

# BRACKLA COMMUNITY COUNCIL



## THE NEXT MEETING OF BRACKLA COMMUNITY COUNCIL

### **PLANNING COMMITTEE** **Monday 15<sup>th</sup> February 2021 6.30pm** **Via Video Link**

Members Present

Cllr K Hughes – Chairperson  
Cllr D Aston  
Cllr E Caparros  
Cllr I Hibble  
Cllr T Walsh

Mrs R Keepins – Clerk of the Council

#### **11 Apologies for absence**

None

#### **12 Declarations of interest**

Cllr I Hibble declared a personal interest throughout, as he is a Civil Servant working for Welsh Government.

Cllr K Hughes declared a personal interest in relation to planning application P/21/11/OUT in that he knows the applicant.

#### **13 PLANNING APPLICATIONS**

The Chair introduced the item and asked if any of the Committee Members had experienced any issues in accessing the documents. Cllr E Caparros confirmed that he had had a bit of trouble resulting in the need to update his computer in order to access some recent documents. He had found this slightly strange as he was able to access them previously. Cllr I Hibble agreed that it was not an easy process and was as a result not user friendly for the public. The Chair confirmed that he had expressed these concerns to the Local Authority and he knew of a number of members of the public who had had to contact the Authority due to issues accessing planning documents.

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Members discussed the applications and agreed the following observations.

**P/21/44/FUL 39 Hunters Ridge Brackla CF31 2LH**

The Committee had no objections to the above application

**P/21/37/FUL 75 Ty Gwyn Drive Brackla CF31 2QG**

The Committee confirmed that whilst there were limiting supporting documents, they had no objections to the overall proposal.

**P/21/11/OUT Briary Wood Briary Way Brackla Bridgend CF31 2PT**

The Chair announced that whilst he was pre-disposed in relation to this application, he was not pre-determined and would consider all arguments with an open mind.

The Chair referred the Committee to the notes and background document that he had provided to Members on the Planning Application, stating that Members were free to do with this as they pleased as this was just his opinions based on his research and knowledge. Cllr D Aston stated that he was happy and in agreement with the comments put forward and stressed that back in 2018 the site had been a buffer zone between Briary Fields and Briary Wood which provided a valuable foraging habitat for bats and numerous other wildlife. He therefore agreed that this application surely breached Welsh Government's Biodiversity Plan.

Cllr I Hibble and Cllr T Walsh also agreed with the comments provided and proposed the need to highlight further the application's possible breaches of the Planning Policy Wales Edition 10, in relation to Greener spaces, carbon reduction and its negative impact on Biodiversity.

Further discussion took place surrounding the application and its implications and it was agreed to use the comments provided by the Chair as the basis for the Committee's submission with some amendments.

**Resolved:**

Following detailed consideration, the Committee agreed the following to be submitted to Full Council for further discussion and amendment if necessary, with the intention that this form the basis of the Council's objection to this application:

Following consideration of the Planning Application as well as detailed discussions, the Community Council wish to highlight the following points as evidence and argument against the above Planning Application:

- In 2002 Eastlake Builders Ltd were refused planning for three detached houses at Briary Wood (P/02/693/FUL). The reason given was as follows

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“The proposed development would result in the loss of an important woodland and habitat contrary to the provision of Policies EV14 & EV15 of the Ogwr Borough Local Plan and in conflict with the designation as a site of importance for Nature Conservation (SINC)”.

Since 2005 when this parcel of land was sold with planning permission for one property BCBC ref P/05/1003 there have been four properties built. There have been at least 16 Applications for planning at this development since of which at least five are retrospective/regularization requests. In addition, there have been two Appeals made to the Planning Inspectorate one of which was submitted 5 months after planning refusal and then withdrawn a day before the closing date.

- The Community Council feel that the Local Authority should recognize the impact that these serial applications are having on the local community and more importantly the continued destruction of this valuable Green protected asset. Whilst this application may fall outside of the parameters of section 70A of the Town and Country Planning Act 1990 (as amended) this should be a factor of consideration on this development. We are minded in the requirements laid down in the Development Management Manual and five ways of working, and as a general principle, that planning is concerned with land use from the point of view of the public interest.
- In 2007 (P/07/89/FUL) planning permission was approved for two dwellings now known as No.1& 2 THE WOODS. The recommendation to refuse planning made by the Head of Conservation & Environmental policy was ignored. There were no submissions posted from Drainage/Highways/Welsh Water Dev Serv. Instead, against these was stated \*Do not use\*.
- Homestyle Domiciliary Care now renamed STARS Domiciliary Care having previously rented No.2 The Woods, purchased the property from the owners Gareth Williams (who purchased Briary Wood originally in 2005) and his partner Rhiannon Quick who was/is a Director at STARS Domiciliary Care Ltd. The purchase in 2016 included an additional parcel of land identified in this planning application and appears to be at a significantly premium cost when compared to the price paid for the remainder of Briary Wood acquired by Ms. Quick from Mr. Williams the landowner. The reports commissioned by Mr. Williams for the previous two connected planning applications were both critical of ‘the Landowner’, basically himself, pointing to the lack of woodland Management of the woods and habitat. One of the authors failed to highlight the destruction of at least 6 TPO protected trees that he personally was involved in when working for BCBC.
  - P/18/960/OUT REFUSAL 14/05/2019
  - P/18/381/OUT WITHDRAWN 06/09/2018
  - Appeal BCBC REF 1875 Planning inspectorate A/19/3238160

The lack of visible Woodland management on this parcel of land is evident after almost five years of new ownership and possibly they are looking for a return on their

investment that no doubt has emerged in the form of planning applications to further develop this already overdeveloped area.

- The boundary to the side of No.2 The Woods creates a natural buffer zone for the now considerably reduced SINC and Ancient Woodland that is an integral part of Briary Wood and therefore does not require an expanded boundary. The suggested Protective Tree Barriers suggested in the latest 3<sup>RD</sup> draft condensed version of Turlin Design Associates Ltd report on page 12 are totally unsightly and will never replace the natural appearance of a thriving Woodland/habitat.
- This report is still based on the Pre-Development Tree Survey & Assessment conducted in September 2018. Both TDA and the Agent mention the removal of G2/T5/T6 & T15 but fail to clarify that based on more detailed on pages 14-16 of the 2018 Pre-Development Tree Survey & Assessment 2018 reports by TDA that this equates to at least 40 +TPO Trees and a considerable amount of valuable natural habitat. On page 14-16 of their original report, they clearly show that all of these trees have a life span of at least 40+ years and we suspect that T15 is only included to accommodate their suggested new access road.
- Para 1.2 of the original report also stated “this report are specifically designed to meet the BS5837 standard and are not a substitute for either a full Tree Survey or Management Plan”.
- The footprint of this new proposal TDA report page 10 is virtually identical to that shown in the self-constructed HM Land registry document submitted by the last Agent in 2018 and given the previous track record of retrospective applications on this Development and the fact that this is yet another Outline planning application raises alarm bells with local residents.
- A large part of this planning application refers to work to be conducted outside of the red line boundary shown on a drawing with no reference number, but endorsed ‘comparison between refused scheme and proposed scheme ‘and shown again on drawings 25 and 20.
- In the Key in small print on page 10 of the TDA Arboricultural Method Statement they state under the ‘Construction exclusion zone ‘(with the exception of proposed landscape works and scaffolding storage of materials construction spoils, siting of offices/steel containers & cement mixing area strictly prohibited from the area to avoid damage to tree roots). 15 years later there is still a steel container and other spoil in full view of the public who frequent the black path.
- The earthworks and cut and fill requirement of just two dwellings is significant especially as Briarfields is based on a Limestone bedrock and the implications of noise and disturbance to surrounding neighbourhoods is likely to be prolonged and considerable and more importantly avoidable.

- There is skepticism of the true intentions of this Company based on plans shown on page 43 of the original SoltysBrewster report where eleven properties were clearly identified destroying the whole of Briary Wood. Previously, we understand consideration was being given for a 14 bedroom assisted limits along the lines of P/17/698/OUT.
- The Application for Planning was not posted on the planning register portal.
- There are discrepancies and queries over the application form itself, some of which indicate that the application falls below the standards expected from members of the RTPI:
  1. Section 6 – surely the area within this planned development shown on drawing 25 is vacant;
  2. Section 6 – the application is for two new dwellings and yet the Agent has answered NO to the construction of a new building, contradicting his response in Section 16;
  3. Section 6 - The previous Agent who was also a Senior Planning Officer answered this question with a YES in the two previous applications and also clearly identified this 0.25 (ha) as GREENFIELD Land;
  4. Section 8 – the red area in drawing 25 where they hope to increase the drive size does not stretch to the public highway;
  5. Section 9 – insufficient detail shown to justify the garage as a third parking space in accord with SPG 17;
  6. Section 9 – drawing 23 shows a car in the official turning point laid down as a condition in 2007 and not owned by No.1 The Woods as suggested in previous applications. It has a major drop over a kerb which makes it unsuitable for purpose and results in cars/vans and occasionally lorries reversing onto Briary Way which accentuates the danger posed by staff/visitors parking on the bend outside the applicant's previous business located at The White House;
  7. Section 11 – no details of how surface water will be disposed of and no discussion had taken place on meeting SuDS requirements at the time this application was posted;
  8. Section 13 – no drawings for drainage provided despite answering YES;
  9. Section 13 – No build over or agreement to connect to the main already overstretched sewer in place with Welsh Water –appendix 1 clearly shows the proposed access road will go over the sewer network;
  10. Section 14 Answered No in 2018 - The waste collection is made at the entrance to The Woods with no provision for BCBC to collect outside of these properties. The amount of refuse outside of the White House (? Business) and from existing properties is already an issue with local residents;
  11. Section 27 – Redrow do not own the land identified with the red boundary of this application as indicated on appendix 1 attached;
  12. Section 27 – Stars Domiciliary Care ltd did not own the land outside of the red boundary either or the area scheduled to be an access road.

- Briary Wood is recognised as an integral parts of Tremains Wood and as a protected Site of Importance for Nature Conservation adjoining an Ancient semi-natural Woodland both neglected but important to the green corridor/lung of Brackla. The habitat is vitally important to support a wide range of wildlife and a broad range of Birds including Owls and several species ever increasingly threatened by overdevelopment.
- This is a green field site and has not been identified for development in the past or the current Candidate Site Area for the 2018-33 LDP. PPW Edition 10 states and Welsh Government guidance seeks to ensure that “previously developed land is used in preference to greenfield sites”.
- The blanket Tree Protection Order afforded the whole of Briary Wood includes any tree irrespective of age which is fundamental to this living Woods that invariably relies on the eco system of self-seeding etc. (TAN (WALES)10 para 5/6.)
- BCBC Tree Management Policy seeks to encourage the planting not destruction of Trees.
- SPG19 – SUPPORTING EVIDENCE SINC NO.BR-1-N - This report submitted in 2011 raises numerous reasons as to why there should be no further dilution of this valued SINC and Ancient Woodland not least that it is likely to provide foraging and roosting opportunities for bats and potential habitat for Dormice.
- The SoltysBrewster report identifies the presence of various bat species at Briary Wood and on page 35 of their report the actual flight path of these bats has been plotted directly over the area of Woodland threatened with destruction. UK and European legislation provide protection of the destruction of bat foraging/roosting areas. Once again if there are reduced areas for bats/birds and wildlife to visit, their numbers will eventually diminish.
- The application would contravene the Section 6 Duty of the Environment (Wales) Act 2016, as outlined in the Planning Policy Wales Edition 10, in that it would have a negative impact on the biodiversity in the area, and particularly on the species of bats that are present in the area.
- SPG 19 Biodiversity & Development stresses the need to protect our ‘Green Infrastructure’ including safeguarding, enhancing, restoring and creating wildlife habitats and the landscape. This is reinforced through Strategic Policy SP4 of the LDP that states ‘that development which will conserve and wherever possible enhance the natural environment of the County Borough will be favoured’. Furthermore, it states that developments will not be permitted where they have an adverse impact upon ‘its biodiversity and habitats’.
- A raft of other policies also exist to promote Nature Conservation and as highlighted in the latest Future Generations report, the importance and benefits of Place Making and

Wellbeing of Communities should be a paramount goal for LA Planning. Decision makers will also need to take into account when determining planning applications from 24 February 21, the new National Development Framework Future Wales: The National Plan 2040 and updated (PPW) Edition 11.

- No Community Engagement to explore their aspirations or needs was undertaken by either the Applicants/ Agent/Consultants. Yet they feel that they are qualified to judge on the public amenity value of this important asset which demonstrates considerable bias on what should be a professional informed statement.
- The neglected management of Briary Wood has been heavily criticised in the attached and original reports by the Ecology Consultants commissioned by the Landowner Gareth Williams. Despite the promises to improve this as reported in 2018 neither the Applicant or current fellow Director and now Landowner Rhiannon Quick have addressed this. A genuine concern surely would have resulted in a standalone Woodland Management plan and not an outline planning application with little detail of the true building intentions behind this application.
- The stream and habitat have been neglected and yet there has been no 'Amenity Notice under Section 215 of the Town and Country Act 1990 issued by BCBC.
- Since 2005 numerous conditions laid down in planning decisions have been ignored by those associated with this application and yet BCBC have taken no Enforcement action. Despite assurances being given to residents and those agreed by the Planning Inspectorate such as car parking within the curtilage of their property, the reality is completely opposite. This is a major bone of contention especially from the residents living along Briary Way who travel past the enclosed security walls and gates of the White House by car or foot. This feature contradicts one of many associated with this development that conflict with the Restrictive Covenant set up by Mid Glamorgan Act 1987 adopted by Ogwr Borough Council and is absent from virtually every other house in Brackla.
- There are no pavements /street lighting or road drainage discharge manholes at this development where a young family live as well as the residents living at the applicant's HMO. There is a single access road leading off Briary Way impeding easy entry/exit and the proposed turning circle would result in vehicles, possibly emergency vehicles having to manoeuvre not only in a tight space but directly up to the porch and frontage of the proposed dwelling. Refuse collection at the entrance to The Woods will be further exacerbated and will possibly lead to increased litter pollution to the vicinity and stream as experienced by local residents now.
- The proposed access road is likely to be constructed over the existing sewer as shown at Appendix 1.

**For all the reasons stated above, the Community Council object to the application and recommend that it be rejected. Furthermore, the Community Council wish to recommend that the Landowners consider gifting this important protected asset to one of the many organisations throughout Brackla who will nurture and develop Briary Wood.**