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Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

Bridgend County Borough Council



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

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Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate

Deialu uniongyrchol / Direct line /: 01656 643148 /
644099 / 643513

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Tuesday, 26 March 2024

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held Hybrid in the Council Chamber - Civic Offices, Angel Street, Bridgend, CF31 4WB/Remotely via Microsoft Teams on **Thursday, 4 April 2024 at 10:00.**

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 the dates of 29/04/2024 and 15/05/2024 for proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.
4. Approval of Minutes 3 - 10
To receive for approval the minutes of the 22/02/2024
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
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

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accommodated.

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|-----|--|---------|
| 7. | <u>Development Control Committee Guidance</u> | 11 - 14 |
| 8. | <u>P/24/32/FUL - 67 St John Street, Ogmore Vale, CF32 7BA</u> | 15 - 24 |
| 9. | <u>P/23/753/FUL - 14 Park Street, Bridgend, CF31 4AX</u> | 25 - 42 |
| 10. | <u>P/23/757/FUL - 3 Llwyn Coch, Broadlands, CF31 5BJ</u> | 43 - 50 |
| 11. | <u>Appeals</u> | 51 - 68 |
| 12. | <u>P/23/218/FUL - Land at Brynmenyn and Bryncethin, Bridgend - Hybont Special Committee</u> | 69 - 70 |
| 13. | <u>The Replacement Bridgend Local Development Plan</u> | 71 - 72 |
| 14. | <u>Training Log</u> | 73 - 74 |
| 15. | <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. | |

Note: This will be a Hybrid meeting and Members and Officers will be attending in the Council Chamber, Civic Offices, Angel Street Bridgend / Remotely via Microsoft Teams. The meeting will be recorded for subsequent transmission via the Council's internet site which will be available as soon as practicable after the meeting. If you have any queries regarding this, please contact cabinet_committee@bridgend.gov.uk or tel. 01656 643148 / 643694 / 643513 / 643696

Yours faithfully

K Watson

Chief Officer, Legal and Regulatory Services, HR and Corporate Policy

Councillors:

A R Berrow
N Clarke
RJ Collins
C L C Davies
S Easterbrook
RM Granville

Councillors

H Griffiths
S J Griffiths
D T Harrison
M L Hughes
D M Hughes
M R John

Councillors

MJ Kearns
W J Kendall
J Llewellyn-Hopkins
J E Pratt
A Wathan
R Williams

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 22 FEBRUARY 2024

MINUTE DECISION OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD HYBRID IN THE COUNCIL CHAMBER - CIVIC OFFICES, ANGEL STREET, BRIDGEND, CF31 4WB ON THURSDAY, 22 FEBRUARY 2024 AT 10:00

Present

Councillor RM Granville – Chairperson

A R Berrow
M R John

S Easterbrook
MJ Kearn

D T Harrison
A Wathan

D M Hughes

Present Virtually

N Clarke
M L Hughes

RJ Collins
W J Kendall

H Griffiths
J E Pratt

S J Griffiths
R Williams

Apologies for Absence

Councillors J Llewellyn-Hopkins and Chris Davies

Officers:

Rhodri Davies
Gillian Dawson
Craig Flower
Steven Jenkins
Robert Morgan
Jonathan Parsons
Michael Pitman
Philip Thomas
Oscar Roberts

Development & Building Control Manager
Lawyer - Planning
Planning Support Team Leader
Development Control Team Leader
Senior Development Control Officer
Group Manager Development
Technical Support Officer – Democratic Services
Principal Planning Officer
Cabinet and Committee Apprentice

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 22 FEBRUARY 2024**Declarations of Interest**

Decision Made	Councillor S Easterbrook declared a personal interest in Agenda item 9., as a local Ward Member and a member of Bridgend Town Council, that takes no part in planning matters.
Date Decision Made	22 February 2024

3. Approval of Minutes

Decision Made	<u>RESOLVED:</u> That the minutes of a meeting of the Development Control Committee dated 11/1/2024, be approved as a true and accurate record.
Date Decision Made	22 February 2024

4. Public Speakers

Decision Made	There were no public speakers at today's meeting.
Date Decision Made	22 February 2024

5. Amendment Sheet

Decision Made	<u>RESOLVED:</u> That the Chairperson accepted 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
Date Decision Made	22 February 2024

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 22 FEBRUARY 2024

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6. Development Control Committee Guidance

Decision Made	<u>RESOLVED:</u>	Members noted the report on Development Control Committee Guidance.
Date Decision Made	22 February 2024	

7. P/22/692/FUL 13 Reynallt Place, Porthcawl CF36 3DR

Decision Made	<u>RESOLVED:</u>	That the above application be granted, subject to the Conditions contained in the report of the Corporate Director – Communities:-
	<u>Proposal</u>	
	New single garage in side garden.	
Date Decision Made	22 February 2024	

8. P/23/473/RLX Upper Ogmere Valley, Between Blaengwynfi, Nantymoel & Blaengarw In Bridgend & Neath Port Talbot CF23 8RD

Decision Made	<u>RESOLVED:</u>	(1) That having regard to the above application, the applicant be required to enter into a S106 agreement or provides a revised unilateral undertaking in a form to secure the submission of a Biodiversity Enhancement Management Plan (BEMP), prior to the commencement of development. The BEMP would include a natural sediment management initiative and wider habitat creation works in the Upper Garw Valley, and Water Vole conservation works.
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Proposal

Vary condition 2 of PEDW Ref DNS/3213662 (P/20/893/DNS) to increase the rotor diameter of the proposed wind turbines from 105m to 117m - the overall tip height of the wind turbines will remain as consented.

- (2) That the Corporate Director Communities be given delegated powers to issue a decision notice granting planning consent in respect of this proposal, once the applicant has entered into the aforementioned Section 106 Agreement, or has provided a revised unilateral undertaking in a form acceptable to the Council, subject to the Conditions contained in the report of the Corporate Director – Communities.

Subject to the following additional Conditions being added to the planning consent:

40. Prior to commencing construction of any wind turbine generators, or deploying any construction equipment or temporal structure(s) 50 metres or more in height (above ground level) the developer shall submit to and have agreed in writing by the Local Planning Authority, in conjunction with the Ministry of Defence an aviation lighting scheme defining how the development will be lit throughout its life to maintain civil and military aviation safety requirements as determined necessary for aviation safety by the Ministry of Defence. This should set out:

a. details of any construction equipment and temporal structures with a total height of 50 metres or greater (above ground level) that will be deployed during the construction of wind turbine generators and details of any aviation warning lighting that they will be fitted with; and

b. the locations and heights of all wind turbine generators and

	<p>any anemometry mast featured in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the wind turbine generators; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.</p> <p>Thereafter, the developer must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the lifetime of the development.</p> <p>Reason: To maintain aviation safety</p> <p>41. The undertaker must notify the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information:</p> <ul style="list-style-type: none"> a. the date of the commencement of the erection of wind turbine generators. b. the maximum height of any construction equipment to be used in the erection of the wind turbines. c. the date any wind turbine generators are brought into use. d. the latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s). <p>The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.</p> <p>Reason: To maintain aviation safety.</p>
Date Decision Made	22 February 2024

9. Appeals

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 22 FEBRUARY 2024

Decision Made	<p><u>RESOLVED:</u></p> <p>(1) That the two appeals received since a report on Appeals was submitted to the last meeting of the Development Control Committee, as detailed in the report of the Corporate Director – Communities, be noted.</p> <p>(2) That the Inspector Appointed by the Welsh Ministers to determine the following Appeal has directed that the Appeal be DISMISSED (Appendix A to the report referred)</p> <p>Appeal No. CAS-03071-C2M9Y2 (2000) – Subject of Appeal - Retention of french doors and balcony as built: 28 Sanderling Way, Porthcawl .</p>
Date Decision Made	22 February 2024

10. Update Report to Members regarding an application by Mulberry Homes Ltd. – App. No. P/21/301/FUL – Land rear of Waunscil Avenue, extending to the rear of Morfa Street, Bridgend – Erection of 70 dwellings, Community Route and Associated play area and public open space (which is now the subject of an Appeal)

Decision Made	<p>The Corporate Director Communities submitted a report in order to update the Committee, on a recent Appeal against non-determination for a proposed residential development on land to the rear of Waunscil Avenue, Bridgend.</p> <p>Following consideration of the report by Members, it was</p> <p><u>RESOLVED:</u></p> <p>-</p> <p>(1) That Members noted the resolution of the Group Manager - Planning and Development Services to refuse Application P/21/301/FUL, for the reasons set out in the report and in the attached Appendix A (to the report).</p> <p>(2) That Officers report the outcome of the Appeal to a future Development Control Committee meeting, as part of the standard Appeals Agenda item.</p>
Date Decision Made	22 February 2024

11. Training Log

Decision Made	<u>RESOLVED:</u>	That the report of the Corporate Director – Communities outlining the up and coming training sessions for Members as detailed within the report, be noted.
Date Decision Made	22 February 2024	

12. Urgent Items

Decision Made	There were no urgent items	
Date Decision Made	22 February 2024	

To observe further debate that took place on the above items, please click this [link](#)

The meeting closed at 10:50.

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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 cannot 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	PEDW	Planning & Environment Decisions Wales
APN	Agricultural Prior Notification	PPW	Planning Policy Wales
BREEAM	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	SUDS	Sustainable Drainage Systems
FCA	Flood Consequences Assessment	TAN	Technical Advice Note
GPDO	General Permitted Development Order	TIA	Transport Impact Assessment
LB	Listed Building	TPN	Telecommunications Prior Notification
LBC	Listed Building Consent	TPO	Tree Preservation Order
LDP	Local Development Plan	UCO	Use Classes Order
LPA	Local Planning Authority	UDP	Unitary Development Plan
PINS	Planning Inspectorate		

REFERENCE: P/24/32/FUL

APPLICANT: Mr J Fairley 1 Litchard Rise, Bridgend, CF31 1QH

LOCATION: 67 St John Street Ogmore Vale CF32 7BA

PROPOSAL: Change of use from use class C3 dwellinghouse to C2 residential care home for up to 2 children

RECEIVED: 17 January 2024

DESCRIPTION OF PROPOSED DEVELOPMENT

Retrospective planning permission is sought for the change of use of 67 St John Street, Ogmore Vale from a residential dwelling (Use Class C3) to a care home for 2 children (Use Class C2). The Application is retrospective in nature as the Placements team have advised that they have had to move a single child to this property in advance of securing planning permission.

The Applicant has advised that the staffing levels at the property would depend on the young people's needs however the maximum number of staff at the property at any one time would be 3. The age range of the young people living at the property would be from 5 to 18 years old. The changeover of carers will take place at 7.30am and 9.30pm daily.

In previous Applications of this nature, it has been established that the children to be cared for in these properties are classed as being vulnerable as they come from difficult home circumstances. Whilst some may have learning difficulties, they are victims of circumstances and are simply in need of proper care and attention. As such, they are not offenders and pose no threat to the local community.

No internal or external alterations to the existing building comprising the property are proposed as part of the Application.



Fig. 1: Existing and Proposed Floorplans (unchanged)

SITE DESCRIPTION

The Application site is located within the Local Settlement of Ogmores Vale, as defined by Policy SF1 of Bridgend County Borough Council's adopted Local Development Plan (2024). It comprises a two-storey terraced dwelling which faces the east and is positioned on the western side of St John Street.

The site is situated in a residential area characterised largely by terraced properties. The Application site is bounded by a rear lane to the west. The property is finished in stonework to its elevations and has a tiled roof with white UPVC windows and doors.



Fig. 2: Street View of Property

RELEVANT HISTORY

Application ref.	Description	Decision	Date
P/07/574/FUL	Second Storey Extension To Rear Of Property	Refusal	23/07/2007
P/07/1071/FUL	Proposed Second Floor Bedroom Extension To Rear Of Property	Conditional Consent	12/10/2007

In addition to the above, this Application follows a recent consent for the exact same facility at 57 Walters Road, Ogmores Vale (App. No. P/23/557/FUL refers). Members will recall approving that Application at the 30 November 202, Development Control Committee meeting.

This current Application proposes a likely alternative facility rather than an additional facility to that at 57 Walters Road as it is a replacement property. It is likely that the new owner of 57 Walters Road will apply to convert the premises back to a dwelling (C3).



Aerial plan showing 57 Walters Road (in the south) and the application site

PUBLICITY

This Application has been advertised through direct neighbour notification, as well as being publicised on site, the consultation period for which expired on 28th February 2024.

CONSULTATION RESPONSES

Cllr D Hughes – Concern regarding on-street parking in the area.

Ogmores Vale Community Council – Query regarding the timeline of events and why the Application is submitted retrospectively.

Transportation Officer (Highways) – No objection subject to conditions.

South Wales Police – No objection. Recommendations made to the Applicant regarding the operation of the site.

REPRESENTATIONS RECEIVED

Written representations objecting to the proposal have been received directly from 7 separate addresses located on St John Street, Ogmores Vale.

The reasons for objecting to the Application can be summarised as follows:

- Fear for security of existing residents;
- Lack of parking facilities;
- Highway safety concerns;
- Noise and disturbance of neighbouring residents.

RESPONSE TO REPRESENTATIONS RECEIVED

The following observations are provided in response to the comments / objections raised by local residents: -

Factors to be taken into account in making Planning decisions must be Planning matters, that is they must be relevant to the proposed development and the use of land in the public interest. The matters raised which are considered to be material to the determination of this Application are addressed in the appraisal section of this report.

The concerns relating to the proposed use; its impact on neighbouring amenity; parking and highways concerns; and the perceived fear of crime and anti-social behaviour are addressed in further detail within the appraisal section below.

RELEVANT POLICIES

The relevant policies of the Local Development Plan and supplementary planning guidance are highlighted below:

Policy SF1	Settlement Hierarchy and Urban Management
Policy SP1	Regeneration and Sustainable Growth Strategy
Policy SP3	Design and Sustainable Place Making
Policy SP6	Sustainable Housing Strategy
Policy PLA11	Parking Standards

Supplementary Planning Guidance 17 Parking Standards

In the determination of a planning Application regard should also be given to the local requirements of National Planning Policy which are not duplicated in the Local Development Plan. The following Welsh Government Planning Policy is relevant to the determination of this planning Application:

Future Wales – The National Plan 2040 Planning Policy Wales Edition 12

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without comprising the ability of future generations to meet their own needs (Section 5).

The well-being goals identified in the Act are:

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

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

THE SOCIO-ECONOMIC DUTY

The Socio-Economic Duty (under Part 1, Section 1 of the Equality Act 2010) which came in to force on 31 March 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and whilst this is not a strategic decision, the duty has been considered in the assessment of this Application.

APPRAISAL

This Application is referred to the Development Control Committee to consider the objections raised by local residents and the concerns of the Local Ward Member.

An appraisal of the proposals in the context of the relevant material considerations is provided below.

The main issues for consideration in the determination of this Application are the principle of development; the visual impact of the proposal; its impact on residential amenity; the fear of anti-social behaviour; and highway safety.

PRINCIPLE OF DEVELOPMENT

The Application site lies within the Local Settlement of Ogmore Vale, as defined by Policy SF1 of the Local Development Plan (2024). Policy SF1 states that development will be permitted within settlement boundaries at a scale commensurate with the role and function of that local settlement.

The proposal seeks to change the use of an existing dwelling from Class C3 - Dwellinghouse to Class C2 – Small Care Home providing supported living for two looked after children with two members of staff on site at all times. A maximum of 3 members of staff will be at the property at any one time.

The C2 Use Class encompasses a number of different uses including other types of residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. The C2 Use Class is distinct from the C2a Use Class which groups together secure residential institutions such as prisons, young offenders' institutions and secure hospitals. If this C2 use is granted it would be limited to the care of 2 children and any increase in numbers would require a further Planning permission and that would be assessed on its own merits.

It should also be noted that Use Class C2a is a different Use Class, and a separate planning consent would be required to change from a C2 use (residential institution) to a C2a use (Secure Residential Institution).

The property is to accommodate a maximum of 2 children and 3 adult carers in a residential area which would display many similar features associated with a family dwelling. The changeover of carers would take place at 7.30am and 9.30pm daily.

The Application site is located within the local settlement boundary of Ogmore Vale, as defined by Policy SF1 of the Bridgend Local Development Plan (**LDP**) 2018-2033. The conversion of this existing building into a small-scale care home of the nature proposed is considered to accord with the criteria set out in Policy SP6 of the LDP and Planning Policy Wales (2024) which supports the use of suitable previously developed land for residential purposes as it can assist regeneration and at the same time relieve pressure for development on greenfield sites.

Furthermore, Strategic Policy SP1 seeks to encourage regeneration led development within the settlement hierarchy and it is considered that the proposed change of use of the existing building to another form of residential use in such a locality is compatible with surrounding land uses and is acceptable. It is considered that the proposed development is located within a sustainable location being located close to public transport links and local amenities which would be of benefit to potential future occupiers and staff at the premises.

In view of this, the proposed development is considered to accord with Strategic Policies SF1 and SP1 and Policy SP6 of the Bridgend Local Development Plan (2018-2033) and can be supported in principle.

As detailed, the property is situated within the local settlement boundary of Ogmores Vale, and it is considered that the conversion of an existing dwelling to a care home of the nature proposed would provide a valuable alternative type of living accommodation in the locality. Furthermore, as no major external or internal works are proposed, the visual character of the property would be retained, causing no harm or impact on the character and appearance of the existing area.

The character of the area is derived from single households and the introduction of a small-scale care home of the nature proposed which is appropriate in a residential setting, can be supported. Furthermore, the proposal is for a small, two-person care home which is residential in nature and as such, it would not result in an undue concentration of such uses in this location.

Notwithstanding the above, whilst the principle of a residential use such as a care home within a residential area is accepted, it is necessary to consider the aspects of this proposed use and their effect on the amenities of residents in the area.

NEIGHBOUR AMENITY

Planning Policy Wales (Edition 12, February 2024) states at paragraph 2.7 that *placemaking in development decisions happens at all levels and involves considerations at a global scale, including the climate emergency, down to the very local level, such as considering the amenity impact on neighbouring properties and people.*

Policy SP3 of the Local Development Plan (2024) seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers is not adversely affected by development proposals and in addition, seeks to ensure that development aligns with the principles of good design.

Some neighbouring residents have raised concerns relating to the noise levels which may be associated with the proposed development. The concerns relate to the potential noise and disturbance caused by additional comings and goings of staff, relating to the institutional use of the site, as well as general noise and disturbance.

The Applicant has advised that the home would accommodate a maximum of two children between the ages of 5 and 18. The home would also need to be registered with the Care Inspectorate of Wales if Planning permission is granted. It should be noted that registration with the overseeing body is not a requirement to grant Planning permission but is a separate regulatory process.

There would be at least two carers on the premises at any one time, providing one to one supervision for the children. Overnight, two carers will remain on the site, one of which will sleep and the other staying awake. The staff handover would take place at 7.30am and 9.30pm.

Parking is likely to be limited to on-street parking, presumably either using St John Street or the public car park to the north of the Application site. The times of the handover of staff shifts, 7.30am and 9.30pm, are at quieter times of the day, where comings and goings are more likely to be noticeable and disruptive to nearby residents. However, the movement of people and their vehicles at these times are not out of the ordinary and could be similarly

attributed to a traditional residential dwelling. The level of disturbance as a result of staff shift patterns is not considered to be significant enough to warrant the refusal of the Application.

The conversion of the building from a residential dwelling to a small-scale care home will likely result in a minor increase in the number of people living within the building comprising the property, which could potentially result in an increase in the noise levels associated with the inhabitants and the property. The noise levels associated with a C2 use, which is a residential use, would be broadly in line with the anticipated noise levels from a C3 dwellinghouse. Any potential for noise increase is not likely to result in a significant detrimental impact to the amenity of neighbouring occupiers.

It is considered the proposed use would not unreasonably compromise the level of amenity that is currently enjoyed and can be reasonably expected in such a locality. It is considered that the level of activity and other likely effects of the use would not significantly exceed what might be expected from the occupation of the building as a family dwelling. Given the small-scale nature of the use, the level of movement to and from the property may not intensify to such an extent that it would be incompatible in this residential area.

On balance, the proposal is considered to be acceptable in terms of its impact on neighbouring amenity.

ANTI-SOCIAL BEHAVIOUR

A number of objectors to the Application raise concerns that the proposed use could result in issues of anti-social behaviour in the area. The risk of disorder and the perception of it arising from the proposed use is, in some instances, a material Planning consideration. In order to carry weight in the determination of a Planning proposal, fear of increased anti-social behaviour must be based on sound reasons and there needs to be reasonable evidential basis for that fear.

Objectors' concerns and anxieties about the proposed use are acknowledged but there is no solid evidence to demonstrate that the change of use of the dwelling to a small children's care home would result in a spike in anti-social behaviour in the neighbourhood. Proposals for care homes are not an uncommon occurrence nationally and Planning appeal decisions relating to similar proposals have concluded that it cannot be assumed that children living in care would be more likely to behave anti-socially or create levels of noise over and above children living in a 'traditional' family unit.

Inspectors seem to take note that, in a care home, children would be cared for by specialist supervising staff and care workers who are able to deal with any situations that might arise.

It is the case that, in addition to holding the relevant Planning permissions, residential children's homes which accommodate children under 18 years old must be registered with the Care Inspectorate for Wales and it is a criminal offence to run a children's home which is not registered with this body. As part of this registration process the Applicant must demonstrate that they meet certain legal requirements set out within The Care Standards Act 2000 (Notification) (Wales) Regulations 2011, The Regulation and Inspection of Social Care (Wales) Act 2016 and The Children's Homes (Wales) (Amendment) Regulations 2017. The Care Inspectorate for Wales can take enforcement action where care homes have been shown to fall short of the legal requirements set out within the Acts and can remove a care home's licence.

How the care home would function is a process that would need to be agreed as part of the registration process and as this is controlled by other legislation; it is not within the remit of the Planning system to seek to control the day-to-day functioning of the care home.

No evidence is available to demonstrate that the children living at this care home would create disturbances or cause an increase in other forms of anti-social behaviour. As such, whilst the fear and perception of anti-social behaviour is a material Planning consideration, there is no reasonable evidence base for the fear in this instance. A refusal cannot be justified on the grounds of residents' fear of anti-social behaviour.

HIGHWAYS

Policy PLA11 of the adopted Local Development Plan (2024) stipulates that all development will be required to provide appropriate levels of parking in accordance with the adopted parking standards.

The existing 3-bedroom property generates a requirement for 3 off-street parking spaces but does not benefit from any legitimate off-street parking and this would be accommodated as overspill parking on the highway. The proposed conversion of the dwelling house to a 2 bedroom children's home would generate a requirement for 2 off street spaces (based on 3 staff suggested with only one being considered "resident"). The additional visitor parking requirement of $\frac{3}{4}$ space (at a ratio of 1 space per 4 beds) increases the requirement to 3 spaces which is comparable to the existing use and it is considered to be a nil detriment situation.

However, in order to assist in encouraging sustainable travel to the site, a request is made for secure cycle parking to be provided.

On balance and in consideration of the sustainable location of the Application site, as well as the proximity of the site to a public car park, the provision of cycle storage facilities is considered to be acceptable in this instance and the development is considered to be acceptable in highway safety terms.

VISUAL AMENITY

The acceptability of the proposed development is assessed against Policy SP3 of the Local Development Plan (2024) which stipulates that *all development should contribute to creating high quality, attractive, sustainable places that support active and healthy lives and enhance the community in which they are located, whilst having full regard to the natural, historic and built environment*. Design should be of the highest quality possible and should be appropriate in scale, size and prominence.

Planning Policy Wales (Edition 12, February 2024) (PPW12) states at paragraph 3.9 that *the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations*.

No external alterations are proposed to the existing building on the property. As such, no further consideration is given to the impact of the development on visual amenity.

CONCLUSION

Having regard to the above and after weighing up the merits of the proposed scheme against the objections and concerns of neighbouring occupiers, it is considered that, on balance, the scheme is acceptable from a highway safety perspective, represents an appropriate form of development in this residential location and will not have a detrimental

impact on the residential amenities of neighbouring occupiers. Therefore, the Application is recommended for approval.

RECOMMENDATION

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

1. The premises shall be used as a residential care home for a maximum of two children as specified in the Application details and for no other use including any other use in Class C2 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 enable the Local Planning Authority to retain effective control over the use of the premises in the interests of safeguarding the general amenities of the area.

2. Notwithstanding the submitted drawings a scheme for the provision of secure cycle storage for 3 cycles shall be submitted to the Local Planning Authority. The agreed scheme shall be provided within 3 months of the date of approval and retained as such thereafter for the purposes of cycle storage.

Reason: In the interests of promoting sustainable means of travel to / from the site.

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

- (a) Having regard to the above and after weighing up the merits of the proposed scheme against the objections and concerns of neighbouring occupiers, it is considered that, on balance, the scheme is acceptable from a highway safety perspective, represents an appropriate form of development in this residential location and will not have a detrimental impact on the residential amenities of neighbouring occupiers. Therefore, the Application is recommended for approval.
- (b) South Wales Police suggest that a Management Plan (agreed by both Children's Services, BCBC and the Chief Constable of South Wales Police) is put in place and fully operational prior to the premises opening, to ensure that the safeguarding of the children residing at the premises is given the highest priority.

SWP Proposed Management Plan Terms:

- The Children's Home must be registered with Care Inspectorate Wales (CIW).
- No more than 2 Children and/or Young Persons to receive care at the premises at any one time.
- The children in care should have an age range of no more than three years between the oldest and the youngest, at any one time.
- Staff must be suitably qualified to work with children and young persons who have additional, emotional needs and must be suitably vetted.
- There are no less than two staff on duty between 0700hrs and 0800hrs to prepare children for school, or between 1430hrs and 2230hrs.
- There are no less than 2 staff on duty at weekends and during school holidays and normally no less than 1 waking staff at night, to provide support to the children.
- Vehicles used by staff or residents are to be legally parked, where they cause no obstruction to other road users or residents.

- Information must be kept for all children on a “Child Information Form” which would include the most up to date photograph of the child. This is available from the Children’s Services Department of the Local Authority and must be kept up to date and information amended to reflect any changes. This Form (CIF) must be readily available for Police to receive should a child be reported missing, whether that is by telephone or by officers visiting the premises. These plans should be kept on site as they will also include details of any medical arrangements for a child. Data Protection legislation will apply to any documentation of this confidential nature.
- A suitable Fire safety/evacuation plan is in place, agreed by FRS.
- Consultation should be made with the local Policing Inspector prior to opening as this will be key to ensuring that staff, Police and other partner agencies have agreed the terms of any management plan to ensure a safe and clear working relationship.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

REFERENCE: P/23/753/FUL

APPLICANT: D2 Propco Ltd Millgrove House, Parc Ty Glas, Llanishen, Cardiff, CF14 5DU

LOCATION: 14 Park Street Bridgend CF31 4AX

PROPOSAL: Change of use from offices (use class B1) to House in Multiple Occupation (HMO) (use class C4) maximum 6 persons.

RECEIVED: 13 December 2023

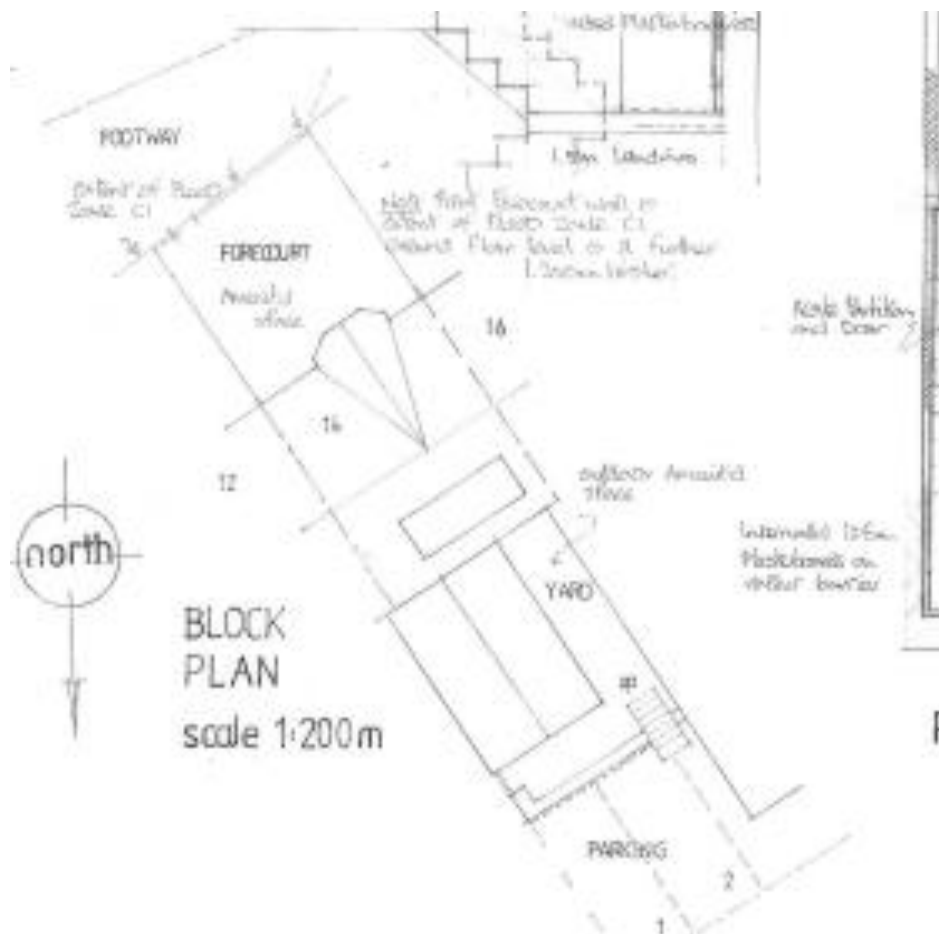
DESCRIPTION OF DEVELOPMENT

The Applicant D2 PropCo Ltd is seeking planning permission for the change of use of the property from Class B1 (Office) to Class C4 (House in Multiple Occupation), as a six-bedroom unit with communal shared facilities at 14 Park Street, Bridgend.

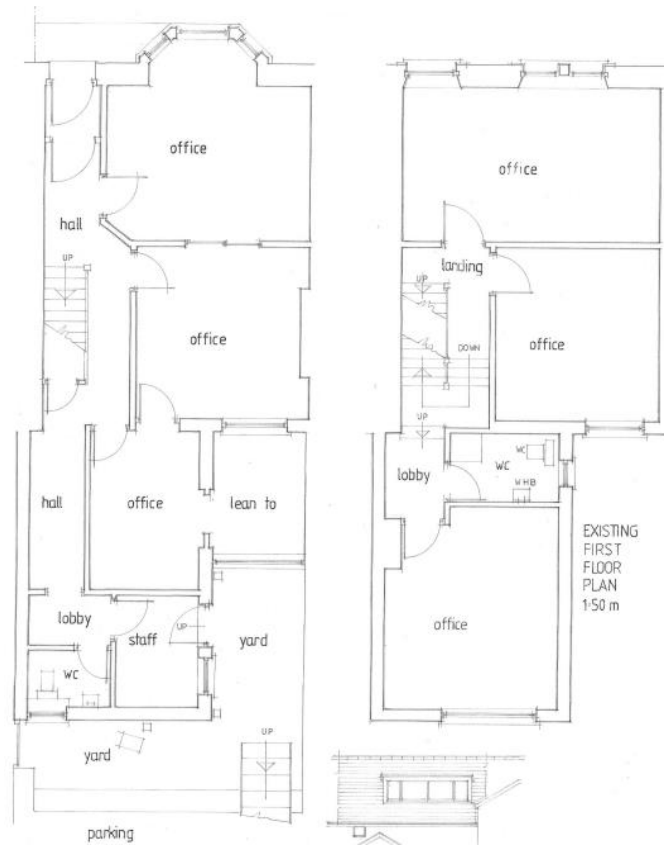
In general terms, Class C4 covers shared houses or flats occupied by between three and six unrelated individuals who share basic amenities (Houses in Multiple Occupation: Practice Guidance, March 2017).

The submitted plans show that the existing building will be altered internally to accommodate the change of use with one bedroom and communal living, kitchen, utility, and shower room on the ground floor, four bedrooms and a communal shower room at first floor level, and one bedroom in the loft space. A small lean-to at the rear of the building would be removed. There would be a shared outdoor amenity space/courtyard to the rear and side of the property, and the existing parking for two vehicles would be retained.

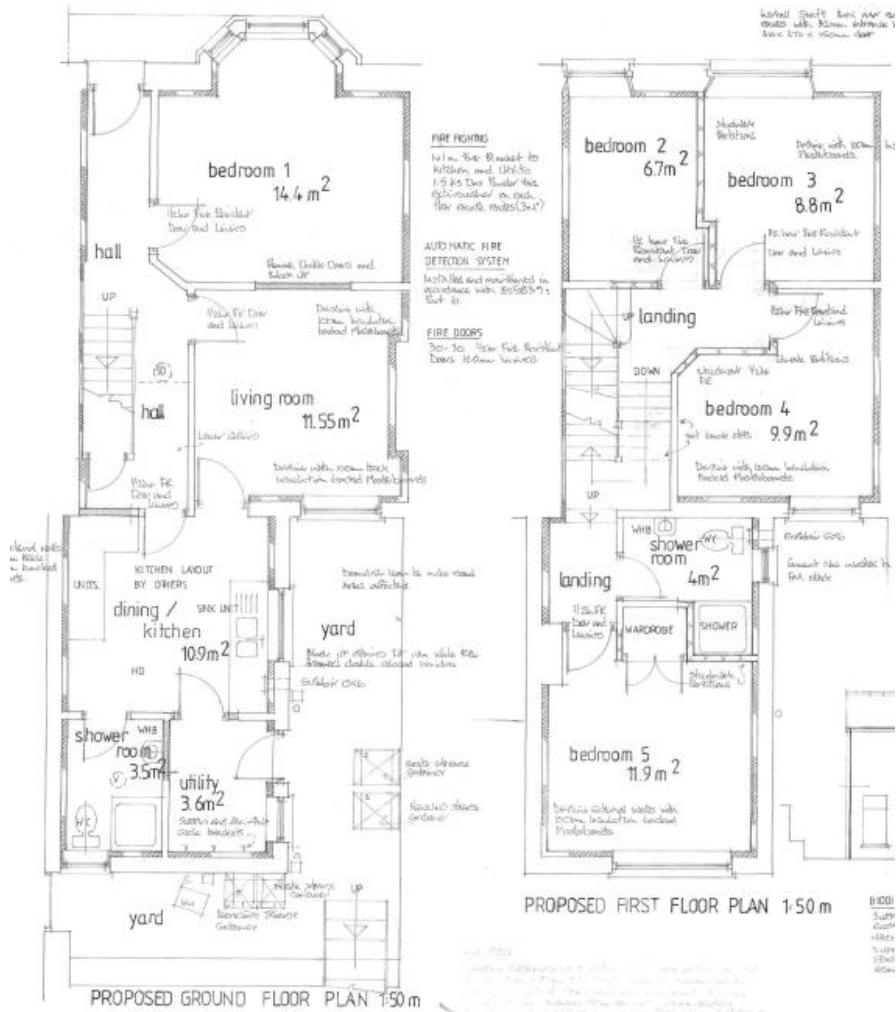
PROPOSED BLOCK PLAN



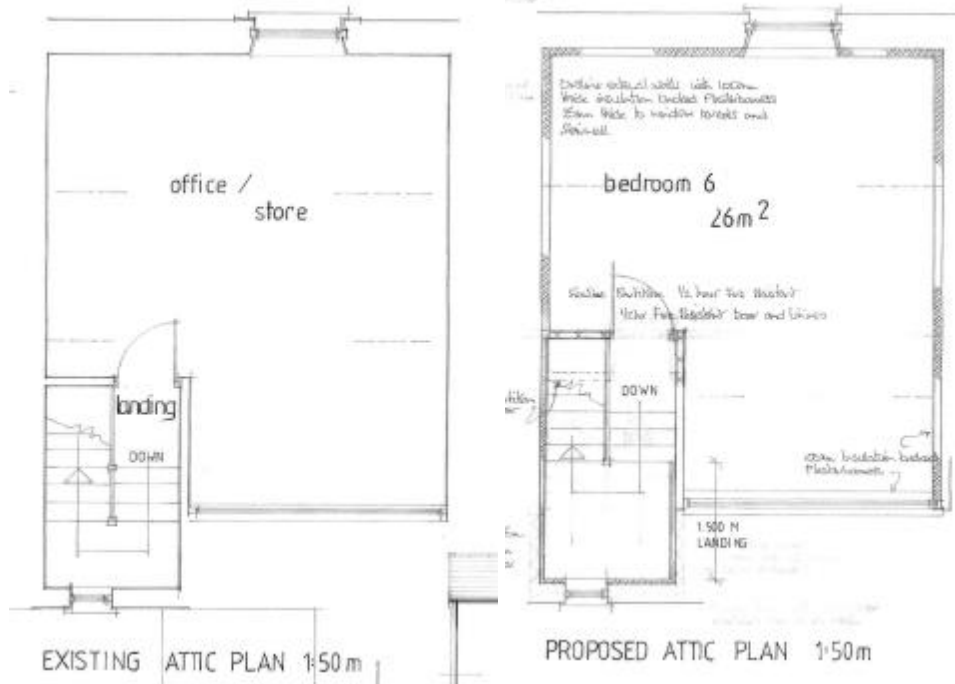
EXISTING FLOOR PLAN



PROPOSED FLOOR PLAN



EXISTING & PROPOSED LOFT PLAN



Initially, the proposal included a small external alteration to the rear facing roof slope to enable the development of a compliant stair access to the loft bedroom. Following feedback from Building Conservation and Design Officers on the visual impact of this addition and its impact on the setting of the Conservation Area, this element has been omitted from the scheme.

SITE AND LOCALITY

The Application site comprises a three-storey mid terrace property located at 14 Park Street in Bridgend. The building is Victorian in style and is mainly constructed of stone facing and rendered walls at the rear with slate roofs, with stepped accesses to the front and rear of the building. The site has a pedestrian access from Park Street and vehicle parking via a lane off Cae Dre Street to the rear.

The building is located within an area of mixed commercial and residential uses. The property to the immediate west at No. 16 Park Street contains a dental surgery, Beynons Dental. The property to the east at No. 12, contains a 6 bed HMO run by Wallich. Beside this at No. 10 Park Street, is the Wallich offices and drop-in centre.

The proposal is located within the primary key settlement boundary of Bridgend as defined by Policy SF1 of the Bridgend Local Development Plan (2024). It is located just outside of Bridgend Town Centre. It is in a highly sustainable location and within easy walking distance of the main bus and train stations located within Bridgend town centre. Figure 1 below shows the Application site.

The Application site is also located within the Newcastle Hill Conservation Area and subject to an Article 4(1) Direction removing permitted development rights.

AERIAL PLAN SHOWING LOCATION



PHOTO OF FRONT ELEVATION OF 14 PARK STREET



PHOTOS OF REAR ELEVATION OF PROPERTY



PLANNING HISTORY

91/0154 – Change of use from office and Osteopathic clinic – Approved 07 March 1991.

CONSULTATIONS

Bridgend Town Council: No objection.

Shared Regulatory Services: No objection.

Highways Officer: No objection subject to the imposition of conditions.

Conservation and Design: No objection.

Dwr Cymru/Welsh Water: Recommended advisories.

Natural Resources Wales: No objection. Recommended advisories.

Land Drainage: No objection.

PUBLICITY

Neighbours have been notified of the receipt of the Application. The period allowed for response to consultations/publicity expired on 15 February 2024.

REPRESENTATIONS RECEIVED

Cllr S. Bletsoe: Acknowledges the need for this form of accommodation. However, has raised concerns on behalf of residents and businesses over the proposed intensification of HMOs and flats in the area and their proximity to Wallich and the town centre. Antisocial behaviour. Requests that if approval granted that any construction work not disrupt surrounding businesses or residents.

Cllr Wood: Concerns raised by residents due to the over intensification of HMOs in the area and car parking issues.

One representation in support of the proposal was received.

Six letters of objection were received from residents of Cae Dre Street and Beynons Dental, who have made the following observations:

Highway and pedestrian safety issues

- a) Inadequate on-site car parking proposed for a 6-bedroom HMO.
- b) On-street parking congestion and heavy demands placed on it by residents and visitors to the town centre and surrounding businesses.
- c) A resident's parking scheme has been requested for Cae Dre Street
- d) The access only limitations on the Cae Dre Street are not enforced.

Air Quality Issues

- a) The immediate area is already subject to the Air Quality Management Area (**AQMA**) on Park Street. Any increased traffic due to the number of residents will add to the current air quality issues on Park Street resulting in stress and health issues.

Residential Amenity issues

- a) The property will overlook private gardens to the rear.

Other issues

- a) Over intensification of HMOs in the area, including No. 12 Park Street, the former Taffys Tavern and one other on the southern side of Park Street (*possibly No. 61*).
- b) The proposal considered unsuitable in a Conservation Area.
- c) Antisocial behaviour including noise and disturbance by residents of the Wallich HMO and visitors to the neighbouring office and drop-in centre.
- d) Use of and sale of drugs from the area to the rear of the Application property.
- e) Impact on property values.
- f) Proposed HMO would have no warden.
- g) Residents likely to have 'challenging needs', 'chaotic lifestyles' and property may be used for released prisoners.
- h) Negative impact on adjoining business due to verbal abuse and antisocial behaviour.
- i) Police have been called to attend incidents including drug use and anti-social behaviour.
- j) Proposed extension considered large and out of character.
- k) Insufficient space available at the rear of the property for builders and other contractors.
- l) Proposal considered contrary to Welsh Government's Future Wales legislation and Planning Policy Wales (PPW12) objectives.
- m) Not all residents of Cae Dre Street were notified of the Application.
- n) Residents including children would feel unsafe and there would be potential safety issues for residential properties.

COMMENTS ON REPRESENTATIONS RECEIVED

Highway and pedestrian safety issues

- a) The property is currently a vacant B1 Use (office) containing seven separate offices with 2 parking spaces at the rear. The proposed HMO would maintain the existing parking provision. All of the properties within this terrace have parking accessed off this lane currently. It is considered that the change of use would not substantially increase vehicle movements along the lane.
- b) The former office business could accommodate a significant number of staff, even greater than the proposed residents of a 6-bedroom HMO. Therefore, the previous use may have generated a greater level of traffic and carparking demand than the current proposal.
- c) The need for a local Residents Parking Scheme falls outside the scope of this application. However, the matter has been raised with the Council's Highways Authority.
- d) The enforcement of the Access Only restrictions on Cae Dre Street is not a material planning consideration but has been referred to the relevant traffic management team.

Air Quality Issues

- a) In terms of the Air Quality Management Area, it is considered that an HMO occupation for 6 residents would not generate traffic over and above that of the former office use. Furthermore, this Application is in a very sustainable location in close proximity to Bridgend town centre where there are available facilities including a bus and rail service. As such future residents would be within easy walking distance to all these facilities and would not need to rely on car travel.

Residential Amenity issues

- a) The proposal involves only one minor external alteration to the rear of the building, the removal of a small lean-to extension. As such, the relationship between

windows and habitable rooms and private garden areas to the rear would not change. As such the proposal would not have any unacceptable issues relating to overlooking over and above what already exists.

Other issues

- a) Issues in respect of anti-social behaviour are ultimately matters for the police and the proposal, which is a residential use, is unlikely to result in such serious levels of anti-social behaviour as to warrant or justify the refusal of the planning Application. There is no compelling evidence to suggest that a small HMO use of the scale being considered would result in increased levels of crime or fear of crime within the locality of the Application site. The causes of anti-social behaviour and criminal activity are recognised to be diverse and cannot be attributed to any housing type alone, and it is considered that an appropriately managed, small scale HMO use, for a maximum of six people, would not cause such anti-social behaviour or perception of anti-social behaviour to recommend refusal of the planning Application in this case.
- b) The Applicant is not providing supervised care therefore no warden would be accommodated on the property.
- c) The future occupants of this proposal are not a material planning consideration.
- d) Each application is determined on its own individual merits and assessed against National and Local planning policy. There is no evidence to suggest the area is oversubscribed with HMOs with only two others identified within a 50 metre radius.
- e) The proposal is located within the Newcastle Hill Conservation Area, As noted previously, the changes to the property are internal apart from the removal of a small lean-to at the rear of the property. The impacts of the proposal on the Conservation Area will be considered further in the assessment below.
- f) In terms of devaluing a home this is not a material planning consideration.
- g) Builders and other contractors will be required to utilise areas available on the site while works are carried out. This would include the carparking area located to the rear of the property.
- h) The relevant legislative and policy considerations will be discussed below.
- i) The applicant has submitted a valid planning Application. It is a statutory requirement of BCBC to determine the Application that has been submitted having regard to national guidance (in the form of the National Planning Policy Framework) and the local planning policies set out within the Local Development Plan. Furthermore, the Application has been advertised in accordance with the Town and Country Planning Development Management Procedure Order 2012 and the general public have had the ability to view plans and make comments on the scheme, which have been considered as part of the application process.

PLANNING POLICY

National Planning Policy and Guidance

National planning guidance in the form of Future Wales – the National Plan 2040 (February 2021) and Planning Policy Wales (Edition 12, February 2024) (**PPW**) are of relevance to the determination of this application.

Paragraph 1.30 of PPW confirms that... *‘Development management is the positive and proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding planning applications.’*

‘All development decisions...should seek to contribute towards the making of sustainable places and improved well-being.’ (Paragraph 2.2 of PPW refers) Para 2.3 states ‘The planning system should create sustainable places which are attractive, sociable,

accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.”

At Para 2.7, it states “*Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people.*”

PPW states at paragraphs 2.22 and 2.23 that the Planning system should “*ensure that a post-Covid world has people’s well-being at its heart and that Planners play a pivotal role...in shaping our society for the future, prioritising placemaking, decarbonisation and well-being.*”

PPW is supported by a series of more detailed Technical Advice Notes (TANs), of which the following are of relevance: -

Technical Advice Notes, the Welsh Government has provided additional guidance in the form of Technical Advice Notes.

- **Technical Advice Note 5 – Nature Conservation and Planning (2009).**
- **Technical Advice Note 12 - Design (2016)**
- **Technical Advice Note 18 – Transport (2007).**

The Well-being of Future Generations Act (Wales) 2015

The Well-being of Future Generations Act (Wales) 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without comprising the ability of future generations to meet their own needs (Section 5).

The well-being goals identified in the Act are:

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

The duty has been considered in the assessment of this Application.

The Socio Economic Duty (under Part 1, Section 1 of the Equality Act 2010), which came in to force on 31 March, 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and, whilst this is not a strategic decision, the duty has been considered in the assessment of this Application.

Other Relevant Policies and Guidance

Houses in Multiple Occupation – Practice Guidance: March 2017 (Welsh Government)

Local Policies

The Development Plan for the area comprises the Bridgend Local Development Plan 2018-2033, and within which the following policies are of relevance:

Strategic Policies

- **Policy SP3:** Good Design and Sustainable Placemaking
- **Policy SP5:** Sustainable Transport and Accessibility

- **Policy SP6:** Sustainable Housing Strategy
- **Policy SP17:** Conservation and Enhancement of the Natural Environment
- **Policy SP18:** Conservation of the Historic Environment

Topic based policies.

- **Policy SF1:** Settlement Hierarchy and Urban Management
- **Policy PLA11:** Parking Standards
- **Policy COM6:** Residential Density
- **Policy COM7:** Houses in Multiple Occupation
- **Policy DNP6:** Biodiversity, Ecological Networks, Habitats and Species
- **Policy DNP9:** Natural Resource Protection and Public Health

Supplementary Planning Guidance

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance the following are of relevance.

- **SPG02** – Householder Development
- **SPG17** – Parking Standards
- **SPG19** – Biodiversity and Development

APPRAISAL

This Application is to be determined at planning committee as there have been 6 letters of objection which have contained numerous concerns over the change of use of this building.

Issues

Having regard to the above, the main issues to consider in this Application relate to the principle of development, together with the impact on the visual amenity of the conservation area, the amenities of neighbouring residents, biodiversity and highway safety.

Principle of Development

The site is located within the main settlement of Bridgend within an established, residential area on the edge of the town centre as defined by **Policy SF1 Settlement Hierarchy and Urban Management** of the Bridgend Local Development Plan (**LDP**) adopted in 2024. Policy SF1 states that development will be permitted within the settlement boundaries at a scale that reflects the role and function of the settlement.

Policy SP6 Sustainable Housing Strategy notes that the LDP makes provision for 8,628 homes to promote the creation and enhancement of sustainable communities and meet the housing requirement of 7,575 homes for the Plan period, of which, 1,711 of these homes will be affordable. Development will be distributed in accordance with Strategic Policy SP1, based on the Sustainable Housing Strategy that will amongst other outcomes – ‘*Support windfall residential development at appropriate sites within the settlement, focussing on the re-use of previously developed land*’. This strategic policy recognises the benefits of new residential development, including the reconfiguration of existing buildings and the re-use of vacant or under-utilised land.

The proposed site would classify as an appropriate site under Policy SP6 which makes an important contribution to the overall housing supply and introduces an important element of choice and flexibility into the housing market. Policy SP6 of the LDP and PPW 12 effectively supports the use of suitable sites for housing development as it can assist regeneration and at the same time relieve pressure for development on greenfield sites.

Policy COM6 Residential Density states that development must seek to create mixed, socially inclusive, sustainable communities by providing a range of house types and sizes to meet the needs of residents at an efficient and appropriate density. The policy notes that new housing developments must make the most efficient use of land in accordance with sustainable, placemaking principles and that good design must be utilised to maximise the density of development without compromising the quality of the living conditions provided, whilst making adequate provision for privacy and space around dwellings.

The proposed HMO would provide a centrally located and sustainable house type located immediately adjoining the Bridgend town centre. It would utilise the existing vacant three-storey building and provide good sized bedrooms and communal living spaces for up to six occupants. All habitable rooms would benefit from natural light, ventilation, and a means of outlook onto Park Street or the rear facing amenity space. For these reasons, the proposed HMO is considered to meet Policy COM6 of the LDP.

The key policy relevant to this Application is **Policy COM7 Houses in Multiple Occupation** where it notes: *‘Proposals to convert an existing building into a House in Multiple Occupation (HMO), bedsits or other forms of shared housing will only be permitted within defined settlement boundaries if:*

- 1) It would not lead to more than 10% of all residential properties within a 50m radius of the proposal being HMOs;*
- 2) Conversion is possible without major extensions or alterations to the building which would significantly alter the character and appearance of the street scene and the broader locality;*
- 3) The scale and intensity of use would be compatible with the existing building and adjoining and nearby uses;*
- 4) the proposal incorporates on-site parking provision or demonstrates that it will not have an adverse effect on local parking provision;*
- 5) the proposal includes adequate storage for recycling/refuse, cycles and a clothes drying area; and*
- 6) The proposed development would not have an unacceptable adverse impact on residential amenity.*

In all other respects development will be expected to meet the relevant requirements set out in other LDP policies.’

In terms of the above criteria, it is noted:

- 1) A search of Shared Regulatory Services Licensed HMO records, review of approved planning consents and an inspection of the surrounding area has identified only two HMOs located within 50m of the Application property. These are:
 - the 6-bedroom HMO at No. 12 Park Street (approved 20/01/2017 – P/16/861/FUL)
 - the 11-bedroom short term lets at No. 11 Park Street (former Taffys Tavern) (approved 02/11/2022 – P/21/274/FUL).

The 6-bedroom HMO at No. 61 Park Street, referred to by a number of objectors is located approximately 100m from the Application property.

It should be noted that this policy applies to residential accommodation which provides shared housing only. Self-contained flats are not included as part of this assessment.

It is calculated that there are 29 properties within a 50m radius of the Application site. Therefore 2.9 HMOs would be permitted by the LDP criteria. This should logically be rounded up to 3. The current proposal would result in three HMOs within the 50m radius and accordingly would not exceed the 10% threshold.

- 2) The proposal will not require any major extensions or alterations.
- 3) The scale and intensity of use is the same as the adjoining HMO. The existing building is considerably smaller than the neighbouring dental surgery which has been extended at the rear.
- 4) Existing car parking at the rear of the site will be retained and provision made for cycle parking. The property is located in a sustainable location in close proximity to the town centre, public transport hubs and other facilities.
- 5) The proposal provides for waste and recycling storage and clothes drying area at the rear of the building. Cycle parking can be achieved as a condition of planning approval.
- 6) The proposed HMO is not expected to have any unacceptable impacts on residential amenity. Nor would it be anticipated that the proximity of other shared residential accommodation to the application site would give rise to any increased adverse impact on amenity.

Accordingly, and for the above reasons, the proposal is considered to meet the criteria of Policy COM7 of the LDP.

Policy SP3 Good Design and Sustainable Placemaking of the LDP states that *'all development must contribute to creating high quality, attractive, sustainable places that support active and healthy lives and enhance the community in which they are located, whilst having full regard to the natural, historic and built environment, by:*

- 1) *Demonstrating alignment with the principles of Good Design; and*
- 2) *Demonstrating a Sustainable Placemaking approach to their siting, design, construction and operation.'*

On balance, it is considered that, in principle, the development accords with Strategic Policy SP6 and Policy COM6 and COM7 of the Bridgend LDP and subject to satisfying the requirements of Policy SP3, the proposed development is acceptable in land use planning terms and accords with the Bridgend Local Development Plan (2024).

Impact on Visual Amenity and the Character and Appearance of the Conservation Area

Strategic Policy SP3 seeks to create high quality, attractive and sustainable places, supporting active and healthy lives. **Strategic Policy SP18 Conservation of the Historic Environment** states that development proposals must protect, conserve, and, where appropriate, preserve and enhance the significance of historic assets, including their settings. This includes proposals located within Conservation Areas.

The proposal involves only a minor change to the rear elevation of the property. A small lean-to addition is to be removed, opening up an expanded yard area for communal use by future residents of the property.

Local Planning Authorities should ensure that proposed developments should not have an unacceptable impact upon the character and amenity of an area. In this case the proposal involves mainly internal alterations. The only external change proposed is the removal of a small lean-to extension which would have no harmful impacts on the Conservation Area. As such, it is considered the change of use would have no unacceptable impacts upon the character of the building or the surrounding area over and above what already exists.

Accordingly, the proposed development is considered acceptable and accords with Policy SP3 and SP18 of the Bridgend Local Development Plan (2024) in that it preserves the character and appearance of the Conservation Area.

Residential Amenity

Policy SP3 of the LDP criterion (k) states '*Applications for new development should ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected.*'

Overbearing and overshadowing impact

The proposal involves no building additions and only the removal of a small lean-to extension at the rear of the property. As such there are considered to be no issues in terms of overlooking and overbearing over and above what already exists on site.

Overlooking/loss of privacy

In terms of overlooking and loss of privacy, the proposal involves no alterations and, as such, the relationship between windows and habitable rooms would not change. The proposed change of use from office B1 to residential will alter the nature of the use of the property. Former office space will be altered to habitable rooms. This may reduce the frequency and duration of occupation of these rooms as future occupants will be able to utilise communal living and kitchen/dining rooms provided on the ground floor. Furthermore, it is noted that the proposed bedroom windows are front and rear facing, looking across Park Street, or to the rear out towards the flank wall of No. 2 Cae Dre Road. As such, the proposals would not have any unacceptable impacts by way of overlooking over and above what already exists.

Noise

Policy SP2 Criterion (g) also states that new development should '*Avoid or minimise noise, air, and soil and water pollution*'.

In terms of the likely impacts on neighbouring residential amenity, it is considered that the proposed use of the premises as a small HMO would not unreasonably compromise the level of amenity that is currently enjoyed and can be reasonably expected in such a locality. It is also considered that the level of activity and other likely effects of the use would not significantly exceed what was previously experienced when the building was used as an office.

Any issues relating to noise from future residents of the property would be a matter for Shared Regulatory Services - Public Protection Officers to investigate under their legislation.

Amenity of future occupiers

In terms of the level of amenity and standard of accommodation being created for occupiers of the HMO, each bedroom facility would have a satisfactory outlook with appropriate habitable room space and communal kitchen/bathroom facilities being proposed to support the use.

With regard to outdoor amenity space, the proposed layout provides an outdoor space to the rear that future occupiers could use. This space is also well overlooked providing a safe environment for occupiers, which will benefit their health and wellbeing.

Bin storage and cycle storage

Bin storage areas have been shown at the rear of the building. No cycle parking has been provided, however, a condition has been imposed to ensure suitable cycle storage is available for the future residents of the property.

On balance, it is considered that the proposed change of use is acceptable and will not have any significant adverse impacts on existing neighbouring properties or amenities. As such, there are no justifiable grounds to refuse planning permission on residential amenity grounds, having particular regard to the fact that if any such issues arise in the future, these can be addressed by the Environmental Health Section under their statutory nuisance powers. The development, therefore, accords with Policy SP3 and DNP9 of the Bridgend Local Development Plan (2024)

Highway Safety

Policy SP5 states '*Development must be located and designed in a way that minimises the need to travel, reduces dependency on the private car and enables sustainable access to employment, education, local services and community facilities. Development must also be supported by appropriate transport measures and infrastructure*'. Policy PLA11 further states all development will be required to provide appropriate levels of parking. This should be in accordance with the adopted parking standards.

The Application site is located in a very sustainable location close to the town centre where there is an abundance of facilities and the main train and bus stations for Bridgend. The property currently has 2 off-street parking spaces at the rear and these will be retained.

The Highway Officer has assessed the proposal, and it is noted: '*that the site is currently used as an office and the change of use to a house in multiple occupation is considered to be a highway network betterment in comparison to the vehicles the 6 offices would have generated on a daily basis. This will also assist with the AQMA currently in place on Park Street. Therefore, the proposal is acceptable at this location in traffic generation terms.*

The property benefits from two off-street parking spaces to the rear of the site, which is considered adequate to support the development. It is the collective knowledge of the Highway Authority that levels of car ownership are generally lower for residents of Houses in Multiple occupation, and should a resident be in a position to own a car in the future then they usually move on from the HMO setting. What we have found to be more critical to this type of residential dwelling is somewhere to park a cycle, which many residents use. Furthermore, the site is located in a highly sustainable location for transport and retail, very close to the town centre, train station and bus station and as such the requirement for off-street parking would be reduced as per the Parking Standards, therefore no additional off-street parking is required above the two spaces provided.'

A condition can be imposed to ensure the car parking is retained as such thereafter.

In order to further improve the sustainability credentials of the site, the Highways Officer has requested a scheme for two cycle stands to encourage the use of bicycles for shorter journeys. This can be imposed via a suitably worded condition. As such the Highways Officer has no objection to the proposal subject to the above conditions.

On balance it is considered that the change of use would not have any unacceptable impacts upon highway and pedestrian safety. Therefore, the proposed development is considered to accord with Policy SP5 and PLA11 of the Bridgend Local Development Plan (2024)

Biodiversity

In assessing a planning application, the Local Planning Authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions, under the Environment (Wales) Act 2016.

Planning Policy Wales 12 (PPW12) states in Section 6.4.4: *“It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals.”* it further goes on to state that *“All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission.”*

Technical Advice Note 5: Nature Conservation and Planning states that: *“Biodiversity, conservation and enhancement is an integral part of planning for sustainable development. The planning system has an important part to play in nature conservation. The use and development of land can pose threats to the conservation of natural features and wildlife.”*

Whilst acknowledging that this is a relatively small scale change of use application, to fully ensure the development meets the requirements of local and national planning policy that states that *all development should maintain and enhance biodiversity*, a condition is recommended to ensure an appropriate bird box is introduced at the site. As such the proposal is acceptable in terms of biodiversity.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Bridgend Local Development Plan (2024)

On balance and having due regard to the objections and concerns raised, the proposed development, subject to the imposition of conditions, complies with Council policy and guidelines and does not adversely affect the character of the conservation area, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities, particularly with regard to the fear of anti-social behaviour or possible crime, as to warrant refusal on those grounds.

The scheme also raises no adverse biodiversity concerns. Any issues relating to the poor management of HMOs are resolved through the separate licensing regime and legislation and not through the planning system. As such, it is considered that the development is acceptable and complies with Policies SP3, SP5, SP6, SP17, SP18, SF1, PLA11, COM6, COM7, DNP6 and DN9 of the Bridgend Local Development Plan (2024).

It is further considered that the decision complies with Future Wales - the National Plan 2040, and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

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:

Drawing 2964C - CHANGE OF USE FROM OFFICES B1 TO HMO C4 MAXIMUM 6 PERSONS TOGETHER WITH ROOF EXTENSION TO THE REAR (RECEIVED ON 15 MARCH 2024)

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

2. The premises shall be used for a house in multiple occupation (Class C4 of the Town and Country Planning (Use Classes Order) (As Amended)) accommodating a maximum of six persons and for no other use.

Reason: For the avoidance of doubt as to the extent of the permission granted and to enable the Local Planning Authority to retain effective control over the intensity of the residential use.

3. No more than 6 occupants shall reside at the property at any one time.

Reason: For the avoidance of doubt and to ensure that a suitable level of internal and external amenity space is retained for future occupiers to use in accordance with Policy COM7 of the Bridgend Local Development Plan (2024).

4. Notwithstanding the submitted plans, no development shall commence until a scheme for the provision of two cycle parking stands has been submitted to and approved in writing by the Local Planning Authority. The stands shall be installed before the development is brought into beneficial use and retained as such thereafter in perpetuity.

Reason: In the interests of promoting sustainable means of travel to / from the site and to accord with policies SP3 and SP5 of the Bridgend Local Development Plan (2024), and advice contained within Supplementary Planning Guidance SPG17: Parking Standards.

5. Prior to the first beneficial use of the development, the 2 parking spaces as shown on drawing number 2931C shall be constructed in permanent materials. The two parking spaces shall be retained and maintained for the purposes of parking in perpetuity thereafter.

Reason: To ensure that adequate parking is retained within the curtilage of the site in accordance with policies SP3 and SP5 of the Bridgend Local Development Plan (2024), and advice contained within Supplementary Planning Guidance SPG17: Parking Standards.

6. Notwithstanding the submitted plans, prior to the commencement of development, a scheme showing the location and design of a waste and recyclables storage enclosure(s) at the site shall be submitted in writing for the agreement of the Local Planning Authority. The approved scheme shall be provided prior to the first beneficial use of the development and retained as such thereafter for the purposes of waste and recyclables storage and management.

Reason: In the interests of safeguarding general amenities and to ensure the sustainability principles are adopted and ensure compliance with Policy ENT15 of the Bridgend Local Development Plan (2024).

7. Notwithstanding the submitted plans and prior to the first beneficial use of the

development, an artificial nesting site for birds shall be erected at the site to one of the following specifications and retained as such thereafter;

Nest Box Specifications for House Sparrow Terrace:

- Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs to be placed under the eaves of buildings.
- Entrance holes: 32mm diameter
- Dimensions: H310 x W370 x D185mm

or

Swift Nest Box Specification:

- Wide box with small slit shaped entrance hole placed under or close to roofs.
- Dimensions: H150 x W340 x D150mm

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales, Planning Policy Wales (Edition 12) and Policies SP17 and DNP6 of the Bridgend Local Development Plan (2024)

ADVISORIES

a. The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Bridgend Local Development Plan (2013)

On balance and having regard to the objections and concerns raised the proposed development, The development, subject to the imposition of conditions, complies with Policies SP3, SP5, SP6, SP17, SP18, SF1, PLA11, COM6, COM7, DNP6 and DN9 of the Bridgend Local Development Plan (2024) and relevant guidelines and does not adversely affect the character of the area, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities, particularly with regard to the fear of anti-social behaviour or crime emanating from the occupiers of the HMO, as to warrant refusal on those grounds. The scheme also raises no adverse biodiversity concerns.

It is further considered that the decision complies with Future Wales - the National Plan 2040, and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

b. HMO's are subject to additional requirements concerning fire safety. The information can be found in the following guide <https://www.cieh.org/media/1244/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf> Furthermore, Automatic Fire Detection (AFD) - HMO's must be provided with suitable AFD system. The system must be designed, installed and maintained in accordance with BS 5839: Part 6.

c. The applicant is advised that the development must comply with the necessary and relevant Building and Fire Safety Regulations. The applicant is also advised that in addition to Planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to the development.

d. Natural Resources Wales Advice.

Flood Risk

Our Flood Risk Map confirms the site includes a small area of Zone C1 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning identifies a small area

of the application site to be at risk of flooding and falls into Flood Zone 2 Rivers. Given the limited extent of flood risk shown to be affecting the application site (and in the absence of a flood consequences assessment) we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks to these areas

e. Welsh Water Advice

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

f. Land Drainage

The application states the proposed development is located within a flood risk zone C1, however is not located within 20 of a watercourse and does not increase flood risk elsewhere. The site is located within 900 m of the River Ogmore which is designated as main river. The redevelopment of this site is not thought to increase flood risk elsewhere as is an existing structure. A review of the latest NRW Development Advice Map shows this site to now be just outside of Flood Zone C1. Should consent be granted it is strongly recommended that future occupiers register with the NRW Flood Warning Service. The applicant is strongly recommended to utilise flood resilient building materials and techniques to reduce the potential damage caused by flooding.

The application form states surface water will be disposed to the existing main sewer. No surface water drainage layout has been provided. It is anticipated that currently the surface water is disposed of via the public sewer.

The development consists of the conversion of the existing building; therefore no SAB application is required.

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

No surface water is allowed to discharge to the public highway.

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None

REFERENCE: P/23/757/FUL
APPLICANT: Mr M Bacon 3 Llwyn Coch, Broadlands, CF31 5BJ
LOCATION: 3 Llwyn Coch, Broadlands CF31 5BJ
PROPOSAL: Retention of outbuilding to side of dwelling
RECEIVED: 18 December 2023

DESCRIPTION OF PROPOSED DEVELOPMENT

The Application seeks consent for the retention of a single storey outbuilding to the side of the property known as 3 Llwyn Coch.



SITE DESCRIPTION

The Application site is situated within the Main Settlement of Bridgend as defined by Policy SF1 of the adopted Local Development Plan (2018-2033).

The Application site comprises a prominent, corner plot set within the cul de sac known as Llwyn Coch that is positioned on the large Broadlands housing estate. The detached, two-storey property sits in an elevated position on the junction of the main highway (Llwyn Coch) and is somewhat elevated in nature.

The plot has been developed on sloping ground that rises from south to north. It benefits from an enclosed rear garden and a front garden that provides off-street car parking. Properties in the area vary in their general style with some architectural detailing differences although the area generally comprises detached, two-storey properties with a brick finish.



RELEVANT HISTORY

P/13/768/FUL Conditional Consent 03 December 2013
Garage Conversion with Juliet Balcony

P/23/104/FUL Refused 04 May 2023
Demolition of main roof and replacement with new roof with increase ridge height to include roof lights and balcony, first floor side extension with 2nd floor within roof incorporating a dormer window, and first floor front extension.

PUBLICITY

Neighbours have been notified of the receipt of the Application.
The period allowed for response to consultations/publicity expired on 29 January 2024

CONSULTATION RESPONSES

Cllr Spiller has no objection to the proposal and has requested that the Application be referred to the Development Control Committee should the Application be recommended for refusal.

Laleston Community Council support the proposal.

REPRESENTATIONS RECEIVED

Letters of support have been received from 15 & 16 Llwyn Coch.

PLANNING POLICY

National Planning Policy and Guidance

National planning guidance in the form of Future Wales – the National Plan 2040 (February 2021) and Planning Policy Wales (Edition 12, February 2024) (**PPW**) are of relevance to the determination of this Application.

Paragraph 1.30 of PPW confirms that... *‘Development management is the positive and proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding planning applications.’*

“All development decisions...should seek to contribute towards the making of sustainable places and improved well-being.” (Paragraph 2.2 of PPW refers) Para 2.3 states *“The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.”*

At Para 2.7 PPW, it states *“Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people.”*

PPW states at paragraphs 2.22 and 2.23 that the Planning system should *“ensure that a post-Covid world has people’s well-being at its heart and that Planners play a pivotal role...in shaping our society for the future, prioritising placemaking, decarbonisation and well-being.”*

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 12 - Design (2016)

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without comprising the ability of future generations to meet their own needs (Section 5).

The well-being goals identified in the Act are:

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

The duty has been considered in the assessment of this Application.

The Socio Economic Duty

The Socio Economic Duty (under Part 1, Section 1 of the Equality Act 2010) which came in to force on 31 March 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and whilst this is not a strategic decision, the duty has been considered in the assessment of this Application.

Local Policies

The Development Plan for the area comprises of the Bridgend Local Development Plan 2018-2033 which was formally adopted by the Council in March 2024 and within which the following policies are of relevance:

Strategic Policy

- Policy SP1: Regeneration and Sustainable Growth Strategy
- Policy SP3: Good Design and Sustainable Placemaking
- Policy SP4: Mitigating the Impact of Climate Change
- Policy SP5: Sustainable Transport and Accessibility
- Policy SP17: Conservation and Enhancement of the Natural Environment

Topic Based Policy

- Policy SF1: Settlement Hierarchy and Urban Management
- Policy PLA11: Parking Standards
- Policy DNP6: Biodiversity, Ecological Networks, Habitats and Species
- Policy DNP7: Trees, Hedgerows and Development
- Policy DNP8: Green Infrastructure.

Supplementary Planning Guidance

- SPG02 - Householder Development
- SPG17 - Parking Standards
- SPG19 – Biodiversity

APPRAISAL

This Application is referred to the Development Control Committee at the request of the Local Ward Member.

The main issues for consideration in the determination of this Application are the principle of development; the visual impact of the proposal and its impact on neighbouring residential amenity.

Principle of Development

The site is located within the main settlement of Bridgend as defined by **Policy SF1** Settlement Hierarchy and Urban Management of the Bridgend Local Development Plan (**LDP**) adopted in 2024. Policy SF1 states that Development will be permitted within settlement boundaries at a scale commensurate with the role and function of the settlement.

Policy SP3 Good Design and Sustainable Place Making of the LDP states that all development must contribute to creating high quality, attractive, sustainable places that support active and healthy lives and enhance the community in which they are located, whilst having full regard to the natural, historic and built environment

On balance, it is considered that, subject to satisfying the detailed design criteria and requirements of LDP Policy SP3, the proposed development is acceptable in principle and can accord with the Bridgend Local Development Plan (2024).

Visual Impact

Paragraph 3.9 of Planning Policy Wales 12 (2024) (**PPW**) states “*The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.*” Paragraph 3.14 also outlines the importance of appraising context, noting that “*site and context analysis should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment.*”

Technical Advice Note (TAN) 12: Design states “(2.6) *Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.*”

Policy SP3 of the Bridgend Local Development Plan (2024) 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. Design should be of the highest quality possible, and should be appropriate in scale, size and prominence.*”

Note 11 of SPG02 states that “*The form, materials, and details of extensions and alterations should match or harmonise with those of the existing house.*”

Note 12 of SPG02 stipulates that “*an extension should be in scale with the existing dwelling.*” Paragraph 6.5.1 of the SPG goes on to state that “*Keeping in scale is not just a matter of the size of the extension. Scale is also expressed in the texture of detail and materials.*”

The outbuilding projects from the eastern side elevation of the dwelling into an area at the side of the house which was originally paved and provided access to the rear.



There is an existing boundary wall on the eastern side of the the property and the outbuilding has been constructed to try and ‘tie-in’ with this, however, as seen from the photograph below it projects beyond the line of this wall with the roof of the structure overlapping the wall.



The existing dwelling has a pitched roof design and is constructed of brick. The side boundary wall and boundary wall are also complimented with the same brick finish. In terms of the wider street scene, the Application site sits within a cul de sac where dwellings all have similar design features with pitched roofs, a similar scale and are relatively uniform in their choice of materials.

The form of the extension differs significantly from that of the existing property in terms of its flat roof/box design, choice of materials (timber effect composite cladding) and lack of any discernible features or detailing.

It singularly fails to take into account the form and character of the existing property and the context and characteristics of the wider street scene, resulting in an extension which looks alien in the street scene.

This is exacerbated by the prominent position of the outbuilding immediately adjacent to the public highway and the fact that there is a well-used right of way to the south which provides access to the wider housing estate and public amenity spaces.

It should be noted that other properties within the area have had alterations and extensions, however, they are relatively modest and the general features and characteristics of the host dwellings have been retained/replicated.

Overall, and for the reasons outlined above, the development fails to take into account the context and character of the area resulting in an alien and incongruous feature which has a significant detrimental impact upon the established appearance and character of the existing property and the visual amenities of the surrounding street scene contrary to Policy SP3 of the Local Development Plan (2013), advice contained within Supplementary Planning Guidance 02 *Householder Development* and the aims of national Planning Policy and guidance.

Residential Amenity

Planning Policy Wales (Edition 12, February 2024) states at paragraph 2.7 that *“placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people”*.

Criterion (k) of Policy SP3 of the Local Development Plan (2024) seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected and, in addition, seeks to ensure that an appropriate level of amenity is afforded to future occupiers of a development.

Given that there are no immediate neighbouring properties on this side of the Application site, and the fact that there are no window openings in the outbuilding, it is considered that the proposal is acceptable in terms of its impact on neighbouring residents and existing levels of amenity currently enjoyed in this locality.

Accordingly, the proposal complies with criterion (12) of Policy SP3 of the Bridgend Local Development Plan (2024) and guidance contained within Supplementary Planning Guidance Note 02 *Householder Development* which relates specifically to residential amenity.

HIGHWAYS

Policy PLA11 of the adopted Local Development Plan (2013) stipulates that all development will be required to provide appropriate levels of parking in accordance with the adopted parking standards.

Note 9 of SPG02 states that *off-street parking should be available to meet the County Borough Council’s guidelines for a dwelling of the size after extension* and stipulates that the parking requirement for houses equates to 1 space per bedroom up to a maximum of 3 spaces. Each space must be 4.8m x 2.6m to accommodate a car parking space unless it is within a garage. Supplementary Planning Guidance Note 17 *Parking Standards* (SPG17) stipulates that *garages may only be counted as parking spaces if they have clear internal dimensions, as suggested by Manual for Streets, for a single garage of 6m x 3m*.

The proposed development will not impact on the number of bedrooms within the property and, as such, its parking requirement will not be impacted. As the proposal will not impact on the existing parking provision at the site, it is considered to be acceptable

in this regard.

As such, the proposed development is considered to be compliant with the Note 9 of SPG02 and Policy SP3 and PLA11 of the Bridgend Local Development Plan (2024) and is acceptable from a highway and pedestrian safety perspective.

Biodiversity

In assessing a planning application, the Local Planning Authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions, under the Environment (Wales) Act 2016.

Planning Policy Wales 12 (PPW12) states in Section 6.4.4: *“It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals.”* It further goes on to state that *“All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission.”*

Technical Advice Note 5: Nature Conservation and Planning states that: *“Biodiversity, conservation and enhancement is an integral part of planning for sustainable development. The planning system has an important part to play in nature conservation. The use and development of land can pose threats to the conservation of natural features and wildlife.”*

Policy SP3 of the adopted Local Development Plan (2024) requires development to Safeguard and enhance biodiversity and integrated multi-functional green infrastructure networks.

Policy DNP6 states *“All development proposals must provide a net benefit for biodiversity and improved ecosystem resilience, as demonstrated through planning application submissions. Features and elements of biodiversity or green infrastructure value should be retained on site, and enhanced or created where ever possible, by adopting best practice site design and green infrastructure principles. Development proposals must maintain, protect and enhance biodiversity and ecological networks / services. Particular importance must be given to maintaining and enhancing the connectivity of ecological networks which enable the dispersal and functioning of protected and priority species”*

Policy DNP7 states *“development that would adversely affect trees woodlands and hedgerows of public amenity or natural/cultural heritage value or provide important ecosystem will not be permitted”*. Policy DNP8 requires new development proposals to integrate, protect and maintain existing green infrastructure assets and to enhance the extent, quality, connectivity and multi functionality of the green infrastructure network.

In this case the proposed site is located within the settlement, the proposal is within a residential dwelling with limited biodiversity value. The Applicant has not provided any detail of biodiversity enhancements or a green infrastructure report, however in this case given the small scale of the development a bird box would be considered sufficient to enhance biodiversity at the site given the limited value. A condition can be imposed to ensure this is implemented.

On Balance the proposed development is considered to be compliant with Policy SP3 DNP6,7 and 8 of the Local Development Plan (2024) and is therefore acceptable in terms of Biodiversity.

CONCLUSION

The decision to refuse planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Bridgend Local Development Plan (2024)

Having regard to the above, it is considered that the development is not acceptable in terms of its design as well as its impact on the wider street scene. The development fails to take into account the context and character of the area resulting in an alien and incongruous feature which has a significant detrimental impact upon the appearance and character of the existing property and the visual amenities of the surrounding street scene contrary to Policy SP3 of the Local Development Plan (2024), advice contained within Supplementary Planning Guidance 02 *Householder Development* and the aims of national Planning Policy and guidance as such the Application is recommended for refusal.

RECOMMENDATION

(R30) That permission be REFUSED for the following reason(s):-

1. The development, by reason of its siting, form and design, constitutes an alien, incongruous and overly prominent feature that has an unacceptable detrimental impact on the established character and appearance of the host property and wider streetscene, as well as the general character of the residential area, contrary to Policy SP3 of the Bridgend Local Development Plan (2024), Supplementary Planning Guidance Note 02: Householder Development (2008) and advice contained within Planning Policy Wales (Edition 12, February 2024). And Technical Advice Note 12 (Design).

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

Appeals

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

APPEAL NO. ENFORCEMENT NO	CAS-02966-N9P8D1 (1996) ENF/242/22/ACK
APPELLANT	MS R LLOYD DAVIES
SUBJECT OF APPEAL	ALLEGED UNAUTHORISED REPLACEMENT WINDOW AND PATIO DOORS TO FIRST FLOOR LEVEL: HEBRON HOUSE MEADOW CLOSE COYCHURCH
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	ENFORCEMENT NOTICE

APPEAL NO. APPLICATION NO	CAS-03065-L4R2B7 (1999) P/23/412/OUT
APPELLANT	MRS S COLLINGS
SUBJECT OF APPEAL	RESIDENTIAL DEVELOPMENT FOR UP TO 50 RESIDENTIAL UNITS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED): LAND WEST OF A4065 NORTH OF LEYSHON WAY BRYNCETHIN
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	NOT YET DECIDED

APPEAL NO. ENFORCEMENT NO	CAS-03170-L4V0Z8 (2002) ENF/10/23/ACK
APPELLANT	MR & MRS STUBBS
SUBJECT OF APPEAL	ALLEGED UNAUTHORISED BUILDING WORKS: 16 SUFFOLK PLACE PORTHCAWL
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	ENFORCEMENT NOTICE

APPEAL NO. ENFORCEMENT NO	CAS-03166-C6C3T6 (2003) ENF/217/23ACK
APPELLANT	J CANTON
SUBJECT OF APPEAL	ALLEGED UNAUTHORISED REAR DORMER AND ROOF WINDOWS TO FRONT ELEVATION: ROPSLEY THE SQUARE PORTHCAWL

PROCEDURE WRITTEN REPRESENTATIONS

DECISION LEVEL ENFORCEMENT NOTICE

APPEAL NO. CAS-03165-T9V6F9 (2004)
APPLICATION NO P/23/471/FUL

APPELLANT J CANTON

SUBJECT OF APPEAL REAR EXTENSION & DORMER WINDOW TO LOFT FLOOR:
ROPSLEY THE SQUARE PORTHCAWL

PROCEDURE WRITTEN REPRESENTATIONS

DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reason:

1. The development proposal, primarily in the form of the roof works undertaken, by reason of their siting, design and scale, constitute insensitive and unsympathetic forms of development that have an unacceptable impact on the character of the host dwelling to the detriment of the visual amenities of the locality which fail to preserve or enhance the character and appearance of the Porthcawl Conservation Area, contrary to Policies SP2, SP5 and ENV8 of the Bridgend Local Development Plan (2013), the principles of SPG02 - Householder Development (2008) and Technical Advice Note 12 Design (2016) and advice contained within Planning Policy Wales (Edition 11, Feb. 2021) and Welsh Office Circular 61/96.
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The following appeals have been decided since my last report to Committee:

APPEAL NO. CAS-02688-Q5F5F6 (1986)
ENFORCEMENT NO. ENF/48/22/ACK

APPELLANT MS K TOBIN

SUBJECT OF APPEAL ALLEGED UNAUTHORISED PORCH: 12 PEN Y LAN BRIDGEND

PROCEDURE WRITTEN REPRESENTATIONS

DECISION LEVEL ENFORCEMENT NOTICE

DECISION THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE ENFORCEMENT NOTICE BE UPHOLD AND PLANNING PERMISSION SHOULD BE REFUSED ON THE APPLICATION DEEMED TO HAVE BEEN MADE UNDER SECTION 177(5) OF THE ACT.

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

APPEAL NO. CAS-02690-P6Z3N2 (1987)
ENFORCEMENT NO. ENF/48/22/ACK

APPELLANT MS E DAVIES

SUBJECT OF APPEAL ALLEGED UNAUTHORISED PORCH: 12 PEN Y LAN BRIDGEND

PROCEDURE WRITTEN REPRESENTATIONS

DECISION LEVEL ENFORCEMENT NOTICE

DECISION THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE ENFORCEMENT NOTICE BE UPHELD AND PLANNING PERMISSION SHOULD BE REFUSED ON THE APPLICATION DEEMED TO HAVE BEEN MADE UNDER SECTION 177(5) OF THE ACT.

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

APPEAL NO. CAS-02920-L0R2H6 (1993)
APPLICATION NO. P/22/23/FUL

APPELLANT CARHYS

SUBJECT OF APPEAL ONE 3 BED DETACHED DWELLING WITH ACCESS DRIVEWAYS: LAND REAR OF 17-21 CASTLE VIEW BRIDGEND

PROCEDURE WRITTEN REPRESENTATIONS

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 the appeal decision is attached as **APPENDIX B**

RECOMMENDATION

That the report of the Corporate Director Communities be noted.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers (see application reference number)



Appeal Decision

by Richard E. Jenkins BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 13.03.2024

Appeal Reference: CAS-02690-P6Z3N2

Site Address: 12 Penylan, Litchard, Bridgend, CF31 1QW

- 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 appeal is made by Emma Davies against an enforcement notice issued by Bridgend County Borough Council.
 - The enforcement notice, Ref: ENF/48/22/ACK, was issued on 10 March 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a porch to the front of the property.
 - The requirements of the notice are to remove and keep removed the porch to the front of the property and remove all resultant materials from the land.
 - The period for compliance with the requirements is two months after the date the Notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended.
 - A site visit was made on 2 February 2024.
-

Decision

1. The appeal is allowed, but only insofar as it relates to ground (g). It is directed that the Enforcement Notice be corrected and varied by:
 - The deletion of the words “...and keep removed” from the requirements of the Notice set out at Section 5: *What you are required to do*.
 - The deletion of the words: “*Time for Compliance: Two months after this Notice takes effect*” from the requirements of the Notice set out at Section 5: *What you are required to do*, and their substitution with the words “*Time for Compliance: Nine months after this Notice takes effect*”.
2. Subject to these corrections and variations, the Enforcement Notice is upheld and planning permission is refused on the application deemed to have been made under Section 177(5) of the Act.

Procedural Matters

3. There are two appeals in respect of the above Enforcement Notice which affects No.12 Penylan in Litchard, Bridgend. Despite the fact that the grounds of appeal and the

associated evidence are substantially the same, the appeals are being pursued by different people. I shall therefore issue two separate decision letters.

4. The appellant's response to the Local Planning Authority's (LPA) Statement of Case includes a subheading entitled "*Ground B/C*". However, ground (b) was not pleaded on the Appeal Form and neither do such arguments form part of the appellant's Statement of Case. Moreover, nowhere in the evidence does the appellant advance detailed arguments to suggest that the matters that constitute the alleged breach of planning control have not occurred as a matter of fact. Rather, the thrust of the appellant's evidence appears to acknowledge that a new structure has been erected. On this basis, and bearing in mind the fact that ground (b) arguments have not been considered by the Council, I find that there is no ground (b) appeal to be considered.
5. The Appeal Form indicates that an application for costs is to be made. The only details provided in respect of this application, however, refer to the cost of legal representation and the hours taken to prepare the case. Given that a detailed application for an award of costs, demonstrating how unreasonable behaviour led to unnecessary or wasted expense through the appeals process, has not been submitted, no further action shall be taken in respect of this matter.

Reasons

The Enforcement Notice

6. The requirements of the Enforcement Notice, at Section 5, state: "*Remove and keep removed the porch to the front of the property and remove all resultant materials from the land*". The requirement to '*keep removed*' is unnecessary and superfluous. Therefore, without prejudice to the various grounds of appeal, I shall correct the requirements of the Notice by deleting the words "*...and keep removed*". I am satisfied that this correction would not cause injustice to any party.

Appeal under Ground (c)

7. An appeal under ground (c) is that there has not been a breach of planning control because, for example, planning permission has already been granted for the matters that constitute the alleged breach or, alternatively, because it comprises permitted development under the provisions of The Town and Country Planning (General Permitted Development) Order 1995, as amended (hereinafter referred as the GPDO).
8. Whilst the appellant suggests that planning permission had been granted via a pre-existing porch, the evidence indicates that the original porch was demolished and replaced by the porch subject of this appeal. As such, and bearing in mind the fact that the new porch incorporates a materially different design to the pre-existing structure, I concur with the Council's position that the new structure does not benefit from any planning permission that might have related to any pre-existing porch.
9. The appellant also argues that the porch is permitted development as it is 3 metres in height up to the upper part of the tile on the eaves, when measured from the adjacent land as per the principles established through *McGaw v The Welsh Ministers [2021] EWCA Civ976*. However, Class D of Part 1, Schedule 2 of the GPDO states that the erection of a porch outside of any external door of a dwellinghouse is not permitted by Class D if, amongst other things, "*...any part of the structure would be more than 3 metres above ground level*". There does not appear to be any dispute that the overall structure exceeds 3 metres from the adjacent ground level. Indeed, I have already set out above that the appellant considers the structure to be 3 metres to the upper part of the eaves and the appellant's rebuttal to ground (f) clearly states that, as an alternative to demolition, the porch could be '*taken down*' so that it does not exceed 3 metres.

10. It follows that the structure is not therefore permitted by Class D of Part 1, Schedule 2 of the GPDO. On this basis, I find that there has been a breach of planning control and that the appeal under ground (c) must fail.

The Appeal under ground (d)

11. An appeal under ground (d) is that, at the time the Enforcement Notice was issued, it was too late to take enforcement action against the matters that constitute the alleged breach of planning control. In this case, the appellant points to the fact that a pre-existing porch was in situ when the property was purchased over 13 years ago. However, consistent with the findings in respect of the ground (c) appeal above, the evidence indicates that the original porch was demolished during the summer of 2021. The porch subject of the enforcement action also represents a materially different structure to that which it replaced. It follows that the newly constructed porch is not immune from enforcement action under the provisions of Section 171B of the above Act. For these reasons, the appeal under ground (d) must also fail.

The Appeal under Ground (a) – The Deemed Planning Application

12. An appeal under ground (a) is that planning permission should be granted for the matters that constitute the breach of planning control. The deemed planning application in this case therefore seeks permission for the erection of a porch to the front of the property.
13. Having regard to the reasons for issuing the Notice, and the personal circumstances advanced by the appellant, I consider the main issues in the determination of the appeal to be: *the effect of the development upon the character and appearance of the host property and surrounding area; and whether any identified harm would be materially outweighed by the matters in favour of the development, including the occupants' personal circumstances and protected characteristics.* Edition 12 of Planning Policy Wales (PPW) was published on 7 February 2024. However, as this amendment simply consolidates previously published content, I am satisfied that it does not raise any other issues that would have a significant bearing on the deemed planning application.
14. I was able to observe at the time of my site inspection that, by reason of its scale, siting, form and overall design, the porch subject of the enforcement action represents an insensitive and disproportionate addition to the host property. Indeed, it represents a prominent and discordant feature, with a roof form that fails to harmonise with the modest simplicity of the host dwelling. I have fully considered the other properties within the immediate vicinity. However, I have not seen anything to lead me to conclude that the porch subject of this appeal is in-keeping with the prevailing character of the area. Rather, I find that it represents an incongruous feature at an elevated and prominent location in the street scene. I note the fact that the structure could potentially be replaced by a porch that would be compliant with permitted development rights. However, given that such a scheme would reduce the concerns outlined above, I do not consider such arguments to weigh heavily in favour of the development.
15. I note the appellant's reference to the developments within the wider area. However, such developments do not in my view justify the harm identified in this instance. Indeed, I have not been provided with full details of those schemes and have not, therefore, been able to have regard to matters such as the planning policy framework under which those decisions were made. In any event, the schemes cited do not constitute the exact same set of circumstances as this case and, notwithstanding this, it is a well-established principle of planning that each case should be treated on its own particular merits. I note the appellant's contention that the ramp would change the perception of the overall height of the structure. However, I am not persuaded that such a feature would improve the

relationship with the host dwelling or otherwise reduce its prominence in the street scene. I do not therefore consider such arguments to justify a grant of planning permission.

16. I have had full regard to the personal circumstances of the occupants, including the health and financial implications of planning permission being withheld. I have considered such arguments within the context of the occupants' right for respect to a private and family life and home, under Article 8 of the Human Rights Act 1998. I have also considered the wider implications of the other Articles of that same legislation and have had due regard to the occupants' protected characteristics under the Public Sector Equality Duty. However, I have not seen anything to lead me to believe that the porch subject of the enforcement action is the only way of achieving a safe access to the property and, in this respect, I consider that the refusal of planning permission would be both proportionate and in pursuit of a legitimate planning aim. It would not therefore represent an unjustified interference with the occupants' rights. Moreover, whilst I have sympathy with the financial implications for the appellant, I have not seen anything to lead me to believe that such personal interests justify the identified public harm.
17. Therefore, on the basis of the foregoing analysis, I find that the development causes material harm to the character and appearance of the area and that it therefore conflicts with Policy SP2 of the adopted Bridgend Local Development Plan (2013) (LDP). For the same reasons, it also runs counter to the placemaking principles that underpin national planning policy. Such harm is not outweighed by the material factors in favour of the development. In coming to this conclusion, I have had full regard to the personal circumstances and protected characteristics that have been cited as relevant to the determination of the appeal. On this basis, and having considered all matters raised, I conclude that the appeal under ground (a) should fail and that planning permission should be refused for the matters that constitute the breach of planning control.

The Appeal under Ground (f)

18. An appeal under ground (f) is that the steps required to comply with the requirements of the notice are excessive, and that lesser steps would overcome the objections. In this case, the appellant alleges that the enforcement action is wholly punitive and disproportionate. The ground (f) appeal, however, falls short of outlining the lesser steps which are considered to overcome the objections.
19. In the interest of completeness, I have considered whether it would be appropriate to vary the requirements of the Notice so that the appellant would have the option to revert to a scheme that would constitute permitted development. However, given that I have not seen any cogent arguments or design details that would suggest that the structure enforced against could be converted to a porch that would benefit from such rights without any major reconstruction, I have decided that such an approach would be inappropriate in this instance. Similarly, in the absence of a fully worked out alternative, I am unable to find that there are lesser steps that would overcome the objections. On this basis I find that the requirements of the Notice are not excessive. The appeal under ground (f) must therefore fail.

The Appeal under Ground (g)

20. An appeal under ground (g) is that the time given to comply with the requirements of the notice is too short. In this case the appellant argues that the two-month period is far too short, citing the cost invested in the development and the additional cost that would be required to meet the requirements of the Notice. In making such submissions, the ongoing cost of living crisis has been identified as a material factor.

21. The appellant has not specified an alternative time period for compliance. Nevertheless, having considered the general arguments advanced, including the personal circumstances, I find that an extension to the compliance period is justified in this instance. Such an extension of time does however need to be considered within the context of the public harm identified, not least because that harm would continue under the extended time period.
22. Within this context, I consider that a nine month period would appropriately balance the competing public and private interests. I shall, therefore, vary Section 5 of the Enforcement Notice by deleting the words "*Time for Compliance: Two months after this Notice takes effect*", and substituting them with "*Time for Compliance: Nine months after this Notice takes effect*".
23. To this limited extent, the appeal under ground (g) should succeed.

Overall Conclusions

24. Based on the foregoing analysis, I find that the appeal should be allowed, but only insofar as it relates to ground (g). The Enforcement Notice should therefore be corrected and varied as set out above. However, subject to those corrections and variations, the Enforcement Notice should be upheld and planning permission should be refused on the application deemed to have been made under Section 177(5) of the Act.
25. I have considered where relevant the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

Richard E. Jenkins

INSPECTOR



Appeal Decision

by Richard E. Jenkins BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 13.03.2024

Appeal Reference: CAS-02688-Q5F5F6

Site Address: 12 Penylan, Litchard, Bridgend, CF31 1QW

- 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 appeal is made by Kara Tobin against an enforcement notice issued by Bridgend County Borough Council.
 - The enforcement notice, Ref: ENF/48/22/ACK, was issued on 10 March 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a porch to the front of the property.
 - The requirements of the notice are to remove and keep removed the porch to the front of the property and remove all resultant materials from the land.
 - The period for compliance with the requirements is two months after the date the Notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended.
 - A site visit was made on 2 February 2024.
-

Decision

1. The appeal is allowed, but only insofar as it relates to ground (g). It is directed that the Enforcement Notice be corrected and varied by:
 - The deletion of the words “...and keep removed” from the requirements of the Notice set out at Section 5: *What you are required to do*.
 - The deletion of the words: “*Time for Compliance: Two months after this Notice takes effect*” from the requirements of the Notice set out at Section 5: *What you are required to do*, and their substitution with the words “*Time for Compliance: Nine months after this Notice takes effect*”.
2. Subject to these corrections and variations, the Enforcement Notice is upheld and planning permission is refused on the application deemed to have been made under Section 177(5) of the Act.

Procedural Matters

3. There are two appeals in respect of the above Enforcement Notice which affects No.12 Penylan in Litchard, Bridgend. Despite the fact that the grounds of appeal and the

associated evidence are substantially the same, the appeals are being pursued by different people. I shall therefore issue two separate decision letters.

4. The appellant's response to the Local Planning Authority's (LPA) Statement of Case includes a subheading entitled "*Ground B/C*". However, ground (b) was not pleaded on the Appeal Form and neither do such arguments form part of the appellant's Statement of Case. Moreover, nowhere in the evidence does the appellant advance detailed arguments to suggest that the matters that constitute the alleged breach of planning control have not occurred as a matter of fact. Rather, the thrust of the appellant's evidence appears to acknowledge that a new structure has been erected. On this basis, and bearing in mind the fact that ground (b) arguments have not been considered by the Council, I find that there is no ground (b) appeal to be considered.
5. The Appeal Form indicates that an application for costs is to be made. The only details provided in respect of this application, however, refer to the cost of legal representation and the hours taken to prepare the case. Given that a detailed application for an award of costs, demonstrating how unreasonable behaviour led to unnecessary or wasted expense through the appeals process, has not been submitted, no further action shall be taken in respect of this matter.

Reasons

The Enforcement Notice

6. The requirements of the Enforcement Notice, at Section 5, state: "*Remove and keep removed the porch to the front of the property and remove all resultant materials from the land*". The requirement to '*keep removed*' is unnecessary and superfluous. Therefore, without prejudice to the various grounds of appeal, I shall correct the requirements of the Notice by deleting the words "*...and keep removed*". I am satisfied that this correction would not cause injustice to any party.

Appeal under Ground (c)

7. An appeal under ground (c) is that there has not been a breach of planning control because, for example, planning permission has already been granted for the matters that constitute the alleged breach or, alternatively, because it comprises permitted development under the provisions of The Town and Country Planning (General Permitted Development) Order 1995, as amended (hereinafter referred as the GPDO).
8. Whilst the appellant suggests that planning permission had been granted via a pre-existing porch, the evidence indicates that the original porch was demolished and replaced by the porch subject of this appeal. As such, and bearing in mind the fact that the new porch incorporates a materially different design to the pre-existing structure, I concur with the Council's position that the new structure does not benefit from any planning permission that might have related to any pre-existing porch.
9. The appellant also argues that the porch is permitted development as it is 3 metres in height up to the upper part of the tile on the eaves, when measured from the adjacent land as per the principles established through *McGaw v The Welsh Ministers [2021] EWCA Civ976*. However, Class D of Part 1, Schedule 2 of the GPDO states that the erection of a porch outside of any external door of a dwellinghouse is not permitted by Class D if, amongst other things, "*...any part of the structure would be more than 3 metres above ground level*". There does not appear to be any dispute that the overall structure exceeds 3 metres from the adjacent ground level. Indeed, I have already set out above that the appellant considers the structure to be 3 metres to the upper part of the eaves and the appellant's rebuttal to ground (f) clearly states that, as an alternative to demolition, the porch could be '*taken down*' so that it does not exceed 3 metres.

10. It follows that the structure is not therefore permitted by Class D of Part 1, Schedule 2 of the GPDO. On this basis, I find that there has been a breach of planning control and that the appeal under ground (c) must fail.

The Appeal under ground (d)

11. An appeal under ground (d) is that, at the time the Enforcement Notice was issued, it was too late to take enforcement action against the matters that constitute the alleged breach of planning control. In this case, the appellant points to the fact that a pre-existing porch was in situ when the property was purchased over 13 years ago. However, consistent with the findings in respect of the ground (c) appeal above, the evidence indicates that the original porch was demolished during the summer of 2021. The porch subject of the enforcement action also represents a materially different structure to that which it replaced. It follows that the newly constructed porch is not immune from enforcement action under the provisions of Section 171B of the above Act. For these reasons, the appeal under ground (d) must also fail.

The Appeal under Ground (a) – The Deemed Planning Application

12. An appeal under ground (a) is that planning permission should be granted for the matters that constitute the breach of planning control. The deemed planning application in this case therefore seeks permission for the erection of a porch to the front of the property.
13. Having regard to the reasons for issuing the Notice, and the personal circumstances advanced by the appellant, I consider the main issues in the determination of the appeal to be: *the effect of the development upon the character and appearance of the host property and surrounding area; and whether any identified harm would be materially outweighed by the matters in favour of the development, including the occupants' personal circumstances and protected characteristics.* Edition 12 of Planning Policy Wales (PPW) was published on 7 February 2024. However, as this amendment simply consolidates previously published content, I am satisfied that it does not raise any other issues that would have a significant bearing on the deemed planning application.
14. I was able to observe at the time of my site inspection that, by reason of its scale, siting, form and overall design, the porch subject of the enforcement action represents an insensitive and disproportionate addition to the host property. Indeed, it represents a prominent and discordant feature, with a roof form that fails to harmonise with the modest simplicity of the host dwelling. I have fully considered the other properties within the immediate vicinity. However, I have not seen anything to lead me to conclude that the porch subject of this appeal is in-keeping with the prevailing character of the area. Rather, I find that it represents an incongruous feature at an elevated and prominent location in the street scene. I note the fact that the structure could potentially be replaced by a porch that would be compliant with permitted development rights. However, given that such a scheme would reduce the concerns outlined above, I do not consider such arguments to weigh heavily in favour of the development.
15. I note the appellant's reference to the developments within the wider area. However, such developments do not in my view justify the harm identified in this instance. Indeed, I have not been provided with full details of those schemes and have not, therefore, been able to have regard to matters such as the planning policy framework under which those decisions were made. In any event, the schemes cited do not constitute the exact same set of circumstances as this case and, notwithstanding this, it is a well-established principle of planning that each case should be treated on its own particular merits. I note the appellant's contention that the ramp would change the perception of the overall height of the structure. However, I am not persuaded that such a feature would improve the

relationship with the host dwelling or otherwise reduce its prominence in the street scene. I do not therefore consider such arguments to justify a grant of planning permission.

16. I have had full regard to the personal circumstances of the occupants, including the health and financial implications of planning permission being withheld. I have considered such arguments within the context of the occupants' right for respect to a private and family life and home, under Article 8 of the Human Rights Act 1998. I have also considered the wider implications of the other Articles of that same legislation and have had due regard to the occupants' protected characteristics under the Public Sector Equality Duty. However, I have not seen anything to lead me to believe that the porch subject of the enforcement action is the only way of achieving a safe access to the property and, in this respect, I consider that the refusal of planning permission would be both proportionate and in pursuit of a legitimate planning aim. It would not therefore represent an unjustified interference with the occupants' rights. Moreover, whilst I have sympathy with the financial implications for the appellant, I have not seen anything to lead me to believe that such personal interests justify the identified public harm.
17. Therefore, on the basis of the foregoing analysis, I find that the development causes material harm to the character and appearance of the area and that it therefore conflicts with Policy SP2 of the adopted Bridgend Local Development Plan (2013) (LDP). For the same reasons, it also runs counter to the placemaking principles that underpin national planning policy. Such harm is not outweighed by the material factors in favour of the development. In coming to this conclusion, I have had full regard to the personal circumstances and protected characteristics that have been cited as relevant to the determination of the appeal. On this basis, and having considered all matters raised, I conclude that the appeal under ground (a) should fail and that planning permission should be refused for the matters that constitute the breach of planning control.

The Appeal under Ground (f)

18. An appeal under ground (f) is that the steps required to comply with the requirements of the notice are excessive, and that lesser steps would overcome the objections. In this case, the appellant alleges that the enforcement action is wholly punitive and disproportionate. The ground (f) appeal, however, falls short of outlining the lesser steps which are considered to overcome the objections.
19. In the interest of completeness, I have considered whether it would be appropriate to vary the requirements of the Notice so that the appellant would have the option to revert to a scheme that would constitute permitted development. However, given that I have not seen any cogent arguments or design details that would suggest that the structure enforced against could be converted to a porch that would benefit from such rights without any major reconstruction, I have decided that such an approach would be inappropriate in this instance. Similarly, in the absence of a fully worked out alternative, I am unable to find that there are lesser steps that would overcome the objections. On this basis I find that the requirements of the Notice are not excessive. The appeal under ground (f) must therefore fail.

The Appeal under Ground (g)

20. An appeal under ground (g) is that the time given to comply with the requirements of the notice is too short. In this case the appellant argues that the two-month period is far too short, citing the cost invested in the development and the additional cost that would be required to meet the requirements of the Notice. In making such submissions, the ongoing cost of living crisis has been identified as a material factor.

21. The appellant has not specified an alternative time period for compliance. Nevertheless, having considered the general arguments advanced, including the personal circumstances, I find that an extension to the compliance period is justified in this instance. Such an extension of time does however need to be considered within the context of the public harm identified, not least because that harm would continue under the extended time period.
22. Within this context, I consider that a nine month period would appropriately balance the competing public and private interests. I shall, therefore, vary Section 5 of the Enforcement Notice by deleting the words "*Time for Compliance: Two months after this Notice takes effect*", and substituting them with "*Time for Compliance: Nine months after this Notice takes effect*".
23. To this limited extent, the appeal under ground (g) should succeed.

Overall Conclusions

24. Based on the foregoing analysis, I find that the appeal should be allowed, but only insofar as it relates to ground (g). The Enforcement Notice should therefore be corrected and varied as set out above. However, subject to those corrections and variations, the Enforcement Notice should be upheld and planning permission should be refused on the application deemed to have been made under Section 177(5) of the Act.
25. I have considered where relevant the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

Richard E. Jenkins

INSPECTOR



Appeal Decision

by Helen Smith BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 12/03/2024

Appeal reference: CAS-02920-L0R2H6

Site address: Land rear of 17-21 Castle View, Bridgend, CF31 1HL

- 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 Carhys against the decision of Bridgend County Borough Council.
 - The application Ref P/22/23/FUL, dated 5 January 2022, was refused by notice dated 11 May 2023.
 - The development proposed is a one No. 3 bed detached dwelling with access driveway.
 - A site visit was made on 7 February 2024.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity, I have used the site address from the Decision Notice and the Appeal Form.
3. Since the submission of the appeal, Edition 12 of Planning Policy Wales (PPW) has been published. However, as it consolidates previously published content it does not raise any new matters that have any significant bearing on the decision.
4. The proposal was amended during the consideration of the planning application. For clarity, my decision relates to the plans that formed the basis of the Council's decision, as set out in its Officer report.

Main Issues

5. These are the effects of the proposed development on (a) the character and appearance of the area; and (b) the living conditions of the future occupiers of the dwelling and the occupiers of 1 Ger y Bont (No.1).

Reasons

Character and appearance

6. The appeal site forms part of a former railway line that runs between the dwellings on Castle View and Glynbridge Gardens. It is at a lower level than these dwellings and has a steeply sloping northeastern boundary vegetated with trees and shrubs which provides a

verdant outlook for neighbouring residents, despite some clearance works having been carried out. The appeal site lies predominantly to the rear of 17 Castle View (No.17) and adjacent to the side garden of No. 1 with a proposed access to the turning head serving Castle View. Whilst some dwellings in the surrounding area are positioned side onto the road and the Ger Y Bont dwellings take a staggered form around the top of the turning head, the street layout is predominantly linear in form with strong building lines that creates a distinctly planned and ordered housing pattern.

7. Owing to the site's location to the rear of the properties on Castle View, the proposed dwelling would not front onto the street and would not follow the linear pattern of development of the street. Nevertheless, as the level of the proposed dwelling would be significantly lower than the levels of the dwellings on Castle View and due to its siting behind No. 17, the proposal would not be viewed from the street or the public domain. Consequently, the proposal would not disrupt the continuous building line nor alter the appearance of the street and would not visually damage the character of the street or surrounding area, despite it not following the ordered housing pattern of the street.
8. I conclude that the proposed development would not have a harmful effect on the character and appearance of the area. This would accord with Policy SP2 of the Bridgend Local Development Plan (LDP) which seeks to, amongst other things, ensure a design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness. It would also accord with the general placemaking objectives of PPW.

Living conditions

9. Having regard to the separation distances, the orientation of the dwelling in relation to the adjacent dwellings and the lower level of the appeal site in comparison to adjacent dwellings, the proposal would not result in a level of overlooking that would unacceptably harm the privacy levels of the occupants of the nearby properties. Similarly, whilst the proposal would change the existing verdant outlook to the rear for the occupiers of No. 17, I would not equate that with any harmful overbearing impacts that would harm their living conditions.
10. Nonetheless, as the proposed dwelling would be orientated at an angle towards the rear of the site, earthworks and retaining structures would likely be required to the steeply sloping bank on the northeastern boundary of the site. However, no site sections have been submitted. In the absence of such information, and having regard to the proximity of the windows on the rear and side elevation of the proposed dwelling to the steeply sloping bank and any likely retaining structures, the proposal fails to demonstrate that the dwelling would have an adequate outlook for the occupiers of the proposed dwelling. Furthermore, the lack of site sections also results in the proposal failing to demonstrate that the proposed outdoor amenity space would be of a quality that would provide adequate usable outdoor space for the occupiers of the proposed dwelling.
11. The proposed dwelling would be accessed via a narrow path which runs between the side boundaries of No. 1 and No. 17. I have seen little tangible evidence that the access would be unsafe for the purposes of traffic generated by a single dwelling, especially with parking and turning areas provided within the site. However, it would result in vehicular movements from occupiers, visitors and service /delivery traffic which would pass in close proximity to the front window of No. 1. Whilst any property fronting a highway can expect a degree of disturbance from traffic, in this case No. 1 is set back from the highway whereas the proposed access would result in vehicles passing unacceptably close to its windows. In these circumstances, the proposal would be intrusive to the outlook from this dwelling, and result in an unacceptable degree of noise and disturbance for the occupiers of No 1.

12. The parking areas to serve the dwelling would be sited adjacent to the side boundary of the rear garden of No. 1 in an area which currently does not have such activity and which therefore enjoys a significant degree of peace and quiet. In these circumstances the proposal would introduce additional vehicle activity, the intensity of which would be experienced at close range by the neighbouring occupants. Consequently, the frequent vehicle movements back and forth along the driveway, and the opening and closing of vehicle doors, would lead to a material increase in noise and disturbance which would be apparent from No.1. Furthermore, the proposal shows retaining walls around the parking spaces adjacent to the boundary with No. 1, but the lack of site sections fails to demonstrate how the levels of these spaces would relate to the levels of No. 1, which could exacerbate the proposal's impact on the adjacent property.
13. I conclude that the proposed development would be harmful to the living conditions of the future occupiers of the proposed dwelling and the occupiers of No. 1 Ger Y Bont. This would be contrary to Policy SP2 of the LDP which seeks to, amongst other things, ensure that the viability and amenity of neighbouring uses and their users/occupiers are not adversely affected.

Other Matters

14. Chapter 6 of PPW 12 provides further clarity on securing a net benefit for biodiversity and ecosystem resilience, including trees and woodland, through the application of a stepwise approach. Although a PEA was undertaken, this was on the basis of a different layout to the one before me. It was also undertaken in the absence of information in relation to the potential impacts of any changes in levels/construction of retaining walls. It also recommended further surveys. In these circumstances the potential impacts on ecology and biodiversity are unclear, particularly in relation to trees, and whether the proposal would deliver a net benefit for biodiversity and ecosystem resilience. However, as I am dismissing the appeal on other substantive grounds, I have not considered this matter further.
15. I have had regard to the local representations objecting to the development, which include concerns on foul and surface water drainage and potential impacts on the overhead power lines. However, I have no cogent evidence to suggest that the proposal would be unacceptable for any of these reasons. In particular, matters relating to proximity to power lines is not a material planning consideration to which I attach any significant weight.
16. I do not dispute that the principle of the development would be acceptable in this sustainable and accessible location and I note the benefits of the provision of an additional dwelling. Nonetheless, these considerations should be balanced with other impacts that a development can have and in this case the harm I have identified is a significant and overriding consideration.

Conclusion

17. Although I have found no harm to the character and appearance of the area, this does not outweigh the harm to residents' living conditions. For the reasons set out above, and having regard to all matters raised, the appeal is dismissed.
18. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

Ref: CAS-02920-L0R2H6

H Smith

INSPECTOR

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- REFERENCE:** P/23/218/FUL
- APPLICANT:** Marubeni Europower 95 Gresham Street, London, EC2V 7AB
- LOCATION:** Land at Brynmenyn and Bryncethin, Bridgend
- PROPOSAL:** Development of a green hydrogen production facility with electrolysers, hydrogen storage, hydrogen refuelling station, admin building, substation, back-up generator, access, circulation, parking, lighting, security fencing, hard and soft landscaping and drainage infrastructure (land at Brynmenyn), installation of a solar photovoltaic electricity generating station (solar farm), comprising ground-mounted solar panels, inverters, transformer units, control and storage building, switch gear and a substation; with access, circulation, parking, lighting, security fencing, hard and soft landscaping, drainage infrastructure and temporary construction compound (land at Bryncethin). Sites to be connected via an underground electrical wire.

REPORT

Members will recall that at the 7 September 2023, Development Control Committee (**DCC**) it was agreed to hold a special meeting to determine this Application. The Local Planning Authority (**LPA**) are currently processing the above Application. This was in view of the scale of the development and the level of public objection which would justify Members considering the proposal at a Special DCC meeting in line with the adopted Code of Practice. The Application has been amended to remove the hydrogen pipeline and further consultation has been undertaken. It is proposed to hold a Special DCC on Monday, 29th April 2024.

The draft format for the day of the Special DC Committee has been discussed with the Chair and is proposed as follows:

Times	Actions
09:15am	Mandatory briefing for all DCC members in the Council Chamber
10:00am	Depart Civic Offices in transport (to be arranged)
10:30am	Site visit at Brynmenyn (Hydrogen Plant Site)
11:30am	Site visit at Bryncethin (Solar Farm Site)
12:30pm	Return to Civic Offices
14:00pm	Meeting of Special Development Control Committee in the Council Chamber

All timings are approximate at this stage and may be subject to change depending on site conditions and transport arrangements etc.

The Chair of the Development Control Committee has recommended that all DCC members attend the briefing in person and do not travel to the site independently.

It is also appropriate when considering major applications or proposals where there is more than normal public interest to extend the time for public speakers to address the Committee. This in order to allow adequate time to cover more complex matters.

In this case a maximum time of 10 minutes each is proposed for no more than three individual objectors. Correspondingly, the Applicant or agent will also be allowed 10 minutes to respond. The relevant Ward Member and Community Council representative will be allowed 5 minutes each in line with advice on Extraordinary Applications contained within the Notes on Procedure for Public Speaking at Development Control Committee Meetings.

Members are also informed that the Application is subject to a 'call in' request and the Welsh

Government (**WG**) has issued a '*holding direction*'. In cases where such a direction has been issued the LPA cannot formally determine an application until such time as WG has notified it that the holding direction has been removed. Notwithstanding the direction, the LPA is still able to refuse planning consent, WG may also indicate that it requires the Application to be determined by the Welsh Minister in which case the determination will not be made by the LPA.

Officers will liaise with WG and issue a copy of the draft report prior to the Special Development Control Committee meeting, however, if the holding direction is not lifted or WG decide that Welsh Ministers are to determine it, Members will be requested to indicate if they are minded to approve or in the case that determination rests with the Welsh Ministers whether they are minded to refuse the proposal

RECOMMENDATION: Committee is recommended to agree the following:-

- (1) That a Special Meeting of the Development Control Committee should be held to consider Application P/23/218/FUL on the 29 April 2024.
- (2) That the format for the day of the Special DC Committee should be as described in this report but subject to any changes which the Chair agrees with the Director of Communities.
- (3) That speaking rights for Objectors be extended to 10 minutes each for no more than three individuals and that the time for the Applicant to respond shall also be extended to 10 minutes.
- (4) That the Chair shall notify the DC Committee of any alternative arrangements in the event that the meeting on 29 April 2024 is unable to go ahead.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

BACKGROUND PAPERS

None

Meeting of:	DEVELOPMENT CONTROL COMMITTEE
Date of Meeting:	4 APRIL 2024
Report Title:	THE REPLACEMENT BRIDGEND LOCAL DEVELOPMENT PLAN
Report Owner / Corporate Director:	CORPORATE DIRECTOR COMMUNITIES
Responsible Officer:	JONATHAN PARSONS – GROUP MANAGER PLANNING & DEVELOPMENT SERVICES
Policy Framework and Procedure Rules:	The report content has no direct effect upon the policy framework and procedure rules.
Executive Summary:	<p>The Bridgend Replacement Local Development Plan was approved by Council on 13 March 2024 and as such is now the formal Local Development Plan in force for the determination of planning applications.</p> <p>This report advises Members of the next steps in the updating and preparation of Supplementary Planning Guidance</p>

1. Purpose of Report

- 1.1 The purpose of the report is to provide the Development Control Committee Members with the current status of the Replacement Local Development Plan (**LDP**) and the next steps in the progression of the associated Supplementary Planning Guidance (**SPG**).

2. Background

- 2.1 Members will be aware that the replacement LDP was approved at Council on 13 March 2024. As such is now the formal adopted Local Development Plan for making land use planning decisions in Bridgend.
- 2.2 Work must now progress in updating and developing the SPG documents that are required to support the LDP. The purpose of a SPG is to amplify and add weight to the policies already contained in the LDP. Having an up to date suite of SPG documents will be essential in the development of the large strategic sites that will come forward following adoption of the Local Development Plan.

3. Current situation / proposal

- 3.1 The Council's Planning Team are currently working on compiling the SPG documents, which in due course will then be brought to Committee for consideration. This will be achieved through a series of workshops and as per current practice, Members will be asked to volunteer to assist in the drafting of the SPG documents and act as 'champions' in the particular area.
- 3.2 The SPGs cover a wide range of specialist areas including affordable housing contributions, open space provision, education, car parking and design standards. The full list of current SPGs may be found here:-

<https://www.bridgend.gov.uk/residents/planning-and-building-control/design-guides-and-supplementary-planning-guidance/>

- 3.3 Some of the current SPGs have been adopted relatively recently and will require minimal alteration and updating, however, it may be necessary to completely change some SPG documents or merge them with other SPGs in the light of the new Local Development Plan and changes to national planning legislation.
- 3.4 Once a SPG has been agreed by Committee it will require an element of public consultation before being finalised and achieving the approval of Council. The Council's planning team will endeavour to bring forward SPGs over the course of the year, resource permitting.

4. Climate Change Implications

- 4.1 There are no Climate Change Implications arising from this report.

5. Safeguarding and Corporate Parent Implications

- 5.1 There are no Safeguarding and Corporate Parent Implications arising from this report.

6. Financial Implications

- 6.1 None – the report is for noting.

7. Recommendations

- 7.1 It is recommended that the Development Control Committee notes the report.

Background documents

None

TRAINING LOG

All training sessions will be held in the Council Chamber but can also be accessed remotely via Microsoft Teams.

<u>Subject</u>	<u>Date</u>
Glamorgan Gwent Archaeological Trust	15 May 2024
Building Conservation & Design	26 June 2024
PEDW Briefing for Members	2024
Public Rights of Way / Bridleways	
Tree Policy - Green infrastructure	

(Members are reminded that the Planning Code of Practice, at paragraph 3.4, advises that you should attend a minimum of 75% of the training arranged).

Recommendation:

That the report of the Corporate Director Communities be noted.

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

BACKGROUND PAPERS

None

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