drive. Under such circumstances, they have advised consultation with all Emergency Services.

Non-flooding matters:

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

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

Welsh Water Developer Services

No objections to the proposal subject to advisory notes.

P.C. Kevin Ellis - Licensing Officer

No comments to make on the proposal.

Crime Prevention Design S.Wales Police

No objections to the proposal subject to advisory notes.

Glamorgan Gwent Archaeological Trust

A request was made for the submission of an archaeological desk-based assessment and an archaeological evaluation of the site. Following examination of this report, they have recommended that further archaeological work is undertaken since the submitted report concludes:

"Landscaping and redevelopment works are likely to have affected archaeological remains, but the extent of survival and condition of archaeological remains, and the depth at which they may be buried is unclear, there is considered to be a moderate potential for remains of archaeological interest to survive on the site. All of which are considered to be of local importance. A programme of targeted archaeological evaluation is recommended to more accurately assess the archaeological resource and allow a full mitigation strategy for the proposed development to be devised."

The Coal Authority

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

Network Rail (Western Region)

Objects to the proposal:

After studying the details supplied and consultation with our Operations Risk Advisor, Network Rail objects to this application as currently proposed.

We note the developer has identified the railway crossings as the main pedestrian/cycle links to the site which will significantly increase pedestrian usage at the 3 footpath crossings in the vicinity and have safety implications. The increased use of the crossings cannot be looked upon favourably by Network Rail and some form of mitigation may be justified to reduce any safety concerns.

Should the Applicant/Council wish to discuss the matter of the level crossings further with regard to minimising potential safety issues, please contact us to agree potential improvements to the level crossing and to minimise the risk of accidents from the envisaged increased use that will result from this proposal.

Network Rail is likely to withdraw any objection if an acceptable solution can be found regarding the potential safety issues associated with the increased use of the level.

Head Of Parks & Playing Fields

Provided comments in response to the standard and specification of public open spaces.

Welsh Ambulance Service

No comments to make on the proposal.

Police Territorial Support & Planning Support Unit

A response was received via the Council's Emergency Planning Services:

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

"We would not advise on this. We had this query a couple of years ago - we are not the subject matter experts, that surely is NRW."

S. Wales Local Resilience Forum

Commented via the Council's Emergency Planning Services that flooding is a "matter for Natural Resources Wales and Local Authority Development Control Teams".

Destination & Countryside Management

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

REPRESENTATIONS RECEIVED

David Glyn Elias, 263 Bridgend Road

Supports the proposal.

Mrs L Laskey, 207 Bridgend Road

Supports the proposal.

R & K Phillips, 227 Bridgend Road

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

1. Overlooking/privacy
2. Noise
3. Overshadowing
4. Devaluation of property

Byron Davies (Shadow Minister For Transport & Regeneration), National Assembly For Wales

Support the development in principle but objects to the proposed scheme on the following grounds:

1. It is felt in the interests of sustainability; the Local Planning Authority should consider established retailing areas before out-of-town sites. The underlying belief is that, to permit more shops being built, would ultimately take further trade away from the town centre. Indeed, existing small businesses may relocate to this area, creating even more empty shops in the town centre. At present there are 13 empty shops. Classes A1, A2, A3 and D1 retail; financial, betting shops, hot/cold food outlets; and clinics respectively, are normally associated with town centres.
2. Drive-thru A3 uses in a built up residential could attract noise and anti-social behaviour
3. Whilst it is appreciated that 60 units of extra care residential units are proposed, there would appear to be no provision for affordable housing.
4. Constituents also point out concerns that the south east corner of the site, earmarked for business use, has been known to flood

Mr. W.E. Harris, 3, Oakwood Drive,

Objects to the proposal and requests to speak at Committee:

1. The opening hours of the fast food outlets/residential amenity
2. The proposed entry road is opposite the house.
3. Highway/pedestrian safety.

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

Mr N B Thomas, 219 Bridgend Road

Supports the proposal but raised the following concerns:

1. Security
2. Privacy
3. Noise
4. Litter (especially along the river)

John Matthews On Behalf Of, Maesteg Abattoir

Supports the development in principle but raised the following concerns:

1. Potential adverse impact on the abattoir business, especially with the psychological effects of eating within close proximity to the abattoir and that it could generate unjustified public complaints. Recommended that retail and/or employment facilities are situated in the northern part of the development site.
2. Requests that adequate landscaping is provided/retained along the river to ensure that the abattoir is screened from the development site.
3. The abattoir lies within a flood risk area and any development of the application site (in particular surface water run-off) must not result in further increases in the risk of flooding.

Mr Graham James Smith, 247 Bridgend Road

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

1. Health and Safety
2. The restaurants would be in close proximity to an existing abattoir resulting in adverse smell/odour
3. Impact of the development on an existing mine shaft within the site
4. Adverse impact on the town centre - suggested that a petrol station on the site would be more suitable

COMMENTS ON REPRESENTATIONS RECEIVED

1. Highway/Pedestrian Safety

The Group Manager Transportation and Engineering (Highways) has no objections to the proposal subject to the applicant entering into a legal agreement to implement highway safety measures and subject to a number of conditions and advisory notes. This matter is fully assessed under the appraisal section of the report.

2. No provision of affordable housing.

Following consultation with the Group Manager Housing and Community Regeneration, it is considered that Extra Care is required in line with the Corporate Project for transforming residential care for older people. It is considered that the proposed Extra Care facility, in lieu of direct provision of affordable housing, would be suitable as a means of meeting the requirements set by Policy COM5 of the BLDP.

3. Flooding

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

Refer to the appraisal section of the report.

4. Safety: Impact on the mine shaft.

The site is known to contain past mining features. A comprehensive site investigation has been undertaken with a series of recommended stabilisation and remediation works. This report has been thoroughly considered by a number of consultees, including the Public Protection Department of the Council, The Coal Authority and Natural Resources Wales. No objections have been raised subject to conditions and advisory notes to ensure the implementation of the recommended works. It is, therefore, considered that the proposed development would not pose any abnormal safety issues associated with the redevelopment of a site of this scale within an urban area.

5. Adverse impact on health and residential amenity: Adverse noise, odour, litter and the psychological effect of eating within close proximity to an abattoir.

The application proposes two 'drive-through' type restaurants and a family restaurant. There is an abattoir located across the river to the north-east of the site. Noise and Air Quality assessments have been submitted with the application. The reports have been thoroughly considered by the Public Protection Department of the Council and no objection has been raised subject to conditions and advisory notes. One of the conditions requires the submission of mitigation measures for any new business on the site which is capable of giving rise to odour nuisance and several other conditions refer to the control of noise at the site. Further conditions would be imposed to control the hours of opening of all proposed non-residential premises.

The abattoir is an existing and well-established premises situated in an area that is predominantly residential. It is located on the opposite side of the river to the application site, with the main abattoir building located approximately 50m from the boundary of the site. A number of trees and vegetation are located along the river banks. Additionally, the abattoir is located at a significantly lower level than the application site. Whilst the application proposes two restaurants and a public house/restaurant and the perceived psychological effects are acknowledged, it is not considered that the two uses are incompatible with one another. The Group Manager Public Protection has not raised any adverse comments in respect of this particular matter.

With regards to litter, this application seeks only to establish the principle of the development and is in outline form with all matters reserved for subsequent approval. In this context, it is not considered that the proposed uses, including the number of units proposed and their dimensions, would result in such adverse levels of litter as to be significantly detrimental to the general amenities of the area. An advisory note would, however, be attached on any outline planning consent issued, advising that any detailed plans submitted with any future reserved matters application for the food-related units, should contain details of external customer litter bins and appropriate storage/service areas for commercial wastes.

6. One of the entry roads into the site is opposite No.3 Oakwood Drive

Whilst this application in outline form with all matters reserved for subsequent approval, the original Masterplan did indicate an access road, predominantly serving the 'drive-through' type restaurants, being located immediately opposite 3 Oakwood Drive.

To avoid undue adverse impact on neighbouring properties, in particular 1, 2 and 3 Oakwood Drive, the Masterplan was amended with a reconfigured layout. This has resulted in the repositioning of the access point to be further south and not in the immediate proximity of neighbouring properties. Further conditions have been recommended by the Group Manager

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

Transportation and Engineering (Highways) which restricts vehicular access on certain sections of Oakwood Drive.

7. Impact on the residential amenities of Nos.219 and 227 Bridgend Rd.

The impact on the general residential amenities of neighbouring properties has been considered within the appraisal section of the report. However, with specific regards to the comments made by 219 and 227 Bridgend Road, they are located to the east of the application site and are on the opposite side of the river.

No.219 is located 80m from the application site and it has a long rear garden and its rear boundary is approximately 30m from the boundary of the application site.

No.227 is located 70m from the application site and it also has a long rear garden and its rear boundary is approximately 25m from the boundary of the application site.

Having regard to these distances and that they are located on the opposite side to the river to the application site and on different grounds levels, it is not considered that development of the site for mixed use purposes would have any significant adverse effect on their residential amenities.

8. Impact on the vitality and viability of Maesteg town centre

This aspect of the proposal has been thoroughly considered in the appraisal section of the report. In summary, having regard to the retailing, commercial and leisure components of the proposed development, it is considered that the overall scheme will not have a detrimental impact on the vitality and viability of Maesteg Town Centre and would make a significant contribution to the economic regeneration of the Llynfi Valley in terms of new job creation and the provision of new housing and services. The scheme is, therefore, considered acceptable in principle, and satisfies Policies PLA3, REG5(4) and REG11(1) of the BLDP.

9. Devaluation of property

This is not a material planning consideration and, therefore, cannot be considered in the determination of this planning application.

APPRAISAL

This application is reported to Committee in view of it being a major application and objections received from Network Rail and neighbouring properties.

This is an outline application with all matters reserved for subsequent approval concerning a comprehensive mixed-use development including: residential, employment/industrial, retail, leisure and extra care provision. The extent of the application area covers 7.65 ha of entirely brownfield land. A Masterplan has been prepared to demonstrate an indicative layout and the variety of proposed land-use designations across the site.

Members are informed that this outline application only seeks to establish the principle for the development since all specific matters such as access, appearance, landscaping, layout and scale have been reserved for subsequent approval.

The proposal includes zones for employment, extra care provision, leisure, retail (including bulky goods) and residential uses. The proposal also provides public open space, mainly through the

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

inclusion of equipped and unequipped areas for play for children and the enhancement of the riverside setting through the creation of a river walkway and the provision of a safe and attractive link between Ewenny Road to the existing residential area to the south.

The Masterplan establishes a clear hierarchy of uses with leisure and retail zones at the northern end of the site and employment/industrial and extra care uses to the south. The proposed residential area lies at the centre of the site, between the leisure/retail zones and the extra care facility and employment/industrial zone. This broad layout provides convenient access to and from all the proposed land-uses, thereby emphasising the desire to create a legible and sustainable community.

The site is allocated as a Regeneration and Mixed Use Development site by Policy PLA3(7) of the adopted Local Development Plan (BLDP). This is one of the key development sites identified in the Plan within the Maesteg and the Llynfi Valley Strategic Regeneration Growth Area (SRGA), where the majority of future growth in the County Borough is to be focussed.

Within Policy PLA3(7), several other policies specifically identify the site for a range of uses. These are:

COM1(17) Residential Development: 125 units
REG1(10) Employment (B1, B2 & B8 uses): 3.5 hectares
REG5(4) Local Retailing: Up to 1,000sq m net
REG11(1) Bulky Comparison Goods: 5,400 sq m net

The proposed development incorporates each of these uses within the scheme and they are subsequently assessed below:

RESIDENTIAL DEVELOPMENT

Policy COM1(17) allocates the site for 125 residential units. The outline scheme indicates that, using average densities, the site can accommodate approximately 115 units. The scheme also shows a 50 unit extra care facility which would bring the provision up to 165 units.

The Design and Access Statement explains that the residential element of the scheme is likely to contain a mixture of 2, 3 and 4 bedroom units predominantly two-storeys in height with some three-storey town houses. The Masterplan specifies a maximum eaves height of 10m and maximum ridge height of 14m. The surrounding area generally consists of two-storey dwellings. The potential layout would result in the creation of an entirely new residential estate which, subject to more specific design details, is likely to create its own character and identity. However, at this outline stage, it is considered that the scale, in principle, is acceptable and would not appear so out of character with its surroundings as to warrant refusal.

Due to the number of residential units proposed at the site, other policies in the Plan apply such as the provision of affordable housing, educational facilities and public open space.

In this respect, Policy COM5 of the BLDP states that affordable housing should be sought from sites capable of accommodating 5 or more dwellings or exceeding 0.15 hectares in size. Maesteg is located in the Western Settlements, Ogmores Vale, Garw & Upper Llynfi housing market area and, as such, 15% of the units should be provided as affordable housing.

It is noted that the scheme includes the provision of a 50 unit Extra Care facility. Following consultation with the Group Manager Housing and Community Regeneration, it is considered that Extra Care is required in line with the Corporate Project for transforming residential care for

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

older people. It is considered that the proposed extra care facility in lieu of direct provision of affordable housing would be suitable as a means of meeting the requirements set by Policy COM5 of the BLDP. It is, therefore, considered necessary to secure this through a legal agreement. The Heads of Terms have been formulated, in conjunction with the Group Manager Housing and Community Regeneration and the Principal Section 106 Officer, and are listed under the 'Recommendation' section of this report.

The plans indicate that the Extra Care building would have maximum dimensions of 64.5m x 39m with maximum heights of 11m (eaves) and 16m (ridge). The design and access statement explains that this facility is likely to be three storeys in height. The Masterplan indicates that this facility would be located at the south-eastern corner of the application site. Whilst it would be a relatively large building, it is likely that this facility would be sited away from the main transport routes and surrounded by mainly two-storey industrial and residential units to the north and west and trees and landscaping along the south and east. At this outline stage, it is considered that the scale, in principle, is acceptable and would not appear so out of character with its surroundings as to warrant refusal.

EDUCATIONAL FACILITIES

Supplementary Planning Guidance 16: Educational Facilities and Residential Development (SPG16) explains that contributions towards educational facilities will be sought from all proposals of 5 or more residential units where development is likely to increase demand on local schools beyond their existing or planned capacity.

In this particular case, the Children's Directorate have indicated that there is no requirement for a contribution towards education provision due to available capacity in local schools.

PUBLIC OPEN SPACES

Policy COM11 of the BLDP states that all new housing developments should provide a satisfactory level of outdoor recreation space or its equivalent value. This requirement is in addition to the basic amenity space requirements necessary to meet the immediate needs of occupiers.

The Council's recreation space standard is 2.4 hectares per 1000 (population) to consist of outdoor sport, children's play space and/or allotment provision. For a site consisting of approximately 115 dwellings (excluding the extra care unit), this would equate to approximately 0.6 hectares.

The indicative Masterplan has been amended to include on-site provision of a Local Area for Play (LAP) for children. This is supplemented by the more formal on-site provision of a Local Equipped Area for Play (LEAP).

General public open space would be provided along the eastern boundary of the site with the creation of a new river walkway. This would complement the existing open spaces within the Oakwood Estate and Garth Playing Fields, both of which are located to the south of the application site. Following discussions with the Head of Parks and Playing Fields, this provision is considered to be sufficient to address the requirements of Policy COM11 of the BLDP.

Having regard to the above, it is considered necessary to secure the relevant facilities through a legal agreement. The Heads of Terms have been formulated in conjunction with the Section 106 Officer and these are listed under the 'Recommendations' section of this report.

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

EMPLOYMENT DEVELOPMENT

According to Paragraph 1.2.1 of the recently published Technical Advice Note 23: Economic Development (TAN23): "The economic benefits associated with development may be geographically spread out far beyond the area where the development is located. As a consequence it is essential that the planning system recognises, and gives due weight to, the economic benefits associated with new development."

In weighing the economic benefits of a planning application against social and environmental factors and other material planning considerations, TAN23 outlines three tests, namely:

1. Alternative sites
2. Jobs accommodated
3. Special merit

As part of the mixed use allocation of the whole site, Policy REG1(10) of the BLDP formally allocates and protects the site for employment development specifically for uses falling within classes B1 (Businesses and Light Industry), B2 (General Industry) and B8 (Storage and Distribution), as defined by the Town and Country Planning (Use Classes) Order 1987. Since the site is allocated for employment uses, there is no requirement to consider alternative sites.

The application proposes to retain 1.06 hectares for employment purposes. Whilst this is below the 3.5 hectares identified within Policy REG1(10) of the BLDP [also see Appendix 1: A1.7 PLA3(7) of the BLDP], it is considered that the viability of this site has been impacted upon by the significant constraints placed upon it by its former industrial use.

As a result, it is accepted that the proportion of land allocated for the range of uses to be accommodated on the site would fluctuate in order to ensure that the site remains viable with a realistic prospect of the scheme being actually developed. Paragraph A1.7.2 of the BLDP also promotes the site as 'a flexible regeneration opportunity to create a new mixed-use neighbourhood'.

In addition to viability issues, consultation with the Property and Economic Development Departments of the Council has confirmed that the current demand for employment land is weak, especially in the Llynfi Valley, where there are currently high vacancy rates within existing established Industrial Estates.

It is, however, acknowledged that this is a mixed-use development and that despite issues concerning viability and weak market conditions, employment land must have a realistic prospect of being developed.

Whilst the Masterplan illustrates several B1 units on the site, it is considered inappropriate, due to the circumstances described above, to require the applicant to construct a specified number and size of employment units at this outline stage

It is considered more appropriate for employment land to be designed to be as flexible as possible, to cater for future use when market conditions and demand improve. A legal agreement which requires the applicant to level, surface with access and service the employment land in readiness for a future employment occupier would achieve this and, consequently, this has been specified within the Heads of Terms listed under the 'Recommendations' section of this report.

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

Notwithstanding the above, it is noted that the proposed extra care facility will be a significant employer, typically creating approximately 80 jobs alone. This, coupled with the jobs created from the retailing and commercial elements of the scheme, is likely to generate significant employment opportunities for the local community. This satisfies the second test of TAN23.

Having regard to the above, the provision of employment land is more appropriately considered holistically rather than in isolation. This reinforces the mixed-use designation of the whole development site. The allocation of the site within the Development Plan for mixed use purposes would generate wider economic, social and environmental benefits to the Llynfi Valley and this is considered to provide special merit to the scheme. As such, the application meets the final test of TAN23.

RETAIL AND COMMERCIAL DEVELOPMENT

Policy REG5(4) of the BLDP provides for local retailing and commercial development up to a total of 1000sq m. on the site.

Whilst the total retailing and commercial development proposed at the site exceeds the threshold of Policy REG5(4) of the BLDP, the applicant has provided reasonable evidence, predominantly on viability and market conditions, to justify the overall approach to the scheme:

"Whilst the LDP allocation is for 5,400 square metres of bulky goods and 1,000 square metres of retail and leisure, this does not result in achieving a viable retail/leisure destination."

"We have reviewed the market and brought together retail and leisure units. The proposal will embrace all aspects of this market to create a sustainable environment for both consumers and businesses."

For the purpose of this assessment, the retail development is divided into two separate elements (general and bulky goods) whilst there are additional commercial facilities proposed, namely in the form of two 'drive-thru' type restaurants and a public house.

GENERAL RETAILING

Unit C on the Masterplan would form a block of non-bulky goods retail units with maximum dimensions of 30m x 20m and maximum heights of 6m (eaves) and 11.5m (ridge).

Units D and E would form a second but larger block to include food retailing store and bulky-goods store. The maximum dimensions of this block would be 60m x 22m with maximum heights of 7.5m (eaves) and 14m (ridge).

The Masterplan indicates the retailing quarters to be located at the north-western end of the site. In this regard, the indicative layout is considered to be acceptable, in principle, since the retailing units would be separated from residential uses by one of the principle estate roads within the site. The retailing units would also be predominantly adjacent to the leisure quarters consisting of restaurants, a public house and public open spaces. Due to the types of uses in this vicinity, the character of this part of the proposed development would be defined by larger units and lower density when compared to the proposed residential quarters.

The dimensions of the retailing units are, therefore, considered compatible with the scale of nearby buildings. The predominant separation of non-residential units to the residential quarters by an estate road would enable an appropriate change in the character and visual dynamics of the site as a whole. Consequently, this element of the scheme, in principle, is acceptable to

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

satisfy the requirements of this outline application, and would not appear so out of character with its surroundings as to warrant refusal.

Units C and E (food retail and non-bulky comparison goods) equate to a total of 704sq m. This is in accordance with Policy REG5 which allows for up to 1000sq m. However, in order to achieve the desired 'local retail centre' feel of the development, conditions would also be imposed to prevent Units C (3 units) being combined into larger units. In addition, and for the same reason, a condition would be imposed so that Unit E, an A1 convenience goods store, could not be combined or merged into Unit D to form one larger store. These conditions would ensure that the retail element of the scheme remains 'local' in nature, catering for demand in the immediate area for retail provision, in accordance with Policy REG5 of the BLDP. The size of the proposed units (subject to these conditions) will ensure that this particular centre is not seen as a competitor to the retailing offered within Maesteg town centre.

BULKY GOODS

Notwithstanding the retailing allocation specified under Policy REG5(4) of the BLDP, the 'bulky' goods retail provision is primarily considered separately against Policy REG11(1).

In this respect, Unit D on the Masterplan is proposed to be used for bulky goods retailing. However, this is deemed to be significantly below the allocation specified under Policy REG11(1) of the BLDP.

Traditionally, bulky goods retailers have been accommodated in larger 'warehouse' type buildings where large showrooms and storage areas are necessary to accommodate the 'bulky' goods. However, paragraphs 5.2.36 and 5.2.37 of the BLDP takes a pragmatic approach to this type of retailing, recognising the difficulties in this market at the present time.

It is also becoming increasingly prevalent for operators in the current market to seek smaller type premises, whilst recognising that such units are not outrightly suitable in town centre locations given the type of bulky goods that would be on sale. It is also worth noting that smaller bulky-goods units could act as 'incubators' for new businesses starting-up in this particular market.

The applicant was, however, requested to submit evidence to demonstrate that there is a lack of bulky goods retailer interest and demand for large-scale bulky goods units in the local vicinity. As part of their evidence, they explain:

"The market for bulky goods is at rock bottom with the loss of Focus, Comet and MFI. In addition bulky retailers such as PC World their sister business decided to house the two businesses in one unit and this has also inhibited bulky retail demand. DIY and electrical stores have always been the anchor for any retail destination. Thus the slow recovery in bulky retail will take many years to gain pace to create a destination, if ever, in a location such as Oakwood Drive."

In addition to the above, the most up-to-date retail survey for Maesteg Town Centre indicates that there are only 4 units with floor spaces between 400sqm and 500 sq m (out of 167 units where the average floor space is 161 sq m).

Having regard to the above and notwithstanding the requirements of Policy REG11(1) of the BLDP, it is considered that a reasonable case has been submitted to justify a reduced level of provision for bulky goods and that it would not unreasonably undermine the vitality and viability of Maesteg town centre, especially since the retail units proposed are very few in numbers, with the main purpose of catering for local demand or to offer a type of retailing that is not prevalent within, or suitable for, a town centre location.

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

Therefore, provided a condition is imposed restricting the use of Unit D to bulky goods retailing only, it is considered that the size of proposed Unit D would not have a detrimental impact on the vitality and viability of the town centre.

LEISURE

There is a significant amount of additional commercial development in the form of 2 fast food restaurants (Units A) and a family pub / restaurant (Unit B). These facilities would represent the leisure quarter within the development site.

Units A would each have a maximum footprint of 25m x 25m with maximum heights of 5m (eaves) and 10m (ridge). The Masterplan indicates that the two units would be located at the northern end of the site, in a potentially spacious configuration due to the provision of a car park. The leisure quarter would form the gateway to the development site, being located along the principle transportation and pedestrian routes. They are likely to be considered as landmark buildings within the site and, consequently, their potential siting and scale reflects this ethos.

In this regard, the indicative layout is considered to be acceptable, in principle, due to the character of this part of the proposed development being defined by larger units and lower density when compared to the proposed residential quarters. The scheme, in principle, satisfies the requirements of this outline application and would not appear so out of character with its surroundings as to warrant refusal.

In policy terms, a typical A3 use that would be considered in the context of the site specific Local Service Centre/District Centre (defined by Policy REG5 of the BLDP) are those smaller-scale A3 uses which could represent ancillary retail services suitably located in a Service Centre location. These include such uses as cafes and hot-food takeaways occupying units similar in size to the non-food retail units proposed on the site (Units C on the Masterplan).

In light of the above, 'drive-thru' restaurants, as proposed in this particular proposal, do not strictly 'fit' within the nature of A3 uses catered for in Policy REG5(4) and, as such, should be considered in the context of Policy REG5 more generally which states:

"Where a local need is identified, either through new residential development or as part of comprehensive mixed-use developments proposed in Policy PLA3 or in an existing area or under-provision, proposals for new small-scale, local convenience and comparison good retailing and services will be permitted."

Given the unique nature of the 'drive-thru' units, they require an out-of-centre location. Furthermore, this type of facility is not to be found anywhere in the Llynfi Valley at the present time and, therefore, they would not prejudice the vitality and viability of the town centre. It is also considered that these units would contribute towards the overall employment generation of the site, the local economy and reinforce the mixed use nature of the whole development.

With regards to the proposed public house, it is considered that this represents an appropriate form of retail service development which can be justified on a basis of identified need for this nature of facility at this location. In this respect, it is considered reasonable to conclude that a residential development of 115 dwellings, with other residential, industrial, commercial, retailing and leisure facilities would generate a demand for a family-type public house.

Having regard to all the retailing, commercial and leisure components of the proposed development, it is considered that the overall scheme will not have a detrimental impact on the vitality and viability of Maesteg Town Centre and would make a significant contribution to the

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

economic regeneration of the Llynfi Valley in terms of new job creation and the provision of new housing and services. The scheme is, therefore, considered acceptable in principle, and satisfies Policies PLA3, REG5(4) and REG11(1) of the BLDP.

RESIDENTIAL AMENITY

Since all matters have been reserved for subsequent approval, it is only possible to consider the general residential amenities of neighbouring properties and those which would occupy the future residential development on the site against the impact of the entire proposed development.

The site is located in an area that is predominantly residential. Contrastingly, the site has been used for industrial purposes and most of the industrial activity was present before the establishment of residential uses, especially with regards to the development of Oakwood Estate. In this regard, the amenities of neighbouring residential properties have largely been recognised in conjunction with adjacent industry.

Notwithstanding the above, the proposed development would result in improvements to the general amenities of neighbouring residential properties since the amount of industrial land would be significantly reduced. Furthermore, the largest proposed allocation within the site would be residential, thereby reinforcing the residential character of the immediate area. It is also noted that whilst the site is allocated for B1, B2 and B8 uses, the proposed plans indicate that only B1 units (Businesses and light industry) would be present of the site. This is likely to have a reduced adverse impact than heavier industrial uses specified within B2.

It is acknowledged that there would be retailing, leisure, commercial and industrial uses within the site, however, only a small number of units would be attributed to each of these uses, thereby reducing their intensity and overall impact on neighbouring properties/land uses.

The whole mixed-use nature of site has been designed to promote a live/work arrangement and whilst this type of arrangement can generate some amenity issues, in view of the proximity of one use to another, it is not considered to be as intensive as the site previously operating as wholly industrial in an otherwise residential area. Furthermore, the Masterplan shows non-residential uses being generally grouped along the periphery of the site and predominantly separated from residential uses by roads or landscaping. The positions of the two A3 units and the road layout serving these units have been amended to avoid undue adverse impact on neighbouring properties, in particular 1, 2 and 3 Oakwood Drive.

Notwithstanding the above, the use of several planning conditions can mitigate any significant adverse effect between neighbouring uses. For example, restricting operating times on non-residential would ensure no unreasonable adverse effect on the residential amenities of neighbouring properties or on the future occupiers of those dwellings within the development site. Such operating times would be consistent with the view of the Group Manager Public Protection and guidance contained in Supplementary Planning Guidance 14: Hot Food Takeaway Establishments.

The Group Manager Public Protection has recommended several other conditions relating to contamination, noise, air quality and residential amenity and, subject to their imposition, it is not considered that the proposed development would have any significant adverse effect on the residential amenities of neighbouring properties or on the future occupiers of those dwellings within the development site. In addition, The Coal Authority has also examined the site investigation reports and has no objection to the proposal subject to conditions and advisory notes.

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

Having regard to the above and the proposal, which is in outline form with all matters reserved for subsequent approval, it is considered that the scheme satisfies Policies SP2 (Design and Sustainable Place Making) and ENV7 (Natural Resource Protection and Public Health) of the BLDP.

HIGHWAYS

The application has been accompanied by a Transportation Assessment and a Travel Plan, which on the request of the Highway Authority, has been independently checked by an external transportation consultant. The Group Manager Transportation and Engineering (Highways) has reviewed the proposals and the conclusions of the external consultant and has provided the following comments:

"I am mindful of the previous industrial use of this approximate 7.7Ha (77,720sqm) employment site, which employed a large number of people and generated car, LGV and HGV traffic on a daily basis.

Given the amount of traffic generated by the previous industrial activities accommodated within the site, the amount of traffic (in land use terms) which could have been generated on this large industrial brownfield site, and the sustainable location of the site in close proximity to bus stops and a rail station, it is considered that the proposed development is likely to result in a net decrease in daily vehicle movements when compared to the former use.

The proposal is also considered to remove a significant amount of extraneous industrial related traffic movements (namely HGVs) from the highway network. Whilst the operational activities associated with the various uses will generate a degree of LGV/HGV movements on a daily basis (such as deliveries to the retail and B1 units), they will more than likely be lower than those movements previously generated by the former industrial uses. Such an arrangement will be of benefit to highway safety, and the general free flow of traffic on the highway network.

Notwithstanding the above considerations, a Transportation Assessment has been submitted by the applicant, which on the request of the Highway Authority, has been independently checked by an external transportation consultant. I have been advised that the trip generation calculations and associated traffic growth parameters used throughout the assessment are robust and accurate. A number of junctions within the Llynfi Valley have been assessed, and taking into account the traffic generated by the former uses, on balance the proposed development is considered unlikely to have a significantly detrimental effect on the local highway network.

The applicant has also submitted a detailed Travel Plan which sets out a range of measures within an Action Plan, designed to promote the use of sustainable modes of transport by users of the site. If successfully implemented and appropriately monitored over time, the actions would reduce the amount of traffic generated by the development, particularly during the weekday peak periods which cater for commuter, school based journeys etc.

To further enhance the sustainability credentials of this site, the nearest public transport facilities along the A4063 serving the northbound and southbound services will need to be improved.

To ensure vehicle speeds along Oakwood Drive and within the site are limited to an appropriate level, I will require traffic calming measures to be implemented along Oakwood Drive. The new access roads within the site will also need to be designed to limit vehicle speeds to no more than 20mph (enforced by a 20mph traffic order). To ensure on-street parking is not generated along Oakwood Drive in the vicinity of the fast food restaurants, or around the proposed junctions directly serving the site, I will require the existing waiting restrictions along Oakwood Drive to be

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

extended accordingly.

The creation and extension of the above traffic orders will need to be fully funded by the applicant. It is considered that this may be most appropriately controlled/secured via a S106 planning obligation, which will require the applicant to pay the sum of £7,000 prior to any planning consent being granted."

In view of the above mentioned comments, the Group Manager Transportation and Engineering (Highways) has no objections to the proposal subject to a legal agreement, the payment of the sum of £7000 and a number of planning conditions and advisory notes. This financial contribution has been included in the 'Recommendation' Section of the report.

NETWORK RAIL

An objection has been received from Network Rail due to the existing railway crossings being identified as the main pedestrian/cycle like to the site which would significantly increase pedestrian usage and consequently pose a safety risk.

The applicant's agent has responded by stating:

"The Design and Access Statement identifies the railway crossings as links to the site on the context plans. This is a statement of fact rather than an intention to increase use of them. The (existing) highway crossings are more direct to the town centre than the pedestrian crossings. The development site was previously occupied employment land, which would have generated considerably more pedestrian movements to and from the site (from surrounding residential areas) than the proposed development."

In addition to this response, the Group Manager Transportation and Engineering (Highways) has confirmed that highway enhancements would need to be secured to other existing pedestrian routes which would improve the connectivity of the site to the town centre and other parts of Maesteg.

Notwithstanding the above, it must be emphasised that these are existing pedestrian crossings for which Network Rail has not provided any evidence to demonstrate that the crossings are currently unsafe or how any additional footfall would make the crossings unsafe.

Whilst additional footfall may result in greater costs to Network Rail in maintaining the crossings, this is not considered to be such a material planning consideration as to warrant refusal.

Notwithstanding the objection of Network Rail, it must be noted that this is a key regeneration site for Maesteg which aims to become a destination for residential, employment, retailing and leisure uses. As such, there is a possibility of benefits to the Train Operating Company from the scheme as a result of increasing passengers using train as a mode of transport.

FLOODING

The application site lies almost wholly within Zone C2 on the Development Advice Map (DAM) published by Welsh Government in support of Technical Advice Note 15 (TAN15). This document explains that highly vulnerable development, which includes residential, 'should not be permitted' in Zone C2 and that an application could be refused on this basis.

Notwithstanding the above, a comprehensive Flood Consequence Assessment (FCA) has been submitted which has been examined by both the Council's Drainage Team and Natural

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

Resources Wales (NRW). This was also supplemented by a clarification statement (received 21 February 2014) following the initial response of NRW. NRW provided their formal comments concerning drainage/flooding on 28 February 2014.

In summary and based on the FCA and the supporting statement, NRW has confirmed that the technical analysis of flood risk for the application is sound. The development would not give rise to flooding on areas outside the application site. Any increased flood risk associated with the proposal lies either on the site or within land owned by the Council. However, the FCA has demonstrated that flood risk can be satisfactorily managed on site and that residential, commercial/retail, industrial uses and general infrastructure would be within the compliant fluvial and tidal thresholds specified under Table A1.14 of TAN15 (either 1 flood event in 100 years or 1 flood event in 200 years). In this respect, the proposed development is not considered to give rise to a flood risk to such an extent as to be deemed harmful.

However, the FCA has underestimated the flood risk associated with emergency access/egress to and from the site via the only possible route, namely Oakwood Drive. The threshold for emergency access, as specified under Table A1.14 of TAN15, is more stringent (0.1%). The access route also fails the recommendations for maxima rate of rise and speed of inundation of flood water (specified under Table A1.15 of TAN15 as: 0.1m/hr and 4 hours respectively).

Notwithstanding the above, this particular issue needs to be placed into perspective since the FCA concludes that the proposal only exceeds the guidance of TAN15 by approximately 1.75 hours during a 0.1% probability flood event, which is a 1 in 1000 chance of a single flood event in any one year. Based on the current Masterplan, it must also be stated that the 1.75 hour flooding risk would be limited to the access only and not to the buildings or sensitive land uses. Additionally, Paragraphs A1.14 and A1.15 both explain that the threshold tables should not be regarded as prescriptive.

The response of NRW quotes an extract of a letter sent from the Welsh Government to all Local Planning Authorities in January 2014 stating:

"In providing their expert technical advice, NRW will comment on the acceptability of flooding consequences in terms of the risks to people and property within the development. However they will not comment on whether safe access and egress can be achieved to and from the site as this is a matter for the emergency services to determine on a site by site basis depending upon operational capabilities and equipment. The Local Resilience Forum for your area may be able to provide further advice in liaison with Local Authority Emergency Planners."

The Senior Policy Manager of the Welsh Government was contacted with regards to the relevant contact persons for all Emergency Services, however, such a list was not provided. Under such circumstances, the Council has undertaken extensive measures to consult with all emergency services, which includes: The Ambulance Service, The Fire Service, The Police, the Council's Emergency Planning Team and the South Wales Local Resilience Forum (SWLRF).

Both the Ambulance and Fire Services have responded with no objections to the proposal. Despite several attempts to contact the Police, no response has been received other than the Force Operations, Territorial Support & Planning Support Unit stating that this is not a matter that it within their remit and would refer such matters to NRW (email received 24 March 2014). The Council's Emergency Planning Team and the South Wales Local Resilience Forum have also confirmed that this is a matter they would refer to NRW.

The applicant's agent has responded to the final comments of NRW by submitting an Outline Emergency Flood Plan which illustrates some of the measures that could be taken to minimise

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

the risk to residents, employees and visitors to the site. Measures include: Encouraging occupants to sign up to Natural Resources Wales's Automated Flood Warning Service, the designation of Flood Wardens, Flood Monitoring Equipment and protocols on what actions to take during and after a flood event.

Given that the application is outline form with all matters reserved for subsequent approval, the Emergency Flood Plan acknowledges that a more robust Plan will need to be submitted since the nature and extent of the proposed measures will depend on the precise layout of the site.

It is therefore considered necessary to impose a condition for a further Emergency Flood Plan to be submitted with any subsequent reserved matters application. This plan would ensure that flood risk to occupants of the site could be minimised as far as possible.

It is noted that the Group Manager Transportation and Engineering (Highways) has recommended traffic speed reductions measures to be implemented along Oakwood Drive (between Ewenny Road and No.1 Oakwood) and the internal access roads within the development site. Whilst this could affect flooding, it has been indicated that these measures are likely to be minor works that could be limited to single carriageway widths. It is also acknowledged that notwithstanding the flooding issue associated with the roads, that the Highway Authority could implement the improvement works under permitted development rights and/or the Highways Act 1980.

DRAINAGE AND UTILITIES

Natural Resources Wales (NRW) have submitted separate correspondence relating to all other (non-flooding) aspects of the scheme that falls under their remit. Their comments primarily relate to drainage and contamination matters. In this respect, they have no objections to the proposal subject to a series of conditions and advisory notes.

The Council's Land Drainage Section has also responded with no objections to the proposal and recommended drainage-related conditions and advisory notes which are similar to those requested by NRW. This includes the submission of a comprehensive drainage scheme at the reserved matters stage.

Welsh Water also has no objections to the scheme subject to several advisory notes.

The site is brown-field land, located within the settlement boundary, and is well-served by a range of other utility services.

Having considered all relevant evidence and material planning considerations associated with the drainage and flooding aspects of the proposal, it is considered that the scheme only marginally exceeds the guidance of TAN15, and subject to conditions, any flood risks could be reasonably mitigated so as to avoid undue risk and harm to the public.

Notwithstanding the above, members should be aware that Circular 7/12: Town and Country Planning (Notification) (Wales) Direction 2012 requires the need to notify the Welsh Government of applications where they are minded to grant planning permission for certain types of development. With regards to this particular application, the residential element of the scheme, which is in excess of 10 units, is wholly within Zone C2 Flood Risk Area and in accordance with Circular 7/12, there would be a requirement to notify the Welsh Government if it is minded to grant planning permission.

ECOLOGY/BIODIVERSITY

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

The entire site is brownfield land, predominantly consisting of permanent material or hardcore. The eastern boundary of the site, however, contains trees and vegetation which follows the path of the River Llynfi.

There are no statutory sites or non-statutory designated sites immediately on or adjacent to the development site. The application has, however, been accompanied by an Extended Phase I Habitat Survey.

The report identifies that the site qualifies as an Open Mosaic Habitat on Previously Developed Land, a 'Priority Habitat' of the UK Biodiversity Action Plan (BAP) and listed in Section 42 of the Natural Environment and Rural Communities Act 2006 as a 'habitat of principal importance for conservation of biological diversity in Wales'. Where development proposals may affect national or local BAP habitats or species the same principles apply as to locally designated sites (paragraph 5.5.4 of Technical Advice Note 5 refers). The survey also identifies that the proposed development could potentially have adverse impacts in varying degrees on a range of protected species, including common reptiles, otter, nesting birds and, also, foraging bats. The survey notes that Japanese Knotweed and Himalayan Balsam have been identified on or adjacent to the site.

Notwithstanding the above, the Survey concludes that any detrimental effects on wildlife and habitats arising as a result of the development could be minimised or appropriately mitigated for. Recommendations and mitigation measures have been specified in Chapter 7 of the survey report and, subject to the imposition of planning conditions to secure their implementation, it is not considered that the proposed development would have any significant adverse effect on ecology and biodiversity. The Council's Ecologist has no objections to the proposal subject to conditions and advisory notes.

CODE FOR SUSTAINABLE HOMES AND BREEAM

The application has been accompanied with BREEAM and Code for Sustainable Homes pre-assessments which confirm that the minimum sustainability and energy efficiency standards are met. However, it is noted that the requirements for BREEAM and Codes for Sustainable Homes imposed by TAN22 are to be relaxed by the Welsh Government.

POLICE

In addition to the comments made by the Police concerning flooding, the Crime Prevention Design Advisory has examined the Masterplan and has no objections in principle to the development subject to a series of advisory notes. The advisory notes are applicable to the submission of a more detailed application and, as such, the comments have been forwarded in full to the applicant's agent.

ARCHAEOLOGY

The application site includes the sites of the Oakwood Colliery (later the Maesteg Merthyr Colliery), a small coke works and two farms, Maesteg Isaf and Maesteg Canol. These sites have been largely destroyed and replaced with further industrial developments (which have also been demolished). It is acknowledged, however, that it is possible that remains of these sites survive below the current surfaces.

Glamorgan Gwent Archaeological Trust (GGAT) requested a report on the Cultural Heritage and Archaeology of the site. They have examined the contents of the report and recommend that

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

further archaeological work would be required.

Notwithstanding the above, the most relevant Policy within the BLDP that concerns archaeology is Strategic Policy SP5 (Conservation of the Built and Historic Environment). This Policy states:

"Development should conserve, preserve, or enhance the built and historic environment of the County Borough and its setting.

In particular, development proposals will only be permitted where it can be demonstrated that they will not have a significant adverse impact upon the following heritage assets:

- SP5(1) Listed Buildings and their settings;
- SP5(2) Conservation Areas and their settings;
- SP5(3) Scheduled Ancient Monuments;
- SP5(4) Sites or Areas of Archaeological Significance;
- SP5(5) Historic Landscapes, Parks and Gardens or;
- SP5(6) Locally Significant Buildings."

The Proposals Plan which accompanies the BLDP allocates sites or areas of archaeological significance. In the case of this particular application, it is not allocated as a site or area of archaeological significance. Having regard to the archaeological report and the type of past structures that may be present at the site, it is concluded that the archaeological issues associated with the site are not of national importance. In accordance with Paragraph 6.5.1 of Planning Policy Wales, the Local Planning Authority must take a balanced view of such archaeological matters with all other material planning considerations in the determination of this application.

In this particular case, the site is allocated as a Regeneration and Mixed Use Development site of the BLDP. It is one of the key development sites identified in the Plan within the Maesteg and the Llynfi Valley Strategic Regeneration Growth Area, where the majority of future growth in the County Borough is to be focussed. This demonstrates that there is a clear need for the development and a compelling economic basis has been made for this scheme to be positively considered. Notwithstanding the archaeological issues, the proposal has a number of other social and environmental benefits such as the provision of new housing (including Extra Care) and leisure facilities, and the provision of river walkways and public open spaces. It is unlikely that such wider benefits would have been generated if the site remained in industrial use.

Under such circumstances, it is recommended to impose a condition on any consent issued for a watching brief to be undertaken so that any archaeological features that are discovered during the course of the development is properly recorded within a detailed report undertaken by a qualified archaeologist. This is considered appropriate and reasonable to a scheme which may only encounter archaeological features that are not of national importance. Subject to the imposition of such a condition, it is not considered that the scheme would have such an adverse effect on archaeological resources as to warrant refusal.

CONCLUSION

Having considered all relevant evidence and material planning considerations, this outline application is recommended for approval because the development generally complies with Council policy and guidelines. The development, in principle, would offer significant benefits to the economic, social and environmental regeneration of Maesteg and would not adversely affect visual amenities, highway/pedestrian safety, ecology/biodiversity, the vitality and viability to

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

Maesteg Town Centre nor so significantly harms neighbours' amenities as to warrant refusal. Matters relating to flooding only marginally exceed the guidance of Technical Advice Note 15 and in the absence of adverse comments from Emergency Services and subject to conditions, any flood risks could be reasonably mitigated so as to avoid undue risk and harm to the public.

RECOMMENDATION

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

(i) Provide a financial contribution for the sum of £7,000 for the creation and extension of a traffic order to ensure vehicle speeds along Oakwood Drive and within the site are limited to an appropriate level, and to ensure on-street parking is not generated in the vicinity of the fast food restaurants, or around the proposed junctions directly serving the site.

(ii) Construct an extra care facility prior to the completion of the 50th open market dwelling built on the site. The Particulars concerning number of units, precise location, size, access, parking provision and transfer price to be agreed in writing by the Council prior to the submission of the first reserved matters application for residential development and to form part of a supplemental agreement;

(iii) Provide a Local Area of Play (LAP) and Local Equipped Area of Play (LEAP) as shown on the amended illustrative master plan (ref: G2795(05)010) prior to the completion of the 50th residential unit built on the site. The specification of the Local Area of Play and Local Equipped Area of Play, including precise location, size and future maintenance requirements, to be agreed in writing by the Council prior to the submission of the first reserved matters application for residential development;

(iv) Provide a riverside walkway (as indicated on the illustrative master plan) prior to the occupation of the 50th residential unit built on the site. The specification for the walkway, including precise location, size and future maintenance requirements, to be agreed in writing by the Council prior to the submission of the first reserved matters application for residential development;

(v) Provide 929 sq m (10,000 sq ft) of industrial starter unit floor space in accordance with a specification to be agreed with the Council prior to the 50th residential unit built on the site, or other trigger to be agreed in writing. The remainder of the land indicated as B1 employment on the illustrative master plan to be levelled and surfaced with access and services provided for its future use.

(B) The Corporate Director Communities be given plenary powers to notify the Welsh Government of the intention to approve the application in accordance with Circular 7/12: Town and Country Planning (Notification) (Wales) Direction 2012.

(C) The Corporate Director Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal should the Welsh Government offer no adverse comments to the application and once the applicant has entered into the aforementioned Section 106 Agreement and subject to the standard outline conditions and the following additional conditions:

- 1 Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in conformity with the following drawings:

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

Site Boundary Plan (received 22 November 2013)
Masterplan G2795(05)010 (received 9 June 2014)
Parameters Plan G2795(05)011B: Rev.B (received 9 June 2014)

Reason: To avoid doubt or confusion as to the extent of the permission hereby granted and in the interests of highway safety and to safeguard the general amenities of the area.

2 Notwithstanding the submitted plans and unless otherwise agreed in writing by the Local Planning Authority, the consent hereby granted shall be limited to:

- i) no more than 115 units of residential accommodation
- ii) up to 650sqm fast food retail
- iii) up to 447sqm non-food retail
- iv) up to 464sqm bulky goods retail
- v) up to 557sqm food retail
- vi) up to 557sqm public house
- vii) up to a 50 bed extra care residential home
- viii) 1 larger B1 industrial unit measuring no more than 929sqm
- ix) up to 14 smaller B1 industrial units, providing no more than 2323sqm of industrial floor space in total

Reason: To avoid doubt and confusion as to the extent of the permission hereby granted and in the interests of highway safety and to safeguard the general amenities of the area.

3 No development shall take place, including any works of demolition/site clearance, until a Construction Method Statement has been submitted to, and agreed in writing by, the Local Planning Authority. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel washing facilities
- v. measures to control the emission of dust and dirt during construction
- vi. the provision of temporary traffic and pedestrian management along the A4063 Llwydarth Road and Oakwood Drive
- vii. Construction noise management plan identifying details of equipment to be employed, operations to be carried out and mitigation measures (such as those identified in section 6.1 of the noise report) to be used;
- viii. Approximate timescales of each operational phase;
- ix. Operational hours;
- v. A scheme of vibration monitoring for any piling operations that are to be undertaken and their locations
- x. A scheme for implementing effective liaison with the local residents

Development shall be carried out in accordance with the agreed Construction Method Statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and general amenities.

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

- 4 There shall be no direct means of vehicle access from Oakwood Drive into the area of land accommodating the fast food restaurants, as shown on drawing number: MasterPlan G2795(05)010 (received 9 June 2014).

Reason: In the interests of highway safety.

- 5 There shall be no means of vehicle access into the western site boundary for the first 80m (measured from the northern site boundary - the communal boundary with the adjacent builders merchants), as shown on drawing number: G2795(05)010 - Masterplan (received 9 June 2014).

Reason: In the interests of highway safety.

- 6 The main access points into the site shall be no less than 40m apart (measured from the centre of each junction).

Reason: In the interests of highway safety.

- 7 Notwithstanding the submitted plans, no development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing the site frontage boundary being set back and a 3.0m wide segregated, shared community route provided, which shall appropriately link into the existing footways abutting 43 Ewenny Road and 1 Oakwood. The scheme shall be fully implemented in accordance with the agreed details before the development is brought into beneficial use.

Reason: In the interests of highway safety and to promote sustainable means of transport to/from the site.

- 8 Notwithstanding the submitted plans, no development shall commence until a scheme showing vehicular turning facilities for each land use has been submitted to and agreed in writing by the Local Planning Authority. The turning facilities shall be designed so as to enable vehicles to enter and leave in a forward gear. The turning facilities shall be implemented in accordance with the agreed scheme and completed prior to the respective proposed development associated with each land use being brought into beneficial use. The agreed turning facilities shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

- 9 All vehicle accesses linking onto Oakwood Drive shall be laid out with vision splays of 2.4m x 43m in both directions before the development is brought into beneficial use and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

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

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

Reason: In the interests of highway safety.

- 11 Notwithstanding the submitted plans, no development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing traffic speed reduction measures along Oakwood Drive between Ewenny Road and 1 Oakwood. Such a scheme shall include appropriate signage and carriageway markings and shall be fully implemented in accordance with the agreed scheme before each individual development is brought into beneficial use.

Reason: In the interests of highway safety.

- 12 Notwithstanding the submitted plans, no development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing traffic speed reduction measures along the internal access roads within the site. Such a scheme shall include measures to reduce vehicle speeds to no more than 20mph and shall be fully implemented, along with the appropriate signage and carriageway markings, in accordance with the agreed scheme before each individual development is brought into beneficial use.

Reason: In the interests of highway and pedestrian safety.

- 13 No development shall commence until a scheme for the provision of improvements to the two bus stops sited on the A4063 in the vicinity of 26 Bethania Street has been submitted to and agreed in writing by the Local Planning Authority. The improvement works shall be fully implemented in accordance with the agreed scheme before each individual development is brought into beneficial use.

Reason: To promote sustainable means of transport to/from the site.

- 14 No development shall commence until a scheme for the provision of pedestrian crossing points at appropriate locations across: Oakwood Drive, the road linking Oakwood Drive with the A4063, each of the accesses into the site, and the roads between 2 and 31 Oakwood, and 48 and 49 Oakwood has been submitted to and agreed in writing by the Local Planning Authority. The crossing points shall consist of dropped kerbs and tactile paving and shall be implemented before each individual development is brought into beneficial use and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to promote sustainable means of transport to/from the site.

- 15 No development shall commence until a scheme for the provision of a physical barrier incorporating an anti-dazzle function along the first 70m of the site frontage (measured from the northern site boundary), as shown on drawing number: G2795(05)010 - Masterplan (received 9 June 2014), has been submitted to and agreed in writing by the Local Planning Authority and implemented in accordance with the agreed details prior to the beneficial use of the proposed development.

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

Reason: *In the interests of highway safety.*

- 16** This permission granted does not extend to any matters which are by other conditions required to be further approved by or agreed with the Local Planning Authority, notwithstanding that all or any such matters are included or referred to on the submitted plan.

Reason: For the avoidance of doubt as to the extent of permission hereby granted.

- 17** No development shall commence until specific details of the location, layout and mitigation measures to be applied to any business capable of giving rise to odour nuisance has been submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, the agreed mitigation measures shall be implemented prior to the beneficial occupation of that business premises and any equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.

Reason: In the interests of amenities.

- 18** Prior to commencement of each phase of the development hereby approved, no development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority an options appraisal and remediation strategy giving full details of the remediation measures required in residential gardens/soft landscaped areas and how they are to be undertaken. Development shall be carried out in accordance with the agreed appraisal and strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenities.

- 19** Prior to the beneficial occupation of any part of the permitted development, a verification report demonstrating completion of works set out in the approved remediation strategy referred to in condition 18 above, and the effectiveness of the remediation shall be submitted to and agreed, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the agreed verification plan to demonstrate that the site remediation criteria have been met. The report shall also include:

- i) A 'long-term monitoring and maintenance plan' for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan;
- ii) Reports on monitoring, maintenance and any contingency action;
- iii) A final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring

Unless otherwise agreed in writing by the Local Planning Authority, the long-term monitoring and maintenance arrangements shall be implemented in accordance with the agreed reports and plan(s).

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

Reason: In the interests of amenities.

- 20** If during development, contamination not previously identified is found to be present at the site then no further development shall be carried out on that phase of development until there has been submitted to and agreed in writing by the Local Planning Authority a remediation strategy. The strategy shall include details of all measures for the treatment of any unsuspected contamination. Development shall be carried out in accordance with the remediation strategy.

Reason: In the interests of amenities.

- 21** No development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority for a 2.0m high acoustic barrier to be erected immediately west of the car park and 'drive through' to the northernmost fast food restaurant. The scheme shall also include the design details of the barrier and construction material. The barrier shall be erected in accordance with the agreed scheme prior to the beneficial occupation of any of the 'drive through' restaurants hereby approved and shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenities.

- 22** No development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority for a 2.3m high and 3.0m high acoustic barrier at the locations recommended in Section 6.2.2 of the Noise Impact Assessment (conducted by Waterman Transport & Development Limited - received 25 November 2013). The scheme shall also include the design details of the barriers and construction material. The barriers shall be erected in accordance with the agreed scheme and in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority. The barriers shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenities.

- 23** The A1 uses hereby permitted, as defined by the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order), shall not be open to customers outside the following times:

0700-2300 hours Monday-Saturday
0700-2200 hours Sundays

Reason: In the interests of amenities.

- 24** The A3 uses hereby permitted, as defined by the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order), shall not be open to customers outside the following times:

0700-2300 hours Sunday-Thursday
0700-midnight Friday-Saturday

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

Reason: In the interests of amenities.

- 25** Unless otherwise agreed in writing with the Local Planning Authority, deliveries to the A1, A3 and B1 units, as defined by the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order) shall be restricted to:

0700-2200 hours Monday-Friday
0800-2200 hours Saturday-Sunday

Reason: In the interest of amenities.

- 26** Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), or The Town and Country Planning use Classes (Order) 1987 no development which would be permitted under Article 3 and Class B of Part 3 to Schedule 2 (Change of Use) of the Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenities.

- 27** Any subsequent reserved matters application associated with the permission hereby granted shall include the submission of a detailed noise assessment to ensure that the rating level (when assessing the noise using BS4142) of the cumulative noise generated from fixed plant and any other operations which fall within the scope of BS4142 as measured (or where this is not possible, calculated) as an A-weighted equivalent continuous sound pressure level (LAeq), in free field conditions at the boundary of any residential premises, shall not exceed the following:

Daytime (0700-1900 hrs)	Evening (1900- 23.00hrs)	Night (23.00-07.00hrs)
49dB LAeq,1hr	43dB LAeq,1hr	40dB LAeq, 5mins

- 28** Any subsequent reserved matters application associated with the permission hereby granted shall include the submission of a report which reviews the noise likely to be emitted as a result of the employment uses on the site. The report shall include:

- i) a review of the type of operations at the site and the noise levels/noise impact likely to be generated from these operations
- ii) details of fixed plant, including the location and noise levels to be emitted from the plant
- iii) hours of operation
- iv) details of deliveries
- v) any mitigation measures

Reason: In the interests of amenities.

- 29** Unless otherwise agreed in writing by the Local Planning Authority, the remedial measures for the shallow workings and the stabilisation and remediation works for the mine entries, shall be carried out in accordance with the documents titled:

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

Report on Site Investigations (2010) - Undertaken by Johnson Poole & Bloomer Land Consultants (received 29 November 2013)

Site Investigations (2013) - Undertaken by Johnson Poole & Bloomer Land Consultants (received 29 November 2013)

Reason: In the interests of safety.

- 30** No development shall commence until the mitigation measures and recommendations identified within Chapter 7 of the Extended Phase I Habitat Survey (November 2013) - conducted by Acer Ecology (received 22 November 2013) have been completed in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority. The mitigation measures and recommendations shall be carried out in accordance with the agreed timetable.

Reason: To ensure that adequate mitigation measures are undertaken in respect of ecology and biodiversity

- 31** Any subsequent reserved matters application associated with the permission hereby granted shall include the submission of an Ecological Management Plan, as identified within Chapter 7 of the Extended Phase I Habitat Survey (November 2013) - conducted by Acer Ecology (received 22 November 2013).

Reason: To ensure that adequate mitigation measures are undertaken in respect of ecology and biodiversity

- 32** No development shall commence until a scheme for the eradication and/or control of Japanese Knotweed & Himalayan Balsam has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity/ecology.

- 33** No development shall commence until a scheme for the comprehensive and integrated drainage of the site, including attenuation to brownfield run-off, showing how foul drainage, road and roof/yard (surface) water will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the beneficial use of any part of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

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

- 34** No development shall commence on site until a scheme has been submitted to and agreed in writing by the Local Planning Authority to include a ground investigation report and infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system. Development shall be carried out in accordance with the agreed scheme and implemented prior to the beneficial occupation of any of the

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

development hereby approved.

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

- 35** No development shall commence on site until a detailed, comprehensive and site-specific emergency flood plan has been submitted to and agreed in writing by the Local Planning Authority. The plan shall include details on the designated emergency routes and the method of how on-site occupants will be notified of the flood event.

Reason: To ensure that flood risk is clearly identified and that all parties are aware of the associated risks.

- 36** 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.

- 37** 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 (including noise barriers) to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable unless otherwise agreed in writing by the Local Planning Authority.

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

- 38** No development shall take place until details of the proposed floor levels of the buildings in relation to existing ground levels and the finished levels of the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the development relates appropriately to the topography of the site and the surrounding area.

- 39** The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief will be undertaken to the standards laid down by the Institute of Field Archaeologists. The Local Planning Authority shall be informed in writing, at least two weeks prior to the commencement of the development, of the name of the said archaeologist and no work shall commence until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief shall be submitted to the Local Planning Authority within three months of the fieldwork being completed by the archaeologist.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

- 40 No development shall take place until full details of both hard and soft landscape works have been submitted to and agreed in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant. The agreed landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed by the Local Planning Authority prior to any development commencing on site.

Reason : To maintain and improve the appearance of the area in the interests of visual amenity, and to promote nature conservation.

- 41 The plans and particulars submitted in accordance with the reserved matter in respect of landscaping above shall include:-

(a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and crown spread of each retained tree;

(b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs(c) and (d) below apply;

(c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site.

(e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

Reason : To maintain and improve the appearance of the area in the interests of visual amenity, and to promote nature conservation.

- 42 No development shall take place until a schedule of landscape maintenance (excluding domestic gardens) for a minimum period of 3 years has been submitted to and agreed in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the agreed schedule.

Reason: To maintain and improve the appearance of the area in the interests of visual

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

amenity, and to promote nature conservation.

- 43** Unless otherwise agreed in writing by the Local Planning Authority, there shall be no amalgamation of Units marked 'C' on drawing number: G2795(05)010 (Masterplan - received 9 June 2014)

Reason: To establish and retain a local service centre and to avoid undue harm on the vitality and viability of the Maesteg town centre.

- 44** Unless otherwise agreed in writing by the Local Planning Authority, there shall be no amalgamation of Units marked 'D' and 'E' on drawing number: G2795(05)010 (Masterplan - received 9 June 2014)

Reason: To establish and retain a local service centre and to avoid undue harm on the vitality and viability of the Maesteg town centre.

- 45** Unless otherwise agreed in writing by the Local Planning Authority, Unit marked 'D' on drawing number: G2795(05)010 (Masterplan - received 9 June 2014) shall be used for the sale of bulky goods and for no other purpose including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To establish and retain a local service centre and to avoid undue harm on the vitality and viability of the Maesteg town centre.

- 46** Unless otherwise agreed in writing by the Local Planning Authority, there shall be no subdivision of Unit marked 'D' on drawing number: G2795(05)010 (Masterplan - received 9 June 2014)

Reason: To establish and retain a local service centre and to avoid undue harm on the vitality and viability of the Maesteg town centre.

- 47** Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and agreed, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Development shall be carried out in accordance with the agreed details.

Reason: In the interests of safety and to ensure effective control of pollution and contamination.

- 48 Unless otherwise agreed in writing by the Local Planning Authority, piling or any other foundation designs using penetrative methods shall not be permitted in the construction of the development hereby approved.

Reason: In the interests of safety and to ensure effective control of pollution and contamination.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a. Having considered all relevant evidence and material planning considerations, this outline application is recommended for approval because the development generally complies with Council policy and guidelines. The development, in principle, would offer significant benefits to the economic, social and environmental regeneration of Maesteg and would not adversely affect visual amenities, highway/pedestrian safety, ecology/biodiversity, the vitality and viability to Maesteg Town Centre nor so significantly harms neighbours' amenities as to warrant refusal. Matters relating to flooding only marginally exceed the guidance of Technical Advice Note 15 and in the absence of adverse comments from Emergency Services and subject to conditions, any flood risks could be reasonably mitigated so as to avoid undue risk and harm to the public.

b. The applicant/developer will be required to enter into a legally binding Section 111 Licence Agreement including an appropriate bond to secure the proper implementation of the proposed highway improvement and traffic calming works and the adoption of the same as part of the maintainable highway. The commencement of the works on or abutting the existing maintainable highway will not be permitted until such time as the Agreement has been concluded.

c. With regard to Conditions 11 and 12 (speed reduction and traffic calming measures), the applicant/developer is advised that it would be of benefit to consult with the Highway Authority before submitting any schemes.

d. Off street parking, both operational and non-operational, and cycle parking must be provided for each of the proposed land uses to the satisfaction of the Local Planning Authority and attention is drawn to Supplementary Planning Guidance 17 (SPG17) 'Parking Standards 2010'.

e. The applicant/developer is advised that any proposed 'Private Drives' will not be adopted by the Highway Authority.

f. The applicant/developer is advised that there may be a requirement to enter into a Section 59 Agreement for extraordinary maintenance liability (in accordance with the Highways Act 1980)

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

prior to any consent being granted to make certain the applicant/developer can be held fully liable for any deterioration of the highway as a result of the construction works.

g. The developer should make every effort to ensure surface water from any permanent surface drains onto adjacent porous surfaces, thereby reducing the demand on the drainage system. Alternatively, the developer may wish to explore the use of permeable materials for the access, parking and turning areas, although compacted chippings would not be considered acceptable as they are likely to be dragged onto the highway to the detriment of highway and pedestrian safety. As a result of the above, impermeable surfacing such as concrete or tarmac extending across the full width of the access, parking and turning areas should not be considered as a first option.

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

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

j. The applicant/developer is advised that The Coal Authority recommends that the mine adit and necessary clearance zone is further considered and defined on the layout submitted for reserved matters approval.

k. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action.

l. The applicant/developer is advised that building over, or within, the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately.

m. The applicant/developer is advised that the foul flows from the proposed development shall be connected into the 225mm combined sewer that crosses the site between manholes 5586901503 and 5586903404.

n. Foul water and surface water discharges shall be drained separately from the site. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

o. The applicant/developer is advised to provide a suitable grease trap to prevent entry into the public sewerage system or matter likely to interfere with the free flow of the sewer contents, or which would prejudicially affect the treatment and disposal of such contents.

p. The proposed development site is crossed by a 225mm and a 600mm public sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No development (including the raising or lowering of ground levels) will be permitted within 3 metres either side of the centreline of the 225mm public sewer, and within 6 metres either side of the centreline of the 600mm public sewer.

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

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

r. The applicant/developer is advised that the detailed plans submitted with any future reserved matters application for the food-related units, should contain details of external customer litter bins and appropriate storage/service areas for commercial wastes.

s. In order to satisfy condition 33 (drainage), the applicant/developer is advised to submit the following information:

i. Calculations to support the attenuation to brown field run-off rates within the surface water drainage proposals

ii. Supporting calculations of the design rates

iii. 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.

t. The applicant/developer is advised to submit copies of the "completion/verification" reports with regards to Asbestos Containing Materials (ACM) on-site to the Public Protection Department of the Council so that they can be reviewed to confirm that the site no longer poses a risk with regards to ACM.

u. The applicant/developer is advised that as part of addressing condition 37 (boundary treatments) the gardens of the public house (other than any garden areas which may be re-located to the front of the premises) should be enclosed with a 2.6m barrier which should be extended around the perimeter of the car park.

v. The applicant/developer is advised that should the design details of the development change significantly from the master plan to the extent that it will invalidate the conclusions and mitigation measures outlined in the noise report, a further noise assessment shall be submitted to demonstrate that the noise from the development will not adversely affect any residential premises.

w. The applicant/developer is advised that no window to a habitable room of any proposed dwelling should directly face such a window of another dwelling at a distance of less than 21m. A habitable room includes a bedroom, lounge, living room, dining room, study and a kitchen but not a bathroom, hall or utility room.

x. The applicant/developer is advised that the distance between any habitable room window at first floor level (or above) and the directly facing boundary of another property should be at least 10.5m (increasing to 12m if the window is to a living room).

y. The applicant/developer is encouraged to produce a pack containing information relating to accessing alternative modes of transportation, including public transport information such as timetables and the locations of nearby active travel routes (walking and cycling) and bus/rail facilities to the occupiers (residents/staff) based within each building, upon occupation of each of the buildings.

z. The applicant/developer is advised to inspect the full correspondence and advisory notes from all statutory consultees. Copies are available on the Council's planning web page: www.bridgend.gov.uk/planning (Planning Application Search Tool).

z.1 The applicant/developer is advised that 'bulky goods' premises is generally defined as a

DEVELOPMENT CONTROL COMMITTEE MEETING - 26TH JUNE 2014

building or place that contain goods of a large physical nature (for example DIY, furniture, carpets) that require large areas for storage or display. Additionally, bulky goods are goods that, due to their such size or weight, require a large area for handling, display or storage, as well as vehicle access to the site of the building (or place) by members of the public in order to load or unload the goods into or from their vehicles after purchase or hire.

ITEM: 7 **RECOMMENDATION: REFER TO COUNCIL**

REFERENCE: P/13/938/FUL

APPLICANT: MR D WILLIAMS
30 CWRT PANT YR AWEL LEWISTOWN BRIDGEND

LOCATION: REAR OF 29-34 CWRT PANT YR AWEL LEWISTOWN BRIDGEND

PROPOSAL: INCLUSION OF LAND WITHIN CURTILAGE & RETAIN GARDEN STRUCTURES

RECEIVED: 31st December 2013

APPLICATION/SITE DESCRIPTION

The retrospective planning application seeks planning permission to include a parcel of land to the rear of 29-34 Cwrt Pant yr Awel, within the curtilage of 30 Cwrt Pant yr Awel, Blackmill Road, Lewistown.

RELEVANT HISTORY

None.

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/publicity expired on 18 March 2014

NEGOTIATIONS

None.

CONSULTATION RESPONSES

Town/Community Council Observations
Notified on 10th January 2014

DEVELOPMENT CONTROL COMMITTEE

26 JUNE 2014

AMENDMENT SHEET

Reason: In the interests of pollution prevention

4 **27** **P/14/310/FUL**

The applicant's agent clarified in writing on 19 June 2014 that the proposed development will not overhang any neighbouring properties.

The final sentence of the Appraisal Section (Page 30) should be removed.

5 **32** **P/13/166/OUT**

A Full Committee Site Visit was held on Wednesday 25 June 2014. The Local Member and the applicant were in attendance.

CONSULTATION RESPONSES

Land Drainage requested that a condition and notes be attached to any permission granted.

Recommendation

The following condition be added:-

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

Notes

No surface water is allowed to discharge to the public highway

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

6 **39** **P/13/808/OUT**

A Full Committee Site Visit was held on Wednesday 25 June 2014. A representative of Maesteg Town Council was present.

Cllr. Ross Thomas submitted the following comments:

"I support the development of this site *in principle* in the knowledge that it is a key, strategic location for the regeneration of Maesteg and the wider Llynfi Valley. Once the home of two major multi-national operations with a combined workforce in excess of 1,000 people (much of it locally-based), this site has been the subject of much local discussion and debate over the past few years.

I recognise the decline in industry - locally, regionally and on a national level - and a move by national government towards supporting the 'service sector' which, in the main, bases itself in areas where existing infrastructure is well-developed and in close proximity to major travel networks (rail, road etc.) To this end, I am aware that we would struggle to attract any sort of development that would bring with it mass employment potential on a scale previously enjoyed at this site. Nonetheless, I am keen to ensure that the developments that do take place realise as much employment potential as is possible.

My primary concern is in the development of smaller units at this site. On balance, I believe it would be far more beneficial to create a small number of bigger units rather than a large number of small units. The occupancy rate of similar such (small) units in the Llynfi Valley is already low. The site lends itself ideally to attracting a few larger stores which could not be accommodated in Maesteg town centre i.e. DIY and general homeware stores. My fear is in the 'pull' factor to this site to the detriment of the town centre, including but not restricted to the new Market Square. There will need to be a concerted effort to avoid this at all costs and ensure that this site and the town centre are **equally attractive** in what they offer for potential visitors and footfall, and that both link well with each other, more particularly when attracting footfall from outside of the valley."

In response to the comments received from Cllr. Thomas, refer to the 'Appraisal' section of the report (sub-headings 'General Retailing' and 'Bulky Goods').

The following amendment to Heads of Terms (v) is recommended:

Ensure that the land identified as Employment Land on Plan Number G2795(05)010: Masterplan (received 9 June 2014) is re-profiled, surfaced and fully serviced, including a highway access of appropriate size and standard, in accordance with a scheme and method statement to be submitted and approved in writing by the Council, no later than the construction of the 50th residential unit built on the site.

7

75

P/13/938/FUL

A Full Committee Site Visit was held on Wednesday 25 June 2014. The Local Member and the applicant were in attendance.

10

81

TRAINING LOG

Facilitator

Subject

Date

Time

Craig Flower
and Jonathan Parsons

"Life of a Planning
Application"

21st August

12.45

MARK SHEPHARD
CORPORATE DIRECTOR – COMMUNITIES
26 JUNE 2014