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Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

*Rydym yn croesawu gohebiaeth yn Gymraeg.
Rhowch wybod i ni os mai Cymraeg yw eich
dewis iaith.*

*We welcome correspondence in Welsh. Please
let us know if your language choice is Welsh.*

Gwasanaethau Gweithredol a Phartneriaethol / Operational and Partnership Services

Deialu uniongyrchol / Direct line /: 01656 643147
Gofynnwch am / Ask for: Andrew Rees

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: 5 May 2016

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held in the Council Chamber, Civic Offices Angel Street Bridgend CF31 4WB on **Thursday, 12 May 2016 at 2.00 pm.**

AGENDA

1. Apologies for Absence
To receive apologies for absence from Members.
2. Declarations of Interest
To receive declarations of personal and prejudicial interest (if any) from Members/Officers including those who are also Town and Community Councillors, in accordance with the provisions of the Members' Code of Conduct adopted by Council from 1 September 2008. Members having such dual roles should declare a personal interest in respect of their membership of such Town/Community Council and a prejudicial interest if they have taken part in the consideration of an item at that Town/Community Council contained in the Officer's Reports below.
3. Site Visits
To confirm a date of Wednesday 8 June 2016 for proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.
4. Approval of Minutes 5 - 14
To receive for approval the minutes of the Development Control Committee of 31 March 2016.
5. Public Speakers
To advise Members of the names of the public speakers listed to speak at today's meeting (if any).
6. Amendment Sheet

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We welcome correspondence in Welsh. Please let us know if your language choice is Welsh

That the Chairperson accepts the Development Control Committee Amendment Sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be accommodated.

7.	<u>Development Control Committee Guidance</u>	15 - 18
8.	<u>Officer's Reports</u>	
(a)	P/15/787/FUL - Adj. Bellway Development off Newton Nottage Road, Newton, Porthcawl	19 - 32
(b)	P/15/648/OUT - St Clares Convent, Clevis Lane, Porthcawl	33 - 48
(c)	P/15/647/CAC - St Clares Convent, Clevis Lane, Porthcawl	49 - 60
(d)	P/15/847/FUL - St Johns Ambulance Hall, Bedford Close, Cefn Cribwr	61 - 70
(e)	P/16/43/FUL - Windrush, Heol Las, Mawdlam to Heol Drewi, Ton Kenfig, Kenfig, Bridgend	71 - 80
(f)	P/16/173/FUL - 36 Ffordd Sanderling, Porthcawl, Bridgend	81 - 90
(g)	P/13/808/OUT - Land off Oakwood Drive, Maesteg	91 - 150
9.	<u>Appeals</u>	151 - 178
10.	<u>WLGAs Draft Planning Committee Protocol - Formal Consultation Response</u>	179 - 202
11.	<u>Proposed Extension to Porthcawl Conservation Area and Proposed Article 4(2) Direction</u>	203 - 218
12.	<u>Training Log</u>	219 - 220
13.	<u>Urgent Items</u> To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency	

Yours faithfully

P A Jolley

Corporate Director Operational and Partnership Services

Distribution:

Councillors:

N Clarke
GW Davies MBE
PA Davies
L Ellis
CA Green
RC Jones

Councillors

DRW Lewis
JE Lewis
HE Morgan
LC Morgan
D Patel
JC Spanswick

Councillors

G Thomas
M Thomas
JH Tildesley MBE
C Westwood
R Williams
M Winter

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DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 31 MARCH 2016

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 31 MARCH 2016 AT 2.00 PM

Present

Councillor M Thomas – Chairperson

N Clarke	GW Davies MBE	PA Davies	CA Green
DRW Lewis	JE Lewis	HE Morgan	LC Morgan
D Patel	JC Spanswick	G Thomas	JH Tildesley MBE
C Westwood	M Winter		

Officers:

Jonathan Parsons	Group Manager Development
Rhodri Davies	Development and Building Control Manager
Tony Godsall	Traffic and Transportation Manager
Leigh Tuck	Senior Development Control Officer
Helen Williams	Senior EHO Pollution
Elizabeth Woolley	Senior Planning Officer
Craig Flower	Technical Support Team Leader
Jane Dessent	Lawyer
Gary Jones	Head of Democratic Services
Andrew Rees	Senior Democratic Services Officer - Committees
Sarah Daniel	Democratic Services Officer - Committees

697. CHAIRPERSON'S ANNOUNCEMENTS

The Chairperson congratulated the Planning and Development Department for their excellent performance figures in the all Wales Annual Performance Report and internal audit.

698. APOLOGIES FOR ABSENCE

Apologies for absence were received from:

Councillor R C Jones
Councillor R Williams

699. DECLARATIONS OF INTEREST

Declarations of Interest were received from the following Members:

Councillor G Thomas – personal interest in item 8a as he is a member of St Brides Minor Community Council but takes no part in planning matters

Councillor D Lewis – personal interest in item 8a as he is a member of St Brides Minor Community Council but takes no part in planning matters

Councillor J Lewis – personal interest in item 8a as she is a member of St Brides Minor Community Council but takes no part in planning matters.

700. SITE VISITS

RESOLVED: That the date for site inspections (if any) arising from the meeting or identified in advance of the next meeting of the Committee by the Chairperson was confirmed as Wednesday 4 May 2016 for a site inspection of the Special meeting of the Development Control Committee of the same date relating to Margam Mine and Wednesday 11th May 2016 for proposed site inspections arising at the ordinary meeting of the Committee dated 12 May 2016.

701. APPROVAL OF MINUTES

RESOLVED: That the minutes of a meeting of the Development Control Committee held on the 18 February were approved as a true record of the meeting subject to Councillor J Spanswick being added the list of apologies.

702. PUBLIC SPEAKERS

The Chairperson read out for the benefit of those present, the name of the public speaker addressing the following application which was considered at the meeting:

<u>Name:</u>	<u>Planning Application No:</u>	<u>Reason for Speaking:</u>
Cllr Jean Phillips	P/15/62/FUL	T&CC Member
Mr Luke Davies	P/15/62/FUL	Applicant
Heidi Morgan	P/16/11/OUT	Objector
Rachel Downs	P/16/80/FUL	Objector

703. AMENDMENT SHEET

The Group Manager Development advised that in accordance with new procedures, and following the Chairperson's consent, Members had received the Amendment Sheet following the Site Visit as an urgent item in accordance with Part 4 (paragraph 4) of the Council's Procedure Rules, in order to allow for the Committee to consider modifications to the Committee report, so as to take account of any late representations and revisions that require to be accommodated.

704. P/15/847/FUL ST JOHNS AMBULANCE HALL, BEDFORD CLOSE, CEFN CRIBWR

RESOLVED: That the following application be deferred until the land ownership and concerns in respect of the design of the site had been resolved

<u>Code No:</u>	<u>Proposal</u>
P/15/847/FUL	Create 12 flats comprising 3 X 2 Bed Flats and 9 X 1 Bed Flats in one 2 storey building

705. P/15/62/FUL FORMER OGMORE COMPREHENSIVE SCHOOL PLAY FIELDS, ABERGARW ROAD, BRYNMENYN

Councillor JE Lewis made a statement prior to consideration of the Item that although the report recorded that she objected to the increase of traffic she had not made any decision on the Application and came to the meeting with an open mind and would make any decision after hearing all of the

information presented to the committee. Councillor J Lewis clarified that her objection was only in relation to the increased traffic.

During discussion of the application Councillor N Clarke asked the Legal Officer how Members should treat the application given that the site was owned by the Council. The Legal Officer advised that the application should be considered as any other application would and that Council ownership of the land should in no way influence the decision made by Members.

RESOLVED: (A) That having regard to the following application, the applicant enters into a Section 106 Agreement to:

- a) Provide a financial contribution of £637,728.00 affordable housing
- b) Provide a financial contribution of £391,512.00 towards additional Primary School facilities
- c) Provide a financial contribution of £50,760.00 towards the provision of offsite recreation facilities within the area
- d) Either provide a financial contribution of £75,000.00 to cover the cost of the provision of an active travel route from the application site to link with existing on road cycle routes and routes for pedestrian to the north and south of the application site or, alternatively, provide the route themselves in accordance with a scheme to be agreed with the Local Planning Authority in conjunction with the Highway Authority
- e) Provide a financial contribution of £7,000.00 to fund a Road Traffic Order to designate the development site as a 20mph zone

Code No:
P/15/62/FUL

Proposal
Res. Dev. for 108 dwellings and Assoc. Works Incl.
Demolition of Former Caretakers Lodge

(B) The Corporate Director Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, subject to the conditions in the report of the Corporate Director Communities and subject also to the amendment of condition 11, and additional conditions 16-27 and advisory notes g-w as follows:

- 11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification) no buildings on Plots 97-108 inclusive shall be erected other than those expressly authorised by this permission.
- 16. No development shall take place, including any works of demolition/site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:-
 - i. The routing of HGV construction traffic to/from the site in order to avoid Ogmores Terrace, Wigan Terrace and Bryn Road
 - ii. the parking of vehicles of site operatives and visitors
 - iii. loading and unloading of plant and materials
 - iv. storage of plant and materials used in constructing the development
 - v. wheel washing facilities

- vi. measures to control the emission of dust and dirt during construction
- vii. the provision of temporary traffic and pedestrian management along the A4065 Abergarw Road

Reason: In the interests of highway safety.

17. No development shall commence until a scheme for the provision of revised turning head facilities adjacent to plot 57 and fronting plot 79 together with revised visitor parking and re-sited dwelling has been submitted to and approved in writing by the Local Planning Authority. The revised turning heads and associated parking and dwelling shall be implemented in permanent materials before any of the individual residential units is brought into beneficial use.

Reason: In the interests of highway safety.

18. The proposed means of access shall be laid out with vision splays of 2.4m x 90m in both directions before any of the dwellings are occupied and retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

19. 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.

20. The site access and internal road layout hereby approved shall be at a gradient not steeper than 5% (1 in 20) for the first 10 metres and thereafter not steeper than 8.3% (1 in 12).

Reason: In the interests of highway safety.

21. The construction of the roads shall be implemented in accordance with approved engineering details and completed to binder course level of bituminous material prior to the first dwelling being occupied in any one particular street to be completed and shall be completed prior to beneficial occupation of the last dwelling in such street or otherwise in accordance with a programme to be agreed with the Local Planning Authority.

Reason: To ensure safe and satisfactory vehicular and pedestrian access to the dwellings in the interests of public and highway safety.

22. Notwithstanding the submitted drawings, no works shall commence on the construction of the roads until such time as a comprehensive traffic calming scheme has been submitted to and approved in writing by the Local Planning Authority for traffic calming restricting 85% tile traffic speeds to 15 – 20 m.p.h. The traffic calming facilities shall be implemented in accordance with the approved engineering details and completed within the same programme identified for the associated streets.

Reason: In the interests of highway safety.

23. No development shall take place until there has been deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that any retaining wall necessary due to differences in level including that having an

influence on the highway will be designed and constructed so as to prevent subsequent ground movement. Any retaining wall shall then be constructed in accordance with the agreed details prior to the development being brought into beneficial use.

Reason : In the interests of highway safety.

24. No development shall commence until a scheme for the provision of 3 off street parking spaces per plot for plots 3 - 5 , 33-35, 42, 47, 60, 65, 71-73, 75, 80, 83, 94, has been submitted to and approved in writing by the Local Planning Authority. None of these plots be occupied until the proposed parking areas have been completed in permanent materials in accordance with the approved layout and retained thereafter for parking purposes in perpetuity.

Reason: In the interests of highway safety.

25. No development shall commence until a scheme for the provision of 2 off street parking spaces per plot for plots 39-41, 62-63, 85-86, 89-90, has been submitted to and approved in writing by the Local Planning Authority. None of these plots be occupied until the proposed parking areas have been completed in permanent materials in accordance with the approved layout and retained thereafter for parking purposes in perpetuity.

Reason: In the interests of highway safety.

26. No dwelling shall be occupied until the proposed parking areas have been completed in permanent materials prior to the development being brought into beneficial use and retained thereafter for parking purposes.

Reason: To ensure the provision and retention of sufficient off-street parking, compliance with the Disability Discrimination Act and to prevent loose stones, mud and gravel being spread on to the highway, in the interests of highway safety.

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) the garages shall be retained as such at all times and shall not be converted into living accommodation without the prior written consent of the Local Planning Authority.

Reason: To ensure the continued provision of adequate off-street parking and minimise on-street parking, in the interests of highway safety.

And subject to the following additional advisory notes:

- g. The Highway Authority will require the developer to enter into legal Agreements (Section 111 Licence Agreement, Section 38 Road Agreement and 104 Sewer Agreement) including, appropriate bonds to secure the implementation of the proposed highway and sewer works.
- h. The applicant should be advised that any building materials delivered to the development site shall not be deposited or stored on the highway, without the express PRIOR consent of Bridgend County Borough Council as the Highway Authority.

- i. An information pack containing public transport information including timetables, shall be provided by the developer upon occupation of each residential unit.
- j. The shared surface access street shall be laid out with the carriageway and the abutting pedestrian footways close to the same level to create a shared surface environment. The carriageway and footway surfaces shall be finished in StreetPrint and paviour blocks respectively with a granite sett ramped rumble strip at the entrance to the site.
- k. The applicant is advised that the Highway Authority reserves the right to invoke the powers contained in Section 59 of the Highways Act 1980 and recover additional expenses incurred in maintaining certain lengths of the highway network.
- l. The applicant is advised that the development should be designed and constructed in accordance with the January 1993 Mid Glamorgan County Council Design Guide for Residential and Industrial Estate Roads which has been adopted by Bridgend County Borough Council.
- m. In accordance with the Bridgend County Borough Council Design Guide road gradients shall be such that the maximum gradient of 1:12 is not exceeded. A 10m near level platform (1:20 or 1:25 maximum) shall apply at junctions. Access roads shall have a minimum gradient of 1:125.
- n. 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 and parking 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 and parking areas should not be considered as a first option.
- o. Details of any retaining walls within the site to be submitted to the Authority shall comprise location, finishes, structural calculations and constructional details proving that the structures concerned have been designed and will be constructed so as to prevent subsequent structural failure and ground movement and, in addition, in respect of any retaining wall or embankment supporting or having an influence on the abutting highway the design details, duly certified by a professional structural engineer, including full engineering details and structural calculations produced in accordance with the requirements of BD2/12 - Technical Approval Highway Structures as well as qualification that the structure will achieve a 120 year life span.
- p. Commuted sums to cover the extraordinary long term maintenance costs of any highway structures will be a prerequisite of the adoption of the road works as highways maintainable at the public expense.
- q. The scheme submitted to satisfy Condition 16 should comprise details of a mechanically operated wheel wash including a temporary access road completed in permanent materials (concrete or tarmac) that shall be located at least 15 - 20 metres from the edge of carriageway to ensure that when mud is washed off the wheels it can also be washed off the wash station.

- r. The developer should contact the Head Teacher of any local School affected by site traffic in order to make the School aware of the additional traffic movements and that no vehicles associated with the construction of the site will be allowed to enter or leave the site during the periods of half hour either side of the School's commencing and ending times.
- s. Rainwater run-off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under section 163 of the Highways Act 1980.
- t. All lorries should be suitably sheeted, as agreed in writing by the Local Planning Authority, before leaving the site.
- u. The developer is recommended to consider the provision of secure cycle parking facilities to serve each dwelling within the development.
- v. Construction traffic should enter or leave the site outside half an hour either side of school opening and closing times.
- w. Street nameplates reflecting the original street name allocated by the Council shall be erected by the developer at locations and to a specification to be agreed with the Highways Department before occupation of the first dwelling on the street.

706. P/16/11/OUT LAND AT 38 COYCHURCH ROAD, PENCOED

RESOLVED: That the following application be approved subject to the conditions outlined in the report of the Corporate Director Communities

<u>Code No:</u>	<u>Proposal</u>
P/16/11/OUT	Erection of 2 detached houses and shared driveway

707. P/16/80/FUL LAND REAR OF ROYAL OAK, STATION ROAD, KENFIG HILL

RESOLVED: That the following application be approved subject to the conditions outlined in the report of the Corporate Director Communities

<u>Code No:</u>	<u>Proposal</u>
P/16/80/FUL	Erection of 2 detached three bedroom dwellings

708. P/16/17/FUL 74 HEOL CASTELL, COETY, LITCHARD

RESOLVED: That the following application be approved subject to the conditions outlined in the report of the Corporate Director Communities

<u>Code No:</u>	<u>Proposal</u>
P/16/17/FUL	Loft Conversion Raising Ridge Height and Porch Extension

709. APPEALS

RESOLVED: (1) That the following Appeals received as outlined in the report of the Corporate Director – Communities be noted:-

<u>Code No.</u>	<u>Subject of Appeal</u>
A16/3143086 (1773)	New dwelling: Land between 16&17 High Street, Ogmere Vale

(2) That the Inspector appointed by Welsh Ministers to determine the following Appeals, has directed that they be DISMISSED

<u>Code No.</u>	<u>Subject of Appeal</u>
H/15/3138666 (1765)	Non-illuminated Advertisement Sign: 1 Rock Street, Aberkenfig

A/15/3136250 (1762)	Small Scale Standby Electricity Generation Plant: Land at Coity Road, Bridgend
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710. TRAINING LOG

The Group Manager Development reported on an updated training log.

RESOLVED: That the report of the Corporate Director Communities be noted.

711. DRAFT PLANNING COMMITTEE PROTOCOL

The Development and Building Control Manager gave a report to Members on the Draft Planning Committee Protocol prepared by Welsh Local Government Association (WLGA).

He stated to Members that any suggested revisions to the draft consultation response from the workshop or from Members after 31 March 2016 would be reported back to the Development Control Committee on 12 May 2016 for approval before formally submitting the Council's comments to the WLGA before the consultation period closes on 20 May 2016

RESOLVED: That the Committee:

1. Considered the draft Planning Committee Protocol produced by the WLGA
2. Considered the draft consultation response from the Local Planning Authority (Appendix 1) and agreed to provide their comments at the planned workshop session or before Friday 29 April 2016 and
3. Authorised Officers to amend the draft consultation document and produce a further report on the outcome of the consultation process which would be reported back to the Development Control Committee on 12 May 2016.

712. NEW DEVELOPMENT MANAGEMENT PROCEDURES INTRODUCED BY WELSH GOVERNMENT

The Development and Building Control Manager reported on the Welsh Government's new Development Management Procedures that came in to force on 25 February, 1 March and 16 March 2016

RESOLVED: That Members noted the content of the report on the new Development Management Procedures as implemented by the Welsh Government.

713. MARGAM OPENCAST COAL SITE

RESOLVED:

1. That the Committee noted that a Special Meeting of the Development Control Committee will be held on Wednesday 4 May 2016 at 2.00pm to consider an application received for an alternative restoration in respect of the Margam Opencast Coal Site
2. That the Committee agreed that the extended public speaking protocol for extraordinary planning applications be invoked for consideration of the above planning application P/16/128/FUL.

714. PROPOSED STATUTORY AND NON-STATUTORY PRE-APPLICATION ADVICE CHARGING REGIME

The Development and Building Control Manager submitted a report to Committee for the adoption of a statutory and an updated non-statutory/ bespoke pre-application advice charging regime. He explained that BCBC has operated a system of charging for pre-application advice since April 2011. The Planning (Wales) Act 2015 (6 July 2015) introduced new pre-application advice processes that would be key to the effective frontloading of applications. More specifically, Section 18 of the Act introduced a new statutory requirement for LPAs to provide pre-application services to applicants. He added that the fees charged for the statutory pre-application services would be the same across Wales, although they also vary depending upon the size and scale of the proposed development:

- Householder - £25
- Minor Development - £250
- Major Development - £600
- Large Major Development - £1000

RESOLVED: That the Development Control Committee approved the content of the report and the proposed charging regime before referring the matter to Cabinet.

715. URGENT ITEMS

None

The meeting closed at 4.30 pm

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Development Control Committee Guidance

I submit for your consideration the following report on Planning Applications and other Development Control matters based upon the information presently submitted to the Department. Should any additional information be submitted between the date of this report and 4.00pm on the day prior to the date of the meeting, relevant to the consideration of an item on the report, that additional information will be made available at the meeting.

For Members' assistance I have provided details on standard conditions on time limits, standard notes (attached to all consents for planning permission) and the reasons to justify site inspections.

STANDARD CONDITIONS

On some applications for planning permission reference is made in the recommendation to the permission granted being subject to standard conditions. These standard conditions set time limits in which the proposed development should be commenced, and are imposed by the Planning Act 1990. Members may find the following explanation helpful:-

Time-limits on full permission

Grants of planning permission (apart from outline permissions) must, under section 91 of the Act, be made subject to a condition imposing a time-limit within which the development authorised must be started. The section specifies a period of five years from the date of the permission. Where planning permission is granted without a condition limiting the duration of the planning permission, it is deemed to be granted subject to the condition that the development to which it relates must be begun not later than the expiration of 5 years beginning with the grant of permission.

Time-limits on outline permissions

Grants of outline planning permission must, under section 92 of the Act, be made subject to conditions imposing two types time-limit, one within which applications must be made for the approval of reserved matters and a second within which the development itself must be started. The periods specified in the section are three years from the grant of outline permission for the submission of applications for approval of reserved matters, and either five years from the grant of permission, or two years from the final approval of the last of the reserved matters, whichever is the longer, for starting the development.

Variation from standard time-limits

If the authority consider it appropriate on planning grounds they may use longer or shorter periods than those specified in the Act, but must give their reasons for so doing.

STANDARD NOTES

- a. Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developer's) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

- b. The enclosed notes which set out the rights of applicants who are aggrieved by the Council's decision.
- c. This planning permission does not convey any approval or consent required by Building Regulations or any other legislation or covenant nor permits you to build on, over or under your neighbour's land (trespass is a civil matter).

To determine whether your building work requires Building Regulation approval, or for other services provided by the Council's Building Control Section, you should contact that Section on 01656 643408 or at:- <http://www.bridgend.gov.uk/buildingcontrol>

- d. Developers are advised to contact the statutory undertakers as to whether any of their apparatus would be affected by the development
- e. Attention is drawn to the provisions of the party wall etc. act 1996
- f. Attention is drawn to the provisions of the Wildlife and Countryside Act 1981 and in particular to the need to not disturb nesting bird and protected species and their habitats.
- g. If your proposal relates to residential development requiring street naming you need to contact 01656 643136
- h. If you are participating in the DIY House Builders and Converters scheme the resultant VAT reclaim will be dealt with at the Chester VAT office (tel: 01244 684221)
- i. Developers are advised to contact the Environment and Energy helpline (tel: 0800 585794) and/or the energy efficiency advice centre (tel: 0800 512012) for advice on the efficient use of resources. Developers are also referred to Welsh Government Practice Guidance: Renewable and Low Carbon Energy in Buildings (July 2012):-
<http://wales.gov.uk/topics/planning/policy/guidanceandleaflets/energyinbuildings/?lang=en>
- j. Where appropriate, in order to make the development accessible for all those who might use the facility, the scheme must conform to the provisions of the Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005. Your attention is also drawn to the Code of Practice relating to the Disability Discrimination Act 1995 Part iii (Rights of Access to Goods, Facilities and Services)
- k. If your development lies within a coal mining area, you should take account of any coal mining related hazards to stability in your proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 7626848 or www.coal.gov.uk
- l. If your development lies within a limestone area you should take account of any limestone hazards to stability in your proposals. You are advised to engage a Consultant Engineer prior to commencing development in order to certify that proper site investigations have been carried out at the site sufficient to establish the ground precautions in relation to the proposed development and what precautions should be adopted in the design and construction of the proposed building(s) in order to minimise any damage which might arise as a result of the ground conditions.
- m. The Local Planning Authority will only consider minor amendments to approved development by the submission of an application under section 96A of the Town and Country Planning Act 1990. The following amendments will require a fresh application:-
 - re-siting of building(s) nearer any existing building or more than 250mm in any other direction;
 - increase in the volume of a building;
 - increase in the height of a building;
 - changes to the site area;
 - changes which conflict with a condition;
 - additional or repositioned windows / doors / openings within 21m of an existing building;
 - changes which alter the nature or description of the development;
 - new works or elements not part of the original scheme;
 - new works or elements not considered by an environmental statement submitted with the application.

- n. The developer shall notify the Planning Department on 01656 643155 / 643157 of the date of commencement of development or complete and return the Commencement Card (enclosed with this Notice).
- o. The presence of any significant unsuspected contamination, which becomes evident during the development of the site, should be brought to the attention of the Public Protection section of the Legal and Regulatory Services directorate. Developers may wish to refer to 'Land Contamination: A Guide for Developers' on the Public Protection Web Page.
- p. Any builder's debris/rubble must be disposed of in an authorised manner in accordance with the Duty of Care under the Waste Regulations.

THE SITE INSPECTION PROTOCOL

The Site Inspection Protocol is as follows:-

Purpose

Fact Finding

Development Control Committee site visits are not meetings where decisions are made and neither are they public meetings. They are essentially fact finding exercises, held for the benefit of Members, where a proposed development may be difficult to visualise from the plans and supporting material. They may be necessary for careful consideration of relationships to adjoining property or the general vicinity of the proposal due to its scale or effect on a listed building or conservation area.

Request for a Site Visit

Ward Member request for Site Visit

Site visits can be costly and cause delays so it is important that they are only held where necessary normally on the day prior to Committee and where there is a material planning objection.

Site visits, whether Site Panel or Committee, are held pursuant to:-

1. a decision of the Chair of the Development Control Committee (or in his/her absence the Vice Chair) or
2. a request received within the prescribed consultation period from a local Ward Member or another Member consulted because the application significantly affects the other ward, and where a material planning objection has been received by the Development Department from a statutory consultee or local resident.

A request for a site visit made by the local Ward Member, or another Member in response to being consulted on the proposed development, must be submitted in writing, or electronically, within 21 days of the date they were notified of the application and shall clearly indicate the planning reasons for the visit.

Site visits can not be undertaken for inappropriate reasons (see below).

The Development Control Committee can also decide to convene a Site Panel or Committee Site Visit.

Inappropriate Site Visit

Examples where a site visit would not normally be appropriate include where:-

- purely policy matters or issues of principle are an issue
- to consider boundary or neighbour disputes
- issues of competition
- loss of property values
- any other issues which are not material planning considerations
- where Councillors have already visited the site within the last 12 months, except in exceptional circumstances

Format and Conduct at the Site Visit

Attendance

Members of the Development Control Committee, the local Ward Member and the relevant Town or Community Council will be notified in advance of any visit. The applicant and/or the applicant's agent will also be informed as will the first person registering an intent to speak at Committee but it will be made clear that representations cannot be made during the course of the visit.

Officer Advice

The Chair will invite the Planning Officer to briefly outline the proposals and point out the key issues raised by the application and of any vantage points from which the site should be viewed. Members may ask questions and seek clarification and Officers will respond. The applicant or agent will be invited by the Chairman to clarify aspects of the development.

The local Ward Member(s), one objector who has registered a request to speak at Committee (whether a local resident or Town/Community Council representative) and a Town/Community Council representative will be allowed to clarify any points of objection, both only in respect of any features of the site, or its locality, which are relevant to the determination of the planning application.

Any statement or discussion concerning the principles and policies applicable to the development or to the merits of the proposal will not be allowed.

Code of Conduct

Although site visits are not part of the formal Committee consideration of the application, the Code of Conduct still applies to site visits and Councillors should have regard to the guidance on declarations of personal interests.

Record Keeping

A file record will be kept of those attending the site visit.

Site Visit Summary

In summary site visits are: -

- a fact finding exercise.
- not part of the formal Committee meeting and therefore public rights of attendance do not apply.
- to enable Officers to point out relevant features.
- to enable questions to be asked on site for clarification. However, discussions on the application will only take place at the subsequent Committee.

Frequently Used Planning Acronyms

AONB	Area Of Outstanding Natural Beauty	PINS	Planning Inspectorate
APN	Agricultural Prior Notification	PPW	Planning Policy Wales
BREEM	Building Research Establishment Environmental Assessment Method	S.106	Section 106 Agreement
CA	Conservation Area	SA	Sustainability Appraisal
CAC	Conservation Area Consent	SAC	Special Area of Conservation
CIL	Community Infrastructure Levy	SEA	Strategic Environmental Assessment
DAS	Design and Access Statement	SINC	Sites of Importance for Nature Conservation
DPN	Demolition Prior Notification	SPG	Supplementary Planning Guidance
EIA	Environmental Impact Assessment	SSSI	Site of Special Scientific Interest
ES	Environmental Statement	TAN	Technical Advice Note
FCA	Flood Consequences Assessment	TIA	Transport Impact Assessment
GPDO	General Permitted Development Order	TPN	Telecommunications Prior Notification
LB	Listed Building	TPO	Tree Preservation Order
LBC	Listed Building Consent	UCO	Use Classes Order
LDP	Local Development Plan	UDP	Unitary Development Plan
LPA	Local Planning Authority		

RECOMMENDATION : SECTION 106

REFERENCE: P/15/787/FUL

APPLICANT: L S P DEVELOPMENTS LTD
C/O EDWARD SUTTON 13 KILWARDBY STREET ASHBY DE LA
ZOUCH LEICESTERSHIRE

LOCATION: ADJ BELLWAY DEV. OFF NEWTON NOTTAGE ROAD NEWTON
PORTHCAWL

PROPOSAL: PRIMARY CARE CENTRE, PHARMACY WITH UNDER CROFT CAR
PARK, ASSOCIATED WORKS AND LANDSCAPING

RECEIVED: 24th November 2015

SITE INSPECTED: 16th December 2015

SITE INSPECTED: 27th January 2016

APPLICATION/SITE DESCRIPTION

The application seeks planning permission for the erection of a Primary Health Care centre with a pharmacy on this parcel of Land at Pwll y Waun, Porthcawl.

The proposed centre is of a contemporary design and has two storey and three storey elements, reaching a maximum height of 12.4m. The pedestrian entrance will be off Newton Nottage Road and vehicular access will be via the entrance to Mallards Reach (Clos y Mametz). Under croft and external parking will be provided for 56 vehicles and an additional off site car park will provide a minimum of 20 spaces.

The development comprises under croft parking and a pharmacy at ground floor level. At first floor level 16 x consulting rooms, 5 x treatment rooms, 2 x medical storage rooms, 7 x w.c. , 8 x store rooms, 2 x dirty utility areas, 1 x baby feed area, 1 x interview room, 1 x phlebotomy room and a reception area and seating area will be provided. At second floor level 5 x consulting rooms, 1 treatment room, 1 consulting room, 1 physio room, 1 shared minor ops room, 1 dirty utility, 5 x w.c., 8 store areas, reception area, 7x offices, 1 x meeting room, 1 x lockers and changing room and 1 x resource room will be provided.

The application site measures approximately 2550 sq m and is located to the south east of Pwll y Waun pond. It is situated to the south-west of Newton Nottage Road and to the north-west of Hookland Road. The site is currently being used by Bellway Homes as a site compound for the adjacent residential development at Clos y Mametz.

The applicant has advised that the development is required as the existing surgeries in Porthcawl are inadequate for their needs and those of their patients. The existing premises do not fully comply with health and safety or Equalities Act requirements and there are currently problems with privacy and confidentiality in the buildings.

A public consultation event was run by the applicant together with the Local Health Board, the Care Quality Commission and the Portway Practice on 12 November 2015.

The application was accompanied by a parking study, travel plan, drainage studies and a report detailing the changes to primary and community care in Porthcawl.

RELEVANT HISTORY

Application Number

P/15/787/FUL

El Sub Sta

A 4106

6.7m

6.4m

NOTTAGE ROAD

TCB

Woodland Ct

7.3m

6.7m

Pwll-y-waun

Pond

CLOS Y MAMETZ

OKLAND ROAD



Page 20

Scale 1:1,250

Date Issued:
04/05/2016

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

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P/13/378/FUL

APPROVED 21-10-2013

+conditions

ERECT 65 DWELLINGS, AMENITY OPEN SPACE, ACCESS TO LAND FOR FUTURE B1 CLASS (OFFICE) USE & ASSOC. ACCESS & ESTATE ROADS

P/15/177/FUL

ERECTION OF 8 DWELLINGS Resolution to grant Section 106 with conditions

PUBLICITY

The application has been advertised in the press and on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations and publicity expired on 29 February 2016.

NEGOTIATIONS

The applicant entered into pre-application discussions with the Local Planning Authority.

Several meetings were held in relation to parking provision and an amended scheme, increasing the number of parking spaces to 56, was submitted on 3 February 2016. A Parking Statement and Travel Plan were received on 1st March 2016 and a further Travel Plan was submitted on 29 April 2016.

Amended plans were also received which reduced the number of consulting/treatment rooms by 5.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 27th November 2015

Supports the proposal and provided the following comments:-

'The Town Council have become acutely aware of the pressure the practice is coming under from the landowner to complete the purchase and we feel that there is a very real possibility that if the application is to be deferred on 12 May 2016, that this valuable development may be lost. Porthcawl Town Council urges the authority to do everything possible to avoid further deferment on this application.

The Town Council are pleased that a number of measures are being explored to allay previous concerns regarding parking at the site and I can confirm that the Town Council offer their full and unconditional support for the new development.'

Councillor K J Watts

Raised the following concerns in respect of the application:-

'Whilst I welcome the development of a new Primary Care unit in Porthcawl I have serious concerns as to the impact such a busy surgery will have on the current highway infrastructure. In my view consideration must be given to permission being subject to restructuring of the junction with Newton/Nottage Road to include a roundabout or traffic lights to control flow and maintain safety.

Failure to take this into consideration will result in similar but far greater problems now being

experienced at the junction of Bridgend Rd./New Rd. Newton following the opening of a Co-op store and Greggs. A repeat of this situation must be avoided if this Care Unit is to be used to its maximum capacity over 20 years.'

Destination & Countryside Management

No objections and requested that a condition be attached to any permission granted.

Head Of Street Scene (Drainage)

No objections and requested that a condition be attached to any permission granted.

Natural Resources Wales

Has no objection to the proposal.

Welsh Water Developer Services

No objections raised and advised on sewerage.

Crime Prevention Design S.Wales Police

Advised on Secure by Design

Group Manager Public Protection

No objections and requested that a condition be attached to any permission granted.

REPRESENTATIONS RECEIVED

Objections Were Received From The Following:-, -

M John - 5 Clos y Mametz
J Williams - 6 Clos y Mametz
P Davies - 11 Clos y Mametz
M Cook - 20 Clos y Mametz
M Thompson - 30 Clos y Mametz (requested to speak at Committee)
S Jones - 41 Clos y Mametz (requested to speak at Committee)
D & A Worsfold - 62 Clos y Mametz
K Phillips - Newton Nottage Road
S john - 52 Newton Nottage Road
Mr & Mrs john - 81B Newton Nottage Road
Mr & Mrs Woodbridge - 83 Newton Nottage Road
K Gaynor 83A Newton Nottage Road
S Williams - 57 Hookland Road
G Masters - 12 Heol Croes Faen
J Strong - 7 Caldy Close (requested to speak at Committee)
H Strong - A Lundy Close
I Williams - 16 West Drive
D Townsend - 78 Severn Road
G Edmunds - 8 Maple Walk
Mr & Mrs Downes

The objections are summarised as follows:-

- Highway and pedestrian safety

- Lack of parking provision
- Infrastructure cannot accommodate the proposed facility
- Lack of drop off area
- Inappropriate parking
- Lack of public transport/unsustainable location
- Restrict access for emergency vehicles
- Out of keeping with surrounding properties
- Unsuitable development for the area
- Overshadowing
- Domination
- Overbearing impact
- Impact on privacy
- Visually out of keeping with the area
- Noise pollution
- Light pollution
- Access to additional parking crosses over private land
- Impact on town centre
- Drainage concerns
- Railings and CCTV as suggested by the Police liaison Officer will have an adverse impact on the visual amenities of the area
- Disruption during construction works
- Other sites are available for the development
- There is no way to extend the building other than upwards
- Why have Bellway not built houses on the site
- Loss of view
- Devaluation of property

Letters Of Support Were Received From The Following:, -

Dr Sharon Guest - Porthcawl Group Practice, Portway Surgery
 Dr Tim Eales - 36 Victoria Avenue
 G Evans - 20 Seabank Court
 K Campbell - Ace - 39 Sandpiper Road
 F Morgan - Shout (The voice of the older community), 2 Brian Crescent
 J, N , R Willis - 11A St Christopher's Road
 M S Richards - 29 West Park Drive
 R Bickerstaff - 3 Vernon Road
 S Jacob - 14 George Thomas Close
 P Thomas - 5 Lombard Close
 A Griffiths - 35 Marlpit Lane
 S & H Evans - 3 Beach Road
 S Willis - 19 Laleston Close
 D Bevan - 79 Hookland Road
 D & J Owen - 92 St Davids Way
 Mrs Bevington - 12 West Road
 N Newton Williams - 104 New Road
 B Jackson - 105 West Park Drive
 J Taylor - King - 136 New Road
 S Hawkins - 146a Newton Nottage Road
 V Cleak - 180 New Road
 J Assiratti - 236 New Road
 L Sullivan & H Lawson- 244 New Road
 A Irvine, I , A & K Kavanagh - 247 New Road
 C Morgan - 262 New Road
 L & A Davies - 292 New Road
 R Jones & C Davies Jones- 321 New Road
 W Stainthorpe - 76 St Davids Way

N Sadaway - 64 pant Morfa
A Jones - 10 Widgeon Close
M & S Pritchard-Jones - 6 Cedar Gardens
R & N Willis - 11a St Christophers Road
S Holman - 35 West Drive
J Cockel - 30 Poplar Avenue
A & T Broadribb - 12 Springfield Avenue
I Hollyake - 20 Laleston Close
S Emlyn Jones - 26 Lime Tree Way
J Hill - 24 St Davids Way
B Craddock - 28 Orchard Drive
A Brown - Lois Cotatge, 11 Philadelphia Road
D Duncan - 10 Penylan Avenue
T Jones - 19 Lougher Gardens
K Potheary - 60 West Park Drive
R Cox - 20 Ger Y Lyn
A Bennett - 1 Hutchwns Close
R Fearn - 4 Lias Cottages
C & M Haywood - 6 Lime Tree Way
H & R Davies - 15 Tythegston Close
M Floyd - 3 Mayfield Avenue
P John - 1A Maple walk
D Trindle & M Garrad - 33 Esplanade Avenue
K Richards - 24 Adrian Close
Dr Lyons - St Clares Convent
L Mear - 8 Alison Court
D , L & L Hemfrey - 51 Anglesey Way
Mr & Mrs Stanbridge - 19 Neville Road
J Flye - 5 Poplar Road
K Richards - 64 Suffolk Place
M Fairclough & K Shaw- 5 Glan Road
M Healey - 44 Ger y Llyn
D Tickner - 1 Locks Court
J Saunders - 16 Stonechat Close
S Duggan - 22 Picton Avenue
M Ralph - 18 Heol y Goedwig
R Rowe - 53 Austin Avenue
J Waite - 44 Sandpiper Road
L Hopkins - 116 New Road
A, J, J , A & D Crole - 50 Mackworth Road
S patten - 52 South Road
J Hill - 24 St Davids Way
S maitland Thomas - 12 Vintin Terrace
J Flye - 11A Hookland Road
K Haley - 8 Elder Drive
Dr J Evans - 42 Rest Bay Close
J Davitt - 50 West Park Drive
P Lewis - 13 Waunlon
M Floyd - 3 Mayfield Avenue
G Stapleton 18 St Christopher's Road
B Frost - 3 Mayfield Avenue
D Williams - 6 Esplanade House
J Clatworthy - 65 Woodland Avenue
C Hawkins - 76 Severn Road
L McMahon - 40 Clos Y Mametz
D Jackson - 15 St Michaels Road

V Knight - 18 Adrain Close
Dr N Al-mokhtar - 10 Newton Nottage Road
S Cooks - 3 Hawkhurst Court
A Green - 17 St Johns Drive
Dr A Ray - 39 Bridgend Road
R Lewis - 32 Cae canol
F Evans - 9 woodlands Avenue
T Norris - 6 Austin Avenue
N & T Jones - 6 Merlin Close
J English - 9 Heol fair
P warren - 2 Greenfird Way
B & B Ebglish - 23 Heol groes Faen
B O'Connell - Eyre Court house, Newton Nottage Road
O Leharrles- 80 Heol Fach
L Reynish - 13 Greenfield Way
W & J Lewis - 4 birch Walk
J Joseph - Grove Farm
J Davies - 10 Hazelwell Road
E Hillman - 12 Hazelwell Road
L Williams - 46 Stoneleigh Court
R & P Wykes _ 16 The Burrows
J Apsee - 23 orchard Drive
SC Buffett - 1 Clevis Hill
R jones - Ty Newydd
G Ivins - 3 Bay View Road
C Ainslie - CF36 5HT

The reasons for support are as follows:-

Increased access to NHS services
Reduction in travel requirements to NHS services within South Wales
There is no parking serving the existing surgeries in Porthcawl and the proposal will have 56 spaces.
More accessible for disabled patients
Impressive building
Reduce impact on current appointment system
Development will address existing capacity issues
Removal of existing traffic hazards at existing surgeries
Welcome the pharmacy at the same location
Current premises are not fit for purpose

COMMENTS ON REPRESENTATIONS RECEIVED

The impact on highway and pedestrian safety and parking provision is fully addressed in the 'Appraisal' section of this report.

Patients can be dropped off in the undercroft car park and can gain access to the surgery via the path to the northern corner of the car parking area.

Inappropriate parking is a matter for the Police.

The applicant has advised that they will contribute to an extended bus service from Nottage via the town centre for the lifetime of the building when being used as a healthcare facility.

It is considered that the proposed development would not restrict access of emergency vehicles to the surrounding area or to the site itself.

The suitability of the development at this location, and the visual and residential impact of the proposed building are addressed in the 'Appraisal' section of this report.

The application has been assessed by the Public Protection department and no concerns have been raised in respect of noise and light pollution. However, a condition is recommended restricting opening hours.

Any access over private land is a private matter between the parties involved. Notice has been served on Bellway Homes and Certificate B has been submitted with the application.

There may be a reduction in cross visitation with the town centre, however, the development will provide a much needed facility in Porthcawl and it is considered that this objection is not material to the development proposal.

The scheme has been assessed by the Land Drainage Officer and is considered acceptable subject to a condition.

There are some concerns in respect of the visual impact of the fence and CCTV as suggested by the Police Liaison Officer, therefore, a condition is recommended requiring details of the boundary treatment to be submitted to and agreed in writing by the Local Planning Authority (LPA). There is no CCTV proposed as part of this development.

The disruption caused during the construction phase will be for a short term only and it is not reasonable to preclude planning permission for this reason.

The applicant has indicated that extensive research has been undertaken into finding an appropriate site within Porthcawl and this process has taken several years, which has led to the submission of the application on this site. The Local Planning Authority (LPA) must consider the development as submitted.

If the applicant were to apply to seek to extend the building at a future date this would need to be considered on its own merits.

There is a current application for dwellings on the site which is subject to a S106 Agreement (P/15/177/FUL refers). It is a matter for the developer to progress this proposal, however, it does not prevent the determination of any other planning applications on the same site.

Loss of view and potential devaluation of property are not material planning considerations.

APPRAISAL

The application is referred to the Development Control Committee in light of the number of representations received.

The application seeks consent to erect a primary care facility on this parcel of land off Newton Nottage Road.

The application site is allocated in the Local Development Plan (LDP) for mixed use development under Policy PLA3(9), which allocates the site for an estimated 40 residential units (Policy COM1(27)), Accessible Natural Greenspace (Policy COM13 (4)) and for employment purposes (Policy REG1(15)). The application is accompanied by a justification statement, which includes details of previous marketing of the site and, as the proposed development will create employment opportunities and provide an essential community facility, the principle of the

development is considered acceptable at this location.

Policy SP13 of the LDP states that, in order to maintain and improve the quality of life of residents, health and well-being facilities will be retained or enhanced. Policy COM8 of the LDP states that the Council will work with the Local Health Board to identify sites and, where appropriate, work in partnership to provide joint health and well-being facilities within the County Borough. The proposed development will provide an essential community facility and will alleviate the existing health care provision issues in Porthcawl. As such, the proposed development is considered to comply with both Policies SP13 and COM8 of the LDP.

In terms of design, Policy SP2 of the LDP states that all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment. The site presents an opportunity to develop a high quality building and the scheme proposes a contemporary building, which represents a fit for purpose modern health care facility. The additional information provided with the application provides an insight into modern standards of care and how this has significantly influenced the overall scale, layout and design of the health care facility.

The architectural style of the built environment in the vicinity of the application site varies with each building reflecting the style of the era in which they were built. The proposed dwellings directly opposite the site, on Newton Nottage Road, are set back from the highway and the new properties built to the rear of the site, on Clos y Mametz, are of a modern design and finished in red brick and render. The dwellings to the west of the site, along Pwll y Waun, comprise mostly two storey dwellings, however, there are some three storey buildings finished with flat roofs at this location. The proposed building includes a three storey element, measuring 12.4m in height, dropping to a two storey element, measuring 7.9m in height. It is noted that there are a number of two and a half storey dwellings located on Newton Nottage Road and Clos y Mametz and there are three storey flat roof buildings to the west of the site at Pwll y Waun. As such, the scale of the proposed development would not be out of character with the area. The building will act as a visual punctuation mark for the end of the built form of this section of Newton Nottage Road, with the pool at Pwll y Waun forming the spatial break before the built environment commences again at Woodland Court.

The design of the building clearly differs from that of the residential properties surrounding the site. However, the site is allocated for employment purposes in the LDP and whilst it is not strictly in keeping with the residential character of the area, the principle of a commercial building at this site is long established. The design is considered acceptable in the context of the wider residential setting in terms of scale and appearance.

In terms of materials, a condition is recommended requiring the details of the materials and boundary treatment to be submitted to and agreed in writing by the Local Planning Authority. The glazed corner entrance will add an element of contrast and visual interest to this prominent part of the building.

The proposed scheme includes a 'hit and miss' fence surrounding the air handling plant on the roof of the two storey element. The fence, as proposed, will jar against the rendered elevation and, consequently, a condition is recommended requiring details of an amended screen to be submitted to and agreed in writing by the Local Planning Authority.

In respect of the impact of the development on residential amenity, there are a number of residential dwellings, located within the recently constructed residential development at Clos y Mametz, which may be affected by the building. The proposed building will be some 30m from the properties to the south of the site, (57 & 58 Clos y Mametz), 10m and across a highway from the property to the east, (5 Clos y Mametz), and will be some 40m south of the properties at 83A & 85 Newton Nottage Road. Consequently, it is considered that the proposed development will

not cause any adverse overshadowing, dominance or infringe privacy standards as set out in Notes 1,2 and 6 of Supplementary Planning Guidance 02:Householder Development.

With regard to the impact on highway safety and parking provision, the proposal has been the subject of extensive discussions in respect of parking levels and a Parking Statement and Travel Plan have been submitted with the application. The applicant is in advanced discussions with a landowner of a site located approximately 330m from the application site for the provision of a minimum of 20 operations parking spaces for staff.

The Transportation Development Control Officer has assessed the scheme, together with the Parking Statement and the Travel Plan, and considers that the proposed development requires a maximum of 60 parking spaces for patients and 20 parking spaces for staff, a total of 80 spaces.

A comprehensive Travel Plan has been submitted with the application, which states that the applicant will provide an extension to the bus service from Nottage to the site. The security of the extended bus service is reinforced through the Head of Terms for a S106 agreement whereby the applicant is required to provide the extended service for as long as the building is occupied as a Primary Health Care Centre. The provision of this extended bus service greatly assists the sustainability of the proposed development and provides a public transport link from the site to the Nottage area of Porthcawl. To further enhance the proposed centre's sustainability credentials, facilities for cyclists are also provided, including cycle stands and change/shower facilities for staff.

The amount of parking spaces required for staff equates to 20 spaces and the proposed development is, therefore, considered acceptable subject to the provision of the off-site staff parking facility of a minimum of 20 spaces. The developer is in discussions with a local landowner to secure the off-site provision. In order to ensure the off-site parking is delivered, the requirement forms part of the recommended S106 Agreement to ensure that the off site parking is secured before the works are commenced and a separate "Grampian" condition is recommended requiring that provision prior to the beneficial operation of the facility to avoid any negative impacts on surrounding residential streets.

The amount of parking spaces required for patients is 60, the level of on-site parking being proposed is 56 spaces. Whilst the 56 spaces proposed is marginally under the required 60 spaces, the applicant is in the process of securing off-site parking provision for at least 20 spaces and any additional spaces will address the short fall. Additionally, there is the opportunity for a limited amount of on-street parking along Woodlands Avenue. Given the above, the sustainable transport options and the significant community benefit the development offers, the proposed scheme is considered acceptable.

In order to further alleviate some of the concerns raised by local residents in respect of potential parking problems the applicant is also required to submit a Parking Management Plan which will be agreed by the Local Planning Authority. The Parking Management Plan will be included in Heads of Terms for the recommended S106 Agreement and will include a parking complaints protocol, a point of contact for residents and advice to be circulated amongst staff and patients in respect of the parking arrangements.

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 involves having regard to the United Nations Environmental Programme Convention on Biological Diversity 1992. Public authority includes, among others, local planning authorities.

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"

Given the nature of the development as a site compound for the Bellway Homes development, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity.

Therefore, the proposal is considered to comply with the requirements of the Habitat Regulations 1994 (as amended), Section 40 of the NERC Act, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies in terms of biodiversity and ecology.

Having regard to the above, the proposed development is considered to comply with Local Development Plan policies and Supplementary Planning Guidance and offers a much needed community health facility for the population of Porthcawl without causing any significant adverse effects on residential amenity, visual amenities or highway safety. Consequently, the application is recommended for approval subject to a S106 Agreement and conditions.

Whilst determining this application Policies COM8, PLA3 (9), PLA11, REG1(15), SP2, SP3 & SP13 of the Bridgend Local Development Plan (2013), Supplementary Planning Guidance02: Householder Development (2008) and Supplementary Planning Guidance 17: Parking Standards (2011) were considered along with National Guidance in the form of Planning Policy Wales (8th Edition 2016) and Technical Advice Note 12: Design (2016) and Technical Advice Note 18: Transport (2007).

CONCLUSION

Notwithstanding the objections received the proposed development is considered to be acceptable in terms of its impact on residential amenities, visual amenities, drainage, highway safety and parking provision subject to a S106 Agreement and conditions.

The proposed development will provide a much needed community health facility in the Porthcawl area.

RECOMMENDATION

(A) The applicant enters into a S106 Agreement to secure that:-

- (i) The Primary Health Care Centre shall be operated in accordance with the submitted Travel Plan.
- (ii) The Primary Health Care Centre shall be operated in accordance with a Parking Management Plan to be agreed in writing by the Local Planning Authority.
- (iii) The applicant enter into a Section 106 Agreement to provide an extended bus service from Nottage to the Primary Health Care centre for the period the building is utilised as a Primary

Health Care facility.

(iv) Prior to any planning permission being issued the applicant contributes the sum of £8,000.00 (index linked) towards the provision of a traffic order and necessary signs and line painting.

(v) Prior to any planning construction commencing on site an area of land within close proximity to the site shall be secured by the developer to provide a minimum of 20 staff car parking spaces for the period the building is utilised as a Primary Health Care facility.

(B) The Corporate Director Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, as follows:-

1 The development shall be carried out in accordance with the following approved plans:-

- Proposed Site Plan 519-110 Rev F (received on 18 March 2016)
- Ground Floor Plan 519-210 Rev M (received on 18 March 2016)
- First Floor Plan - 519-211 Rev P (received 22 April 2016)
- Second Floor Plan - 519-212 Rev P (received 29 April 2016)
- Roof Plan 519-213 (received on 24 November 2015)
- Proposed Elevations - 519-300 Rev B (received 18 March 2016)
- Travel Plan (received on 29 April 2016)

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

2 No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

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

3 No development shall 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 treatment surrounding the roof top air handling unit, to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.

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

4 The use hereby permitted shall not be open to patients outside the following times:-

Monday - Friday 0800 - 1830
Saturdays 0800 - 1600

Reason: In the interests of residential amenities.

5 The premises shall be used for a Primary Health Care facility and a pharmacy and for no other purpose including any other purpose in Class D1 or 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: For the avoidance of doubt as to the extent of the consent granted and in the interests of highway safety.

- 6** No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme which shall include, proposals for hard and soft surface treatment and planting. 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 with 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.

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

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

- 8** Prior to the beneficial use of the development a scheme for the installation of any air conditioning, extraction and condensing units shall be submitted to and agreed in writing by the Local Planning Authority for those units. The scheme shall include the location of the units and noise levels. The scheme shall be implemented as agreed and prior to beneficial use.

Reason: In the interests of residential amenity.

- 9** No development shall commence on site until a scheme has been submitted to and agree in writing by the Local Planning Authority for an offsite staff car parking scheme of a minimum of 20 spaces. The scheme shall be implemented as agreed and prior to the beneficial use of the building.

Reason: In the interests of highway safety.

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

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

b) In order to satisfy condition No. 7 the developer must provide the following information:-

- 1 in 100+20% CC year flood risk route, in relation to the existing dwelling
- Provide a management and maintenance plan, for the lifetime of the development and nay

other arrangements to secure the operation of the scheme throughout its lifetime.

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

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

e) The applicant is advised that if a private pumping station is intended as part of a foul water drainage system a permit may be required from Natural Resources Wales.

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

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None

RECOMMENDATION : SECTION 106

REFERENCE: P/15/648/OUT

APPLICANT: SISTERS OF POOR CLARE
C/O GERAINT JOHN PLANNING LTD SOPHIA HOUSE 28 CATHEDRAL
ROAD CARDIFF

LOCATION: ST CLARES CONVENT CLEVIS LANE PORTHCAWL

PROPOSAL: DEMOLITION OF ST CLARES CONVENT & REDEVELOP SITE FOR
RESIDENTIAL USE

RECEIVED: 30th September 2015

SITE INSPECTED: 19th October 2015

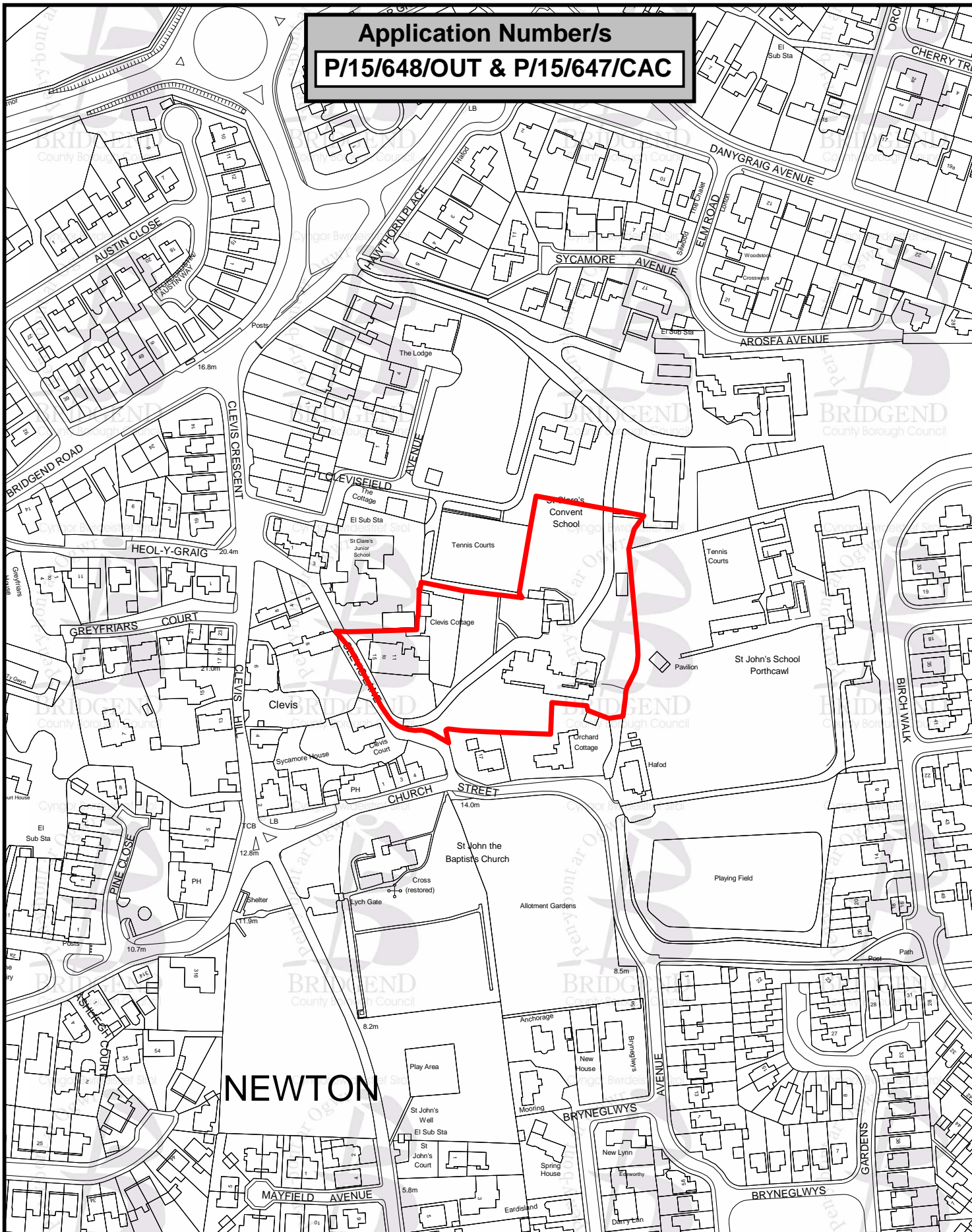
APPLICATION/SITE DESCRIPTION

The application proposes the demolition of buildings at St Clare's Convent including the partial demolition of the Prayer Centre Building to allow for the redevelopment of the site for residential purposes. The application is in Outline with all matters apart from access reserved for future consideration.

An indicative layout, which accompanies the submission, shows the existing vehicular access to the Convent building closed up and a new access created to the south of the Prayer Centre building. The separate vehicular access to the Prayer Centre building is to be retained leading to a detached garage to be constructed at the rear of the plot. An internal road leads eastwards into the site with a turning head created almost immediately south of the multi use games area existing within the adjoining St. Clare's School. A private drive serving three properties leads north from the turning head with a separate private drive serving a further three properties leads eastwards from the turning head and a further private driveway serving 2 dwellings leads southwards for the turning head. Four additional properties are arranged either side of the internal road amounting to a total of 12 dwellings within the proposed development. Each of the properties appears to be individually designed, are provided with garages and parking spaces and are set within reasonably generous plots. The indicative layout also appears to include a central open space area, which allows for the retention of a number of existing mature trees, which are protected by a Tree Preservation Order.

The application site is located on the eastern side of Clevis Lane and to the south of the St Clare's School's Primary Section. The site adjoins the northern boundaries of 17 Clevis Lane and Orchard Cottage, which are two detached properties to the south of the existing Convent complex. Whilst the application site is reasonably flat within the site itself, there is a significant difference in land level to the detached properties adjoining the southern site boundary such that the garden level of the existing Convent is approximately level with first floor windows/eaves of these neighbouring dwellings with an almost sheer/vertical drop. Clevis Lane fronting the application site is a reasonably narrow highway which accommodates two way traffic along its northern section. The southern section, from the junction with Church Street as far as the existing access into the Convent, is only one way, tortuous with a sloping gradient from the Convent access down to Church Street and flanked by substantial stone boundary walls approximately 3m in height. Clevis Lane does not benefit from pavements although a narrow strip in which street lighting columns are located exists along the western side of the highway.

RELEVANT HISTORY



Application Number/s
P/15/648/OUT & P/15/647/CAC

<p>Page 34</p>	<p>Scale 1:2,500</p>	<p>Mark Shephard Corporate Director-Communities</p> <p>Communities Directorate, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend CF31 4WB.</p> <p>O/Drive/Plandraw/new MI layouts/ Committee DC Plan</p>	<p>(c) Crown Copyright and database rights (2016) Ordnance Survey (100023405)</p> <p>(c) Hawlfraint a hawliau cronfa ddata'r Goron (2016) Rhif Trwydded yr Arolwg Ordnans (100023405)</p> <p>(c) Cities Revealed Aerial Photography copyright, The GeoInformation Group (2009)</p>	<p>Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr</p>
	<p>Date Issued: 04/05/2016</p>			
	<p>Development-Mapping Tel: 01656 643176</p>			

P/04/974/FUL	APPROVED	16-08-2004	REPLACE 3 NO. CLASSROOMS
P/10/582/FUL	Retro Uncond Approv.	21-09-2010	THREE SIDED WASTE BIN COMPOUND
P/11/229/FUL	APPROVED +conditions	17-05-2011	ERECT DINING HALL BUILDING WITH FOOD TECHNOLOGY CLASSROOM
P/12/264/FUL	APPROVED +conditions	24-05-2012	ERECT BALL NET IN FRONT OF BUILDING
P/12/486/FUL	APPROVED	15-08-2012	INSTALLATION OF ARTIFICIAL PITCH WITH ASSOCIATED FENCING
P/13/186/FUL	APPROVED +conditions	10-05-2013	WIDEN EXISTING ENTRANCE AND PART DRIVEWAY
P/15/647/CAC			DEMOLITION OF BUILDINGS ON THE SITE INC. CONVENT BUILDING, PRAYER CENTRE & CLEVIS COTTS. & REMOVE PART OF WALL
T/12/46/CON	Cons. trees granted	01-08-2012	REMOVAL OF LEYLANDII HEDGE
T/13/10/TPO	Conditional TPO Art5	27-03-2013	PROGRAM OF WORKS TO VARIOUS TREES WITHIN SCHOOL GROUNDS
T/14/26/TPO	TPO Grant (no conds)	07-07-2014	NOTIFICATION OF FELLING OF DANGEROUS TREE
T/15/32/TPO	TPO Grant (no conds)	24-07-2015	WORKS TO 2 SYCAMORE TREES: REMOVE 3M OFF TOP, 2M OFF ANY LATERAL GROWTH INTO GARDEN, CROWN RAISE TO 2M ABOVE FENCE

PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 18th November, 2015.

NEGOTIATIONS

The applicant's agent was advised of concerns regarding the initially submitted Heritage Statement and the need to address the three tests set out in Welsh office Circular 61/96, which seeks to control demolition within Conservation Areas and was requested to revise the content of the statement. In a meeting convened with the applicant's agent, the quantum of demolition works originally proposed was discussed and the potential for retention of the Prayer Centre explored. It was explained, however, that, due to structural problems within the existing Prayer Centre Building and its impact on proposed access arrangements, the complete demolition of the structure was the only viable option but further consideration would be given to at least partial retention and revisions to the access arrangements. Subsequently amended plans were submitted, which amended the access and retained the most westerly section of the Prayer Centre and its existing vehicular driveway. An addendum to the Heritage Statement and a draft demolition method statement were also provided to support the application.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 5th October 2015

Strongly object to the application on the following grounds:-

- * Access and egress;
- * Narrowness of lane and partial one way system;
- * Clarification of whether the Prayer Centre is a Listed Building is necessary;
- * The number of temporary lorry/vehicle movements;
- * Size of the development as the application relates only to approximate numbers

Cllr Ken Watts

There are a number of concerns in respect of the proposed development, which can be summarised as follows:-

- * Prayer Centre is a listed building having a dated stone.
- * Impact of traffic movement has been underestimated especially at peak times. Already very congested at school times.
- * Opportunity should be taken to make Clevis Lane One Way.
- * Concerned that statement gives 'circa' 12 properties. I think this should be an absolute maximum given egress/access issue.
- * Lorry movements in the narrow Clevis Lane during development period.

Destination & Countryside Management

No objection subject to conditions and advisory notes relating to tree protection, lifting scheme and nesting of birds and the issuing of an Derogation Licence from Natural Resources Wales prior to any demolition works.

Head Of Street Scene (Waste & Recycling)

No objections. The developer should consider the provision of a suitable collection point to avoid inconvenience to existing residents.

Head Of Street Scene (Drainage)

No objection subject to condition.

Natural Resources Wales

No objection subject to conditions.

Welsh Water Developer Services

No objection subject to condition.

Crime Prevention Design S.Wales Police

Advice on security issues has been provided and will be attached to the decision notice for the developer's information and consideration.

Group Manager Public Protection

No comments

Glamorgan Gwent Archaeological Trust

No objection subject to conditions

Head Of Street Scene (Engineers)

No objection provided that an asbestos survey is undertaken prior to commencement.

REPRESENTATIONS RECEIVED**14 Objection Letters From Occupiers Of Local Properties, And Porthcawl Civic Trust Have Been Received**

The grounds of objection can be summarised as follows:-

1. One of the buildings to be demolished is listed and previously contained a date plaque stating 1696.
2. Clevis Lane is narrow and one way along the majority of its length.
3. There is no pavement along Clevis Lane therefore development would be hazardous to pedestrians.
4. Would exacerbate existing traffic problems particularly associated with the start and end of the school day at the adjoining St. Clare's School.
5. Development of modern housing would adversely affect the historical and architectural integrity of the village.
6. Other uses of the buildings should be considered prior to allowing demolition.
7. Demolition of the Prayer Centre should be refused due to its historic value.
8. Disruption during demolition and construction phase particularly noise.
9. Plans will diminish the character of the area, which is a Conservation Area.
10. Loss of trees.
- 11 Lack of neighbour consultation and publicity.
12. Overshadowing of properties adjoining southern site boundary exacerbated by significant difference in land levels.
13. Development will compromise accesses to neighbouring properties.
14. Transport Assessment is flawed in its estimation of car/traffic generation.
15. Nothing prevents the refurbishment of the existing buildings.
16. Invasion of privacy particularly the properties adjoining the southern site boundary.
17. Highway Safety due to potential vehicular/pedestrian conflict.
18. Development should be reduced to a maximum of 8 dwellings.
19. Adverse impact on the structural safety of the rock face along southern site boundary.
20. Damage/Repair/Compensation should be guaranteed by the developer.
21. Development more suitable for elsewhere in the County Borough and will not be aimed at local market.
22. Proposals cannot be said to preserve, conserve or enhance the Conservation Area.

COMMENTS ON REPRESENTATIONS RECEIVED

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

1. Listed Buildings - None of the buildings the subject of this application are listed.

2. Suitability of Clevis Lane - Notwithstanding the character of Clevis Lane, fronting the site, the Highways Department has considered the access appraisal, submitted with the application, and broadly accepts the traffic movement figures in terms of the extant Convent use and the proposed development.
3. Pavements - It is considered that the proposed development will not be significantly detrimental to pedestrian safety given the accepted traffic movement figures associated with the extant use.
4. Design Impact - As the application is in outline, it is not possible to assess the design quality of the proposed new dwellings at this stage. However, given that the majority of the new buildings are to be located within the site, screened from public view by the stone boundary walls, which are largely to be retained, it is considered that the proposals will not adversely impact on the character of the Conservation Area.
5. Traffic congestion - Problems generated by the adjoining School at opening and closing times are noted and these pre-existing problems would be a matter for future occupiers of the development to consider. During the demolition and construction phase, an appropriately worded condition to ensure that construction and works traffic do not take place at these times.
6. Alternative Uses - The Heritage Statement indicates that due to their size, structural and general condition, the existing buildings are not suitable for conversion to an alternative use.
7. Prayer Centre - Following negotiation, part of the existing building is to be retained with refurbishment and conversion works.
8. Disruption - The demolition and construction phases can be managed to minimise adverse impacts by the imposition of a condition requiring a method statement and thereafter adherence to the agreed method statement.
9. Conservation Area - Whilst objectors consider the proposals will be harmful to the character and appearance of the area, it is considered (for the reasons outlined in 4 above), this impact can be satisfactorily managed.
- 10 Trees - The application has been accompanied by a Tree survey and whilst a number of trees will be required to be removed to facilitate the proposed development, the indicative layout provides for the retention of significant existing specimens. Conditions requiring protection of these during the demolition and construction phases can further safeguard these trees.
11. Publicity - 23 individual neighbour consultation letters were dispatched to the properties immediately adjoining the application site and the applications were advertised on site and in the local press. These publicity arrangements satisfy the requirements of the Town and Country Planning (Development Management Procedure) Order.
- 12 Domination and overshadowing of adjoining properties - The significant difference in land level between the application site and the detached properties adjoining the southern site boundary has been noted. Whilst two of the proposed dwellings will be located closer to this boundary than the existing Convent building, it is not considered that the proposed dwellings will result in unreasonable domination or overshadowing.
13. Compromise existing accesses - The Highways Department are satisfied that, subject to conditions, the proposed access is acceptable.
- 14 Transport/Access Assessment is flawed - Residents note that the assessment submitted with the application refers to estimates of car generation rather than the actual limited use by the existing Order of Nuns. In this regard, it is noted the Assessment, which accompanies the submission, considers potential traffic generation were the Convent to be fully occupied or converted to another use within Class D1 of the Use Classes Order as notwithstanding the existing limited use, the considered options would be the fall back position.
15. Refurbishment Preferred - It has been clarified by the applicant's agent that structural issues within the existing buildings and their suitability for conversion result in this option not being viable.
16. Privacy - It is considered that the indicative layout demonstrates that the proposed dwellings will not infringe the Authority's privacy standards between directly facing habitable room windows. An appropriately worded condition requiring means of boundary enclosure to be agreed with the Local Planning Authority can ensure the privacy of the rear amenity areas of the adjoining properties to the south.
17. Highway Safety - Subject to the conditions, the Highways Department considers the

proposed development will not be detrimental to highway safety.

18. Reduction to development - Whilst one local resident has suggested that a reduced development of only 8 dwellings would be more acceptable, the Local Planning Authority is required to assess the as submitted scheme on its individual planning merits.

19. Impact on integrity of rock face along southern boundary - The indicative layout does not include buildings immediately adjacent to the southern site boundary and therefore it is not anticipated that there will be any significant impact.

20. Damage to neighbouring property - This would be a matter to be resolved between relevant parties and is not a material planning consideration.

21. Suitability of development - One objector considers that the proposed development of large detached individually design properties is not aimed at the local market but no evidence to support this contention has been provided. The Local Planning Authority considers that, given the character of the surrounding Conservation Area and the desire to retain significant protected trees, the indicative layout is a satisfactory redevelopment solution.

22. Compatibility with the Conservation Area - Policies SP5 and ENV8 of the Bridgend Local Development Plan require development proposals to conserve, preserve or enhance the built and historic environment of the County Borough and respect heritage assets. It is considered that the proposed development now retains part of the Prayer Centre and substantial sections of the stone boundary walls along Clevis Lane and in this regard will preserve the character and appearance of the area. The remainder of the development will be set within the site and therefore the proposed dwellings will not be readily publicly visible. At this outline planning stage details of the proposed houses are not available but indicative parameters and sketch plans for the proposed dwellings suggest that their design will be compatible with the conservation area.

APPRAISAL

The application is referred to Committee to consider the objections raised by the Porthcawl Town Council and local residents in respect of the proposed development.

The application seeks to establish the principle of the demolition of almost all the existing buildings within the application site to allow for the redevelopment of the site for 12 detached dwellings. The application is in outline with all matters other than access reserved for future consideration. A full description of the development proposals and the nature of the application site have been provided at the start of this report.

The following national and local development plan policies are considered relevant to the determination of the application:-

National Policy:

Planning Policy Wales;
TAN 12 Design;
TAN 15 Development and Flood Risk
TAN 18 Transport

Local Development Plan Policy

PLA1 - Settlement Hierarchy and Urban Management
COM3 - Residential Re-use of a Building or Land
COM4 - Residential Density
SP2 - Design and Sustainable Place Making
SP3 - Strategic Transport Planning Principles
SP5 - Conservation of the Built and Historic Environment
COM5 - Affordable Housing
PLA4 - Climate Change and Peak Oil and

The proposal is located within the settlement boundary for Porthcawl as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP). As such, the proposal represents an opportunity to develop under-utilised land within the urban area for residential development in accordance with Policy COM3 of the LDP.

Policy COM4 requires development schemes on sites exceeding 0.15ha in area to be built at a density of at least 35 dwellings per hectare, however, a lower density may be accepted as a requirement of design, physical or infrastructure constraints. In this instance, a development of 11 dwellings per hectare would be acceptable given the site's location within the Conservation Area and to reflect the surrounding pattern of development, which is characterised by lower density development.

The proposal will need to comply with Planning Policy Wales, TAN12 and criteria set out in Local Development Plan Policies SP2, SP5 and ENV8 to ensure the development can achieve a high quality design, maintains and enhances local character and conserves, preserves or enhances the built and historic environment. At this outline stage, it is not possible to fully assess development proposals but on the basis of the indicative layout, scale parameters and sketch plans, the proposals are considered to be capable of complying with these policies.

In relation to planning obligations, Policy COM10 and SPG16 Education is relevant. In accordance with the SPG, the scheme will generate 1 nursery, 3 primary and 2 secondary school age children. There is currently sufficient capacity in the local catchment schools to accommodate this number of additional pupils, so no contribution would be required.

In accordance with Policy COM5, the scheme generates a requirement of 30% of the units to be affordable i.e four dwellings. As stated in the pre-application discussions, it is unlikely that the scheme lends itself to providing affordable housing within the development itself. As an alternative, a financial contribution of equivalent value may be appropriate. The size and type of affordable units needed in this location will be confirmed with the Housing Strategy Manager but a financial contribution will be calculated in accordance with Welsh Government's Acceptable Cost Guidance. The contribution would equal 58% of the figure provided for the relevant units in Band 4 of the Table in Annex A of the guidance.

In accordance with Policy COM11, all residential schemes are subject to the open space standard of 2.4ha per 1000 population. In this case given the location, size and likely nature of the development, any on site requirements for amenity/open space are more likely to be driven by the need to satisfy Policy SP2 than to provide formal play facilities. Policy COM11 is more likely to be fulfilled by a financial contribution to improve a local facility and the current rates of provision would be £470 per dwelling amounting to £5,640.00.

The application has been accompanied by an Access Statement, Preliminary Bat Survey, Tree Survey, Heritage Statement, Planning Statement and Design and Access Statement. The Highways Department has confirmed that the access statement, which details the potential traffic movements for the extant use of the convent and the traffic movements for the proposed dwellings, is broadly acceptable in traffic movement figures. A condition limiting the maximum number of dwellings has been recommended to ensure that traffic generation is not significantly increased beyond its current potential use. With regard to the proposed access, the Highways Department appreciates that the high boundary walls either side of Clevis Lane form part of the character and appearance of the conservation area and has therefore suggested a condition requiring a set back of the site boundary in order to achieve the necessary vision splays. It has also been recommended that it will be necessary for the applicant to enter into a Section 106 agreement to contribute to the extension and amendment of the existing One Way Traffic Order to extend this to correspond with the new access point.

In terms of heritage and impact on the Conservation Area, it is highlighted that the proposal does not affect a listed building, the setting of a listed building, a local list building or setting, a scheduled ancient monument, an unscheduled monument or a landscape or garden of historic interest. The application site is acknowledged, however, to be located in the Newton Conservation Area.

Paragraph 6.5.23 of Planning Policy Wales (2016) states that it is generally preferable for applications for planning permission and conservation area consent to be considered concurrently and consideration of developments in a conservation area should be made on the basis of a full, rather than an outline consent. However, in this instance the applicant will not be the eventual developer of the site and they wish to secure an outline consent before seeking bids from interested house builders. The Conservation and Design Team and officers have sought and secured further information in relation to the retention of part of the Prayer Centre and the application provides sufficient detail to assess the potential impact of the development on the conservation area in the form of a sketch site layout and illustrative drawings, and officers are satisfied that the S106 Legal Agreement efficiently controls the demolition until after the detailed design of the dwellings is agreed at Reserved Matters stage.

Proposals have been assessed against Policies SP5 and ENV8 of the Bridgend Local Development Plan. The Conservation and Design Team raise no objection to the submitted proposals subject to the following comments and conditions:-

The Stone Boundary Walls/Revised Access - The issue raised was that the boundary changes should not result in a net loss of wall along Clevis Lane and that the original stone should be used to close off the existing access. Provided the height, materials and finish to the walls remain in keeping with the existing walls, this could be considered acceptable. The proposed partial retention of the prayer centre does result in a slightly revised access, which is considered, on balance, acceptable in the context of the protection of the special interest of the Newton Conservation Area. An appropriately worded condition requiring agreement of a scheme to reconcile achieving the necessary vision splays for the access with retention of the walls is therefore recommended.

The Prayer Centre - After initial consideration and further site visits, the building is seen to have some merit but in the context of the structure of the conservation area and pattern of lanes rather than the building itself. The position and aspect of the building as it sits, almost at right angles to Clevis Hill, offering a clear view of the extensive span of slate roof punctuated by chimneys, is considered to add to the character of the conservation area. The side gable of the centre offers a boundary marker and adds to the sense of enclosure on Clevis Lane. The orientation of any new building in the site should take reference from this.

The Convent buildings - Whilst not listed, the original Convent does have a little architectural merit. It has a decorative door case, mostly traditional timber sliding windows, a timber decorative porch, conservatory and French doors. These features in the original building in addition to the large later side extension addition and some rear extensions, result in a building of considerable scale. Even though the convent building's visual impact on the conservation area is considered as limited, there is a requirement to justify the need for demolition in accordance with the requirements of Welsh Office Circular 61/96. In this regard it is noted that an amended heritage statement has been provided to address the three tests contained in Paragraph 92 of the above mentioned circular.

The heritage statement advises as follows:-

(i) In terms of the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use it is clarified that the convent is uneconomic and that given the size of the order of nuns nationally and internationally it is unlikely to ever be sustainable again as a convent. The building is deteriorating in condition and if no

viable end use for the site can be agreed, the building would be closed and would be likely to fall into disrepair. This would be potentially detrimental to the character of the conservation area. Similarly the Prayer Centre has fallen into disuse and alternative uses have been explored but without success.

(ii) The prime issue preventing retention of all the Convent buildings is considered to be the extortionate costs of converting the existing large building into modern habitable space together with ongoing maintenance costs for the site. The rear annex of the Prayer Centre is in a poor state of repair but revised proposals will now retain the section of this building adjacent to Clevis Lane. As previously indicated the Prayer Centre is considered to more directly impact on the conservation area and the partial demolition allowing for adapted highway access is considered to be an acceptable compromise.

(iii) The addendum heritage statement is considered to have gone some way to address concerns over the impacts of the development on Clevis Lane specifically and the conservation area in general. The development at the centre of the site which involves the demolition of the Convent buildings will have less impact on the character of the conservation area than works to the Prayer Centre, which have now been revised to minimise the impact.

In light of the foregoing, subject to conditions requiring the agreement of materials to be used on the dwellings and the boundary treatments particularly along Clevis Lane, there is no objection to the revised proposals.

In conclusion, in policy and highway safety terms, the proposed development is considered acceptable. In relation to the impact on the Newton Conservation Area, the proposed development will, it is considered, preserve the character and appearance of the area.

CONCLUSION

The application can be recommended for approval as a development that is compatible with National and local planning policies and guidelines and does not adversely affect privacy or visual amenities or highway safety nor so significantly harms neighbours' amenities as to warrant refusal. Notwithstanding that the application is in Outline with matters of appearance, landscaping, layout and scale reserved for future consideration, subject to conditions, the proposed development is compatible with the preservation of the character and appearance of the Newton Conservation Area.

Although the proposed development is not allocated within the Local Development Plan, it will contribute 12 dwellings towards the Authority's strategic aim of providing 2,888 dwellings for the period 2011-2016, and will include proportionate financial contributions towards affordable housing and public open space. Legislation and national policy dictates that planning applications must be determined in accordance with the approved development plan unless material circumstances suggest otherwise. In this case, notwithstanding the objections received, it is considered that there are not any material reasons why planning permission should be refused.

RECOMMENDATION

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

1. Provide a financial contribution of £416,208.00 towards the provision of affordable housing;
2. Provide a financial contribution of £5,640.00 towards the upgrading of a local play facility.
3. Provide a financial contribution of £7,000.00 to cover the cost of a Road Traffic Order in

respect of amending and extending the existing One Way Traffic Order that applies to the southern section of Clevis Lane.

4. Agree that no demolition or site clearance works shall be commenced until a contract for carrying out development works has been made and submitted to the Local Planning Authority and a detailed scheme for the redevelopment of the site has been approved.

(B) The Corporate Director Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, as follows:-

- 1 The development, hereby approved, shall be limited to no more than 12 dwellings, comprising 11 new build single units together a further single residential unit created from the partially retained Prayer Centre Building with the access located to the south of the retained section of the Prayer Centre Building and shall be undertaken in accordance with the 1:500 scale sketch site plan dated 24th February, 2016.

Reason : For the avoidance of doubt as to the extent of the permission granted in the interests of the free flow and safety of traffic and to maintain the operation capacity of the adjoining highway network.

- 2 No works to the Prayer Centre Building shall be commenced until a method statement detailing how the western section of the building, which is to be retained, will be adequately safeguarded during the demolition of the eastern section of the building has been submitted to and agreed in writing by the Local Planning Authority. Thereafter any works to the eastern section of the building shall be undertaken in accordance with the agreed scheme.

Reason : To ensure the Local Planning Authority retains effective control over the works to retain the western section of the Prayer Centre in the interests of visual amenity and to safeguard the character of the Newton Conservation Area.

- 3 No development whatsoever shall commence on site until a copy of the European Protected Species Licence issued by Natural Resources Wales or confirmation from Natural Resources that such a licence is not required has been submitted to the Local Planning Authority and acknowledged in writing to confirm that works on site may be commenced. The development works shall thereafter incorporate the mitigation and enhancement proposals identified in Section 5 of the Wildwood Ecology Bat Survey Report (8 September, 2015).

Reason : In the interests of biodiversity.

- 4 No development shall take place, including any works of demolition/site clearance until a Construction Traffic Management Plan and Demolition Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall detail the following:-

- * The routing of HGC construction traffic/to/from the site in order to avoid school starting and leaving times;
- * The parking of vehicles of site operatives and visitors;
- * Loading and unloading of plant and materials;
- * Storage compound for plant and materials to be used in the construction phase and any retained from the demolition phase;
- * Wheel Washing facilities;
- * Measures to control the emission of dust and dirt from the demolition and construction phases;

- * The provision of temporary traffic and pedestrian management along Clevis Lane;
- * Methods of dealing with any controlled waste including removal to a registered site by a registered waste carrier.
- * Details of fencing for the protection of retained trees protected by a Preservation Order before any equipment, machinery or materials are brought onto the site for the purposes of the development, which shall be maintained throughout the course of the development with mothering store or placed in any area fenced in accordance with this condition. The ground levels within the fenced areas shall not be altered nor shall any excavation be made.

The demolition and construction works shall thereafter be undertaken in accordance with agreed Method Statement and Traffic Management Plan.

Reason : In the interests of highway safety.

- 5 With the exception of the dwelling unit created from the retained section of the Prayer Centre Building, the remainder of the development shall be served by a single means of vehicular access, located to the south of the Prayer Centre Building as shown on the approved plans, which shall be a minimum of 5.5m wide for the first 9m with 6 metre radius kerbing on both sides of the entrance. The access shall be provided in permanent materials with vision splays of 2m by 20m to the south and 2m by 14m to the north and so retained in perpetuity.

Reason : In the interests of highway safety.

- 6 The access shall be at a gradient not steeper than 5% (1 in 20) for the first 30 metres and thereafter not steeper than 8% (1 in 12).

Reason : In the interests of highway safety.

- 7 No development shall commence until a comprehensive signing scheme has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include:-
 - * Amended and relocated No Entry Signs
 - * Pedestrians in Carriageway Warning Signs
 - * No Left Turn Sign

The signs shall thereafter be installed in accordance with the agreed scheme prior to the development being brought into beneficial use.

Reason : In the interests of highway safety.

- 8 The plans and particulars submitted in accordance with the reserved matter in respect of landscaping shall include:-
 - i. 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;
 - ii. details of the species, diameter (measured in accordance with paragraph i above) and the approximate height, together with 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 iii and iv below apply;
 - iii. details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

iv. 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.

v. 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;

vi. details of the approximate height and an assessment of the general state of health of any hedgerows forming the boundaries to the site which shall be retained;

vii. details of the specification and position of fencing and of any other measures to be taken for the protection of hedgerow 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.

- 9** Any submission for approval of reserved matters shall include details of the proposed floor levels of the buildings in relation to existing ground levels and the finished levels of the site. The development shall thereafter be carried out in accordance with the agreed details.

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

- 10** No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site showing how foul drainage, highway, surface water, including the means to prevent run off from driveways and parking bays discharging onto the highway, roof and yard water will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the agreed scheme prior to any dwelling being brought into beneficial occupation.

Reason : To ensure safe drainage of the site.

- 11** 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.

- 12** No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a scheme showing the means of enclosure/boundary treatment. The scheme shall detail the following:-

- * Siting, materials and measures for closing up the existing Convent Access
- * Siting, materials and boundary walls to be erected along the eastern side of Clevis Lane either side of the site access,
- * Design, materials and type of boundary treatment to be erected between the plots and along the northern, eastern and southern site boundaries
- * A timetable for its implementation.

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

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

- 13** Any application for approval of reserved matters shall include full details of both hard and soft landscape works for the written agreement of 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.

- 14** No works shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation, which has been submitted to and agreed in writing by the Local Planning Authority.

Reason : To safeguard the historic environment as the building is of architectural and cultural significance the specified records will mitigate impact.

- 15** No development shall commence until a scheme of historic environment mitigation has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the programme of works shall be implemented in accordance with the agreed scheme prior to the development being brought into beneficial use.

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.

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

(a) The application can be recommended for approval as a development that is compatible with National and local planning policies and guidelines and does not adversely affect privacy or visual amenities or highway safety nor so significantly harms neighbours' amenities as to warrant refusal. Notwithstanding that the application is in outline with matters of appearance, landscaping, layout and scale reserved for future consideration, subject to conditions, the proposed development is compatible with the preservation of the character and appearance of the Newton Conservation Area.

Although the proposed development is not allocated within the Local Development Plan, it will contribute 12 dwellings towards the Authority's strategic aim of providing 2,888 dwellings for the period 2011-2016, and will include proportionate financial contributions towards affordable housing and public open space. Legislation and national policy dictates that planning applications must be determined in accordance with the approved development plan unless material circumstances suggest otherwise. In this case, notwithstanding the objections received, it is considered that there are not any material reasons why planning permission should be refused.

(b) Off street parking both operational and non operational must be provided to the satisfaction of the Local Planning Authority and the developer's attention is drawn to SPG17 Parking Standards (2010).

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

(d) The observations received from Dwr Cymru/Welsh Water, Natural Resources Wales and South Wales Police Designing Out Crime Officer are attached for the developer's information and consideration.

(e) The archaeological works required by Conditions 14 & 15 must be undertaken to the appropriate standard and guidance set by the Chartered Institute for Archaeologists (CIFA) and it is recommended that it is carried out either by a CIFA Registered Organisation or an accredited Member.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

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RECOMMENDATION : GRANT

REFERENCE: **P/15/647/CAC**

APPLICANT: SISTERS OF POOR CLARE
C/O GERAINT JOHN PLANNING LTD SOPHIA HOUSE 28 CATHEDRAL ROAD CARDIFF

LOCATION: **ST CLARES CONVENT CLEVIS LANE PORTHCAWL**

PROPOSAL: DEMOLITION OF BUILDINGS ON THE SITE INC. CONVENT BUILDING, PRAYER CENTRE & CLEVIS COTTS. & REMOVE PART OF WALL

RECEIVED: 30th September 2015

SITE INSPECTED: 19th October 2015

APPLICATION/SITE DESCRIPTION

Conservation area consent is sought for the demolition of buildings on the site of the existing St Clare's Convent in Newton Village. The submission accompanies application P/15/648/OUT which seeks to agree the principle of redeveloping the site for residential use.

The application has been accompanied by a site location plan, site layout plan, demolition plan and Heritage Statement (Amended on 16th March 2016). Whilst a number of existing buildings will be demolished on site, through negotiation the revised Heritage Statement confirms that the main body of the prayer centre will be retained and converted into a residential use. The retention of the prayer centre will however necessitate a revision to the site access and the demolition of part of the high stone wall fronting Clevis Lane.

RELEVANT HISTORY

P/04/974/FUL	APPROVED	16-08-2004
REPLACE 3 NO. CLASSROOMS		
P/10/582/FUL	Retro Uncond Approv.	21-09-2010
THREE SIDED WASTE BIN COMPOUND		
P/11/229/FUL	APPROVED +conditions	17-05-2011
ERECT DINING HALL BUILDING WITH FOOD TECHNOLOGY CLASSROOM		
P/12/264/FUL	APPROVED +conditions	24-05-2012
ERECT BALL NET IN FRONT OF BUILDING		
P/12/486/FUL	APPROVED	15-08-2012
INSTALLATION OF ARTIFICIAL PITCH WITH ASSOCIATED FENCING		

* THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION

Application Number/s
P/15/648/OUT & P/15/647/CAC

NEWTON



P/13/186/FUL APPROVED 10-05-2013
 +conditions
WIDEN EXISTING ENTRANCE AND PART DRIVEWAY

P/15/648/OUT
DEMOLITION OF ST CLARES CONVENT & REDEVELOP SITE FOR RESIDENTIAL USE

T/12/46/CON Cons. trees 01-08-2012
 granted
REMOVAL OF LEYLANDII HEDGE

T/13/10/TPO Conditional TPO 27-03-2013
 Art5
PROGRAM OF WORKS TO VARIOUS TREES WITHIN SCHOOL GROUNDS

T/14/26/TPO TPO Grant (no 07-07-2014
 conds)
NOTIFICATION OF FELLING OF DANGEROUS TREE

T/15/32/TPO TPO Grant (no 24-07-2015
 conds)
WORKS TO 2 SYCAMORE TREES: REMOVE 3M OFF TOP, 2M OFF ANY LATERAL
GROWTH INTO GARDEN, CROWN RAISE TO 2M ABOVE FENCE

PUBLICITY

The application has been advertised on site.
Neighbours have been notified of the receipt of the application.
The period allowed for response to consultations/publicity has expired.

NEGOTIATIONS

The applicant's agent was advised of concerns regarding the initially submitted Heritage Statement and the need to address the three tests set out in Welsh office Circular 61/96, which seeks to control demolition within Conservation Areas and requested to revise the content of the statement. In a meeting convened with the applicant's agent, the quantum of demolition works originally proposed was discussed and the potential for retention of the Prayer Centre explored. It was explained, however, that, due to structural problems within the existing Prayer Centre Building and its impact on proposed access arrangements, the complete demolition of the structure was the only viable option but further consideration would be given to at least partial retention and revisions to the access arrangements. Subsequently amended plans were submitted, which amended the access and retained the most westerly section of the Prayer Centre and its existing vehicular driveway. An addendum to the Heritage Statement and a draft demolition method statement were also provided to support the application.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 12th October 2015

Strongly object to the application on the following grounds:-

* Access and egress;

- * Narrowness of lane and partial one way system;
- * Clarification of whether the Prayer Centre is a Listed Building is necessary;
- * The number of temporary lorry/vehicle movements;
- * Size of the development as the application relates only to approximate numbers

Councillor K J Watts

I have previously commented on this application.

I have a number of concerns namely:

- * Lorry egress/access movements in a narrow partial one way road:
- * Increase in traffic movement at peak times at a junior school entrance which is already congested;
- * Demolition of a building which might have protected status;
- * Potential overdevelopment of the land;

Head Of Street Scene (Engineers)

No major problems are anticipated in respect of the demolition but an asbestos survey must be undertaken prior to any commencement of works.

Glamorgan Gwent Archaeological Trust

No objection subject to conditions.

REPRESENTATIONS RECEIVED

Porthcawl Civic Trust Society, C/O Mrs Caroline Vaughan

The Civic Trust Society strongly objects to the above planning application.

One of the buildings scheduled for demolition is reputed to date back to 1696 and possibly been previously listed. Further research is required into the history of the building.

Clevis Lane is a narrow lane which for the majority of its length is one way. There is an inadequate pavement width along its length which is hazardous for pedestrians.

At the start and end of the school day there is already traffic chaos as the majority of children attending St Clare's School arrive and depart by private cars.

Porthcawl Civic Trust Society has been in contact with the Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW) and has obtained a copy of the attached document from them. The document shows a photograph, taken in 1985, of the wall plaque which has now disappeared but was on the west wall of the older unit. The plaque is dated 1696. This building is possibly the oldest in Newton and certainly forms an important part of the history of the village.

Whilst the building is not listed it is within the Newton Conservation Area and as such it is included as one of Other Notable Buildings. Furthermore, the Character & Appearance section which cites the reason for Newton's status as a Conservation Area is this: Introspective groups of buildings contribute to the pleasant visual quality of the winding streets and lanes. Its original form and character and intimate scale have survived and this is, perhaps, its most attractive aspect. Stone boundary walls, enclosed gardens, some with rocky outcrops and extensive tree belts to the east and north are intrinsic factors in the creation of the village scene. Buildings are of a variety of styles and materials, the older ones possessing stone walls and slated roofs.

The demolition of the buildings referred to in the application and their replacement with a 21st

century housing development would adversely affect the historical and architectural integrity of the village.

If BCBC and Cadw are minded to allow this inappropriate development, before it and other buildings are demolished there should be firm evidence that positive efforts have been made to find other uses for them and especially so for the building referred to in the attached document.

Letters Of Objection Have Been Received From The Occupiers, Of 11 Properties:

The grounds of objection can be summarised as follows:

1. Proposed development does not compliment the Conservation Area;
2. Access Lane serving the site is unsuitable and there will be significant highway safety impacts;
3. Development detracts from the character of the village;
4. Prayer Centre should be retained - particularly as it is thought to be one of the oldest buildings in Newton;
5. Disruption to residents;
6. Adverse impact on trees;
7. Inadequate publicity for application contrary to procedural requirements.
8. Transport Assessment is flawed.
9. Architectural and historic value of Prayer Centre has not been considered.

COMMENTS ON REPRESENTATIONS RECEIVED

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

1. Conservation Area - Subject to conditions requiring agreement of a scheme to replace/retain the stone boundary walls currently existing along the western application site boundary whilst achieving the necessary vision splays for the vehicular access to the site, it is considered that the proposed development will be compatible with the conservation area. With regard to the Prayer Centre, which is now to be partially retained, it is considered that the building contributes to the structure of the conservation area and the pattern of lanes rather than possessing significant architectural value. In relation to the Convent Buildings which are located within the application site and are not readily publicly visible, other than a number of identified features, it is considered that these structures do not have a significant visual impact on the conservation area. There is, however, a requirement to justify the need for demolition in accordance with regulations and in this regard, it is considered that the amended Heritage Statement, which accompanies the submission, satisfactorily addresses the three tests set out in Welsh Office Circular 61/96.

2. Suitability of Clevis Lane - Notwithstanding the character of Clevis Lane, fronting the site, the Highways Department has considered the access appraisal, submitted with the application, and broadly accepts the traffic movement figures in terms of the extant Convent use and the proposed development. In order to minimise impacts on highway safety, given the close proximity to the Primary Section of the adjoining St Clare's School, it is considered that an appropriately worded condition to requirement agreement of a Demolition Method Statement is necessary. In this manner any disruption to existing residents during this phase of the development will be satisfactorily addressed. It is also considered that the proposed development will be not so significantly detrimental to pedestrian safety given the accepted traffic movement figures associated with the extant use.

3. Design Impact - As the application is in outline, it is not possible to assess the design quality of the proposed new dwellings at this stage. Given that the majority of the new buildings are to be located within the site, screened from public view by the stone boundary walls, which are largely to be retained, it is considered that the proposals will not adversely impact on the character of

the Conservation Area.

4. Traffic congestion - Problems generated by the adjoining School at opening and closing times are noted and these pre-existing problems would be a matter for future occupiers of the development to consider. As indicated, above, during the demolition and construction phase, an appropriately worded condition to ensure that construction and works traffic do not take place at these times.

5. Prayer Centre - Following negotiation, part of the existing building is to be retained with refurbishment and conversion works.

6. Trees - The planning application has been accompanied by a Tree survey and whilst a number of trees will be required to be removed to facilitate the proposed development, the indicative layout provides for the retention of significant existing specimens. Conditions requiring protection of these during the demolition and construction phases can further safeguard these trees.

7. Publicity - 23 individual neighbour consultation letters were dispatched to the properties immediately adjoining the application site and the applications were advertised on site and in the local press. These publicity arrangements satisfy the requirements of the Town and Country Planning (Development Management Procedure) Order.

8. Transport/Access Assessment is flawed - Residents note that the assessment submitted with the application refers to estimates of car generation rather than the actual limited use by the existing Order of Nuns. In this regard, it is noted the Assessment, which accompanies the submission, considers potential traffic generation were the Convent to be fully occupied or converted to another use within Class D1 of the Use Classes Order as notwithstanding the existing limited use, the considered options would be the fall back position.

9. Refurbishment Preferred - It has been clarified by the applicant's agent that structural issues within the existing buildings and their suitability for conversion result in this option not being viable. Whilst objectors consider that the Prayer Centre is of considerable architectural and historic value, it was noted during the site inspection that the structure retains few original features other than the slate roof, chimneys and a pointed arch door case. The building has been pebble dashed and has almost entirely UPVC windows and rainwater goods. As indicated above, it is considered that the principal value lies in the building's contribution to the structure of the conservation area and in this regard its partial retention is considered to be acceptable.

APPRAISAL

The application is referred to committee to consider the objections raised by the Porthcawl Town Council, Civic Trust and local residents in respect of the proposed development.

Conservation area consent is sought for the demolition of buildings on the site of the existing St Clare's Convent in Newton Village. The submission accompanies application P/15/648/OUT which seeks to agree the principle of redeveloping the site for residential use.

The application has been accompanied by a site location plan, site layout plan, demolition plan and Heritage Statement (Amended on 16th March 2016). Whilst a number of existing buildings will be demolished on site, through negotiation the revised Heritage Statement confirms that the main body of the prayer centre will be retained and converted into a residential use. The retention of the prayer centre will however necessitate a revision to the site access and the demolition of part of the high stone wall fronting Clevis Lane.

Planning Policy Wales (2016) advises at Paragraph 6.5.18 that in exercising controls, account should be taken of the part played in the architectural or historic interest of the area in which the building is set and for which demolition is proposed, in particular of the wider effects of demolition on the building's surroundings and the conservation area as a whole.

The application site lies within the Newton Conservation Area and Policy SP5 of the LDP requires development to conserve, preserve or enhance the built and historic environment of the County Borough and, in particular, proposals will only be permitted where it can be demonstrated that they will not have a significant adverse impact on heritage assets which includes

conservation areas and their settings. This approach is supported by Policy ENV8, which requires development to respect heritage assets and preserve, conserve and enhance the local distinctiveness of the County Borough.

The application has been accompanied by a Heritage Assessment, which seeks to justify the demolition of the existing buildings given the conservation area location and in order to meet the requirements of Welsh Office Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas. The Circular states that there is a presumption in favour of the retention of buildings that make a positive contribution to the conservation area and establishes three tests to be applied to proposals for demolition in such circumstances. Each of the 'tests' has been addressed by the developer in the supporting 'Heritage Statement' as follows:

'Test 1: The condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use.

Given the historical nature and scale of the original main Convent building, there are significant costs associated with maintaining the building for its current use. Whilst the building is structurally sound, given its age, it suffers from damp issues and requires general continued maintenance i.e. repairs to roof, windows, guttering etc. In addition, given the scale of the building, there are considerable costs associated with heating, water, ventilation and power etc. The cost of maintaining the facility will continue to rise, so will the costs for heating, ventilation and power etc. The on-going maintenance cost associated with the main Convent building, particularly in relation to its limited use (only two nuns are currently residing at the Convent building, and are waiting to be re-located) are therefore unfeasible.

Accordingly, the present use of the Convent is uneconomic. It is not anticipated that the Convent will again reach ultimate capacity and therefore the Order is not able to continue the current use of the site as a Convent. As a result, the buildings and the associated outdoor area will no longer be occupied or maintained. Whilst the grounds and buildings are currently well maintained this is becoming less and less sustainable and the possible dilapidation of the site could lead to antisocial behaviour, which would consequently have an effect on the safety of the adjoining occupants. In addition, the rapid deterioration of the buildings would have a detrimental impact on the character and appearance of the conservation area, and the amenity of the surrounding area.

Having regard to the above it is therefore demonstrated that having regard to the declining condition of the buildings, the increasing maintenance costs and that there is no value / need to retain the building in its current use that the demolition of the buildings are justified.

Test 2: The adequacy of efforts made to retain the building in use.

As highlighted above, the Convent was established in 1939 and together with the nearby Clevis Cottages, housed 28/29 Sister at its peak. The Prayer Centre was purchased in the 1950s, with the ground floor being used for infant teaching and the upper floors used for boarding & with an average of 20 weekly boarders.

Attempts have been made to make beneficial use of the existing buildings on site. The Prayer Centre is currently available for people to visit and spend time on a bed and breakfast basis, with 7 bedrooms located within the three former dwellings. The centre also provides a venue for meetings for groups of up to 30 people. Clevis Cottages have also, since boarding ceased, been made available as a meeting for local parishes. Despite this however, principally, the site has remained unused. There has been no interest by the Community for the use of the building nor has there been any interest by residents to use the B&B facilities.

The LPA have confirmed that the re-development of the site for residential purposes would be acceptable in principle and compatible with Policy COM3 of the LDP. It is considered

accordingly, that the residential use of the site would meet the requirements of planning policy and would make the best and most effective use of this site. The redevelopment of the site for residential purpose is therefore considered to be the most suitable and favourable option, which would allow for a development which is appropriate and compatible with the area, thereby having minimum adverse impact on the amenity of the area.

As part of the re-development of the site, detailed consideration has been given to retaining the main Convent building and the Prayer Centre. As outlined above, given the historical nature and scale of the main Convent building, the cost of converting the building to modern residential flats would be extortionate - not least due to the need to meet current modern standards. In addition to the costs associated with the conversion of the building, it is considered that the continued maintenance and utility costs would be significant. It would not therefore be feasible or viable to convert the existing main Convent building.

Careful consideration has also been given to the conversion of the main Convent building and the Prayer Centre to affordable housing. However given the dated nature of the buildings, i.e. narrow doors and hallways etc., it would not be feasible to convert the buildings to meet the necessary guidance as set out within Development Quality Requirements (DQR) and Lifetime Homes. It would not therefore be a feasible option to convert the buildings to affordable housing.

The LPA have confirmed that the buildings on site, including the main Convent building are of no particular architectural merit or special character. Furthermore, the LPA have advised that the importance of buildings diminishes within the site, and the main Convent building is located well within the site, and is not therefore prominently visible from public vantage points. The LPA do not consider the Convent building as being a positive building within the Conservation Area. Its demolition will therefore have no adverse impact on the character and appearance of the Conservation Area.

The initial development sought the removal of the existing Prayer Centre in order to allow for improvements to be made to the access. In light of further discussions had with the LPA following the submission of the application, it is now proposed to retain the main part of the Prayer Centre, in order to preserve the character and appearance of the Conversation Area.

The retention of the Prayer Centre has necessitated the need for a small tweak to the access into the site. However the existing stone wall will be re-built along the curve of the access and into the site for a short length.

Careful consideration was given to the retention of the Prayer Centre, as a whole, however as shown on the site plan below, the retention of the 'annexe' of the Prayer Centre would mean that an access at this location would not be possible. It would also have further implications on the internal road layout of the scheme, and as such would likely result in an unviable scheme.

The demolition of the 'annex' will mean that improvements to the access can be achieved - which would allow the safer use of Clevis Lane. The vision splays from the new entrance will be over and above the original positions of the two vehicular entrances being replaced with one, leading to a more appropriate and safer geometry and safer movement to and from the site.

The development will therefore provide an opportunity to make Clevis Lane safer for vehicular and pedestrian users by the re-arrangement of traffic flows and the introduction of a turning facility just below the one way section of the lane.

The Conservation Team have confirmed that the Prayer Centre is of no particular architectural merit or special character, and that it's the 'punctuating effect' of its roof line that contributes to the character and appearance of the Conservation Area. Given the low architectural quality of the Prayer Centre as a whole and the fact that the rearmost section is in a poor state of repair, the proposal would see the existing frontage onto Clevis Lane being retained (i.e. the built form

closest to the lane / dwarf stone wall / domestic hedge and gate etc.). Accordingly, the 'punctuating effect' of the Prayer Centre would be retained.

The above demonstrates that significant efforts have been made to retain the buildings in use, and indeed, the proposals now provide for the re-use of a part of the existing Prayer Centre. However it has been clearly demonstrated that the remaining buildings are not suitable to be retained in existing uses and / or to be retained for other uses having regard to the lack of demand, and that the proposed redevelopment of the site is the most appropriate use of the site as discussed in further detail below.

Test 3: the merits of alternative proposals for the site

The application site represents previously developed land within the settlement boundary, adjacent to residential properties and built form, and within close proximity to a wide range of services and facilities.

In terms of local policy, the site's location within the settlement boundary of Porthcawl indicates that the principle of residential development is accepted and encouraged, subject to meeting relevant criteria. Furthermore, the proposed residential use of the site complies with national planning policy as a well-integrated and connected sustainable development on previously developed land, which relates well to, and protects, the existing character of the settlement.

It is considered accordingly that the residential use of the site would meet the requirements of planning policy and would make the best and most effective use of this valuable resource a site within settlement limits comprised of previously developed land, and sitting adjacent to existing residential development.

As outlined above, discussions with the LPA have confirmed that the importance of the buildings diminishes within the site, with the Prayer Centre is considered to be of most importance due to its position close to the site's periphery and that its 'punctuating effect' (particularly its roof line) contributes to the character and appearance of the Conservation Area. It was accepted that individually, the buildings on site (including the Prayer Centre and the main Convent building) are of no architectural merit or special character in their own right. It was also accepted that an argument could be made for the complete demolition of the site (including the Prayer Centre and the original main Convent building).

Careful consideration has been given to the concerns raised by the LPA. A number of alternative options have been carefully considered, discussed, and reviewed, and the proposed development is considered to be the optimum scheme, which fully addresses the concerns of the LPA, whilst also allowing for an appropriate, suitable and viable development, which will not only preserve, but enhance the character and appearance of the Conservation Area.

The revised proposal retains the main body of the Prayer Centre, and the 'annex' will be demolished. Given the low architectural quality of the Prayer Centre as a whole and the fact that the rearmost section is in a poor state of repair, such an option would see the existing frontage onto Clevis Lane being retained (i.e. the built form closest to the lane / dwarf stone wall / domestic hedge and gate etc.).

The retention of the Prayer Centre has necessitated the need for a small tweak to the access into the site. However the existing stone wall will be re-built along the curve of the access and into the site for a short length.

The main Convent building is located within the main body of the site, and is not therefore visually prominent within the landscape. The discrete location of the Convent and the fact that it is of no architectural merit or special character means that the building itself does not contribute to the character and appearance of the Conservation Area. Considerable thought has been given

to the retention and conversion of the Convent of the building however, as discussed above, given the historical nature and scale of the building, it would not be feasible to convert the building into residential flats, as the conversion costs incurred would render the scheme to be unviable.

It has been demonstrated within the original heritage statement, and within other associated documents (Planning Statement and Design and Access Statement), that the proposed scheme would preserve/enhance the Conservation Area not least given the revised proposal to retain a significant part of the Prayer Centre. There will be no let loss of specific features such as the boundary wall, a significant proportion of the trees will be retained, and the indicate design and layout of the site is in keeping with the sounding character.

Accordingly, it is considered that the residential use of the site would meet the requirements of planning policy and would make the best and most effective use of this valuable resource, a site within settlement limits comprised of previously developed land. The proposed alternative use of the site for residential development is therefore considered to provide the most appropriate, and viable, use for the site'.

The Conservation and Design Team have considered the revised proposals and heritage statement and have offered no objection to the development subject to conditions.

In conclusion, in policy and highway safety terms, the proposed development is considered acceptable. In relation to the impact on the Newton Conservation Area, the proposed development will, it is considered, preserve the character and appearance of the area.

CONCLUSION

This application is recommended for approval because the development complies with Government and Council policy and guidelines and does not adversely affect the visual amenities of the area and the proposed demolition and redevelopment proposals are considered to be compatible with the preservation of the character and appearance of the Newton Conservation Area.

RECOMMENDATION

(R13) That permission be GRANTED.

- 1 No development whatsoever shall commence on site until a copy of the European Protected Species Licence issued by Natural Resources Wales or confirmation that such a licence is not required has been submitted to the Local Planning Authority and acknowledged in writing to confirm that works on site may be commenced. The development shall thereafter incorporate the mitigation and enhancement proposals identified in Section 5 of the Wildwood Ecology Bat Survey Report (8 September, 2015).

Reason : In the interests of biodiversity.

- 2 This Conservation Area Consent requires only the partial demolition of the Prayer Centre Building and no works to this building shall be commenced until a method statement detailing how the western section of the building, which is to be retained, will be adequately safeguarded during the demolition of the eastern section of the building including the exterior finish to the eastern gable end of the retained building has been submitted to and agreed in writing by the Local Planning Authority. Thereafter any works to the eastern section of the building shall be undertaken in accordance with the agreed scheme.

Reason : To ensure the Local Planning Authority retains effective control over the works to retain the western section of the Prayer Centre in the interests of visual amenity and to

safeguard the character of the Newton Conservation Area.

- 3** No development shall take place, including any works of demolition/site clearance until a Construction Traffic Management Plan and Demolition Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall detail the following:-

- * The proposed timetable for the phasing of the demolition works;
- * The routing of HGC construction traffic/to/from the site in order to avoid school starting and leaving times;
- * The parking of vehicles of site operatives and visitors;
- * Loading and unloading of plant and materials;
- * Storage compound for plant and materials to be used in the construction phase and any retained from the demolition phase;
- * Wheel Washing facilities;
- * Measures to control the emission of dust and dirt from the demolition and construction phases;
- * The provision of temporary traffic and pedestrian management along Clevis Lane;
- * Methods of dealing with any controlled waste including removal to a registered site by a registered waste carrier.
- * Details of fencing for the protection of retained trees protected by a Preservation Order before any equipment, machinery or materials are brought onto the site for the purposes of the development, which shall be maintained throughout the course of the development with no other materials stored or placed in any area fenced in accordance with this condition. The ground levels within the fenced areas shall not be altered nor shall any excavation be made.

The demolition and construction works shall thereafter be undertaken in accordance with agreed Method Statement and Traffic Management Plan.

Reason : In the interests of highway safety and for the avoidance of doubt.

- 4** No development shall commence on site until there has been submitted to and agreed in writing plans and details showing :-

- * The location of and allocating a reference number to each existing tree on site, which has a stem with a diameter, measured over the bark at a point 1.5metres above ground level, exceeding 75mm, showing which trees are to be retained and crown spread of each retained tree;
- * Details of the species, diameter and approximate height, together with an assessment of the general state of health and stability of each retained tree.
- * 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; and
- * 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 the demolition and subsequent redevelopment.

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

- 5** No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a scheme showing the means of enclosure/boundary treatment. The scheme shall detail the following:-

- * Siting, materials and measures for closing up the existing Convent Access
- * Siting, materials and boundary walls to be erected along the eastern side of Clevis Lane either side of the site access,
- * Design, materials and type of boundary treatment to be erected between the plots and along the northern, eastern and southern site boundaries

* A timetable for its implementation.

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

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

- 6** No works shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation, which has been submitted to and agreed in writing by the Local Planning Authority.

Reason : To safeguard the historic environment as the building is of architectural and cultural significance the specified records will mitigate impact.

- 7** No development shall commence until a scheme of historic environment mitigation has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the programme of works shall be implemented in accordance with the agreed scheme prior to the development being brought into beneficial use.

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.

- 8** No demolition or site clearance works shall be commenced until a contract for carrying out development works has been made and submitted to the Local Planning Authority and a detailed scheme for the redevelopment of the site has been approved.

Reason: To ensure an orderly form of development and to safeguard the character of the Conservation Area.

This application is recommended for approval because the development complies with Government and Council policy and guidelines and does not adversely affect the visual amenities of the area and the proposed demolition and redevelopment proposals are considered to be compatible with the preservation of the character and appearance of the Newton Conservation Area.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

RECOMMENDATION : SECTION 106

REFERENCE: **P/15/847/FUL**

APPLICANT: DARLOW LLOYD CONSTRUCTION LTD.
8 VILLAGE FARM ROAD VILLAGE FARM INDUSTRIAL ESTATE PYLE

LOCATION: **ST JOHNS AMBULANCE HALL BEDFORD CLOSE CEFN CRIBWR**

PROPOSAL: CREATE 12 FLATS COMPRISING 3 X 2 BED FLATS AND 9 X 1 BED FLATS IN ONE 2 STOREY BUILDING

RECEIVED: 21st December 2015

SITE INSPECTED: 27th January 2016

APPLICATION/SITE DESCRIPTION

The application seeks planning permission for the erection of 12 flats on this parcel of land at the junction of Cefn Road with Bedford Road, Cefn Cribwr. The site previously accommodated a St Johns Ambulance Hall, running west to east along the northern boundary, and a club house, running north to south along the western boundary. Both buildings have now been demolished and the site is enclosed by Heras fencing.

The proposed building will measure 44.5m x 7.5m and will be finished with a pitched roof reaching a maximum height of 7.6m. The building will accommodate 9 x one bedroom flats and 3 x two bedroom flats. The development will be served by 11 off street parking spaces and access will be gained via Bedford Road. Two areas of communal amenity space are proposed to the south of the building and an enhancement is proposed to the existing community planting area to the west of the site including a landscaped area.

The applicant, a construction firm, has advised the Local Planning Authority that the site is being developed on behalf of a registered social landlord, Valleys to Coast Housing Association.

RELEVANT HISTORY

P/07/1337/FUL REFUSED 04-01-2008
CHANGE OF USE OF HALL SECTION OF SITE TO WAREHOUSE STORAGE FROM WHICH SOME RETAIL MAY BE REQUIRED

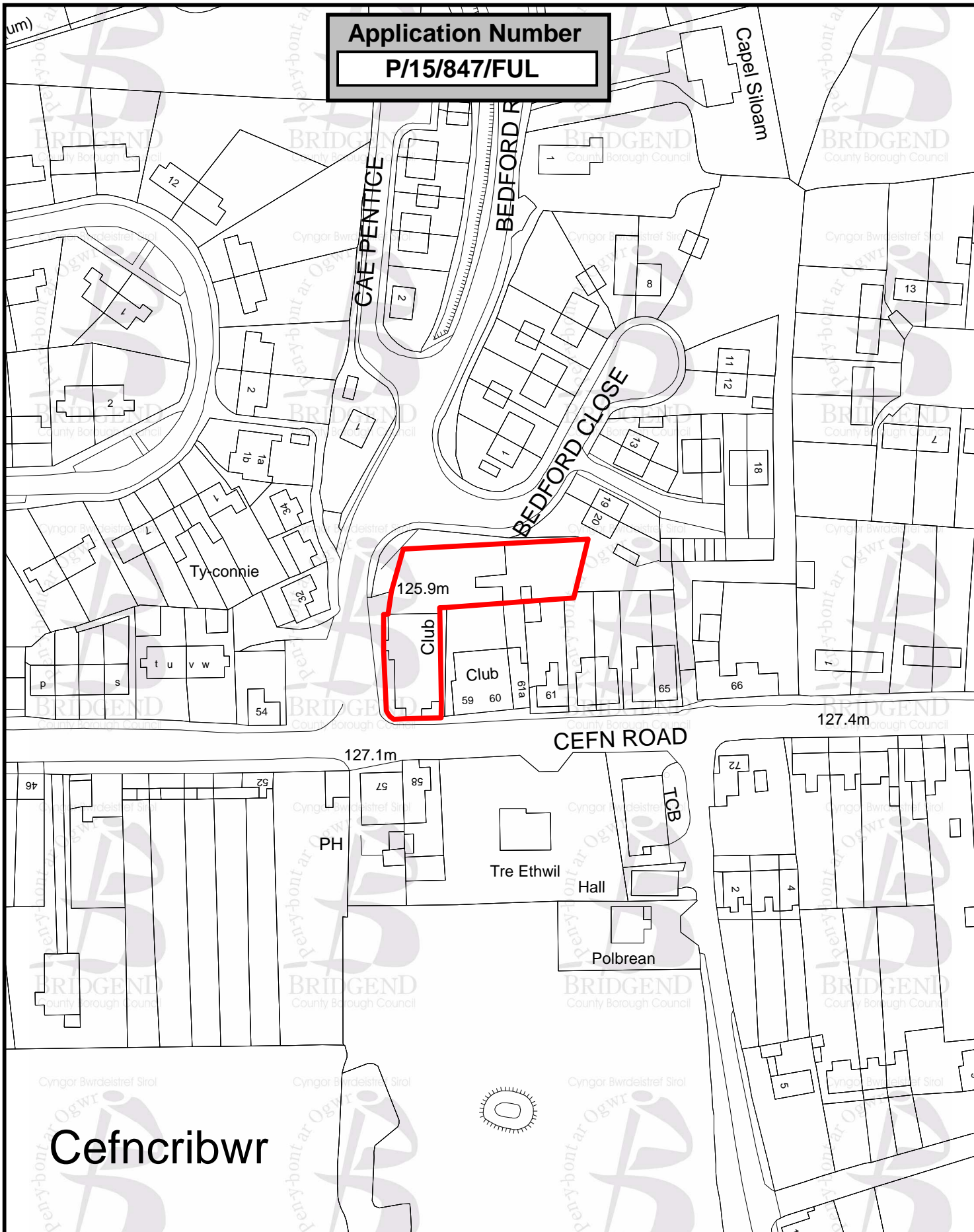
P/07/160/OUT APPROVED 24-05-2007
+conditions
DEMOLISH EXISTING CLUB HOUSE & ERECTION OF RESIDENTIAL HOUSING

P/11/87/OUT APPROVED 19-04-2011
+conditions
OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (2 DWELLINGS) WITH ACCESS OFF BEDFORD ROAD

P/13/75/FUL APPROVED 03-07-2013
+conditions
DEMOLISH EXISTING CLUB AND ERECT 3 TRADITIONALLY CONSTRUCTED RESIDENTIAL UNITS

Application Number

P/15/847/FUL



Cefncribwr



Page 62

Scale 1:1,250

Date Issued:
04/05/2016

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

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Cyngor Bwrdeistref Sirol



PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations and publicity expired on 7th March 2016.

NEGOTIATIONS

A meeting was held with the applicant, the local Member and members of the community group Y Cefn Gwyrdd. Discussions took place in respect of amendments to the primrose garden to the west of the site, following the meeting amended plans were received on 12 February 2016.

The applicant was also requested to amend the level of amenity space and add some interest to the visible blank elevation, an amended plan was received on 25 February 2016.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 29th December 2015

Head Of Street Scene (Highways)

Has no objection to the proposal subject to conditions.

Head Of Street Scene (Drainage)

Requested that a condition be attached to any permission granted.

Wales & West Utilities

Advised on the position of apparatus.

Crime Prevention Design S.Wales Police

Is generally pleased with the site layout but advised that the entrance to the site should be restricted to one vehicle/pedestrian entrance.

Group Manager Public Protection

Requested that a condition be attached to any permission granted.

REPRESENTATIONS RECEIVED

Objections Were Received From The Following:, -

- A & P Davies - 6 Bedford Close
- H & J Stenner - 7 Bedford Close
- A, M & D Baldwin - 13 Bedford Close
- P Rayment - 20 Bedford Close (requested to speak at committee)
- M Thomas - 2 Heol Shon
- Y Cefn Gwyrdd

A petition of 35 signatures was received which related to the loss of the planted bank to the west

of the site and the visual impact of the rotary lines.

The objectors were generally in support of the site being developed for affordable housing.

Objections are summarised as follows

- Loss of planted area to the west of the site
- Lack of landscaping
- Visual impact of retaining wall and washing lines on the entrance to Bedford Close
- Highway and pedestrian safety
- Parking concerns
- Overdevelopment of site
- Land not in the ownership of the applicant
- Issues of access rights
- Impact of washing lines on visual amenities
- Living areas are north facing
- Overshadowing
- Visual impact of building
- Impact on Human Rights
- Residential amenities for the future occupiers of the flats

Letters Of Support Were Received From The Following:, -

J Mason - Y Cefn Gwyrdd, 6 Bedford Road
J Davies - 14 Bedford Road
A John - 23H Cefn Road
W Evans - 23R Cefn Road
M Reynolds - Skerview, Tyfry Road
K Burnell - Cefn Cribwr Sport & Social Club
Royal British Legion

The reasons of support are as follows:-

Highway safety improvements

The type of accommodation is required in the area

Opportunity to downsize

Enhancement to visual amenities

Off road parking

Benefits for local community

A better scheme than the schemes originally permitted on the site

Removal of fly tipping

COMMENTS ON REPRESENTATIONS RECEIVED

The amended plans reflect the discussion with the community group, Y Cefn Gwyrdd. The western boundary retaining wall has been set back from the footpath and has been stepped to include an area for planting. The amended scheme will continue to allow the community to use this area and is considered acceptable in terms of visual amenity as it will soften the impact of the wall. A condition is recommended requiring a landscaping scheme to be submitted to and agreed in writing by the Local Planning Authority.

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

The proposed development has sufficient space to provide an area of communal amenity space

and off street parking provision. A condition is attached to the recommendation requiring a scheme showing an increased level of amenity space and an amended parking layout to be submitted to and agreed in writing by the Local Planning Authority. The development is, therefore, not considered to result in the overdevelopment of the site.

The applicant has served Notice on all landowners associated with the site and has submitted Certificate B. The applicant has also confirmed that the boundary wall along the southern boundary of the site is within their ownership.

Right of access is a private matter between the land owner and the developer.

The rotary dryers have been removed from the layout plans, however, the erection of washing lines is not considered development.

In respect of the request for the site to be served by one means of access only, a condition will be attached to any consent requiring a scheme for boundary treatment to be submitted to and agreed in writing by the Local Planning Authority. However, a separate pedestrian access is preferred in terms of pedestrian safety.

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

A condition is recommended requiring details of boundary treatment to be submitted to and agreed in writing by the Local Planning Authority, this will ensure that the type of boundary treatment to be erected will provide a suitable outlook for occupiers of the ground floor flats.

The impact of the development on residential amenity and visual amenity is addressed in the 'Appraisal' section of this report.

APPRAISAL

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

The application was deferred at the Development Control Committee on 31st March 2016 to resolve landownership issues and concerns in respect of the design of the building. The applicant has since confirmed that all landowners associated with the site have been formally notified of the application and Certificate B has been completed in accordance with the regulations. The Local Planning Authority is satisfied that the relevant landowners have been notified of the application.

The application seeks planning permission for the erection of 12 flats on a parcel of land off Bedford Road, Cefn Cribwr.

The application site is located within the settlement boundary of Cefn Cribwr as defined by Policy PLA1 of the Local Development Plan (LDP) and, as such, the development of this site for residential purposes could be regarded as a 'windfall' site in a settlement boundary under Policy COM3 of the LDP.

Strategic Policy SP2 relates to design and sustainable place making and the proposed scheme should comply with the criteria of Policy SP2. Policy SP2 of the LDP states:-

'All development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment.'

The proposed flats will be accommodated a two storey linear building. The access to the first floor flats will be via the proposed porches, which break up the expanse of the front elevation. The scale and form of the development is similar to the rows of traditional modest terraced properties found on Cefn Road. The proposed development is considered to reflect the scale and form of the terraced properties on Cefn Road and is also reflective of the linear form of the St Johns Ambulance Hall which occupied the site prior to its demolition. Whilst there are a number of rows of terraced properties in proximity to the site, the area of Cefn Cribwr, in which the development is proposed, does not have a predominant building style and comprises buildings in a variety of designs. As such, it is considered that the proposed development is not out of keeping with the character of the area.

The rear elevation of the proposed development will be visible from Bedford Close and will be on a higher level. However, the principal elevation faces Cefn Road and the development is, therefore, considered to be more aligned to that street scene than Bedford Close. It is acknowledged that Bedford Close has its own character, however, this is limited to Bedford Close itself as the dwellings around the junction of Bedford Road and Cefn Road are, again, of differing styles. Consequently, the proposed building is considered to be an acceptable addition to the area.

With regard to the design of the proposed flats, the surrounding properties are finished with a mixture of external materials, however, the proposed use of render, brickwork quoins and red/brown concrete roofs tiles would reflect the materials used in a number of the existing nearby dwellings and buildings.

In respect of the impact of the development on residential amenities, 20 Bedford Close is located to the north eastern boundary of the site, 61a, 61 and 62 Cefn Road are located to the south eastern corner of the site and the British Legion building is located to the south of the site. There are also residential properties to the west of the site along Cefn Road and to the south at Bedford Close, however, a highway separates these properties from the site.

The proposed development will be in close proximity to the front garden and driveway area of 20 Bedford Close. The development proposes habitable room windows overlooking this area. However, as this area is already publicly visible from the entrance of Bedford Close with Bedford Road and from within Bedford Close, it is considered that the proposed development would not exacerbate the existing situation to such an extent as to warrant refusal of the scheme. In terms of overshadowing, the proposed development is on a higher level and in close proximity to No. 20. However, the development will not cause any overshadowing to the front elevation as the dwelling is set at an angle facing away from the development and the overshadowing will only occur over the driveway area and secondary front garden. No. 20 has a large rear garden and, whilst the development will cause some overshadowing to this area, during the evening, it will not be so harmful to the residential amenities of No. 20 as to warrant refusal of the scheme.

In terms of dominance, Note 1 of Supplementary Planning Guidance 02: Householder Development states that no Extension should unreasonably dominate the outlook of an adjoining property. In this instance, given the position of the proposed building in relation to No. 20 Bedford Road, there will be no unreasonable overbearing impact to the dwellinghouse, however there may be a limited dominating impact to part of the garden area. No. 20 Bedford Close is served by a particularly large garden area which is on a number of different levels. The area of the garden closest to the application site is at a higher level than the dwelling house and is currently occupied by a poly tunnel and trampoline, this area does not benefit from a particularly open aspect or any uninterrupted views to the west. The blank elevation of the proposed building will be approximately 3m from the garden reducing to 90cm at the closest part adjacent to the area

the poly tunnel is located. Whilst it is accepted that the development will dominate the westerly view from this part of the garden it is considered that the proposed building would not dominate the overall garden area to such an extent as to warrant refusal of the scheme, given the large garden area serving No. 20 Bedford Road, the orientation of the proposed building in relation to the property and the differing levels and sections of the garden.

The first floor flat to the eastern corner of the site will overlook the rear garden areas of 61a, 61 and 62 Cefn Road. In order to overcome any overlooking concerns the applicant has proposed to obscurely glaze the kitchen window of the end first floor flat. This is considered acceptable, in this instance, as the window serves a small kitchen which would be used as a food preparation area rather than a kitchen which also enjoys habitable uses such as dining. Furthermore, there is a large outbuilding to the rear of 61 Cefn Road and the garden serving this property is of a considerable size.

There are no habitable rooms on the rear elevation of the British Legion building (59 and 60 Cefn Road) and, as such, the proposal does not raise any concerns in this respect. However, there are first floor windows on the proposed development directly facing the rear of the British Legion which may be affected in terms of noise. In order to safeguard the residential amenities of the future occupiers of the development, conditions are recommended requiring the windows to be fixed pane and requiring a scheme for the mechanical ventilation of the rooms to be submitted to and agreed in writing by the Local Planning Authority.

With regard to the residential amenities of the future occupiers of the flats, the flats are modest in scale and areas of communal open space are proposed to serve the development. The development has a slight over provision of parking spaces and, as such, a condition is recommended requiring a scheme to amend the distribution of parking and communal amenity area to be submitted to and agreed in writing by the Local Planning Authority so as to ensure that a larger area of open space can be provided. Whilst, this area is modest in scale it will provide a communal outdoor amenity option for the occupiers of the flats to sit outdoors. The planted area to the western side of the site and the creation of the memorial garden to the front of the site will also provide some outdoor amenity provision. There is also a large area of public open space at Bedford Park which is approximately 650m to the north of the site.

The rear lounge and bedroom windows of the ground floor flats will be within close proximity to the boundary of the site, however, the boundary treatment proposed is a 1m high metal railing, which will allow for an acceptable outlook from these windows. The applicant has also confirmed that the boundary wall is within his control.

Having regard to the above, the proposed development is considered to comply with Policy SP2 of the LDP and the principles contained within SPG02 and SPG08.

The application proposes 12 residential units which triggers the affordable housing requirement as outlined in Policy COM5 of the LDP. The applicant has indicated that the development will be entirely affordable housing, however, a S106 Agreement will be required to ensure that a minimum of 30% of the units will be retained as affordable housing in perpetuity in line with Local Development Plan policy.

The proposed development is considered to be acceptable in terms of parking provision and highway safety.

Whilst determining this application Policies SP2, COM3, COM5 of the Bridgend Local Development Plan (2013), Notes 1, 2, 6, 8, 10, 11 & 12 of Supplementary Planning Guidance 2: Householder Development (2008) and Supplementary Planning Guidance 08: Residential Development (2008) were considered.

CONCLUSION

This application is recommended for approval because the development complies with Council policy and Council's guidelines and is acceptable in terms of its impact on privacy, visual amenities and residential amenities. The proposed development is also considered to be acceptable in terms of highway safety and parking provision and will provide much needed Affordable Housing in this part of the Borough.

The representations received have been taken into account however, they do not outweigh the merits of the development and the Local Development Plan.

RECOMMENDATION

(A) The applicant enter into a Section 106 Agreement to provide a minimum of 4 units as affordable units in perpetuity which shall be transferred to a Registered Social Landlord and delivered in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority.

(B) The Corporate Director Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, as follows:-

- 1 The development shall be carried out in accordance with the following approved plans:-

R112-05D A1 Proposed Site Plan (received 12 February 2016)

R112-06C- A1 Proposed Plans and Elevations (received on 25 February 2016)

R112-08B A3 sections Through Community Planter (received 12 February 2016)

R112-09 A2 Ground and First Floor (received on 25 February 2016)

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

- 2 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 of the development commencing.

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

- 3 No development shall take place until a scheme for mechanical ventilation serving the first floor south facing bedrooms of the units directly opposite the rear of the British Legion has been submitted to and agreed in writing by the Local Planning Authority. The mechanical ventilation shall be installed as agreed prior to those units being brought into beneficial use and retained in perpetuity.

Reason: In the interests of residential amenity.

- 4 No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme which shall include proposals for surface treatment, indications of all existing and proposed trees and planting on land, and details of any to be retained, together with measures for their protection in the course of development. 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 with 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.

- 5** 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 building and boundary treatment 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.

- 6** No development shall commence on site until there has been deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that any retaining wall to be constructed will be designed and constructed so as to prevent subsequent ground movement. Any retaining wall shall be constructed in accordance with the design and constructional details so certified.

Reason: In the interests of safety.

- 7** No development shall take place on site until a scheme for the provision of 10 parking spaces, a turning area, cycle stands and an amended amenity area has been submitted to and agreed in writing by the Local Planning Authority. The parking area shall be completed in permanent materials. The development shall be carried out in accordance with the agreed details prior to the first beneficial use of the development and thereafter retained in perpetuity.

Reason: To ensure adequate off street parking and amenity space is provided in the interests of highway safety and the residential amenities of future occupiers.

- 8** The proposed access shall be set back not less than 1 metre from the back edge of the footway with the boundary splayed at 45 degrees either side, and shall be laid out with vision splays of 2.4m x 35m measured to the centre of the carriageway to the north and 2.4m x 30m to the south before the development is brought into beneficial use.

Reason: In the interests of highway safety.

- 9** The adjacent Cefn Road/Bedford Road junction shall be laid out with an eastern vision splay of 2.4m x 43m before the development is brought into beneficial use.

Reason: In the interests of highway safety.

- 10** No structure, erection or planting exceeding 0.9 metres 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** The first 2m of the northern site boundary (measured from the back edge of footway) shall be reduced in height to no more than 0.9m so as to minimise potential vehicular conflict between vehicles utilising the proposed access and the adjacent northern access and shall be retained at this height (no more than 0.9m) at all times.

Reason: In the interests of highway safety.

- 12** The south facing bedroom windows serving the first floor two bedroom units directly facing the rear of the British Legion shall be fitted with fixed pane windows before the development is brought into beneficial use. The windows shall be permanently retained in that condition thereafter.

Reason: In the interests of residential amenity in respect of noise.

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

a) Notwithstanding the objections raised, 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) In order to satisfy Condition No. 2, the following supplementary information is required:-

- Ground investigation report to confirm acceptability of any proposed infiltration system;
- Provide infiltration tests to confirm acceptability of any proposed infiltration system;
- Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system;
- Provide a timetable for its implementation; and
- Provide a management and maintenance plan, for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

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

e) The developer is advised that Wales and West Utilities have apparatus in the area and is advised to contact them on 02920 278835.

f) The developer is advised to contact the Highways Authority to discuss a scheme for the provision of temporary traffic and pedestrian management along Cefn Road and Bedford Road during the construction works.

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

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

RECOMMENDATION : GRANT WITH CONDITIONS

REFERENCE: P/16/43/FUL

APPLICANT: MR JOHN CROCKER
5 TEAL CLOSE NOTTAGE PORTHCAWL

LOCATION: WINDRUSH HEOL LAS MAWDLAM TO HEOL DREWI TON KENFIG
KENFIG BRIDGEND

PROPOSAL: NEW DWELLING

RECEIVED: 18th January 2016

SITE INSPECTED: 18th February 2016

APPLICATION/SITE DESCRIPTION

The application seeks planning permission to erect a single detached dwelling in the grounds of the Windrush. The proposed dwelling will be located directly to the south of the existing building, which was formally occupied by a restaurant extension to the Windrush which has been demolished.

The proposed dwelling will measure 13.7m x 8.6m and will be finished with a pitched roof reaching a maximum height of 7.6m. The dwelling will accommodate two ensuite bedrooms, a snug, cloakroom, store and a utility/cleaning area at ground floor level and an open plan living area/ kitchen, 2 bedrooms and a bathroom at first floor level. The development proposes a balcony to the front elevation. Access to the rear of the property and parking area would be via the existing access road to the side of the 'Windrush'.

The application is set back from the main road between Kenfig and Porthcawl.

RELEVANT HISTORY

P/09/147/FUL REFUSED 12-05-2009
ERECTION OF A DETACHED RESIDENTIAL DWELLING HOUSE

P/13/626/FUL REFUSED 14-01-2014
BUILD DETACHED FAMILY HOUSE OF SIMILAR SIZE TO EXISTING 'WINDRUSH'

P/14/410/FUL REFUSED 30-10-2014
BUILD DETACHED FAMILY HOUSE OF SIMILAR SIZE TO EXISTING 'WINDRUSH'

APPEAL REF: 1604 - DETACHED DWELLING - DISMISSED 19/10/2009
APPEAL REF: 1754 - DETACHED DWELLING - DISMISSED 29/07/2015

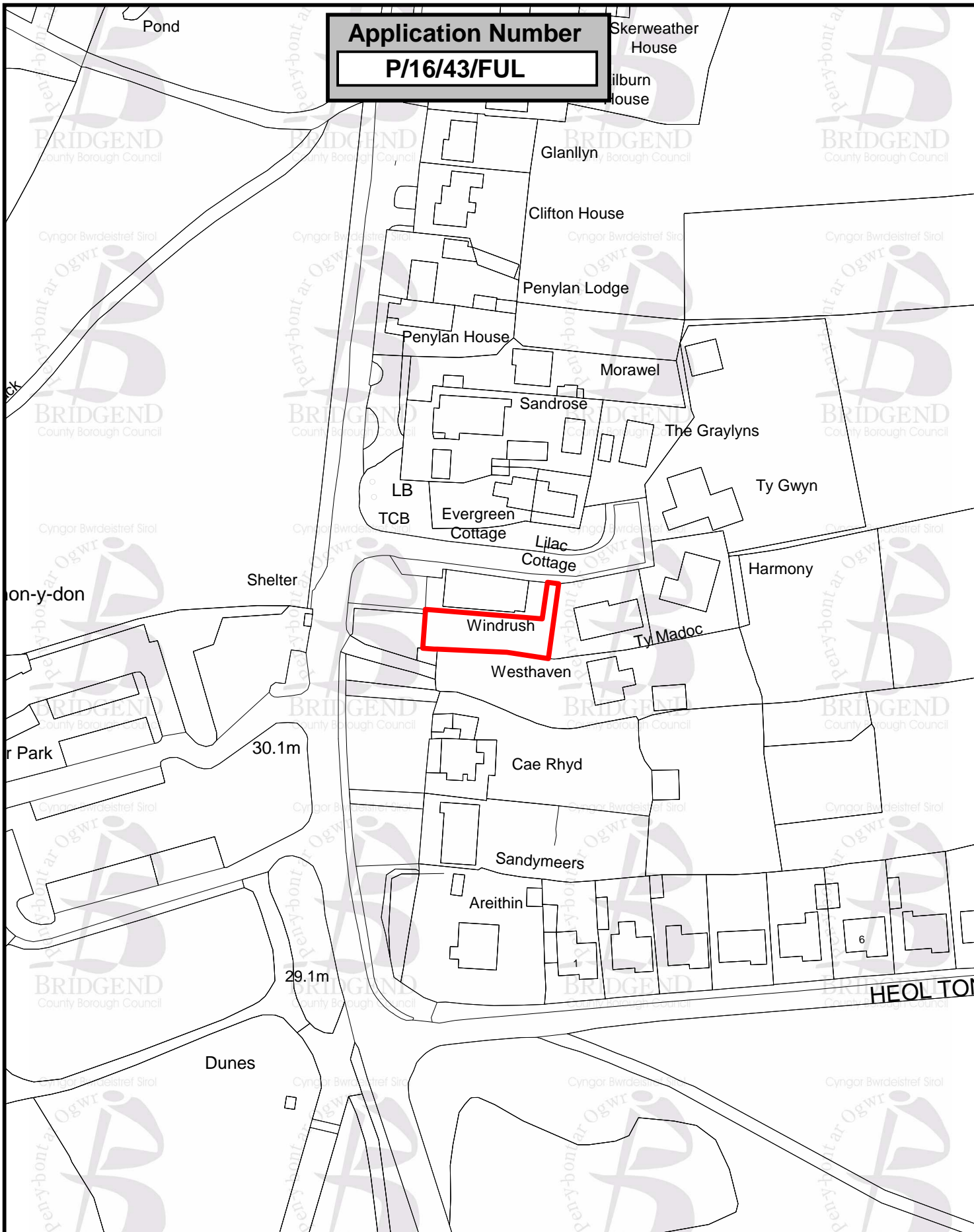
PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations expired on 3 March 2016.

Application Number

P/16/43/FUL



Scale 1:1,250

Date Issued:
04/05/2016

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

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Cyngor Bwrdeistref Sirol



NEGOTIATIONS

The applicant advised that the development does not propose a Bed and Breakfast element.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 11th February 2016

Head Of Street Scene (Drainage)

Requested that two conditions be attached to any permission granted.

Natural Resources Wales

Has no objection to the proposal.

Welsh Water Developer Services

Advised on sewerage.

REPRESENTATIONS RECEIVED

Objections Were Received From The Following:, -

E Dykstra - Evergreen Cottage

G Lewis - The Graylins

Kenfig Corporation Trust

The objections are summarised as follows:-

- Impact on visual amenities of the area
- Overdevelopment of the site
- Lack of parking
- Scale and design would dominate the adjoining property
- Development will be used as a Bed and Breakfast
- Right of access is required on land outside of the applicants ownership
- Damage to private road
- Disturbance during construction phase
- Lack of plans of the proposed development

COMMENTS ON REPRESENTATIONS RECEIVED

The impact on visual amenities, residential amenities and the issue of overdevelopment are addressed in the 'Appraisal' section of this report.

The applicant has confirmed that the development will not be used as a bed and breakfast. The applicant has also been advised that if that is a future intention a separate planning application will be required to change the use of the building if the number of bedrooms used as a bed and breakfast facility exceeds 50% of the overall number of bedrooms in the dwelling (i.e. more than 2 bedrooms).

Any damage caused to private property is a private matter between the parties involved.

Issues of landownership and rights of access are not planning matters.

Any disruption caused during the construction phase will be short term only and is not a reason to preclude planning consent.

Plans of the proposed development were provided with the application.

APPRAISAL

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

The application seeks planning permission to erect a single detached dwelling within the curtilage of 'Windrush'.

There is a history of planning decisions associated with the application site which is outlined below:-

* In 2009 an application was submitted for a detached dwelling on the site which was refused for the following reasons:-

1. The proposed development would detract from the privacy and amenities reasonably expected to be enjoyed by occupiers of nearby residential properties, contrary to Policy EV45 of the Bridgend Unitary Development Plan.
2. The design of the proposed dwelling would result in a miserable outlook from the proposed ground floor reception area to the detriment of the future occupiers of the dwelling contrary to Policy EV45 of the Bridgend Unitary Development Plan.

* An appeal was subsequently submitted which was dismissed in October 2009.

In respect of reason No.1, the Inspector was of the view that the first floor bedroom and lounge windows would be within close proximity to the front garden of the neighbouring house and would result in an unacceptable level of overlooking that would harm the living conditions of the neighbouring residents. The Inspector also advised that even if the windows were obscurely glazed to a high level there would still be an imposing degree of perceived overlooking.

In respect of reason No. 2, the Inspector considered that as the ground floor reception area was not going to be used as a habitable space, the limited outlook would not be sufficient to withhold planning permission.

* A further application for a detached dwelling on the site was submitted in 2013 (P/13/626/FUL refers) and was refused for the following reasons:-

1. The proposed development would detract from the privacy and amenities reasonably expected to be enjoyed by occupiers of nearby residential properties, contrary to Strategic Policy SP2 of the Bridgend Local Development Plan.
2. The proposed development, by virtue of its size and design would represent an incongruous element in the street scene to the detriment of local visual amenities, contrary to Strategic Policy SP2 of the Bridgend Local Development Plan.

* Following the refusal in 2013 the applicant entered into pre-application discussions with the Local Planning Authority and was advised that in order to overcome the reasons for refusal, the side facing windows should be amended and the two storey side element removed.

* A further application for a detached dwelling was submitted on 18 June 2014 (P/14/410/FUL refers). The application proposed an amended design in order to attempt to overcome the

previous reasons for refusal. The windows on the southern elevation were high level windows and the two storey element on the southern elevation was replaced with a single storey element. The application was refused for the following reasons:-

1. The proposal constitutes an over development of the site as there would be insufficient amenity space available for future use of occupiers of this development contrary to Policy SP2 of the Bridgend Local Development Plan and Supplementary Planning Guidance 02: Householder Development.
2. The proposed development by virtue of its scale and design would dominate adjoining property to an unacceptable degree thereby resulting in a significant loss of residential amenity contrary to policy SP2 of the Bridgend Local Development Plan.

An appeal was subsequently lodged which was dismissed in July 2015.

In respect of reason No.1, the Inspector was of the view that the level of amenity space proposed was substandard to meet both the parking requirements and the ancillary needs of a large dwelling.

In respect of reason No. 2, the Inspector considered that, as the first floor lounge window on the side elevation of the Windrush had been removed since the refusal of planning permission, the proposal would not result in a degree of dominance that would be harmful to the outlook from the adjacent property.

The current application differs from the previously refused application in that it proposes a dwelling which has been reduced in depth by 2.3m and the side facing first floor window at the adjacent property, The Windrush, has been removed.

The site is located within the settlement boundary of Ton Kenfig. Strategic Policy SP2 of the Bridgend Local Development Plan - Design and Sustainable Place making - states:-

All development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment.

The existing dwelling, 'Windrush' is finished in a mix of materials including smooth render and brick with a brown tile roof. It is a large, dominant building which has few architectural features of merit and is an imposing structure in this prominent location. Since the demolition of the attached single storey restaurant, its overall appearance has deteriorated.

The scale and design of the proposed dwelling mirrors the main part of the existing dwelling and the submitted plans indicate that the dwelling would be finished in render, however, the final details have not been confirmed. The proposed dwelling would also include a balcony on the front of the building. The other dwellings in this area are finished in a mix of materials, with the ones nearest to the application site being finished in smooth render painted white.

Given that the proposed dwelling is replicating the design of an existing dwelling in the area, the Windrush, the development is not considered to be so harmful to the visual amenities of the area as to warrant refusal of the scheme for this reason.

The application site is currently the subject of an enforcement investigation due to its untidy appearance and its close proximity to Kenfig Nature Reserve. The proposed development would remove this area of unkempt land and would enhance the visual amenities of the area. Furthermore, the proposed development would screen the side elevation of the Windrush from public views.

In terms of residential amenity, the proposed windows on the first floor elevation directly face the front garden of the property to the south, Westhaven, and these windows are considered likely to have a detrimental impact on the privacy standards of Westhaven. In order to address the overlooking caused by the windows, a condition is recommended requiring the windows serving the open plan lounge/kitchen and the rear bedroom to be fixed and fitted with obscure glazing. The imposition of such a condition will ensure that privacy standards are not adversely affected and the residential amenities of the future occupiers of the dwelling will not be compromised as the windows are all secondary windows. It is considered that the proposed condition overcomes the first reason for refusal in the 2013 application.

In respect of the amenity space serving the proposed dwelling, a private garden area measuring 6m x 9.7m will be provided together with an area for 3 off street parking spaces measuring 7.5m x 9.7m, totalling an area of 132.48sqm. This level of amenity space is considerably more than the area previously proposed with the refused application (P/14/410/FUL refers), which proposed a shared area of parking and amenity space measuring 11.2m x 9.7m (108.64 sqm) for a larger dwelling. The proposed outdoor amenity area is considered to be of a suitable size to serve the proposed detached 4 bedroom dwelling and, as such, the proposed development is considered to address reason for refusal No. 1 attached P/14/410/FUL.

Given the location and design of the proposed dwelling there are no overriding concerns in regard to overshadowing of the properties to the rear or south.

In respect of the impact on residential amenities, the property to the rear, Ty Madoc, has a first floor window which is less than 21m from the first floor windows on the rear elevation of the proposed dwelling, however, as the window at Ty Madoc does not serve a habitable room, it is considered that privacy standards will not be impinged.

The development also proposes a balcony along the front elevation which will also be used as amenity space. A condition is attached to the recommendation requiring details of a 1.8m screen to be installed to the southern end of the boundary to preserve the amenities of Westhaven.

Furthermore, there is an area of common land directly to the front of the site and Kenfig Nature Reserve is located approximately 100m to the west of the site.

The site is located adjacent to the main road from Porthcawl to Maudlam and is served by public transport with a bus stop almost directly opposite the site, sufficient parking will be provided to the rear of the dwelling. There is no objection from the Highways Section in respect of parking provision or highway safety.

As the previously developed site has a concrete base there would be no effect on biodiversity.

Whilst determining this application Policies ENV1 & SP2 of the Bridgend Local Development Plan (2013) and Notes 1,2,6,8,10,11 & 12 of Supplementary Planning Guidance 2: Householder Development (2008) and were considered.

CONCLUSION

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

RECOMMENDATION

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

1 The development shall be carried out in accordance with the following approved plans:-

- Proposed First Floor WR_PL002 Rev B (received 3rd February 2016)
- Proposed Ground Floor layout & Elevations WR_PL001 Rev B (received 3rd February 2016)

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

2 Notwithstanding the submitted plans, the development shall not be brought into beneficial use until the first floor windows facing Westhaven as shown on Drawing No. WR_PL002 Rev B(received 3 February 2016) are obscurely glazed to a minimum of level 5 on the Pilkington index of obscurity for a minimum of 1.7m above first floor level. The obscured glazing element shall also be of a fixed pane design and shall be retained as such in perpetuity.

Reason: In the interest of residential amenities.

3 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 building 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.

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

Reason: In the interests of residential and visual amenities.

5 The property hereby approved shall be used as a dwelling house and for no other purpose including any other purpose in Class C3 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: For the avoidance of doubt as to the extent of the consent granted and in the interests of residential amenities.

6 No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how 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 scheme shall be implemented as agreed and prior to beneficial use.

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

7 No development shall commence on site until a ground investigation report and infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme must be implemented prior to beneficial use.

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

- 8 The parking area as shown on plan No. WR_PI001 Rev B shall be implemented in permanent materials before the development is brought into beneficial use and retained for parking purposes in perpetuity.

Reason: In the interests of highway safety.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a) The applicant is advised that the creation of the driveway access is likely to require the adjacent street lighting column to be relocated. Approval for such works must be secured from the Highway Network Manager.

b) It is a requirement under Section 153 of the Highways Act 1980 that any gates must be located and fitted so as not to open out over the highway.

c) 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 parking area, 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 parking area should not be considered as a first option.

d) Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. You should contact the highway maintenance inspector for the area, Bridgend County Borough Council, Waterton Depot, Waterton Lane, Waterton Industrial Estate, Bridgend. Telephone No. (01656) 642541.

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

f) Rainwater run-off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under section 163 of the Highways Act 1980.

g) The applicant is advised that the creation of the driveway access is likely to require the adjacent street lighting column to be relocated. Approval for such works must be secured from the Highway Network Manager.

h) It is a requirement under Section 153 of the Highways Act 1980 that any gates must be located and fitted so as not to open out over the highway.

i) 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 parking area, 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 parking area should not be considered as a first option.

j) Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. You should contact the highway maintenance inspector for the area, Bridgend County Borough Council, Waterton Depot, Waterton Lane, Waterton Industrial Estate, Bridgend. Telephone No. (01656) 642541.

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

l) Rainwater run-off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under section 163 of the Highways Act 1980.

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

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

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APPLICATION NO: P/16/173/FUL

APPLICANT NAME & ADDRESS:

MR & MRS EVANS

C/O KENNEDY JAMES GRIFFITHS, UNIT F COPSE WALK, CARDIFF
GATE BUSINESS PARK, CARDIFF.

LOCATION:

36 Ffordd Sanderling, Porthcawl, Bridgend, CF36 3TD

DEVELOPMENT: EXTEND & REORIENTATE DWELLING INCLUDING
PARTIAL DEMOLITION TO PROVIDE ADDITIONAL ACCOMMODATION &
SEA VIEWS

APPLICATION/SITE DESCRIPTION.

The application seeks planning permission to extend the residential property known as 36 Ffordd Sanderling, Porthcawl. The application site is shown on the aerial image below.



The application site is situated on a modern residential estate and occupies a corner plot within the cul-de-sac development. The existing side elevation of the dwelling and rear elevation of the detached garage face towards the sea

front (Mallard Way). The application seeks to create a development that responds and orientates itself towards the sea frontage.

The application proposes the modification and enlargement of the garage, to a three storey extension that extends the existing dwelling. Additional accommodation in the form of three bedrooms and a lounge would be provided in the roof space/second floor of the extension. At first floor level a lounge, kitchen and dining area, and balcony feature would be created. At ground floor level an entrance hall, library and three car garage would be provided within the extension.

The proposal would allow the reorientation and reorganisation of the existing living accommodation that would be altered from a 5 bedroom to a 6 bedroom property. The west elevation of the extension would incorporate large glazed windows and a central gable feature, with a recessed northern aspect with lower ridge height. The proposed finishing materials consist of white rendered elevations, slate roof and white powder coated aluminium windows.

Access to the site would remain unaltered direct from the cul-de-sac development, off Ffordd Sanderling.

Existing view of property from Ffordd Sanderling.



Existing view of the property from the common/sea front.



The plans below shows the proposed elevations.

North Elevation



East Elevation



South Elevation



West Elevation – from Sea Front



Proposed sea front elevation and adjacent neighbouring property



RELEVANT HISTORY

P/15/842/FUL – EXTEND & REORIENTATE DWELLING TO PROVIDE
 ADDITIONAL ACCOM. & VIEWS OF THE SEA, INC. PARTIAL DEMOLITION
 – WITHDRAWN – 08-02-2016

P/13/206/FUL - CONVERT EXISTING ANNEXE/TRIPLE GARAGE TO DWELLING, TWO STOREY EXTENSION TO INC GARAGE SPACE & BALCONY - REFUSED - 25-03-2013

P/04/209/FUL – RESIDENTIAL DEVELOPMENT OF 40 4/5 BEDROOM DETACHED DWELLING INCLUDING ASSOCIATED WORKS – GRANTED – 23/08/2004

SITE INSPECTED

The site was inspected on the 01/01/2016 and 19/04/2016.

NEGOTIATIONS

The applicant was requested to revise the design of the proposed extension and has reduced the scale of the extension, following the submission of an earlier application (refers P/15/842/Ful) that was subsequently withdrawn by the applicant.

PUBLICITY

The period allowed for a response to consultations expired on the 29 March 2016.

CONSULTATION RESPONSES

The Group Manager Transportation and Engineering (Highways) has no objection to the proposal subject to condition.

REPRESENTATIONS RECEIVED

Porthcawl Town Council – No objection.

Objections have been received from the following local residents:-

- R Langdon - 38 Sanderling Way
- J Richards - 37 Sanderling Way
- J Scott-Williams - 35 Sanderling Way
- M Parsons - 6 Mallard Way

The objections are summarised as follows:-

- Visual impact
- Development not in keeping with the scale of neighbouring properties
- Amended proposal is an improvement but is still inharmonious and overbearing
- Scale of proposal
- Loss of privacy including overlooking/overbearing impact and loss of light

- Highway safety
- Disproportionate/overdevelopment of the plot
- Permission previously refused in 2013 (for the subdivision of the plot into two dwellings) when the site was deemed too small.
- Negative impact on property values
- Loss/negative impact on views
- Construction disturbance/disruption/and access difficulties

COMMENTS ON REPRESENTATIONS RECEIVED

The objections received relating to the visual impact, scale and the impact on neighbouring residential amenity are addressed in the Appraisal section of this report.

In terms of Highway Safety, the Transportation Section has raised no objections against the proposal. It is acknowledged the proposal seeks alterations to the existing garage and parking provision, however, the development proposes a replacement garage which is considered to provide adequate off-street parking for the development.

It is considered that the proposed extension does not represent overdevelopment of the plot with sufficient garden/amenity space and vehicular turning/parking provision being provided within the site. The actual increase in the footprint of buildings on the site is not excessive given an existing, large detached garage would be incorporated into the extension. The applicant highlights over 50% of the plot would remain undeveloped, which accords with the requirements of Council planning guidance (Note 8 of SPG 02: Householder Development).

Planning permission in 2013 was refused for the conversion of the detached garage into a separate dwelling house which represents a materially different proposal to the current planning application. The current proposal for a householder extension rather than the creation of an additional, separate dwelling at the plot must be assessed on its own planning merits.

The impact of the proposal on property values and existing views from neighbouring properties are not material planning considerations and do not represent justified reasons to refuse such a planning application.

It is acknowledged all development projects result in a degree of construction disturbance and disruption to neighbouring residents, although this disruption is likely to be of a temporary nature and is not a justified reason to warrant the refusal of such a planning application.

APPRAISAL

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

Whilst determining this application Policy SP2 of the Bridgend Local Development Plan and Notes 1,2,6,8,9,11,12,14,15 and 18 of Supplementary Planning Guidance 02 Householder Development (SPG02) were considered.

The application seeks planning permission for the erection of a new extension to this modern detached property that is situated within a residential area of Porthcawl.

The application is accompanied by a supporting Design and Access Statement that highlights the proposal aims to increase the available accommodation and take advantage of the sea views.

The proposed works are considered acceptable in terms of their design and overall visual appearance. It is acknowledged the works represent a significant change to the appearance of the existing property with a large extension being proposed in this instance. However, the footprint of the property would not be significantly increased given an existing garage would be incorporated into the extension. Following negotiation with the applicant the footprint of the extension adjacent to no.35 Ffordd Sanderling has been reduced. The overall design of the extension has been revised to ensure a more symmetrical and balanced form of development.

The general ridge height of the extension would be set below the ridge height of the adjacent property (no.35) with the set back and set down on the north-western corner of the extension introducing a subservient element to the addition. The revised design of the extension more appropriately reflects and is in-keeping with the general massing and appearance of no. 33 Ffordd Sanderling that is situated to the south of the application site (two properties away). No. 32 Ffordd Sanderling also represents a large property that departs from the general design and appearance of other properties within this estate. When viewed from the sea front, properties further north (along Mallard Way) also vary in their design and general appearance. The level of the land also falls from south to north which would further reduce the prominence of the development, particularly when viewed from the sea front.

View from Sea Front towards application site



Overall, given the mixed design of properties in the locality and the revisions undertaken to the scheme, it is considered the proposal would not have a detrimental impact on the existing levels of visual amenity currently enjoyed in the area.

Turning to the impact on residential amenity, the application property is abutted towards its southern side by no.35 Ffordd Sanderling. A conservatory exists to the rear of this neighbouring property. Whilst the proposed extension would be visible from the rear garden space and conservatory of the neighbouring property, the proposal would replace an existing garage building that has an overall height of approximately 6.8 metres. The first floor side elevation of the extension, in closest proximity to no. 35 would be set back 1.2m from the existing side elevation of the garage with a distance of approximately 3.0m being retained between the first floor of the extension and the neighbouring building. No.35 is also slightly elevated (approximately 0.75m) above the application site which would further reduce the height and massing of the extension when viewed from this property. The extension would incorporate a hipped roof design that falls away from no.35 and, being situated towards the south of the application site, this neighbouring property is unlikely to experience such adverse overbearing or overshadowing impact to warrant a recommendation to refuse the application.

Following the reduction in the footprint of the extension and projection towards the highway fronting the site, it would also have no overbearing impact on the small, side windows positioned with the main side elevation of no. 35 Ffordd Sanderling. The southern corner of the proposed extension at first floor level does incorporate a recessed balcony although an obscurely glazed window/panel to the south elevation of the balcony would prevent any direct overlooking of the neighbouring property. A small roof balcony is also proposed within the roof space of the extension although this would not directly face the neighbouring properties and again through the use of a planning condition, a privacy screen incorporated into the design of this balcony would prevent any direct overlooking impact of the neighbouring property (no.35).

To the north of the application site is the large rear garden area associated with no.6 Mallard Way with a mature hedge and fence separating the two sites. The northern aspect of the extension would effectively be positioned 2.3 metres closer to this neighbouring garden space than the existing, main rear elevation of the property, although an appropriate offset would remain between the sites. The applicant has also detailed the first floor windows proposed within the side, north facing elevation of the extension would be obscured in nature to prevent any direct overlooking of the garden space of no.6 Mallard Way. A recommended condition would ensure the side facing first floor windows remain obscured in perpetuity.

No. 37 and no. 38 Sanderling Way are positioned to the east of the application site. A vehicular highway (private driveway) and detached front garage associated with no.37 Ffordd Sanderling offset the application site

from these neighbouring properties. Following a reduction in the projection of the extension towards the highway of Ffordd Sanderling and the extension being sited in excess of 21 metres away from the front elevations of these neighbouring properties, it would not have any harmful impact on the levels of residential amenity and privacy currently enjoyed by no. 37 and 38 Sanderling Way. Overall, the proposal is considered acceptable in terms of its impact on levels of residential amenity and privacy currently enjoyed in the locality.

In terms of highway safety, The Group Manager Transportation and Engineering (Highways) has no objections to the proposal, subject to a condition ensuring the proposed garage is retained as a private garage and at no time shall be converted to living accommodation. As such, the proposal would therefore have no adverse impact on highway safety.

CONCLUSION

Notwithstanding the objections received, this application is recommended for approval on the basis the development complies with planning policy and guidelines and would not adversely affect privacy, highway safety or visual amenities nor so significantly harm neighbours' amenities as to warrant refusal.

RECOMMENDATION

R02: That permission be GRANTED subject to the following conditions:

1. The development shall be carried out in accordance with the following approved plans and documents:

Design and Access Statement Received 03/03/2016

Proposed Ground Floor Plan Draw.No. 1183-PL2-08 Received 03/03/2016

Proposed First Floor Plan Draw.No. 1183-PL2-09 Received 03/03/2016

Proposed Second Floor Plan Draw.No. 1183-PL2-10 Received 03/03/2016

Proposed North and East Elevations Draw.No. 1183-PL02-12 Received 03/03/2016

Proposed Roof Plan Draw.No. 1183-PL02-11 Received 20/04/2016

Proposed South and West Elevations Draw.No. 1183-PL02-13 Received 22/04/2016

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

2. Notwithstanding the requirements of condition no.1, no development shall take place until full specifications of the design and position (including height from internal floor levels and finishing glazing type), of the roof sky lights 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: In the interests of privacy and residential amenities.

3. Notwithstanding the requirements of condition no.1, a 1.7m high solid privacy screen (as measured from useable floor level) shall be erected to the southern side of the proposed roof balcony in accordance with details that have first been submitted and approved in writing by the local planning authority. The privacy screen shall be fitted prior to the beneficial use of the development hereby approved and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

4. Notwithstanding the requirements of condition no.1, the side south facing first floor opening serving the balcony (facing no.35 Ffordd Sanderling) and the side, north facing first floor windows (facing no. 6 Mallard Way) shall be fitted with obscure glazing to a minimum of level 5 on the Pilkington index of obscurity. The obscure glazing shall be fitted prior to the beneficial use of the extension hereby approved and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

5. The garage hereby approved shall only be used as a private garage and at no time shall it be converted to a room or living accommodation without the prior written agreement of the Local Planning Authority.

Reason: To ensure that adequate parking facilities are provided within the curtilage of the site.

THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a) Notwithstanding the objections received, this application is recommended for approval on the basis the development complies with planning policy and guidelines and will not adversely affect privacy, highway safety or visual amenities nor so significantly harm neighbours' amenities as to warrant refusal.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None

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 Outline application is reserved with all matters for subsequent approval and related 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:

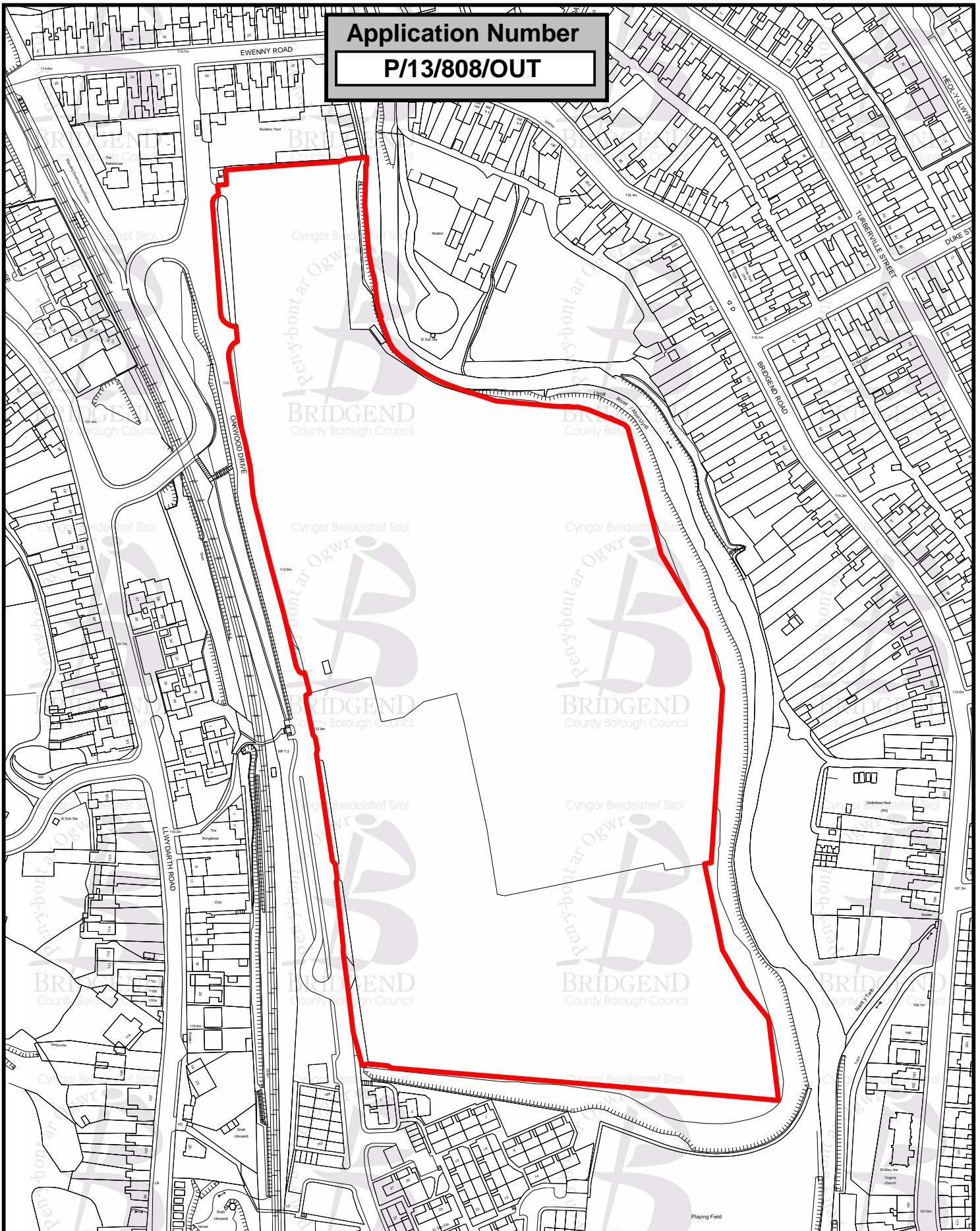
- i) no more than 115 units of residential accommodation
- ii) up to 650sqm fast food retail
- iii) up to 447sqm non-food retail
- iv) up to 464sqm bulky goods retail
- v) up to 557sqm food retail
- vi) up to 557sqm public house
- vii) up to a 50 bed extra care residential home
- viii) 1 larger B1 industrial 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

Application Number

P/13/808/OUT



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Scale 1:2,500

Date Issued:
04/05/2016

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

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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.

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 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 a financial contribution of £35,000 towards the upgrading of an existing recreational facility in the locality.
- iii) Modifications to the wording of several planning conditions, to allow additional flexibility in their implementation

PUBLICITY

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

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

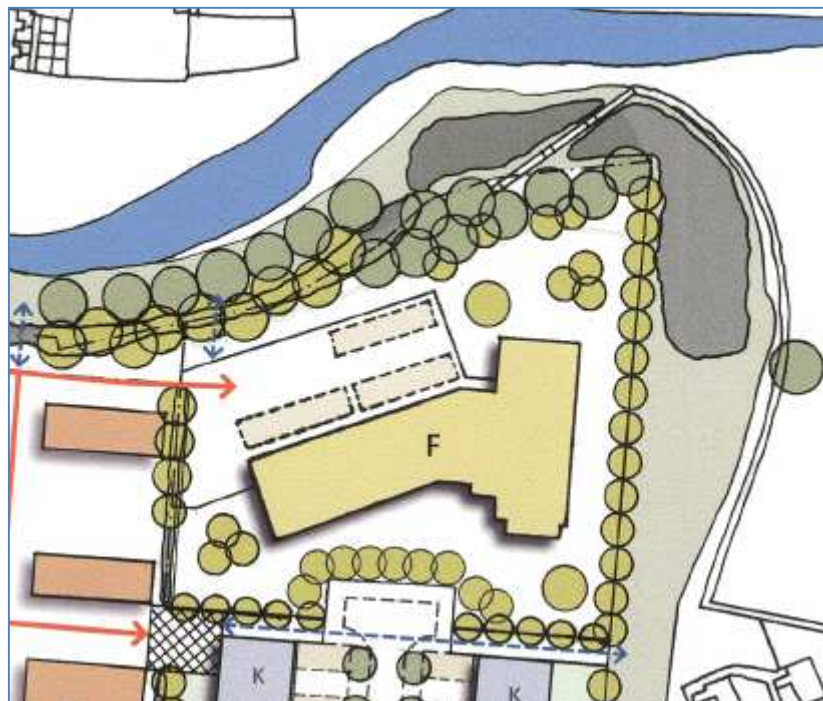
The original comments made by the Abattoir and the occupier of 227 Bridgend Road have already been covered and addressed within the Committee Report dated 6 June 2014 (Appendix A). It is noted that 227 Bridgend Road is approximately 200m away from the area of the Masterplan which is changing from an 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 the south-eastern corner of the site which demonstrates residential development instead of an extra care facility. **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.**

Original Masterplan (Extra Care Facility)



Revised Masterplan (Residential)



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 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. A further contribution of £35,000 towards off-site open space and recreation improvements can also be secured (Section ii. of the Appraisal refers).

It must be acknowledged that the commuted sums represent 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 that has been 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 a financial contribution of £35,000 towards the upgrading of existing recreational facility in the locality.

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 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). With regards to these facilities, the Masterplan remains unchanged and would be secured through a legal agreement, in accordance with the original resolution of the Development Control Committee.

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.

As an alternative to the river walkway and having regard to the viability of the overall scheme (refer to i. of the Appraisal section of the report), the developer has offered a financial contribution of £35,000 towards the upgrading of existing recreation facilities in close proximity to the application site. For example, there is an area of open space between the application site and existing Oakwood Estate, whilst Garth Playing Fields, which consists of a variety of outdoor sports facilities, is within 300m of the application site and would be accessible to the future residents of the development site.

Having regard to the above, it is considered that the financial contribution offered by the applicant, in conjunction with the on-site provision of a LAP and a LEAP, would ensure that the development as a whole would deliver adequate formal and informal public open spaces to satisfy the requirements of Policy COM11 of the BLDP. It is considered necessary to secure the relevant facilities through a legal agreement and the Heads of Terms have been amended accordingly as listed under the 'Recommendations' section of this report.

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.

The conditions which have been modified are:

1, 2, 4, 5, 8, 12, 14, 15, 17, 21, 22, 36, 37, 38, 40, 43, 44, 45 and 46

No objections have been received from the Group Manager Public Protection and no observations have been received from the Group Manager Transportation and Engineering (Highways) regarding the re-wording of these conditions.

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

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 harms neighbours' amenities as to warrant refusal.

It is concluded that the benefits of the development is a significant material consideration in the determination of this application which outweighs any shortfall in infrastructural requirements. As referred 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 a Local Area of Play (LAP) and Local Equipped Area of Play (LEAP) as shown on the amended illustrative Masterplan (Drawing No. 15095 F002 Rev. B - received 21 April 2016) 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 financial contribution for the sum of £35,000 no later than the construction of the 50th residential unit built on the site, towards the upgrading of outdoor recreation in the locality.

(v) Ensure that the land identified as Employment Land on Plan Number Masterplan (Drawing No. 15095 F002 Rev. B - received 21 April 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 built 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. Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in conformity with the following drawings:

Site Boundary Plan (received 22 November 2013)
Masterplan 15095 F002 Rev. B (received 21 April 2016)
Parameters Plan 15095 F003 Rev. B (received 21 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 and unless otherwise agreed in writing by the Local Planning Authority, 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 unless otherwise agreed in writing by the Local Planning Authority.

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. B (received 21 April 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: 15095 F002 Rev. B (received 21 April 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 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.

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 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 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. B (received 21 April 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.

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. 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 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

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).

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 retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

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 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

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

43dBLAeq,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:

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 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 unless otherwise agreed in writing by the Local Planning Authority.

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. Unless otherwise agreed in writing by the Local Planning Authority, there shall be no amalgamation of Units marked 'C' on drawing number: Masterplan 15095 F002 Rev. B (received 21 April 2016).

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: Masterplan 15095 F002 Rev. B (received 21 April 2016).

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: Masterplan 15095 F002 Rev. B (received 21 April 2016) 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: Masterplan 15095 F002 Rev. B (received 21 April 2016).

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. 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.

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 PG17 - 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.

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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

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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	27-09-2006
temporarily		
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);

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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.

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:

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"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.

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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

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

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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

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, Ogmere 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

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.

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.

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

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.

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

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 on 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.

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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

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

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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

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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

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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

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

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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:

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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.

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- 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.

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.

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).

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

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:

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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 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.

- 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

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.

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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)

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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 tarmacadam 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.

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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

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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 CURTLAGE & 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

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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.

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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.

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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.

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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.

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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

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APPEALS

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

CODE NO.	A/16/3145806 (1774)
APP. NO.	P/15/493/FUL
APPELLANT	MRS BETHAN DALTON-MARSHALL
SUBJECT OF APPEAL	DEMOLISH UTILITY ROOM AND EXTENSION AND CREATE NEW LOUNGE AND ADDITIONAL BEDROOMS: FFORCHLAS COTTAGE, CHURCH STREET, PONTYCYMMER
PROCEDURE	HEARING
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reason:

1. The site lies within the open countryside and the proposed development would represent an undesirable over development of the dwelling, out of scale and character with the original building and would be prejudicial to the character of the area in terms of visual and rural amenity. As such the proposal would be contrary to Policies ENV1, ENV3 and SP2 of the Bridgend Local Development Plan and Supplementary Planning Guidance 02 : Householder Development and Planning Policy Wales (2014).

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

CODE NO.	A/15/3133430 (1764)
APP. NO.	P/14/543/FUL
APPELLANT	MARCOL AFAN ENERGY
SUBJECT OF APPEAL	5.1MW SOLAR ARRAY WITH INVERTER STATIONS, SWITCHGEAR CABINS, FENCING, CCTV & ACCESS: LAND NORTH BRYNHEULOG CAERAU PARK MAESTEG
PROCEDURE	HEARING
DECISION LEVEL	COMMITTEE
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE ALLOWED SUBJECT TO CONDITIONS.

A copy of this appeal decision is attached as APPENDIX A

CODE NO.	A/15/3140007 (1766)
APP. NO.	P/15/333/FUL

APPELLANT	MRS MORWEN POWELL
SUBJECT OF APPEAL	SINGLE STOREY SPLIT LEVEL DWELLING WITH DOUBLE GARAGE: LAND ADJOINING 22 SYCAMORE CLOSE, LITCHARD BRIDGEND
PROCEDURE	WRITTEN REPS
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

A copy of this appeal decision is attached as APPENDIX B

CODE NO.	A/15/3140154 (1767)
APP. NO.	P/15/512/OUT
APPELLANT	MR E & MRS P HUGHES
SUBJECT OF APPEAL	OUTLINE APPLICATION TO DEMOLISH 2NO. DWELLINGS & ERECT 1NO. DWELLING AND GARAGE: MAYFIELD LALESTON
PROCEDURE	WRITTEN REPS
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

A copy of this appeal decision is attached as APPENDIX C

CODE NO.	A/15/3137898 (1768)
APP. NO.	P/15/568/FUL
APPELLANT	MRS P HUGHES
SUBJECT OF APPEAL	RETENTION OF TWO STOREY GARAGE WITH STORE ABOVE (RE-SUB OF P/12/714/FUL): LAND AT DAN YR EGLWYS FARM, (TY NEWYDD FARM) BETTWS
PROCEDURE	WRITTEN REPS
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL

BE DISMISSED.

CODE NO.	C/15/3139097 (1769)
ENF. NO.	ENF/152/15/C
APPELLANT	MRS P HUGHES
SUBJECT OF APPEAL	NON COMPLIANCE WITH APPROVED PLANS (P/12/714/FUL): LAND AT DAN YR EGLWYS FARM BETTWS
PROCEDURE	WRITTEN REPS
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED ANF THE ENFORCEMENT NOTICE IS UPHELD WITH VARIATION.

A copy of this joint appeal decision is attached as APPENDIX D.

RECOMMENDATION:

That the report of the Corporate Director Communities be noted.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

See relevant application reference number.

Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 25/02/16
Ymweliad â safle a wnaed ar 26/02/16

**gan Siân Worden BA DiplH MCD
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad : 22 Ebrill 2016

Appeal Decision

Hearing held on 25/02/16
Site visit made on 26/02/16

by Siân Worden BA DiplH MCD MRTPI

an Inspector appointed by the Welsh Ministers
Date : 22 April 2016

Appeal Ref: APP/F6915/A/15/3133430

Site address: Land North of Brynheulog, Caerau Park, Maesteg, Bridgend

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Marcol Afan Energy against the decision of Bridgend County Borough Council.
 - The application Ref P/14/543/FUL, dated 8 August 2014, was refused by notice dated 12 June 2015.
 - The development proposed is a solar array with the capacity to generate 18.4MW.
-

Decision

1. The appeal is allowed and planning permission is granted for a 5.1MW solar array with inverter stations, switchgear, cabins, fencing, CCTV and access at Land North of Brynheulog, Caerau Park, Maesteg, Bridgend in accordance with the terms of the application, Ref P/14/543/FUL, dated 8 August 2014, and the plans submitted with it, subject to the conditions set out in the schedule at the end of this document.

Procedural Matter

2. During the planning application process the scheme was amended and reduced in scale. I have made my decision on the basis of the revised proposal and altered the description of the development in the decision above to that agreed between the parties.

Main Issues

3. I consider that the main issues in this case are:
 - the effect of the proposed development on the character and appearance of the surrounding landscape in respect of its location, form and scale, and on
 - the living conditions of nearby residents with regard to outlook, and
 - whether the benefits of the scheme would be sufficient to outweigh any harm.
-

Reasons

Character and appearance

4. The appeal site comprises an area of hillside in the upper reaches of the Llynfi Valley. It is adjacent to but above Brynheulog, a compact and visually detached enclave of former mineworkers' housing dating from the last century. The land was previously forestry but the trees have been felled as a result of disease. During the winter, which was when I visited, it appears somewhat bare and barren but as such blends in with much of the surrounding land. The submitted photos show that in the spring and summer it greens up, again matching the land around.
5. The appellant has submitted information in support of the application including a Landscape and Visual Impact Assessment (LVIA). This includes zones of theoretical visibility (ZTV), mapped information including on landscape designations, character areas and topography, photos indicating the extent of the site, and assessments from seventeen viewpoints (VP). There are also three scheme views which include photomontages representing the appearance of the proposed solar farm. I visited several of the viewpoints (VP) and my findings are as follows.
6. To my mind the impact of the proposed development on the appearance of the landscape would be most noticeable from VP13¹, VP7 and VP8. The first of these is at the high point of Foel Y Dyffryn, a prominent hill overlooking the site and approximately 1.5km from it. The proposed development would be wholly and clearly apparent from here, its ranks of engineered panels visible as a distinct change from the existing vegetated nature of the site. As it is adjacent to the rows of houses at Brynheulog, however, with the television mast behind, the settlement of Caerau reaching out from the west and glimpses of Croeserw beyond, the site already has a close visual connection with the urban development of the valley. I do not consider, therefore, that from this VP the proposed solar farm would represent a considerable encroachment into the more rural, higher land at the valley head. Additionally, its dark blocks of panels, though more grey than green, would not be significantly conspicuous in a landscape where areas of forestry already provide large patches of contrast on the upper slopes.
7. This VP is within the Foel y Dyffryn Special Landscape Area (SLA) where receptors would mostly be recreational users with a high sensitivity to change. I therefore agree with the LVIA's assessment that the significance of the effect would be major during construction and the early stages of operation becoming moderate as the landscaping scheme matured.

¹ Scheme View 3

8. VP7² is at Tonna Road, Dyffryn which is the main A road through the valley; it is just over 2km from the site. From here the proposed solar panels would be seen as bands of dark-coloured rectangles spanning the full width of hillside visible between the buildings on either side of the road. The most prominent feature in this outlook, however, is the long terrace of characteristic south Welsh houses which lines this section of the road. Its pleasing uniformity and rhythm catches the eye and discourages one from looking beyond. From the position where the photos were taken there are also clear views to Spelter lying on the lower ground by the river and to the more open land beyond. Overall, the proposed development would not be a conspicuous element in this varied and interesting panorama.
9. The appeal site would be readily apparent from VP8 but the composite photo flattens the vista and blurs the detail. In reality the houses at Brynheulog are clearly visible as light coloured blocks interspersed with their grey roofs. Despite the different locations, similar considerations exist as at VP13. The proximity of the appeal site to surrounding development would link the proposed scheme with the existing settlements rather than it being seen as a noticeable intrusion into the unspoilt hill side.
10. Closer to, VP9³, VP10 and VP11 are in and around the centre of Caerau approximately 1km from the site. The proposed development would be visible but partially obscured by the roofs of dwellings in the foreground, particularly from VP9. The solar panels proposed would not be so conspicuous as to draw the attention away from the recently refurbished and pleasant village centre with its attractive landscaping and a few prominent buildings such as the Station Hotel and chapel.
11. VP11 is at a slightly higher level and from here, not only would more of the proposed development be visible, but the distractions of the village centre would have less influence. Even so, I consider that the existing rows of houses which would be seen to the side of and below the proposed development, particularly their sloping, grey roofs, would reduce the impact of the solar arrays. From VP11 the landscaping proposed, once established, would effectively blur the hard edges of the scheme although, due to the steeply sloping site, an area of solar panels would always be visible above the planting. This would also be the case at VP14, which is on a public right of way to the west of the appeal site, and from where there would be views of the sides and profiles of the mounted solar panels.
12. VP3 is about 6.2km from the appeal site and above the development in the floor of the valley. When driving down the lane towards Maesteg there are points where the site is immediately in front. On the other hand, Garn Wen and Foel y Dyffryn to the west are high, dominant features which take the attention away from the appeal site. From the more distant viewpoints, such as VP2 which is over 8km away, the proposed development would appear as a dark block on the hillside. Its man-made character would not be clearly apparent and it would not look significantly unlike a planted and managed area of coniferous forestry. In my opinion these two general principles, namely that the nature of the proposed solar array would not be clearly discernible and that it would not be significantly conspicuous in the big, complex landscapes of the surrounding area, would apply from many of the VPs.

² Scheme View 1

³ Scheme View 2

13. The Council now has a supplementary planning document (SPD) entitled *Renewables in the Landscape* which was adopted in December 2015. The document sets out detailed and helpful generic guidance on siting renewable energy development, including solar photo voltaic, in the landscape. The proposed development clearly fails to comply with several of the criteria including the preferred location on lower slopes or flat plateau sites and siting in landscapes with a sense of enclosure. I understand the Council's argument that the failure of the LVIA to specifically address these two criteria is an indication that not all factors have been properly taken into account. To my mind, however, the LVIA provides a thorough and objective assessment of the impact of the proposed development. I also appreciate the appellant's point in respect of the definition of Landscape Character Areas (LCA); the inclusion of the appeal site in LCA 1 could be seen as anomalous and thus due for review.
14. With regard to the character of the landscape, that would be altered from forestry to energy generation. On the face of it the change from undeveloped to developed land is a fundamental difference but the two uses have several similarities. They both, for example, harness natural resources to provide a beneficial crop or output and are established and managed as commercial ventures. Much of the surrounding land has previously been exploited in comparable ways, evidence of which is still apparent. Spoil heaps can be seen to the west of Brynheulog and on the eastern side of the valley a further area of spoil is being regenerated with planting. To my mind, therefore, the changes in landscape character would not be significant.
15. My conclusion on this matter is that the proposed development would result in a degree of change, particularly to the appearance of the landscape, and thus have a slight negative impact. Nonetheless, the proposed solar array would be consistent with Strategic Policy SP8 of the Bridgend Local Development Plan 2006-2021 (LDP), adopted 2013 which permits schemes contributing to meeting national renewable energy targets subject to there being no significant adverse impacts on the environment. In the light of the existing condition of the appeal site and the nature of the development around it, the proposed development would respect local character and distinctiveness and landscape character. It would not enhance these elements and, consequently, would not be in full compliance with LDP Strategic Policy SP2. However, in not having an adverse impact upon the character of the landscape the proposed scheme would comply with LDP Strategic Policy SP4.
16. Whilst the proposed development would not be within a SLA it would be clearly visible from the Foel y Dyffryn SLA. LDP Policy ENV3 protects the setting of SLAs; it is explained that the integrity of SLAs should be maintained by ensuring that development in the urban areas does not materially impact upon the wider landscape viewed from within the SLA⁴. As explained above, the proposed solar array would be seen from the SLA in the context of the existing urban development and its form would not be significantly obtrusive. Although the proposed development would not comply fully with LDP Policy ENV3, to my mind the inconsistency would not be sufficient to refuse the scheme.

⁴ LDP paragraph 4.1.19

17. The appearance of this type of landscape can alter substantially over the years, for example with the planting, growth and felling of forestry, the treatment of areas of spoil, and the development of wind farms. The temporary nature of the proposed development, albeit for a considerable number of years, would fit with this cycle of use and restoration and the changes to the landscape that ensue. That the proposed solar array would be time-limited is thus a factor in my decision.

Living conditions

18. The Council's second reason for refusal concerns the effect of the proposed development upon the residents of Brynheulog particularly in those streets closest to it, and on users of nearby open access land and public rights of way. The effect on the latter group is covered by the LVIA; the sensitivity of various receptors including recreational walkers is considered as part of the assessment methodology. In this section, therefore, I deal only with the affect on the living conditions of neighbouring occupiers with regard to the outlook from their houses and back gardens. The nearest dwelling, which is at the end of Maes yr Awel, would be about 40m from the panels whilst those in Lon y Parc would be approximately 130m distant.
19. Brynheulog lies on steeply sloping land, its streets following the contours of the hill. The main aspect from all the dwellings is to the front where there are often impressive views down the valley. On the other hand, it seemed to me that views from the rear rooms and gardens of those backing onto the appeal site (mainly those in Maes yr Awel and the eastern part of Lon y Parc) are restricted by the slope. It is likely that the proposed solar array would be visible from several of these dwellings and would present a significantly different view to its occupiers from those currently experienced. Although occupiers might prefer the existing view I do not consider that the proposed solar array would impinge on their outlook to the extent that it would be over dominant or had an oppressive effect. Moreover, planting proposed for the boundary would eventually provide an effective screen filtering views of the site, particularly for those looking upwards to it, and reducing the amount of development which would be clearly visible.
20. The closest houses would be approximately 40m from the nearest panels. Solar arrays and associated equipment produce little noise; I do not consider that there would be any harm to the living conditions of neighbouring occupiers by reason of noise. The amenity of neighbouring uses and their occupiers would not be adversely affected by reason of visual dominance. The proposed development would not, therefore, be contrary to Strategic Policy SP2 or Policy ENV18 of the LDP.

Benefits

21. It is proposed to develop a major tourism and leisure scheme on 196ha of land to the north of the site which is in the neighbouring administrative area of Neath Port Talbot. Some of the energy generated from the proposed solar array would supply the tourism scheme thus defraying the cost of alternative energy infrastructure for that site. The tourism scheme as a whole would have significant economic development benefits for the wider valleys area where a paramount objective is reinvigoration. Whilst there have been planning permissions for leisure and tourism proposals in the past these have now expired. Since there are no concrete plans in place nor any agreement to ensure that the energy generated would be used as asserted I cannot, therefore, give this benefit any weight.

22. The Valleys to Coast Housing Association (V2C) has been involved in the development of the proposed scheme as one of its aims is to help to allay the fuel poverty which affects many households in the neighbouring area. In addition construction jobs and ten training placements for local people would have a positive affect in an area which is amongst the most deprived in Wales.
23. I have been provided with a preliminary legal agreement between Valleys to Coast Housing Ltd and Afan Energy Ltd. which contracts the latter to finance a fund for helping to alleviate fuel poverty in the County Borough, particularly those communities adjacent to the site. Afan Energy would also provide ten training and employment positions for local people and contract V2C to undertake maintenance duties. The agreement does not, however, state that it is a planning obligation, does not clearly refer to the relevant planning application nor identify the site. Furthermore, it does not provide sufficient detail on the landowner's title to the land or bind successors in title. The agreement is not, therefore, legally robust and, as I cannot be confident that the proposed benefits of the development would be implemented, they do not carry any weight. In addition the obligations would not be necessary to make the development acceptable in planning terms or otherwise meet the tests set out in the CIL regulations⁵.
24. As set out in Planning Policy Wales (PPW)⁶ the Welsh Government (WG) is committed to using the planning system to optimise renewable energy generation as part of its approach to tackling climate change. Technical Advice Note 8: *Planning for Renewable Energy* (TAN8) reiterates the objectives of PPW but, having been published in 2005, pre-dates the increased implementation of solar farms. Nonetheless, TAN8 advises that other than where visual impact would be critically damaging to a listed building, ancient monument or conservation area vista, proposals for appropriately designed solar photo voltaic systems should be supported. The solar array proposed here would provide sufficient energy for about 1,375 households, off-setting approximately 2,375 ton of carbon emissions per annum. To my mind that would be a considerable contribution and one which carries much weight.

Other matters

25. The existing tunnel under the site, which has the potential to be used by cyclists, would be unaffected by the proposed scheme. Neither would public rights of way in the area be adversely affected. I have no evidence that the proposal would harm the health of those living in the area, cause a significant reduction in house prices or deter visitors to the area. The potential effect on ecological interests has been assessed and would be thoroughly addressed through the conditions imposed. Consultation on the scheme was above the statutory requirement.

⁵ The Community Infrastructure Levy Regulations 2010, reg. 122(2)

⁶ PPW edition 7 paragraph 12.8.8

26. I was shown the children's area at the end of Maes yr Awel during my visit; the perimeter of the appeal site would be close to this. It seemed to me, however, that the proximity of the landscaping in this location would successfully screen much of the solar array. Although the planting would take many years to become fully mature it would have some effect after a few seasons. It is a requirement of this decision that the developed area be securely fenced. As far as I am aware, however, solar panels and their mounts are not dangerous; at some solar farms the land between the panels is used as grazing land for sheep. Any equipment with the potential to cause hazard would be securely enclosed in small buildings. It would not be necessary, therefore, to curtail activities at the children's area. Neither do I consider that it would be severely affected by the development or become a less pleasant place, especially once the planting had become established.
27. The feasibility and viability of the proposed scheme, including whether normal weather conditions in the area would support such a development, are matters for the developer and operator. If, following construction, the solar array ceased to produce electricity a further requirement is that it should be removed. In any event it would be taken away at the end of 25 years. The removal of the solar array and the remediation of the site will be carried out in accordance with a scheme approved by the Council, the expense being borne by the operator.
28. I noted the existing wind turbines in the area and am aware of the locations of further wind farm development. Although solar arrays and wind turbines are both renewable energy development they have such different forms that the presence of the wind turbines has had little bearing on my decision in this case.

Conditions

29. In the light of Circular 16/2014 *Planning Conditions for Development Management* I am imposing conditions as discussed at the hearing. These will limit the life of the solar farm to no longer than 25 years and will ensure that, following its cessation, the land is returned to a reasonable condition in order to protect the appearance of the landscape. The Council suggested a condition requiring panels to be repaired or replaced if they ceased to operate. To my mind the failure of individual panels would not be noticeable. If, however, the solar array as a whole stopped producing electricity for a considerable period its presence would no longer be justified by its renewable energy benefit. It would have to be removed, also, in order to prevent the site deteriorating and becoming unsightly or unsafe. A further condition allows the Council to monitor the output from the solar farm in order to determine whether, and if so for how long, it has stopped generating electricity. The submission of details of plant, machinery, fencing and security equipment will protect the appearance of the area. It is not necessary in the interest of visual amenity for the arc of camera coverage to be provided and I have not, therefore, included this requirement.
30. The approval of a Construction Environment Management Plan (CEMP) will protect biodiversity interests on the site during the construction of the solar farm whilst the Biodiversity Method Statement will ensure their preservation, or the mitigation of any impact, until the solar farm is removed at the end of its life. As Japanese Knotweed has been identified nearby a condition is necessary to ensure its safe treatment and removal.

31. Landscaping will be essential to soften the edges of the development, mitigating its effect on the appearance of the surrounding area. A scheme has been submitted but there is some doubt as to how successfully the proposed planting would establish, particularly in the vicinity of the blanket bog. Consequently, it is necessary to require further details.
32. Highway safety on the roads around the site during construction and decommissioning will be protected through the approval and adherence to a Construction Traffic Management Plan and a site restoration scheme. Conditions in respect of drainage, pollution prevention measures and soil management will protect the safety and amenity of nearby occupiers and the wider environment. The results of a preliminary site investigation in respect of coal mining activity were submitted with the planning application. As the two mine entries are no longer within the development site it is not necessary to require further investigation. In the interests of safety I am imposing a condition requiring any land instability problems which come to light to be remediated. The archaeology condition is necessary to mitigate the effect of the development on any archaeological interests.

Conclusions

33. The proposed solar array would not adversely affect the amenity of neighbouring uses or their occupiers. Although there would be some detriment to the character and appearance of the surrounding landscape it would not be to such an extent as to be significant. With regard to the neighbouring SLA the proposed development would not be entirely consistent with protecting the setting of that area. The energy generated by the scheme would make a worthwhile contribution to national targets, however, such as to outweigh the minor detriment caused to the landscape and the slight inconsistency with some LDP policies. I am unable to give weight to the intended social and economic advantages as the flawed legal agreement does not provide adequate assurance that these would be implemented. I have taken all the matters raised into consideration but not found any compelling reasons to dismiss the appeal.
34. For the reasons given above I conclude that the appeal should be allowed.

Siân Worden

Inspector

APPEARANCES

FOR THE APPELLANT:

Mark Farrar	The Urbanists
Liam Hopkins	The Urbanists
John Campion	AJA
Nigel Draper	Valleys to Coast Housing Association
Steve Curry	Valleys to Coast Housing Association
Clive Mishon	Landowner
Rob Currie	Marcol Afan Energy

FOR THE LOCAL PLANNING AUTHORITY:

Philip Thomas BA	Principal Planning Officer, Bridgend CBC
Simon White Dip LA, Dip UD (Dist), MA, CMLI	White Consultants

INTERESTED PERSONS:

Allan Reid MRTPI (retd)	Local resident
Lynn Reid	Local resident

DOCUMENTS

Extract from Bridgend LDP Proposals Map

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.
- 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following submitted plans:
 - Site Location Plan - UG1459-001 Revision B
 - Landscape Mitigation - UG1459-002 Revision A (received 5th March 2015)
 - Site Contour Plan - UG1459-003
 - Site Features - UG1459-004
 - Project Layout - 0019-300-01B (received 5th March 2015)
 - PV Interaction with Residential Area - 0019-300-03
 - Component Elevations - 001 9-201 - 0019-205
 - Site Cross Sections - A, B and C 0019-400C
 - Typical Trench and Foundation Design
- 3) Written confirmation of the first date of transmission shall be provided to the Local Planning Authority within 1 month of the first date of transmission. No generation of electricity from the solar farm hereby permitted shall take place after 25 years from the date on which electricity is first transmitted from the site. The photovoltaic arrays and their associated ancillary equipment and buildings shall be removed from the site within a period of 6 months from the end of that period and the site restored in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority as required by condition 4.
- 4) Not later than 12 months before the cessation of the proposed solar farm, a site restoration scheme shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the management and timing of works and a traffic management plan to address highway issues arising during the decommissioning period. The scheme shall be implemented as agreed.
- 5) No generation of electricity from the solar farm hereby permitted shall take place unless a monthly record is kept by the site operator of the amount of electricity generated. That record shall be made available for inspection by the Local Planning Authority at any time during normal working hours.
- 6) If the solar array hereby permitted fails to produce electricity to the grid for a continuous period of 12 months, and if so instructed by the Local Planning Authority, the solar array shall be removed from site within a period of 6 months from the end of that 12 month period. The site shall be restored in accordance with a scheme, including a timetable for the works, to be submitted to and agreed in writing by the Local Planning Authority prior to the end of the 6 month removal period. The scheme shall be implemented as agreed.

- 7) No development shall commence on site until there has been submitted to and agreed in writing by the Local Planning Authority details of all plant, machinery and buildings hereby permitted, including their external materials and finishes. The development shall be carried out in accordance with the agreed details and the agreed external materials and finishes shall be retained for the lifetime of the development, including for any repair or renewal works.
- 8) No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority details of all security fencing and cameras including of the supporting columns and the development shall not be carried out, nor the cameras operated, other than wholly in accordance with the approved details.
- 9) No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environment Management Plan (CEMP: Biodiversity) has been submitted to and agreed in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
 - a. a risk assessment of potentially damaging construction activities.
 - b. the identification of "biodiversity protection zones".
 - c. practical measures (both physical and sensitive working practices) to avoid or reduce impacts during construction. These may be provided as a set of method statements.
 - d. the location and timing of sensitive works to avoid harm to biodiversity features.
 - e. the times during construction when specialist ecologists need to be present on site to oversee works.
 - f. responsible persons and lines of communication
 - g. the role and responsibilities on site of an ecological clerk of works or similarly competent person.
 - h. the use of protective fences, exclusion barriers and warning signs.

The approved CEMP - Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the agreed details.

- 10) No development shall commence until a Biodiversity Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement (which shall be informed by Chapters F (Ecology Assessment) of the Environmental Statement) shall provide details of the working methods and measures that will be adopted for the protection of, and mitigation of impact on, biodiversity (including blanket bog, protected and priority species and habitats) during construction, operation and decommissioning and removal of the development at the end of the period for which this permission is hereby granted. The statement shall be implemented as approved.
- 11) No development shall commence until an 'Invasive Non-Native Species Protocol' has been submitted to and agreed in writing by the Local Planning Authority. The 'protocol' shall detail the containment, control and removal of Japanese Knotweed on the site. The agreed 'protocol' shall be implemented from the commencement of site clearance works and throughout the period of construction.

- 12) Notwithstanding the submitted plans no development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority.
- 13) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the development works; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 14) The development shall be carried out in accordance with the Construction Traffic Management Plan prepared by (TPA) Transport Planning Associates and attached as Appendix A to Chapter E - Access and Movement Assessment to the Environmental Statement that accompanied application P/14/543/FUL. The approved Statement shall be adhered to throughout the construction period.
- 15) No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how surface water and land drainage will be dealt with has been submitted to and agreed in writing by the Local Planning Authority. The agreed drainage scheme shall be implemented prior to the first date of transmission.
- 16) No development shall commence until such time as a Method Statement detailing all necessary pollution prevention measures for the operational and post operational phase of the development is submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify as a minimum;
 - a. Any sources of pollution (including silt), potential pathways for that pollution to enter any watercourses within the vicinity of the site and appropriate pollution control measures to be implemented on site.
 - b. Full details of how any watercourses will be crossed or confirmation that this is not applicable.
 - c. Storage facilities for any oils if applicable.
 - d. Details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off.
 - e. Details of measures to ensure no polluting discharge from disturbed areas.
 - f. Measures for dealing with any contaminated material including excavated waste.
 - g. Details of emergency contacts.

The approved Method Statement shall be adhered to and implemented strictly in accordance with the agreed details.
- 17) Prior to any works commencing on site a soil management scheme for the construction phase shall be submitted to and agreed in writing by the Local Planning Authority. The soil management scheme shall be implemented as agreed.

- 18) If during the course of development, any land instability issues are found measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved measures which shall be retained for the period agreed in the remediation scheme.
- 19) No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 19/02/16

Site visit made on 19/02/16

gan **P J Davies BSc (Hons) MA MRTPI**

by **P J Davies BSc (Hons) MA MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 26.04.16

Date: 26.04.16

Appeal Ref: APP/F6915/A/15/3140007

Site address: Land adjoining 22 Sycamore Close, Litchard, Bridgend

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Morwen Powell against the decision of Bridgend County Borough Council.
- The application Ref P/15/333/FUL, dated 19 May 2015, was refused by notice dated 23 July 2015.
- The development proposed is single storey split level dwelling with double garage.

Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect of the proposal on:
 - a) the character and appearance of the area,
 - b) the living conditions of adjoining and future occupants, and
 - c) whether the development would result in any unacceptable risks having particular regard to ground stability.

Reasons

Character and appearance

3. The appeal site is situated within the settlement boundary as defined by the Bridgend Local Development Plan (LDP) and where LDP Policy COM3 is generally supportive of residential development providing the land is not protected by the LDP for an alternative or existing use. My attention is drawn to LDP Policy COM7 which seeks to protect social and community facilities. However, the appeal site is privately owned and whilst it is unenclosed which undoubtedly leads to some informal recreational use, this is not a use that appears to take place lawfully or which could be guaranteed in the long term. The proposal would not therefore result in the loss of a social or communal facility and this policy is not therefore particularly relevant. For similar reasons, LDP Policy COM13 which relates to the provision of accessible natural green space is also not relevant.

4. The appeal site is in an established residential area and comprises part of a steeply sloping woodland area adjacent to the head of a cul-de-sac. It is subject to a Tree Preservation Order and, in the context of the built-up area it provides visual relief, making an important contribution to the attractive and verdant qualities of the locality.
5. Despite being low height and split level in design, the proposed dwelling would be visibly unrelated to the consistent housing form on Sycamore Close, which is predominantly made up of semi-detached pairs with a largely uniform architectural style and appearance. There would be sufficient visual gaps on either side and behind to ensure that it would not appear cramped, but unlike the prevailing housing pattern along Sycamore Close, the proposed dwelling would occupy an elevated position with decking extending close to the road. The proposed garage would also be particularly close to the highway. It would therefore be a prominent development, especially in winter months, when the trees are not in leaf. Given the proximity of some of the retained trees to the proposed dwelling I also consider there to be a real possibility of these trees affecting sunlight and daylight reaching the dwelling as well as drawing other nuisances such as falling leaves and branches. This would lead to pressure to fell or lop trees which would further accentuate the prominence of the development.
6. In these circumstances, not only would the proposal intrude harmfully into an attractive area of woodland, the stark contrast in the design and siting of the proposal would be readily apparent in the street scene. As a consequence it would stand out as a visually discordant form of development out of character with its surroundings. This would be contrary to one of the objectives of LDP Policy SP2 which, amongst other things, requires development to have a design of the highest quality possible whilst respecting and enhancing local character and distinctiveness.

Living conditions

7. The southern side elevation of the proposed dwelling and an outside decking area would be sited close to the common boundary with 22 Sycamore Close. There would be windows on this elevation, although the appellant confirms that the first floor bedroom window as presently shown on the plans is erroneous, it does appear on the floor plan and the elevation drawing. Even so, I consider that because of the elevated nature of the proposal, and the directness of the view from the living area windows and the decking, there would be a strong impression of perceived overlooking that would result in an uncomfortable relationship with the neighbouring house No 22. Given that a frosted screen would need to be sufficiently tall to remove this harmful effect, I do not consider that this would be an acceptable design solution. Similarly and as previously explained, the proximity of the trees might lead to pressure to lop or fell and in any event, the screening afforded by them would be significantly less in the winter.
8. The plot build ratio is generous and the dwelling would lie in fairly large grounds. However, the steeply sloping and heavily wooded nature of the curtilage would severely restrict its function as useable outside space. Although the decking areas would provide some space, they would be unsuitable for use such as children's play and they would be for the most part overshadowed by trees. The proposal is for family sized accommodation and in my view the substandard provision of outside space would result in a cramped and confined living environment to the detriment of the living conditions of future occupiers.

9. For the above reasons, the proposal conflicts with one of the objectives of LDP Policy SP2 to ensure that development does not adversely affect the viability and amenity of neighbouring uses and their users/occupiers.

Ground stability

10. A geotechnical desk study report confirms that conventional style soakaways are unlikely to be able to be accommodated on the site and that a 'green roof' solution is preferred. However, no details have been provided in this regard and I do not therefore know if the proposal would provide for satisfactory and safe drainage. In addition, because of the topography, significant excavation and earthworks are likely to be involved in the dwelling's construction. Information from the Council's structural engineering section indicates that there is likelihood the site contains deposited landfill from the housing development that has taken place in the area. Although the geotechnical report concludes that the site is considered developable subject to a suitably designed engineering solution, such as 'mini-piles', the report is largely based on a site walkover and a desk top review rather than any detailed site investigations. In my view, it does not adequately demonstrate that the site can be developed safely and the proposal therefore runs counter to the aims of LDP Policy ENV7 which only permits development that would not cause unacceptable risk of harm due to a number of factors, including land instability.

Other Matters

11. An ecological appraisal of the site has been carried out, and although it recommends further survey work in relation to some species, there is little counter evidence to suggest that the site is particularly rich or important as a wildlife habitat. I acknowledge that there would be some local impacts, particularly taking account of the removal of some trees, however a number of mitigation and enhancement measures are proposed. Overall I consider that any effects on local wildlife would not be serious and this matter is not therefore a determining issue in this appeal.
12. Similarly, whilst I note the comments of the highway authority that the width of the proposed off street parking spaces is inadequate, it seems to me that this is a minor design matter which is capable of resolution. It is not therefore fundamental to this decision especially as I have found the proposal unacceptable for other reasons.
13. My attention is drawn to other appeals and planning permissions, but each case will invariably have its own particular set of circumstances, and I have little information to demonstrate that any of these case compare directly with the proposal before me. I have therefore determined the appeal on its own merits.
14. I have had regard to all the concerns of local residents and their representatives, including matters such as property devaluation and construction disturbance. However, these are not material considerations to which I can attach any significant weight.

Conclusions

15. Although I have found the proposal to be acceptable in some respects, the harmful factors that I have identified in respect of the main issues are overriding considerations. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

P J Davies **INSPECTOR**

Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 19/02/16

Site visit made on 19/02/16

gan **P J Davies BSc (Hons) MA MRTPI**

by **P J Davies BSc (Hons) MA MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 07/04/16

Date: 07/04/16

Appeal Ref: APP/F6915/A/15/3140154

Site address: Mayfield, Laleston, Bridgend CF32 0HN

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr & Mrs Eric & Pat Hughes against the decision of Bridgend County Borough Council.
- The application Ref P/15/512/OUT, dated 23 July 2015, was refused by notice dated 23 October 2015.
- The development proposed is demolition of 2No. dwellings and erection of 1No. replacement dwelling and garage.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is made in outline with all matters reserved. Indicative details of scale, access and layout are provided which I have taken into account.

Main Issues

3. These are:
 - a) whether the proposal would be inappropriate development in a green wedge;
 - b) whether any harm by reason of inappropriateness would be clearly outweighed by other considerations; and if so whether very exceptional circumstances exist to justify the harm to the green wedge; and,
 - c) the effect of the proposal on the character and appearance of the area.

Reasons

Inappropriate Development

4. The appeal site is within a green wedge defined in Policy ENV2 of the Bridgend Local Development Plan (LDP). Planning Policy Wales Edition 8 (PPW) advises that new buildings in a green wedge is inappropriate development unless, amongst other things it is for limited replacement of existing dwellings.

5. The proposal would replace two existing dwellings albeit not on their footprint. Instead it would be located a short distance in front, more or less in line with the existing access into the site. Although not in exactly the same place, I am satisfied that the proposal would not be so far removed from the existing dwellings as to constitute a new dwelling on a different site, and it therefore can be considered as a replacement in principle.
6. However, it would replace two modest low lying buildings with a significantly larger two storey house and a garage. The Council estimate that the existing footprint of the bungalows is approximately 135 square metres which would increase to 360 square metres. In addition, the two storey height of the proposal would be reflected in a development of significantly greater volume than which presently exists on the site. I note that former nursery buildings would also be removed from the site but these are similarly small scale and for the most part appear to lie outside the application site. In any event, even if I were to give weight to the removal of these buildings, the proposed dwelling and garage would be significantly more intrusive in overall height and scale.
7. Whilst scale and siting are reserved matters, the appellants' intentions for the site are clearly set out in the information that is before me and I have determined the appeal on that basis. For the above reasons, I consider that the proposal would not be a limited replacement in the context of PPW, and it would therefore be inappropriate development.

Very Exceptional Circumstances

8. PPW advises that substantial weight should be attached to any harmful impact which a development would have on a green wedge. Inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the green wedge.
9. The appellant refers to the site as having brownfield status and I do not generally disagree that part of the site falls to be considered as such. Even so, not all previously developed land will be suitable for development, and in this case the scale of the proposed house would be clearly visible in the green wedge and harmfully erode its openness. The existing dwellings have been identified as needing attention however this could be resolved by maintenance rather than permanent visual harm by way of the appeal proposal. I also acknowledge that the proposal might not have any significant impact on existing trees, hedges or biodiversity interests and given that all matters are reserved I do not doubt that a dwelling of imaginative and sustainable design and of high standards of construction could be developed for the site. Nonetheless, this could be said for many proposals in the green wedge. These are not therefore very exceptional circumstances.
10. Having regard to all the evidence that is before me, including the lack of public objection, I find no other considerations that clearly outweigh the harm by reason of inappropriateness and very exceptional circumstances do not exist. The proposal therefore conflicts with the objectives of LDP Policy ENV2 and PPW.

Character and Appearance

11. The appeal site occupies a sensitive rural location outside settlement boundaries and in the countryside for the purposes of LDP Policies PLA1 and ENV1, where new

development is subject to strict control. It is also within a Special Landscape Area (SLA) defined by LDP Policy ENV3.

12. The proposal would replace two modest low lying buildings set partly behind a substantial hedge and to the forefront of trees. In siting, height and scale, these buildings sit relatively unobtrusively in the landscape. However, the proposal would be a substantial two storey building on a more exposed and prominent part of the site. In particular it would be positioned close to the site access and it would be visible across undeveloped fields from the main road. Combined with the garage, the proposal would be a substantial and prominent intrusion of built form that would encroach into the landscape and harmfully erode the openness of this part of the green wedge.
13. The appeal site does not have a close physical or visual relationship with the settlement or any particular group of buildings. It is close to one other dwelling but being on the east side of a lane, it is clearly distinct from the linear housing pattern along the A473 to the west. To the south and east of the site this area is predominantly characterised by open undulating fields that stretch for some distance without significant visual interruption. Owing to its siting and scale, the proposal would intrude into this attractive rural landscape and it would fail to retain the character and distinctiveness of the SLA.
14. Taking all of the above into consideration, I conclude that the proposal would be harmful to the character and appearance of the surrounding area contrary to the objectives of LDP Policies ENV1, ENV2 and ENV3.
15. My attention is drawn to other appeals nearby and in another part of the County. However, these proposals are not directly comparable in siting or scale to this appeal which I have determined on its individual merits.
16. For the above reasons and having regard to all other matters raised, I conclude that the appeal is dismissed.

P J Davies

INSPECTOR

APPENDIX D



Penderfyniad ar yr Apêl

Appeal Decisions

Ymweliad â safle a wnaed ar 07/03/16

Site visit made on 07/03/16

gan James Ellis LLB (Hons) Cyfreithiwr
Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 19.04.16

by James Ellis LLB (Hons) Solicitor
an Inspector appointed by the Welsh Ministers
Date: 19.04.16

Appeal Ref: APP/F6915/C/15/3139097 (Appeal A)

Site address: Land at Dan Yr Eglwys Farm (formerly Ty Newydd Farm), Bettws, Bridgend CF33 8TJ

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

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 ("the Act").
- The appeal is made by Mrs Paula Hughes against an enforcement notice ("the EN") issued by Bridgend County Borough Council.
- The Council's reference is ENF/152/15/C.
- The EN was issued on 22 October 2015.
- The breach of planning control as alleged in the EN is without planning permission the erection of a two storey garage with storage above.
- The requirements of the EN are:
 - i) Demolish the garage and storage area on the land edged red on the attached plan.
 - ii) Remove any materials from the land which result from the requirements described in sub paragraph 5i above.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (f) of the Act.

Summary of decision: The appeal is dismissed and the EN is upheld with variation arising from the ground (f) appeal.

Appeal Ref: APP/F6915/A/15/3137898 (Appeal B)

Site address: Land at Dan Yr Eglwys Farm (formerly Ty Newydd Farm), Bettws, Bridgend CF33 8TJ

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

- The appeal is made under section 78 of the Act against a refusal to grant planning permission.
- The appeal is made by Mrs Paula Hughes against the decision of Bridgend County Borough Council.
- The application Ref P/15/568/FUL, dated 25 August 2015, was refused by notice dated 19 October 2015.
- The development proposed is the retention of a two storey garage with store above within the curtilage of Dan Yr Eglwys Farm.

Summary of decision: The appeal is dismissed.

Procedural matters

1. The appeal form completed by the appellant in respect of Appeal A refers to appeals being made on grounds (a) and (g) of section 174(2) of the Act. The appeal under ground (a) is that planning permission should be granted for what is alleged in the EN

and the appeal under ground (g) is that the time given to comply with the EN is too short. However, the grounds of appeal submitted with the appeal form make it clear that the appellant was seeking to appeal on ground (f) of section 174(2), rather than ground (g). The appeal on ground (f) is that the steps required to comply with the requirements of the EN are excessive and that lesser steps would overcome the Council's objection. I shall therefore proceed on the basis that an appeal has been made on ground (f) of section 174(2) of the Act rather than ground (g).

2. As I saw from my site visit, the building that is the subject of the EN in Appeal A is an incomplete version of that for which planning permission is sought in Appeal B. The Council's reasons for issuing the EN in Appeal A are the same as its first reason for refusing the application the subject of Appeal B. I shall therefore deal with the ground (a) appeal in Appeal A and Appeal B together, whilst noting that the Council's second reason for refusing the application the subject of Appeal A was not referred to in its reasons for issuing the EN.
3. The appeal site has been the subject of a previous appeal decision Ref: APP/F6915/A/12/2174140 dated 31 July 2012 relating to the Council's refusal of application Ref P/12/90/FUL. The scheme before the previous Inspector was a detached garage and store and inclusion of additional land within curtilage of dwelling. The decision is recent and the issue which the Inspector had to consider is the same as one of those which will be before me when I come to consider the ground (a) appeal in Appeal A, and Appeal B. I therefore give considerable weight to the previous appeal decision (in which the Inspector dismissed the appeal before her) as a material planning consideration.
4. On 22 November 2012, the Council granted planning permission for a detached garage and store and the inclusion of additional land into curtilage of dwelling under Ref P/12/714/FUL. The information before me indicates that the permitted garage and store would be lower in height than that the subject of the appeals before me and that it would also not be as long. Consequently, it would be smaller in scale. The permitted scheme shall be borne in mind by me in my deliberations.

APPEAL A – ground (a) appeal, and APPEAL B

Main Issues

5. There is a common main issue to both appeals and that is the effect of the garage and store on the character and appearance of the area. A second main issue that relates to Appeal B is whether the appeal site is safe and stable to accommodate the development having regard to coal mining legacy issues.

Reasons

6. The building the subject of the appeal would serve a dwelling which is located on the western side of Bettws and accessed from Dan-Yr-Eglwys. The dwelling appears to have been constructed recently and I am advised that it received outline planning permission in 2009 and reserved matters approval in 2012. The building the subject of the appeal is within the curtilage of the dwelling, but some distance away from it to the north, and close to the western boundary of No 4 Dan-Yr-Eglwys.
7. The building is a two storey triple garage with a store above. The building has a pitched roof which, I am told, reaches about 6.5 metres at ridge height. I am advised that the structure has a length of about 10 metres and a depth of about 6.9 metres. The storage area would be accessed by an external staircase (of about 1 metre in

width) attached to the northern side elevation of the building. The front (western) elevation of the building has three openings where garage doors would be located. The western elevation of the building would be finished in stone, whereas the other three elevations would have render. The roof of the building has a slate finish and three velux rooflights have been installed in the west facing roof plane. Two windows have been fitted in the southern elevation of the building, one at ground floor level and one at first floor level.

8. I am advised that the building has the same footprint as that which was the subject of the previous appeal decision. However, the evidence indicates that it would be one metre lower in height than that which was before the previous Inspector. The scheme before the previous Inspector also differed from that before me in that the previous scheme would have had three pitched roof dormer windows on its western elevation to provide daylight to the first floor storage area, whereas the scheme before me has rooflights.
9. The previous Inspector notes that the site of the building before her lies partly outside the settlement limits for Bettws. She says that the boundary wall of No 4 Dan-Yr-Eglwys forms a logical physical buffer to the built up area and that, notwithstanding that the site is partly within the approved settlement boundary, the site has a strong correlation with the countryside. My colleague notes that the approved dwelling (now built) would have a fundamental impact on the context of the appeal site which would offset some of the effects of the scheme before her on the nature and character of the surrounding area. She considers that a relatively small extension of the dwelling curtilage and an associated domestic building of appropriate scale and design would be acceptable on the appeal site. After carrying out my site visit, I can only concur with what my colleague said.
10. My colleague went on to find that in this sensitive location on the settlement edge the proposal before her would be of a scale and appearance that would intrude significantly into the rural character of the countryside. She says that although the dwelling itself would change the context of the site (as indeed it has), owing to the distances, the garage would not be closely associated with it in a visual sense, and that the garage would therefore stand out as a large modern building in its own right. She adds that the proposed stonework would do little to blend the development with the housing behind but that could be addressed by a planning condition. The previous Inspector went on to say that owing to its height and scale, the array of dormers and triple garage doors, the proposal would have an overtly urban appearance and form that would result in a significant encroachment of built form that would fail to sympathetically respect its transitory location between the settlement and the rural area. She found that, for these reasons, the proposal before her would be harmful to the character and appearance of the area.
11. I now wish to consider whether the scheme before me is sufficiently different from that before the previous Inspector so as to overcome the harm that was identified by her. From the evidence before me, it seems that there are two differences between the scheme before me and that before the previous Inspector. As I have indicated, one of these is a reduction in height of the building from 7.5 metres to 6.5 metres and the other is the use of rooflights, rather than dormer windows, to light the storage area. The reduction in height is noted. However, in my view, this would do little to reduce the scale of the building given that it would still have a depth of 6.9 metres and, more importantly, a length of 10 metres. To my mind, the scale would be consistent with that of a compact dwelling, rather than that of a domestic outbuilding.

The replacement of three dormer windows with rooflights would be a welcome improvement. However, in my opinion, the garage, with its limited reduction in scale and triple garage doors would still be read as a large modern building of urban appearance and form.

12. The appellant says that the garage blends in with nearby development and that its visual impact is local and minimised. I disagree with this. In visual terms, the garage is seen as a large modern building apparently standing on its own outside a physical barrier to the built up area to Bettws, namely the boundary wall to No 4 Dan-Yr – Eglwys. This is not only noticeable from nearby properties, but also from more distant viewpoints to the west. Landscaping could mitigate some of the impact of the garage/store but, in my view, the building would still be recognisable as a large modern building out of keeping with its sensitive location on the settlement edge.
13. As mentioned by the appellant, the planning permission for the dwelling did not remove permitted development rights and the Council has accepted the principle of development on the appeal site as per planning permission Ref P/12/714/FUL. There are limitations on the scale of development allowed under permitted development rights, and the permitted garage/store would be considerably smaller in scale than that which is the subject of the appeals before me. I am told that the permitted scheme would be 6 metres in height, 6.9 metres in depth, and 7.85 metres in length. It would have two garage doors in its western elevation, rather than three. As such, it would have the scale of a domestic outbuilding and this, together with two garage doors rather than three, would not have the same adverse impact on the character and appearance of the area that the scheme before me has.
14. Overall, I therefore find that the garage/store the subject of the appeals before me will result in significant harm to the character and appearance of the area contrary to policies ENV1 and SP2 of the Bridgend Local Development Plan 2006-2021 ("the LDP"). Amongst other matters, the policies seek to ensure that development: respects and enhances local character and distinctiveness, and landscape character; and that it is of appropriate scale, size and prominence.
15. The appeal site is in a Development High Risk Area when it comes to mining legacy issues. When consulted on the planning application the subject of Appeal B, the Coal Authority objected to the application, notwithstanding its retrospective nature, because the appellant was not able to demonstrate that the application site is safe and stable to accommodate the development. The appellant has highlighted that previously the Coal Authority was able to withdraw its objection in relation to application Ref: P/12/90/FUL subject to the imposition of an appropriately worded planning condition. This would be problematical in the present case given that the development has already taken place. However, the planning permission granted by the Council on 22 November 2012 pursuant to application Ref: P/12/714/FUL does not have a coal investigation condition attached to it. In effect the 2012 permission could be implemented without a coal investigation being carried out. Having regard to this fallback position, I consider that it would not be appropriate to use the Coal Authority's objection as a reason for refusing Appeal B.
16. There are arguments in favour of the development. For example, I note that the scheme would comply with some LDP policies and, given its location in relation to neighbouring properties, I consider that the building would not impact on the residential amenity of the occupiers of the neighbouring properties. The appellant has also drawn my attention to photographs of other sites within the County Borough where large garages have been erected. Limited information has been provided about

these and, generally, it is not possible to reasonably compare them with the appeal development. I am, however, advised by the Council that one triple garage at Brynmenyn is within a settlement boundary and that it was approved in 2005 prior to the adoption of the Bridgend Unitary Development Plan, which preceded the LDP. Another site is said to be at Heol Spencer, Coity where the building was constructed in 1999. I therefore give little weight to the garages shown in the photographs. In my opinion, all the points in favour of the development are heavily outweighed by the cogent harm to planning objectives that I have found.

17. Other matters raised by interested parties concern the effects of the development on drainage and highways, the possible breach of planning conditions relating to the erection of the dwelling, and the possible use of the development as a dwelling. There is no detailed evidence before me to demonstrate that the development would have a material adverse impact on either drainage or highways. The compliance or otherwise with planning conditions relating to the dwelling is not a material planning consideration to which I can attach weight. Use of the building as a dwelling would require planning permission and any application would be dealt with on its individual merits. I therefore give little weight to the points raised by interested parties.

Conclusion – Appeal A - ground (a) appeal, and Appeal B

18. From the evidence before me, and for the reasons given above, the appeal on ground (a) in Appeal A, and Appeal B must therefore fail.

APPEAL A - ground (f) appeal

19. Ground (f) is the appropriate ground where an appellant seeks to argue that the steps required by the EN exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused by such breach.
20. In this case, the appellant is saying that there is no need to demolish the garage/store as it can be altered to comply with the scheme granted planning permission by the Council under Ref: P/12/714/FUL, and that only material resulting from such work need be removed from the land.
21. The Council, in response, says that even if the implementation of that scheme could be required, it is questionable whether the building would be capable of such conversion given that the roof would have to be removed as well as the northern wall demolished, the garage doors removed and the western elevation altered, and the eastern and southern walls reduced to the dimensions of the approved structure. The Council considers such works to be tantamount to complete demolition.
22. I note what the Council says but it is clear that some of the existing structure of the garage/store could be incorporated into the smaller building the subject of planning permission Ref: P/12/714/FUL. It seems to me that a requirement to modify the garage/store so that it complies in all respects with planning permission Ref: P/12/714/FUL would satisfy the requirements of section 173 of the Act. In this regard, I note that section 173(3) and (4) provide that a breach can be remedied by making a development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land.
23. Consequently, I consider that an appropriate course of action would be to express the requirements of the EN in the alternative, giving the appellant the option of either complete demolition, or modification to comply with permission Ref: P/12/714/FUL.

I shall vary the EN accordingly. To this extent, therefore, the ground (f) appeal succeeds.

APPEAL A - Formal Decision

24. I direct that the EN be varied by deleting the requirements set out in paragraph 5 of the EN and replacing them with the following:

"EITHER

5.1

- i) Demolish the garage and storage area on the land edged red on the attached plan.
- ii) Remove any materials from the land which result from the requirement described in sub paragraph 5.1 i) above.

Time for compliance: 3 months after the notice takes effect.

OR

5.2

- (i) Modify the unauthorised two storey garage/store constructed on the land so that it completely complies in all respects with the terms (including conditions and limitations) of planning permission Ref: P/12/714/FUL granted by the Council on 22 November 2012 and the plans approved thereunder.

- (ii) Remove from the land all materials resulting from the modification.

Time for compliance: 3 months after the notice takes effect."

25. Subject to this variation I dismiss the appeal, uphold the enforcement notice, and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the Act.

APPEAL B- Formal Decision

26. I dismiss the appeal.

James Ellis

Inspector

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO DEVELOPMENT CONTROL COMMITTEE

12th May 2016

REPORT OF THE CORPORATE DIRECTOR – COMMUNITIES

WLGAs Draft Planning Committee Protocol – Formal Consultation Response

1. Purpose of Report

- 1.1 To seek Development Control Committee Members' approval of the Local Planning Authority's formal consultation response to the Draft Planning Committee Protocol prepared by the Welsh Local Government Association (WLGA). Members will recall that an initial draft of the consultation response was presented to the Development Control Committee for comment on 31st March, 2016 and was considered as part of the Member Training Session on the same day.

2. Connection to Corporate Improvement Plan / Other Corporate Priorities

- 2.1 The Planning (Wales) Act 2015 proposed changes to the way planning decisions are taken, including provisions which allow for standardisation of planning committee arrangements and delegation to officers across Wales.
- 2.2 The Council operates a scheme of delegation where it has delegated powers to officers to determine most planning applications and other related planning submissions. This Authority now determines in excess of 90% of all applications received under delegated power arrangements. All other applications are referred to the Development Control Planning Committee.
- 2.3 The adoption of a standardised planning committee protocol across the 25 Local Planning Authorities in Wales will improve transparency and increase the public understanding of the system. The Council has a statutory duty to provide a planning service and the delivery of a robust decision making process is an important part of the service in line with the Council's Corporate Improvement Plan and Corporate Priorities.
- 2.4 The delivery of the County Borough's statutory planning function has links to the Council's corporate priorities in particular number 1 – supporting a successful economy.

3. Background

- 3.1 The Planning (Wales) Act, which received Royal Assent in 2015, will result in many changes to the planning system in Wales. In addition to legislative change, the Welsh Government Minister for Natural Resources, Carl Sargeant, is advocating culture change, which forms a central principle of the new Act. One element of this suggested culture change revolves around a more consistent approach in the operation of planning committees.
- 3.2 A recent study commissioned by the Royal Town Planning Institute into the "Study into the Operation of Planning Committees in Wales" (undertaken by Arup and Fortismere Associates) provided an insight and recommendations about improving Planning Committees in Wales. The study concluded that there is a wide range of differing practices across Wales and recommended that a national planning committee protocol be prepared.

- 3.3 As a result of the study, the Welsh Government invited local authorities to draft a voluntary planning committee protocol. The drafting group included representatives from the Planning Officer's Society Wales and Planning Solicitors in Local Government. The draft protocol for consultation is attached at Appendix 1 and the Officer's draft response to the consultation questions is attached at Appendix 2.

4. Current Situation

- 4.1 The existing Development Control Committee Protocol is included within the Council's *"Planning Code of Practice – How We Deal with Planning Applications and Other Planning Issues"*. We also publish a note on our website which explains our public speaking procedures at Development Control Committee meetings (Appendix 3).

5. Next Steps

- 5.1 The formal consultation response, once approved by Members, will be submitted to the WLGA before the consultation period closes on 20th May, 2016.
- 5.2 The WLGA drafting group will then review all comments received and will amend the protocol where appropriate. It is anticipated that the final version of the protocol will be available in June 2016 for consideration by each local authority at the appropriate Council meeting.

6. Effect upon Policy Framework & Procedure Rules

- 6.1 It is intended that the final version of the planning committee protocol will be adopted by all LPAs in Wales.

7. Equality Impact Assessment.

- 7.1 An Equality Impact Assessment Screening has been undertaken and the proposed recommendations are unlikely to have an impact on equality issues.

8. Financial Implications

- 8.1 None.

9. Recommendations

- 9.1 That Members of the Development Control Committee:

- (1) Approve the consultation response to the draft Planning Committee Protocol produced by the WLGA (Appendix 1)

Mark Shephard
Corporate Director Communities

Contact Officer

Mr. Rhodri Davies
Development and Building Control Manager
Telephone Number: 01656 643152 e-mail: rhodri.davies@bridgend.gov.uk

Background documents

Appendix 1: BCBCs Formal Consultation Response

Appendix 1

Draft Planning Committee Protocol

1. Introduction

- 1.1 The Planning (Wales) Act which received Royal Assent in 2015 will result in many changes to the planning system in Wales. In addition to legislative change the Minister is strongly advocating culture change; part of which is a more consistent approach to planning across Wales including greater consistency in the operation of planning committees.
- 1.2 A recent study by the Royal Town Planning Institute into the “Study into the Operation of Planning Committees in Wales” concluded that there is a wide variety of practice in the operation of planning committees across Wales and recommended that a national planning committee protocol be prepared.
- 1.3 As a result of this study, Welsh Government invited local authorities to draft a voluntary planning committee protocol. Through the WLGA a drafting group was established with representatives from the Planning Officers Society Wales and Lawyers in Local Government. The members of this group are:
 - Sioned Wyn Davies, Legal, Democratic and Registration Services Manager, Wrexham CBC
 - Simon Gale, Service Director Planning, RCT CBC
 - Simon Humphreys, Head of Legal Planning & Environment, RCT CBC
 - Roderic Jones, Senior Lawyer, Bridgend CBC
 - Jane Lee, Policy Officer, WLGA
 - Paul Lucas, Director Legal and Democratic Services, RCT CBC
- 1.4 Following a series of meetings, the drafting group has prepared a draft protocol for consultation. The draft protocol is based on the published LLG Planning Code or Protocol 2014.

2.0 The Protocol

- 2.1 The primary aim of the protocol is to improve consistency across the 25 LPAs while ensuring a level of local flexibility through discretion of the Chair and locally determined procedures such as the committee meeting running order. Planning Committees have different names in different local planning authorities therefore where the term “planning committee” appears in the text this has been inserted in brackets.
- 2.2 It is intended that the protocol will complement any national and local codes on Councillor Conduct and the general arrangements regarding the running of meetings. This protocol is specific to Planning and covers the following areas:
 - Relationship to the Members’ Code of Conduct

- Development Proposals and Personal and Prejudicial Interests
- Fettering Discretion in the Planning Process
- Member Involvement at the pre-application stage
- Contact with Applicants, Developers and Objectors
- Lobbying of Councillors
- Lobbying by Councillors
- Site Visits/Inspections
- Public Speaking at Meetings
- Public Speaking Procedures
- Role of Officers
- Decision Making
- Cooling Off Period
- Duties of the Chair
- Role of Members at a Planning Appeal
- Training
- Customer Care
- Advice for the public on attending and speaking at the Planning Committee

3.0 How to respond

- 3.1 The WLGA welcomes comments on the protocol and has inserted questions in the consultation draft of the protocol to prompt responses. The closing date for comments is Friday 20th May 2016. Please send comments to Jane Lee by email jane.lee@wlga.gov.uk or by post to WLGA, Local Government House, Drake Walk, Cardiff, CF10 4LG.
- 3.2 The drafting group will review these comments and make changes to the protocol where appropriate. It is anticipated that the final protocol will be available in June for consideration by each local authority at the appropriate Council meeting.

Draft Planning Committee Protocol

1.0 Introduction

- 1.1 **The aim of this Protocol** is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.
- 1.2 One of the key purposes of the planning system is to regulate the development and use of land in the public interest. Your role as a Member of the Planning Authority is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.
- 1.3 You are also a democratically accountable decision-taker who has been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies provided that you have considered all material considerations and have given fair consideration to relevant points raised.
- 1.4 **When the Protocol applies:** this protocol applies to Members at all times when involving themselves in the planning process. (This includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.
- 1.5 If you have any doubts about the application of this protocol to your own circumstances you should seek advice early, from the Monitoring Officer or one of his or her staff, and preferably well before any meeting takes place.

Q1. Do you agree with having a national planning protocol?

In principle, yes. Particularly if a level of local flexibility is allowed as suggested in paragraph 2.1.

2. Relationship to the Code of Conduct

Do apply the rules in the Code of Conduct first, which must always be complied with.

Do then apply the rules in this Members' Planning Committee Protocol, which seek to explain and supplement the Code of Conduct and the law on decision making for the purposes of planning control. If you do not abide by this protocol, you may put:

- the Council at risk of proceedings on the legality of the related decision or maladministration; and

- yourself at risk of being named in a report made to the Council or, if the failure is also likely to be a breach of the Code of Conduct, in a complaint being made to the Ombudsman.

3. Development Proposals and Personal and Prejudicial Interests

Conduct of All Members

Do disclose the existence and nature of your interest as required by the Code of Conduct.

Do then act in accordance with the Code of Conduct. Where your interest is a personal and also a prejudicial interest:

- Don't participate, or give the appearance of trying to participate, in the making of any decision on the matter by the [planning committee]
- Don't seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a disclosable or other personal conflict of interest in a proposal, using your position to discuss that proposal with officers or Members when other members of the public would not have the same opportunity to do so.

Do note that you will be able to speak at a [planning committee] where you have a prejudicial interest if and only to the same extent that a member of the public would have a right to speak on that item but remember that you must withdraw from the meeting as soon as you have finished speaking.

Do notify the Monitoring Officer in writing of your own planning applications and note that:

- you should send the notification no later than submission of that application;
- the proposal will always be reported to the [planning committee] as a main item and not dealt with by officers under delegated powers;
- you must not get involved in the processing of the application; and
- it is advisable that you employ an agent to act on your behalf in respect of the proposal when dealing with officers and in public speaking at Committee.

Q2. Do these proposals differ from the protocol you have in place? Do you see any difficulties with adopting these proposals?
--

i) No

ii) No

4. Fettering Discretion in the Planning Process (natural justice, predisposition and predetermination)

4.1 Members of the Planning Committee

Don't fetter your discretion by approaching the decision with a closed mind.

Do be aware that in your role as an elected Member you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the Localism Act 2011.

Do keep at the front of your mind that, when you come to make the decision, you

- are entitled to have and to have expressed your own views on the matter, provided you are prepared to reconsider your position in the light of all the evidence and arguments;
- must keep an open mind and hear all of the evidence before you, including the written report, the officers' presentation of the facts and their advice, any oral or written representations received and the arguments from all sides;
- are not required to cast aside views on planning policy you held when seeking election or otherwise acting as a Member, in giving fair consideration to points raised;
- are only entitled to take account a material consideration and must disregard considerations irrelevant to the question and legal context at hand; and
- are to come to a decision after giving what you feel is the right weight to those material considerations.

Do be aware that you can be found to be biased where the Council is the landowner, developer or applicant if you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)

Do consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the community council, for example, or both a unitary authority councillor), provided:

- the proposal does not substantially effect the wellbeing or financial standing of the consultee body;
- you make it clear to the consultee body that:
- your views are expressed on the limited information before you only;

- you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or community, as and when it comes before the Committee and you hear all of the relevant information; and
- you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee.

Do explain that you do not intend to speak and vote as a member of the Committee because you will be perceived as having judged (or you reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes. (Use the disclosure form provided for disclosing interests.)

Do remember that as a Member of the [planning committee] subject to the provisions of the Code of Conduct and provided that you have not pre-determined the application you can speak and vote on any application which comes before the Committee.

Where an application comes before the [planning committee] which falls within the electoral area of a Member that Member can: -

- act as a Member for their electoral ward in dealing with the application; or
- act as a Member of the [planning committee] in relation to the application.

Where a Member acts as a Member for their electoral ward:

- they will be able to speak on an application but not vote on that application
- they must notify the Chair when that item has been called as the next business to be considered by the [planning committee] that they intend to act as a Member for their electoral ward
- the Chair shall invite the Member to speak following any public speakers but before any debate starts. If the Member decides not to speak on the Application they shall not be given a further opportunity to speak.
- once the Member has exercised their right to speak or indicated that they do not wish to speak they shall leave the [planning committee] area until the item is dealt with.

Where a Member acts as a Member of the [planning committee] for an application in their electoral ward:

- they must notify the Chair when that item has been called as the next business to be considered by the [planning committee] that they intend to act as a Member of the [planning committee]

- the Chair shall explain to all present that the Member will not be acting as a local member for that application and may speak in the debate and vote.

Do seek advice from the [Monitoring Officer] before the meeting of the [planning committee] where you have an interest under the Code of Conduct in an item in your electoral ward {NB the Code of Conduct is due to be amended and para 10(2)(b) is likely to disappear}

Q3. Does the proposal regarding voting differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?

i) Yes - Ward members are allowed to vote and are not required to notify the chair.

ii) No.

4.2. Member involvement at the pre-application stage

Do be aware that in your role as an elected member, you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the Localism Act 2011.

Do be aware that you can through personal significant involvement in preparing or advocating a proposal be, or be perceived by the public as being, no longer able to act impartially.

Do consider yourself able to take part in a consultation on a proposal and, if you are a member of the [planning committee], the subsequent determination of the application provided that: -

- You do not in any way commit yourself as to how you may vote when the proposal comes before the [planning committee] for determination;
- You focus only on site factors and site issues;
- You do not excessively lobby fellow councillors regarding your concerns or views not attempt to persuade them how to vote in advance of the meeting at which the planning decision is take;
- You are not involved in negotiations regarding the application. These should be conducted by officers separately from any pre-application discussions members have been involved in.

At a pre-application consultation: -

- **Do** ask relevant questions for the purpose of clarifying your understanding of the proposal;
- **Do** remember that the presentation is not part of the formal process of debate and determination of any application.

Q4. Are members currently involved in pre-application discussions? Do you see any difficulties with adopting these proposals?

- Yes – occasionally either as part of their Town/Community Council meetings or when participating as the Local Ward Member in pre-application meetings between the developer and the Local Planning Authority. The current protocol limits member involvement if approached by a developer.
- We foresee an issue with the statutory pre-application consultation process coming in for major developments from 1st August, 2016 where the developer will be expected to have consulted the “Community Consultee” (Town/Community Council where a Local Ward Member is likely to be involved) and include any response/comment in a Pre-Application Consultation report to be submitted with the application. This could be deemed to prejudice their views on a particular scheme. Also, “excessive lobbying” would need to be defined and would be difficult to identify, monitor and control any lobbying of Members.

5. Contact with Applicants, Developers and Objectors

Do refer those who approach you for planning, procedural or technical advice to officers.

Don't agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should seek to arrange that meeting yourself through a request to the [Development Control Manager] to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.

Do otherwise:

- follow the Authority's rules on lobbying;
- consider whether or not it would be prudent in the circumstances to make notes when contacted; and
- report to the [Development Control Manager] any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts

and your involvement in them, and ensure that this is recorded on the planning file.

In addition in respect of presentations by applicants/developers:

Don't attend a planning presentation without requesting an officer to be present.

Do ask relevant questions for the purposes of clarifying your understanding of the proposals.

Do remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.

Do be aware that a presentation is a form of lobbying and, whilst you may express any view on the merits or otherwise of the proposal presented, you should never state how you or other Members would intend to vote at a committee.

Q5. Do these proposals differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?

- i) No. Members need to declare any contact.
- ii) Yes – the LPA are not expected to be involved at the pre-application consultation stage and would not attend any pre-application consultation presentation to Town/Community Councils as part of the formal pre-application consultation process expected for major developments from 1st August, 2016..

6. Lobbying of Councillors

Do explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may subsequently prejudice your impartiality, and therefore your ability to participate in the Committee's decision making, to make any sort of promise to vote one way or another or offer a firm point of view that it amounts to the same thing.

Do remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.

Don't accept gifts or hospitality from any person involved in or affected by a planning proposal.

Do copy or pass on any lobbying correspondence you receive to the [Development Control Manager] at the earliest opportunity.

Do promptly refer to the [Development Control Manager] any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.

Do inform the [Monitoring Officer] where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.

Do note that, unless you have a personal interest which is also a prejudicial interest, you will not have fettered your discretion or breached this Planning Protocol through:

- Listening to or receiving viewpoints from residents or other interested parties;
- making comments to residents, interested parties, other Members or appropriate officers (making clear that you must keep an open mind when it comes to making the decision);
- seeking information through appropriate channels; or
- being a vehicle for the expression of opinion of others in your role as a [Ward][Division] Member.

Q6. Do these proposals differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?

- i) No
- ii) No.

7. Lobbying by Councillors

Don't become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals unless it is your intention to openly campaign on the matter and will therefore step away from the Committee when it comes to make its decision.

Do join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals (such as the Victorian Society, CPRW, Ramblers Association or a local civic society), but you should disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal.

Don't excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

Don't decide or discuss how to vote on any application at any political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

Q7. Do these proposals differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?

- i) Yes – current protocols do not allow any lobbying of fellow members.
- ii) It would be difficult to define, identify, monitor and control any “excessive lobbying” of fellow members.

8. Site Visits/Inspections

8.1 Site visits are fact-finding exercises, the sole purpose of which is to allow the [planning committee] to look at the site and its surroundings and shall only be held when the [planning committee] are unable to reach an informed decision without seeing the site for themselves and an inspections would have substantial benefit.

Examples where a site visit would NOT be appropriate include: -

- Where purely policy matters or issues of principle are at issue;
- A Member wishes to consider boundary or neighbour disputes;
- To consider issues of competition;
- To consider loss of property values;
- Simply at the invitation or request of the local Member;
- Where you disagree with the conclusion reached in the Officer’s report;
- To consider issues which are not material planning considerations;
- Where Members have already visited the site in the last 12 months, other than in exceptional circumstances, details of which shall be minuted.

8.2 In all cases where a decision is made to conduct a site visit the full planning reasons and details of the issues to be inspected during the site visit shall be minuted.

If a site visited is conducted as a member of the [planning committee]:

- **Do** try to attend site visits organised by the Council where possible.
- **Do** ensure that you report back to the Committee any information gained from the site visit that you feel would benefit all Members of the [planning committee]

- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the [Ward] [local] Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- **Don't** express opinions or views.
- **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
 - you feel it is essential for you to visit the site other than through attending the official site visit,
 - you have first spoken to the [Development Control Manager] about your intention to do so and why (which will be recorded on the file) and
 - you can ensure you will comply with these good practice rules on site visits.
 -

Q8. Do you see any difficulties with adopting these proposals?

- i) No. There are similar arrangements already in place.

With regard to applications that are deferred for a site visit, some LPAs do not allow a member who was not present at the site visit to take part in the subsequent debate/decision/vote. BCBC considers that the protocol should include this proviso for site visits to avoid any confusion.

In cases where a member of the planning committee was not in attendance for the whole debate/public speaking or was not present at the original meeting to hear any representations, presentations or debate, it is considered that that particular Member should not be allowed to vote on the agenda item, The only exception in this instance is if the LPA webcast their meetings (as is the case at Bridgend) and individual Members or a group of Members can view the proceedings of the previous meeting under the supervision of a Committee Clerk.

9. Public Speaking at Meetings

Don't allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias.

Do ensure that you comply with the Council's procedures in respect of public speaking.

Q9. Does your authority allow public speaking? If not are there any reasons why public speaking cannot be allowed?

Yes. 3 mins per speaker or up to 10 mins per speaker on Extraordinary Applications.

10. Public Speaking Procedures

10.1 Public speaking shall be permitted at a [planning committee] in accordance with the following procedures: -

- A member of the public who wishes to speak at the [planning committee] must notify the [Development Control Manager] in writing at least 2 working days prior to the date of the [planning committee] where the planning application will be considered. In exceptional circumstances, the Chair may agree to hear late requests.
- Where an application is deferred (following an application where Members have indicated that they are minded to either grant or refuse contrary to officer recommendation) then public speakers will not be heard on the second occasion that the application is before Members subject to the Chairman's discretion, in exceptional circumstances, to allow such speakers.
- Each side will have no more than 5 minutes to address the meeting although, in exceptional circumstances, the Chairman may extend this time. Where there is more than one speaker objecting to the application then the five minutes is a total for all objectors.
- Visual aids and other supporting evidence will not be permitted.
- A member of the public addressing the [planning committee] is not permitted to put questions to Members or Officers but this will not prevent Members asking the public speaker questions through the Chairman.
- The order for public speaking shall be:

- The applicant/professional adviser of the objector
 - Supporters of the applicant
 - Objector/ professional advisers of the objectors
 - Response by the applicant
 - Community Councillor
 - Local Member or adjoining Ward Member
- Consideration of an application will not be delayed simply because an objector, the applicant, Community Councillor or Ward Member is not present providing that they have been appropriately informed of the date of the meeting and of their right to speak at the meeting.

Q10. Do these proposals differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?

- i) Yes – speakers have 3 mins each unless it is an Extraordinary Application where they have up to a maximum of 10 mins to address Committee (apart from County Borough Councillors not on Committee or the representatives of a Town/Community Council). Also, in order to be allowed to speak at Committee, objectors/supporters must submit their request to speak at Committee at the same time as they submit their comments (i.e. within the first 21 days) and they are required to confirm their attendance at the meeting on the morning of the meeting.
- ii) Yes – members of the public who wish to speak at Committee should submit their request to speak as part of their initial consultation response. This allows the LPA to understand their issues and the likely content of their speech and enough time to take steps to ensure that persons with similar concerns organise themselves and appoint a representative.

It is considered that 5 mins in total is not sufficient for “each side” to address Committee, particularly if the scheme is complex and there are several issues to consider, and the Chairs’ discretion to extend is likely to be inconsistent and open to challenge.

Also, the logistics of sharing the 5 minute slot to speak would have to be carefully considered – for example, would the clock have to be paused to allow more than one speaker from each side to take over? BCBC consider that it is reasonable to allow each speaker 3 mins each to address Committee with scope to appoint a representative of a group or the community to address Committee to avoid repetition..

11. Role of Officers

Don’t put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the [Development Control Manager], which may be incorporated into any committee report).

Do recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

12. Decision Making

Do ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your planning reasons are recorded and repeated in the report to the Committee.

Do come to meetings with an open mind and demonstrate that you are open-minded.

Do comply with section 38 of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.

Do come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.

Don't vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.

Do have recorded the reasons for Committee's decision to defer any proposal [and that this is in accordance with the Council's protocol on deferrals].

Do make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

Q11. Do these proposals differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?

- i) No
- ii) No

At BCBC, the local Member can formally request that an application be referred to the Development Control Committee by notifying the Corporate Director in writing/electronically within 21 days of the circulation of details of the application (i.e. the weekly list of applications) of the material planning reasons why the Councillor considers the application should be referred to the Committee.

13. Cooling Off Period

- 13.1 Where Members of the [planning committee] are minded to take a decision against Officers recommendation, Members should defer consideration of that matter to the next meeting of the Committee in order to receive a further report from [Development Control Manager], if necessary, in consultation with the [Legal and Democratic Services Officer], upon the strengths and weaknesses of any proposed or possible planning reasons for such a decision.

Q12. What are your views on having a cooling off period?

A cooling off period is already in place at BCBC. In cases where Members overturn an Officer's recommendation for approval, the reasons are drafted and reported back to members at the next Development Control meeting. In cases where Members overturn an Officer's Recommendation for refusal, conditions are drafted and reported back to members at the next Development Control meeting.

14. Duties of the Chair

- 14.1 The Chair shall make clear to everyone present the capacity in which a Member is speaking on a specific application unless that Member is a Member of the [planning committee] and taking part in the debate.
- 14.2 The Chair shall make clear to everyone present when the [planning committee] is moving to the debate stage on any application.
- 14.3 The Chair shall make clear to everyone present at the [planning committee] that a debate or speech must relate to planning issues relevant to the application.
- 14.4 The Chair shall ensure that all Members of the [planning committee] who are entitled to vote on any particular application understand what they are voting for and whether the vote is on an amendment of on a recommendation.
- 14.5 The Chair will be responsible for making clear to everyone present at a meeting what the decision is on an application

Q13. Are these duties different from current duties? Do you consider that training for Chair of Planning Committee would be required?

- i) No
- ii) Yes – every time the Chair of Development Control Committee is replaced.

15. Role of Members at a Planning Appeal

- 15.1 Where a [planning committee] refuse an application contrary to officers' recommendation the planning officers' professional code will prevent them from supporting the committee decision at appeal.
- 15.2 It is acceptable for a member of the [planning committee] to advocate the decision made by the [planning committee] but it is recommended that an officer provides technical support to the Member at the appeal and deals with any technical or process issues raised by the Inspector or other participants.
- 15.3 A Ward Member or Non-Committee Member is entitled to make representations at the appeal but they should offer local views and not the views of the [planning committee]
- 15.4 A Member who disagrees with the [planning committee] should not make opposing representations at an appeal and should accept the decision of the [planning committee] as being fair, open and democratic. Where a Member wishes to make representations at an appeal that are contrary to the decision of the [planning committee] they should first inform the [Development Control Manager] of their decision so that the Planning Inspectorate can be informed. Members in these circumstances must understand that the views that they put forward do not represent the views of the Council or the [planning committee].

Q14. Do these proposals differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?

- i) Yes. A Member who disagrees with the DC committee's decision can make representations supporting the appellant as long as they ensure that their representations are qualified at the beginning of an appeal to confirm that those representations are not the view of the LPA but are purely the view of that particular member – there is currently no requirement to inform the DC Manager or the Planning Inspectorate. In cases where the appeal is against a decision which the DC Committee has made contrary to the Officer's recommendation, consultants may be employed to present the Council's case and the nominated Member will attend and give evidence at the public inquiry or local hearing. Usually the member who has proposed/seconded the motion (or in exceptional cases another Member of the Committee so nominated) is required to give evidence in any hearing or inquiry and to lead the Council's case.
- ii) No. The cost of instructing professional representation in the form of a Barrister or a Planning Agent (in addition to the risk of a costs award against the LPA) can be prohibitive.

16. Training

- 16.1 All Members of the [planning committee] must undertake training in accordance with the relevant training scheme (local or national) before participating in any decision making at meetings.
- 16.2 **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.

Q15. Do you currently require planning committee members to undertake training before participating in any decision making? Would you support a national approach to provision of training resources?
--

- i) No, however, regular training and workshop sessions are held on specific topics as well as an annual 'basic' planning law session. New members joining the committee are offered 1:1 training and are expected to undertake the training before speaking or voting at the Development Control Committee. Members should attend a minimum of 75% of the training arranged over a period of 2 years with attendance records being monitored and reported to the Council.
- ii) Yes, a national scheme would ensure consistency and ensure that Members are kept up to date with changes in the planning system and legislation etc.

17. Customer Care

- 17.1 The Planning Authority will adopt a procedure which sets out the way in which each application will be dealt with. This procedure should cover cut off time for representations and how late representations to the report are managed, how members' questions will be dealt with, moving and seconding of recommendations from officers and how amendments will be dealt with.
- 17.2 Local Planning Authorities are not obliged to notify objectors that the application is going to committee. It is however advised that interested parties are made aware that information regarding committee agendas is available on the Council website and therefore they are advised to regularly check the Council website.
- 17.3 As part of the proper administration of the meeting any members of the public who attend shall be shown to the public gallery and provided with sufficient copies of the Agenda for the meeting. In addition copies of the procedure adopted by the Council for the conduct of the meeting should be made available.
- 17.4 Members of the public who have requested an opportunity to speak on an application shall be shown the location where they will be able to address the

[planning committee] and when their opportunity to address the [planning committee] will arise.

- 17.5 The Chairman shall make clear to everyone present which Agenda item the [planning committee] is considering at any specific time and shall identify the application number and page number on the Agenda and the site address.
- 17.6 The Chairman will confirm the order of speaking on an application. The Chairman shall identify to the [planning committee] the public speaker and the capacity in which they address the [planning committee]. The Chairman will confirm to the public speakers the time permitted to address the [planning committee]. If a Member who is speaking has a right to speak but not to vote the Chairman shall make clear the capacity of that Member at the meeting.
- 17.7 When a decision is taken on any application, the Chairman shall make clear to all present at the meeting the decision taken by the [planning committee] on that item.

Q16. Do these proposals differ from the current customer care arrangements you have in place? Do you see any difficulties with preparing a local procedure as set out in paragraph 15.1?

- i) No
- ii) No (but the question should refer to paragraph 17.1 not 15.1). LPAs that webcast their planning committee meetings should refer to the process in the local procedure.

18. Advice on attending and speaking at the [Planning Committee]

- 18.1 The Council shall publish on its web site advice to the public on attending and speaking at the [planning committee].

Suggested provisions: -

1. How do the Council decide planning applications?

Over three-quarters of the planning applications submitted to the Council are decided by officers under delegated powers. The rest are decided by Elected Councillors at the [Planning Committee]. The full list of matters that should be considered by the Committee can be found in the scheme of delegation on the Council's website – www.xxxx.gov.uk/planning

The following procedures and guidance are designed to ensure fair play and the smooth conduct of the [Planning Committee] meeting.

2. Can I speak at Committee?

Yes - but there are some procedures that need to be followed and these are outlined below.

3. How do I get to speak at Committee?

If you wish to speak at the Committee, you must notify the [Development Control Manager] in writing, at least 2 workings days before the date of the Committee meeting at which the planning application will be considered. This will allow reasonable notice for the applicant to be contacted and make arrangements for them, or their agent, to speak and respond to you, should they so wish.

Notification of a written request to speak at the Committee which is received less than 2 days before the date of the meeting will not be accepted, unless there are exceptional circumstances. These will be determined by the Council Legal Officer, in consultation with the Chairman of the Committee.

4. What if a lot of people want to speak?

If a number of people wish to speak either for, or against, a particular planning application on similar grounds, you should try to combine your representations with them and nominate one spokesperson to speak on your behalf. This will avoid unnecessary repetition at the Committee meeting.

5. What can I expect at Committee?

As long as you have registered to speak there is nothing you need to do when you arrive at the Committee as the Chairman will let you know when it is your turn to speak.

First, the Chairman will open the meeting and ask the Members of the Committee to declare whether they have any personal and/or prejudicial interests in any of the applications that are to be discussed. If any Member does have a prejudicial interest you will see they leave the room when that application is being discussed. Further information on personal and prejudicial interests can be found on the Council's website – www.xxxx.gov.uk

The Chairman will then introduce the application to be considered. Public speaking will normally come next. Consideration of an item will not be delayed if a person who has registered to speak is not present.

Example The order for public speaking is likely to be as follows:

1. The applicant
2. The applicant's professional advisers
3. Supporters of the applicant
4. Professional advisers of the objectors
5. Objectors
6. Response by the applicant

It is important to be aware that public speakers will be expected to sit at a microphone at the front of the meeting. If you think that this situation could make you nervous you may want to think about preparing some notes of what you want to say to help you on the night, or perhaps ask someone to speak on your behalf.

Each side will have no more than 5 minutes to address the meeting although, in exceptional circumstances, the Chairman may extend this time. All speakers must comply with the directions of the Chairman, should he/she interrupt them during their speech.

6. What are Site Visit Committees?

Sometimes, even before the public speaking has started, a Member of the Committee may request that consideration of the application is deferred for a site visit. If the Committee agrees with this request then there will be no further discussion on the application at the meeting, and you will not be invited to speak.

Members of the Committee (not necessarily the whole Committee) will make a formal visit to the application site within a couple of weeks in order to assess the situation on site. You will not be able to make representations to the Members of the site visit Committee.

The application will then be reported back to the next available meeting of the Committee, along with an update from the site visit meeting. It is expected that you would still wish to address the Committee but if this is not the case then you should notify us of this change.

7. What happens after the public speaking?

Once all of the people who have registered to speak on the application have spoken, the matter will then be considered and debated by Members. In some cases the Chairman may invite the Planning Officer to make a short presentation on the application to the Committee or update Members on any late representations that have been received.

Members will then 'vote' on the application through a show of hands, which will normally lead to one of three outcomes:

- they may vote to defer determination of the application to a later meeting if it is felt that further information or amendments are needed before a decision can be made;
- they may vote to agree with the Planning Officer's recommendation to approve or refuse the application; or
- they may vote to disagree with the Planning Officer's recommendation.

If the resolution is to go against the Planning Officer's recommendation then the application will not usually be determined at that meeting. The application will be considered again at a further meeting of the Committee with an additional report looking at the implications of going against the Planning Officer's recommendation. You will not normally be able to speak when the application is reported back. Members are not bound by their original resolution and can, following consideration resolve to agree with the Planning Officer's recommendation.

General advice

The law of defamation applies to any statement made in public. It is important, therefore, that you exercise extreme caution if you make personal comments about either applicants or objectors.

You should not enter into any dialogue with the Members of the Committee at the meeting.

Meetings of the Development Control Committee are normally held at am/pm in the Committee Chamber, Council Offices. General enquiries in respect of meetings should be made to the Council's Member Services Support Team, tel, email: If you want to know when, or if, a particular planning application is due to be considered by the Committee, please contact.

Q17. Do you have any additional comments not covered in the questions above?

At BCBC, we carry out site visits on major or contentious applications the day before the Development Control Committee with the agreement of the Chair of DC Committee. This tends to avoid any requests for applications to be deferred for a site visit.

Some LPAs allow speakers who cannot attend a subsequent meeting the opportunity to address members at the initial meeting if Members have voted to defer an application that has not already been the subject of a site visit.

Most LPAs webcast their meetings now and objectors should be advised that they can view the meeting via the Council's website and speakers should be notified that they will be part of the live webcast before deciding whether to proceed or not.

The current public speaking protocol dictates that applicants can only address the committee where there is an objector who also wishes to speak. There is some merit in allowing developers to address the committee regardless of whether there is an objector or not.

PROPOSED EXTENSION TO PORTHCAWL CONSERVATION AREA AND PROPOSED ARTICLE 4(2) DIRECTION

1. Purpose of Report

1.1 The purpose of this report is to advise Members of the feedback received from the public consultation on the proposed extension of the Porthcawl Conservation Area, and to seek approval for revising the designation to include the new area.

2. Connections to Corporate Improvement Objectives/Other Corporate Priorities

2.1 The conservation area appraisal and management plan and proposed extension of the Porthcawl Conservation Area will contribute towards Priority One of the Corporate Plan 2016-20 "Supporting a Successful Economy"

3. Background

3.1 A draft Conservation Area appraisal and management plan has been produced for Porthcawl Conservation Area, along with each of the fourteen other conservation areas in the County Borough. In line with one of the recommendations of the appraisal, and with our statutory duties in relation to the need to review our conservation areas from time to time, on 15th October 2015 this Committee authorised Officers to consult on the proposed extended boundary. This decision was made in the context of the benefits of conservation area designation in preserving or enhancing the special character of Porthcawl, and with a view to the submission of a Phase II THI bid to the Heritage Lottery fund in August 2016.

3.2 The consultation was launched at the Jennings Open Day on 20th November 2015. Consultation letters were sent to all properties within the existing and proposed conservation area. An exhibition was held for two weeks in the Grand Pavilion Café where Officers attended each morning to discuss issues and views raised by local residents and visitors on the proposed plans to extend the conservation area. Two evening drop in sessions were also held on 16th February 2016 and 1st March 2016 for the same purpose. Interested parties were asked to complete the survey form enclosed as Appendix A. Over 120 individuals registered as attending the exhibition during the morning and evening drop in sessions and 65 comment forms were submitted. Support was received from Porthcawl Civic Trust Society and the Victorian Society. A summary of the written responses received are contained in Appendix B for Members information.

4. Current Position

4.1 The majority of the written and verbal responses at the exhibition were in support of the proposed extension of the conservation area and welcomed the existing and proposed improvements to historic buildings in the area enabled via the Townscape Heritage Initiative Scheme. Comments were also received on the quality of design of new buildings in the area and also general references made about the condition of some historic buildings and general highway maintenance issues. Particular reference was also made to the reasons why Mary Street and the northern end of Picton Street were excluded from the area and the need for additional controls in Esplanade Avenue for the removal of the decorative balconies and porches, the majority of which are still intact. Along with other architectural details, these make a positive contribution to the conservation area. As a result of these comments being received these areas were re-assessed and it was concluded that:

1. Whilst there are examples of fine Victorian terraces in both Mary Street and the northern end of Picton Avenue, the unity and rhythm of the terraces has been interrupted by unsympathetic alterations to some of the properties. To include these areas would therefore dilute the “special” interest of the existing and proposed conservation area;
2. The special architectural character of Esplanade Avenue & the southern end of Picton Avenue remain largely intact, with many buildings having the original features still in place, with a limited amount of unsympathetic alterations. Proposed changes that would be deemed to have a material effect on the appearance of a building would be dealt with through the planning process; and
3. Other issues raised in terms of public awareness of conservation matters can be addressed through proposed actions contained within the draft conservation area management plan.

4.2 If Members resolve to extend the conservation area, the Council will control works through the planning process in that may otherwise be classed as permitted development, including the demolition of buildings, removal of chimneys and external cladding and removal of trees

5. Effect Upon Policy Framework & Procedure Rules

5.1 Local Authorities have a statutory duty to consider whether areas merit the designation of a conservation area. Strategic Policy SP5 in the adopted LDP will also be relevant in the determination of planning applications.

6. Equality Impact Assessment

6.1 A screening exercise using this Authority’s Equality Impact Assessment Toolkit has been undertaken. There will be no impact on any groups identified and communications will be presented bi-lingually.

7. Financial Implications

7.1 There are no direct financial implications from this report.

8. Recommendations

8.1 Members are recommended to:

8.1.1. Approve the extension of the Porthcawl Conservation Area to include the additional area shaded red in Appendix C, and

8.1.2 Authorise officers to notify property owners affected.

MARK SHEPHARD

Corporate Director – Communities

12th May 2016

Contact Officer: Claire Hamm

Telephone: 01656 643164

E-mail: claire.hamm@bridgend.gov.uk

Background documents

Report to Development Control Committee 15th October 2015

APPENDIX A



PROPOSED EXTENSION TO PORTHCAWL CONSERVATION AREA – CONSULTATION

Bridgend County Borough Council is seeking your views as part of its statutory duties to review the boundary of its conservation areas. A programme of conservation area appraisals has been undertaken of its 15 conservation areas, including Porthcawl and it was proposed that the existing conservation area boundary be extended to incorporate the areas identified on the plan.

As someone who lives, works or spends time in this conservation area, we would value your feedback on the following 9 questions:

1. **Prior to receiving this communication, were you aware there was a conservation area designation for Porthcawl?**

☐ Yes

☐ No

2. **Do you feel the conservation area status has made a difference to this area (since being designated in 1970s)**

☐ Yes

☐ No

☐ Don't know

3. **What are your views on the control and guidance applied to developments within the conservation area?**

☐ About right

☐ Not doing enough

☐ Too tightly controlled

☐ Don't know

☐ Other. Please Comment.

4. What do you think is special about this conservation area, its buildings, and the surrounding area? Please comment.

5. If there is one physical feature of the area you would like to save or restore, which would you choose? Please comment.

6. What do you think could be improved about this conservation area? Please comment.

7. What do you think about the proposed extension to the existing conservation area boundary (please refer to the map enclosed) ?

☐ Looks about right ☐ It's too wide ☐ I would change a part of it ☐
It's too small ☐ Don't know

Comments:

8. Would you like any further information?

☐ No, thanks ☐ Yes, on conservation and planning guidance ☐ Yes on how to maintain and repair historic buildings, and any funding available.
☐ Yes, on how I can become more involved in local heritage ☐ Yes, on local community heritage and conservation projects

- ☐ Yes, on the Bridgend Heritage Network training and skills.
☐ Other, please comment.

☐ Yes, on conservation

9. Do you have any historical information, photographs or memories that you would like to share with us?

☐ Yes ☐ No

If yes to Q8 or Q 9, please enter an email address or contact telephone number below:

Further information can be obtained from conservation&design@bridgend.gov.uk Contact Wendy Gardner 01656 815214, or Claire Hamm 01656 643164.

Or

Please return the completed survey to Friday 11th March 2016
Claire Hamm, Team Leader Conservation and Design, Level 3 Civic Offices, Angel Street,
Bridgend, CF31 4WB
Telephone 01656 643164 claire.hamm@@bridgend.gov.uk

APPENDIX B

PROPOSED EXTENSION TO PORTHCAWL CONSERVATION AREA – CONSULTATION - FEB/MARCH 2016

TOTAL AMOUNT OF COMPLETED QUESTIONNAIRES - 65

Question 1 - Prior to receiving this communication, were you aware there was a conservation area designation for Porthcawl ?			
YES – 31		NO - 32	
Question 2 - Do you feel the conservation area status has made a difference to this area ? (Since being designated in 1970s)			
YES - 31	NO - 17	DON'T KNOW - 15	
Question 3 - What are your views on the controls and guidance applied to developments within the conservation area ?			
ABOUT RIGHT - 20	NOT DOING ENOUGH- 26	TOO TIGHTLY CONTROLLED - 2	DON'T KNOW - 10
OTHER - 6			
<ul style="list-style-type: none"> • SWIMMING POOL & INDOOR SPORTS NEEDED 			
<ul style="list-style-type: none"> • INWARD INVESTMENT NEEDED TO RE-OPEN EMPTY SHOPS AND PUBS AND REGENERATE LOCAL BUSINESS 			
<ul style="list-style-type: none"> • Within proposed are a lot of "Rented" properties. Landlords in general do not re-invest. Property maintenance needs addressing. 			
<ul style="list-style-type: none"> • Don't like the "Bottle Bank". 			
<ul style="list-style-type: none"> • Mostly good, however the "Bottlebank" development is completely out of keeping on the seafront 			
<ul style="list-style-type: none"> • Since knowing, I can see some benefits. 			
<ul style="list-style-type: none"> • What happened to conservation guidelines for the beautiful "Bottlebank" ? 			
<ul style="list-style-type: none"> • Only lived in the area 6 months 			
<ul style="list-style-type: none"> • I would have liked to hear the views (For and against) of people with experience of the existing conservation area since 1973 			
<ul style="list-style-type: none"> • How could conservation allow the type of building called Esplanade House – Locally the "Bottlebank" ? 			
<ul style="list-style-type: none"> • The "Bottlebank" is the most nauseating building I have encountered. Big mistake. How was it allowed ? 			
<ul style="list-style-type: none"> • If the Knights Arms is in the conservation area, it's an appalling eyesore and has remained dilapidated for years. Demonstrating the inadequacy of Porthcawls designation as a conservation area. 			
<ul style="list-style-type: none"> • I feel that those living in the conservation area are not given sufficient information about ongoing plans and work being carried out. 			
<ul style="list-style-type: none"> • Porthcawl has a distinct character & charm that needs to be retained. 			
<ul style="list-style-type: none"> • Town being spoilt, urgent action needed 			
<ul style="list-style-type: none"> • No overall plan – other than the availability of grant aide. No architectural theme – A total mismatch – Agreed by BCBC planning ?? 			
<ul style="list-style-type: none"> • The Esplanade Hotel which had a traditional frontage, was demolished despite efforts locally to retain its extension. 			
<ul style="list-style-type: none"> • The "Bottlebank" completely ignores the conservation area status of the Esplanade and has created enduring harm to the seafront. 			
Question 4 - What do you think is special about this conservation area, its buildings and the surrounding area ?			
<ul style="list-style-type: none"> • Still fairly original 			
<ul style="list-style-type: none"> • It really reflects the history and development of the town 			
<ul style="list-style-type: none"> • Looks a bit better 			

<ul style="list-style-type: none"> • Bridgend town centre and Cowbridge are full of empty shops. The Arts centre in the Old Bridgend Central library has not been open for the public so far and none of the shops in the street are open. Why not ? Is Porthcawl about to suffer the same fate ? I hope not !
<ul style="list-style-type: none"> • Retaining original character + uniqueness of the town is key. This helps attract visitors + business.
<ul style="list-style-type: none"> • Porthcawl has some beautiful buildings/areas, but these have been allowed to deteriorate
<ul style="list-style-type: none"> • Jennings building. Harlequins antiques building. Cosy corner
<ul style="list-style-type: none"> • It gives us confidence, sorry the Esplanade was demolished. Maintains the character of Porthcawl town centre.
<ul style="list-style-type: none"> • Heritage. Lovely to keep historic architecture preserved
<ul style="list-style-type: none"> • Good to keep Victorian/Edwardian facades
<ul style="list-style-type: none"> • Offers an outlet for people to relax and walk in comfort – its flat ! Car parking is an issue for residents of the town centre, but I welcome a safe place/ attractive environment.
<ul style="list-style-type: none"> • It's such a lovely place to visit and needs to be protected.
<ul style="list-style-type: none"> • Love the Pavilion and its old style charm. Very pleased the harbour has been improved and shortly the Jennings Building will be updated.
<ul style="list-style-type: none"> • Victorian seaside area should be preserved
<ul style="list-style-type: none"> • There are very few buildings that are special here in Porthcawl.
<ul style="list-style-type: none"> • Area should be extended to include the Rest Home along Western Prom, also to include Eastern Prom.
<ul style="list-style-type: none"> • Its sense of character, heritage + history. Also the opportunities to ensure individual development proposals align with the bigger picture.
<ul style="list-style-type: none"> • Keeps the character of the area, also enhances the town.
<ul style="list-style-type: none"> • It would be great to see the Old Harlequins building restored to its former glory, as part of the railway station that existed in Porthcawl before 1963.
<ul style="list-style-type: none"> • Healthy area, especially for people with respiratory problems – asthma etc.
<ul style="list-style-type: none"> • Most of the old buildings have been kept/restored.
<ul style="list-style-type: none"> • The seafront, Harbour (Marina) + Jennings building
<ul style="list-style-type: none"> • The design + character of the streets + buildings.
<ul style="list-style-type: none"> • Nothing particularly special, it seems like one rule for one and one for another. E.g. The difficulty the owners of the Marine/Waterfront had in upgrading/freshening the front of their premises, in order to maintain the look of Porthcawl seafront. However it was acceptable to have the "Bottlebank" Flats replace an original building. No attempt to replicate or do something similar/more appropriate.
<ul style="list-style-type: none"> • We would like to see special buildings e.g. Pavilion, Seabank Hotel, shelter on the green, preserved along with the Edwardian seafront.
<ul style="list-style-type: none"> • Fair standard
<ul style="list-style-type: none"> • Its nearness to the coast
<ul style="list-style-type: none"> • Much in the existing area can be considered as part of porthcawl's tourist area. Whereas the proposed streets of Esplanade Avenue and Picton Avenue are purely residential – with exception of Lorelei Public house/hotel.
<ul style="list-style-type: none"> • Historical elements should be retained
<ul style="list-style-type: none"> • It all looks very clean, except the large building on the eastern prom + the toilet block in that area, which are an eyesore.
<ul style="list-style-type: none"> • The original Victorian building
<ul style="list-style-type: none"> • It's essential to keep historic building
<ul style="list-style-type: none"> • All the 'Old' Porthcawl seaside looks
<ul style="list-style-type: none"> • Victorian, Marine & Tourism elements are an essential feature of the heritage of Porthcawl & in order to improve & move forward, we need to secure the historic assets
<ul style="list-style-type: none"> • There is no doubt about the physical improvement & better appearance of most of the buildings. Esplanade Avenue is a typical example where the majority of the buildings have been significantly improved + makes it an obvious contender for conservation area status.
<ul style="list-style-type: none"> • The villa terraces should be preserved immediately- especially Esplanade Avenue. People are ripping out balconies + windows. There are plastic windows inserted. There is one house with plastic windows and that has done it tastefully though.

<ul style="list-style-type: none"> The industrial/maritime history of Porthcawl is important, but the appalling state of the Jennings building, Knights Arms, harbour area in general detracts from its significance and makes a mockery of the word 'Conservation' area.
<ul style="list-style-type: none"> The building at the "seafront"
<ul style="list-style-type: none"> So much could be done. In particular, the houses in Hillsboro Place are of extreme historic interest. Please see my attached synopsis.
<ul style="list-style-type: none"> Good, except for "BOTTLE BANK"
<ul style="list-style-type: none"> The Victorian/Edwardian buildings/railings etc are beautiful and distinctive. The area is full of character and charm.
<ul style="list-style-type: none"> Supporting our history and understanding how we developed into Porthcawl as we are today and protecting our history for our future /children's future.
<ul style="list-style-type: none"> The seafront and its buildings are part the character of Porthcawl. Whether on a summers day or an autumn walk. The pleasure this brings to residents and visitors alike is immeasurable.
<ul style="list-style-type: none"> Pre-Victorian frontages should be a tourist attraction, not spoilt by over modernisation.
<ul style="list-style-type: none"> Some of the elevations do require help ! However to force old architectural solutions on these buildings when modern solutions are available is questionable ??
<ul style="list-style-type: none"> Keeping historical buildings is vital to keep our future as strong as our heritage ! Extend the conservation area, restore, revitalise our town in order to keep our town thriving !
<ul style="list-style-type: none"> The uniqueness of the buildings
<ul style="list-style-type: none"> Of historical interest and enhances Porthcawl.
<ul style="list-style-type: none"> As in any location, preservation should be paramount, above.
<ul style="list-style-type: none"> Character buildings should be restored.
<ul style="list-style-type: none"> This particular area is visited by day trippers and holiday makers. It is part of the very core of Porthcawland adds to its unique beauty.
<ul style="list-style-type: none"> Wall on Marina really good – Do not like new modern hotel. Rest of harbour area needs to be finished.
<ul style="list-style-type: none"> There are some great architectural features on buildings that require enhancing.
<ul style="list-style-type: none"> Visually pleasing, drawing favourable comments from many visitors. Local residents too, make efforts to retain + improve the fine facades.
<ul style="list-style-type: none"> It contains within its boundaries the foundation history of Porthcawl
Question 5 - If there is one physical feature of the area you would like to save or restore, which would you choose?
<ul style="list-style-type: none"> Restore the Knights Arms + Jennings building. Save the Pavilion
<ul style="list-style-type: none"> "The Esplanade Hotel"
<ul style="list-style-type: none"> Shelters and paving on the Promenade are in a dilapidated state and need to be taken down and paving renewed. Harlequins building needs to be restored.
<ul style="list-style-type: none"> The remaining architecture is unique and deserves to be maintained. The John Street area could allow more traffic and have fewer pavement cafes, which are unsafe and have led to serious accidents.
<ul style="list-style-type: none"> Paving stone replacement not tarmac. Introduce bollards to prevent lorries mounting the pavements
<ul style="list-style-type: none"> The Old railway Station, Seafront Pavilion e.g. end Locks common on seafront + harbour – Jennings building.
<ul style="list-style-type: none"> Harlequins Antiques has always been part of the "Old Porthcawl", when the railway station existed.
<ul style="list-style-type: none"> Harlequins Antiques, good to see the Pavilion and Band Stand protected.
<ul style="list-style-type: none"> Not happy about the proposed new building at "Cosy Corner". Not necessary, would spoil that area. Would prefer open play area adjacent to Jennings building.
<ul style="list-style-type: none"> Jennings building. Very happy about proposed work, however not so happy about other buildings in Cosy Corner.
<ul style="list-style-type: none"> Glad that Jennings building is being utilised. However not keen on new building at Cosy Corner, much better restoring to open space, Sailing/paddling pool as it was in the past.

<ul style="list-style-type: none"> I would like the buildings and the whole appearance of John Street to improve. It looks shabby and uncared for.
<ul style="list-style-type: none"> Cosy corner should be maintained + enhanced as a "Green" attractive seating/play area. John Street + Commercial streets – Dock St – enhanced with paint etc.
<ul style="list-style-type: none"> Knights Arms
<ul style="list-style-type: none"> The Knights Arms which was an important building in years gone by. Railway station, Public Houses.
<ul style="list-style-type: none"> The Knights Arms
<ul style="list-style-type: none"> Salt Lake "Car Park" – According to my mother, there seemed to be more in Porthcawl before the war. The Salt Lake area is in the middle of town and should have plenty of potential. But all it is now is a wasteland.
<ul style="list-style-type: none"> Difficult to pinpoint one feature as there are so many (Rest Home, Jennings Building, Knights Arms etc) In past, big mistakes made by council not being strict enough on developments e.g. Bottle Bank – Façade of Esplanade Hotel was supposed to have been retained !
<ul style="list-style-type: none"> Harlequins + Train Station
<ul style="list-style-type: none"> Harlequins
<ul style="list-style-type: none"> The frontage, Pavilion, Hotels etc.
<ul style="list-style-type: none"> The green area by the harbour
<ul style="list-style-type: none"> Jennings building and Knights Arms already in hand. Harlequins building to be restored.
<ul style="list-style-type: none"> The square area, The old pub looking an eyesore (Knights Arms), Restore or demolish !
<ul style="list-style-type: none"> THE GRAND PAVILION ! This building attracts 1000s of people to Porthcawl and benefits local businesses. It should be a beautiful feature of the seafront, but instead its looking more and more "Slobby" each year. It has the potential to look amazing !
<ul style="list-style-type: none"> We would like to see special buildings e.g. Pavilion, Seabank Hotel, shelter on the green, preserved along with the Edwardian seafront. Also, Eastern promenade is a disgrace to the town !
<ul style="list-style-type: none"> Land at rear of Costa and Portway surgery needs landscaping.
<ul style="list-style-type: none"> Pavilion theatre
<ul style="list-style-type: none"> Front gardens not used as a bin store.
<ul style="list-style-type: none"> Harlequins building
<ul style="list-style-type: none"> House on corner of the Esplanade and Picton Avenue (Currently up for sale)
<ul style="list-style-type: none"> All these of value
<ul style="list-style-type: none"> The building above should be developed and the toilet block also needs work
<ul style="list-style-type: none"> The Harlequins building
<ul style="list-style-type: none"> The Promenade
<ul style="list-style-type: none"> The building on the Eastern Promenade has had the safety barriers around it for too many years to remember and it's the type of building that was expected at the seaside – was this missed on purpose ?
<ul style="list-style-type: none"> As a trader we discussed with Claire the need to include the public carpark at school lane & to improve the look for visitors. Arts project was discussed. Also we need to consider the other carpark.
<p>(a) The continued presence of trees in the street.</p> <p>(b) The continuation of real pavements rather than Tarmaced.</p> <p>(c) The continued existence of a mix of proprietors – Hotels, Guest House, Flats, Residences.</p>
<ul style="list-style-type: none"> People must keep bushes, trees and plant them for birds. People must plant bee friendly plants for all our sakes + not use pesticides.
<ul style="list-style-type: none"> The ceramic tiles on the side of the Indian restaurant, beside the side road leading to The Square. There is no information about their origin i.e. when they were made or who by. They're exposed to the elements and easily damaged. They should be preserved.
<ul style="list-style-type: none"> I would like to see the front of old buildings that are to be developed, retained so that the area does not look like a new development.
<ul style="list-style-type: none"> Hillsboro Place
<ul style="list-style-type: none"> Difficult question – The Harbour, The houses with pitch roofs and railings, The seafront – Are all beautiful. If I won the lottery, I would buy 'The Rest' and restore it as it is heart-breaking to see its decay.

• Development of cosy corner
• No vast development i.e. housing estates. Develop our services and tourism.
• I would restore The Esplanade Hotel and restore The Railway. I would also restore the paddling pool, which was in front of The Grand Pavilion
• All of the Victorian frontages
• “The Esplanade Hotel” – As this has been demolished – None. I have no problem with the new building , it is a move into modernising the promenade.
• Harlequins, Railway Station, Salt lake car park ! Why have you let it get so run down and desolate ? As expensive rate payers, we deserve far better ! I for one am totally ashamed !
• Large building by the harbour
• Esplanade Avenue etc
• “Harlequin” building, Dock Street
• Pavilion is very important
• The building that houses the Post office and Spar – it features a balcony on the first floor, as it was once a cinema.
• Eastern promenade – upper + lower.
• The museum in John Street
• Retain the small shops + boutiques which are very much part of the attraction to visitors + residents alike.
• Porthcawl Hotel requires fundamental external restoration.
Question 6 - What do you think could be improved about this conservation area ?
• Sort out the road surface
• To extend a little
• None
• Extended to include the 3 Villas at the top of Esplanade Avenue in Gordon Road and Lias Cottages
• Reduce amount of pavement cafés, bars and enforce shop owners to remove pavement displays.
• Inclusion of Mary Street
• Not very sure, but feel that it is within reasonable boundaries.
• Kerbside cleaning, general maintenance i.e flower beds. Pedestrian tidy up i.e Eastern Prom, very scruffy.
• Need to change the way seats are barriered around, tables+chairs for the visually impaired – in pedestrian area.
• Develop derelict land ! Absolute eyesore !
• Perhaps to include Picton Avenue as well ?
• Glad that Jennings building is being utilised. However not keen on new building at Cosy Corner, much better restoring to open space, Sailing/paddling pool as it was in the past.
• I would like the buildings and the whole appearance of John Street to improve. It looks shabby and uncared for.
• I would like to see the eastern promenade and Salt lake car park improved. The whole area is an eyesore !
• General maintenance – weed control in lanes + street corners. Replant trees.
• Restore the rundown buildings that are an eyesore
• The Tar mac beach needs updating urgently with a sympathetic design.
• Tar mac beach removed.
• Get rid of the two rotting concrete structures on the Eastern Promenade – In fact the whole of the Eastern Promenade is a disgrace !
• Much stricter controls over so called “Building improvements and extensions”. All should be in keeping with a Victorian seaside town.
• Aspects of public realm
• Pavements for safety of pedestrians, prams, wheelchairs etc.
• A walking trail around the conservation area, detailing all the buildings.
• The square area, The old pub looking an eyesore (Knights Arms), Restore or demolish !

<ul style="list-style-type: none">• The Grand Pavilion, The Seabank Hotel. The seafront needs a complete freshen up.• Lias cottages should be included. What about Old station masters house ? (Harlequins antique shop) – looks a mess at present.• Land at rear of Costa and Portway surgery needs landscaping.• Refurbish John Street• Try to “Inspire” residents to have a civic pride in their homes + gardens + area.• Mary Street should be included to stop further abuses of historic buildings.• The car parks at the pavilion theatre could be cleaned up + the bins moved out of sight. As a resident of Pavilion Court, this applies to not only residents, but also looks bad from the promenade.• Extension to the conservation boundary is a good thing• Remove the harbour offices – 2 Porta cabins + shipping container from the kids play area – The previous swimming pools.• ‘Gateway’ at the top of Hillsborough place – We suggested a ‘Beach Hut’ market on this area. Both sites are owned by BCBC but not maintained or invested in & both areas are very important. Gateways to the historic town centre & Band stand, we have lots of ideas on how to improve this.• I am in favour of residents permit parking – it can’t continue to be free parking for workers and businesses in town.• The proposed one ? Or the one already in ? Litter + faeces. Both totally fixable.• The Square area and Harbourside area are in urgent need of conservation i.e. improvement in appearance and information provided to all as to how and when this will happen.• I like it to be extended to include the whole of the “Green Avenue” as this is such a pleasant road.• Roads and car parks• Perhaps tighter controls to restore character. Trees in streets and olde-worlde street lights.• Development of cosy corner – Details requested.• No vast development i.e. housing estates. Develop our services and tourism.• The area should be extended to encompass the Eastern Promenade.• Speed of protection• “Invest in the seafront” Look at Barry and Port Talbot !!• Why has nothing been done with Salt Lake car park ? It’s an eyesore ! Eastern promenade also needs urgent work !!• Building known as “The Bottlebank”• Avoid buildings encroaching on Promenade• Knock down the “Bottle Bank” and put back suitable frontage.• Reorganise character of beach (Terracing)• The existing conversion area, added to the proposed extension would be a great improvement• Remove tarmac beach• Salt lake car park is a disgrace and should be returned to a harbour.• Planting of more trees, especially in the long avenues.• John Street shop fronts need stronger planning control. The Porthcawl regeneration strategy town improvement grant procedure guidance should be firmly applied.			
Question 7 - What do you think about the proposed extension to the existing conservation area boundary ?			
LOOKS ABOUT RIGHT – 39	ITS TOO WIDE - 2	ITS TOO SMALL - 7	I WOULD CHANGE PART OF IT - 8
DON’T KNOW - 6			
<ul style="list-style-type: none">• What are we conserving here ? See above, suggested removal of market-style shops from pavements and road area, along John Street.• Would probably include Picton Avenue.• Concerned about the cost to home owners of maintaining/improving house fronts to meet conservation standards ? Replace/replant flower beds in the Grand Pavilion – Both sides + make			

toilets more accessible.		
<ul style="list-style-type: none"> Extend area to include Rest Bay Home along Western Prom, also Eastern Prom. 		
<ul style="list-style-type: none"> A great idea to cover all of John Street 		
<ul style="list-style-type: none"> No problem 		
<ul style="list-style-type: none"> Concerned about how being included within conservation area (Picton Avenue) will affect our abilities as home owners to make decisions on upgrades and improvements to our homes. 		
<ul style="list-style-type: none"> Work carried out on Watch tower etc looks very good. Progress on Knights Arms extremely SLOW ! 		
<ul style="list-style-type: none"> Include Mary Street and exclude Picton Avenue (At the moment only half is included) 		
<ul style="list-style-type: none"> Porthcawl is a lovely place to live, anything you can do to improve it, will be greatly appreciated. 		
<ul style="list-style-type: none"> Extended to include the 3 Villas at the top of Esplanade Avenue in Gordon Road and Lias Cottages 		
<ul style="list-style-type: none"> The remain of Picton Avenue should be included and Mary Street. The Eastern Prom on the seaside – Always was part of any visit to Porthcawl. 		
<ul style="list-style-type: none"> Ideally Mary Street would appear to stand out as a logical extension, but the condition of most of the properties in the street would presumably exclude that. 		
<ul style="list-style-type: none"> The whole of Picton Avenue should be included in the conservation area, which should be extended to include the shelter near the harbour area on the eastern promenade, which is in an appalling run-down condition and detrimental to Porthcawl as a tourist town. 		
<ul style="list-style-type: none"> I like it to be extended to include the whole of the “Green Avenue” as this is such a pleasant road. 		
<ul style="list-style-type: none"> However the whole area could do with a good clean. 		
<ul style="list-style-type: none"> I wonder why only half of 1 street (Picton Avenue) is included. Otherwise, it looks ok. Esplanade Avenue is a must. 		
<ul style="list-style-type: none"> Protect our town. I am not knowledgeable about certain areas, but I feel I need to know more 		
<ul style="list-style-type: none"> The area should be extended to encompass the Eastern Promenade. 		
<ul style="list-style-type: none"> Far too small 		
<ul style="list-style-type: none"> You can never return to Victorian/ Elizabethan Porthcawl, so please don't force it on us !! 		
<ul style="list-style-type: none"> Needs to include John St, Mary St and Eastern Promenade. Why left out when they are the busiest streets ? 		
<ul style="list-style-type: none"> It would be a great improvement if it actually happens ! Of benefit to all. We, as a town have been promised a lot that hasn't happened ! 		
<ul style="list-style-type: none"> Let's hope there are not going to be loads of consultations, where the views of the people of Porthcawl are ignored. Wake up BCBC. 		
<ul style="list-style-type: none"> It should include Salt lake to ensure that any future development is sympathetic to the towns architecture and to the historical association of the area to its maritime origins. 		
Question 8 Would you like any further information ?		
NO - 33	YES – CONSERVATION & PLANNING GUIDANCE - 14	YES – MAINTAINANCE & REPAIR OF HISTORIC BUILDINGS & ANY POSSIBLE FUNDING - 13
YES – ON BECOMING MORE INVOLVED IN LOCAL HERITAGE - 8		YES – LOCAL COMMUNITY HERITAGE & CONSERVATION PROJECTS - 17
YES – BRIDGEND HERITAGE NETWORK - 8		YES – ON CONSERVATION TRAINING & SKILLS - 9
OTHER, PLEASE COMMENT - 3		
<ul style="list-style-type: none"> The building at the display were all in private ownership and yet the money comes from our “Lotto” or “Rate” moneys. 		
<ul style="list-style-type: none"> Wildlife conservation 		
<ul style="list-style-type: none"> I am committed in protecting my town – I need to be proactive. 		
Question 9 - Do you have any historical information, photographs or memories that you would like to share with us ?		
YES - 8		NO – 55

<ul style="list-style-type: none"> Only postcards, probably already in your stock. I tend to send stuff to the Porthcawl Museum Already brought in photo of John Street in 1938 to show Sue. See map attached to questionnaire 36 The building that houses the Post office and Spar – it features a balcony on the first floor, as it was once a cinema. 	
OTHER ISSUES RAISED VERBALLY	
<ul style="list-style-type: none"> Porthcawl wants swimming pool + Indoor sports now ! I feel open space with attractions e.g. play area, would benefit restaurants/businesses. Promises have been made for more years than I care to remember, that sports facilities, new shopping facilities and Sandy bay/ Salt lake car park, would be utilised for the residents and tourists of Porthcawl. Nothing has happened and the whole place looks run down, like a shanty town ! What has happened to the promised indoor sports facilities/swimming pool ? It would be a great improvement to the area and provide much needed facilities for the whole area. Paving from front of Coney beach, all the way up to the sea front is in a terrible mess ! It needs to be renewed as there are accidents every day with people falling due to the slabs. Especially OAPs and small children, think how much the council is paying out in accident claims ! Please show some care and investment to Porthcawl ! It has looked in a dilapidated state for far too long ! Is any money forthcoming for conservation ? No sign of it as yet ! V2Coast house in Picton Avenue – needs care + the gardens are a mess- as no one has “Ownership” or care of it. PeterBurcher@btinternet.com. Proposed scooter shelter at Middleton Court – See planning dept and respond (CH) Information of this important nature, should be put in the Seaside magazine (Posted free to all residents in Porthcawl and surrounding area), not just put in the Gazette, as many people have stopped purchasing this paper, due to cost and quality ! Include Mary Street in the CA Include the car park r/o John St, it's the first thing many visitors see- Could we tidy it up + have some artwork on the boundary wall ? (Abbey from Home+Colonial) Cover over part of John Street (Michelle from Divine lady) Chair of town partnership – Some form of cover for shoppers in the street – Will be getting feasibility study done to look into it. FAQs on the website or as a handout to residents. Include Lias Cottages in the area. What is happening with the proposed supermarket/Retail outlets at Salt lake car park ? 	
Major Complaints – John Finney	
(a) This package was delivered in the afternoon of Tuesday 16/02/16 – Just not good enough !	
(b) Why wasn't these packages delivered at least 4 weeks before ? At the display I was told the delay was to have a welsh copy – shouldn't you have known this ?	
(c) Display at the pavilion didn't have it in welsh – Reason given me it would cost £200. I am very disappointed with the way this was done – see Questionnaire 39.	
<ul style="list-style-type: none"> Would all this conservation affect the council taxes paid by local residents ? Does the council realise the significance of the road known as Hutchwns Terrace. These 5 houses made up the residences of the Harbour Master, his 2nd in command, 3rd in command, 4th in command and finally 5th in command. These houses were built to accommodate the officers in houses to fit their rank. No 1 Hutchwns Terrace – Double fronted No 2 Hutchwns Terrace – Single fronted No 3 Hutchwns Terrace – Slightly narrower Single fronted 	

<p>No 4 Hutchwns Terrace – Slightly narrower single fronted</p> <p>No 5 Hutchwns Terrace – Slightly narrower single fronted</p> <p>My mother + father lived in 36 Hutchwns Terrace for many years, 1946-1989. My name is David Williams. I live in 14 Sandymeers, Porthcawl and my email address is daiwilli@hotmail.com.</p>
<ul style="list-style-type: none"> • The building that houses the Post office and Spar – it features a balcony on the first floor, as it was once a cinema.
<ul style="list-style-type: none"> • The railway which once brought trainloads of visitors to enjoy the beaches & scenery. To restore it would be fantastic !

Proposed Extension to Porthcawl Conservation Area – Consultation

Continuation sheet

4. The whole area suggested as an extension to the existing Conservation area is unique in the history of Glamorgan as it was constructed at the turn of the 19th Century when Porthcawl was in the throes of a transition. Maritime trade at the port of Porth Cawl had become a thing of the past and the town was turning its energies towards becoming a thriving seaside resort fit for the 20th Century.

Porthcawl was effectively a new town and the architecture and buildings within the parameters of the present Conservation area and its surroundings were constructed in a comparatively short period of time and reflect the design and building methods popular during the Edwardian period. James Brogden and his wife Caroline were the prime instigators of this vision and all roads were built on a grid system that led to the seafront.

5. Saving and restoring the gabled rooflines and exterior villa style of the terraced buildings with their ornamental balconies and railings should be of the highest priority.

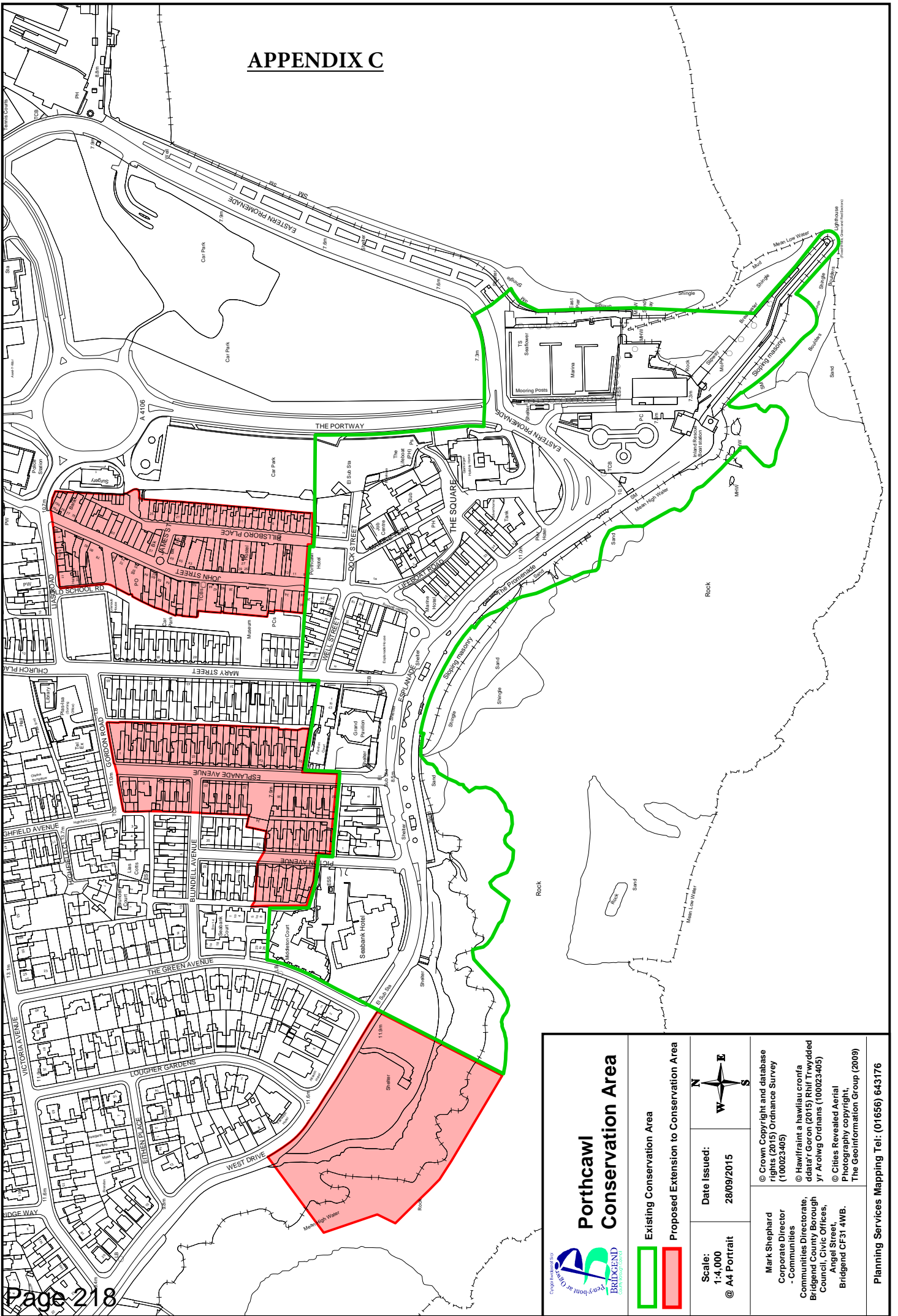
6. Firstly, the Conservation area could do with a general clean and tidy-up. It would also be desirable if some additional rubbish bins of a conservation design and quality could be provided.


Secondly, the existing requirements attached to the area, which is important enough to be a designated area of Conservation, should be much more rigorously enforced, for example all the shop fronts in John Street should, at the very least, be of a conservation design and quality. Not all are. Some are really cheap and nasty and do not either reflect or befit the Edwardian period in which the buildings were originally constructed. Arguably, they are also not good examples of the best that the 21st Century can offer.

Thirdly, those shop fronts are not compatible with the upper floors of the buildings of which they front. Generally, the upper storeys of the buildings in John Street are in much better state of preservation and, as a whole, remain in keeping with the Edwardian look of the town lying within the Conservation area.

7. Although a number of developments that have taken place in Mary Street have detracted from the overall appearance of the road and its Edwardian origins, there are a sufficient number of older properties remaining with their gabled rooflines, iron railings and balconies for the whole of the road to be included in an extended Conservation area. Nowadays, being part of a Conservation area is, for many people, an incentive to restore and/or maintain property while for others, it is both an encouragement and a cue to invest in property within its boundaries. For that same reason, the area around the bottom half of Victoria Avenue, and Philadelphia Avenue could also be usefully included in an extension of Porthcawl's Conservation area.

APPENDIX C



 <p>Porthcawl Conservation Area</p>		<p>Existing Conservation Area</p> <p>Proposed Extension to Conservation Area</p>		<p>Scale: 1:4,000 @ A4 Portrait</p>	<p>Date Issued: 28/09/2015</p>	<p>North Arrow</p>	<p>© Crown Copyright and database rights (2015) Ordnance Survey (100023405)</p> <p>© Hawfiraunt a hawliau cronfa ddata'r Goron (2015) Rhif Trwydded yr Arolwg Ordnans (100023405)</p> <p>© Cities Revealed Aerial Photography copyright, The GeoInformation Group (2009)</p>
<p>Mark Shephard Corporate Director - Communities</p> <p>Communities Directorate, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend CF31 4WB.</p>		<p>Planning Services Mapping Tel: (01656) 643176</p>					

TRAINING LOG

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

<u>Facilitator</u>	<u>Subject</u>	<u>Date</u>	<u>Time</u>
Wayne Crocker from <i>MENCAP</i>	"Changing places"	12 May 2016	12.45pm
Claire Hamm & Sue Tomlinson – <i>BCBC Conservation & Design</i>	"The Historic Environment – changes to PPW 6"	23 May 2016	10.00am-12.30pm
Mike Harvey – <i>Secured By Design - South Wales Police</i>	"Designing out crime"	9 June 2016	12.45pm
Tony Thickett – <i>Director for the Planning Inspectorate Wales</i>	"Developments of national significance"	7 July 2016	12.45pm
Susan Jones – <i>BCBC Development Planning Manager</i>	"Local Development Plan review workshop"	4 August 2016	12.45pm

Future training sessions

- Review of recent appeal decisions
- Active travel plans
- Advertisement control

Recommendation:

That the report of the Corporate Director Communities be noted.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None.

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