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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

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

*We welcome correspondence in Welsh. Please  
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**Cyfarwyddiaeth y Prif Weithredwr / Chief  
Executive's Directorate**

Deialu uniongyrchol / Direct line /: 01656 643148 /  
643147 / 643694

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

**Dyddiad/Date:** Friday, 13 October 2023

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 on **Thursday, 19 October 2023 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 a date of Wednesday 29 November 2023 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 - 6  
To receive for approval the minutes of the 07/09/23.
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 accommodated.

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|     |  |           |
|-----|--|-----------|
| 7.  | <u>Development Control Committee Guidance</u>  | 7 - 10    |
| 8.  | <u>P/23/147/FUL - Rear of 82 Merthyr Mawr Road, Bridgend, CF31 3NS</u>   | 11 - 30   |
| 9.  | <u>P/22/455/RLX - Coed Parc Street, Bridgend, CF31 4BA</u>   | 31 - 60   |
| 10. | <u>P/22/716/FUL - Land to the South of Felindre Road, Pencoed, CF35 5HU</u>  | 61 - 86   |
| 11. | <u>P/23/92/FUL - Land South of Former St. Johns School, (North of 22 Bryneglwys Gardens,) Newton, Porthcawl, CF36 5PR</u>  | 87 - 96   |
| 12. | <u>P/23/536/FUL - 50 Coity Road, Bridgend, CF31 1LR</u>  | 97 - 108  |
| 13. | <u>Appeals</u>   | 109 - 118 |
| 14. | <u>Training Log</u>  | 119 - 120 |
| 15. | <u>Urgent Items</u><br>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

# Agenda Item 4

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 7 SEPTEMBER 2023

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD HYBRID IN THE COUNCIL CHAMBER - CIVIC OFFICES, ANGEL STREET, BRIDGEND, CF31 4WB ON THURSDAY, 7 SEPTEMBER 2023 AT 10:00

## Present

Councillor RM Granville – Chairperson

|               |               |              |            |
|---------------|---------------|--------------|------------|
| H T Bennett   | A R Berrow    | N Clarke     | RJ Collins |
| S Easterbrook | S J Griffiths | D T Harrison | D M Hughes |
| M R John      | W J Kendall   | J E Pratt    | A Wathan   |

## Apologies for Absence

M L Hughes

## Officers:

|                   |   |
|-------------------|---|
| Rhodri Davies     | Development & Building Control Manager          |
| Lee Evans         | Senior Planning Officer                         |
| Craig Flower      | Planning Support Team Leader                    |
| Stephen Griffiths | Democratic Services Officer - Committees        |
| Laura Griffiths   | Principal Solicitor                             |
| Rod Jones         | Senior Lawyer                                   |
| Robert Morgan     | Senior Development Control Officer              |
| Jonathan Parsons  | Group Manager Development                       |
| Michael Pitman    | Technical Support Officer – Democratic Services |
| Euan Sexton       | Senior Planning Officer                         |
| Philip Thomas     | Principal Planning Officer                      |
| Leigh Tuck        | Senior Development Control Officer              |

## 139. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor M Hughes.

## 140. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor J Pratt – Agenda item 12, Personal interest – As a person mentioned in one of the Appeals received lives opposite his parents house.

Councillor M John – Agenda item 13, Personal interest – As the planning application was in his Ward.

Councillor S Easterbrook – Agenda items 8, 9, 10 and 11, Personal interest – As a member of Bridgend Town Council who takes no part in planning matters

Councillor A Wathan – As immediately above.

Councillor D Hughes – Agenda item 8, Prejudicial interest as a relative was an objector to the application and a further objector she had previously worked with before she became a BCB Councillor. Councillor Hughes left the meeting when this item was being considered.

**DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 7 SEPTEMBER 2023**

141. SITE VISITS

RESOLVED: That a date of Wednesday 18/10/2023 for proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson, was agreed by the Committee.

142. APPROVAL OF MINUTES

RESOLVED: That the minutes of the Committee dated 27/07/23 were approved as a true and accurate record.

143. PUBLIC SPEAKERS

P/22/455/RLX – Objectors – S Morse and A Nelson, on behalf of Bridgend Town Council Councillor DA Unwin, Applicant’s agent, R Chichester. The Legal Officer also read out a statement on behalf of the two Ward members Councillors S Bletsoe and T Wood.

P/23/220/FUL – on behalf of Bridgend Town Council Councillor DA Unwin, the Legal Officer also read out a statement on behalf of Mr V & Mrs A Williams (objectors) and statements on behalf of the two Ward members Councillors S Bletsoe and T Wood

P/23/147/FUL – Objector, R Leonard

P/23/227/FUL – The Legal Officer read out statements on behalf of the two Ward Members Councillors S Bletsoe and T Wood.

144. AMENDMENT SHEET

RESOLVED: 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 the Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that were required to be accommodated.

145. DEVELOPMENT CONTROL COMMITTEE GUIDANCE

RESOLVED: That the Committee noted the report outlining the Development Control Committee guidance.

146. P/22/455/RLX - COED PARC, PARK STREET, BRIDGEND, CF31 4BA

RESOLVED: That the Committee agreed to defer this application, in order to seek clarity on the distances between the dwellings and neighbouring properties and to confirm that the distances can fully comply with guidance.

Proposal

Vary condition 1 of P/22/85/RLX to substitute plans and propose amended house designs for Phase 3 of the development.

147. P/23/220/FUL - 33 HEOL-Y-NANT, CEFN GLAS, BRIDGEND, CF31 4HT

**RESOLVED:** That the application be granted, subject to the conditions contained in the report of the Corporate Director – Communities

**Proposal**

Retrospective change of use from a dwelling house (use class C3) to a House in Multiple Occupation (HMO) (use class C4) for a maximum of 4 persons.

148. **P/23/227/FUL - 61 PARK STREET, BRIDGEND, CF31 4AX**

**RESOLVED:** That the application be granted, subject to the conditions contained in the report of the Corporate Director – Communities:

**Proposal**

Change of use from dwelling to House in Multiple Occupation (HMO) maximum 6 persons.

149. **P/23/147/FUL - REAR OF 82 MERTHYRMAWR ROAD, BRIDGEND, CF31 3NN**

- RESOLVED:**
- (1) That the Committee were minded to refuse this application and await a further report to the next Committee meeting, outlining the reason(s) for such refusal.
  - (2) That Councillor J Pratt be appointed as the lead Member to liaise with Officers on the reasons for refusal as suggested by Members during debate on the item.

**Proposal**

Detached dwelling with garage and on-site parking.

150. **APPEALS**

**RESOLVED:**

- (1) That the appeals received since the last meeting of the Committee as shown in the report of the Corporate Director – Communities be noted.
- (2) That the Inspector appointed by Welsh Ministers to determine the following appeal, has directed the Appeal be Dismissed:-

Appeal No. – CAS-02289-T3Y1C3 (1973)

Subject of Appeal – Outline application for Residential Development for 15 Dwellings with approval for access: Land adjacent to Tondu Road North of Pascoes Avenue Bridgend.

151. **P/23/218/FUL - LAND AT BRYNMENYN AND BRYNCETHIN, BRIDGEND**

**DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 7 SEPTEMBER 2023**

That having regard to the report of the Corporate Director – Communities on the above application, Committee:

- RESOLVED:**
- (1) That members agreed that a Special Meeting of the Development Control Committee be held to consider Application P/23/218/FUL.
  - (2) That the format for the day of the Special Committee should be as generally described in the report but subject to any changes which the Chairperson agrees with the Corporate Director - Communities. It should be noted here that the timetable in the report should reference the Hydrogen Plant being in Brynmenyn and the Solar Farm site in Bryncethin (as opposed to the other way around as was specified in the report).
  - (3) That speaking rights for Objectors be extended to 10 minutes which may be shared by more than 1 objector and that the time for the Applicant to respond shall also be extended to 10 minutes.
  - (4) That the Chairperson shall notify Committee of the date for the Special Meeting once a suitable date has been identified.

152. **TRAINING LOG**

**RESOLVED:** That Members noted the report of the Corporate Director – Communities outlining up and coming Committee training sessions.

153. **URGENT ITEMS**

There were no urgent items.

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](http://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/23/147/FUL

**APPLICANT:** T, D, C & N Allen c/o C2J Architects & Town Planners, Unit 1A Compass Business Park, Pacific Road, Ocean Park, Cardiff, CF24 5HL

**LOCATION:** Rear of 82 Merthyr Mawr Road Bridgend CF31 3NS

**PROPOSAL:** Detached dwelling with garage and on site parking

**RECEIVED:** 1 March 2023

## **UPDATE SINCE DC COMMITTEE MEETING OF 7 SEPTEMBER 2023**

The application and original recommendation were considered by the Development Control Committee on 7 September 2023.

The application report from the Group Manager – Planning and Development Services recommended that consent be granted for the development of 1 no. detached dwelling and associated works on land to the rear of 82 Merthyr Mawr Road.

Notwithstanding the above, and after deliberation, Members voted against the recommendation.

Therefore, Committee was minded to refuse the application and, in accordance with the agreed protocol for dealing with applications where the Committee is minded to refuse an application which has been recommended for approval, consideration of the application was deferred to this meeting so that reasons for refusal could be properly considered.

Article 24 (1) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended) states that when the local planning authority give notice of a decision or determination on an application for planning permission ..... or the application is refused, the notice must—

(a) **state clearly and precisely the full reasons for the refusal** or for any condition imposed specifying all policies and proposals in the development plan which are relevant to the decision.

Section 11 of the Planning Code of Practice clearly states that:

If Members are minded to make a decision contrary to the Officer's recommendation the application should be referred to the next meeting of the Committee to enable officers to advise Members further. Where a Member proposes a recommendation contrary to the Officer's recommendation then the proposer should set out clearly the material Planning reasons for doing so. The Chairperson will ensure that the Officer is given the opportunity to explain the implications of the contrary decision before a vote is taken."

It goes on to state that "Where Members of the DC Committee are minded to take a decision against the Officer's recommendation, so that consideration of that matter is deferred to the next meeting of the Committee, Members will receive a further report from Officers upon the strengths and weaknesses of any proposed or possible Planning reasons for such a decision. In cases where Members overturn an Officer's recommendation for approval, the reasons for this will be drafted and reported back to Members at the next Development Control meeting."

Paragraph 9.6.17 of the Welsh Government's Development Management Manual also advises that "Where necessary, planning committees should defer applications by using a 'cooling off period' to the next committee meeting when minded to determine an application contrary to an officer recommendation. This is in order to allow time to reconsider, manage the risk associated with this action, and ensure officers can provide additional reports and draft robust reasons for refusal or necessary conditions for approval."

As referred to above, no reasons for refusal were agreed during the original meeting, however, Officers invited the nominated Lead Member, in liaison with the other Members who voted to refuse the application, to draft reasons of refusal in order for Officers to compile a report. The Lead Member has submitted his concerns about the development which are as follows:

1. *The application does not provide a visual of height, width and depth of the proposed property, this makes it difficult to determine the layout of this proposal in relation to neighbouring properties. This would question whether the proposed development is in keeping with the established area.*
2. *The proposed property is laid back from the neighbouring property, without sufficient information I cannot deem whether there are any impacts on privacy for the neighbouring property. This is of concern for a neighbouring property used to a high level of privacy.*
3. *The outward appearance of the property, the written description does not offer an objective view of the proposed property in relation to the neighbouring properties. Again much like objection 1 it cannot be determined whether this property is in keeping with the wider area.*
4. *The removal of four trees, three of which are subject to Tree Protection Orders, raises concerns on the visual and ecological impact after works on these trees have concluded which may include felling, crown reduction or removal of overhanging branches.*

Points 1 and 3 both relate to the scale and design of the property and its impact on the visual amenity of the area. The full details of the proposal, including its measurements and its elevations, are included within the full application submission. It has been suggested to the Lead Member that a refusal reason could be prepared which relates to the design and scale of the proposed dwelling.

Point 2 relates to the impact of the development on neighbouring amenity. The proposed dwelling would be set back from the adjoining property – no.1 Glanogwr Road – which itself is set back from the next dwelling to the west – 1 Bowham Avenue. The position of the dwelling in relation of the orientation of the sun will not create any unacceptable overshadowing issues to the adjoining property. In terms of overlooking, there are no primary habitable room windows proposed in either side elevation and those located in the front and rear elevations are sufficient distance from the adjoining properties to ensure no unacceptable overlooking issues.

The single storey garage will be located close to the boundary with 1 Glanogwr Road, with the bulk of the property set well into the plot and as such will not give rise to any unacceptable domination impacts on the adjoining dwelling or garden. On this basis, it was recommended to the Lead Member that a refusal reason relating to the impact of the development on neighbouring amenity would be difficult to justify and defend should the applicant appeal the decision.

The final point raised by the Lead Member related to the loss of trees, including three TPO trees which are situated on the site. The tree report submitted with the application indicates that the protected trees are poor specimens, with one showing signs of ash dieback. Whilst there are certainly ecological issues associated with tree loss, the main consideration with removing trees covered by a preservation order is visual amenity within the area. Given the findings of the tree report, which has been prepared by a professional arborist, it would be difficult to refuse their removal subject to replacement planting, which is also proposed in the application. The Council's ecologist has not raised any concerns subject to a condition.

Whilst not being specifically referred to in the comments received from the Lead Member, concerns surrounding the proposed site access were also raised verbally during the previous meeting. It was advised at the time that Planning and Highways Officers would not be able to justify a reason for refusal on these grounds. The site currently benefits from an existing vehicular access which the proposed development would make use of. The proposal would

improve the safety of the access through the introduction of pedestrian and vehicular vision splays, which were to be retained in perpetuity, as required by one of the recommended planning conditions. As the proposal would make use of and improve the safety of an existing access point, it would not be possible to justify a refusal reason on highway safety grounds.

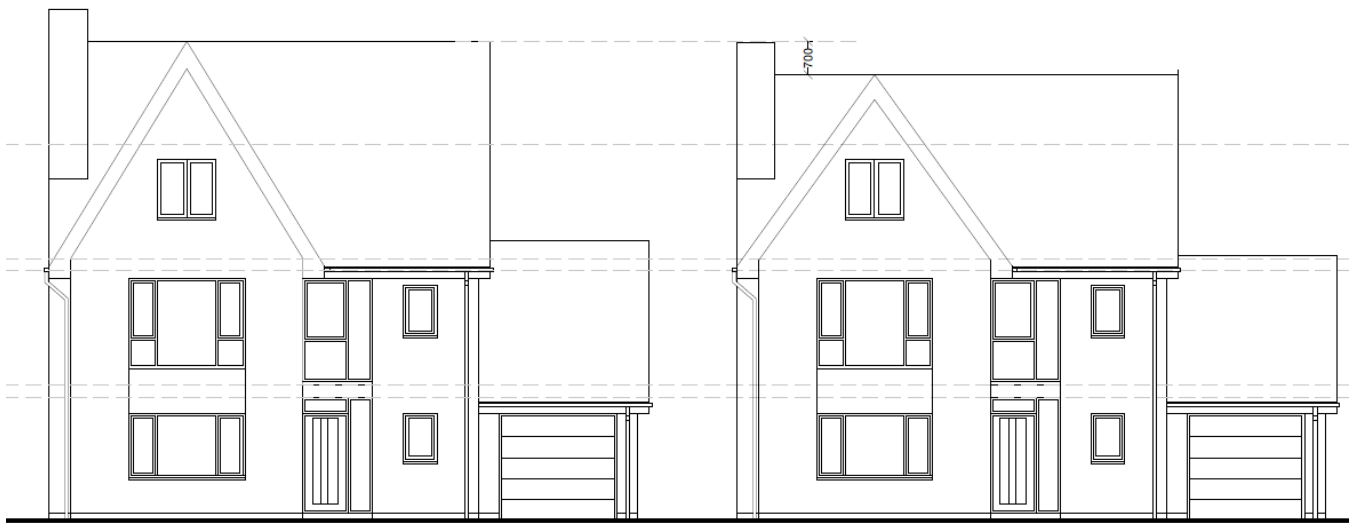
Based on the discussion at the previous meeting, as well as subsequent correspondence with the Lead Member, the following reason for refusal has been composed, which relates to the scale and visual impact of the proposed development:

*The proposed dwelling by virtue of its height and three-storey design on a prominent corner location will represent an incongruous element within the street scene to the detriment of visual amenity in an area where the predominant character comprises of two-storey low pitch buildings. As such the proposal is contrary to the Bridgend Local Development Plan Policy EV2 and national planning policy outline in Planning Policy Wales 11 and Technical Advice Note 12 – Design.*

Further to the meeting and the Members' decision to refuse the application, the agent has proposed an amended scheme, reducing the ridge height of the proposed dwelling by 0.7 metres, resulting in an overall height of 9.4 metres to ridge.



The amended elevations are shown above, with a comparison drawing, showing the previously proposed dwelling alongside the amended scheme, shown below.



As Currently Proposed

Reduced Ridge Height Option

The amended proposal will still be of a higher level than the directly adjoining properties, although as noted within the previous meeting, the new property is sited at the end of the row of properties and there are examples of taller buildings within the wider streetscene, examples of which are shown below:



*No's 2 and 4 Glanogwr Road to the east of the application site*



*Glanogwr House and Newbridge Court (in the distance) to the north-west of the application site*

Members will have the opportunity to consider the revised proposal which reduces the height of the proposed dwelling by 700mm. In the event that this alternative proposal is deemed to be acceptable to Members, the approved plans condition will be amended to refer to the updated plans. A copy of the original report is reproduced below :-

**DESCRIPTION OF PROPOSED DEVELOPMENT**

This application seeks full Planning permission for the erection of a detached dwelling alongside ancillary works on land to the rear of 82 Merthyr Mawr Road, Bridgend.

The proposed layout comprises a detached dwelling with an area of garden space and a driveway to its front, which will be accessed from Glanogwr Road. The proposed dwelling will also benefit from garden space to its rear.



**Fig. 1: Proposed Site Layout Plan**

The dwelling is principally orientated to face the north-west, toward Glanogwr Road. It will be set slightly further back than the building line of the adjacent property at no. 1 Glanogwr Road, which itself is set back from the next dwelling to the west, 1 Bowham Avenue.

The property is proposed to measure a maximum of 11.2m in depth and 11.9m in maximum width, inclusive of the garage which adjoins the dwelling on its south-western side. The house is to have a pitched roof which measures 10.1m in height to its ridge and 5.25m to its eaves. It will comprise a hallway, lounge and kitchen, utility room, family room and WC at ground floor level with four bedrooms and a family bathroom at first floor level. An additional bedroom is proposed within the loft of the property, alongside an en-suite and changing room.

The dwelling will be finished using lightly coloured render and red facing-brick to its elevations with a grey slate roof and grey powder coated aluminium windows and doors. Fenestration and openings are mainly situated on the front and rear elevations of the property, with some smaller / secondary windows situated on the side elevations at first and second floor level, serving bathrooms and staircases. The existing garden of 82 Merthyr Mawr Road is to be divided between the two properties.

## **SITE DESCRIPTION**

The application site is situated within the Primary Key Settlement of Bridgend, as defined by Policy PLA1 of the Local Development Plan (2013). It forms part of the rear garden of 82 Merthyr Mawr Road, with the northern boundary of the site formed by Glanogwr Road.



***Fig. 2: Street View image of the application site***

The site consists of an area of residential curtilage associated with 82 Merthyr Mawr Road, with the host property sitting to the south-east of the proposed development site. 1 Glanogwr Road sits to the west of the site, with the rear garden of no. 80 Merthyr Mawr Road sitting to the east.

The application site is situated within a residential area made up of largely detached and semi-detached houses of varying sizes. The houses in the area are typically finished in a combination of render and brickwork, with dark roof tiles and white UPVC windows, doors and rainwater goods.

The proposed development site benefits from an existing gated access from Glanogwr Road, which provided vehicular access to the site, where an existing detached garage is located. Several trees situated near to the northern boundary of the application site are protected by Tree Preservation Orders.



## RELEVANT HISTORY

| Application ref. | Description   | Decision            | Date       |
|------------------|---|---------------------|------------|
| P/04/871/OUT     | Outline application for one dwelling renewal of permission P/04/0044 and extension of reserved matters 01/203   | Conditional Consent | 14/09/2004 |
| P/07/1099/OUT    | Outline application for one dwelling house  | Conditional Consent | 18/10/2007 |
| P/10/710/RLX     | Renewal of Outline consent P/07/1099/OUT for one dwelling house   | Conditional Consent | 14/02/2011 |
| P/14/84/RLX      | Renewal of Outline consent P/07/1099/OUT for one dwelling house   | Conditional Consent | 01/04/2014 |
| P/17/147/RLX     | Renewal of Outline consent P/07/1099/OUT for one dwelling house   | Conditional Consent | 19/04/2017 |
| P/20/260/RLX     | Vary the standard time condition on P/17/147/RLX (New dwelling) to extend the Outline consent for a further 3 years (Renewal of Outline consent P/07/1099/OUT for one dwelling house) | Conditional Consent | 13/07/2020 |
| P/23/449/RLX     | Vary the standard time condition on P/20/260/RLX (New dwelling) to extend the outline consent for a further 3 years (Renewal of outline consent P/07/1099/OUT for one dwelling house) | Pending             | n/a        |

## PUBLICITY

Neighbours have been notified of the receipt of the application. The period allowed for response to the original consultations/publicity expired on 11<sup>th</sup> April 2023. Following the submission of amended plans, a further consultation period took place on 10<sup>th</sup> August 2023.

## CONSULTATION RESPONSES

**Dwr Cymru Welsh Water** – No objection subject to the inclusion of suitably worded conditions and advisory notes on any consent granted.

**Shared Regulatory Services: Environment Team** – No objection subject to the inclusion of suitably worded conditions and advisory notes on any consent granted.

**Land Drainage** – No objection subject to the inclusion of suitably worded conditions and advisory notes on any consent granted.

**Bridgend Town Council** – No objection.

**Highways Officer** – No objection subject to the inclusion of suitably worded conditions on any consent granted.

**Ecology** – No objection subject to the inclusion of suitably worded conditions on any consent granted.

## **REPRESENTATIONS RECEIVED**

One letter of support was received from 82 Merthyr Mawr Road. A number of objections were received from the tenants/owners of neighbouring properties in response to the initial consultation, the addresses of which are listed below:

- 1 Glanogwr Road
- 4 Glanogwr Road
- 10 Glanogwr Road
- 14 Glanogwr Road
- 16 Glanogwr Road
- 80 Merthyr Mawr Road
- 84 Merthyr Mawr Road

The Planning objections raised in these consultation responses included the following:

- Inappropriate access;
- Impact of construction phase, including construction traffic;
- Overdevelopment of the plot;
- Loss of privacy of neighbouring residents;
- Overbearing and dominating impact;
- Scale and design out of keeping with its surroundings;
- Environmental impact through loss of trees / green space;
- Impact of the development on surface water drainage;
- Lack of information regarding foul water drainage.

A response from Cllr Ian Williams was also received following the original consultation which stated:

*I would like to Object strongly to this application as I feel it would completely overshadow the neighbouring property, 1 Glanogwr Road , Bridgend.*

*In my opinion it will completely dominate the Eastern aspect of 1 Glanogwr Road and I also have serious concerns regarding access to the highway on quite a nasty bend.*

*Please include this objection in the comments section of the application.*

Following the receipt of amended plans, a further period of consultation was undertaken on 10<sup>th</sup> August 2023. One letter of support was received from 82 Merthyr Mawr Road. Letters of objection were received from the occupants of 80 and 84 Merthyr Mawr Road; 1, 14, 18 and 32 Glanogwr Road; as well as 1 Bowham Avenue. The reasons for objection do not differ from those listed above, which were raised as part of the initial consultation.

## **COMMENTS ON 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.

Other matters such as land ownership, and the impact of construction works on the local area are not material Planning considerations and will not be addressed further.

The concerns relating to the visual impact of the development; its impact on neighbouring amenity; trees / bats on site; the access, increased traffic and on-road parking as a result of the

development; and the impact of the development on the sewage system 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:

|                     |   |
|---------------------|---|
| <b>Policy PLA1</b>  | Settlement Hierarchy and Urban Management               |
| <b>Policy SP2</b>   | Design and Sustainable Place Making                     |
| <b>Policy PLA11</b> | Parking Standards                                       |
| <b>Policy SP4</b>   | Conservation and Enhancement of the Natural Environment |
| <b>Policy ENV6</b>  | Nature Conservation                                     |
| <b>Policy SP12</b>  | Housing   |
| <b>Policy COM3</b>  | Residential Re-Use of a Building or Land                |

|   |                              |
|---|------------------------------|
| <b>Supplementary Planning Guidance 02</b> | Householder Development      |
| <b>Supplementary Planning Guidance 07</b> | Trees and Development        |
| <b>Supplementary Planning Guidance 08</b> | Residential Development      |
| <b>Supplementary Planning Guidance 17</b> | Parking Standards            |
| <b>Supplementary Planning Guidance 19</b> | Biodiversity and Development |

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 11**

#### **Planning Policy Wales TAN 5**

#### **Planning Policy Wales TAN 10**

#### **Planning Policy Wales TAN 12**

Nature Conservation and Planning

Tree Preservation Orders

Design

## **WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015**

The Well-being of Future Generations 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.

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 impact of the proposal on the character and appearance of the street scene; its impact on residential amenity; ecology; drainage; highway safety; and contaminated land.

## **PRINCIPLE OF DEVELOPMENT**

The application site lies within the Primary Key Settlement of Bridgend, as defined by Policy PLA1 of Bridgend County Borough Council's adopted Local Development Plan (2013). Policy COM3 of the Local Development Plan (2013) states that "residential developments within settlement boundaries defined in Policy PLA1 on 'windfall' and 'small scale' sites for the conversion of existing buildings, or the re-use of vacant or under-utilised land will be permitted where no other LDP policy protects the building or land for an existing or alternative use."

The proposal is considered to be compliant with Policies PLA1 and COM3 of the Local Development Plan (2013) and is therefore considered to be acceptable in principle. Whilst the area of land is accepted as an area which is capable of redevelopment in principle in accordance with Policy COM3 of the Local Development Plan (2013), consideration must be given to the importance of placemaking in decision making.

Placemaking considers the context, function and relationships between a development site and its wider surroundings. It adds social, economic, environmental and cultural value to development proposals resulting in benefits which go beyond a physical development boundary and embed wider resilience into Planning decisions.

The site has also been the subject of applications and consents for a new dwelling in this location so the principle has been established.

Therefore, due regard must be given to Policy SP2 of the Local Development Plan (2013) as it incorporates the concept of placemaking.

## **SITE LAYOUT & DESIGN**

The acceptability of the proposed development is assessed against Policy SP2 of the Local Development Plan (2013) which stipulates 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.

PPW11 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".

The streetscene is largely made up of detached and semi-detached properties which vary in terms of their design and character. The majority of the existing houses within the street and the surrounding area sit within relatively spacious plots with a substantial private amenity area to the rear and front garden/driveway space, typically set behind low boundary walls.

In general terms, the surrounding area is residential in nature and the introduction of an additional dwelling on land to the east of 1 Glanogwr Road is considered to be an appropriate form of development. The proposed development plot allows ample space for the construction of a dwelling which will be set in from the site's boundaries and includes amenity space to the front and rear, alongside a driveway / parking area. The proposed dwelling will be set back from the building line of the majority of the dwellings to the west, although a setback exists between 1 Glanogwr Road and 1 Bowham Avenue and the new dwelling will continue this trend. It is considered that the proposal will not result in the overdevelopment of the existing plot and the positioning of the dwelling is considered to be acceptable.

In terms of its scale, the proposed dwelling has a smaller footprint than the neighbouring property at 1 Glanogwr Road, with a footprint which is more comparable with some of the other dwellings on Glanogwr Road and Bowham Avenue. The house measures approximately 10m in height, which will be approximately 1-1.5m taller than the majority of the neighbouring properties within the immediate vicinity of the site, and will include living space within its loft.

The proposed dwelling is of an individual design, which doesn't aim to match the design characteristics of the surrounding properties, the vast majority of which are hipped roof semi-detached dwellings. Similar examples of individually designed dwellings include 1 Glanogwr Road, sitting immediately to the west of the site, as well as 18 Glanogwr Road, which sits immediately opposite the site, to the north-west.



*Images of 1 Glanogwr Road and 18 Glanogwr Road*

Given its position at the end of the row of properties which make up Bowham Avenue, as well as its individual design and set-back position, the proposed dwelling will be read separately from the standard pattern of development elsewhere within the street. The design of the dwelling is considered to be of a reasonable quality which, given the presence of other independently designed dwellings in close proximity, would not detract from the characteristics of the streetscene.

In terms of its size, whilst the dwelling will be readily visible from the streetscene and public vantage points, it is considered that its size is appropriate and of a scale which is proportionate and complimentary to the surrounding residential area. The proposed dwelling will not appear as an overly prominent addition to the streetscene and is not considered to be overly excessive in terms of its size.

It is proposed to be finished with lightly painted render alongside red facing-brick to its elevations, with grey slate to the roof. The fascia/barge boards and soffits will be black uPVC. The materials proposed are considered to sufficiently reflect and compliment those of the other dwellings within the vicinity of the site.

Overall, the dwelling is considered to be an addition which respects the character of the surrounding area and will not result in the addition of an incongruous feature within the streetscene. It is compliant with criterion (3) of Policy SP2 of the Local Development Plan (2013) and is therefore considered to be an appropriate addition.

### NEIGHBOUR AMENITY

Criterion (12) of Policy SP2 of the Local Development Plan (2013) 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 an appropriate level of amenity is afforded to future occupiers of a development.

Although Supplementary Planning Guidance Note 02 Householder Development (SPG02) relates to household development, it is considered that the principles are applicable in this instance. Note 1 of SPG02 states that no development should “unreasonably dominate the outlook of an adjoining property”. Note 2 of the SPG states that “*No extension should unreasonably overshadow adjoining property*”.

The application site and its relationship to residential dwellings bordering the site is shown below:



**Fig. 3: Site Location Plan**

In terms of its position within the site, the proposed dwelling is set back from the defined building line along Bowham Avenue, as well as being set behind 1 Glanogwr Road, both of which are located to the west of the application site. As a result, the new dwelling will project beyond the rear elevation of no. 1 Glanogwr Road, as shown in the site plan extract below:



**Fig. 4: Proposed Site Layout Plan**

The single-storey element of the proposed dwelling, which comprises its garage, is to be situated in the south-west of the site, sitting 1m from the boundary with no. 1 Glanogwr Road. The garage of the dwelling will project by approximately 4.5m further to the south-east than the rear elevation of 1 Glanogwr Road. The garage will have a pitched roof, measuring 6m in height to its ridge and 2.5m in height to its eaves. Due to the positioning of the garage in this area of the site, the main body of the building will be set away from the neighbouring dwelling.

The layout of the site has been designed so as to limit the impact of the development on the neighbouring property in terms of appearing dominating and overbearing. The proposal will not dominate the outlook from the rear-facing windows of the neighbouring property and the set back of the main bulk of the proposal from the site's western boundary is considered to be sufficient to ensure that the rear garden of 1 Glanogwr Road is not dominated by the new dwelling. Whilst the bulk of the dwelling will be situated in close proximity to the eastern boundary of the site, shared with the garden of 80 Merthyr Mawr Road, it is set well away from the dwelling itself, as well as the area of usable amenity space (including a patio, lawn etc.) immediately to the rear of the house.

Due to its orientation to the east of 1 Glanogwr Road, any loss of sunlight for the neighbouring property as a result of the development will be limited to the early morning. The layout of the development site ensures that the neighbouring property and its garden will not be overshadowed to an extent that it would significantly impact the residential amenities of its occupiers.

The introduction of a new dwelling in this position will not result in substantial loss of sunlight to neighbouring properties and is therefore considered not to adversely affect the levels of light currently afforded to the dwellings at 1 Glanogwr Road and 80 Merthyr Mawr Road, in accordance with Note 1 of SPG02.

Note 6 of SPG02 states that '*An extension should respect the privacy of neighbouring houses*'. Paragraph 4.6.1 of the SPG notes that a sense of privacy within the house and a freedom from overlooking in at least a part of the garden are aspects of residential amenity. The Council believes that the minimum distance between directly facing habitable room windows in adjacent properties should normally be 21m. To reduce the loss of privacy within gardens, the minimum distance from a new habitable room window to the boundary of the property should be 10.5m.

The rear elevation of the proposed dwelling is to be situated 12.5m from the site's rear boundary, which will be a new boundary formed to delineate the gardens of the application site and the host dwelling. The rear facing windows will be situated over 30m from the opposing rear-facing windows of 82 Merthyr Mawr Road.

Naturally, the introduction of a new dwelling will result in some level of overlooking of the gardens

of adjoining properties, which is to be expected to an extent in the majority of residential developments. In this instance the proposed dwelling does not include any side-facing windows serving habitable rooms, which would directly overlook neighbouring properties. The rear-facing windows are set a sufficient distance from the neighbouring dwellings to the south and south-east of the site to ensure that there is no direct overlooking of windows. Any overlooking of the gardens of neighbouring properties will be limited and would not warrant the refusal of the application.

Given the above, the proposal is considered to be acceptable in terms of its impact on neighbouring amenity. It is considered that the dwelling would not be so detrimental to the levels of privacy and amenity currently afforded to the properties to such an extent which would warrant a refusal of the Planning application on such grounds. Therefore, on balance the proposed development is considered to be acceptable, in accord with criterion (12) of Policy SP2 of the Local Development Plan (2013) and guidance contained within SPG02.

## **RESIDENTIAL AMENITY**

Note 8 of SPG02 refers to amenity. It states at paragraph 5.1.1 that “whilst an individual may accept a window box as sufficient garden space, the County Borough Council believes that, generally, there should be a reasonable private outdoor area for enjoyment of the present and future households”.

The host dwelling benefits from a very large garden to its rear, which is proposed to be subdivided with the application site. Due to the scale of the existing garden of the host property, sufficient amenity space is to be provided for the new dwelling, whilst retaining a large area of garden space for 82 Merthyr Mawr Road. The proposed development is therefore considered to be compliant with Note 8 of SPG02 and is acceptable in this regard.

## **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.*

A vehicular access, driveway and garage already exist at this location and as such there is a fallback position of vehicle movements in / out of the plot. Notwithstanding this, it is considered that appropriate vision exists for vehicles approaching at 20mph which is considered reasonable given the constraints of the highway at this location and having regard to the impending implementation of 20mph speed restrictions in areas such as this. These vision splays exist purely in the highway limits and, other than improving pedestrian vision, the access is deemed appropriate to serve the proposed dwelling.

The proposed garage is considered suitable for storage of bicycles and the driveway arrangement, which includes provision for 3 off-street parking spaces, is also acceptable.

Given this, the development is considered to be compliant with the guidance contained within SPG17 and is in accord with Policy PLA11 of the Local Development Plan (2013). The scheme is considered to be acceptable from a highway safety perspective subject to the imposition of a Planning condition which requires the driveway and off-street spaces for the proposed dwelling



to be implemented before the development is brought into beneficial use, as well as for pedestrian and vehicle vision splays to be provided and retained thereafter in perpetuity.

## **LAND DRAINAGE**

Criterion (13) of Policy SP2 of the Local Development Plan (2013) seeks to ensure that development proposals incorporate appropriate arrangements for the disposal of foul sewage, waste and water.

In assessing this Planning application, the Land Drainage Section has recommended the inclusion of Planning conditions which require the submission of a comprehensive and integrated drainage scheme for the agreement of the Authority prior to the commencement of development.

Dŵr Cymru Welsh Water has advised that a full drainage scheme will be required to be submitted for approval, which includes an assessment exploring the potential to dispose of surface water by sustainable means, rather than discharging to the mains sewer.

Subject to the inclusion of the recommended Planning conditions, the proposed development is considered to be acceptable in respect of drainage in compliance with criterion (13) of Policy SP2 of the Local Development Plan (2013). The applicant is reminded that the development requires approval of Sustainable Drainage Systems (SuDS) features by the SuDS Approval Body (SAB).

## **ECOLOGY**

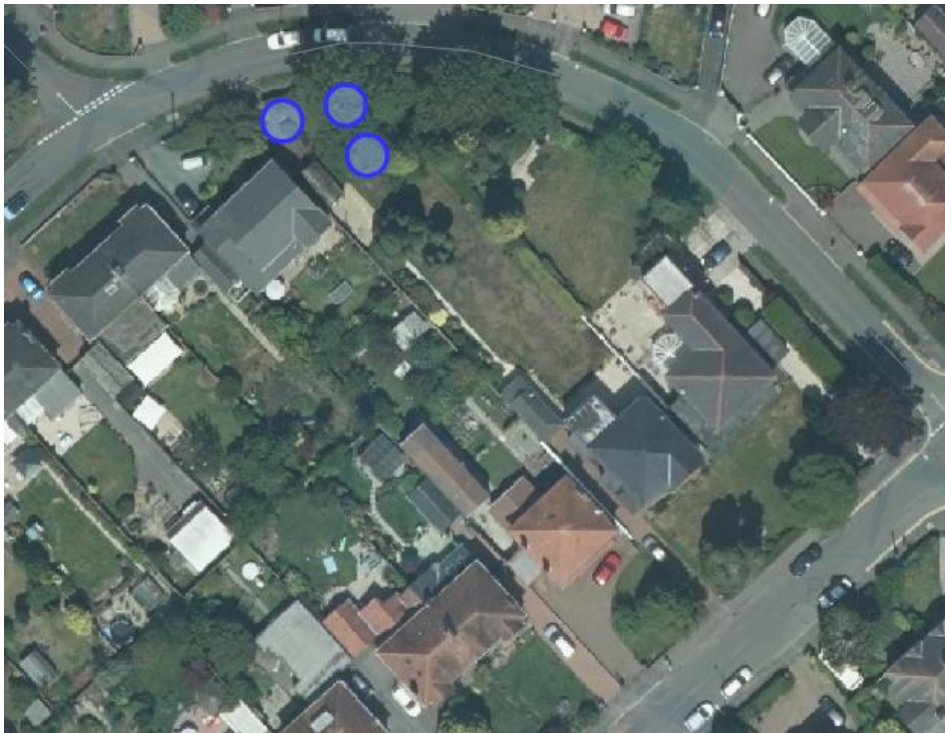
Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity"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

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

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

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

The site forms an area of garden space which includes a number of trees, several of which are covered by a Tree Preservation Order, as shown on the extract below:



**Fig. 5: Extent of TPO shown on aerial image**

Any works which will impact the protected trees, including any felling, crown reduction or removal of overhanging branches, require the formal consent of the Council.

The proposal seeks to remove four trees, including three protected trees, in order to accommodate the development of the proposed dwelling and associated works. An Arboricultural report has been submitted alongside the application which identifies the four trees are being of a low quality (Category C), with signs of Ash dieback also found on the dominant Ash tree. Due to their condition, the removal of the trees would not present a major constraint to the development of the site.

Despite the low quality of the trees, the removal of the group will impact on the visual amenity of the area, and it is recommended that suitable compensatory planting is provided to mitigate for this loss, in line with the recommendations of the report. A re-planting scheme will be required by condition on any consent granted for the development of the site. The scheme should include details on the number, species and size of trees which are proposed to be planted.

As the application proposes the removal of mature specimens of trees, including a Sycamore tree which included features suitable for bat roosting, a survey of the tree has been submitted. Whilst no evidence of bats was found, the tree remains suitable for roosting bats and could be used in the future, therefore, a precautionary approach to tree felling is required. Considering the ease of access to closely inspect the potential roosting features, it is recommended that the tree is surveyed immediately prior to felling to check the continued absence of bats. The requirement for this can be secured by planning condition.

It is also recommended that two replacement bat roosting features are provided on site, this could comprise two integral bat roosting features on the new building or two bat boxes to be located in retained trees on site (or one of each). The detail and requirement for this can be secured by planning condition.

Subject to the imposition of the recommended Planning conditions, the development is considered to be acceptable from a biodiversity perspective, in accord with criterion (10) of Policy SP2 of the Local Development Plan (2013).

## **PUBLIC PROTECTION: CONTAMINATED LAND**

The Public Protection Section has raised no objection subject to the inclusion of the recommended conditions and informative notes. The proposal is considered to be acceptable from a contaminated land perspective.

## **CONCLUSION**

Having regard to the above and after weighing up the merits of the 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 is designed to ensure that the dwelling will not have a detrimental impact on the residential amenities of neighbouring occupiers.

Therefore, the application is recommended for approval as it complies with Council policy and guidelines, will improve the visual amenities of the residential area and will not have a significantly detrimental impact on the privacy of neighbours' amenities to warrant a refusal on such grounds.

## **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 and documents:
  - Proposed Site Plan (ref. AL(90)10 rev. A);
  - Proposed Floor Plans (ref. AL(0)10 rev. A);
  - Proposed Floor Plans (ref. AL(0)11 rev. E).

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

2. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted in writing to the Local Planning Authority for approval. The approved remediation scheme must be implemented and following the completion of the measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

3. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

4. The proposed means of access shall be laid out with pedestrian vision splays of 1m x 1m in both directions before the development is brought into beneficial use and retained as such in perpetuity.

Reason: In the interests of highway safety.

5. No structure, erection or planting exceeding 0.6 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.

Reason: In the interests of highway safety.

6. The proposed parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained for parking purposes in perpetuity.

Reason: In the interests of highway safety.

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

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

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

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

9. No development shall commence until a scheme of ecological enhancements has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the beneficial use of the development.

Reason: In order to protect and enhance the ecological value of the site.

10. No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been agreed in writing by the local planning authority. All tree planting shall subsequently be carried out in accordance with the agreed details.

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

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

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

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

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

(b) The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

(i) determining the extent and effects of such constraints;

(ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

- Unprocessed / unsorted demolition wastes.

- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.

- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

(iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

(c) In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

(d) 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](http://www.dwrcymru.com)

- (e) 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) To satisfy Condition 7, the applicant must:
- Provide a foul and surface water drainage layout;
  - Provide an agreement in principle from DCWW for foul disposal to the public sewer;
  - Provide hydraulic calculations to confirm the site does not flood during a 1 in 100 year + 30% CC event;
  - Submit a sustainable drainage application form to the BCBC SAB ([SAB@bridgend.gov.uk](mailto:SAB@bridgend.gov.uk)).
- (g) In order to satisfy the Condition 8 the following supplementary information is required:
- Provide a geotechnical report confirming limestone cavities will not be formed through surface water disposal through infiltration;
  - Provide surface water drainage layout (including location of proposed soakaway, if required).
  - Provide infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE 365.
  - Provide a plan showing locations of trial holes and at least 3 separate tests at each trial hole location.
  - Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system.
  - Provide a timetable for its implementation; and
  - Provide a management and maintenance plan, for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.
- (h) The trees on site, including their potential roosting features, should be surveyed by a suitably qualified ecologist immediately prior to felling to check for the continued absence of bats, in line with the recommendations of the *ethos Environmental Planning* bat survey.

**JANINE NIGHTINGALE**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None

**REFERENCE:** P/22/455/RLX

**APPLICANT:** Park Tree Homes Ltd c/o C2J Architects, Unit 1a Compass Business Park, Pacific Road, Cardiff, CF24 5HL

**LOCATION:** Coed Parc Park Street Bridgend CF31 4BA

**PROPOSAL:** Vary condition 1 of P/22/85/RLX to substitute plans and propose amended house designs for Phase 3 of the development

## UPDATE SINCE DC COMMITTEE MEETING OF 7 SEPTEMBER 2023

The application and original recommendation were considered by the Development Control Committee on 7 September 2023.

The report from the Group Manager – Planning and Development Services recommended that consent be granted to vary condition 1 of P/22/85/RLX to substitute plans and propose amended house designs for Phase 3 of the wider development.

After deliberation, Members voted to defer consideration of the application to allow for further clarification and information and the possible submission of amended plans.

Since the last Committee meeting, the amended plans have been submitted which have the effect of re-siting plots 12 and 13 further away for neighbouring properties at West Road and re-siting plot 6 further away from neighbouring properties at Coed Parc Court. Plot 11 had already been moved closer to the cul-de-sac.



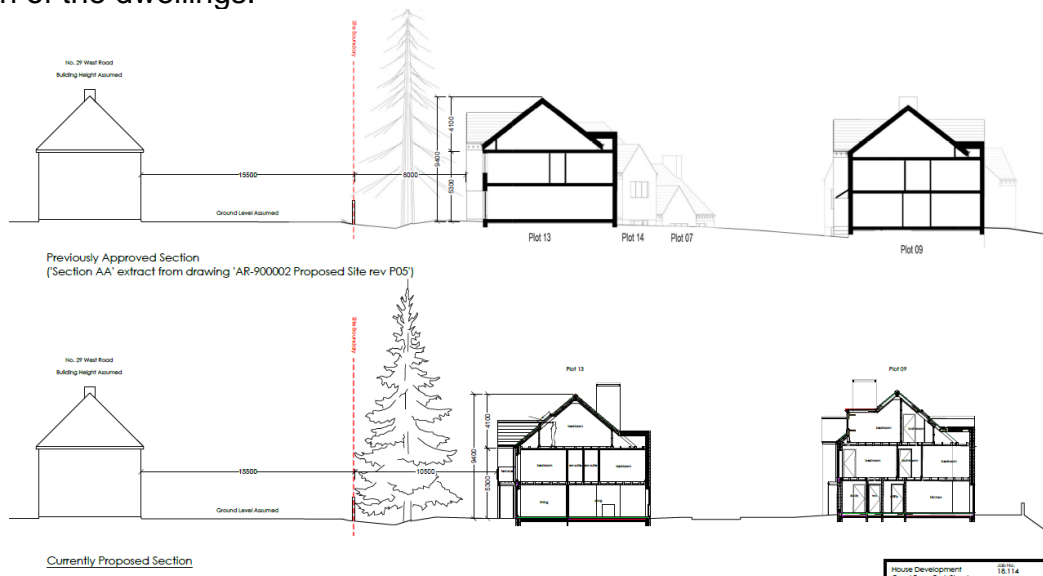
**Fig. 1: Revised Site Layout Plan**

As can be seen from the amended layout plan, plot 11 is 12.7m away from the shared boundary 35 West Road with a total of 31.1m between habitable room windows. Plot 12 is now 11.3m away from the shared boundary with 31 West Road with a total of 25.8m between habitable room windows and plot 13 is a minimum of 10.5m from the shared boundary with 27 and 29 West Road with at least 26m between habitable room windows. Plot 6 achieves a distance of 10.5m from the shared boundary with properties at Coed Parc Court.

The originally approved fall-back position of the dwellings is outlined on the revised site layout plan.

The distances are either in excess of or match the recommended distances included within the Council's Supplementary Planning Guidance Note 02: Householder Development. More specifically, paragraph 4.6.2 states "The County Borough Council believes that the minimum distance between directly facing habitable room windows in adjacent properties should normally be 21 metres" and paragraph 4.6.3 states "it is recommended that the minimum distance from the new habitable room window to the boundary should be 10.5 metres."

In addition, it has been reiterated that the height of the dwellings has not changed (9.4m to ridge) and the rooflights are positioned at a height in the roofslope that will only offer views out across to adjoining roofslopes or up to the sky. It should also be noted that the rooflights are set further back from the shared boundaries than the windows in the rear elevation of the dwellings.



**Fig. 2: Site Sections**

Neighbours/consultees have been notified of these changes and any additional comments received between the agenda being published and the day before the next Development Control Committee meeting will be included in the Amendment Sheet.

The approved plans condition will be revised to incorporate the amended plans.

Finally, having considered the concerns raised by Members at the last meeting, the following condition will be added to the consent to restrict the use of these dwellings as short term holiday lets (Use Class C6) in order to preserve the residential amenities of the area.

*The dwellings in Phase 3 of the development as hereby approved shall be used as a dwellinghouse in Use Class C3 as a sole or main place of residence and for no other purpose (including any other purpose in Class C6 (short term lets) of the Schedule to the Town and Country Planning (General Permitted Development) Order 1995 (as amended).*

*Reason: To ensure a satisfactory form of development and to protect the residential amenities of neighbouring occupiers.*



As referred to above, the application was deferred at the previous meeting to allow for the submission of amended plans. The concerns of the members have been addressed through the submission of amended plans and the addition of a condition restricting the potential future use of these detached dwellings as short term lets.

The recommendation is as per the original report subject to the amended site layout plan and the addition of the above condition.

Members will be aware that Section 10.3 of the Planning Code of Practice also advises that Members should not give any significant weight to late submissions put directly to them instead of the Local Planning Authority (LPA) (ostensibly in an attempt to influence opinion) where they contain nothing new or merely assert a point without any clear evidence. Any representations sent directly to Members of the Development Control Committee before the scheduled meeting should be disregarded and passed on to Officers to add to the file.

In terms of comments received on the amended plans, at the time of writing, Cllr. S. Bletsoe, Bridgend Town Council and the occupiers of 29, 31, 33 West Road, 13, 17 Walters Road and 46 Park Street.

Cllr. S. Bletsoe has commented as follows: "I agree that the variation applied for would not stop the developer from building what has been approved by the Inspector's decision. In relation to my comments on the new variation, I have read the detailed response sent in by resident Sarah Morse 31 West Road, which details a number of matters relating to sight lines, a large fir tree, overlooking of gardens, location in relation to boundaries, screening and pollution in far more detail than I would be able to. To the end it is probably best that I do not try to restate them but to associate myself with them, along with the drawings that have been provided in this response and paid for by local residents. I would like to thank you for your continued work on this application, I have found your assistance to be very helpful to me in my duties."

Bridgend Town Council has confirmed that they endorse the comments of the Walters Road Residents Committee.

The majority of the comments received from neighbouring occupiers are repeated from the original consultation process. However, the comments received from properties notified of the amendments can be summarised as follows:

- Welcome set back of plots 11, 12 and 13 but it is still not enough for some plots
- The site is clearly overdeveloped
- Still object to houses going from 2 storey/4 bed to 3 storey/6 bed
- Inserting windows in to the roof space will be overbearing to surrounding houses
- Object to the balconies added to plots 9, 10, 11, 12 and 13
- Still concerned about the additional noise and traffic
- Still concerned that there is insufficient parking
- Still object to the houses having real fires
- The amended plans show a coniferous tree that does not exist
- The submission provides nothing substantive
- Only the relationship between plot 13 and 29 has been illustrated and that is shown incorrectly
- It could be argued that the balcony would be well used
- The developer has chosen not to include people standing or sitting on the balcony
- The buildings will completely dominant the site - the listed building will be lost from view

- Plot 13 and its balcony will be visible from the road
- Even the newest wood burner models produce pollution
- Cars will park on Walters Road leading to congestion and parking wars/conflict
- Plot 13 has moved closer to plot 9 so that the distance between habitable room windows of these 2 plots reduces to 12.4 m
- It is our contention that this application should be refused on the basis that it violates strategic policies in the 2013 Local Development plan and also Supplementary Planning Guidance SPG02 and SPG17
- The amended plans have errors
- Measuring distances as stated on the plan the distance from the boundary of 29 West Road to the balcony wall of plot 13 is not 10.5m
- The height of the plot 13 building in the 'Previously approved' version is shown as the same height as the Currently Proposed version but it is 50cm shorter than the proposed version
- The sightline shown is of an observer looking up through a roof light, ignoring the fact the rooflight will be openable (for fire escape reasons) and an observer could stand on a platform or small step-ladder and gaze down in to the West Road gardens
- Abandonment of the original stipulations by Conservation
- Oxford Dictionary definition of a storey is 'a floor or level of a building'
- Using Ecodesign stoves would not mitigate the harmful effects of 9 of them pumping out PM2.5 into the neighbourhood
- With no loft storage space available, it is likely that the garage will be used for storage, exacerbating the parking situation.
- We have demonstrated by photographic evidence that the statement by the Inspector in 2017 is false, and indeed since the 7th of September DCC meeting we have recorded another instance of a parked vehicle causing other vehicles to travel north on the wrong side of the road
- 2 weeks experience of the new 20 mph law reveals that the average speed on Park Street is still around 30mph.
- We do not maintain that the 6-bedroom upgrade would significantly increase the extra volume of traffic through these junctions, but we agree with Lime transport that there is likely to be an increase of 50% in the expected trip rate out of the new development, and therefore an increase of 50% in the additional traffic hazards caused by the new development
- The houses will be turned into HMOs

In response to the concerns raised:

- the set back of plots is compliant with our SPG even if there were no trees on the boundary between proposed and existing properties;
- the overall number of units on this part of the site has not increased beyond what was allowed by the Inspector in 2017 so there is no overdevelopment;
- the dwellings are 2 ½ storeys with accommodation in the roofspace rather than 3 storey buildings plus a roof;
- the rooflights will not allow overlooking into surrounding gardens (unless, as pointed out by one objector, the future occupier is on a ladder or platform);
- parking complies with the Council's guidance and visitor parking is provided in excess of the requirements;
- the originally approved houses had chimneys and fireplaces;
- the relatively slender balconies are in line with the closest 1<sup>st</sup> floor window to the boundaries;
- the sections show that the dwellings will not be bigger than the previously approved dwellings;

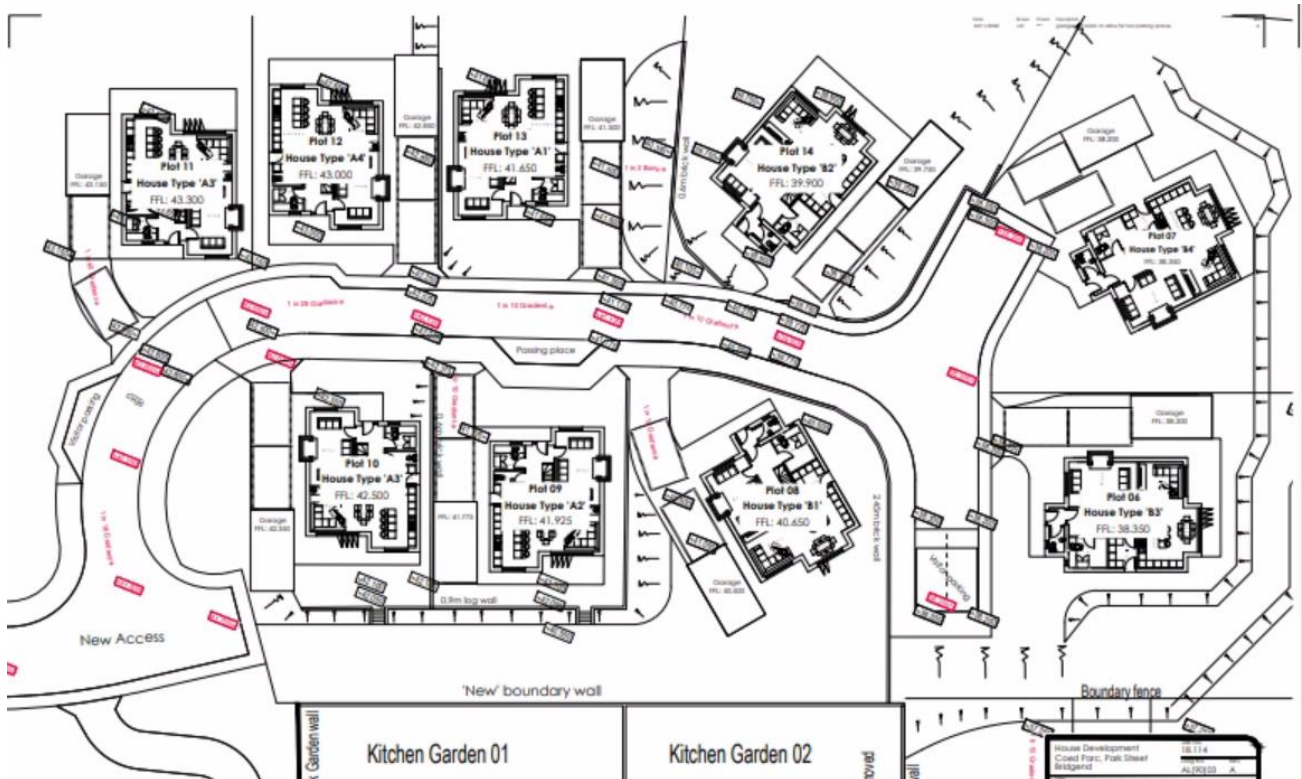
- the fact that the balconies could be visible from West Road is not a planning or design issue;
- the proximity of plot 13 to plot 9 is acceptable due to the dwellings being across the internal access road from each other and the fact that they are not in line with each other in compliance with Council guidance;
- the scheme is in keeping with the LDP and its policies;
- the Building Conservation Officer approves of the revised scheme and Officers consider it to be an improvement on the original approval;
- the garages will be used for the parking of private vehicles and one or both of the loft bedrooms could be used for storage;
- there are no concerns from a Highway perspective;
- the houses cannot be converted to a HMO without planning permission and a licence and
- the Air Quality Officer has confirmed that the wood burning stoves will need to be DEFRA approved appliances and their installation will have to conform with approved document J for building regulations

Reproduced below is a copy of the original report presented to the Committee on 7 September 2023:-

### APPLICATION/SITE DESCRIPTION

The Section 73 application seeks to vary Condition 1 of the latest consent for the wider development (PO/22/85/RLX) in order to amend plans and the design of the approved dwellings in Phase 3 of the residential development at Coed Parc, Park Street, Bridgend.

The application seeks to change the design of the nine dwellings in Phase 3 of the development to include extra bedrooms in the roof space.



**Fig. 1 – Site Layout Plan**

The nine dwellings that will form Phase 3 of the development are all detached dwellings and are a mix of housetypes (A1 - plot 13, A2 – plot 9, A3 – plots 10 and 11, A4 – plot 12, B1 – plot 8, B2 – plot 14, B3 – plot 6 and B4 – plot 7).

All of the plots benefit from three on-site parking spaces (including a detached garage) and front and rear amenity space. This part of the development will be accessed via Walters Road to the west although heavy construction traffic will utilise the access drive off Park Street to the south (as approved by Members in January under pp. No. P/22/85/RLX).

The original scheme that was allowed at appeal had the same number of dwellings in this part of the site (9) and in the same locations but with only two housetypes (A and B).



**Fig. 2 – Site Layout Plan Allowed under P/16/610/FUL**

The differences in the schemes/housetypes are illustrated below:



**Fig. 3 – Housetype A allowed at appeal**



**Fig. 4 – Housetype B allowed at appeal**



**Fig. 5 – Proposed Housetype A1 (plot 13)**



**Fig. 6 – Proposed Housetype A2 (plot 9)**



**Fig. 7 – Proposed Housetype A3 (plots 10 and 11)**



**Fig. 8 – Proposed Housetype A4 (plot 12)**



**Fig. 9 – Proposed Housetype B1 (plot 8)**



**Fig. 10 – Proposed Housetype B2 (plot 14)**



**Fig. 11 – Proposed Housetype B3 (plot 6)**



**Fig. 12 – Proposed Housetype B4 (plot 7)**

As well as there being more of a variety of finishes and designs, the “A” housetypes will incorporate first floor terrace areas accessed from the master bedroom. All housetypes will also incorporate two bedrooms in the roofspace (one with en-suite bathroom) with rooflights to the rear roofslopes and a flat roofed dormer addition to the front elevation overlooking the internal cul-de-sac.

The garages have been re-positioned to the rear of the driveways to allow at least 3 on-site parking spaces on each plot, in line with the original scheme which was allowed at appeal.



The application site is located approximately 1km to the west of the defined boundary of Bridgend town centre. The site is located in the Newcastle Hill Conservation Area and is currently accessed directly off Park Road (A473) to the south, which connects the town centre to the A48.

The site is located within an established residential area, with existing dwellings adjoining the site to the north, east and west on West Road, Coed Parc Court and Walters Road respectively. The site is bordered to the south by Park Street. The site is rectangular in shape and extends to an area of approximately 1.48 hectares and gradually slopes down from north to south. A large number of mature trees subject to a TPO are located across the site.

The site comprises a Grade II Listed building (Coed Parc), encompassing the main house, former coach house and adjacent single storey buildings which formerly accommodated the headquarters of the Bridgend Library and Information Services.

The building comprises a two-storey structure, constructed in masonry with a painted rendered finish. The roof structure has a pitched form with a natural slate finish. External doors and windows are painted timber single glazed units. To the west of the main building is the former coach house, a two-storey structure constructed in solid masonry with a painted render finish. The roof structure comprises a pitched form with a natural slate finish.

Plots 3, 4, 5 and 15 have been constructed and are occupied.

## **RELEVANT HISTORY**

P/16/610/FUL - Convert/renovate Coed Parc to 2 No. residential dwellings (inc. extension, alterations, part demolition) & construct 13no. new residential dwellings with new access, landscaping, parking & assoc. works – Refused – Allowed on Appeal – 15/12/2017

P/16/611/LIS - Listed Building application to convert/renovate Coed Parc to 2 residential dwellings (including extension, alterations, part demolition) in conjunction with the planning application to convert/renovate Coed Parc to 2 residential dwellings (including extension, alterations, part demolition) & construct 13 residential dwellings with new access, landscaping, parking & associated works – Approved (with conditions) – 14/08/2017

P/19/174/RLX - Vary condition 2 of appeal decision A/17/3181972 (P/16/610/FUL) to refer to amended plans – Approved (with conditions) – 28/06/2019

P/19/544/DOC - Approval of details for conditions 2, 3, 4, 5, 10, 11 & 15 of Appeal ref: A/17/3181972 & P/19/174/RLX – conditions discharged (split decision) - 02/04/2020

P/21/542/DOC - Approval of details for condition 5 (drainage) of P/19/174/RLX – condition discharged – 15/07/2021

P/21/953/DOC - Approval of details for conditions 2, 3 and 4 of P/16/611/LIS – conditions discharged – 11/04/2022

P/22/85/RLX - Remove condition 19 (Construction Method Statement) of P/19/174/RLX by the provision of details – Approved 05/01/2023

P/22/601/DOC - Approval of details for condition 5 of P/16/611/LIS – Application withdrawn

P/22/605/RLX - Variation of condition 1 of P/16/611/LIS to refer to amended plans for the Listed Building – Application withdrawn

P/22/620/RLX - Vary condition 1 of P/19/174/RLX to amend house design (House Type C) to include log burner and retention of access gate – Application withdrawn

P/23/424/DOC - Approval of details for conditions 9 (landscaping), 13 (vehicle turning area) and 15 (parking layout) of P/22/85/RLX – conditions discharged – 04/08/2023

## **PUBLICITY**

Neighbouring properties were notified of the application.

The consultation period for the amended plans expired on 18 July 2023.

## **CONSULTATION RESPONSES**

**Bridgend Town Council** - Bridgend Town Council objects to the proposals on the following grounds:

The Planning Committee note the increase in number of bedrooms and supporting information provided however local residents have continued to express concerns regarding the increase in traffic that this could cause. The Council supports the concerns of local residents and therefore re-iterates the previous objections made known to the Planning dept for this development and disagree with the relaxation as set out.

**Shared Regulatory Services (Air Quality)** – No objections subject to a condition to specify the type of log burner/fire to be used in the 9 dwellings to avoid a statutory nuisance aspect for nearby residents under the Environmental Protection Act 1990. Confident that log burners will not have a detrimental impact on the Park Street AQMA, where issues are caused by heavy traffic close to properties less than 1m from the road.

**Highways Officer (16/11/23)** – Initial comments on the original submission advised that additional details were required in order to provide comprehensive highway observations. It was also noted that the application seeks to increase the number of bedrooms from 4 to 6 although the applicant had not provided a transport statement to quantify the increase in vehicle movements which the increase in bedrooms may generate. The transport statement should include information from the TRICS database as evidence. Finally it is noted that the consented site layout from P/19/174/RLX shows the locations of the garages towards the back of the plot which allows for sufficient off-street parking in front of the garage, however, on the plans submitted with this application the garages have significantly moved to the front of the plots, which has removed off-street parking from each site. The applicant should return the garages to the location previously consented as the current garage location is not acceptable.

**Highways Officer (31/08/23)** – No objections, subject to a condition.

**Building Conservation and Design Officer** – No objections subject to approval of finishing materials.

## **REPRESENTATIONS RECEIVED**

The application was first submitted in June 2022 and amended plans were received in June 2023 following negotiations.

The Local Planning Authority received representations on both the original proposals and the revised plans. Letters of support were received from the occupiers of 3, 4 Coed Parc although they would appreciate a buffer zone of trees to ensure privacy for all dwellings already living at Coed Parc.

Letters of objection have been received from the occupiers of 4, 10, 11, 13, 15, 17, 19 Walters Road; 29, 31, 33, 35, 37 West Road; 6, 7 Coed Parc Court; 46 Park Street; 5 Coed Parc

The objections can be summarised as follows:

- inadequate parking on the site for 6 bedroom houses.
- inadequate provision for visitor parking.
- more vehicular and foot traffic generated by the larger properties through Walters Road.
- second floor windows will overlook the surrounding area to a greater degree than the first floor windows.
- rooflights not in keeping with the site and at odds with the style and character of the listed building.
- piece meal approach is devaluing the planning process.
- many trees have been removed compromising the landscape and setting of the listed building.
- new proposals feature additional windows at the rear and front of the buildings so privacy to the gardens and properties along West Road is a major concern.
- scale of the houses and the impact on the Listed building.
- no explanation for the changes and missing various relevant details.
- The proposal by P/22/455/RLX to increase the size of the Phase 3 houses from 4-bedrooms to 6-bedrooms runs counter to these aspirations. If this application were approved it would mean a 50% increase in bedrooms, a potential 50% increase in the Phase 3 population, a potential 50% increase in cars, and a potential 50% increase in household waste. This cannot have anything other than a negative effect on the environment of the Listed building and its extension, as well as Walters Road, West Road and Coed Parc Court
- the new housetypes are higher and wider/deeper than the old housetypes and are not being subservient to the Listed Building.
- the rear of the houses in plots 8, 9 and 10 are under 10.5m from the back walls of the Kitchen Gardens of the Listed building and its extension.
- the introduction of balconies compromises the privacy of adjoining gardens.
- the potential overall increase in cars will have implications for Road Safety and Trip rates along the sub-standard Walters Road/St. Leonards Road junction.
- the proposals could lead to on-road parking within Phase 3 or on Walters Road and likely conflicts between neighbours.
- if the chimneys are real they will emit greenhouse gases.
- there remains the possibility that a refuse storage facility will be placed at the entrance to phase 3.
- the application is destructive to the look and feel of the conservation area and environment.
- complete disregard for birds and other wildlife.
- service vehicles regularly being parked on both sides of lower St Leonard's Road causing cars to cross the centre line to the detriment of highway safety.
- the inclusion of large open fireplaces and chimneys for use by log burners or open fires will increase particulate air pollution in the Bridgend Air Quality Management Area.
- the size of the properties raises questions about their affordability as family homes and raises the prospect of the properties becoming HMOs or Air b&b's.
- the increased occupancy of the homes will mean less peace and privacy for those living in phase 2 of the development and surrounding streets with extra noise, traffic and overlooking into our properties.

- the increased length of time of construction and subsequent disruption.
- further delays in completing the library and landscaping to phases 1 & 2 of the site.
- permitted development rights should be removed.
- there is no legal access to the planned building site from West Road.
- this plan was originally refused by the council but yet again the council has changed their minds and are supporting it.
- there is no design statement and the tree report is out of date.
- the plans do not extend to the boundary for plots 11, 12, 13 and 14.
- the proposed velux windows will cause light pollution.

Comments were also received from local ward Members as follows:

**Cllr S. Bletsoe –**

09/09/22 - *“Further to planning application P/22/455/RLX and the consultation process. I have tried to educate myself as much as possible to this application and how it relates to the original approval, so that I can make a decision on whether I feel it should be passed under delegated authority or whether it should be decided by the Development Control Committee. In relation to the principle of increasing the properties from 4 bedroom to 6 bedroom, then I have no major objection to this matter other than the AQMA that has been declared on areas of Park Street and any increase in car journeys around this area and any reduction in mature trees on this site will have a detrimental effect on the effectiveness of the AQPA that is currently also out for consultation. Therefore any matters around this should be fully considered before being passed. I have more serious concerns around information that has been provided in objection to this proposal by residents who live on Walters Road and West Road which detail an increase in height of the properties, a slight moving of location of the properties and a proposed further removing of mature trees (that as mentioned will affect the local AQMA situation. I do not have enough evidence available to me, or experience in this long and drawn out process to give a full thought on the application as to whether I feel it should be approved or declined. However, on the basis of what I have written above, I do feel that there is enough material difference to the previously approved application to warrant a referral of this application to the Development Control Committee as I feel that the basis of the very in depth information provided by residents in their objections justifies such action. I believe that there is material changes to the approved application that would negate the ability to approve this under devolved authority. I have copied in my colleague @Cllr Timothy Wood into this email for his information. Given his position as Mayor of Bridgend Town and his civic responsibilities to the Town in the current national situation, he may be too busy to be able to write to you himself on this particular case.”*

14/07/23 – *“Firstly, I would like to request, as the local member, that this application is referred to Development Control Committee for consideration, due to the complexities of the variations proposed. This is barely a variation of conditions as much as a brand new planning application given how many variations are proposed. I believe that there are numerous documents submitted over an extended period of time which require a full report of the current permissions granted (some on appeal with the Wales Planning Inspector), the recently granted access plan and I believe that many local residents who will be affected by this development and the variations proposed are “lost” in the number of documents and what is approved Vs proposed Vs pending. In that respect I ask that a full report is made available for the democratically appointed Development Control Committee to consider, in full and with a site visit if necessary to consider such wide-ranging variations with details on what has been approved. After this request, I would like to make the following observations that I believe to be of a material nature and that I have noted from conversations with local residents, who I am elected to represent. The move from 4 – 6 bedrooms. I am concerned around this matter as there could be over intensification of a*

small area, not with properties but with numbers of people and vehicles expected to be using such a confined area. The original plans that were rejected by this authority made reference to the original numbers proposed as a concern, which was overturned on appeal, but I believe that increasing the number of bedrooms by a further 50% makes the matter worse. I have noted correspondence between a resident of West Road and the planning authority around restrictions that could be placed for control the short-term holiday let market (referred to as the Air BnB sector) by insisting that it is "residential only". Could I therefore ask if the proposed restrictions would be C3 or C4 usage as I do not believe that a residential property with a family living there who a room or rooms available that they make available for booking on an ad hoc basis through any online web portal is able to be restricted. On this basis I have concerns about additional traffic generated to a confined area. Fuel chimneys. I am told that there is a proposal to turn the decorative chimneys on each property, added for aesthetic design have now been varied to be chimneys for solid fuel burning. The Coed Parc development neighbours an official AQMA and has high reading of NO<sub>2</sub> due to its location. I do not believe that any solid fuel burning facilities should be added to the properties whilst the authority is looking at ways to deal with the AQMA that is already in place and could be made worse by this variation application. Light pollution from sky lights. The proposals show drastic increases in glassed areas, including sky lights in the roof and this would drastically increase the light pollution for the area. I do not believe that this should be allowed for the existing neighbours or the natural habitat of the area. Loss of trees and failure to protect with existing. I have found it quite difficult to "keep up" with the proposals for tree landscaping on this development with numerous proposals and documents. I am not fully aware of what the proposals are for this "variation application" but I am led to believe by a local resident that the original plan that was accepted on the original document is not compatible with the plans that were approved under the appeal and that the current tree plan is currently "held up" as the original contractor has refused to alter their submissions when requested. Having looked at the plans I am able to access I can see that substantial trees, currently in place are shown as touching the houses of the new proposals and I have very serious concerns around this. I am no tree expert, but I am told by colleagues who have undertaken BCBC DCC training that roots mirror branches in many occurrences of trees and therefore I have concerns that if these various plans of variation are approved that these trees will simply be sacrificed for the houses that are being built. This cannot be allowed to happen, as previous reference has been made to the AQMA in place in the locality and the important role that existing mature trees do to combat the NO<sub>2</sub> in our environment. Therefore, I ask that we look into the history of the original plans for tree landscaping not being compatible with the approved plans for the houses and raise further concerns in relation to this variation request. We simply cannot say "they are just trees and they can come down." Balconies too close to existing properties. As far as I can see, there are no approved plans for this development that include balconies on the middle floor. I have asked the question twice, but have received no reply. I do not believe that plans should be approved or varied that include any balconies for plots 11, 12 or 13 in the proposals due to their close proximity to existing properties on West Road. I have visited these existing properties, with copies of the proposals and seen that the distance from these balconies would be as little as 10.5m from the boundary line and looking directly into their gardens and houses. This I believe is contrary to planning guidance, based on my experience of another local property recently. As I have said previously in this email, it has been extremely difficult for me to formulate this response due to the amount of documents that are regularly submitted for this development as well as the number of residents in the surrounding areas and those who live in the houses already built on site in contravention of the original approval (discharging of conditions) about the ongoing situation, which I believe could have been completely avoidable. Residents are already concerned by what the next three years hold for them and the fact that we have another variation request, and no work has commenced on site to build what has already been approved, including landscaping for the houses that have already been built causes much reason for concern

*for local residents. Trust has completely gone and concerns are high. The clock for completion of the builds being for self-build and selling of sites to other builders is already ticking and nothing has started, just further variation applications. I am very concerned about that has happened and what continues to happen. In the meantime, please accept my observations on the points raised above as part of the original consultation process and I reinforce my request that this variation application is passed to the Development Control Committee and not decided under delegated powers to officers.”*

**Cllr. T. Wood –**

*13/09/22 – “Further to the application P/22/455/RLX for change to of the approved planning application for Coed Parc. As the elected Councillor for Bridgend Central I wish to make the following submission. I request that this application is referred to the Development Control Committee, as I don’t believe that it is correct that it is dealt with under delegated authority given the material changes to the original plans.*

*It is evident that more bedrooms for these properties will lead to more car journeys, either immediately or in the near future. I have very severe concerns over the safety of residents on Walters Rd. St. Leonards Rd. and Park St. already and I am aware that measures are already in consultation around restricting traffic flow here to deal with the AQMA in the locality. I believe that any proposals to increase vehicle journeys, in contradiction to the proposals of the AQAP needs full and proper scrutiny from the Development Control Committee and not done under Delegated Authority.”*

*16/07/23 – “I would like to make my objections to the planning application P/22/455/RLX*

*I would firstly like this application to be referred to the Development Control Committee due to the complex nature of the application and the ongoing changes that keep happening.*

- 1. I am very concerned at the loss of trees and existing trees, considering we were told many were being kept and had TPO’s on them.*
- 2. The increase from 4 to 6-bedroom properties thus increasing traffic to and from the new houses and to the whole of the new estate.*
- 3. The decorative chimneys being changed to “Fuel Chimneys” thus enabling owners to burn solid fuels and increasing CO2 levels in the area.*
- 4. #1, #2 and #3 both will have a significant impact on the existing AQMA and the AQAP, this causes me grave concerns, as BCBC are struggling to lower the levels to accepted levels in this area.*
- 5. Light pollution because of the installation of sky lights to the properties.*
- 6. Lack and loss of privacy to existing properties due to the installation of sky lights, full height glazing, balconies, and terraces to the new properties.*

*Please accept these points raised as part of the original consultation and that this variation application be passed to the Development Control Committee and not decided under delegated powers to officers.”*

**COMMENTS ON REPRESENTATIONS RECEIVED**

The vast majority of the concerns raised are addressed in the Appraisal section of this report.

The proposal has had to be made on the basis that all nine units could be 6 bed dwellings for a comprehensive highway impact assessment to be undertaken. However, it is likely that future occupiers will utilise the loft space for other domestic means such as a home working office, a walk-in wardrobe, storage space, playroom etc. It is also the case that separate planning permission would be required to convert any of these houses to a House in Multiple Occupation (HMO - Use Class C4) or to an Air BnB (Use Class C6).

Conditions have already been added to the consent to remove permitted development rights and a condition will be added to ensure that the detached garages can only be used for the parking of vehicles.

In terms of the protected trees that have and will be felled and the proposed landscaping of the site, these have been the subject of applications and consents most notably the application to discharge conditions 9 (landscaping), 13 (vehicle turning area) and 15 (parking layout) of P/22/85/RLX with updated tree reports and landscaping schemes.

The up to date landscaping plan is as follows and shows a number of trees to be retained as well as new trees to be planted throughout this part of the site:



**Fig. 13 – Approved Landscaping Scheme**

The reference to rooflights not being a form of permitted development in Conservation Areas is correct but that does not mean that developers cannot apply for them in Conservation Areas – it just means that planning permission is required.

It is also confirmed that the Council’s domestic waste contractor will be able to enter and leave the site and cul-de-sac so there will not be a requirement for a refuse storage facility close to the access onto Walters Road.

The site does not provide any affordable homes and the market value of the units is not a material planning consideration.

There is no intention for a vehicular access from West Road and there are three visitor parking spaces in this part of the development (one close to the entrance into the site and two in the extended turning head opposite plot 6) which is in excess of the standard 1 visitor space per five dwellings.

Finally, it is not a case of supporting the scheme after originally refusing the development (which was then allowed at appeal) but a case of considering the material planning impacts of the revised designs. The quantum of units on this site will not increase as a result of this proposal.

## **RELEVANT POLICIES**

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

|                       |  |
|-----------------------|--|
| Policy PLA1           | Settlement Hierarchy                               |
| Strategic Policy SP2  | Design and Sustainable Place Making                |
| Strategic Policy SP3  | Strategic transport Planning Principles            |
| Strategic Policy SP5  | Conservation of the Built and Historic Environment |
| Strategic Policy SP14 | Infrastructure                                     |
| Policy ENV8           | Heritage Assets and Regeneration                   |
| Policy PLA11          | Parking Standards                                  |

|                                    |                         |
|------------------------------------|-------------------------|
| Supplementary Planning Guidance 02 | Householder Development |
| Supplementary Planning Guidance 08 | Residential Development |
| 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 11      |                                  |
| Planning Policy Wales TAN 5           | Nature Conservation and Planning |
| Planning Policy Wales TAN 10          | Tree Preservation Orders         |
| Planning Policy Wales TAN 12          | Design                           |

## **WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015**

The Well-being of Future Generations 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.

## **BACKGROUND**

It is worth noting that the Local Planning Authority (LPA) refused the original planning application for the residential redevelopment of this site (App. No. P/16/610/FUL) on 21 July 2017 for the following reasons:

- 1. The increased use of a sub-standard access will result in additional traffic hazards to the detriment of highway safety in and around the site, contrary to Policies SP2 (6) and SP3 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 9, November 2016) and Technical Advice Note 18 – Transport (2007).*
- 2. The proposed development, by reason of its layout, design and siting, will generate reversing movements to or from the public highway, creating traffic hazards to the detriment of highway safety contrary to Policies SP2 (6) and SP3 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 9, November 2016) and Technical Advice Note 18 – Transport (2007).*

The applicant at the time (Castell Homes as part of Wales and West Housing Association) lodged an appeal against the LPA's decision to refuse the application with the then Planning Inspectorate and the appeal was allowed on 15 December 2017 subject to compliance with a number of conditions.

## **APPRAISAL**

The application is reported to the Development Control Committee as a follow up to the determination of App. No. P/22/85/RLX (relating to the Construction Method Statement for this phase of development) and in acknowledgement of call-in requests by Local Ward Members, an objection by Bridgend Town Council and the number of objections received from neighbouring residential occupiers.

The proposal seeks to vary condition 1 of P/22/85/RLX to substitute plans and propose amended house designs for Phase 3 of the development at Coed Parc, Park Street.

The main issues to consider in this application are the impact of the scale and design of the proposed alterations to the nine dwellings in Phase 3 of the wider development (Plots 6-14 to the north of the site) on neighbouring residential amenities; the surrounding highway network; the setting of the Conservation Area and Grade II Listed Building and on the environment. The principle of the development has been established through the Inspector's appeal decision for this site.

### **Impact on Neighbouring Residential Amenities**

Criterion (12) of Policy SP2 of the Local Development Plan (2013) 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 an appropriate level of amenity is afforded to future occupiers of a development.

Although Supplementary Planning Guidance Note 02 Householder Development (SPG02) relates to household development, it is considered that the principles are applicable in this instance.

The application site and its relationship to residential dwellings bordering the site is shown in Fig. 13 above. The overall number of units in this part of the Coed Parc redevelopment is constant and their location are generally in keeping with the approved layout.

However, as noted above, there are changes to the design of the units/housetypes and these changes (additional 2 bedrooms in the roofspace, additional rooflights/dormer windows and introduction of 1<sup>st</sup> floor rear terraces on the "A" housetypes) could potentially have a detrimental impact on the residential amenities of neighbouring residential occupiers.

There are no dormer windows proposed in the outward looking rear elevations of these units. However, there are rooflights proposed for the rear roofslopes and these are designed to be a flush fitting, conservation type of rooflight and are minimal in terms of their size and number. It is considered that the rooflights, by their nature, will not allow unrestricted views into adjoining gardens and properties and as they serve the secondary accommodation in the roofspace it is unlikely that there will be extended daytime occupancy of these rooms.

Note 6 of SPG02 states that 'An extension should respect the privacy of neighbouring houses'. Paragraph 4.6.1 of the SPG notes that a sense of privacy within the house and a freedom from overlooking in at least a part of the garden are aspects of residential amenity.

The minimum distance between directly facing habitable room windows in adjacent properties should normally be 21m. Reductions may be acceptable where the angle of overlooking between windows is not direct, allowing the distance between windows to be reduced as the angle between them is increased. To reduce the loss of privacy within gardens, the minimum distance from a new habitable room window to the boundary of the property should be 10.5m.

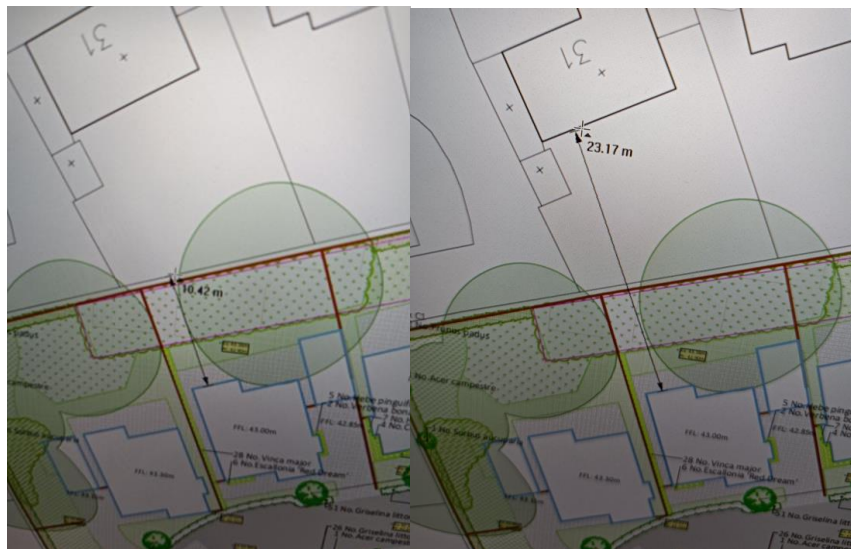
The guidance also refers to balconies and advises that while few rear gardens are entirely private some features can create a sense of unreasonable overlooking in neighbouring property. If a balcony is proposed it should be located or screened to prevent or minimise overlooking.

In this instance, the relationship between the new dwellings and existing dwellings is illustrated in Fig. 13 above.

The main areas of concern for adjoining residents relate to potential overlooking at the north-west corner of the site (plots 11, 12 and 13 backing on to 27, 29 and 31 West Road) and at the south-east corner of the phase (plot 6 backing on to Coed Parc Court). This concern is exacerbated by the inclusion of terraces at first floor level at the north-west corner of the site although there are no terraces in the "B" type units at the south-eastern corner of the site.

Having reviewed the scheme and the planning history of the site, it is apparent that the site is slightly lower than the properties along West Road, the sites are separated by established boundary planting (which will also be supplemented) and the terrace is relatively limited in scale and serves a bedroom rather than a first floor living room, where extended day-time occupancy would be expected.

In terms of the distance between the terrace and a rear bedroom window and the boundary with 31 West Road, Fig. 14 below illustrates that, at its nearest point, there is a distance of 10.42m between the rear elevation of plot 12 and the shared boundary and there is a distance of 23.17m between habitable room windows (and between the terrace and bedroom window of 31 West Road). This, together with the retention of trees along the boundary will comply with the recommended standards.



**Fig. 14 – Relationship with 31 West Road**

The shortest distances between plot 13 and 29 West Road equate to 8.86m from the rear elevation to the shared boundary but this extends to 9.54m between the terrace and the shared boundary and 24.08m between habitable room windows (see Fig. 15 below).

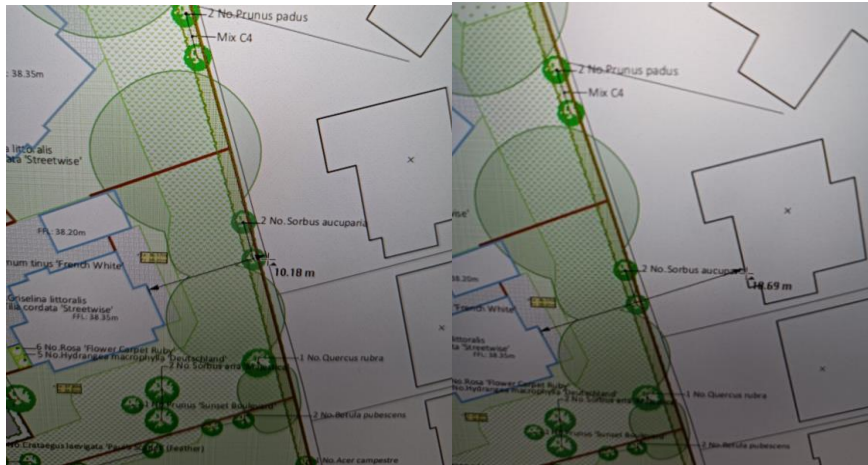


**Fig. 15 – Relationship with 29 West Road**

Whilst this is slightly below the suggested 10.5m distance to the boundary, the plot is positioned at a lower level than the properties along West Road and the limited usage of the north facing terrace attached to a bedroom together with the retention of established planting on both sides of the boundary, will sufficiently mitigate the feeling of being overlooked from the terrace. It should also be noted that the Inspector allowed these units in these positions and the terrace does not project beyond the line of the rear bedroom window.

Having regard to the design and layout of the new units, their orientation and relationship with the existing properties on West Road and the characteristics of the site and boundary treatments, it is considered that the privacy of the principal rear garden areas and habitable room windows of adjoining properties to the north will be preserved.

Turning to the potential impact of the development on properties in Court Parc Court to the east of the site (and properties at Coed Parc to the south of the site), it can be seen that there are no terrace elements to the rear of plot 6 and the rear 1<sup>st</sup> floor bedroom windows are separated from the adjoining properties by dense vegetation which will be retained as part of the development. The application site is also at an elevated level with bedroom windows overlooking the roofscapes beyond. There is still a distance of 10.18m between the rear elevation of plot 6 and the shared boundary and 18.69m between habitable room windows although they will not be directly in line.



**Fig. 16 – Relationship with Coed Parc Court**

Plot 6 is perpendicular to the properties at Coed Parc to the south and does not have any side facing habitable room windows so will not have any impact on the residential amenities of those occupiers.

Given the above, the proposal is considered to be acceptable in terms of its impact on neighbouring amenity. It is considered that the dwellings would not be so detrimental to the levels of privacy and amenity currently afforded to the properties to such an extent which would warrant a refusal of the Planning application on such grounds. Therefore, on balance the proposed development is considered to be acceptable, in accord with criterion (12) of Policy SP2 of the Local Development Plan (2013) and guidance contained within SPG02.

### **Impact on the Surrounding Highway Network**

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 scheme retains three on-site parking spaces for each household and provides three visitor parking spaces within the cul-de-sac. It will be stipulated that the detached garages are retained for the parking of private vehicles only.

The Council's Highways Officer noted that the submitted application did not have any supporting information relating to the increase in bedrooms from 4 to 6. As a result, the applicant instructed a transport consultant to provide additional data and assessment of the proposed increase in bedrooms and the increase in traffic that would result. The applicant prepared a technical note to address the HA's concerns with the aim of estimating the likely volume of trips generated by the scheme for nine 6 bed houses.

The consented scheme for nine 4 bed houses (consisting of 36 bedrooms) could generate up to seven vehicular movements (two-way) in the morning peak period and up to six vehicular movements (two-way) in the afternoon peak with a total of 60 vehicle movements (two-way) across the whole day.

The proposed development of nine, 6-bedroom houses could generate up to 10 vehicle movements (two-way) in the AM peak period and up to nine vehicle movements (two-way) in the PM peak, with a total of 90 vehicle movements (two-way). Vehicles are likely to be the most popular mode of travel for trips to and from the site, representing 57% of all trips.

The proposed development consisting of nine, 6-bedroom dwellings is likely to generate up to 34 pedestrian movements (two-way) throughout the day. This is only 11 more pedestrian movements than what would be expected from nine, 4-bedroom dwellings.

Similarly, the proposed development is likely to generate only one more public transport user than what is expected from the consented scheme.

The technical note therefore concludes that the proposed development will have a minimal impact on the surrounding transport network, and it can be accommodated within the existing highway and public transport networks.

It is important to note that the trip/traffic database used by all transport consultants nationwide, known as the TRICS database, does not include trip data for 6 bedroom houses.

Therefore, it was agreed by the Highways Officer that an extremely robust methodology would be to interrogate the database for a trip rate for a 4 bedroomed house, divide that trip rate by 4 to get a 'per bedroom trip rate' then multiply that rate by 6 to get a trip rate for a 6 bedroom dwelling.

It should also be noted that this is considered to be a methodology which is likely to overestimate the trips generated by a 6 bedroom house for the following reasons:

- It is unlikely that a 6 bedroomed house would support a family with 2 parents and 5 children of driving age and unlikely that all 9 houses would support such a family unit.
- One of the bedroom sizes would be considered a box room and unlikely to support a non-dependant child of driving age.
- The Census for the area shows that 73% of households in the area have dependent children under driving age and therefore it is unlikely that the proposed 6 bedroom dwellings will be fully occupied by children of driving age.

Notwithstanding the above, further analysis of the data provided by the transport consultant shows that the trip rate for a 6 bedroom house is 10 trips in the peak AM hour 8-9am and 9 Trips in the peak PM hour 5-6pm. This is an increase from the consented trip rate of 7 trips in the AM peak and 6 trips in the PM peak. The analysis shows that the proposed increase in bedrooms for 9 dwellings could potentially result in a worst-case scenario of 3 additional vehicle trips per hour. Whilst it is understood this is an increase in traffic of 50% it should be noted that it's a 50% increase of a low number to start with.

Therefore, the predicted 10 trips in the peak hour of 8-9am results in one vehicle using the local highway network every 6 minutes in addition to the vehicles already in the network. It is considered by the Highways Officer that 1 vehicle every 6 minutes would not be detrimental to highway safety and, in such a town centre location, would be considered part of the normal daily fluctuations of traffic in the local area.

As a result of the supporting information provided and the robust methodology in calculating trips for a 6 bedroom house, the findings of the Transport Consultant's technical note are accepted.

It is noted that several local residents have raised concerns with the increased use of the Walters Road/St. Leonard's Road priority junction. Whilst it is acknowledged that the Highway Authority originally objected to the development on the grounds that the increased use of the Walters Road/St. Leonard's Road priority junction would result in Highway safety concerns, the Planning Inspector determined that the increased use of the junction did not raise any concerns and went further to conclude that "there would not be a significant detrimental effect on Highway Safety". The relevant section of the inspector's report is copied below:

*16. Consequently, I am satisfied that the increase in traffic and available visibility is such that there would not be a significant detrimental effect on highway safety as a result of the development. As such the development would offer efficient access to road connections and maintains road safety in accordance with LDP policies SP2 and SP3.*

Considering the planning inspector's decision, it would be inappropriate for the Highway Officer to contest the inspector's position on the matter of junction safety as the decision has already been made. Furthermore, in 17 days' time, legislation comes into force in Wales to reduce the default speed limit from 30 mph to 20mph. The effect of that imminent legislation on this planning application is that the vision splay requirements for the Walters Road/St. Leonard's Road priority junction will reduce and the speed limit reduction is expected to promote Highway safety on the local highway network.

In addition to the above and to increase the sustainability credentials of the proposed dwellings, it is important to ensure that, should future occupants want to store cycles, there is room to do so. As such the HA request a condition that the garage is retained for parking of private vehicles as well as cycle storage as per the requirements of the Active Travel Act to promote walking and cycling and reduce vehicular trips for short journeys.

In conclusion, the Highways Officer accepts that the increase from 4-6 bedrooms would not materially increase trips on the local highway network or materially increase highway safety concerns. In addition, the introduction of the 20mph speed limit legislation would mitigate any highway safety concerns over the increased use of the Walters Road Junction in the future.

Having regard to the above advice, the development is compliant with the guidance contained within SPG17 and is in accord with Policy PLA11 of the Local Development Plan (2013). The scheme is acceptable from a highway safety perspective subject to the imposition of a Planning condition which requires the retention of the garage to park private vehicles and to store private cycles.

## **Impact of the Development on the Setting of the Newcastle Hill Conservation Area and Grade II Listed Building**

Concerns had been previously expressed by BCBC Building Conservation Officers regarding the intensity of increasing the number of bedrooms in each proposed residential unit and the subsequent design which was detrimental to the setting of the listed building and the wider character of the conservation area.

Amended designs have been submitted for consideration. The amended designs show projecting dormers on the front of each dwelling which are a similar colour to the proposed roof. This helps them to be slightly recessive reducing their visual impact and is supported by the Building Conservation Officer.

It is recommended, that either a lead standing seam finish is used, or a matching hanging tile is used in this location to coordinate with a small- scale roof tile. Samples or specifications will be required to be submitted for approval prior to their installation on site.

The front elevation fenestration also features a projecting box frame feature set either in rendered or brick elevations. This represents a design of its time and is supported. The front elevations are acceptable in terms of their fenestration and simple palette of colours.

The use of brick, chimney stacks and rendering are reflections of earlier periods of construction. It is recommended that traditional plastering is implemented on this site. Permitted development rights will be removed to protect the character of the conservation area and the setting of the listed building. As such the proposal is not considered to have a detrimental impact on the setting of the listed building or the wider conservation area.

The proposed residences are set within modest front gardens with garages. The submitted amendments will result in a successful development and an improvement on the previously allowed scheme, that will contribute positively to the conservation area and the setting of Coed Parc House. Accordingly, the proposed development is considered to accord with Policy SP2(2), SP2(3) and SP(5) of the LDP 2013.

## **Other Matters and Conditions**

The proposal to change the design of the nine dwellings on this part of the wider site does not have any implications in terms of ecology, drainage or contaminated land.

Following discussions with the applicant and Air Quality Officer, it is evident that the exact type of log burner/fire to be installed in each dwelling has yet to be determined. However, whilst the originally approved scheme shows chimneys and fireplaces and the Air Quality Officer is confident that log burners would not have a detrimental impact on the Park Street Air Quality Management Area (as the issues there are caused by heavy traffic close to properties less than a metre from the road) there are some concerns regarding the statutory nuisance aspect and impact on neighbouring residents under the Environmental Protection Act 1990.

Therefore, it is important to be able to ascertain and approve the type of installation for the units. In view of this, it is considered necessary to attach an additional condition requesting further details to be submitted regarding the type of fire burning system to be used in the units.

## CONCLUSION

Having regard to the above, particularly the Inspector's decision on the original proposal (P/16/610/FUL refers) and notwithstanding the concerns raised by local residents, the Town Council and Ward Members, this application is recommended for approval. The principle of the development has already been established by way of the planning appeal decision and other consents.

Taking all material matters into consideration, on balance the amended design of the nine dwellings that form Phase 3 of the redevelopment of the wider Coed Parc site complies with Council policy and guidelines and will not adversely affect the residential amenities of neighbouring properties, the visual amenities and setting of the Conservation Area and Grade II Listed building or highway safety in and around the site.

## RECOMMENDATION

(R53) That permission be GRANTED subject to the following condition(s):-

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

Transport Note 2, AR060003, AR60004, AR61002, AR61003, AR062002, AR062003, AR062005, AR900008, Supplementary Note and Transport Note, Bat Survey, Ecological Assessment, Heritage Statement, Flood and Drainage Report, Archaeological Assessment and Highway Technical Report approved under appeal decision APP/F6915/A/17/3181972 (App. No. P/16/610/FUL); Amended plans AL(90) 01 Proposed Site Plan (insofar as it relates to Phases 1 and 2), PL (00)02 REV B – House Type D Plans, AL(00) 03 REV B – House Type D Elevations, AL(00)04 REV A – House Type C Garage received on the 10 June 2019 and Amended Plan AL (00)01 REV C – House Type C Plans and Elevations received on the 26 June 2019 under App. No. P/19/174/RLX; and, AL(90)03 Rev. A Proposed Phase 3 Site Plan, AL(01)01 Proposed GA Floor Plans (A1), AL(01)02 Proposed GA Elevations (A1), AL(01)04 Proposed GA Floor Plans (A2), AL(01)05 Proposed GA Elevations (A2), AL(01)07 Proposed GA Floor Plans (A3), AL(01)08 Proposed GA Elevations (A3), AL(01)10 Proposed GA Floor Plans (A4), AL(01)11 Proposed GA Elevations (A4), AL(01)13 Proposed GA Floor Plans (B1), AL(01)14 Proposed GA Elevations (B1), AL(01)16 Proposed GA Floor Plans (B2), AL(01)17 Proposed GA Elevations (B2), AL(01)19 Proposed GA Floor Plans (B3), AL(01)20 Proposed GA Elevations (B3), AL(01)22 Proposed GA Floor Plans (B4), AL(01)23 Proposed GA Elevations (B4) received on 22 June 2023 and Transport Technical Note by Lime Transport received on 6 December 2022 under App. No. P/22/455/RLX.

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

2. The development shall be carried out in accordance with the Construction Method Statement received on 21 November 2022 as approved under App. No. P/22/85/RLX on 5 January 2023.

Reason: To ensure a satisfactory form of development.

3. The development shall be carried out in accordance with the Phasing Plan as approved under App. No. P/19/544/DOC on 2 April 2020. The development within the site shall thereafter conform to the agreed Phasing Plan.

Reason: To ensure that the development is undertaken in an orderly and co-ordinated manner in the interests of visual and residential amenity and highway safety and to



preserve the setting of the Grade II Listed Building.

4. The extension and dwellings shall be carried out in accordance with the details of the materials to be used in the construction of the external surfaces as approved under App. No. P/19/544/DOC on 2 April 2020.

Reason: To ensure that the materials of construction enhance and protect the visual amenities of the area.

5. The extension and dwellings shall be carried out in accordance with the boundary treatment details as approved under App. No. P/19/544/DOC on 2 April 2020. The boundary treatment shall be completed as approved before the remaining dwellings are beneficially occupied.

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

6. The development shall be carried out in accordance with the surface water drainage scheme as approved under App. No. P/21/542/DOC on 15 July 2021.

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

7. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no development shall be carried out other than those expressly authorised by this permission.

Reason: To enable the Local Planning Authority future control over the scale of development as well as the installation of new windows or dormers or the extension of the properties to the rear, in the interests of the residential amenities of adjacent properties and to protect the amenity space provided within the property.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no building, structure, enclosure, fences, gates or walls shall be erected within the curtilage of any dwelling house hereby permitted.

Reason: To enable the Local Planning Authority future control over the scale of development in the interests of the residential amenities of adjacent properties and to protect the amenity space provided within the property.

9. Hard and soft landscape works shall be carried out in accordance with the details approved under App. No. P/23/424/DOC on 4 August 2023.

The development shall be implemented in accordance with the approved scheme prior to the beneficial occupation of the dwellings in Phase 3.

Reason: For the avoidance of doubt as to the extent of the approved scheme and to maintain and improve the appearance of the area in the interests of visual amenity whilst promoting nature conservation.

10. The landscaping works shall be carried out in accordance with the approved details during the first planting season as per the agreed implementation programme. The completed scheme shall be managed and maintained in accordance with an approved scheme of management and maintenance.

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

11. The development shall be carried out in accordance with the existing and finished ground levels approved under App. No. P/19/544/DOC on 2 April 2020.

Reason: To ensure a satisfactory form of development.

12. The development shall be carried out in accordance with the scheme for the protection of existing trees, as agreed under App. No. P/19/544/DOC on 2 April 2020 and under App. No. P/23/424/DOC on 4 August 2023, throughout the course of the development.

Reason: In the interests of biodiversity and to preserve the character and appearance of the site.

13. Within 3 months of the date of this consent, a scheme for the provision of a vehicle turning and visitor parking area on the private drive serving Plots 2, 3, 4, 5 and 15 shall be submitted to and approved in writing by the Local Planning Authority. The turning and visitor parking area shall be completed in materials in accordance with the approved layout prior to the occupation of plot 2 and shall be kept available for vehicle turning and parking in perpetuity.

Reason: In the interests of highway safety.

14. The parking spaces for Plots 3, 4 and 5 Coed Parc shall be kept available for vehicle parking in perpetuity.

Reason: In the interests of highway safety.

15. Prior to the beneficial occupation of the dwellings in Phases 2 and 3, details of all parking places and driveways shall be submitted to and approved by the Local Planning Authority. The parking places and driveways shall be completed in accordance with the approved details and shall be retained in perpetuity.

Reason: In the interests of highway safety.

16. The development shall be carried out in accordance with the footway widening scheme on Walters Road as approved under App. No. P/19/544/DOC on 2 April 2020. The approved scheme shall be implemented prior to any of the dwellings in Phase 3 being brought into beneficial use.

Reason: In the interests of pedestrian and highway safety.

17. The extended access road from the new turning head at the eastern end of Walters Road serving units 6-14 including the turning head, passing place and visitor parking, shall be laid out in permanent materials in accordance with the approved layout prior to the occupation of those units.

Reason: In the interests of highway safety.

18. The entrance gates shall be removed from the access road at the junction with Park Street before works on Phase 3 commence and any proposal for their reinstatement shall be the subject of a separate planning permission.

Reason: In the interests of highway safety.

19. Prior to the beneficial occupation of the dwellings in Phase 3, a scheme for the provision of a passing place sign and a sign confirming that the road serving units 6-14 is private shall be submitted to and approved in writing by the Local Planning Authority. The signs shall also be erected in accordance with the approved scheme prior to the occupation of the dwellings in Phase 3 and shall be retained in perpetuity thereafter.

Reason: In the interests of highway safety.

20. Prior to the commencement of works on Phase 3, the proposed access road shall be temporarily widened at the bend opposite the Listed Building to not less than 5.5 metres wide to serve the proposed development during the construction period.

Reason: In the interests of highway safety.

21. Notwithstanding the submitted and agreed Construction Method Statement, no further development on Phase 3 of the development shall commence until the provision of a 1m wide fully heras fenced pedestrian refuge is provided on the eastern edge of the existing access driveway. The pedestrian refuge will link the dwellings of plots 2,3 & 4 to the existing footway provision. The pedestrian refuge shall be implemented before any further development on Phase 3 and retained for pedestrian safety for the duration of the construction period.

Reason: In the interests of highway and pedestrian safety.

22. The detached garages hereby approved shall be used as a private garage only and at no time shall they be converted to a room or living accommodation.

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

23. Notwithstanding the plans hereby approved, and condition 4 above, prior to the construction of the 9 dwellings, detailed specifications or samples of the materials to be used in the construction of the external surfaces of the dwellings at Phase 3 shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to preserve and enhance the setting of the Conservation Area and Grade II Listed building.

24. Prior to the occupation of each dwelling in Phase 3 of the development, details or specifications of the type of fire installation shall be submitted to and approved by the local planning authority. The installation shall be completed as approved before the beneficial occupation of the dwelling and retained as such thereafter.

Reason: To ensure a satisfactory form of dwelling and to preserve the amenities of neighbouring residential occupiers.

**JANINE NIGHTINGALE**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**  
None

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**REFERENCE:** P/22/716/FUL

**APPLICANT:** South Wales Police & Crime Commissioner c/o Asbri Planning Ltd,  
Unit 9 Oak Tree Court, Cardiff Gate Business Park, CF23 8RS

**LOCATION:** Land to the south of Felindre Road Pencoed CF35 5HU

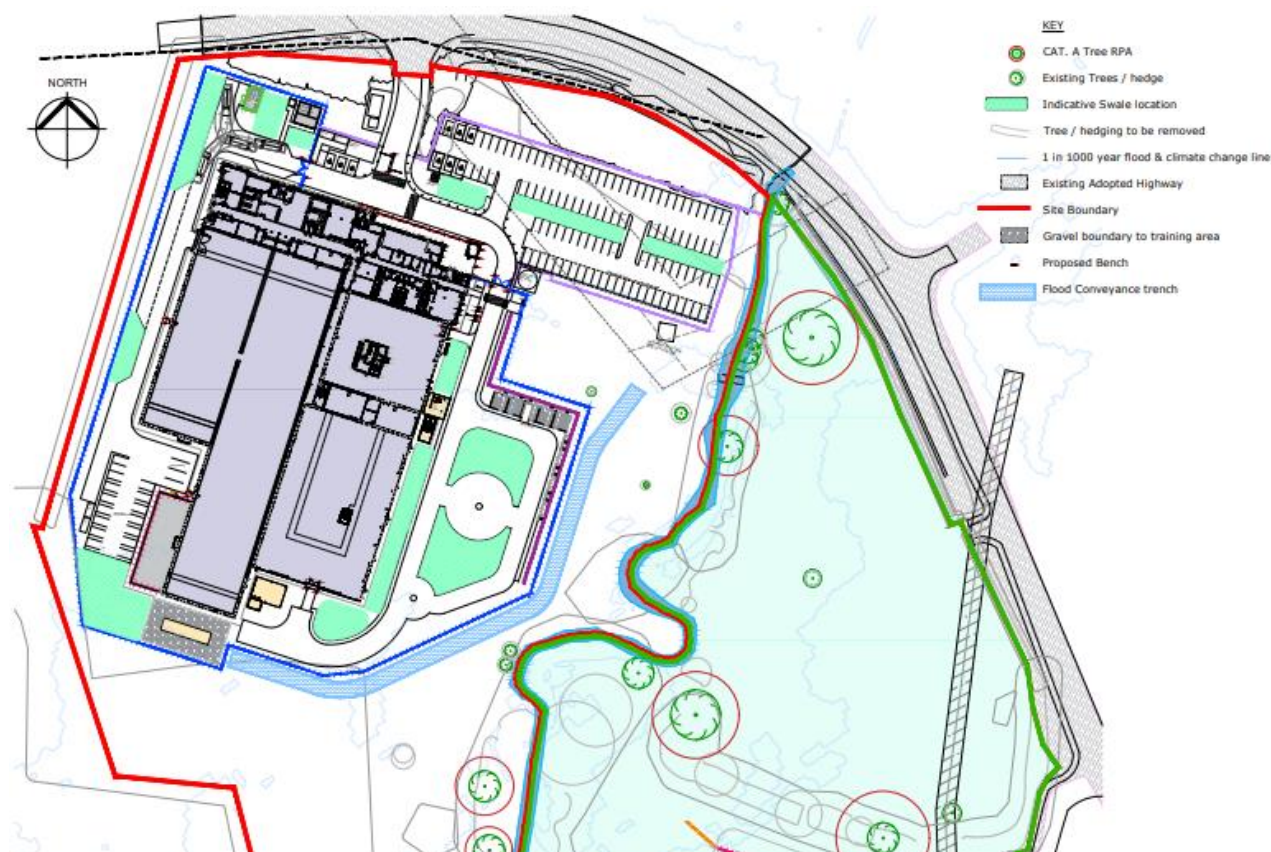
**PROPOSAL:** Tactics facility building & external tactics equipment with access,  
landscaping, engineering and infrastructure works

**RECEIVED:** 19 October 2022

## DESCRIPTION OF PROPOSED DEVELOPMENT

The application seeks full planning permission for the development of a tactical training facility to be used for the training of officers of police constabularies in Wales and throughout the UK. The facility will be used primarily by South Wales Police, Dyfed Powys Police and Gwent Police, but will be available for use by other constabularies from across the UK as necessary.

There are only 6 facilities of this nature across the UK, and they are used to train all UK police officers in tactics and firearms for incidents that may arise. The facility is therefore of critical importance to national security. The proposed development will replace the existing facility at Waterton Industrial Estate, which is no longer fit for purpose.



*Proposed site plan extract*

The proposed development site includes land within the administrative boundaries of two local authorities – Bridgend CBC (BCBC) and Rhondda Cynon Taff CBC (RCT). The majority of the built development is located within the administrative boundary of BCBC and includes a part-two and part-three storey building which comprises offices, classrooms, warehouses and plant areas. Indoor training will consist of classroom-based learning, as well as an indoor firing range and tactical training area. Also included within the BCBC land are car parking areas, outdoor recreation space, landscaping and tactical training facilities such as a tower and a blockwork street scene.

The RCT element of the proposals, which are not considered as part of this application, include areas for outdoor tactical training, as well as engineering, landscaping and infrastructure works. A separate planning application has been submitted to RCT for consideration by their own Officers and Members.

The proposed building will provide 12,835m<sup>2</sup> of gross internal floor area across two floors, measuring a maximum of 87m in width and 136m in depth. To the north, the building will measure approximately 10m in height and includes a flat roof, with warehouse style buildings to the south of this measuring a maximum 14m in height and including both pitched roof and flat roof elements.



*Proposed northern elevation*

The proposed building is to be finished in composite panels of varying finishes in a palette of black and grey colours, alongside elements of glazing.

An outdoor training area is included immediately east of the building, which will include structures such as a working from heights tower and a blockwork streetscene where tactical scenarios will be undertaken. This area also includes areas of landscaping and swales, with a flood conveyance trench situated immediately to the east of the 2.4m tall perimeter fence which encloses the building on its southern, western and eastern sides.

The Ewenni Fach River forms the eastern boundary of the BCBC element of the application site, with further external training proposed to take place on the RCT portion of land to the east, alongside other works as described above.

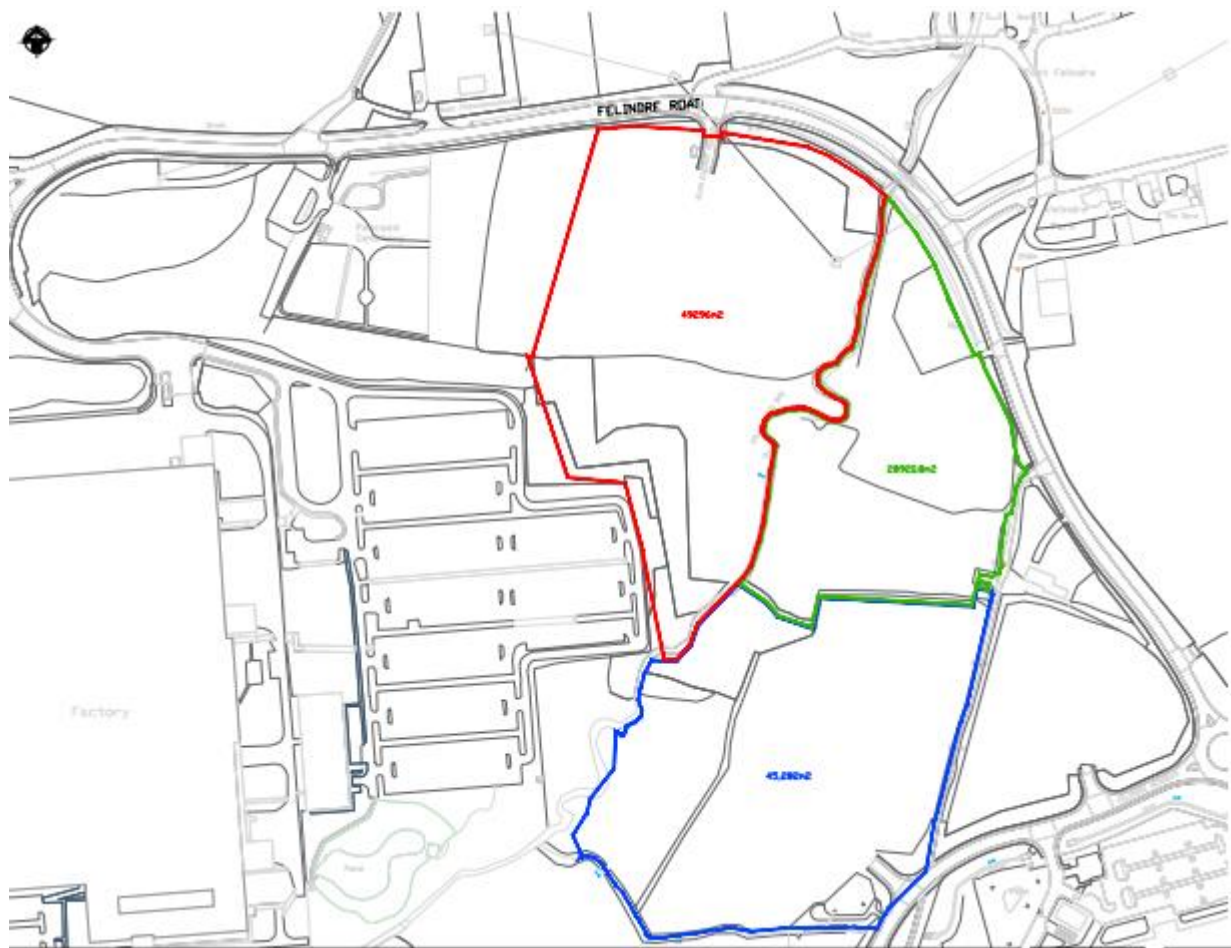
The training facility will generally operate between 7am and 5pm Monday – Friday, with limited use at weekends. It is anticipated that the facility will be used by approximately 150 students and staff at any given time.

The site will be accessed using an existing access point from Felindre Road to the north. Car parking areas are proposed in the north and the south-west of the application site, including provision for EV parking spaces, as well as motorcycle and bicycle parking. Provision of PV solar panels is proposed at roof level of the main structure, alongside mechanical plant facilities to service the building.

## **SITE DESCRIPTION**

The application site is situated within an area of Countryside, as defined by Policy PLA1 of the adopted Local Development Plan (2013). The site forms part of the Strategic Employment Site for Pencoed Technology Park (SP9(3)).

The application site is located to the south of Felindre Road, approximately 1km south-east of Pencoed town centre. It comprises several vacant fields that are currently used for grazing. Each of the fields are enclosed with mature trees / vegetation and are accessed off the adopted highway, Felindre Road, which forms the northern and eastern boundaries of the site.



*Site location plan – extent of application site within the boundaries of BCBC shown in red*

The Ewenni Fach river runs through the centre of the site and forms the administrative boundary between BCBC and RCTCBC. As such, the application relates to land which falls under the jurisdiction of two separate authorities, with a separate planning application having been submitted to RCTCBC.

In terms of its surroundings, open countryside is located to the north and east of the site, although it is noted that several scattered residential and commercial properties are located in this area. The wider Pencoed Technology Park is located immediately to the south and west, between the site and the M4 Motorway, where a range of commercial and industrial premises are located.

### RELEVANT HISTORY

| Application Ref. | Description   | Decision            | Date       |
|------------------|---|---------------------|------------|
| P/01/361/OBS     | Request for screening and scoping opinions for environmental impact assessment                        |                     | 09/04/2001 |
| P/02/1318/OBS    | Buildings for B1 and B2 use plus associated engineering and building operations and landscape works   | No Objection        | 31/07/2003 |
| P/02/1277/OUT    | Buildings for B1 and B2 use plus associated works (application in outline)                            | Conditional Consent | 11/03/2004 |
| P/06/403/OBS     | Variation of condition 11 as imposed on outline permission 02/1850, dated 26 <sup>th</sup> March 2004 | No Objection        | 30/05/2006 |

|               |  |                          |            |
|---------------|--|--------------------------|------------|
| P/05/1362/RLX | Amend condition 14 of consent<br>P/02/1277/OUT   | Conditional<br>Consent   | 20/03/2006 |
| P/05/1432/OBS | Variation of condition 1a as imposed on<br>outline permission 02/1850, dated 26 <sup>th</sup><br>March 2004        | No Objection             | 08/12/2005 |
| P/05/1417/OBS | Deletion of conditions 12 and 33 as<br>imposed on outline permission 02/1850<br>dated 26 <sup>th</sup> March 2004. | No Objection             | 09/12/2005 |
| P/05/1363/RLX | Amend condition 14 of planning<br>permission   | Unconditional<br>Consent | 23/05/2006 |

## **PUBLICITY**

Neighbours have been notified of the receipt of the application. The period allowed for response to consultations/publicity expired on 8<sup>th</sup> December 2022.

## **CONSULTATION RESPONSES**

### **Shared Regulatory Services Environment Team – Land Quality:**

Available records and the above report have not identified any significant concerns at the development. However, the potential for contamination cannot be ruled out and the 'unforeseen contamination' condition is requested.

Should there be any importation of soils to develop the landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.

No objection subject to the inclusion of suitably worded conditions and advisory notes.

### **Land Drainage:**

No objection. A Sustainable Drainage Application will need to be submitted to the Bridgend SAB.

### **Shared Regulatory Services – Noise:**

The updated noise assessment has provided clarification to previous points raised and has been updated to take into account additional mitigation which includes increased barrier heights and modified shooting zones and an updated Noise Management Plan has also been produced. As a result, I have no objection to the proposal subject to the imposition of suitably worded conditions.

### **Natural Resources Wales:**

No objection subject to the inclusion of conditions in relation to:

- European protected species;
- Landscape Ecological Management Plan;
- Lighting;
- Pollution prevention.



**Ecology:**

Supports the conditions suggested by Natural Resources Wales. I recommend that the Landscape Ecological Management Plan also includes details on an Ecological Clerk of Works to be present during any works, as well as any suggestions or proposals of a phased approach to the development in regard to habitat management – removal, restoration, mitigation and enhancement.

There is also Himalayan balsam confirmed to be present on the development site. Given this, and on the basis that spoil material will be moved around and/or off site, I recommend that the applicant submit an invasive species management methodology for approval by the Local Planning authority before being implemented.

**Dwr Cymru Welsh Water:**

We note that the developer has indicated that foul flows are to be disposed of via the public sewerage system and we offer no objection in principle to the foul flows discharging to the public sewer. Whereas the surface water is set to be drained to nearby watercourse. No objection subject to conditions and advisory notes.

**Transportation Officer (Highways):**

No objection subject to conditions.

**Cllr Alex Williams:**

Raises concerns on behalf of local residents in terms of the noise impact of the development on nearby residential dwellings and Pencoed Cemetery.

**Pencoed Town Council:**

Concerns are expressed by Pencoed Town Council about the potential flood risk and what appears to be extensive disruption of wildlife currently living on or close to the site.

**REPRESENTATIONS RECEIVED**Initial Consultation

Representations were received from the following addresses in response to the initial public consultation on the proposals:

- The Cowshed, Felindre Mill
- Thistledown Barn
- Felindre Farm
- The Old Rectory
- Old Coach House

The representations received from these neighbouring residents objected to the proposed development based on the noise impact of the external training facility.

Further Consultation

Following the submission of a suite of revised plans and documents, including updated information in respect of Ecology; Drainage / Flood Risk; Highways; and Noise, a further public consultation was carried out. One representation was received in response to this second consultation, which was from Felindre Mill and objected to the development on the following grounds:

- Noise pollution;
- Out of keeping with the area by developing on green belt;
- Ecological impact of the development.

**RESPONSE TO REPRESENTATIONS RECEIVED**

Following consultation with the Environmental Health (Noise) Officers for BCBC and RCT,

a number of revisions were made to the proposed development and its supporting documents in order to minimise the noise impact of the proposal. The site layout has been amended, with additional acoustic bunds and fencing proposed which will enhance the noise suppression of the site. The Noise Impact Assessment and Noise Management Plan were also updated to reflect the requirements of the Environmental Health Officers. Following these amendments, the noise impact of the development was found to be acceptable by the Environmental Health Officers of both Councils. This is discussed in further detail in the relevant section of the report below.

The proposed development site is an allocation within the adopted Local Development Plan and does not consist of an area of green belt (or a green wedge). The LDP allocates the site (and the wider allocation at Pencoed Technology Park) for development for employment uses. The principle of developing the site for a large-scale employment use is acceptable and is discussed in further detail below.

A suite of ecological surveys have been carried out at the site, with the ecological reports submitted as part of this application making a range of recommendations to mitigate for the loss of habitat as a result of the development. Compensatory enhancements are proposed, which will mainly be situated on the RCT side of the site, which will result in a net gain of habitat types at the site. The ecological impact of the development has been deemed acceptable by the Ecology Officers at BCBC and RCT, as well as Natural Resources Wales.

## **RELEVANT POLICIES**

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

|                     |   |
|---------------------|---|
| <b>Policy PLA1</b>  | Settlement Hierarchy and Urban Management               |
| <b>Policy SP2</b>   | Design and Sustainable Place Making                     |
| <b>Policy PLA11</b> | Parking Standards                                       |
| <b>Policy SP4</b>   | Conservation and Enhancement of the Natural Environment |
| <b>Policy ENV1</b>  | Development in the Countryside                          |
| <b>Policy ENV5</b>  | Green Infrastructure                                    |
| <b>Policy ENV6</b>  | Nature Conservation                                     |
| <b>Policy SP7</b>   | Waste Management  |
| <b>Policy SP8</b>   | Renewable Energy  |
| <b>Policy SP9</b>   | Employment and the Economy                              |

|   |                               |
|---|-------------------------------|
| <b>Supplementary Planning Guidance 17</b> | Parking Standards             |
| <b>Supplementary Planning Guidance 19</b> | Biodiversity and Development  |
| <b>Supplementary Planning Guidance 21</b> | Safeguarding Employment Sites |

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 11**
- Planning Policy Wales Technical Advice Note (TAN) 5 – Nature Conservation**
- Planning Policy Wales TAN 11 – Noise**
- Planning Policy Wales TAN 12 – Design**
- Planning Policy Wales TAN 12 – Development and Flood Risk**
- Planning Policy Wales TAN 23 – Economic Development**

## **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 reported to the Development Control Committee to consider the concerns raised by neighbours, Pencoed Town Council and Cllr Alex Williams and in light of the national importance of the facility. 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 development, its impact on highway safety, drainage and ecology, as well as the flood risk and noise impact of the scheme.

## **PRINCIPLE OF DEVELOPMENT**

The site is allocated as part of a strategic employment site under LDP Policy SP9(3). The Policy states that in order to meet the varying requirements of business, and to provide access to employment and training for all residents, a range and choice of vacant sites on 120 hectares of land is identified and protected for employment (B1, B2 and B8 uses) purposes. Land is allocated and safeguarded for the establishment of high-quality strategic employment sites. Such sites must be developed, in accordance with a development brief/masterplan, to the highest environmental standards. Preferred uses on the site are ICT, Energy and Environment, Advanced Materials and Manufacturing, Creative Industries, Life Sciences, and B1 financial and Professional services.

The proposed development would include a firearms training facility comprising B1, D1 and Sui Generis use classes with the majority of the proposed built form located within the administrative boundary of Bridgend. Whilst a firearms training facility does not strictly qualify as a strict B1, B2 and B8 use, it does contain a significant element of B1 office use on site with the proposed firearms facility holding a maximum of 150 staff and training members of the police force.

The proposed tactics facility is of regional and national importance, ensuring Firearms

Officers are fully trained to meet the needs of the National Police Firearms Training Curriculum. A wide range of training will be carried out in three distinct environments, these being indoor; outdoor; and public space. The facility will be used primarily by South Wales Police, Dyfed Powys Police and Gwent Police, but will be available for use by other constabularies from across the UK as necessary. There are only 6 facilities of this nature across the UK, and they are used to train all UK police officers in tactics and firearms for incidents that may arise. The facility is therefore of critical importance to national security.

The site has been actively marketed by Knight Frank since early 2015. The site has been marketed for employment uses and included on mailshots to developers and occupiers, website listings (rightmove, EG property link, Knight Frank Website) and it has also been promoted via social media with limited interest. Welsh Government has also promoted the site internally. In addition, the applicant has undertaken a sequential search which demonstrates why this site is the most appropriate location based on land availability, cost, accessibility, developability and environmental constraints as well as the technical requirements of the facility.

On balance, the proposed development is considered acceptable from a Strategic Planning perspective. Notwithstanding this, any proposal would need to be assessed against more detailed material Planning considerations as further discussed below with National and Local Planning Policy promoting a high standard of design.

## **VISUAL IMPACT**

Policy SP2 of the Local Development Plan (2013) 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.”*

The site forms part of the employment allocation for Pencoed Technology Park, which encompasses land to the south of Felindre Road and land to the north of the M4, with the A473 dual carriageway forming its western boundary. Whilst the existing character of the site and its immediate surroundings is mainly rural in nature, as an allocation within the Local Development Plan, the principle of developing the land for an employment use is established. Adjacent parcels of undeveloped land to the east of the site are also allocated for development for employment uses.

The wider employment allocation includes existing commercial development such as the Sony building, which is located to the south-east of the site. The existing buildings within Pencoed Technology Park comprise two and three storey structures including warehouses and office buildings.

Due to the practical needs of the proposed use, the warehouses and associated internal training setting require strict control of lighting and environment and as a result there are limited windows proposed to the building, other than those serving classrooms and offices. These elements of the building have been located in the northern part of the site, facing Felindre Road and provide a softer visual impact on the streetscene. The northern portion of the structure will provide some visual screening to the larger warehouse style buildings which are proposed to the south.

The proposed building will mainly be finished using metal cladding of various finishes which will produce a simple, contemporary appearance to the structure. The building will be similar in terms of its character to existing buildings which form Pencoed Technology Park and its visual impact is considered to be appropriate in the context of its allocation within the Local Development Plan.

The proposed development is considered to be compatible with the scale and characteristics of other built forms within the wider employment allocation. The proposal is considered to be acceptable in terms of its size, scale and prominence in accord with criterion (2) of Policy SP2 of the Local Development Plan (2013) and is therefore deemed to be acceptable from a visual amenity perspective.

## **HIGHWAYS**

The proposed development of a Police Tactics Facility has been supported by the submission of a Transport Assessment (TA). It is acknowledged that the proposed development is very bespoke and difficult to assess, however, the TA is not wholly sufficient to enable an accurate assessment of the highway impact of the development.

Whilst there have been ongoing negotiations with the applicant and their Transport consultant in respect of the accuracy of certain aspects of the TA and it is expected that the development will not have a detrimental impact on the surrounding highway network, these are yet to be fully established.

Notwithstanding the above it is appreciated that the site was granted outline consent for a quantum of B1 and B2 uses (Business and General Industry) under application P/02/1277/OUT and there is a reasonable prospect that the impact of the development on the highway networks will be acceptable. Furthermore, it is noted that the Welsh Government are content that the proposal will not have a detrimental impact upon their M4 Motorway network. In order to ensure that this matter is appropriately addressed a condition requiring a new TA to be submitted is included below together with a need for future surveys/reviews following occupation and any necessary mitigation works.

The application also includes a Travel Plan as part of the submission. The travel plan is broadly acceptable subject to revisions which will be secured via a condition.

It should be appreciated that whilst the nearest public transport is provided in Pencoed (bus stops on Coychurch Road – 1.2km walk and rail station 1.5km walk) the site is fronted by an active travel route which links to these facilities and the wider active travel network. The site is served by an existing access which was laid out for the purposes of a large commercial style development which would have generated the movement of Articulated vehicles. The proposal before us, however, does not generate the need for any vehicles larger than a refuse/recycling vehicle to enter the site and accordingly the junction is now considered to be too large in terms of its width to serve this type of development.

Given that there is an Active Travel route crossing the site access, it is considered that modifications to the access should be provided which assist in safe pedestrian and cycle flows. This may be achieved by narrowing the access, providing a raised priority crossing or central island for example. The solution can be secured via a suitably worded condition and supported by a Road Safety Audit.

Due to the nature of the facility, the site layout proposes a gated/barriered access which does not allow for errant vehicles not meant for the facility to turn in the case of not being permitted to enter the site. This would generate inappropriate reversing manoeuvres onto the classified highway network. Such an arrangement will need to be suitably amended to revise the gates and fencing so that a turning facility is provided in front of the gates and this can be achieved by condition.

Measured vehicle speeds along Felindre Road in the vicinity of the access indicates the 85 percentile speed of vehicles is above the posted 40mph speed limit. Whilst vision splays suitable for a 40mph limit can be provided this will need to be supplemented by enhanced advance warning of the junction to give additional visual clues to drivers of its the presence so that driver behaviour is modified. In making this assessment it is noted that the existing junction has been in place for many years without being used. It is considered that bringing it into use, once the development is complete, will also modify driver behaviour.

As with the traffic generation issue above, again the bespoke nature of the development gives issues in reaching a quantum of car and cycle parking for the development. Suitably worded planning conditions will allow for further dialogue with the applicant to reach a justifiable and suitable level of provision.

Subject to the inclusion of suitably worded planning conditions, the proposed development is considered to be acceptable in highway terms.

## **FLOOD RISK**

The NRW Development Advice Map (DAM) confirms the site to be partially within Zone C2, while The Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zones 2 and 3 (Rivers).

A Flood Consequence Assessment (FCA) has been submitted which confirms that a hydraulic modelling exercise has been undertaken to provide a detailed understanding of the fluvial flood risk to the site for both the pre and post development scenarios. The FCA illustrates for the pre-development scenario that:

- During the 1% (1 in 100 year) plus climate change annual probability fluvial flood event, the proposed development site is predicted to flood to a maximum depth of 0.42m;
- During the 0.1% (1 in 1000 year) annual probability fluvial flood event, the proposed development site is predicted to flood to a maximum depth of 0.47m.

It is proposed the finished floor level (FFL) of the building will be set at 33.2mAOD. Based on this FFL, the FCA shows for the post-development scenario that the building is predicted to be flood free during both the 1% and 0.1% annual probability fluvial flood event. The hydraulic modelling has also demonstrated dry access and egress to and from the site.

Changes are also proposed to the site levels to achieve compliance with TAN15. Figures 2 and 3 in the FCA show the proposed changes to site levels and the construction of a flood conveyance ditch to evidence the change in flood depths within and outside the application site. The hydraulic model has also assessed the off-site impact on flooding.

- During both flood events, there is a predicted reduction in flood depths to the adjacent (west) 'Sony' car park;
- During both flood events, there is a predicted increase in flood depths of 5-50mm to the undeveloped woodland areas in close proximity to the Ewenny Fach;
- During both flood events, there is a predicted increase in flood depths of 10-50mm to an area of the existing South Wales Police site to the south of the application site.

The areas in which flood depths are predicted to increase are undeveloped parcels of land adjacent to the riverbank which sit outside of the application site – to the south. The land forms part of separate sites belonging to Sony and South Wales Police which sit to the south and the south-east of the site respectively. This land is currently within Zone C2 of

the Flood Maps and is highly constrained, with little potential for future development.

Whilst increasing flood depths on an undeveloped portion of the Sony site adjacent to the river, the works will provide betterment to the Sony car park by reducing its predicted flood depth. Due to the constrained nature of the portion of undeveloped land, as well as its current flood risk status, the predicted increase in flood depth to this land will not sterilise any land from future development. The off-site impacts of the development on the Sony site are considered to be acceptable on balance, given the betterment shown within the developed area of the Sony site.

The FCA notes that South Wales Police have confirmed that the detriment in terms of increased flood depths on their existing site is acceptable given the predicted increased flood depths are within areas of their site which are unused and undeveloped.

Based on the proposed FFL and site levels, the proposed building and the site access and egress are predicted to be flood free and, as a result, the proposed development is acceptable in terms of its flood risk status. The off-site impacts of the development in terms of flood risk are also acceptable on balance.

## **DRAINAGE**

The application form states foul water will be disposed of via the mains sewer. A foul drainage layout has been provided and identifies that a foul pumping station will be constructed to pump flows to the combined sewer. Dwr Cymru Welsh Water have agreed to the connection to the public sewer.

The application form states surface water will be disposed via sustainable drainage system. The revised surface water drainage layout indicates three new outfall structures to the main river. Flood risk activity permits will be required from NRW to construct these structures.

The development is likely to generate significant surface water runoff during the construction phase and any sediment/pollution runoff will likely generate NRW involvement during the construction phase. The applicant has provided a construction environmental management plan (CEMP) outlining how surface water runoff and sediment/pollution prevention control measures will be managed on site during the construction phase. A condition will be included on any consent granted to ensure that the site is developed in line with the methods set out within the CEMP.

As the development footprint is over 100m<sup>2</sup>, a sustainable drainage application will be required. The applicant has previously received pre-SAB application advice from BCBC SAB.

No surface water is allowed to discharge to the public highway and no land drainage runoff will be permitted to discharge (either directly or indirectly) into the public sewerage system.

## **ENVIRONMENTAL HEALTH – NOISE**

The proposed development is for a South Wales Police training facility that includes two indoor firing ranges, a three-storey tactical warehouse, a two-storey tactical warehouse for systems of search training, classrooms, offices, and an external tactics training ground.

The external training area covers both BCBC and RCT land and includes a mock train, bus, road network, method of entry rigs and abseil towers. This facility will train officers in all aspects of tactical awareness for many real-life scenarios, some of these will include

the use of firearms.

It is considered there are two core categories of noise generation on this site. One will be from mechanical equipment and apparatus that is of an industrial nature, e.g., mechanical plant servicing the building and any industrial type equipment used. The second category being noise generated by the discharging of firearms. A Noise Impact Assessment, as well as a Noise Management Plan, have been submitted in support of the application.

The Noise Impact Assessment identifies the closest noise sensitive receivers (NSR) as comprising the residential dwellings to the north-east of the site, the office buildings to the south and the south-west of the site, and Pencoed Cemetery, which is situated to the west of the site. The report assesses the impact of the noise from the mechanical plant and the use of firearms within the site on these NSR through the use of noise modelling, taking into account the existing background noise levels.



*Worst-affected noise sensitive receivers*

A noise assessment of the expected mechanical plant at the site has been undertaken, which comprises Air Source Heat Pumps, as well as equipment that will be used in 'Method of Entry' training for officers. The assessment found that the noise levels from the plant would be significantly below the background noise levels at the residential dwelling and office units and, as a result, their impact is considered to be limited. The assessment shows that in the worst case scenario – which will be infrequent – the noise levels from the plant would be above the existing background noise levels at Pencoed Cemetery, although not at the level which would be likely to generate complaints, as defined by Technical Advice Note (TAN) 11: Noise.

The indoor firing range, which is to be used frequently, has been designed so as to



mitigate for noise breaking out from the building. The worst-case scenario in terms of noise generation within this area of the site, which will be a rare event, shows that the noise level will be below that of the background noise level at all of the noise sensitive receptors surrounding the site.

The external tactical area includes a mock road network with building facades, as well as a train and a bus which are used for specific tactical exercises. The train and the bus scenarios will be used less frequently than the road network, which is the outdoor facility that is used most extensively. As firearms will be discharged within the external tactical areas, acoustic mitigation is proposed in the form of acoustic barriers and earth bunds in a number of areas within the site.

Having attended the site demonstration, Environmental Health Officers of both Bridgend and RCT have been able to understand that the discharge of a firearm is the exception not the norm, with the vast majority of the training involving briefing, de-briefing, movement tactics, de-escalation/negotiation, escalation tactics such as tasers and Attenuating Energy Projectiles (AEP), where at the very last resort a firearm may be discharged by a training officer. At this point, every shot must be assessed and accounted for with reasoned justification.

The noise emitted from the use of the road network, which is the most frequently used area for external tactics, is below the guidance limit compared with background noise levels at all noise receptors even in the worst-case scenario.

The tactical train and bus are to be utilised less frequently – approximately 60 and 40 days a year respectively. The modelling work from these tactical areas show either a positive or a neutral outcome (i.e. below or equal to background noise levels) at the majority of the noise receptors. The report shows that there will be no perceptible noise increase at the residential dwellings to the north-east of the site.

During the worst-case scenarios, the assessment shows that the use of the tactical bus facility will likely have a noise impact on the cemetery to the west of the site and the Sony site to the south. Of the two receptors, the impact on the cemetery will be the greater, with the report noting that the noise impact on the Sony site being of marginal significance. It is important to note that these worst-case scenarios will be infrequent events.

A Noise Management Plan has been drafted which has set processes up for South Wales Police (SWP) to follow in order to work with the local community. This includes actively informing the cemetery and opening lines of communication such to accommodate any burial services planned. SWP is unlikely to be able to change the date of any planned training at the Bus facility, but they will be able to delay and adjust the scheduling in the day of certain activities in order to mitigate any noise disturbance that may otherwise be caused during a burial service.

The Noise Management Plan also proposes to set up lines of communication between South Wales Police, the two Local Authorities and their Environmental Health Officers, as well as local businesses and residents. Letter drops or face-to-face communication will be carried out ahead of the first firearms training session to notify neighbouring occupiers, with opportunities for feedback and complaints to be made. Neighbouring uses can choose whether to opt in or out of future letter drops relating to future events.

The Environmental Health Officer (Shared Regulatory Services – Noise) has reviewed the submitted documents and, following extensive dialogue with the applicant and their noise consultant, is content that the updated Noise Impact Assessment and Noise Management Plan are acceptable, as is the impact of the development on surrounding uses in terms of

noise.

The updated noise assessment has provided clarification to previous points raised by Environmental Health Officers and has been updated to take into account additional mitigation which includes increased acoustic barrier heights, modified shooting zones and an updated Noise Management Plan.

The submitted Construction Environmental and Traffic Management Plan (CETMP) stipulates that the hours of operation for construction works will be between 07:30am to 5:30pm Monday to Friday and 07:30am to 1:00pm on Saturdays with no work being carried out on Sundays or Bank Holidays. However, this does not comply with the standard hours of operation set by Shared Regulatory Services which are 8am-6pm Monday-Friday, 8am-1pm Saturdays with no working Sundays or Bank Holidays.

It is therefore suggested that the CETMP is amended so that construction work does not commence earlier than 8am and that it also includes a scheme of noise and vibration monitoring where complaints are received as required by the Local Authority. Once amended, the development shall comply with the details submitted in the CETMP. Prior to the commencement of development, the contact details of a person on the site who will be responsible for dealing with environmental issues shall also be forwarded to the Local Planning Authority.

Subject to a number of conditions relating to the operation and monitoring of the site, the Environmental Health Officer has no objection to the proposed development.

## **ECOLOGY**

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

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

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

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

An ecological desk study and habitat survey were undertaken to gather baseline ecological data for the site. During the field survey the dominant habitats on site were found to be modified grassland mainly for farming uses and hedgerows. Other habitats present included other broadleaved woodland, other neutral grassland, wet woodland, bramble scrub and other rivers and streams.

The development will result in the loss of part of the priority hedgerow, as well as some of the broadleaved woodland, reducing habitat for dormice, bats and badger. The mitigation proposals set out within the submitted ecological reports ensure that the development is compliant with the law and planning policy with respect to hedgerows, dormice, badgers and bats. The proposals would result in a net gain of habitat units on the site, with the majority of the mitigation to take place on the RCT land to the east of the site, due to the majority of the built development being located on BCBC land.

Subject to the inclusion of suitably worded conditions on any consent granted, both the Council's Ecologist and Natural Resources Wales (as well as RCT's Ecologist) have confirmed that they have no objection to the proposal in ecological terms.

**CONCLUSION**

Having regard to the above, the benefits of the proposed facility and the nature of the concerns raised by local residents, Pencoed Town Council and Cllr Alex Williams, on balance, the proposed development is acceptable in terms of its location, design, scale and visual impact.

The development, by virtue of its characteristics and functional requirements, has also been carefully considered in terms of its noise impact on neighbouring uses, as well as its flood risk impact, both of which are deemed to be acceptable on balance.

Finally, the development is also considered to be acceptable from a highway safety perspective, as well as in terms of its impact on drainage and ecology, and is therefore recommended for approval subject to conditions.

**RECOMMENDATION**

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

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| 1. | <p>The development shall be carried out in accordance with the following approved plans and documents:</p> <ul style="list-style-type: none"> <li>• Proposed Site Plan (ref. ZZ 00 DR 05101 rev. P17);</li> <li>• Proposed Ground Floor Plan (ref. JFU-PDA-ZZ-00-DR-A-(05)200 rev. P05);</li> <li>• Proposed First Floor Plan (ref. JFU-PDA-ZZ-01-DR-A-(05)201 rev. P06);</li> <li>• Proposed Elevations 01 (ref. JFU-PDA-ZZ-ZZ-DR-A-(05)202 rev. P07);</li> <li>• Proposed Elevations 02 (ref. JFU-PDA-ZZ-ZZ-DR-A-(05)203 rev. P07).</li> </ul> <p>Reason: To avoid doubt and confusion as to the nature and extent of the approved development.</p> |
| 2. | <p>No development, apart from site clearance and preparation, shall commence until a Landscape Ecological Management Plan (LEMP) for the provision, management and maintenance for all landscaped areas and ecological features at the site has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:</p>  |

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|    | <ul style="list-style-type: none"> <li>• Details of habitats, environmental and ecological features present or to be created at the site.</li> <li>• Details of the desired/target conditions of features (present and to be created) at the site.</li> <li>• Details of short and long-term management, monitoring and maintenance of new and existing environmental and ecological features at the site to deliver and maintain the desired condition.</li> <li>• Details of replacement measures should any environmental features die, be removed, or become seriously damaged or diseased at both pre and post establishment of habitats.</li> <li>• Details of management and maintenance responsibilities.</li> <li>• Details of length of plan, the method to review and update plans (informed by monitoring) at specific intervals as agreed.</li> <li>• Details on an Ecological Clerk of Works to be present during any works</li> <li>• Proposals of a phased approach to the development in regard to habitat management – removal, restoration, mitigation and enhancement</li> </ul> <p>The LEMP shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure necessary landscape and environmental management measures are agreed prior to the development commencing and are implemented to ensure the site’s landscape and environmental features are adequately managed long-term.</p> |
| 3. | <p>Prior to installation, full details of lighting proposals for the development shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:</p> <ul style="list-style-type: none"> <li>• Details of the siting and specification of external lighting to be used, including control measures to reduce light spill.</li> <li>• Drawings setting out light spillage in key sensitive areas, based on a device maintenance of 1 (100%) for all luminaries to evidence that features will be subject to minimal light spillage (&lt;1 lux).</li> <li>• Details of lighting to be used during construction and/or operation.</li> </ul> <p>The lighting shall be installed and retained as approved during construction and/or operation.</p> <p>Reason: A Lighting Plan should be submitted to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of dormice.</p>   |
| 4. | <p>The development and ongoing management of the site shall be carried out in accordance with the Management Actions set out within the Extended Phase 1 Habitat Survey (dated March 2021), as well as the Dormouse Mitigation Strategy (dated October 2022).</p> <p>Reason: To ensure the site is developed and managed in line with ecological and environmental recommendations.</p>  |
| 5. | <p>The rating level of the noise emitted from fixed plant and equipment on the site when measured at any noise sensitive premises or, where this is not possible, a combination of measurement and calculation in accordance with BS 4142: 2019 (or any British Standard amending or superseding that standard) shall not</p>  |

exceed the limits in Table 1 below:

Table 1

| Time               | Noise rating level |
|--------------------|--------------------|
| Day (0700-23.00)   | 35 dB LAeq,1 hour  |
| Night ( 2300-0700) | 30 dB LAeq, 15mins |

Reason: In the interest of protecting the amenity of neighbouring uses.

6. Fire arms shall only be utilised within the shooting zones shown in Figures 8.6 and 8.7 of section 8.9 of the amended noise impact assessment by MACH Group (document reference: JFU-MAC-ZZ-XX-RP-Y-1001\_Noise Impact Assessment) and the layout shall be in accordance with Figure 8.2 of the Noise Impact Assessment ( document reference: JFU-MAC-ZZ-XX-RP-Y-1001\_Noise Impact Assessment\_P04)

Reason: In the interest of protecting the amenity of neighbouring uses.

7. The operation, management and use of the Police Tactical Training Facility shall be undertaken in accordance with the submitted Noise Management Plan (entitled “JFU- Noise Management Plan for External Tactical Training- V3.1 “)

Reason: In the interest of protecting the amenity of neighbouring uses.

8. The permitted hours of use for the external training areas shall be; Monday to Friday – 09:00hrs – 16:00hrs. There shall be no external use on weekends, public/bank holidays or outside these permitted hours unless it is needed for emergency rehearsal use where there is a major incident event, where the decision to use the facility will be based on if there is a major threat to life. The use of the facility for such major incident events shall be restricted to a maximum of 6 events in any one 12 month period, with the start of the 12 month period commencing on the date of the first ordinary use of the external tactical training areas. A written statement from South Wales Police explaining why the emergency use was required in determining there was a ‘major threat to life incident’ and the date and time of when the facility was used outside of permitted hours shall be notified in writing to the Local Planning Authority within 72 hours of its emergency use.

Reason: In the interest of protecting the amenity of neighbouring uses.

9. Records shall be kept of the training days for the use of the external tactical areas for the bus, train and station and open country facilities and made available upon request by the Local Planning Authority to demonstrate compliance with the number of training days at each of these locations.

Reason: In the interest of protecting the amenity of neighbouring uses.

10. Only the firearms and ammunition assessed in the noise report (document reference: JFU-MAC-ZZ-XX-RP-Y-1001\_Noise Impact Assessment\_P04) and listed in section 2 of the Noise Management Plan (entitled “JFU- Noise Management Plan for External Tactical Training- V3.1“)
- shall be permitted to be used at the facility.

Reason: For the avoidance of doubt and in the interest of protecting the amenity

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|     | of neighbouring uses.  |
| 11. | <p>The acoustic barriers and bunds shall be erected at the locations and heights as shown in Figure 8.2 of the noise impact assessment by MACH Group (document reference: JFU-MAC-ZZ-XX-RP-Y-1001_Noise Impact Assessment_P04) . The acoustic barriers and bunds shall have a minimum mass density of at least 12kg/m<sup>2</sup> mass per unit area and be a solid construction, with no gaps between the floor and the acoustic screen, must be non-permeable, rot-proof and have no gaps within the acoustic barrier itself. Prior to construction of the barriers/bunds, the design details shall be submitted to the Local Planning Authority for prior approval and shall be agreed in writing. The details shall include a location plan showing the position of the barriers, construction details and details confirming that the barrier/bunding has a minimum mass density of at least 12kg/m<sup>2</sup>. The design shall be implemented as agreed and the barrier shall be maintained in good condition and be retained in perpetuity. Should any part of the barrier become seriously damaged such that the effectiveness of its attenuation is reduced, it shall be repaired in good time with like-for-like materials, unless the Local Planning Authority gives written consent to any variation.</p> <p>Reason: In the interest of protecting the amenity of neighbouring uses.</p>   |
| 12. | <p>Within 21 days from receipt of a written request of the Local Planning Authority, and following a complaint to the Local Planning Authority relating to noise emissions arising from the operation of any part of the application site, the site operator shall provide a written protocol for the assessment of the noise levels to the Local Planning Authority for approval. The written protocol shall be produced by an independent acoustic consultant. Within 2 months of the protocol being approved by the Local Planning Authority, the noise assessment shall be undertaken in accordance with the agreed protocol and shall be submitted to the Local Planning Authority unless the Local Planning Authority gives written consent to any variation. The assessment shall include all data collected for the purposes of undertaking the compliance measurements and analysis. The assessment shall propose further noise mitigation measures should there not be compliance with the noise levels set out in Noise Impact Assessment; and any additional mitigation required as a result of the above shall be installed on site within 1 month of the date of agreement by the Local Planning Authority and a further noise assessment, using the agreed methodology, shall be undertaken and submitted to the Local Planning Authority to demonstrate the mitigation has achieved the necessary level of attenuation to reduce the noise levels set out in the noise impact assessment.</p> <p>Reason: In the interest of protecting the amenity of neighbouring uses.</p> |
| 13. | <p>Prior to the commencement of ground clearance works on site, an invasive species management methodology should be submitted to the Local Planning Authority for approval. The agreed methodology shall be adhered to thereafter and implemented in full unless otherwise agreed in writing by the Local Planning Authority. This methodology should include:</p> <ul style="list-style-type: none"> <li>• how the works will mitigate for the invasive species at the site;</li> <li>• monitoring to ensure that the invasive species do not spread and recolonise;</li> <li>• proposed remedial works to be undertaken if these species are found to be spreading.</li> </ul> <p>Reason: In order to prevent the spread of invasive species.</p>   |

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| 14. | <p>In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.</p> <p>Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.</p> |
| 15. | <p>Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.</p> <p>Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.</p> <p>Reason: To ensure that the safety of future occupiers is not prejudiced.</p>   |
| 16. | <p>Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.</p> <p>Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.</p> <p>Reason: To ensure that the safety of future occupiers is not prejudiced.</p>  |
| 17. | <p>Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only</p>  |

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|     | <p>material which meets site specific target values approved by the Local Planning Authority shall be reused.</p> <p>Reason: To ensure that the safety of future occupiers is not prejudiced.</p>   |
| 18. | <p>Notwithstanding the submitted transport assessment, a revised assessment shall be submitted to and approved in writing by the local Planning Authority prior to the commencement of works. Such assessment shall address traffic generation and highway impact together with any required mitigation works. The assessment will also require the submission of updated surveys of highway flows 2 years post the date of first beneficial use together and re-assessment of the suggested mitigation works schemes for approval. Such mitigation works will be required to be implemented within 12 months of their approval by the Local Planning Authority.</p> <p>Reason: In the interests of the free flow and safety of traffic and to maintain the operational capacity of the network.</p>  |
| 19. | <p>The premises shall be used as a tactical deployment training facility with ancillary office accommodation as identified in the submitted Design and Access Statement only and for no other purpose including any other purpose in Class D1 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.</p> <p>Reason: For the avoidance of doubt and in the interests of the free flow and safety of traffic and to maintain the operational capacity of the network.</p>   |
| 20. | <p>Notwithstanding the submitted plans, no works shall commence on site, apart from site clearance works, until such time as a comprehensive scheme of revised security gates/vehicle access barriers and turning head including an operational management plan has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed and operated to ensure errant vehicles using the access can turn and egress from the development hereby approved in a forward gear. Such a scheme shall be implemented in permanent materials before the development is brought into beneficial use and maintained and operated, as approved thereafter in perpetuity.</p> <p>Reason: In the interests of the free flow and safety of traffic.</p>  |
| 21. | <p>No works shall commence on site, apart from site clearance works, until such time as a comprehensive scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of enhanced pedestrian and cycle crossing facilities within the site access junction to improve cycle and pedestrian movements along the active travel route on Felindre Road crossing the site access. The scheme shall be accompanied by full engineering details of the revised junction arrangements, stage 2 - 4 Road Safety Audits and an Active Travel Act route audit to support the suitability of the proposed crossings for cyclists. Such a scheme shall be implemented, as approved before the development is brought into beneficial use and maintained and retained thereafter in perpetuity.</p> <p>Reason: In the interests of promoting sustainable travel and Highway Safety.</p> |



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| 22. | <p>The proposed means of access shall be laid out with vision splays of 2.4m x 120m in both directions before the development is brought into beneficial use and retained as such thereafter.</p> <p>Reason: In the interests of highway safety.</p>  |
| 23. | <p>No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.</p> <p>Reason: In the interests of highway safety.</p>  |
| 24. | <p>No works shall commence on site, apart from site clearance works, until such time as a comprehensive scheme of junction warning traffic signage and bilingual SLOW carriageway markings on both approaches has been submitted to and approved in writing by the LPA. Such a scheme shall be implemented, as approved before the development is brought into beneficial use.</p> <p>Reason: In the interests of Highway Safety.</p>   |
| 25. | <p>No development shall commence on site, apart from site clearance works, until a scheme of direction signage has been submitted to and agreed in writing by the Local Planning Authority showing direction signage for the new facility from route A473 to the West and revised site specific signage on both approaches along Felindre Road. The scheme shall be fully implemented before the development is brought into beneficial use.</p> <p>Reason: In the interests of highway safety.</p>   |
| 26. | <p>Notwithstanding the submitted travel plan, a revised travel plan shall be submitted to the Local Planning Authority prior to the beneficial occupation of the facility. The agreed travel plan shall be implemented within 6 months of the first beneficial use of the development. Such a plan shall contain targets, measures and initiatives relating to the encouragement and promotion of the use of sustainable transport for journeys to and from the site. The plan shall be subject to periodic review and monitoring, with annual reports prepared by the Applicant and submitted to the Local Planning Authority.</p> <p>Reason: In the interests of promoting sustainable modes of transport to and from the site.</p> |
| 27. | <p>No development shall commence on site, apart from site clearance works, until a scheme for the provision of long stay and short stay cycle parking stands has been submitted to and approved in writing by the Local Planning Authority. The cycle stands shall be installed before the development is brought into beneficial use and retained as such thereafter.</p> <p>Reason: In the interests of promoting sustainable means of travel to/from the site.</p>   |
| 28. | <p>No development shall commence on site, apart from site clearance works, until a scheme for the provision of on site car parking spaces has been submitted to and agreed in writing by the Local Planning Authority. The parking areas shall be completed in accordance with the approved details in permanent materials with the individual spaces clearly demarcated in accordance with the approved layout</p>   |

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|     | <p>prior to the development being brought into beneficial use and shall be retained and maintained for parking purposes in perpetuity.</p> <p>Reason: In the interests of highway safety.</p>  |
| 29. | <p>Notwithstanding the submitted Construction Method Statement, no development shall commence on site, apart from site clearance works, until a revised Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:</p> <ul style="list-style-type: none"> <li>i. The routing of HGV construction traffic to/from the site</li> <li>ii. the parking of vehicles of site operatives and visitors</li> <li>iii. loading and unloading of plant and materials</li> <li>iv. storage of plant and materials used in constructing the development</li> <li>v. wheel washing facilities</li> <li>vi. the provision of temporary traffic and pedestrian management at and in the vicinity of the site construction access</li> <li>vii. updated operating hours compliant with those set by Shared Regulatory Services</li> <li>viii. includes a scheme of noise and vibration monitoring where complaints are received at the request of the Local Authority</li> </ul> <p>Reason: In the interests of highway safety and neighbouring amenity</p> |
| 30. | <p>No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.</p> <p>Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.</p>  |

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

- (a) The proposed development is considered to be appropriate in terms of its location as well as its design and scale, the visual impact of which is in compliance with Policy SP2 of the Local Development Plan (2013). The development has been considered in terms of its noise impact on neighbouring uses, as well as its flood risk impact, both of which are deemed to be acceptable on balance. The development is also considered to be acceptable from a highway safety perspective, as well as in terms of its impact on drainage and ecology. It is therefore recommended for approval.
- (b) The Developer is reminded that consent under the Town and Country Planning Act 1990 conveys no approval under the Highways Act 1980 for works to be undertaken affecting any part of the public highway including verges and footways and that before any such works are commenced the developer must:
  - i) obtain the approval of Bridgend County Borough Council as Highway Authority to the details of any works to be undertaken affecting the public highway;

- ii) indemnify the County Borough Council against any and all claims arising from such works;
  - iii) give not less than one calendar month's notice in writing of the date that the works are to be commenced to the Policy, Development and Transport Team Leader, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.
- (c) In respect of the above condition for a travel plan the applicant is advised to consider the Travel Plan Guide for Developers at the following internet address:

<http://www.bridgend.gov.uk/web/groups/public/documents/manuals/050232.pdf>

- (d) NRW advise a European Protected Species Licence is applied for, for this proposal. They recommend that at the time of the application, the applicant reviews the calculations and figures for habitat loss, retained, created and allowed to regenerate, as there appears to be inconsistencies present in the Dormouse Mitigation Strategy (Sections E.2.2, E.2.3 and E.4.3):

- Table 4: Habitat to be created, retained and removed and resulting dormouse box distribution (Dormouse Mitigation Strategy).
- Calculations presented on the drawing Strategic Landscape Plans (Enabling Works) drawing by Soltys Brewster, drawing number JFU-SOL-WX-XX-DL\_0001, dated July 2022.
- Calculations presented on the Strategic Landscape Plans (Enabling Works + Main Works Fencing) drawing by Soltys Brewster, drawing number JFU-SOL-WX-XXD-L\_0002, dated July 2022.

For ease, NRW advise the calculations and figures across drawings and tables relating to dormouse habitat include quantities present in hectares (ha). They advise further consideration is given in the early stages of the proposal (enabling phase) to enhancing retained habitats and planting up areas of proposed regeneration as we note this makes up a large proportion of the site.

- (e) From 7 January 2019, new developments of at least two properties or over 100m<sup>2</sup> of construction area will require sustainable drainage to manage on-site surface water. The information provided confirms that the development would be in excess of 100m<sup>2</sup>, therefore the applicant will be required to submit a sustainable drainage application form to the Bridgend SuDS Approving Body (SAB). The surface water drainage systems must be designed and built in accordance with standards for sustainable drainage. These systems must be approved by the Bridgend SAB before construction work begins. The sustainable drainage application form shall be submitted before or alongside the planning application. The applicant is advised to contact the Bridgend SAB to discuss the drainage implications from the proposed development via the contact details within the link below (The sustainable drainage application form and supporting information required for the application can be accessed from the link below):

<https://www.bridgend.gov.uk/residents/recycling-waste-and-environment/environment/flooding/sustainable-drainage-systems/>

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

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

The applicant shall provide the following information to progress the planning/sustainable drainage application (if the application is progressed):

- Submit a Flood Risk Activity Permit to NRW for works within and adjacent to existing watercourse and provide subsequent approval from NRW;
- Provide an agreement in principle from DCWW for foul disposal to the public sewer;
- Provide hydraulic calculations to confirm the site does not flood during a 1 in 100yr + 30%CC event;
- Provide a construction environmental management plan (CEMP) outlining how surface water runoff and sediment/pollution runoff will be managed during the construction phase;
- Submit a Sustainable Drainage Application to the Bridgend SAB – [SAB@bridgend.gov.uk](mailto:SAB@bridgend.gov.uk)

- (f) In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

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](http://www.dwrcymru.com)

The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information on water and sewerage connections.

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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

- (g) The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not

necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

(i) determining the extent and effects of such constraints;  
(ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

- Unprocessed / unsorted demolition wastes.
  - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
  - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

**JANINE NIGHTINGALE**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None

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**REFERENCE:** P/23/92/FUL

**APPLICANT:** Taylor Wimpey South Wales Ground floor, The Eastern Business Park, Wern Fawr Lane, Cardiff, CF3 5EA

**LOCATION:** Land south of former St Johns School (north of 22 Bryneglwyys Gardens) Newton Porthcawl

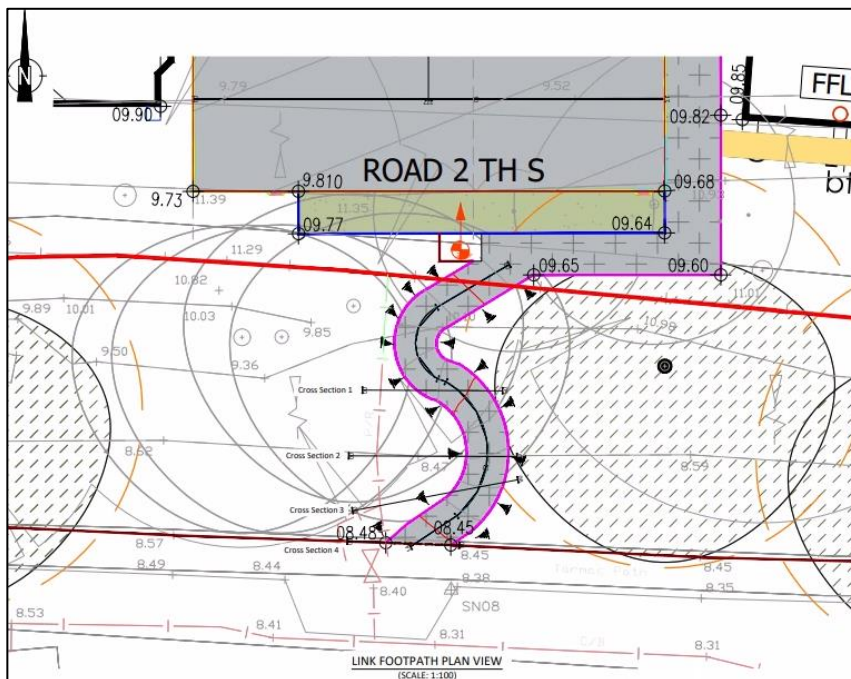
**PROPOSAL:** Proposed footpath and associated works

**RECEIVED:** 9 February 2023

**APPLICATION/SITE DESCRIPTION**

Taylor Wimpey South Wales Ltd have submitted an application to construct a footpath that will connect the new housing development on the former St John’s School site to the footpath that runs to the south, known locally as ‘Puddle Lane’. This footpath and public right of way connects Birch Walk and Church Street and incorporates a ‘kissing gate’ and post and rail fence, mid-point along this section of the right of way to prevent unauthorised access.

This new 1.5m wide path will connect a new section of footway on the southern end of a turning head on the Taylor Wimpey development to the public right of way, in a s-shaped form, to achieve the required gradient over the changing site levels, which based on the submitted plan, fall some 1.2m from the highest point at the northern end of the proposed path. It will connect to the right of way on the eastern side of the ‘kissing gate’. An extract from the submitted plan is re-produced below:



*Figure 1 – Link Footpath – Plan View*

The footpath is proposed at a gradient of 1:12 and will be finished in tarmac. Timber sleepers are proposed around the tree immediately east of the footpath. Cross sections of the route have been included in the latest plans.

Photographs of the site are re-produced below:



## RELEVANT HISTORY

| Application Reference | Description  | Decision            | Date       |
|-----------------------|--|---------------------|------------|
| P/20/263/FUL          | Demolition of the existing buildings and construction of 57 dwellings, including 8 affordable apartments together with an off-site contribution, landscaping, public open space, SUDS and associated works | Conditional Consent | 26/02/2021 |
| P/21/266/CAC          | Conservation Area Consent for the demolition of the existing school buildings within Newton Conservation Area  | Conditional Consent | 11/12/2021 |
| P/21/211/RLX          | Vary condition 1 (approved plans/documents) of P/20/263/FUL to update the drawings to correct the tree removal/tree retention plans and to update the landscaping scheme                                   | Conditional Consent | 06/07/2021 |
| P/22/588/RLX          | Variation of condition 1 of P/21/211/RLX – tree removal/tree retention plans & landscaping scheme.   | Conditional Consent | 11/05/2023 |



## CONSULTATION RESPONSES

### CONSULTEE

Town Council

### COMMENTS

Object until further details of the associated works are provided to Council.

The Town Council have been re-consulted on the revised plans received on 11<sup>th</sup> September. No further comments have been received to date.

### Cllr J Pratt - Local Member

Due to high public interest within my ward over the previous applications on this site and the anticipation of this application coming to light, I as the elected member of Newton would formally request that this is not decided by delegated officer powers and taken to the Development Control Committee for consideration.

I do expect several residents within and outside of my ward to object to this application.

The previous actions taken by Taylor Wimpey to remove trees has proved controversial amongst residents and groups alike. I am of the opinion given the level of complaints to the Enforcement Officer at Bridgend County Borough Council, that any further works on trees within the area is closely monitored, so as not to give any perception that the developer is not working outside of the proposed plan.

Concerns also that the new route could encourage the illegal use of the existing public right of way.

### Highway's Section

It is noted that the proposed link path will result in additional connectivity for future residents of the development to the existing rights of way network. In addition, the proposal meets the aims of the Active Travel (Wales) Act 2013 and PPW11 and is therefore acceptable. As a result of the above the Highway Authority offer 'No Objection' to the application.

### Rights of Way Section

Agree in principle to the creation of the link path but have specific requirements should Taylor Wimpey require the route to form part of the rights of way network. Measures will have to be introduced to deter illegal use of the route and the PROW it will connect to.

## REPRESENTATIONS RECEIVED

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity will expire on 10<sup>th</sup> October 2023.

Letters of objection have been received from the occupiers of the following properties:

22 Birch Walk\*, 6 Cypress Gardens and 10 Llys Penfro.

\* Public Speaker

The following is a summary of the representations received:

- The proposed footpath will be detrimental to the wildlife habitat and fauna at the location - this area has suffered loss of habitat and vegetation, including 4 large sycamore trees. The creation of a tarmac footpath that has been designed to minimise the gradient so it will occupy a much larger area (S-shape design) will result in a significant loss of the currently wild, green space.
- The proposal plans do not show any measure to provide a safe route for pedestrians on part of Puddle Lane. The effectiveness of the current kissing gate in Puddle Lane will be compromised should the new footpath be built as proposed. Works have effectively created an unsafe and unauthorised footpath from the development into Puddle Lane. Current arrangement allows access for unauthorised vehicles. The safety of pedestrians has been compromised by the unauthorised works to create a temporary footpath and safety would be similarly affected by the current design proposal that has not considered the ability to bypass the kissing gate, which was installed to eliminate these specific hazards.
- Clarification is required to confirm that the existing gate is to be retained along with the post and rail fence, and I would suggest that this fence is extended to meet the earth bank, with the height of the bank suitably increased, to ensure that access from the development site to the existing footpath can only be gained via the proposed path in the interests of all user's safety.
- The footpath should only be granted if the stone boundary wall that was removed during the work connecting the drainage pipes are replaced.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The main objections raised are addressed in the appraisal section of the report.

One of the objectors refers to a stone boundary wall being removed during the works associated with the installation of the drainage connections. No information is available as to the height of the wall and whether it would have required conservation area consent for its removal. It is however a separate matter and outside the scope of this application.

## **RELEVANT POLICIES**

### **Local Policies**

The Bridgend Local Development Plan 2006-2021 (LDP) was formally adopted by the Council in September 2013 and within which the following policies and supplementary Planning guidance are relevant:

Policy PLA1 Settlement Hierarchy and Urban Management

Policy SP2 Design and Sustainable Place Making Policy

Policy SP3 Strategic Transport Planning Principles

Policy PLA9 Development Affecting Public Rights of Way

Policy SP4 Conservation and Enhancement of the Natural Environment

Policy ENV5 Green Infrastructure

Policy ENV6 Nature Conservation

Policy SP5 Conservation of the Built and Historic Environment including Conservation Areas

SPG19: Biodiversity and Development

### **National Policies**

In the determination of a planning application regard should also be given to the 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 11  
Planning Policy Wales TAN 5 Nature Conservation and Planning  
Planning Policy Wales TAN 12 Design  
Planning Policy Wales TAN 10 Trees

### **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 compromising the ability of future generations to meet their own needs (Section 5). The well-being goals identified in the Act are:

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

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of 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 into 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 for determination at the request of the Local Member.

Taylor Wimpey is in the process of completing the re-development of the former St John's School site in Newton. The housing site is accessed from Birch Walk and incorporates a series of cycle/pedestrian links, with the principal route running in an east/west direction connecting Birch Walk to Church Street. Links to the public right of way to the south were not incorporated into the layout as the applicant does not control the corridor of the land between the site and the public right of way. A number of mature trees also formed a green barrier along the southern boundary but were removed to allow drainage connections to be made to the site. The proposed route will cross the cleared ground on the eastern side of the kissing gate and associated fencing in the manner described above.

The main issues to consider in the assessment and determination of this application are whether the principle of creating a footpath link in this location is acceptable and will the design and location of the route safeguard the amenities of the area and the living conditions of local residents. Critically is the route acceptable in terms of pedestrian safety.

Policy SP2 of the Bridgend Local Development Plan (Design and Placemaking) outlines 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 by (inter alia):

- Complying with all relevant national policy and guidance where appropriate
- Having a design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character
- Safeguarding and enhancing biodiversity and green infrastructure
- Having good walking, cycling, public transport and road connections within and outside the site to ensure efficient access
- Ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected”

### **Principle of the Development**

The site lies within the settlement boundary of Porthcawl and the proposal will improve the pedestrian accessibility of the proposed housing development. Whilst it is a minor addition, improved pedestrian links is an element in realising the LDP Strategy as it promotes sustainability, encourages healthier lifestyle and increased physical activity. The increased permeability of the site will reduce walking distance to amenities south of the site. Being located within a conservation area, the development should also conserve, preserve, or enhance the historic environment, (Policy SP5 refers) but this relates more to the detail than the principle of the link which is supported by national and local policies.

### **Having a design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character**

The groundworks associated with the formation of the new proposed pedestrian link will be relatively minor in comparison to the major housing development that it will serve and should have limited impacts on the visual amenities of the area. To achieve acceptable gradients, the route will transverse across the incline but with a relatively modest land take. Prior to works commencing on the housing development, this boundary was covered with trees and vegetation but as described above, the area was cleared, with the Local Planning Authority’s consent, to allow a drainage corridor to be formed. Residents have suggested that the footpath will be detrimental to the wildlife habitat and fauna, resulting in a loss of green space. Any loss will be modest although it will be necessary to revise the landscaping proposals for this part of the site as the line of the route will conflict with the agreed tree planting plan. A revised plan will be secured by planning condition and there is an opportunity to secure some additional planting in the areas surrounding the new pedestrian link.

### **Safeguarding and enhancing biodiversity and green infrastructure**

The supporting planning statement suggest that the development will have minimal ecological impact as it is proposed on land with minimal ecological value. No existing trees will be impacted by the proposed development, and measures have been introduced that will protect the trees from future users of the footpath.

Residents have suggested that the loss of trees and other associated works will have impacted on the site’s biodiversity interest. An Ecology Strategy for the whole development was agreed as part of the original consent and included tree and woodland retention where possible, provision of habitat buffers, sensitive drainage, the provision of open space and the sensitive arrangement of the proposed housing. Additional design measures included the enhancement of woodland habitat, new native tree and shrub planting, new bird nesting and bat roosting opportunities. The original strategy and new tree planting will address the Council’s Section 6 duty of providing a net benefit for biodiversity.

### **Having good walking, cycling, public transport and road connections within and outside the site to ensure efficient access.**

All development proposals should promote safe, sustainable and healthy forms of transport through good design, enhanced walking and cycling provision, and improved public transport provision. Reducing congestion, the need to travel, reliance on the private car and improving road safety are some of the principles that should be incorporated into development schemes.

As confirmed by the Highways Section, the proposed link path will improve connectivity to the existing rights of way network, meeting the aims of the Active Travel (Wales) Act 2013 and Planning Policy Wales. Residents have however suggested that the design of the route will encourage unauthorised use, reducing the effectiveness of the kissing gate and fences that were erected some years ago to deter such use. The plans as originally submitted did suggest that the existing fencing would need to be removed to accommodate the link path, but the latest drawings shows the fencing retained and extended to control access. A condition will be imposed to agree a scheme of access controls to the footpath to ensure that the route will be used appropriately in the future. This will be agreed in consultation with the Highway and Rights of Way Officer.

Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Whilst the Department has not received any comments from the Police on this application, they have not always supported the creation of pedestrian links on the basis they could affect the quality of life for nearby residents. In this case the route will not be enclosed and will benefit from passive surveillance. Furthermore, such links are now considered important in promoting sustainability, encouraging healthier lifestyle and increased physical activity.

### **Ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected**

National policy confirms that new housing developments should be well integrated with and connected to the existing pattern of settlements. Local Planning Authorities should however ensure that development does not damage an area's character and amenity whilst also protecting the amenities of existing residents.

The nearest residents to the proposed link path occupy the properties on the new estate, (Llys Penfro) and to the south on Bryneglwys Gardens. Existing fences and walls form the side boundaries of no's 1 and 22 Bryneglwys Gardens and provide sufficient screening from the existing right of way and proposed link path. Even at the highest part of the path, there are no direct views into the windows or gardens of these properties.

For the residents of Llys Penfro, there are again no direct impacts from the construction of the route, but its position will attract users into this part of the estate. As indicated earlier in this report, the original layout did not accommodate any links to the footpath network to the south and new residents may have the expectation of living in a property within an 'access only' cul-de-sac'. The new residents that immediately adjoin the access have been asked to comment on the application and only one objection has been received. That related to the design of the route and controls over illegal access which can be secured by condition and have been addressed above. It was noted from a recent site visit that residents are already travelling from the turning head to the public right of way and a clear 'desire line' has been formed. A controlled route that is accessible by all is the preferable solution and can be delivered through this consent. The impact of additional pedestrians passing through this part of Llys Penfro on the amenity of residents is difficult to quantify but it is unlikely to generate any significant noise and disturbance above that associated with any residential street.

Overall, it is considered that the living conditions of existing residents will not be significantly compromised by this development.

## CONCLUSION

The primary objective of Planning Policy Wales is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental, and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. It is the role of the Local Planning Authority to exercise its judgement and consider many and often conflicting issues to decide whether a development scheme is acceptable. The policies of the adopted Bridgend Local Development Plan (LDP) (2013) are the starting point and it is considered that the proposed footpath link will safeguard the amenities of the area and the living conditions of local residents. Furthermore, the proposed route is acceptable in terms of pedestrian safety. Notwithstanding the objections received, the proposal is compliant with local and national policy and no matters have been submitted or evidence provided to suggest that planning permission should be withheld. Subject to conditions, this development is acceptable.

## RECOMMENDATION

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

|    |  |
|----|--|
| 1. | <p>The development shall be carried out in accordance with the following approved plans and documents:</p> <p>External Finishes – Drawing No: 190902_TWC_H-009 Revision D</p> <p>Reason: To avoid doubt and confusion as to the nature and extent of the approved Development.</p>   |
| 2. | <p>Notwithstanding the submitted plans, within 1 month of the date of this permission, a scheme to control access on the approved footpath link, including bollards, barriers and enclosures shall be submitted to the Local Planning Authority. The footpath link shall not be brought into beneficial use until the measures to control access have been implemented as agreed by the Local Planning Authority and the footpath link shall be retained and maintained in perpetuity thereafter.</p> <p>Reason: In the interests of highway safety.</p>   |
| 3. | <p>Notwithstanding the submitted plans, within 1 month of the date of this permission a revised landscaping scheme shall be submitted to the Local Planning Authority. The scheme shall include tree planting plans, an implementation programme and details of its management and maintenance. If within a period of 5 years from the date of the planting of any tree proposed as part of the landscaping scheme, or any tree planted in its replacement of it, is remove, uprooted or destroyed or dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place during the next planting season immediately following the death/removal/destruction of that tree. The approved landscaping scheme shall be carried out in the first planting season after the date of this consent and in accord with the approved details or in the first planting season following the footpath link being brought into beneficial use.</p> <p>Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenities of the area biodiversity value of the area.</p> |

|    |  |
|----|--|
| 4. | <p><b>* THE FOLLOWING IS AN ADVISORY NOTE AND NOT A CONDITION</b></p> <p>The primary objective of Planning Policy Wales is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental, and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. It is the role of the planning authority to exercise its judgement and consider many and often conflicting issues to decide whether a development scheme is acceptable. The policies of the adopted Bridgend Local Development Plan (LDP) (2013) are the starting point and its considered that the proposed footpath link will safeguard the amenities of the area and the living conditions of local residents. Furthermore, the proposed route is acceptable in terms of pedestrian safety. Notwithstanding the objections received, the proposal is compliant with local and national policy and no matters have been submitted or evidence provided to suggest that planning permission should be withheld. Subject to conditions, this development is acceptable.</p> |
|----|--|

**JANINE NIGHTINGALE  
CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None

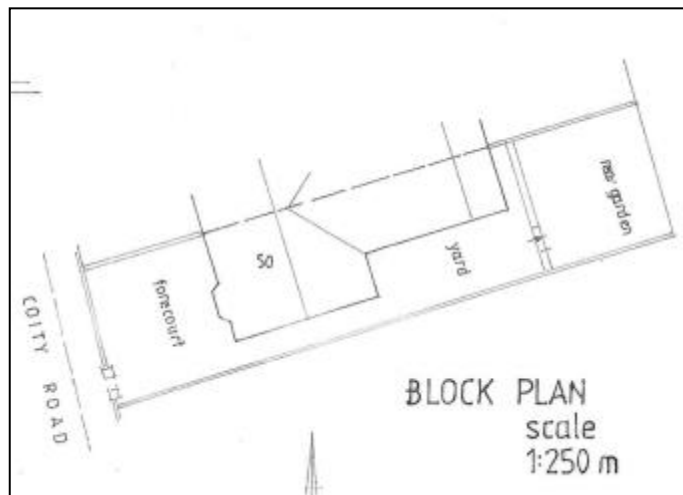
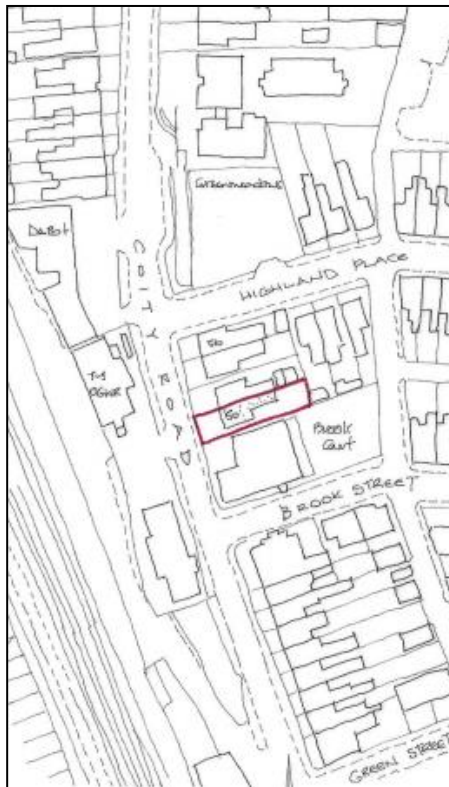
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**REFERENCE:** P/23/536/FUL  
**APPLICANT:** D2 PropCo Ltd 3a Speke Street, Newport, NP19 8EX  
**LOCATION:** 50 Coity Road Bridgend CF31 1LR  
**PROPOSAL:** Change of use from residential dwelling to House in Multiple Occupation (HMO)  
**RECEIVED:** 18 August 2023

## APPLICATION/SITE DESCRIPTION

The applicant "D2 PropCo Ltd" is seeking planning permission for the change of use of the property from Class C3 (dwelling house) to Class C4 (House in Multiple Occupation), as a five-bedroom unit with communal shared facilities at 50 Coity Road, Bridgend.



*Figure 1 – Site Location Plan & Block Plan*

In broad 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).

With the application under consideration the submitted plans show that the five-bedroom dwelling will not be altered externally or internally to accommodate the change of use with two bedrooms on the ground floor and a further three at first floor level. There would be a shared kitchen/living area/utility area on the ground floor and shared bathroom at first floor level. There is a shared outdoor amenity space/enclosed garden to the rear of the property. The existing and proposed layout of the building is shown below (Figures 2 and 3).

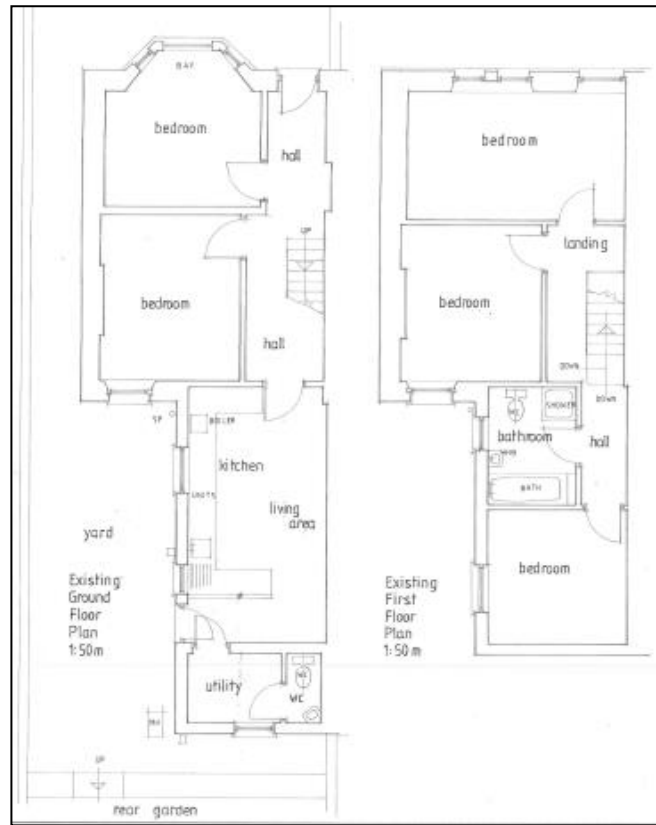


Figure 2 – Existing Layout of the Building

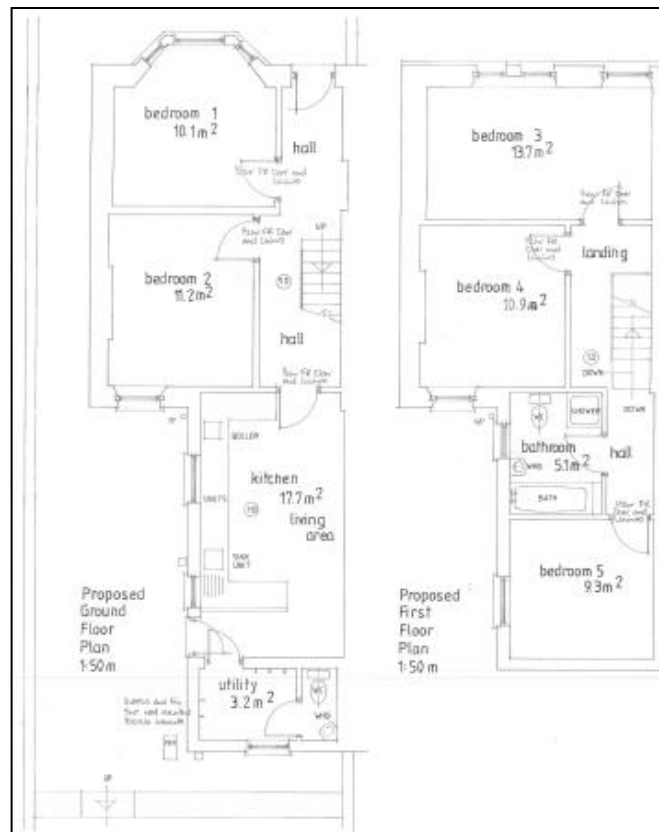


Figure 3 – Proposed Layout of the Building

The application site comprises a two storey semi-detached stone-faced dwelling with a pitched tiled roof. It is set back from the edge of highway, with a small front garden area

enclosed by a short wall with railings on top forming the front boundary with the adjacent pavement. Beyond the rear elevation of the property, there is an enclosed amenity space measuring approximately 7.8 metres in area. There is no on-site car parking available for the site and along this section of Coity Road, parking is controlled by double yellow lines.

To the north and east are other residential dwellings of a similar appearance. To the south is Brook Court which is a three storey bricked faced block of flats constructed at a later period than the other dwellings.

On the opposite side of the road is Ty Ogwr which is a modern three storey brick and rendered building containing flats with an associated car parking area to one side. Immediately to the north of this building is a site in commercial use (National Tyres) and to the south is Vesta Court which is a two storey building used as flats. This location is within the built-up area of Bridgend and whilst primarily of residential character there are some commercial uses.



*Figure 4 Photographs of the application site  
Street Elevation View*



*Rear Elevation of Application Dwelling (Brook Court is on the left)*



*View Looking Towards Rear Boundary of Site*

## **RELEVANT HISTORY**

None.

## **CONSULTATIONS**

**Bridgend Town Council:** Members felt that figures reported by BCBC to Welsh Government do not support the need for additional HMOs within Bridgend Town Council area to accommodate homeless people. Bridgend Town Council therefore objects to the application on the grounds that it will create an over intensification of HMOs within Coity Road.

**Highways Officer:** No objection subject to a condition to secure cycle parking on site

**Shared Regulatory Services:** No observations.

**Waste and Recycling:** No comments received.

## **PUBLICITY**

Neighbours have been notified of the receipt of the application. The period allowed for response to consultations / publicity expired on 22<sup>nd</sup> September 2023.

## **REPRESENTATIONS RECEIVED**

Cllr S. Bletsoe has confirmed that he would not be able to support this application and has requested that it be referred to the Development Control Committee for consideration on the following point:

“This property is directly opposite Ty Ogwr and Vesta Court, and is in very close proximity to Cornerstone House, all of which are heavily populated properties in a very small space and also full of many residents who require in depth and complex support. There three houses in such a small area cause a lot of disturbance to other residents already, without any moves to further increase the number of people who live at 50 Coity Road in this application. In my first year as a Councillor I have already received numerous complaints around the disturbance from the existing properties and concerns raised about the additional problems that would be brought about through this application. I am duty bound to represent these residents in this application in this way and ask that they be considered.”

## **PLANNING POLICIES**

### **National Planning Policy:**

**Planning Policy Wales** (Edition 11) was revised and restructured in February 2021 to coincide with publication of, and take into account the policies, themes and approaches set out in, **Future Wales - the National Plan 2040** and to deliver the vision for Wales that is set out therein.

Future Wales now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.

PPW11 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision-making process.

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 (TAN) 12 Design

**The Well-being of Future Generations Act (Wales) 2015** places a duty on the Council to take reasonable steps in exercising its functions to meet the seven sustainable development (or wellbeing) goals/objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle" as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

**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 2006-2021, and within which the following policies are of relevance:

*Strategic Policies*

- **Policy SP1:** Regeneration Led Development
- **Policy SP2:** Design and Sustainable Place Making
- **Policy SP3:** Strategic Transport Planning Principles
- **Policy SP4:** Conservation and Enhancement of the Natural Environment
- **Policy SP12:** Housing

#### *Topic based policies*

- **Policy PLA1:** Settlement Boundary and Urban Management
- **Policy PLA11:** Parking Standards
- **Policy ENV6:** Nature conservation
- **Policy ENV7:** Natural resource Protection and Public Health
- **Policy COM3:** Residential re use of a building or Land

### **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 the Development Control Committee as there have been objections raised by Bridgend Town Council. Cllr Bletsoe has also requested that this application be referred to the Committee for consideration if it is to be recommended for consent.

### **Issues**

Having regard to the above policy, the main issues to consider in this application relate to the principle of development, together with the impact on the visual amenity of the 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 PLA1** Settlement Hierarchy and Urban Management of the Bridgend Local Development Plan (LDP) adopted in 2013. Policy PLA1 states that development in the County Borough will be permitted where it provides the maximum benefits to regeneration at a scale that reflects the role and function of the settlement.

**Policy COM3** Residential Re-use of a Building or Land states that residential developments within settlement boundaries defined in Policy PLA1 on windfall and small sites for the conversion of existing buildings or the re-use of vacant or under-utilised land will be permitted where no other policy protects the building or land for an existing or alternative use. The proposed site would classify as a small site under Policy COM3 which makes an important contribution to the overall housing supply and introduces an important element of choice and flexibility into the housing market. Policy COM3 of the LDP and Planning Policy Wales (2021) effectively supports the use of suitable, previously developed land for housing development as it can assist regeneration and at the same time relieve pressure for development on greenfield sites.

**Policy SP1** Regeneration-Led Development, states *“that development will be permitted where it provides the maximum benefits to regeneration at a scale that reflects the role and function of settlements as set out in the settlement hierarchy”*. It is considered that the change of use of the building to another form of residential use in a predominantly residential locality is compatible with surrounding land uses and is acceptable, providing a valuable alternative type of living accommodation to the locality. The 5 bed HMO use is not considered an overly intensive or incompatible use within its setting and it is also considered that the application site is located within a sustainable location, being located relatively close to public transport links and local amenities, with good pedestrian linkages close to Bridgend Town centre.

The development is considered to accord with Strategic Policy SP1 and Policies PLA1 and COM3 of the Bridgend Local Development Plan (2013) and can be supported in principle. Although the principle of such a residential use is accepted in land use planning terms, it is necessary to consider the aspects of this proposed use which may have the potential to adversely affect the amenities of the area.

### **Impact on Visual Amenity and Character**

Strategic Policy SP2 *Design and Sustainable Place Making* seeks to conserve and enhance the built environment states *“All development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment.”*

Local Planning Authorities should ensure that the proposed development should not have an unacceptable impact upon the character and amenity of an area. This current application does not involve any changes to the exterior of the existing dwelling and consequently the proposal would have no impact upon the visual character of the building or the surrounding area.

The proposed development is therefore considered acceptable and accords with Policy SP2 of the Bridgend Local Development Plan (2013).

### **Residential Amenity**

Policy SP2 of the LDP criterion (12) states *“that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected; which have been addressed as follows:*

#### **Overbearing and overshadowing impact**

The proposal involves no external alterations and consequently there are considered to be no issues in terms of the visual impact of the proposal through being overbearing to adjoining properties over and above what currently exists on site.

#### **Overlooking/loss of privacy**

In terms of overlooking and loss of privacy, the proposal involves no external alterations and as such the relationship between windows and habitable rooms would not change. The proposal would not have any unacceptable issues relating to overlooking over and above what already exists.

#### **Noise**

Policy SP2 Criterion (8) also states *“Development should Avoid or minimise noise, air, 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 5 bed HMO would not unreasonably compromise the level of amenity that is currently enjoyed and can be reasonably expected in such a

locality. The level of activity and other likely effects of the use would not significantly exceed what is experienced with the building being used as a single-family dwelling.

It is fully acknowledged that an HMO use, and particularly clusters in small geographical areas can potentially detract from the character of an area and contribute towards a number of perceived problems such as anti-social behaviour and noise disturbance. Nevertheless, a scheme of the scale detailed by the current application is unlikely to disrupt or adversely impact the levels of amenity enjoyed in the area to warrant the refusal of the application.

An HMO use is considered to be a form of residential use that is compatible with neighbouring residential uses and unlikely to detrimentally effect the existing character of the surrounding locality. HMO uses provide an important source of housing provision and play an important role in the delivery of a varied housing stock within the Borough, providing homes to a number of residents who are often unable to purchase their own homes. It is noted that there are other multi occupational buildings in proximity to the application site and that there is concern that the proposed HMO could cause additional disturbance to the area. There is no evidence however to suggest that the area is oversubscribed with HMOs and the causes of anti-social behaviour are recognised as being diverse and cannot be attributed to any housing type alone. A balanced approach must be taken to the consideration of the proposal and in this case, it is considered that the merits of an appropriately managed, small scale HMO use outweigh any perceived harm in the scheme.

If any issues relating to noise from future residents of the property did arise then it would be a matter for Shared Regulatory Services (SRS) Public Protection to investigate under their noise nuisance 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 shared kitchen / utility / living area and bathroom facilities being proposed to support the use.

At 50 Coity Road outdoor amenity space is located to the rear of the property for use by the future residents. This will allow for activities such as drying of washing and space for outdoor relaxation. The area to be provided is considered acceptable in terms of location and size.

#### Bin storage and cycle storage

Currently no details of bin storage areas or cycle storage for residents have been provided however a condition can be imposed to ensure suitable bin/recycling storage area is provided and also provide details of the cycle storage.

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 SP2 and ENV7 of the Bridgend Local development Plan (2013)

#### Highway Safety

Policy SP2 states that all development should have good walking, cycling, public transport and road connections within and outside the site to ensure efficient access. Policy PL11



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 in a sustainable location close to the town centre where there are an abundance of facilities and the main train and bus station for Bridgend. The property currently has no on-site parking provision and on street parking outside of the property is restricted by double yellow lines on both sides of the road.



*Figure 5 Restricted Parking on Coity Road Adjacent to Application Site*

The Highways Officer has provided comments on this application and has raised no objection. He has concluded that the existing 5 bed property generates a requirement for 3 off street parking spaces but does not benefit from any off-street parking. The proposed change of use of the property for use as a 5 bed HMO will not generate any different parking demand than is generated by the current property. No objections to the proposal have therefore been offered although a condition to secure cycle parking for 5 cycles on site will be imposed to enable residents to fully utilise sustainable travel modes.

On this basis it is considered that the change of use would not have an unacceptable impact on highway or pedestrian safety and is considered to accord with Policy SP2 and PLA1 of the Bridgend Local Development Plan (2013).

### **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 11 (PPW11) 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.”*

In terms of the proposed change of use, given that the location of the site is surrounded by other residential development, it is considered that the proposal is likely to have little detrimental impact upon biodiversity. However, to ensure a biodiversity gain is achieved a condition is recommended requiring the installation of a bird box on the site as part of the development. A note has also been added advising the applicants of their biodiversity responsibilities. The proposal is therefore considered acceptable in terms of biodiversity.

## **CONCLUSION**

This application for the proposed change of use of a C3 dwelling to a 5 bed HMO requires careful consideration of each of the material planning matters raised by the case and on balance it is concluded that the scheme can be recommended for approval and is considered acceptable in planning terms.

The development, subject to the imposition of conditions, complies with Council policy and guidelines and is not considered to adversely affect the character of the area, prejudice highway safety, privacy or visual amenities nor significantly affect the amenities of the neighbouring properties or the wider area as to warrant refusal of the proposal on these grounds. The proposal also does not raise any adverse biodiversity or land drainage issues.

The concerns that have been raised regarding an over intensification of similar types of uses in the locality are fully acknowledged, however on balance they are not considered to outweigh the other material issues of this case to warrant the refusal of the planning application. Members will be aware that any issues relating to the poor management of HMOs are resolved through a separate licensing regime and legislation and not through the planning system and planning permission does not override the requirement for a licence.

## **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:  
  
Draw. No. 2952 C Proposed Floor Plans, Location Plan & Block Plan received by the Local Planning Authority 18th August 2023.  
  
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 1987 (as amended)) accommodating a

maximum of 5 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 development shall commence until a scheme for the provision of secure cycle storage for 5 cycles has been submitted to the Local Planning Authority. The approved scheme shall be implemented before the development is brought into beneficial use and retained for cycle parking purposes in perpetuity.

Reason: In the interests of promoting sustainable means of travel to / from the site and to accord with policies SP2 and SP3 of the Bridgend Local Development Plan (2013) and advice contained within Supplementary Planning Guidance SPG17: Parking Standards.

4. 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 to the Local Planning Authority. The scheme shall be provided strictly in accordance with the details so approved 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 ENV15 of the Bridgend Local Development Plan, 2013.

5. Notwithstanding the submitted plans and prior to the first beneficial use of the development, an artificial nesting site for birds shall be erected on 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: To ensure the provision of nesting opportunities for wild birds and 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 11, February 2021) and Policies SP4 and ENV6 of the Bridgend Local Development Plan 2013.

6. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

- 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 Council policy and guidelines and does not adversely affect the character of the area, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities 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.

**JANINE NIGHTINGALE**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None

## Appeals

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

|                          |   |
|--------------------------|---|
| <b>APPEAL NO.</b>        | <b>CAS-02312-F4Q3P4 (1975)</b>  |
| <b>APPLICATION NO.</b>   | P/22/309/FUL  |
| <b>APPELLANT</b>         | MR & MRS JONES  |
| <b>SUBJECT OF APPEAL</b> | DEMOLISH EXISTING BUNGALOW AND CONSTRUCT 10 NEW APARTMENTS WITH ASSOCIATED PARKING AND AMENITIES:<br>2 LOCKS COMMON ROAD, PORTHCAWL |
| <b>PROCEDURE</b>         | WRITTEN REPRESENTATIONS   |
| <b>DECISION LEVEL</b>    | DELEGATED OFFICER   |
| <b>DECISION</b>          | THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.                      |

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

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### **RECOMMENDATION**

That the report of the Corporate Director Communities be noted.

**JANINE NIGHTINGALE**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers** (see application reference number)

## Appeal Decision

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by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 12/09/2023

Appeal reference: CAS-02312-F4Q3P4

Site address: 2 Locks Common Road, Porthcawl CF36 3HU

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- 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 Mr and Mrs Jones against the decision of Bridgend County Borough Council.
  - The application Ref P/22/309/FUL, dated 3 May 2022, was refused by notice dated 1 December 2022.
  - The development proposed is the demolition of an existing bungalow and the construction of 10 new apartments with associated parking and amenities.
  - A site visit was made on 4 July 2023.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. This appeal was initially made as one against non-determination. However, Section 78A of the Act as amended introduced a 4-week period of “dual jurisdiction” between the local planning authority (LPA) and Planning and Environment Decisions Wales where an appeal has been lodged for non-determination.
3. This allows an LPA to continue to determine an application for planning permission during the first 4 weeks of an appeal being made against non-determination. The LPA provided a decision notice within the four-week period. Accordingly, I have determined this appeal as one against planning refusal of planning permission, rather than non-determination as required by S78A of the Act as amended.
4. The LPA has added to its statement by including issues which were not in its reasons for refusal. These are concerns on accessibility of the site to public transport modes and concern about the proposed access width of the development. The appellant has commented on these points in its 9-week response submission. I have taken these matters into consideration despite being introduced at the statement of case stage of the appeal.

## **Planning Policy**

5. The appeal is determined in accordance with the Bridgend Local Development Plan 2006-2021 (LDP) having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004. Future Wales, The National Plan 2040 (FW) forms part of the development plan for the purposes of Section 38(6).
6. Planning Policy Wales Edition 11 (PPW) and FW deal with national sustainable placemaking outcomes, the plan-led approach to the delivery of sustainable places principles and the process of improving the economic, social, environmental, and cultural well-being in accordance with the sustainable development principle. I have also had regard to Technical Advice Note 12 Design (TAN 12). I have also been referred to and I have had regard to Building Better Places.

## **Main Issues**

7. The main issues are:
  - the effect of the proposal on the character and appearance of the area, and
  - whether the proposed development is accessible by means of active travel to public transport, and
  - the effect of the proposal on highway safety, and
  - the effect of the proposal on the living conditions of occupiers of the development in relation to the adequacy of the outdoor amenity space provided, and
  - the effect of the proposal on the living conditions of occupiers of neighbouring dwellings in relation to outlook.

## **Reasons**

### *Character and appearance*

8. The appeal site is located on Locks Common Road between Nos.1 and 3 overlooking Common Land and the sea front. Locks Common Road joins Severn Road to the south-east at one end, and Mallard Way on the northern end. The appeal site has been cleared of the former single-storey bungalow and associated buildings and is bounded by boundary walls with vehicular access onto Locks Common Road. No.1 Monkstone House borders the site to the south-east and is a substantial building currently utilised as a residential home. No. 3 borders the appeal site to the north-west and is one half of a semi-detached property. To the rear of the appeal site is Hutchwns Close which include three contemporary designed houses bordering the appeal site to the north-east and are positioned at a higher level than the current level of the appeal site.
9. The proposal would be to erect a 10-unit residential block some three-storeys in height accommodating units in the roof space. Each unit would be provided a balcony area and patio area for those units on the ground floor. There would be four apartments on the ground floor comprising two bedrooms, study and living accommodation. Four apartments on the first floor providing similar accommodation and two larger apartments on the second floor comprising three bedrooms, study, and living accommodation. Twenty-two parking spaces and six covered cycle spaces would be provided to the rear of the site with access and drive to the south-east of the building.
10. Excluding the side driveway and a narrow space bordering No. 3, the proposed building would occupy the remaining width of the appeal site. The proposed building is tapered inwards in layout from the boundary of No.1 to the boundary of No. 3. The proposed roof

design is a combination of pitched dormer roofs and hipped roofs combining to a mansard roof where a concealed flat roof accommodates solar panels.

11. The Council expresses concern about the design, scale, and siting of the building with reference to the front oversized dormers, and the vertical projecting features of the front façade being excessive, all of which fails to harmonise with the character and appearance of the immediate site context of surrounding buildings. The Council notes that the appeal site is in a prominent location and is highly visible.
12. The appellant has provided a Design and Access Statement (DAS), Pre-Application Consultation Report (PACR) and a detailed response to the reasons for refusal in the statement of case. The DAS notes that pre-application advice had been obtained for two detached dwellings on the site and that this scheme was considered broadly acceptable in principle by the LPA.
13. The appeal site is an infill plot between existing buildings in the settlement. It has visual prominence because the street is the last row of built form before the Common and the seafront. Properties facing the Common are viewed from a wide area along the footpath adjacent to Mallard Way and by several receptors which forms an active travel route along the seashore and Common. The layout of buildings in broad terms form a string of properties facing the Common and the seafront. The properties south-east of Severn Road leading to the private road which connects to Mallard Way and the start of West Drive, and the properties on Locks Common Road leading to the three apartment blocks on the northern end form this string. These properties are within the visual envelope of the site.
14. There is considerable variety to these properties. Some are gable-fronted, but the majority have a considerable roof-span from ridge to eaves. Another feature are relatively small and subservient roof dormers in the roof slopes. The palette of materials is generally light-coloured renders and red tile roofs, although there are exceptions where grey roof slate has been used. Curved bay windows are a feature on adjoining buildings to the appeal site. The buildings either side has first floor balconies. Balconies are a common feature of the three-block apartment on the northern end of Locks Common Road. This more recent development has been developed into three detached blocks. The roof design is a shallow rise, but bays have been incorporated into the design and the top floors have been recessed back from the front wall of these buildings.
15. Monkstone House the adjacent building to the appeal site has two lift towers at both ends of the building. The proposed development has taken this design feature to replicate in the design. However, these finish at eaves level, and would be seen in recessive form due to the layout of the building. However, I do consider that the proposed development has a strong horizontal emphasis due to these protruding two-storey angular bays with balconies on top that are uniformly set-out and equally spaced. This regular rhythm of features highlights the horizontal appearance of the building.
16. Similarly, the wide and large dormer or gable glazed features in-between the two-storey angular bays emphasise the horizontal extent of the proposed building. These are evenly spaced and are not recessive in the roof slope. As with most buildings in the vicinity in the visual envelope of the site as described above, roof dormers and features incorporated in the roof slopes are generally small and subservient features and are recessive. This character feature has not been included in the proposed design. The vertical rhythm of the building has been disrupted by the chosen design because as in several features of adjoining properties and in relation to the contemporary blocks to the north of the site the top-floor has a recessive step and the dormers in more traditional buildings near to the site are small and subservient. The outcome of the proposed design is a strong horizontal



emphasis which does not have due regard to the contextual qualities of the surrounding area.

17. I note that the appellant has given several examples of modern and contemporary infill developments in the wider area of Porthcawl. These are noted, but the visual envelope of the site and where the proposal would be viewed, assessed, and appreciated by receptors is framed by the street scene, I have described above.
18. In addition, I have a concern about the shallow roof rise of the proposed development. Roofs that are deep and prominent are a feature of the area, but I also acknowledge that this may not be practical for an apartment block. However, the horizontal massing has been addressed in the three apartment blocks to the north because these are separated out, but also in part respond to the layout of that site. However, coated composite roof sheets in dark red, whilst responding to the colour palette of the area, would appear at odds with the predominant feature of red roof tiles. Whilst this could be conditioned, the chosen roof design may not be compatible with tiles because of weight loading.
19. LDP Policy SP2 requires that all development should contribute to creating high quality, attractive, sustainable places which enhance the community having regard to the natural, historic, and built environment. The policy requires that the design of development respects and enhances local character and distinctiveness. I consider the proposal fails to respect local character and distinctiveness, which is evident in this case.
20. I acknowledge the appellant's assessment on size, scale, density, overdevelopment, and orientation, but I have viewed the site and surrounding area and I have considered that the three-dimensional articulation of the proposed building does not respond well to its context. TAN 12 indicates that a contextual approach should not necessarily prohibit contemporary design. I consider that the proposed design for the reasons I have set out above is inappropriate in its context which should not be accepted. Good design forms part of the themes that collectively contribute to placemaking and making better places. PPW recognises that design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and go beyond aesthetics and include social, economic, environmental, cultural aspects of the development. Whilst many aspects of the objectives of good design have been met, others have not, which have been identified in this decision.
21. The proposal conflicts with LDP Policy SP2 criterion 2, PPW paragraph 3.14 and TAN 12 paragraphs 2.6, 4.3 - 4.9.
22. I conclude that the proposal would harm the character and appearance of the area.

#### *Accessibility*

23. This issue has been raised by the LPA but was not a reason for refusal. The proposal includes a new 2 m wide footpath along the site frontage and Monkstone House. Junction improvements are provided at Locks Common Road and Severn Road. A new pavement would be provided along Severn Road linking to Mallard Way and a new crossing connection is intended to link into the footpath/cycleway adjacent to Mallard Way. These could be offered to the Council for adoption to upgrade part of Locks Common Road from a private road. The LPA has discounted these improvements and has effectively assessed the proposal as if these were not part of the proposal.
24. In my view, they are, because they are within the red line application site and the appellant has declared that all necessary notices have been served and therefore, they must be considered. The LPA casts doubts that agreements have been reached and question the deliverability of the scheme. In any proposal that may include works outside the site (although within the application site as presented) would be subject to conditions

preventing any development from taking place until a scheme has been agreed in writing with the LPA and implemented in accordance with an agreed timetable. The LPA would have control, could refuse to accept the scheme and ultimately the condition could be enforced. There is no compelling evidence to indicate that there is no real prospect of reaching agreement, that the works are not deliverable and go beyond the lifetime of any planning permission. I conclude that the highway improvements form part of the proposal and are considered. The improvements link into the transport and pedestrian network and count as a significant benefit promoting active travel. It is not a matter for me whether the highway improvements would be adopted as this is a separate consent regime. However, the fact the provision is being made and there is no real criticism of the details must indicate that they are acceptable.

25. The LPA indicate that the site is not accessible being over 600 m from public transport, 443 m from Penylan Avenue which is a private service that runs hourly and up to 13:00 hrs. It has used The Guide for Planning for Public Transport in Developments 2018 where the preferred distance to a bus stop should be within 300 m. The appellant disputes this and points out that for commuting the distance can be up to 500 m. The appellant refers to the Active Travel Act Wales Guidance July 2021 where a walking distance of up to 2 miles is cited. Having walked from the site to Penylan Avenue it was well within a 10-minute walking range and within 800 m as indicated most conducive to walking as set out in Manual for Streets 2007 paragraph 4.4. This is considered having regard to the quality of the experience, the distance and the proposed provision that would be put into place to facilitate this through the scheme of highway/pedestrian improvements.
26. It should be noted that the site is in a sustainable location, it is within the settlement and is previously developed land, in a predominantly residential area and is infill development. Developments have been accepted on the north side of Locks Common Road and the principle of development has seemingly been accepted for residential development on the site. I do not consider that the proposal is heavily reliant on the private car and the provision of car parking spaces within the site can also limit this demand and future occupants of the site will be aware of these limitations. The proposal complies with LDP Policies COM3, SP2 criterion 6, and SP3.
27. I conclude that the proposed development is accessible by means of active travel to public transport.

#### *Highway safety*

28. The concern on highway safety is parking provision and the upgrading of a private road which should only serve up to five dwellings. The LPA refer to the All-Wales Design Guide. The LPA's refusal is based on the Council's policy not to accept more than 5 or 6 dwellings to be accessed off an unadopted road. This approach ignores the proposal to improve the highway infrastructure. The approach is not based in planning policy and the determination of the appeal in accordance with the development plan. I can find no reference to the 5 or 6 dwelling thresholds in LDP Policies SP2 and SP3. The Council policy must be guidance on the adoption process and does not outweigh planning policy contained in the development plan. I am therefore satisfied there is no planning basis for the LPA's approach in this instance.
29. Much emphasis is placed on the issue of car ownership and that 21% of households in the area own three cars or more. This does not imply that future occupants of the development would follow suit as they will be aware of the constraints of the development should they acquire an apartment. Neither does it indicate that the parking provision should be increased from the 22 spaces provided. I accept that this is in line with the Supplementary Planning Guidance (SPG) 17 Parking Standards. The maximum standard

for the development is 24 car parking spaces and the SPG notes that minimum parking standards should not be applied as is set out in PPW and Planning Policy Wales Technical Advice Note 18: Transport 2007 (TAN 18), (paragraph 4.6), including consideration of the relative locations of land uses and their consequent accessibility.

30. Concern has been expressed over the lack provision for delivery drivers and separate access to the building and that the study rooms should be considered in the parking demand of the site. The pattern of work has changed and many work from home which also reduces trip generation. Any deficiency in the parking demand is not significant in this case when considering the context of the site and accessibility. I conclude that the car park and cycle parking provision are acceptable.
31. The LPA has raised the issue of the access width which is reduced to slow down moving vehicles and to provide pedestrian visibility. The appellant notes that access will be controlled by security gates and the access is wide enough to meet the requirements of Building Regulations for Fire engine access. Another matter is the concern that Locks Common Road could be closed-off at any time to the north thereby resulting in a cul-de-sac arrangement. I do not consider that this would affect the development proposal's access when the highway improvements are considered.
32. The LPA has not identified matters to lead me to conclude that the proposal would harm highway safety. The highway improvements would reduce the parking provision on Severn Road and the appellant is willing to include the provision of traffic orders within the scheme of works to be agreed with the LPA.
33. The proposal does not conflict with LDP Policies SP2 and SP3 and SPG 17.
34. I conclude that the proposal would not harm highway safety.

*Living conditions of occupiers of the development in relation to the adequacy of the outdoor amenity space provided*

35. The proposal provides balconies or patio area which range from 15 m<sup>2</sup> to 21 m<sup>2</sup> for the two bedroomed apartments, and 34 m<sup>2</sup> for the three bedroomed apartments. There is a shared communal green space in front of the building although this would not be private amenity space.
36. The LPA has used SPG 2 Household Development to assess this aspect of the development. However, paragraph 1.1 indicates that it is a guide about the design of extensions and alterations to dwellings. The LPA refers to paragraph 5.1.1 under Residential Amenity and to the point that adequate amenity space should be left over following an extension to the dwelling. I cannot see the relevance of this document to the proposed development. The officer's report dated 3 May 2022 recognises that there is no adopted policy prescribing minimum outdoor space standards. The absence of a specified standard does not set any threshold to gauge that below an amount of useable amenity space the provision is unacceptable and would harm future occupants' living conditions.
37. I do not consider that the amount of outdoor amenity space provided by the development is so small to diminish future occupants' living conditions. There are mitigating factors since there are suitable active travel connections provided to nearby outdoor recreation which is in a location that is attractive and generally beneficial to the well-being of its residents. It is also a factor that future occupants of the development have a choice whether this amount of amenity space is appropriate to their individual needs.
38. I therefore consider that the LPA has not demonstrated harm and the proposal would not conflict with LDP Policy SP2.

39. I conclude that the proposal would not harm the living conditions of occupiers of the development in relation to the adequacy of the outdoor amenity space provided.

*Living conditions of occupiers of neighbouring dwellings in relation to outlook.*

40. Outlook and aspect from a window can be diminished through overbearing development by virtue of a development's bulk and proximity.

41. Hutchwns Close which include three contemporary designed houses border the appeal site to the north-east. It is not disputed that the proposed development would be 26 m from the nearest point of the houses on Hutchwns, and 18.5 m from the rear boundary. This is referred to in SPG 2 Household Development and the proposal is compliant with it, should it be applied. For the reasons I have outlined I cannot see the relevance of the document to the proposed development under consideration.

42. However, the distances given in relation to separation between buildings also relate to whether a proposal is acceptable in relation to outlook and overbearing development as much as it would be compliant in relation to privacy and overlooking. The proposed building is taller and wider than the building which stood on the site but is not significantly closer and is tapered so there is a comparable distance from the rear building line to each of the neighbouring properties to the north-east. The appellant has provided an assessment on daylighting which also demonstrates compliance if SPG 2 were to be applied.

43. I note the concern that visual aspect would be diminished where the occupants would have a view of the coast where this would be lost in the most part because of the size and width of the proposed development. However, as noted by the LPA a private view from a window is not of itself regarded as a planning matter. The view is presently over a vacant development site where a single storey building once stood. This view is likely to change because the site is an infill plot in the settlement and the expectation would be that this would be developed. The view is not a publicly maintained view or a view which should be preserved due to an important vista or focal point.

44. Normally a change of view from for example, a view over through to the coast to a view over a new housing development, is not regarded as a planning consideration even though it may have a financial impact on the value of the houses which lose the view over currently open land. This is not the operation of the planning system which is concerned with land use in the public interest.

45. I therefore consider that outlook in this instance is not significantly diminished to have the effect of overbearing development and is not contrary to LDP Policy SP2.

46. I conclude that the proposal would not harm the living conditions of occupiers of neighbouring dwellings in relation to outlook.

### **Other matters**

#### *Planning obligation*

47. The LPA indicates that the application requires 30% affordable housing provision in line with LDP Policy COM5. If on-site provision is considered unfeasible, off-site commuted sum payments would be necessary. Commuted sum payments would also be considered necessary in relation to open space in line with LDP Policy COM11.

48. The appellant does not dispute these findings and indicates a willingness to provide a unilateral undertaking if it is deemed necessary. However, it is not a matter for me to make a case for the appellant and if it is considered that a planning obligation is

necessary to overcome objections and address these matters then it should have been provided in a timely manner during the appeal process. I make no formal finding on the issue, and this is dealt with in the planning balance and conclusions.

*Other matters*

49. I note the concern about the proposed parking arrangement to the rear and effect of air pollution and noise. There are concerns about light pollution, privacy/overlooking, overdevelopment, household waste, loss of views and devaluation, the lack of green space, impact on ecology, no right to alter the Common Land and issues over junction safety onto Severn Road. The LPA also refer to the issue of precedent and lack of space about buildings.
50. I have dealt with the issue of highway safety as a main determining issue in this appeal. I have also considered the right to a view. There is no compelling and technical evidence presented on noise, air pollution, ecology, and light pollution to elevate these concerns to main determining issues. Common Land should there be alterations to this area is a separate consent regime from the planning considerations of this appeal. I do not consider there is an issue of precedent or that this proposal inhibits space about buildings.

**Planning Balance and Conclusions**

51. I am required to determine this proposal in accordance with the development plan unless material considerations indicate otherwise. The starting point is therefore the development plan (FW and LDP).
52. I have found that the development conflicts with the development plan policies and national guidance relating to character and appearance. This factor is given significant weight.
53. I have found that the development complies with the development plan in relation to accessibility, highway safety, and both living condition issues. However, these matters are neutral in the final balance as this is expected of all developments.
54. Therefore, the appeal scheme should be regarded as conflicting with the development plan when taken as a whole, despite the matters where I have identified policy compliance. There are no other material considerations before me that may be regarded of sufficient weight to indicate a decision other than in accordance with the development plan. I make no formal finding on the issue of the absence of a planning obligation since the planning balance is against allowing this appeal.
55. 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.
56. The planning balance is against allowing this appeal.

*Iwan Lloyd*

INSPECTOR

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## **TRAINING LOG**

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

### **Subject**

### **Date**

Development in Conservation Areas

2023/4

PEDW Briefing for Members

Public Rights of Way / Bridleways

Tree Policy - Green infrastructure

Wellbeing and Future Generations Act Commissioner

(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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