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Bridgend County Borough Council
Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr



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

Legal and Regulatory Services /
Gwasanaethau Cyfreithiol a Rheoleiddiol
Direct line / Deialu uniongyrchol: 01656 643147
Ask for / Gofynnwch am: Andrew Rees

Our ref / Ein cyf:
Your ref / Eich cyf:

Date / Dyddiad: 24 April 2015

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held in the Council Chamber, Civic Offices Angel Street Bridgend CF31 4WB on **Thursday, 30 April 2015 at 2.00 pm.**

AGENDA

1. Apologies for Absence
To receive apologies for absence (to include reasons, where appropriate) from Members / Officers.
2. Site Visits
To confirm a date of Wednesday 10 June 2015 for proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.
3. Approval of Minutes 5 - 12
To receive and confirm the Minutes of a meeting of the Development Control Committee of 2 April 2015.
4. Public Speakers
To advise Members of the names of the public speakers listed to speak at today's meeting (if any).
5. 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.
6. Amendment Sheet
That the Chairperson accepts the Development Control Committee Amendment Sheet as

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Public Document Pack an urgent item in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee report, so as to take account of late representations and revisions that require to be accommodated.

7.	<u>Development Control Committee Guidance</u>	13 - 16
8.	<u>Officer's Reports</u>	
(a)	P/14/800/FUL - FMR Council Office Site, Glanogwr Road, Bridgend - Demolish Council Offices, Divert Footpath 17 (Bridgend) & Erection of 4 No. Detached Dwellings with Int. Garages	17 - 36
(b)	P/15/183/FUL - The White House, Briary Way, Brackla, Bridgend - Change of Use of Existing Dwelling to Residential Care Home and Two Storey Extension	37 - 50
(c)	P/15/96/FUL - 36 Tennyson Drive, Cefn Glas, Bridgend - Convert Garage to Living Accommodation, Single Storey Rear Ext, Dormer Windows to Front & Rear	51 - 58
(d)	P/15/60/FUL - Land at the Rhiw Multi Storey Car Park Walkway Bridge & Entrance Bridgend - Demolish & Rebuild Car Park: Erect 5 Storey Residential / Commercial Block (Class A1/A2/A3 & 28 Dwellings with Parking)	59 - 80
(e)	P/14/823/RES - Island Farm Institute of Sport, Island Farm, Bridgend - Reserved Matters: Site Wide Soft Landscaping & Ecological Mitigation	81 - 90
(f)	P/15/155/FUL - 53 Danygraig Avenue, Porthcawl - Reconstruct and Reroof Existing Front Bay, Internal Structural Alteration & Detached Garage Extension	91 - 96
(g)	P/15/55/FUL - New Street Surgery 1-3 New Street, Aberkenfig, Bridgend - Change of Use No.1 New Street to Form Larger Surgery & Two Storey Ext with Rear Parking Space	97 - 102
(h)	P/15/125/FUL - 41 Merthyr Mawr Road, Bridgend - Retention of Fence to Front and Side of Property	103 - 106
(i)	P/15/159/FUL - Land of Heol Eglwys, Penyfai - Two Detached Dwellings & Double Garage with New Vehicular & Pedestrian Access	107 - 116
9.	<u>Appeals</u>	117 - 124
10.	<u>Training Log</u>	125 - 126
11.	<u>Statistical Information for 1 April 2014 - 31 March 2015</u>	127 - 136
12.	<u>Urgent Items</u> To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.	

Yours faithfully
P A Jolley

Assistant Chief Executive Legal and Regulatory Services

Distribution:

Councillors:

GW Davies MBE
PA Davies
RM James
B Jones
RC Jones
DRW Lewis

Councillors

HE Morgan
DG Owen
JC Spanswick
M Thomas
JH Tildesley MBE
HJ Townsend

Councillors

C Westwood
HM Williams
R Williams
M Winter
RE Young

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MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON THURSDAY, 5 MARCH 2015 AT 2.00PM

Present:

Councillor H M Williams - Chairperson

Councillors

P A Davies
R M James
H E Morgan
H J Townsend

Councillors

R C Jones
D R W Lewis
J C Spanswick
M Thomas

Councillors

J H Tildesley MBE
C Westwood
R Williams
M Winter
R E Young

Officers:

Jonathan Parsons	Group Manager – Development
Julie Jenkins	Development and Building Control Team Leader
Susan Jones	Development Planning Manager
Craig Flower	Team Leader (Technical Support)
Robert Morgan	Senior Development Control Officer
Leigh Tuck	Transportation Development Control Officer
Robert Hughes	Senior Lawyer
Mark Galvin	Senior Democratic Services Officer – Committees (electronic back-up)
Kevin Stephens	Democratic Services Assistant (electronic back-up)
Helen Williams	Senior Environmental Health Officer – Pollution
Philip Thomas	Senior Planning Officer

533 APOLOGIES FOR ABSENCE

Apologies were received from the following Members for the reasons so stated:

Councillor G W Davies MBE	-	Holiday
Councillor B Jones	-	Family Commitment
Councillor D Owen	-	Holiday

534 SITE VISITS

RESOLVED: That the date for site inspections (if any) arising from the meeting, or identified in advance of the next meeting of the Committee by the Chairperson, was confirmed as Wednesday, 29 April 2015 (am).

535 APPROVAL OF MINUTES

RESOLVED: That the minutes of the Development Control Committee of the 5 March 2015 were approved as a true and accurate record.

536 PUBLIC SPEAKERS

The Group Manager Development read out for the benefit of those present the names of the public speakers addressing the following application which was considered at the meeting:

<u>Name</u>	<u>Planning Application Number</u>	<u>Reason for Speaking</u>
Mr D Edwards	P/14/293/FUL	Objector
Mr P Vining	P/14/293/FUL	Applicant's Agent

537 DECLARATIONS OF INTEREST

The following declarations of interest were made:

- | | |
|-----------------------|--|
| Councillor H Williams | P/14/540RLX, P/14/541/RLX and P/14/293/FUL - Councillor Williams declared a prejudicial interest in the above Planning Applications as the owners of the land were his close friends and neighbours. Councillor Williams vacated the Chair for this item and Councillor Richard Williams took the Chair in his place for this item only. |
| Councillor H Morgan | P/14/800/FUL – Councillor Morgan declared a personal interest as a Member of Bridgend Town Council’s Planning Committee who deliberated the application, but took no part in Town Council’s decision on the matter. A/15/5/ADV as he took part in discussions on this application when it was considered by Bridgend Town Council, but he took no part in their decision on the application. |

538 CHAIRPERSON'S ANNOUNCEMENT

The Chairperson confirmed that he had accepted the Development Control Committee amendment sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council’s Procedure Rules, in order to allow for the Committee to consider modifications to the Committee report, so as to take account of any late representations and revisions that require to be accommodated.

539 TOWN AND COUNTRY PLANNING ACT 1990
PLANNING APPLICATION DEFERRED

RESOLVED: That the following application be deferred in order to consider further matters raised at the Site Visit.

<u>Code No.</u>	<u>Proposal</u>
P/14/800/FUL	FMR Council Office Site, Glanogwr Road, Bridgend – Demolish Council Offices, divert Footpath 17 (Bridgend) & erection of 4 No. detached dwellings with Int. garages.

540 TOWN AND COUNTRY PLANNING ACT 1990
SECTION 106 AGREEMENT PLANNING APPLICATIONS

RESOLVED: (1) That the applicant enters into a Section 106 Agreement to:

Provide a Financial Security to ensure that decommissioning works are carried out following cessation of operation of the development.

<u>Code No.</u>	<u>Proposal</u>
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P/14/293/FUL Pant-Y-Wal Wind Farm, east of Ogmere Valley, Bridgend – 12 Wind turbines (36MW), access track and assoc. works for 25 year period.

- (2) That the Corporate Director Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, but not before the applicant has also entered into Section 106 agreements and the planning permissions have been granted for the related Section 73 planning applications P/14/540/RLX and P/14/541/RLX and subject to the Conditions contained within his report.

Subject to the following amended Conditions 7, 10, and 13 as well as the inclusion of the following Condition 38, and further Notes as follows:-

7. The overall height of the wind turbines shall not exceed 125m to the tips of the turbine blades and the maximum output from each turbine shall be limited to 2.5MW unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and landscape protection

10. Subject to the allowance for micro-siting provided in this condition, the turbines shall be erected at the coordinates indicated on the Turbine and Track Layout (Reference: A077143 3-02). Variations to the indicated position of any turbine(s) shall be permitted by up to 50 metres in any direction. A plan showing the position of the turbines as built shall be submitted within one month of the First Export Date.

Reason: To comply with the environmental assessments undertaken of the proposed development and to take account of local environmental conditions.

Condition 13 should be amended to amend point (x) and include point (xi):

x. There shall be no access to the site other than via the existing access track on the route A4093 as approved under P/08/962/FUL

xi. The submission of a scheme showing a temporary 30mph restriction in speed limit on route A4093 from the existing 30 mph speed limit in Glynogwr village in the West to the Common County Borough Boundary with Rhondda Cynon Taf in the East. Such a scheme shall include all appropriate signing and carriageway markings and shall be fully implemented including the necessary traffic order before the development commences and shall be maintained during the construction phase of the development and removed after construction has ended.

38. No material arising from any excavation on the site shall be transported away from the site.

Reason: In the interests of highway safety

Additional Notes:

The developer is required to enter into a Section 59 Agreement under the Highways Act 1980 to ensure that any damage to street furniture, highway verges or carriageway during the transportation of the turbines is reinstated to the satisfaction of the Highway Authority.

No lorries associated with the construction of the site should enter or leave the site during the periods of half hour either side of the times school commencing and ending and contact the Head Teacher of Bryncethin Primary School, in order to make the school aware of the additional traffic movements.

It is noted that the components for the windfarm turbines will be brought to site under police escort.

It is noted that works will be carried out adjacent to the highway and the applicant is advised to contact the Highways Maintenance Manager in this respect.

The applicant should be advised to consult with the Highway Authority regarding the various Public Rights of Way, crossing the site, before details are submitted to the Local Planning Authority for approval.

(3) That the applicant enters into a Section 106 Agreement to:

To agree not to action, implement or rely on Consent P/06/417/FUL and to agree that the table of noise limits set out as Table 5.11 (Set 2) Proposed Planning Condition Limits for the Existing Pantywal Wind Farm Bridgend CBC Turbines 1-10 (Other Times) and Table 5.12 (Set 2) Proposed Planning Condition Limits for the Existing Pantywal Wind Farm Bridgend CBC Turbines 1-10 (Night Time) in the White Young Green Noise Assessment dated March 2015

shall be implemented and observed by the Developer from the date of the Section 106 Agreement.

Code No.

Proposal

P/14/540/RLX

Pant-Y-Wal Wind Farm, Glynogwr, Bridgend – Relax Condition 29 of P/06/417/FUL Relating to Noise Limits

(4) That the Corporate Director Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, subject to the Conditions contained within his report.

(5) That the applicant enters into a Section 106 Agreement to

To agree not to action, implement or rely on Consent P/06/1080/FUL and to agree that the table of noise limits set out as Table 5.13 (Set 3) Proposed Planning Condition Limits for the Existing Fforch Nest Wind Farm: Bridgend CBC Turbines 11-14 (Other Times) and Table 5.14 (Set 3) Proposed Planning Condition Limits for the Existing Fforch Nest Wind Farm: Bridgend CBC Turbines 11-14 (Night Time) in the White Young Green Noise Assessment dated March 2015 shall be implemented and

observed by the Developer from the date of the Section 106 Agreement.

Code No. Proposal

P/14/541/RLX Fforch Nest Wind Farm, Glynogwr, Bridgend – Relax Condition 29 of P/06/1080/FUL Relating to Noise Limits

(6) That the Corporate Director – Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the afore mentioned Section 106 Agreement subject to the Conditions contained within his report.

541 TOWN AND COUNTRY PLANNING ACT 1990
PLANNING APPLICATION FOR ADVERTISEMENT CONSENT

RESOLVED: That Advertisement Consent be granted and plenary power be given to the Corporate Director – Communities to issue a decision notice after 7 April 2015 if no adverse representations are received, subject to the Conditions contained within his report:-

Code No. Proposal

A/15/5/ADV Railway Tavern, Derwen Road, Bridgend – Various signage to front of building including Illuminated signage and LED floodlights.

542 APPEALS RECEIVED

RESOLVED: That the Appeals received as outlined in the report of the Corporate Director Communities be noted

543 TRAINING LOG

The Group Manager Development reported on an updated training log.

RESOLVED: That the report of the Corporate Director – Communities outlining forthcoming training sessions for Members be noted.

544 MARGAM OPENCAST COAL SITE

The Corporate Director – Communities presented a report, the purpose of which was to provide Members with an update on the current position regarding the site.

The Group Manager – Development gave a resume of the report and confirmed that in relation to the control of water levels at the site, Neath Port Talbot and Bridgend County Borough Council's would enter into discussions with the land owner and operator as to the scope and nature of the after use/restoration scheme, however, this was not likely to take place until after the East Pit application had been determined sometime in April.

In the meantime, the situation regarding the water levels in the void would continue to be monitored.

RESOLVED: That the report be noted

545 BRIDGEND COUNTY BOROUGH COUNCIL – JOINT HOUSING LAND AVAILABILITY STUDY 2014

The Development Planning Manager presented a report on the above matter, and of the requirement to maintain a five year supply of readily developable housing land in each local planning authority across Wales, which was a key planning policy requirement of Welsh Government.

Bridgend's latest 2014 JHLAS was published in March 2015 and has a base date of 1st April 2014 (See Appendix A to the report). Set against the housing requirement of the adopted LDP the study demonstrates that Bridgend County Borough has a 6 year housing land supply (in excess of the TAN 1 5 year requirement).

The Council is the responsible body for preparing the JHLAS which is subject to an agreed timetable. In preparing the document the Council consulted with the 'Study Group' which consisted of house builders' representatives, including the Home Builders Federation (HBF), landowners, Registered Social Landlords, statutory undertakers and infrastructure providers. At the request of the HBF a Study Group meeting took place on 14th July 2014 and this was attended by representatives of the Council, HBF, Persimmon Homes / Charles Church, Boyer Planning, Redrow Homes, Taylor Wimpey and United Welsh.

She went on to state, that in consultation with the 'Study Group' the Council subsequently prepared a Statement of Common Ground, setting out the extent of agreement on site delivery. However, 19 sites remained in dispute at the end of this consultation process.

It was therefore necessary for an appointed Planning Inspector to look at the evidence submitted as part of a Statement of Common Ground and resolve matters in connection with the disputed sites. The Inspector's subsequent recommendations have been incorporated into the final study. In this case the Inspector determined that the land supply figure for Bridgend County Borough Council is 6 years. The Inspector's report and recommendations in response to the evidence submitted is included as Appendix 4 of the 2014 JHLAS.

In terms of the next steps, the Group Manager – Development advised that preparation of the 2015 JHLAS is currently ongoing. A timetable has been jointly agreed with the 'Study Group' and survey work of sites and the preparation of site schedules and proformas for new sites will be undertaken before the end of April 2015. The outcome of the 2015 JHLAS will be included within the Council's first AMR of the LDP which is required to be agreed by Council and submitted to Welsh Government by October 2015.

RESOLVED: That the report be noted.

546 COITY PRIMARY SCHOOL, BRIDGEND – DEVELOPMENT PLANNING BRIEF

The Development Planning Manager presented a report for the Committee to consider the Coity Primary School Development Planning Design Brief and approve its content as a material consideration in the determination of future planning applications and conservation area consent applications.

The report gave some background information, following which she advised that the Coity Primary School site, due to its location partly within the settlement boundary of the village Coity offers a potential redevelopment opportunity but requires thoughtful development, especially in how it addresses its locational context..

The Development Planning Design Brief was attached at Appendix 1 to the report, and its purpose is to guide the redevelopment of the Coity Primary School site. A summary of the document was outlined in paragraph 4.2 of the report for the benefit of Members.

RESOLVED: That the Committee approved the Coity Primary School Development Planning Design Guide as Development Control guidance, to be used as a material consideration in the determination of future planning applications and conservation area consent applications for the site.

547 SAFEGUARDING EMPLOYMENT SITES SUPPLEMENTARY PLANNING GUIDANCE (SPG 21)

The Development Planning Manager submitted a report on the outcome of the consultation exercise on the draft Safeguarding Employment Sites Supplementary Planning Guidance (SPG 21) document, and to seek Committee's endorsement of the draft document and to recommend to Council its adoption as SPG to the Bridgend Local Development Plan.

The report confirmed that the SPG had been put out to consultation by way of the methods outlined in paragraph 3.3 of the report.

She advised that 6 individuals and external organisations had submitted comments on the draft SPG, and in response, the Council had produced a Consultation Report which was attached at Appendix 2 to the SPG, in the way of the Authority's response to such representations received. The SPG was attached at Appendix 1 to the report.

The Development Planning Manager confirmed that the representations had been considered, and it had been established by Officers that none of these warranted in any amendments being made to the provisions of the document.

Committee was therefore requested to consider each of the representations received, to endorse the suggested reasoned response, approve the decisions and actions (not to amend the document as a result of the consultation), and recommend that Council adopts the document for publication.

RESOLVED: That the Development Control Committee:

- (1) Considered the representations received, to endorse the suggested reasoned responses and decisions and actions proposed in Appendix 2 in the SPG not to amend the document.
- (2) Recommend that Council adopts SPG 21 – Safeguarding Employment Sites attached as Appendix 1 to the report as Supplementary Planning Guidance to the adopted Bridgend Local Development Plan.

548 REFERENCE: P/11/21/FUL
APPLICANT: MORGAN CREDIT ENERGY (WALES) LTD
C/O MR ISSA SAWABINI, WEBB & CO
LOCATION: FMR LLYNFI POWER STATION SITE, LLANGYNWYD MAESTEG
PROPOSAL: BIOMASS POWER STATION OF 25 MW ELECTRIC OUTPUT (AMENDED LOCATION PLAN TO INCLUDE LAND TO SOUTH)

The Chairperson accepted the following item as urgent in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, as the project is at a critical point in securing funding and the amendment to the application site boundary and condition is

required in order to progress matters. Any delay in obtaining consent could result in the loss of funding and place the project in jeopardy. The status of the proposal as a major development with significant investment and job creation opportunities is considered justification for accepting the report as an urgent item.

The Group Manager – Development advised that this application was reported to the Development Control Committee on 12 January 2012 where Members resolved to approve the application subject to the applicant entering into a Section 106 Agreement, which included the payment of £23,340 towards highway improvements, and subject to 37 planning conditions. The scheme involved the construction of 25MW electricity generating plant fuelled by wood transported to the plant by rail. The scheme also included the construction of a roundabout on the A4063 to improve the vehicular access to the site.

Discussions commenced to progress the completion of the Section 106 Agreement which required the signature of another landowner. However, the applicant has encountered complications with the Section 106 Agreement and the relevant landowners. In order to overcome the complications encountered, the applicant submitted a plan on 30 March 2015 amending the red line boundary of the site to enable the roundabout on the A4063 to be accommodated wholly within land under the control of Morgan Credit Energy Ltd.

The layout and design of the roundabout is subject to a pre-commencement condition which will require the submission of detailed plan to ensure that the roundabout is acceptable in terms of highway safety.

RESOLVED: (1) That the amended location plan be approved subject to the same requirements of the Section 106 Agreement and conditions attached to the recommendation in the Committee report dated 12 January 2012.

(2) That Condition 23 be replaced with the following:-

No development shall commence on site until a detailed scheme has been submitted to and agreed in writing by the Local Planning Authority showing a roundabout controlled junction on Route A4063 at the site access. The agreed scheme shall be completed before the beneficial use of the development, hereby permitted, commences.

Reasons: In the interests of highway safety.

The meeting closed at 4.30pm.

Development Control Committee Guidance

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

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

STANDARD CONDITIONS

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

Time-limits on full permission

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

Time-limits on outline permissions

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

Variation from standard time-limits

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

STANDARD NOTES

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

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

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

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

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

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

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

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

THE SITE INSPECTION PROTOCOL

The Site Inspection Protocol is as follows:-

Purpose

Fact Finding

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

Request for a Site Visit

Ward Member request for Site Visit

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

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

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

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

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

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

Inappropriate Site Visit

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

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

Format and Conduct at the Site Visit

Attendance

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

Officer Advice

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

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

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

Code of Conduct

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

Record Keeping

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

Site Visit Summary

In summary site visits are: -

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

Frequently Used Planning Acronyms

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

RECOMMENDATION : SECTION 106

REFERENCE: P/14/800/FUL

APPLICANT: MANNING CONSTRUCTION LTD
BRODAWEL COYCHURCH BRIDGEND

LOCATION: FMR COUNCIL OFFICE SITE GLANOGWR ROAD BRIDGEND

PROPOSAL: DEMOLISH COUNCIL OFFICES, DIVERT FOOTPATH 17 (BRIDGEND) & ERECTION OF 4NO. DETACHED DWELLINGS WITH INT. GARAGES

RECEIVED: 5th December 2014

SITE INSPECTED: 17th April 2015

SITE INSPECTED: 23rd July 2014

SITE INSPECTED: 20th February 2015

APPLICATION/SITE DESCRIPTION

The application seeks consent for the demolition of a Council office building known as 'Glanogwr' and the redevelopment of the site for four detached dwellings.

The site covers an approximate area of 0.23 hectares and is located in an area that is otherwise entirely residential. Extensive pre-application advice was given concerning the redevelopment of the site for residential purposes. A number of indicative layout sketches were submitted as part of the enquiry, one of which demonstrated a 4-dwelling scheme that is broadly similar to that presented in this formal application.

According to the proposed site layout plan, the site would be divided into four plots that would be generally of equal shape and size (rectangular with an approximate area of 13m x 33m). Two different house-types are proposed, however they would have a very similar scale and footprint:

House Type A would have a general footprint of 10m x 11m, with a pitched roof reaching maximum heights of 5.7m (eaves) and 9.5m (ridge).

House Type B would have a general footprint of 10m x 10.2m, with a pitched roof reaching maximum heights of 5.7m (eaves) and 9.5m (ridge).

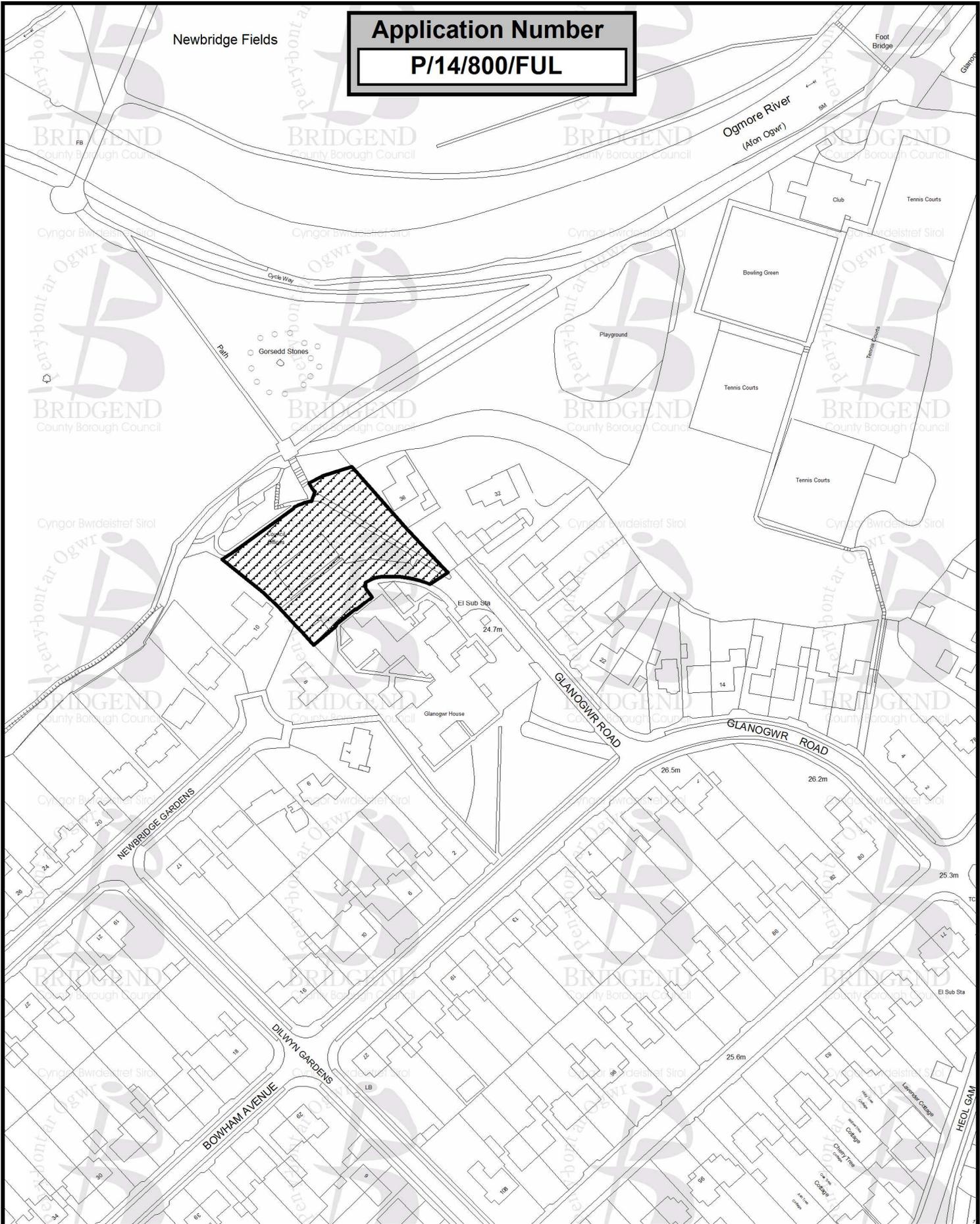
Vehicular and pedestrian access is from the east. This access extends from the termination point of Glanogwr Road and curves behind the extended parts of Glanogwr House. At this termination point, a registered public footpath extends across the eastern section of the site, providing pedestrian links from Glanogwr Road to Newbridge Fields.

There are other residential properties to the east and west of the site, mainly two-storeys in scale. They reflect a much lower density to Glanogwr House, with the majority on spacious plots, benefitting from multiple areas of outdoor amenity and off-street parking. It is, however, noted that to the immediate east of the site is a bungalow (36 Glanogwr Road) and Glanogwr Coach House, which is a Grade II Listed Building and currently in office use with a residential flat above

To the south of the site is Glanogwr House, which contains numerous flats and is a Grade II Listed Building. This building is predominantly three-storeys in scale and has been extended several times to form a relatively high density development.

To the north of the site is a large recreational and leisure area known as Newbridge Fields. It is located at a significantly lower level to the application site and is separated by a dense and

Application Number
P/14/800/FUL



Page 18

Scale 1:1,750

Date Issued:
22/04/2015

Development-Mapping
Tel: 01656 643176

Mark Shephard
 Corporate Director-Communities

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

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

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Cyngor Bwrdeistref Sirol

BRIDGEND
 County Borough Council

mature woodland. This woodland is not covered by a tree preservation order and is located outside the application site.

The application was deferred at the Development Control Committee meeting on 3 April 2015 to allow for more information to be obtained in respect of the footpath.

A site survey was undertaken by the Local Planning Authority which found that a total of 103 (12 adults and 91 children) people used the footpath between the hours of 0800 and 0900 and a total of 141 (33 adults and 108 children) people used the footpath between the hours of 1500 and 1600. The survey was carried out on a week day during school term time and in fine weather.

The applicant provided the following additional information in relation to the application:-

'The North Eastern boundary between the application site and No.36 Glanogwr Road is defined by a scruffy timber post and rail fence obscured from general view by a hedge. The alignment of the fence/ hedge is shown on the topographical survey plan submitted with the application documents. As you know the environmental quality of the hedgerow varies along its length and discussions between representatives of the Applicant Company and the occupier of 36 Glanogwr Road revealed that maintenance of the facility was proving increasingly difficult, the neighbour considered that the hedge/fence would be better replaced by a screen wall comprising entirely of face brickwork which Manning Construction is willing to provide. The alignment of the wall would be straight and positioned so as not to extend beyond the boundary of the development site. '

RELEVANT HISTORY

75/227 - Construction of Glanogwr Offices (Approved)

PUBLICITY

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

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

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 27 January 2015.

NEGOTIATIONS

The scheme was subject to extensive pre-application discussions, which involved informal advice being given on a number of different aspects of the proposal. During the determination of this formal application, the agent was requested to:

1. Improve the design of the repositioned public footpath
2. Submit plans of the rear patio area of the dwellings
3. Confirm, in principle, alternative external finishes
4. Submit a suite of tree-related surveys and reports
5. Sign Certificate B and serve Notice on the Council
6. Confirm their intention to enter into a legal agreement for a financial payment of £50,000 towards the provision of affordable housing

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 9th December 2014

Objects to the proposal:

1. Overdevelopment of the site
2. Loss of public open space, biodiversity and ecology

3. Detrimental to residential amenity of neighbouring properties
4. Highway safety and parking (including emergency vehicles)
5. Improper design for the proposed diverted footpath, thereby raising safety concerns (including the incidence and fear of crime and antisocial behaviour) and the loss of amenity to its users
6. The size and location of the refuse drop-off area serving the development would be inappropriate
7. Incorrect certificate signed within the application forms

Councillor G Phillips

Requested to speak against the development at the Development Control Committee and objects for the following reasons:-

- The development will destroy public access to Newcastle playing fields.
- Brynteg Governing body are concerned the development will lead to a problem with children using the footpath.
- The proposed footpath will create a platform for anti social behaviour

Councillor Philips advised that he is objecting as a local Member and on behalf of Brynteg School in his role as a Governor.

Councillor Mrs E M Hughes

Requests that the application be referred to Committee and requests to speak. The referral is based on the following grounds:

"The general opinion of people using the fields is that the approach to the fields will be spoiled and these concerns have been detailed to the Planning Department and Rights of Way. I trust there will be a site meeting. The opinion is that 3 homes may be acceptable but not 4 as this entails moving the path to the right and causing a channel which could be intimidating to users of the path. I and others have lodged a more detailed objection to moving the path and I hope due consideration has been given to our concerns."

Head Of Street Scene (Highways)

No objections to the proposal subject to a condition.

Destination & Countryside Management

No objections to the proposal subject to a condition and advisory notes.

Head Of Street Scene (Drainage)

No objections to the proposal subject to a condition and advisory notes.

Natural Resources Wales

No objections to the proposal subject to a condition and advisory notes. A copy of their observations was forwarded to the applicant's agent on 19/03/2015.

Welsh Water Developer Services

No objections to the proposal subject to advisory notes.

Glamorgan Gwent Archaeological Trust

No objections to the proposal subject to an advisory note.

Crime Prevention Design S.Wales Police

Provided a series of recommendations and advisory notes concerning the design and layout of the development. A copy of the observations was forwarded to the applicant's agent on 26 January 2015.

Conservation & Design

No objections to the proposal subject to conditions.

Rights Of Way Team

Provided the following comments on the process of applying for a footpath diversion:-

If it is determined that a Right of Way requires diversion a report will be presented to the Rights of Way Sub Committee for approval to make the Order. If this is received (it doesn't necessarily follow that the ROW sub committee will approve the report) an Order is made and advertised on site and in the press. Statutory bodies and user interest groups are served with copies of the Notice. The Notice will indicate a date on which any objections need to be received by. If objections are received the Council would need to forward the matter to the Planning Inspectorate for determination if the Council intends to proceed with the Order. The Inspectorate can then choose to deal with the matter by written representation, hearing or by a full public inquiry.

The Rights of Way Officer also advised that the width of a Public Right of Way is not set by legislation but instead by the width stated in the Definitive Statement which accompanies the Definitive Map. In the case of Footpath 17 Bridgend, which crosses the site, the width has been recorded as being 1.6m tapering to 1.4m as it runs down the slope. Any diversion order would have to propose a path no less than the registered width. However, as part of any diversion under the Town and Country Planning Act 1990 the Council has a set list of specifications for any footpath affected by development. In specification 3 it states "If the diversion is to be enclosed on both sides it shall be 1.8m wide. If the diversion is unfenced, or only fenced on one side, it shall be 1.4m wide."

The Footpath has only recently been formally designated as a Public Right of Way by means of a dedication by the Council as landowners. Prior to this the footpath was not recognised as a Public Right of Way and did not form part of the maintainable highways network. As such it was never designated as a safe route to school or included in any wider strategy.

REPRESENTATIONS RECEIVED

R C Hathaway On Behalf Of Mr D & M Forman, 36 Glanogwr Road

Advised that Mr D and Mr M Forman have no intention of allowing the hedge, which they own, to be taken down to be replaced with a brick wall, as suggested by the agent in the additional information submitted on 21 April 2015.

Mr Jefferey Dong, 8 Newbridge Gardens

We have no objections to the above planning application subject to our continued access to the north (rear) of our property, 8 Newbridge Gardens to Newbridge fields and that any building work does not undermine/damage any of the fabric of our house, outbuildings or boundary walls.

Petition, C/O Mike Minton

containing 289 signatories objecting on the following grounds:

1. The sale of the land surrounding the existing office building
2. Loss of public open space
3. Loss of parking

Objections and concerns have been received from the following:

3 (Speaker), 5, 7 (Speaker), 9, 10, 11, 15, 20, 21, 25, 27, 31, 42, 43, 44, 50 Bowham Avenue

1, 4, 8, 16, 18, 20, 22, 26, 30, 32, 34, 36 Glanogwr Road

48, 90, 101, 108 (Speaker), 127 Merthyr Mawr Road

20, 30 (Speaker), Newbridge Gardens

77 Bryntirion Hill

94, 100 Fairfield Road

3 Heol Tre Dwr

7 Melton Drive

7 College Close

4 Golwg y Fro

3 Dillwyn Gardens

32 Heol Bradford

14 Shelley Drive

111 Park Street

10 Grove Road

86 Grove Road (Speaker)

Bridgend Civic Trust

18a Gwaun Bant (Pontycymmer)

Winterstream, Penllyn (Cowbridge)

18 St Agnes Road (Cardiff) (Speaker)

Bethan Jenkins, AM

Carwyn Jones, AM

Additional comments were received from the resident of 36 Glanogwr Road with specific concern regarding the impact on their property.

Their objections and concerns have been summarised as follows:

1. Overdevelopment of the site, plot size not in keeping with area and there are already sufficient residential properties in the area and is subsequently unsuitable for additional dwellings. The development does not fully comply with Council policy and guidelines.
2. Loss of public open space and this land is not legally available for sale. The Council have an interest in this land.
3. Loss of visual amenity and adverse impact on local character and listed buildings, including alterations to the natural and historic surroundings
4. The design of the relocated footpath would restrict access to recreation and be unsuitable for its users, especially due to its width, alignment, accessibility and that it could raise fear and incidence of Crime/Anti-Social behaviour. It is also claimed that this element of the scheme

would breach Building Regulations and the Equality Act 2010

5. Loss of trees and adverse impact on biodiversity and ecology
6. Impact of the development on the amenities of neighbouring properties
7. Nuisance/Disturbance/Annoyance and adverse noise to local residents
8. Inappropriate size and location for the refuse area and increase in litter which could attract pests and adverse odours
9. Dog fouling and impact on public health
10. Loss of parking and adverse impact on highway/pedestrian safety, including traffic and access for emergency vehicles
11. No provision of bathrooms on the ground floor of the dwellings, therefore, the scheme discriminates disabled people
12. Lack of consultation
13. Where will the affordable housing contribution be spent?

COMMENTS ON REPRESENTATIONS RECEIVED

The objections and concerns are addressed as follows:

1. The site is within an area which is almost entirely residential and the redevelopment of this site for residential purposes is compatible, in principle. The development, therefore, is considered to satisfy the requirements of Policy COM3 of the BLDP.

The proposed dwellings would be visually interpreted to be part of the same complex of development, thereby creating a small new cul-de-sac with its own identity, but responding to the local context and the general character and density of the area.

The proposed dwellings would benefit from a reasonable degree of residential amenity. All habitable rooms in particular would benefit from adequate light, outlook and privacy. The amount of outdoor amenity space would be sufficient for family-sized dwellings and would be comparable to the amount serving properties in the immediate locality. Having considered the size of the dwellings, the provision of outdoor amenity space and parking requirements to serve each plot, together with the need to include a footpath which meets the standard width of the Public Rights of Way Section, it is considered that the proposed scheme would not represent overdevelopment of the site.

2. Refer to the 'Appraisal' section of the report for the assessment into the loss of public open space/amenity.

With regards to the sale of this land, following discussions with the Property and Legal Departments of the Council, it is understood that there are no legal restrictions or covenants associated with the sale of this land or that it must be retained for public use. In any event this is not a material planning consideration. Furthermore, the applicant has served notice on the Council and signed a Certificate B.

3. The existing Glanogwr offices, which is a building with no significant design merit, is considered to have a detrimental effect on the setting of both adjacent listed buildings and an incompatible relationship with the character and appearance of its surroundings. Whilst the proposal would increase the amount of development within the site, rather than being confined to

the footprint of the existing office building, it is considered that this scheme would result in the net improvement on the visual appearance of the site and enhance the setting of the listed buildings, which must be given special regard in the determination of this planning application. The Conservation and Design Team of the Council has no objections to the proposal subject to conditions requiring the agreement of materials. Glamorgan Gwent Archaeological Trust has no objections to the proposal subject to an advisory note. It is, therefore, considered that the scheme satisfies Policies SP5, ENV8 and the design and visual amenity criteria of Policy SP2 of the BLDP.

4. It is understood that that the footpath which travels through the site has recently been formally registered as Footpath 17 (Bridgend). At pre-application stage, it was made clear that the pedestrian links between Glanogwr Road and Newbridge Fields must be retained and incorporated within any redevelopment proposals. The Public Rights of Way Team provided input at pre-application stage and recommended that any diversion of this footpath must achieve a minimum width of 1.8m. The width meets the accepted requirement for footpaths and adequate gradients can be provided, thereby ensuring that the footpath is accessible to a range of users, including the disabled. Notwithstanding any planning consent issued for the redevelopment of the site, separate consent would be required to formally divert the footpath which would be assessed on its own merits at that time.

However, the impact of a development on a Public Right of Way is a material consideration and for the purpose of this application, consideration must be given to the suitability of the footpath in the context of Policies SP2 and PLA9 of the BLDP. In this respect, the Police Crime Prevention Design Officer initially raised concern regarding the original design of the proposed footpath. The concerns were relayed to the agent and it subsequently led to the submission of amended plans.

Whilst the amended footpath does not wholly meet the recommendations of the Crime Prevention Design Officer, a reasonable attempt has been made to satisfy the requirements of Policies SP2 and PLA9 of the BLDP, particularly with regards to safety and the incidence and fear of crime. For example, the footpath would be at least 1.8m wide and meets the minimum requirements as provided by Public Rights of Way Team. The vision of users of the footpath has been greatly improved by chamfering the northern section of Plot 4, thereby creating a curved boundary treatment and removing the ability for concealed spaces. In doing so, the footpath would widen to approximately 6m at the critical section of the footpath which changes direction, thereby addressing the principal concern of the Crime Prevention Design Officer. Supplemented with boundary treatments consisting of rendered walls with timber panelling and agreement of the levels of the relocated footpath (both of which would be subject to conditions), it is considered that the footpath would not result in a development that would have an 'alleyway' ambience.

Whilst it is appreciated that the current footpath is not inherently enclosed by physical structures, the user is required to travel through a number of trees, some of which are coniferous which restrict light, vision and can be used as concealing areas.

The proposal, however, would 'standardise' the footpath by providing a clear and defined route for the user without encountering any concealed spaces or significant loss of vision. It is also noted that views of the new development would be from a relatively small section of the overall length of the footpath and pedestrians would retain the enjoyment and experience of walking through the woodland along the northern sections of the footpath. Having regard to the assessment of both the existing and proposed footpaths, it is considered that there would be negligible adverse impact on public safety, on the incidence and fear of crime or on the enjoyment of walking along the footpath. It must be emphasised that the use of the existing or the proposed diverted footpath, particularly during late evening and during the night, would be a matter of choice for the user. Additionally, since the footpath only provides access to recreational fields, it is not considered that the footpath would be significantly used during hours of darkness. There is, however, a street light at both ends of the footpath which enables a degree of

illumination to users of the footpath. Additionally, consideration is given to other footpaths in the locality. In this respect, it is considered that the proposed footpath would achieve a better standard of design than for example the existing footpath linking Newbridge Gardens and Bowham Avenue, which travels alongside the south-western boundary of Glanogwr House. Having regard to the above, it is considered that the proposal satisfied the requirements of Policies SP2 and PLA9 of the BLDP.

The Building Regulations are covered under separate legislation and the 1.8m wide footpath meets the requirement of the Equality Act 2010.

5. The application site contains a number of trees and there are further trees outside the site, mainly along the northern boundary. A tree survey, a Tree Evaluation Method for Preservation Orders (TEMPO) survey and a Tree and Root Protection Methodology for retained trees have been submitted by a qualified arborist.

The trees separating the site from Newbridge Fields play a fundamental part in establishing the setting of the site. Whilst these trees are not protected by a tree preservation order, they are located outside the site and would not be significantly affected by the proposed development, especially with the implementation of tree and root protection measures and pruning works.

With regards to the trees that are situated on the site, the survey indicates that there are approximately 22 present. The submitted tree survey accurately reflects the health and condition of the trees. The TEMPO survey has indicated that 8 trees have some amenity value, however, further consideration must be given to their qualities and balanced against other material considerations, in particular the potential benefits gained from the redevelopment of the site.

The majority of the trees are conifers (Lawson). This species is mainly planted in urban environments to screen physical structures, especially since they are considered to be fast-growing species and the crown delivers good all-year-round density. In this particular case, it would appear that they were deliberately planted to screen the office building. However, due to lack of maintenance, they have become taller than any neighbouring building and excessively dominate the site. Whilst it is acknowledged that they are prominent, they are not native to this area and are not considered to be a rare species, so as to warrant any special merit. The survey has identified several of the Lawson trees having weak limbs and, due to the size and density of the crown, they represent high risk of collapse and splitting. In view of their proximity to one another, the root pattern is likely to be intertwined and the removal of one is likely to undermine the other. Furthermore, several of the trees are located immediately adjacent to the office building and are likely to be adversely affected by the demolition of this structure. Coniferous trees are also prone to being a source of nuisance by reducing residential amenity, in particular light and outlook.

Having regard to the above, it is considered that their removal would significantly improve the openness of the site. More importantly, they would improve public views of the adjacent listed buildings and enable the trees outside the site, which benefit from higher amenity value, to be brought into sight.

T14 (Red Oak) and T17 (Common Oak) have been identified with the highest public amenity value within the site. However, the scheme has taken these two trees into consideration. T17 will be retained so that it is situated at the immediate end of the rear amenity space of Plot 4. T14 would be transplanted elsewhere within the site. In this particular instance, the soft landscaped area between the front boundary of Plot 4 and the site entrance has been identified as the most suitable location for transplanting, especially since it will be a publicly prominent location.

The remaining trees are not considered to offer a significant amount of public amenity value and, as such, are not worthy of retention. Furthermore, the benefits gained by this scheme, which would accommodate a more compatible use (residential) and a more visually sympathetic

development (especially with regards to the setting of the listed buildings), outweighs the need to retain the remaining trees on the site.

Subject to conditions requiring (i) the retention of T17, (ii) the transplanting of T14, (iii) the submission of a landscaping scheme and (iv) the submission of tree and root protection measures for T17, T14 and the trees located outside the northern boundary of the site it is considered that the scheme would not have such an adverse effect on public amenity as to warrant refusal of the scheme and the development satisfies Policy ENV6 of the BLDP.

A bat survey, which has been conducted by a licenced surveyor, indicates that a small number of bats occupy the existing office building. Any demolition or redevelopment proposals must, therefore, be subject of a derogation licence. Natural Resources Wales (the authorising body) has no objections to the proposal subject to conditions and advisory notes. The Council's Ecologist also has no objections to the proposal subject to conditions and advisory notes.

Having regard to the tree assessments and a number of conditions relating to trees, landscaping and protected species, it is not considered that the proposal would have any significant adverse effect on biodiversity/ecology.

6. The site is bounded on three sides by residential properties. To the south-east of the site is a block of flats known as Glanogwr House. The front elevation of the proposed dwellings would face an extended part of the flats. In this respect, most habitable windows on the front elevation of all the dwellings would achieve the recommended distance of 21m between directly facing habitable room windows of the flats at Glanogwr. Whilst some of the windows would be marginally within 21m, they would be at an indirect angle, or facing secondary windows which can already be viewed into from the office car park.

Having regard to the above, it is considered that the proposed development generally complies with the guidelines of Supplementary Planning Guidance 2: Householder Development (SPG2) and would not so significantly worsen the existing level of amenity associated with a small number of flats at Glanogwr as to warrant refusal of the scheme.

The south-western boundary of the site is primarily adjacent to 10 Newbridge Gardens, which is a two-storey detached dwelling constructed in the 1960s (66/66 refers) and extended in 1972 and 1983 (110/72 and 83/1297 respectively). The Case Officer visited the site from the grounds of this property since the proposed dwelling on Plot 1 would be adjacent its boundary.

In this respect, the nearest part of the dwelling on Plot 1 to No.10 would be adjacent to a single-storey flat roof structure containing a utility room. The proposed dwelling on Plot 1 would angle away from No.10, thereby increasing the distance between both properties towards the rear.

It was noted during the site visit that the side elevation of No.10 which faces the application site has one window on the ground floor and two windows on the first floor. The ground floor window is largely enclosed by the single-storey flat roof structure, a garden shed, a 1.8m high fence and a coniferous hedge. As such, the window does not benefit from any significant amount of light or outlook. Furthermore, this window serves an open plan kitchen/diner and the main source of outlook and light serving this room is from the windows positioned on the front elevation. No windows are proposed on the side elevation of the dwelling on Plot 1.

With regards to the two first-floor windows of No.10, it would appear that they serve habitable rooms. Approximate calculations indicate that the proposed development would comply with the guidelines of SPG2, especially with regards to dominance and loss of light, privacy and outlook. Conversely, the two first floor windows of No.10 would not result in any significant loss of privacy to the occupiers of the dwelling on Plot 1 since the proposed dwelling would screen the large part of the private rear amenity space.

To the south of the site is 8 Newbridge Gardens. The property and its rear garden predominantly back onto the grounds and flats of Glanogwr House. Part of the rear garden backs onto the parking area for the application site and there is a tall coniferous hedgerow along the boundary which would screen a significant part of the development from this neighbouring property. Having regard to the above, it is considered that this proposal would not have any significant adverse effect on the amenities of No.8, with particular regards to dominance or loss of light, privacy and outlook.

The north-eastern boundary of the site is primarily adjacent to 36 Glanogwr Road which is a detached bungalow granted planning consent in 1973 (121/73 refers). A maintained hedgerow forms the boundary between the bungalow and the application site.

The proposed dwelling on Plot 4 would be the nearest part of the development to No.36. The submitted site layout plan indicates that the footpath linking Glanogwr Road to Newbridge Fields would be diverted to be along this hedgerow and alongside new boundary treatments to enclose Plot 4. The applicant has indicated that a brick wall will be erected along the boundary of No.36, however, in order to ensure that the proposed diverted footpath and boundary treatment at this location does not have an adverse impact on the residential amenities of No.36, a condition shall be attached to any permission granted for the agreement of boundary treatment. With regard to the impact of the proposed dwelling on No.36, whilst the dwelling will be on a higher level, it will be set in line with No.36 and, as such, will not cause any significant adverse effect on the amenities of this property in terms of loss of light or dominance. In respect of the impact of the development on privacy standards, it was noted during the site visit that No.36 has a number of side facing windows which will face the proposed dwelling at Plot 4, however, due to the siting of the proposed dwelling at Plot 4, the privacy standards of these windows are considered to be retained. The rear garden serving No.36 enjoys a relatively high level of privacy and the rear first floor windows at Plot 4 will overlook the garden area as will the elevated rear patio. In order to ensure that privacy standards are retained a condition shall be attached to any permission granted requiring a screen to be erected at the end of the elevated rear patio of Plot 4 and the first floor window serving bedroom 3 to be fitted with obscure glazing up to 1.7m in height.

Glanogwr Coach House is currently occupied by offices on the ground floor and a residential flat above. This listed building is located to the east of the site and is adjacent to the access road off Glanogwr Road. The dwelling on Plot 4 would be at a right angle to the coach house and set back at an approximate distance of 16m. It is, therefore, considered that there would not be any significant adverse impact on the amenities of the first floor flat or the occupiers of the new dwellings, with particular regards to dominance or loss of light, privacy and outlook. Loss of view is not deemed to be a material planning consideration in the determination of planning applications.

34 Glanogwr Road is located between The Coach House and 36 Glanogwr Road. Whilst its vehicular and pedestrian access is adjacent to the application site, the property is located further away at an approximate distance of 16m from the boundary. The proposal would meet the guidelines set within SPG2 and, consequently, it is not considered that the proposal would have a significant adverse effect on the amenities of the occupiers of this property, with particular regards to dominance or loss of light, privacy and outlook.

All other neighbouring properties would be further away from the application site and would not be unreasonably affected by the proposal. As such, the scheme would satisfy the requirements of Policy SP2 of the BLDP and the guidelines of SPG2.

7. Whilst the footpath would be aligned to be along the boundary with neighbouring properties, it is not considered that the proposal, subject to a boundary treatments condition, would generate such unreasonable levels of noise, disturbance or loss of amenity to the occupiers of No.36 as to warrant refusal of the scheme. The land is currently open and there is no evidence to suggest that there will be any net increase in noise from the relocated path.

It is acknowledged that there would be a degree of adverse noise and disturbance during the demolition and redevelopment phases of the site, this is considered to be short-term only. As such, it is considered unreasonable to refuse the application on such grounds.

The long-term use of the site would be residential. This is considered compatible with its surroundings, especially since the site is within an area which is almost entirely residential. It is not considered that the residential use of the site would generate such unreasonable nuisance, disturbance or adverse noise to local residents so as to warrant refusal of the scheme.

8. The immediate site entrance will include an area to deposit bins for waste collection days. This is a requirement of Policy ENV15 of the BLDP. Whilst this element of the scheme would be located outside the gated and enclosed cul-de-sac, this 'drop-off' area is only intended to be occupied during collection days since bins must have unrestricted and public access by refuse staff since they do not enter onto private roads/drives. As such, this location and arrangement is considered appropriate and, subject to conditions for the agreement of boundary treatments and hard and soft landscaping, it is not considered that this element of the scheme would have any significant adverse effect on visual or residential amenity. Littering, dog fouling and pest control are mainly management issues which are enforced under separate legislation. Consequently, these matters can only be given limited weight in the determination of planning applications, however, the scheme satisfies the criteria of Policy ENV7 of the BLDP which is concerned with natural resources and public health. An advisory note would be attached to any consent issued, explaining that the 'drop-off' area should be used only on designated waste collection days.

9. Dog fouling is enforced by separate legislation and, as such, cannot be given significant weight in the determination of a planning application which is primarily for residential purposes and the repositioning of the public footpath.

10. The Group Manager Transportation and Engineering (Highways) has no objections to the proposal subject to a condition relating to parking provisions. Having regard to the above, it is not considered that the proposed development would have any significant adverse effect on highway/pedestrian safety and satisfies Policies SP2 and PLA11 of the BLDP.

11. Whilst there would not be any bathrooms located on the ground floors of the proposed dwellings, there is a WC. It is considered that this matter is outside of planning control and the accessibility of the dwellings would be subject to separate Building Regulations consent.

12. The application has been subject to formal consultation letters being sent to 46 local residents, the two local Members and Bridgend Town Council. Site notices were placed adjacent to the site and advertisements were placed in the press due to the proximity of the site to listed buildings and as the scheme would involve the diversion of Footpath 17 (Bridgend). The statutory time period for public consultation has been given and it is considered that adequate public consultation has been undertaken.

13. With regards to the Town Council's comments regarding an incorrect certificate, this matter was subsequently addressed by the agent by signing Certificate B within the application forms and serving the relevant Notice on the Property Department of the Council.

14. With regard to the comment raised in relation to the affordable housing S106 contribution, the contributions will be used to support overall affordable housing provision within the County Borough to be delivered in partnership with RSLs. Contributions will be used to provide either part or full funding for schemes, projects and initiatives which may include:

- To enable the purchase and refurbishment of long term empty properties by an RSL for reuse as affordable housing
- Purchase of land for Affordable Housing
- Delivery of Mortgage Rescue
- Development of Supported or Adapted Housing Schemes

- Supplementing on site affordable housing provision on other developments in the local area
- Any other scheme identified by the Council that will increase the supply of affordable housing in the County Borough.

APPRAISAL

The site is located within the designated settlement boundary of Bridgend, as defined by Policy PLA1 of the adopted Bridgend Local Development Plan (BLDP). Policy COM3 of the BLDP 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 there is no over-riding need to retain the existing use of the building or land for an alternative use.

The Council has deemed this building to be surplus to requirements and there is no over-riding need to retain the offices, especially since such uses are normally directed to allocated sites defined within the BLDP. In general terms, the site is within an area which is almost entirely residential and the redevelopment of this site for residential purposes is compatible, in principle. The development, therefore, is considered to satisfy the requirements of Policy COM3 of the BLDP.

With the principle established, the scheme must be considered against other relevant planning policies, guidelines and material considerations.

Policy COM5 of the BLDP states that affordable housing should be sought from sites capable of accommodating 5 or more dwellings or exceeding 0.15ha in size. The affordable housing target for Bridgend is 20%.

This site extends to approximately 0.23ha and therefore falls to be considered by this policy. However, having considered the need in the area and the type of units proposed, the Council's preferred means of securing affordable housing would be an off-site contribution which should be of 'broadly equivalent value' to what would have been provided on-site. Advice provided in a planning statement in January 2014 and in pre-application discussions in July 2014 stated that the sum required would be approximately £50,000. The applicant has offered a financial contribution of £50,000 towards affordable housing. On this basis, and following discussions with the Principal Section 106 Officer, it is considered that this sum fulfils the affordable housing requirements of Policy COM5. The applicant will be required to enter into a legally binding planning obligation to secure this contribution.

Since the site proposes 4 dwelling units, the development does not meet the threshold of 5 or more residential units contained within SPG16: Educational Facilities & Residential Development. As such, a contribution towards education is not required.

Policy SP2 of the BLDP establishes the criteria for acceptable design and sustainable place making of any new development. The proposed development and site context have been outlined under the 'Application/Site Description' Section of the report.

The site is largely inconspicuous from prominent public views. This is mainly due to the site being located behind a large two/three storey building (Glanogwr House), being adjacent to a dense and mature woodland and only be accessible from a private lane extending from the termination point of Glanogwr Road.

In respect of the residential element of the scheme, the proposal is based on good design principles and the layout of the site and the design of the dwellings generally follow the principles of Design Guide 1: Dwellings and Domestic Scale Buildings. The design, character and appearance of the dwellings would also be similar to one another and would benefit from design interest. The dwellings would be visually interpreted to be part of the same complex of development, thereby creating a small cul-de-sac with its own identity, but responding to the

local context and the general character and density of the area.

Following discussions with the agent, the dwellings would be largely finished in render and slate. However, since such details have not been submitted on plan, it is considered necessary to impose a condition for the external finishes of the dwellings to be agreed.

The submitted plans indicate that the boundary treatments to enclose the site would be rendered walls with timber panelling. This type of boundary treatment is considered visually acceptable, in principle, and would complement the external finishes of the new dwellings, thereby reinforcing the appearance of the development as a whole. However, in the absence of specific details, it is considered necessary to impose a condition for such details to be agreed.

It is acknowledged that the site would be visible from the retained but diverted footpath. This footpath can only be used by pedestrians and not vehicles travelling from Glanogwr Road to Newbridge Fields (or vice versa). However, the existing footpath allows views of the existing Glanogwr offices, which is a building with no significant design merit and which is considered to have a detrimental effect on the setting of both adjacent listed buildings and an incompatible relationship with the character and appearance of its surroundings.

It is considered that this scheme would improve the visual appearance of the site and enhance the setting of the listed buildings, which must be given special regard in the determination of this planning application. The Conservation and Design Team of the Council has no objections to the proposal subject to conditions requiring the agreement of materials. Glamorgan Gwent Archaeological Trust has no objections to the proposal subject to an advisory note. It is, therefore, considered that the scheme satisfies Policies SP5, ENV8 and the design and visual amenity criteria of Policy SP2 of the BLDP.

A site level survey has been submitted which shows the access and parking area being higher than the office building, with the land sloping downwards, towards the public footpath along the northern boundary of the site. The proposed levels indicate that the dwellings would be built up to be level of the access road. There would be a considerable visual improvement to the site frontage. This is mainly due to the massing of tarmac which forms part of the office parking area being removed and replaced with areas of soft landscaping and more suitable hard landscaping. This would result in improved visual integration between the site and the setting of the adjacent listed buildings.

The rear of each dwelling would contain an upper and lower level of outdoor amenity, consisting of elevated patios with steps leading to the lower 'soft' landscaped gardens. The proposed levels are considered appropriate since it will ensure that the dwellings are appropriately assimilated within the site whilst respecting the surrounding context. However, in the absence of specific details concerning hard and soft landscaping, it is considered necessary to impose a condition for such details to be agreed. A condition would also be imposed for the levels of the footpath to be agreed so that an appropriate balance can be secured between the levels of the proposed and existing dwellings, boundary treatments and the relocated footpath. This would be in the interests of visual, residential and public amenity.

The application site contains a number of trees and there are further trees outside the site, mainly along the northern boundary. A tree survey, a Tree Evaluation Method for Preservation Orders (TEMPO) survey and a tree and Root Protection Methodology for retained trees have been submitted by a qualified arborist.

A detailed assessment of the trees can be found under the 'Comments of Representations Received' Section of the report. Subject to conditions requiring (i) the retention of T17 (Common Oak), (ii) the transplanting of T14 (Red Oak), (iii) the submission of a landscaping scheme and (iv) the submission of tree and root protection measures for T17, T14 and the trees located outside the northern boundary of the site (backing onto Newbridge Fields), it is considered that

the scheme would not have such an adverse effect on public amenity and biodiversity as to warrant refusal of the scheme and, consequently, satisfies Policy ENV6 of the BLDP.

It is understood that the footpath which travels through the site has recently been formally registered as Footpath 17 (Bridgend). At pre-application stage, it was made clear that the pedestrian links between Glanogwr Road and Newbridge fields must be retained and incorporated within any redevelopment proposals. The amended plan demonstrates that the 1.8m width of the footpath would meet the standard requirements of footpaths (as advised by the Rights of Way Team) and adequate gradients could be provided, thereby ensuring that the path is accessible to a range of users, including the disabled. Notwithstanding any planning consent issued for the redevelopment of the site, separate consent would be required to formally divert the footpath which would be assessed on its own merits at that time.

A full assessment of the proposed relocated footpath can be found under the 'Comments of Representations Received' Section of the Report. In summary, the proposal suggests an alternative footpath that will satisfy the requirements of the Public Right of Way Team, the Crime Prevention Design Officer (Police) and Policies SP2 and PLA9 of the BLDP, particularly with regards to design, safety and the incidence and fear of crime. It is, therefore, considered that the proposal would not result in such unreasonable loss of public amenity as to warrant refusal of the scheme.

The proposal would result in a loss of a limited amount of public open space, mainly due to the realignment of the footpath to facilitate four plots. This open space is largely considered to represent the landscaped grounds of the office building and is deemed to be ancillary to users of the footpath and the offices rather than operating as a standalone function. It is apparent that users encounter this open space briefly before entering or when leaving the expanse of public open space located to the north of the site (Newbridge Fields). In this respect, the most important aspect of any proposal to redevelop the site is to retain a public footpath linking nearby streets to the large recreation fields. The scheme presented in this application has successfully achieved this aim. Furthermore, it is considered that the benefits gained from the demolition of a visually detrimental building (Glanogwr offices) and the construction of a more compatible and sympathetic form of development, clearly outweighs the limited loss of public open space or the negligible adverse impact of the diversion of the footpath. Having regard to the above and given the proximity of such expanse of recreational space within Newbridge Fields, it is considered that the scheme satisfies Policies SP13 (Social and Community Facilities) and COM7 (Protection of Social and Community Facilities) and would not result in such loss of public open space/amenity as to warrant refusal of the scheme.

The site is not located within a flood risk area and currently the office building contains drainage infrastructure. The Land Drainage Section of the Council has no objections to the proposal subject to a condition for the submission of a comprehensive drainage scheme. Welsh Water also has no objections to the proposal subject to advisory notes. It is, therefore, considered that this scheme would not have any significant adverse effect on drainage or materially increase the risk of flooding. The scheme, therefore, satisfies Policies SP2 and ENV7 of the BLDP. The site is reasonably served with all other utilities necessary for residential uses.

The existing office car park would be modified to provide off-street parking and access to the four proposed dwellings. The site would be entirely enclosed with the private access being limited to the occupiers of the new dwellings. The Group Manager Transportation and Engineering (Highways) has no objections to the proposal subject to a condition related to parking provisions. The design and appearance of the gated entrance would be controlled by a condition for the agreement of boundary treatments. Having regard to the above, it is not considered that the proposed development would have any significant adverse effect on highway/pedestrian safety and satisfies Policies SP2 and PLA11 of the BLDP.

The proposed dwellings would benefit from a reasonable degree of residential amenity. All

habitable rooms in particular would benefit from adequate light, outlook and privacy. The amount of outdoor amenity would be sufficient for family-sized dwellings and would be comparable to the amount serving properties in the immediate locality. Having considered the size of the dwellings and the provision of outdoor amenity space and parking requirements to serve each plot, and the need to include a footpath which meets the standard width of the Public Rights of Way Section, it is considered that the proposed scheme would not represent overdevelopment of the site.

The site is bounded on three sides by residential properties. An assessment into the impact of the proposed development on the amenities of immediate neighbouring properties can be found under the 'Comments of Representations Received' Section of the Report. It is concluded that, subject to conditions for the agreement of boundary treatments and screening along the ends of the elevated rear patios of all four dwellings, the proposal would satisfy the requirements of Policy SP2 of the BLDP and would generally meet the guidelines of SPG2. As such, it is considered that the scheme would not have such a significant adverse effect on the amenities of neighbouring properties as to warrant refusal of the scheme.

CONCLUSION

This application is recommended for approval because the development generally complies with Council policy and guidelines and does not adversely affect privacy, visual amenities, ecology/biodiversity, public amenity nor so significantly harms neighbours' amenities as to warrant refusal.

RECOMMENDATION

(A) The applicant enters into a Section 106 Planning Obligation to provide a financial contribution for the sum of £50,000 towards the provision of affordable housing;

(B) The Corporate Director Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Planning Obligation subject to the following conditions:

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

014:14/02 Rev.C Site Layout Plan (received 19 March 2015)

014:14/03 Ground Floor Plan - Type A (received 5 December 2014)

014:14/04 First Floor Plan - Type A (received 5 December 2014)

014:14/05 Elevations - Type A (received 5 December 2014)

014:14/06 Ground Floor Plan - Type B (received 5 December 2014)

014:14/07 First Floor Plan - Type B (received 5 December 2014)

014:14/08 Elevations - Type B (received 5 December 2014)

014:14/09 Cross Sections - Plots 1 & 2 (received 5 December 2014)

014:14/10 Cross Sections - Plots 3 & 4 (received 5 December 2014)

014:14/14 Plots 1-4 Rear Elevational Treatment (received 20 March 2015)

Ecology Mitigation/Compensation Section of Bat Survey conducted by: The Countryman - Wildlife Consultancy (received 5 December 2014)

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

- 2 Notwithstanding the requirements of condition 1, no development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

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

- 3 Notwithstanding the requirements of condition 1, no development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.

Reason: To ensure that the general amenities of the area are protected and to preserve and enhance the setting of adjacent listed buildings.

- 4 Notwithstanding the requirements of condition 1, no development (including demolition) shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme. The scheme shall include:

- i) Proposals for all hard and soft surface treatment;
- ii) Details of any tree works to be undertaken;
- iii) Measures for all retained and transplanted trees and hedgerows to be protected during the course of the development.

The landscaping works shall be carried out prior to the occupation of any part of the development hereby approved or in accordance with a programme to be agreed with the Local Planning Authority prior to any development commencing on site.

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

- 5 Notwithstanding the requirements of condition 1, no development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage and surface water will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to the beneficial occupation of any of the dwellings hereby approved.

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

- 6 Notwithstanding the requirements of condition 1, no development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing a 1.7m high solid screen to be erected along both ends of the elevated patio to the rear of the proposed dwellings. The screening shall be erected in accordance with the agreed scheme prior to the beneficial occupation of any of the dwellings and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

- 7** Notwithstanding the requirements of condition 1, no development shall commence until a scheme for the provision of 3 off street parking spaces per plot and 1 off-street visitor parking space has been submitted to and agreed in writing by the Local Planning Authority. The parking areas shall be implemented in permanent materials before the beneficial occupation of any of the dwellings hereby approved and shall be retained thereafter in perpetuity.

Reason: In the interests of highway safety.

- 8** Notwithstanding the requirements of condition 1, no development (including demolition) shall commence until an Ecology method statement has been submitted to and agreed in writing by the Local Planning Authority. The method statement shall be based on the mitigation outlined in the section titled 'Mitigation/Compensation' of the bat survey report conducted by The Countryman (received 5 December 2014) and shall include (but not be limited to):

- i) The timing of works
- ii) Measures to avoid killing & injuring bats during demolition and development works
- iii) Use of materials (such as timber, roof membranes)
- iv) The positioning and size of entrances
- v) The size and location of roosting areas
- vi) Details of any vegetation retention/management
- vii) Details of any proposed artificial lighting
- viii) Details of suitable roosting resource for bats to be incorporated within the site

Development (including demolition) shall be carried out in accordance with the agreed method statement.

Reason: In the interests of ecology.

- 9** Notwithstanding the requirements of condition 1, no development shall take place until details of the proposed surface levels of the relocated footpath in relation to existing ground levels and the finished levels of the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: In the interests of public amenity, residential amenity and to ensure that the development relates appropriately to the topography of the site and the surrounding area.

- 10** Notwithstanding the submitted plans, the window serving bedroom 3 at Plot 4 shall be fitted with obscure glazing to a height of 1.7m from first floor level and to a minimum of level 3 on the Pilkington index of obscurity. The obscure glazing shall be retained as such in perpetuity.

Reason: In the interests of residential amenity.

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

- a) This application is recommended for approval because the development generally complies with Council policy and guidelines and does not adversely affect privacy, visual amenities, ecology/biodiversity, public amenity nor so significantly harms neighbours' amenities as to warrant refusal.

b) The applicant/developer is advised that this consent does not preclude the need for a protected species (development) derogation license prior to the commencement of any development or demolition.

c) The applicant/developer is advised that this consent does not preclude the need to obtain additional consent to formally divert Footpath 17 (Bridgend).

d) Foul water and surface water discharges shall be drained separately from the site.

e) No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system.

f) Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

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

h) An adoption agreement from Dwr Cymru/Welsh Water may be required if a connection to the public sewerage system is required. For further information, please contact Developer Services.

i) The applicant/developer is advised that the site is crossed by a public sewer. Under the Water Industry Act 1991, Dwr Cymru/Welsh Water has rights of access to its apparatus at all times. No development (including the raising or lowering of ground levels) will be permitted within 3 metres either side of the centreline of the public sewer.

j) In respect of Condition 5 (Drainage), the applicant/developer is required to submit an assessment into the potential for disposing of surface water by means of a sustainable drainage system, in accordance with the principles set out in Technical Advice Note 15. The submitted details must include:

(1) A ground investigation report sufficient to support the design parameters and suitability of the proposed system.

(2) 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 to prevent the pollution of the receiving groundwater and/or surface water.

(3) A timetable for its implementation; and

(4) A management and maintenance plan, for the lifetime of the development and any agreements to secure the operation of the scheme throughout its lifetime.

k) The applicant/developer should make every effort to ensure surface water from any permanent surface drains onto adjacent porous surfaces, thereby reducing the demand on the drainage system.

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

m) Where any species listed under Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2010 is present on site, or other identified area, in respect of which this permission is hereby granted, no works of site, clearance, demolition or construction shall take place unless a licence to disturb any such species has been granted by Welsh Government / Natural Resources Wales, in accordance with the aforementioned Regulations.

n) If at any time nesting birds are observed, any works which may disturb them must cease immediately and advice sought from the Council's Ecologist. Any active nests identified should be protected until the young have fledged. Where a Schedule 1 species is involved, mitigation for

impacts, e.g. loss of nesting site, should be devised and implemented.

o) The applicant/developer is advised that should any unknown archaeological features be encountered during the development of the site, to cease works immediately and seek advice of Glamorgan Gwent Archaeological Trust on (01792) 655 208.

p) The applicant/developer is advised that the refuse 'drop-off' area should only be used for the depositing of bins on collection days and should not be occupied by waste at any other time.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

RECOMMENDATION : GRANT WITH CONDITIONS

REFERENCE: P/15/183/FUL

APPLICANT: HOMESTYLE CARE LTD
THE WHITE HOUSE BRIARY WAY BRACKLA BRIDGEND

LOCATION: THE WHITE HOUSE BRIARY WAY BRACKLA BRIDGEND

PROPOSAL: CHANGE OF USE OF EXISTING DWELLING TO RESIDENTIAL CARE HOME AND TWO STOREY EXTENSION

RECEIVED: 18th March 2015

SITE INSPECTED: 20th April 2015

APPLICATION/SITE DESCRIPTION

The application proposes the change of use of a substantial detached two and a half storey dwelling into a Residential Care Home specialising in care for autistic or similar needs on a full time basis. The care is to be provided in a family type environment and will be geared towards integrating people back into the community. The Care Home will provide facilities for 4 clients on a full time basis and be staffed by 5 permanent members of staff and 7 part time staff with four members of staff working on a one to one basis together with a Manager or Deputy Manager in attendance at any one time. There will be no sleeping facilities required for staff members.

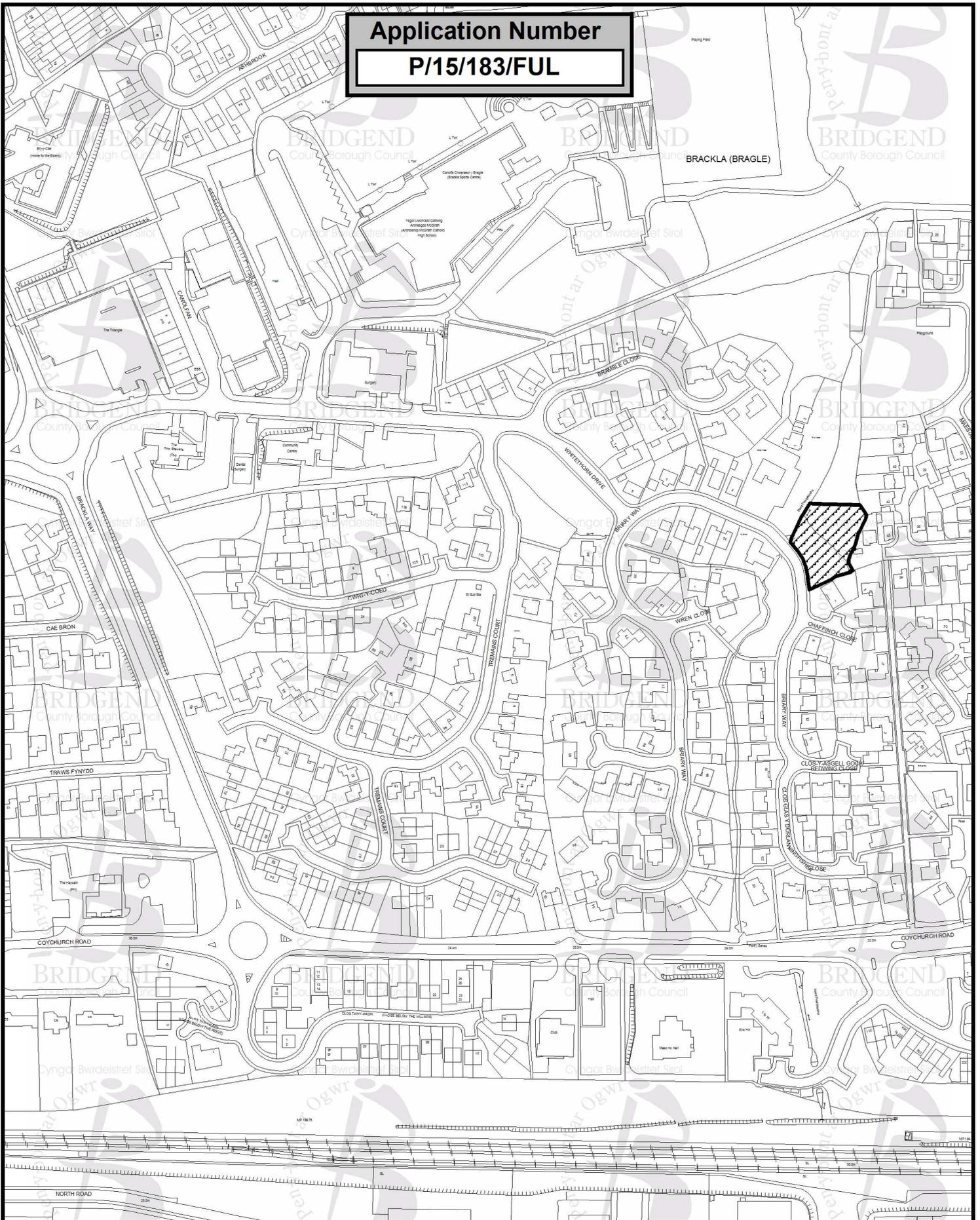
In order to facilitate the change of use some internal alterations to the existing accommodation are proposed. In addition, a one and a half/two storey extension is proposed to be attached to the southern elevation of the property. This element was originally approved in 2014 (P/14/ 806/FUL refers), however it is now intended to use this element to provide sensory rooms, a rebound room, disabled persons toilet and reception area with three bedrooms, bathing facilities, office and store created at first floor level and two further bedrooms and shower in the roof space over at second floor level. The area between the dwelling and the sliding, electrically operated gates has been hard surfaced in block pavements. The gates are set back just over 5m from the back edge of the footway, which is 1.85m wide.

The applicant has advised that he has been made aware of a campaign to generate objections to the development being conducted by some local residents. These campaigners have distributed a circular letter, a copy of which can be made available, encouraging residents to view application documents on the Council website, have suggested that inadequate consultation has been undertaken in respect of the submission and consider the development would be detrimental to the fabric of the neighbourhood and create increased traffic and parking problems. The campaigners have also highlighted that the applicant is a member of the Brackla Community Council and should be bound by the Code of Conduct for members of local authorities.

The applicant points out that the content of the circular letter is somewhat misleading in that the Care Home will not accommodate 6 residents as claimed with only four clients to be accommodated at any one time. Whilst there will be 5 permanent and 7 part time members of staff, a maximum of 5 only including the manager will be present at any one time. Any suggestion that as a Community Councillor, the applicant has not adhered to the Code of Conduct for Members of Local Authorities is utterly refuted by Mr. Williams. It is also highlighted that the operating company, Homestyle Care has developed a close working relationship with Bridgend Council's Social Care Department to ensure that residents will be well cared for in a family type environment. Despite seeking to discuss the issues with persons distributing the circular letter, these persons have declined to speak directly with the applicant.

Application Number

P/15/183/FUL



Scale 1:3,000

Date Issued:
22/04/2015

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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Cyngor Bwrdeistref Siro



RELEVANT HISTORY

P/09/645/FUL APPROVED 18-12-2009
+conditions
PROPOSED RESIDENTIAL DEVELOPMENT (1NO. DETACHED DWELLING)

P/11/405/FUL Retro App + 08-08-2011
Conds
REGULARISE THE BOUNDARY WALL

P/14/634/FUL Retrospect 24-10-2014
Approved
RETROSPECTIVE APPLICATION FOR TREE HOUSE

P/14/806/FUL APPROVED 14-01-2015
+conditions
TWO STOREY EXTENSION

PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expire on 27th April, 2015.

NEGOTIATIONS

In a letter sent to the applicant's agent concerns in respect of the following issues were raised:-

1. Examination of the submitted plans in respect of the proposed floor plans reveals that, at first floor level, bedroom 2 is effectively being created from the former dressing area, which served the previous master bedroom. The window serving this room is currently obscurely glazed in order to safeguard the privacy of the neighbouring property to the east in Underwood Place. It is not considered appropriate for such an arrangement to serve a bedroom nor would it be acceptable for the window to be replaced with clear glazing as this would infringe the privacy of the adjoining dwelling.

2. In addition, it was highlighted that bedroom one contains no windows as the window, which previously served the master bedroom is now located on the opposite side of a corridor leading to a proposed fire escape.

3. With regard to the proposed fire escape, there is concern that anyone utilising the facility would again overlook the gardens of the properties to the east of the application site. Whilst, it is appreciated that the facility should only be used to provide emergency egress in the event of fire, frequently the platform area is used as an informal balcony area and/or the stairs used as a means of ingress/egress rather than the main entrance.

Amended plans were handed to the case officer during the site inspection on 20th April, 2015. The revisions confirm the omission of the fire escape element, which enables the retention of the existing window within bedroom 1. In addition, bedroom 2 is now to be converted to a store and a corridor created to link bedroom 1 with a bathroom facility. The existing obscurely glazed window, which previously served the former dressing area, will now serve this corridor link. On the basis that the window would not serve a habitable room, the privacy of the neighbouring

property would be preserved.

In addition, it was noted during the site inspection that there is a significant difference in land level between the application site and the adjoining property to the east in Underwood Place such that the eaves height of the application site appears to be level with the ground floor of the dwelling in Underwood Place. It was also noted that a close boarded fence, located on top of a grassed bank and retaining wall runs along the boundary with this neighbour. It is considered that the privacy of the neighbouring property to the east is satisfactorily preserved.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 31st March 2015

Councillor J C Spanswick

Wish to discuss this application further as it appears to be out of accord with the residential street setting. In this regard I wish the application to be referred to Committee for consideration.

Head Of Street Scene (Highways)

No objection subject to condition.

Head Of Street Scene (Drainage)

No objection subject to condition.

Natural Resources Wales

No objection

Welsh Water Developer Services

In the event that the Authority is minded to approve the development, it is requested that advisory notes are included within the decision notice in order to ensure no detriment to existing residents or the environment or Dwr Cymru/Welsh Water's assets.

REPRESENTATIONS RECEIVED

Stephen Rees, 44 Underwood Place

1 As stipulated in residential and nursing care council the criteria for people who are in need of substantial or critical care needs could mean people who have mental illness this could be a wide range of symptoms from agrophobia to schizophrenia I personally believe that this is not the correct environment to integrate these vulnerable people into as it is a residential area with many children who are easily impressionable and who also on times can be cruel. Also I am concerned as it is a known fact that people with mental health issues are more likely to have vilonet outbursts and some one who as two young children I don't want them subjected to unreasonable behaviour

2 I have been resident for 10 years and on purchasing the house was told by redrow that the land would not be developed in a matter of time 3 developments have been built

3 As the proposed development will be in operation 24 hrs a day a increase in traffic and noise will be evident along with environmental issues

4 The house was also designed as a private house therefore how is the extra refuse waste to be contained along with sewage/water

5 Is the proposed development a no smoking site

6 Visitor parking where will they park

7 Security will there be 24 hr or no security

8 Will there be any sexual offenders housed there

9 Negative value on the value of my house

I look forward to your answers and comments on this matter yours Stephen rees

David Miller, 3 Briary Way

I strongly object to this application. It states accommodation for at least 6 residents, so how many could it go up to.

It will have 5 permanent and 7 temporary staff and as there could also be visitors to the home and as the site plans show no parking facilities within the grounds of the home, where will they all park.

This is a quiet residential street and the increase in road traffic and the parking problems this will cause is unacceptable and this application should not be allowed.

Nicola Key, 30 Underwood Place

Our back garden backs on to this property, it is a very quiet location, and I am deeply concerned about the future on this project going ahead, and the impact it will have on my home.

W M & B A Jones, 1 The Woods

Strongly object to the application for reasons, which are summarised below and have registered a request to speak at Committee:-

1. The Residential Care Home will provide facilities to 4 persons in need of full time care, who are suffering on the Autistic Spectrum. The surrounding area is a densely populated residential area with families with young children, elderly people and people living alone. The dwellings are highly expensive and residents are quiet and well behaved. We do not consider this location is suitable for this type of facility.

2. The application site lies in close proximity to the objector's home and there is concern regarding noise and anti-social behaviour in the rear garden of the application site with a fear that future occupants may be prone to screaming fits.

3. Additional noise and disturbance from additional traffic resulting from staff, visitors, doctors arriving at the property. The electric gates at the front of the property can also be slow to open and noisy, with the potential for cars waiting to enter potentially queuing and blocking the entrance to the private drive serving the objector's home.

4. Already experience problems from residents occupying the adjoining property The Woods, which is owned and operated by the current applicant. A number of examples of anti-social behaviour have been highlighted including noise, foul language and disturbance from taxis dropping off residents in the early hours of the morning. The same Company will operate the new enterprise and we are not confident that the premises will be operated in a reasonable manner.

5. The development will result in objector being sandwiched between the two facilities to the detriment of residential amenity.

6. The proposed development will impact on 10-12 properties in the area adversely impacting on the quality of life of local residents and resulting in loss of value in the event of sale.

The full observations can be reproduced if required.

Adele Treharne, 6 Redwing Close

I have great concern with this proposal of change of use to property.

My concerns are:

- 1 - on reading the 'Homestyle care ltd' website it states that their residents have mental health issues and complex and challenging needs, I have grandchildren living with me who play out in the street and I fear for their safety.
- 2 - increase of vehicles due to staff and any outside agencies that the residents will need.
- 3 - the property entrance is situated on a bend and with the increase of vehicle's will cause disruption to residents in the joining streets.
- 4 - the increase in traffic will again be a factor in my grandchildren's safety.
- 5 - increase in noise.
- 6 - the surrounding area to the proposed property is a well respected sought after area and I feel that the change of use of property would have an adverse affect on the area.
- 7 - decrease in the value of my house should I wish to sell.

Mrs J Mcardle, 11 Briary Way

We have serious concerns+ object all aspects of proposals

Spephen & Jane Price, 46 Briary Way

This is a totally residential area, with a high percentage of retired residents, if this planning application is successful you would be setting a precedent for other residents to convert their homes to businesses.

It would result in additional traffic at shift change (day and night)

Feel it would have an adverse impact on this relatively quiet area of Brackla

B C & M C Kilby, 78 Briary Way

- 1 The proposed change of use is not suitable for the area.
- 2 The development will cause a nuisance from the noise of traffic coming and going.
- 3 We believe the development will adversely affect us.
- 4 The development will have a adverse impact on the area as a whole.

Alan Gifford, Briary Wood

Supports the application and is please to see someone doing something positive for the proposed residents.

Ian Hedley, 10 Briary Way

Hedley Part 2

Briary Way is an attractive street with a charm which attracts people to buy here. This business development submitted by Mr Williams will destroy the very fabric of the area and all residents of the street and surrounding area are vehemently opposed to the proposal. There will certainly be increased traffic at all times of the day and night, which will cause parking issues and cause nuisance. There are several elderly residents living in very close proximity to the White House who did not know of the proposal and they have voiced their own concerns and they are extremely afraid of what the future holds.

It is evident to most Briary Way residents that Mr Williams has desperately been trying to sell his house for sometime without success. The White House is a large 6 bedroom property with numerous rooms and did not require an extension to be built given that Mr Williams lives there with his partner and only child. This only adds to the speculation that his application to build an extension which was approved in December was pre-meditated and a smoke screen to hide his true intent.

I believe that due diligence has not been carried out sufficiently throughout this planning application and would like the full planning committee to hold a review of the plans, intent, and falsities of this whole proposal taking into account the observations I have detailed in this submission.

Ian Hedley, 10 Briary Way

Mr Hedley Part 1

The Applicant is Mr Gareth Williams, who states his company as Homestyle Care giving his address as the White House, Briary Way. Mr Williams does not have a company called Homestyle Care and has falsified his details. Homestyle Care is run by Mr Robert Sage with his wife Lisa, and are the only 2 directors. The address for Homestyle Care is Poplar House, 14 Poplar Avenue, Porthcawl, Mid Glamorgan. They are linked to Mr Williams by virtue that Homestyle Care is registered at 10 Garth Drive, Brackla Industrial Estate. This is also the address as Mr Williams' other companies.

Design and Access Statement 18/03/2015 Application Details. The agent states "a similar care facility is currently provide in Porthcawl and that his client wishes to locate to Brackla." This is a false statement as Mr Williams does not own the care facility in Porthcawl and therefore has nothing to relocate. Additionally, Poplar House has recently been refurbished to a high standard making you wonder why Homestyle Care would need to relocate.

Design and Access Statement dated 30/03/2015 states that the site provides easy walking areas to all facilities, shops, etc. To access the shops etc, there is a steep hill to climb and it is also 1/4 of a mile to the nearest bus stand up this hill which would be challenging for wheelchair bound residents. In contrast, Poplar House is on level ground and boasts that is within walking distance of shops, caf 's, beaches, parks, bus stops etc.; far more than what is on offer in Brackla.

Design and Access Statement dated 30/03/2015 states that the new 2 storey extension has the benefit of Planning Permission. This planning P/14/806/FUL was for a games room and is different to that proposed for the Rebound room in the new application. Decision Notice for 2 storey extension, page 3 para a. states that any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. P/15/183/FUL should be considered as a new application.

Why would Mr Williams apply for an extension 3 months earlier only to re-submit new plans once he had P/14/806/FUL approved?

Proposed Elevation and Site and Ground Floor Plans submitted on 19/03/2015 are incorrect as these are original build plans dated July 2009. Proposed plans exclude what the completed house would look like with the fire escape and new extension. This contravenes BCBC policy which requires properly drawn up plans showing the building or land as it is now and the proposed changes.

Plans state car parking spaces for 8 cars but there will only be enough room for 4 cars given they need space to manoeuvre. Lack of parking will result in staff and visitors parking on the street on a dangerous bend in the road. There have been numerous near misses on this corner over the years and also we are seeing more cars half parked on the pavement causing pedestrians to cross over the road to the opposite pavement.

Concerns iaw Building Regulations Approved Document B, that the cars parked in the property could hamper access to fire vehicles in the event of a fire. Also concerns that the requirements for fire vehicle access and the design of access routes listed in section 16 would not be met.

Concerns about the fabric and materials of the building being suitable for a residential home as it has been constructed as a domestic dwelling.

Fire Safety Risk Assessment for Residential Homes states about the Final exit doors and escape away from the premises. The White House has a 2 m wall surrounding the property and access is controlled by an electric gate. This gate has broken down several times and in the event of a fire, this could hinder escape for residents whilst also stopping fire crews from accessing the property.

The Schedule of Restrictive Covenants states that the land should not be used for any trade or business or permit or suffer anything which could become a nuisance.

T & D Warren, 9 Briary Way

Objects to the proposals for reasons including suitability of location for a Care Home, increase in traffic, location on a dangerous bend and increase in noise.

Neil & Keri Morris, 17 Briary Way

I am extremely concerned about this application. Briary Way is currently a desired street within Brackla, by having this approved would prove to be of detriment on the street. I'd also like to know why Mr Williams has applied for this when he is no part of Homestyle Care? The only link I have found is that he shares a registered office with them on Brackla Ind Est. I also believe that BCBC have not completed a full due diligence with regard to this & would remind you that as councillor Mr Williams has to abide by The Code of Conduct for members of local authorities in Wales. There will be increased traffic to the street which is a major concern due to the number of children who play in the street. We have already notice an increased police presence regarding another so called care home in The Woods, just off Briary Way. I believe this has not had planning approved for a business & would urge BCBC to investigate this.

Neil & Keri Morris, 17 Briary Way

I have numerous objections to this. It states in the deeds of Briary Way that no business shall be run from a property in the street. There will be increased traffic which will end up being parked on the street which will cause obstructions and there have been a number of near misses on the bend where the White House is. Mr Williams does not own Homestyle Care so how can he be applying for planning under this name? It's bad enough he was granted permission to build a house which is not in the style of Briary Way & was also granted permission to knock down trees protected by a preservation order. The trees he planted instead are not an acceptable alternative. There would be a fire/health & safety issue due to the electric gate which has failed to work on several occasions.

Andrew Macleod, Briary Way

We strongly object to this planning application for a change of dwelling to a residential care home and therefore a two storey extension , which is contradictory to the planning. NEWLY ELECTED Brackla councillor Mr Gareth Williams has not considered the local residents or area in this matter. There is definitely not enough room for parking. There is already a care residence that is rented out by Mr. Williams nearby and we have a high volume of taxis and police back and for to this residence. We are worried that the street will be used for parking which incidentally is on a bend. Small children use this pavement to walk to the nearby school. Elderly people live nearby and may have difficulty navigating the pavement if cars are parked on it. Referring to your planning act 1990 section 6 Mr Williams has ticked no to a new vehicle access. Today Mr. Williams began to cut into the pavement to create a new access. We fear as this is a closed off residence how in the event of fire or any emergency vehicles will be able to effectively access the property. As stated in the schedule of restrictive covenants, item 3.4 not to convert any private dwelling house into two or more tenements or flats. So as stated by Mrs E Woolley the proposed development appears to comply with planning application I urge you to reconsider. NEWLY ELECTED councillor Mr. Williams was not pleased with our democratic right to inform the neighbours and threatened solicitors letters to some of our residents. We are aware that this is a business and have found anomalies relating to this project. We as residents have collated information and can pass this to yourselves and the local media.

Gareth Davies, 14 Briary Way

1)If the application is for a change of use, do you think that the proposed use is suitable for the area?

I do not think that the proposed use is suitable as this is a totally residential area and it does not seem appropriate to have a change of use for business purposes directly in the middle of residential homes.

The application itself does not appear to be accurate as it names Gareth Williams and the Limited Company as the applicants at the home address (The White House), whereas Mr

Williams does not appear to be a director or official of the company and the company is not registered at that address. The Application also states that there will be a change from residential usage but the details are not completed in sections 18 and 19 as to what type of business the proposed usage is for.

2)Do you think that the development will affect you by way of loss of daylight, overshadowing, loss of privacy?

No

3)Do you think that the development will cause you any nuisance or disturbance for example from noise, traffic coming and going?

The planning application advises that there will be 5 permanent and 7 part time staff and whilst the plans say there will be parking available within the existing property boundaries, I cannot see that there is sufficient parking for the staff alone, never mind the visitors, relatives etc. Especially when you consider more ground is to be taken up with the proposed extension. Also with the type of facility being proposed, there is likely to be a number of meetings at the property with social workers, care workers, local government officials etc. , which will all require additional parking available. This will mean that a lot of traffic will end up parking outside the property on a 'blind bend', on the pavements etc. this will prove to be very dangerous for all residents and children using the street and the pavements.

The noise pollution caused by all this traffic and people coming to and from the property is also not suitable for a quiet residential area such as this.

As the residents of the proposed care home will require daily care, their behaviour may not be suitable for local children walking to and from the nearby schools, playing in the street etc. Mr Williams is already letting another property he owns (within a few metres of the White House) to people who need care such as the proposed residents and these are already causing some disturbances with their behaviour (for example after coming home from the pub late at night). There has been an increase in traffic to this property with taxis beeping, often again late night, and police cars being called or visiting etc. The additional traffic is also likely to cause more noise pollution.

4)Do you think that the development will adversely affect you in any way?

Likely to be affected by the traffic increase, particularly the parking on the blind bend and noise disturbance as well as the general quietness of the street.

5)Do you think that the development will have any adverse impact on the area as a whole?

The traffic, noise, type of business and points mentioned above I believe will adversely impact the area as a whole.

Mr C Evans, 8 Redwing Close

Due to the location of this property, which was erected as a family home, I have concerns over the proposed further development on such a small plot. It has been stated there will be at least 6 residents, 5 permanent and 7 temporary staff. The location is on bend in the road. The existing resident parks vehicles outside the premises on occasions. Where would the vehicles of potential employees be parked during their working hours?

A J & I A L Davies, Briary Way

Strongly objects to the proposal for the reasons summarised below:-

1. Proposals not sufficiently precise in respect of numbers of residents;
2. Inappropriate location as young adults with learning difficulties/mental health issues could pose a high risk and a danger to young families in the area;
3. Additional traffic
4. Potential that residents may roam freely posing a threat to the community;
5. Applicant seeking personal financial gain at the expense of the neighbourhood;
6. Devaluation of property if development approved

Keith Hughes, 18 Bramble Close

Firstly, I do not feel that BCBC have met the minimum statutory requirements under Article 13 of the Development Management Procedure Order in consulting the whole of BRIARFIELDS residents, as the potential implications of the change of use proposed under this application could well impact on us all. Not even having the decency to display a site notice near THE WHITE HOUSE to alert the very constituents that Mr. Williams as a Brackla Community Councillor represents is somewhat underhand in my opinion.

I also wish to register the following points in registering my objection to the change of use proposal:-

current Human Rights Law means that residents are entitled to a 'no locked door policy' allowing them free access to the local community. BRIARFIELDS is a quiet respectable community with a good mix of age groups and the prospect of having young adults (whose primary care needs relate to learning difficulties but they may have associated mental health problems and complex and challenging needs), freely accessing the area is very concerning.

The change of use proposed is not in character with the area and so far as my research has revealed to date not included in any Local Development Plan.

Integrating of young people with demanding needs is important but I do not feel that BRIARFIELDS is in any way the right place as I understand that there are already issues concerning Mr. Williams other property at BRIARY WOODS where three adults are already looked after.

When BRIARYWOODS was placed on the market BCBC planning gave permission for one property to be built on the site with a large raft of conservation requirements having previously denied EASTLAKE BUILDERS (A VERY REPUTABLE BUILDER WITH GOOD STANDING IN THE DEVELOPMENT) Mr. WILLIAMS has now built four properties on the site with the approval of BCBC and in fairness he has improved the whole outlook of the previous Eastlake site office base.

However, I am really concerned with the change of use proposed for his main residence and knowing that BCBC have already demonstrated their willingness to allow additional properties at BRIARYWOODS I suspect that this will not be the last planning application that we need to be alert to!!

Whilst most residents would agree with me in supporting new job creation I have been led to understand that the positions mentioned in the proposal could well be existing jobs with Homestyle Care LTD being relocated from Porthcawl.

Whilst additional traffic and parking flows will no doubt impact in an adverse way on the immediate neighbours I do not expect it to affect myself.

However I do feel that if the proposal is accepted and pursued the likely value of the surrounding properties is likely to fall (as discussed with local estate agents). We are all aware that BCBC are not in a position to reimburse residents for any such shortfall under current case law.

Finally, whilst I have no objection to Mr. WILLIAMS seeking to profit from his residence I do not feel it should be at the expense of the BRIARFIELDS residents who is was appointed to look after their interests and needs.

Wynfred Marien Loveluck, 8 Bramble Close,

I wish to object most strongly to the Change of Use of The White House from a family home, to that of a Limited Company, opening the door to applications for any sort of commercial venture "for profit". I am interested to know the owners motive.

The occupancy by "challengingly disturbed" young people (whilst a noble cause) would undoubtedly create an immediate fall in value of all properties in Briary Way. Not something to be welcomed by owner occupiers.

The extra foot fall ensuing - the whole of the estate being connected by walk-ways - fills me with concern. The residents of Bramble Close already experience damage to their rear fences from young adult users of the Path backing their homes, not to mention random objects being thrown into gardens, including large rocks. I fear my quality of life will be severely reduced by constant worry as to what will happen next with a new invasion of privacy by young challenged adults wandering around the estate.

Amanda Parsons, 12 Kingfisher Close,

As a resident in this area and having to pass this property several times a day, I do have concerns regarding parking issues. This property is situated on a corner and on occasions even one vehicle can cause a problem (the application states that there will be 7 staff plus then any health visitors as well as family/friends) in summary I feel that there will be a parking issue which will cause a danger to cars on the bend and to residents on the footpaths.

COMMENTS ON REPRESENTATIONS RECEIVED

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

Suitability of Location for Type of Use - Whilst objectors consider that the establishment of a Residential Care Home providing care for autistic or similar needs persons at the application site to be inappropriate, it is considered that the facility will provide residential care for up to four occupying the property as if living as a family. Notwithstanding the provision of care on a one to one basis for the residents, the use of the property will remain residential in this residential area.

Fear of Disturbance and Anti-Social Behaviour of Occupants - The objectors have expressed concerns in respect of noise and anti-social behaviour from future occupants on the basis of their disabilities. One objector is fearful that future occupants may have violent outbursts. However, the applicant has highlighted that care is to be provided on a one to one basis throughout the day and in this regard, it is considered that the occupants will be no more likely to disturb or adversely impact on neighbours than any other family.

Traffic, Parking & Noise - Whilst the property will provide accommodation for four clients, who will be cared for on a one to one basis together with a Manager or Deputy Manager also in attendance, it was noted during the site inspection that the forecourt area of the property is capable of accommodating a significant number of vehicles within the gated area. Given that staff vehicles are likely to be parked for the duration of their shift rotation, it is considered that the level of noise and disturbance would not be so significantly greater than if the property were to be occupied by a large family. The Highways Department has assessed the parking requirements against the Authority's adopted Supplementary Planning Guidance 17 : Parking Standards. A condition ensure the submission of a scheme demonstrating that the required number of spaces will be laid out.

Extra Refuse & Sewage - It is considered that the proposed use will be unlikely to generate significantly increased amounts of refuse or waste above that generated in normal family occupation.

Smoking Restrictions - The prohibition of smoking at the premises would be a matter controlled by other regulations and the issue is not considered relevant to the assessment of the planning merits of the development.

Visitor Parking - The substantial forecourt area, which is already hard surfaced is capable of accommodating sufficient parking spaces to serve the development. As indicated above the Highways Department has suggested that a scheme demonstrating the parking layout be required by condition to ensure the provision of adequate facilities for visitors in addition to staff provision.

Security - The submission does not clarify whether there is to be 24 hour security, however, the application site is enclosed by electrically controlled gates at the front onto Briary Way and fencing encloses the side and rear garden separating it from the stream that runs along the western site boundary.

Occupancy - One objector has queried whether sexual offenders will be accommodated - The Design and Access Statement, which accompanies the submission has clarified that the

premises will specialise in providing care for persons on the autistic spectrum or similar needs.

Devaluation - Objectors believe the development will adversely impact on the value of their properties but this is not material to the consideration of the planning merits of the scheme.

Capabilities of Operators - One objector highlights that the company operated by the applicant already operates a house adjacent to their home and has listed problems that they have experienced from occupants of this dwelling. The objector has questioned that capability of the company to operate the proposed development. The property identified by this objector has been investigated in 2014 when it was found to be occupied on a shared basis by four persons and notwithstanding that the occupants may require an element of care, this was not considered to constitute a material change of use of the property. In that instance, it was considered that planning permission was not required for the use of the property. In the event that the objector remains concerned about the professional capabilities of the carers or level of care provided to residents, this would be a matter to be resolved by Care Regulators not the planning system.

Fear of Occupants - One objector considers that future occupants may threaten or cause local residents to fear for their safety. As previously stated, care is to be provided on a one to one basis and the application site is enclosed by security gates so it would appear that future occupiers would have limited contact with surrounding residents.

A number of email observations have been received from a number of occupiers of Briary Way in which issues relating to the applicant's business status and his reasons for submitting the application, the applicant's conduct as a Community Councillor, the sustainability of the location in terms of access to amenities, questioning the motives behind the earlier consented application for the two storey extension, the accuracy of the submitted plans in that the fire escape is not shown, space within the curtilage for parking, building regulation matters, restrictive covenants, increased traffic and parking problems and finally that the Authority has not been duly diligent in reviewing the plans, intent and alleged falsities in the submission.

Many of the matters referred to in the letter such as the applicant's business status, that the applicant is a Community Councillor on the Brackla Community Council, motivations for this or any previous applications, building regulations and restrictive covenants are not relevant to the assessment of the planning merits of the proposal. With regard to the issue of car parking, as previously indicated, the Highways Department is satisfied that subject to a condition requiring the submission of a scheme showing the layout of parking spaces, the development can meet with the Authority's parking standards. In this regard it is clarified that whilst the application form refers to 5 permanent and 7 part time staff, there will only be four staff together with the Manager or Deputy Manager present at any one time. In respect of the accuracy of the plans, it is highlighted that the fire escape has been omitted from the scheme and updated elevational drawings obtained from the applicant's agent.

One objector has advised that work to create a new access appears to have been commenced in the last few days. The extent of this work will be separately investigated by the Enforcement Officer but in planning terms, the creation of a vehicular access from a non classified highway does not require planning permission. It is emphasised that any works within highway limits would be controlled by the Highways Maintenance Manager.

APPRAISAL

The application is referred to Committee at the request of the Ward Member and to enable consideration of the objections received from local residents.

The application seeks consent for the change of use of a substantial detached two and a half storey dwelling into a Residential Care Home specialising in care for autistic or similar needs on a full time basis. The care is to be provided in a family type environment and will be geared towards integrating people back into the community. The Care Home will provide facilities for 4

clients on a full time basis and be staffed by 5 permanent members of staff and 7 part time staff with four members of staff working on a one to one basis together with a Manager or Deputy Manager in attendance at any one time. There will be no sleeping facilities required for staff members.

In order to facilitate the change of use some internal alterations to the existing accommodation are proposed. In addition, a one and a half/two storey extension is proposed to be attached to the southern elevation of the property. This element was originally approved in 2014 (P/14/ 806/FUL refers), however it is now intended to use this element to provide sensory rooms, a rebound room, disabled persons toilet and reception area with three bedrooms, bathing facilities, office and store created at first floor level and two further bedrooms and shower in the roof space over at second floor level. The area between the dwelling and the sliding, electrically operated gates has been hard surfaced in block pavements. The gates are set back just over 5m from the back edge of the footway, which is 1.85m wide.

The application site is located on the north eastern side of Briary Way adjacent to a sweeping bend in the highway. A stream runs along the western site boundary and a private drive serving two detached properties known as The Woods runs on the western bank of the stream. An area of mature trees is located on the south-eastern site boundary. It was noted during the site inspection that there is a significant difference in land level between the application site and the neighbouring dwellings to the east in Underwood Place such that the eaves of the application site appear to be at land level to the properties in Underwood Place.

In terms of development plan policy, this application for the change of use of the property falls to be assessed against Policy SP2 of the Bridgend Local Development Plan. This Policy requires 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:-

1. Complying with all relevant national policy and guidance where appropriate;
2. Having a design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character;
3. Being appropriate to the scale, size and prominence;
4. Using land efficiently by:-
 - (i) being of a density which maximises the development potential of the land whilst respecting that of the surrounding development; &
 - (ii) having a preference for development on previously developed land over greenfield land;
5. Providing for an appropriate mix of land uses;
6. Having good walking, cycling, public transport and road connections within and outside the site to ensure efficient access;
7. Minimising opportunities for crime to be generated or increased;
8. Avoiding or minimizing noise, air, soil and water pollution;
9. Incorporating methods to ensure the site is free from contamination (including invasive species);
10. Safeguarding and enhancing biodiversity and green infrastructure;
11. Ensuring equality of access by all;
12. Ensuring that the viability and amenity of neighbouring uses and their occupiers will not be adversely affected;
13. Incorporating appropriate arrangements for the disposal of foul sewage, waste and water;
14. Make a positive contribution towards tackling the causes of and adapting to the impacts of Climate Change; and
15. Appropriately contributing towards local, physical, social and community infrastructure which is affected by the development.

As a change of use to an existing dwelling, the majority of the above criteria are not particularly

relevant to the development, however, issues relating to access, parking, security/crime, refuse collection and foul drainage and the amenities of neighbouring properties have been raised by objectors and addressed in the previous section of the report providing comments on representations received. With regard to sewage, the Land Drainage Department has suggested a condition requiring a drainage scheme. It is noted that the development largely relates to a change of use with no alteration to existing foul drainage arrangements. The proposed extension is also to be constructed on an existing hard surfaced area and therefore there will be no increase in surface water drainage. The suggested condition is, therefore, not considered to be necessary. It is considered that subject to conditions controlling the numbers of clients to be accommodated and requiring a scheme to demonstrate the provision of adequate parking facilities, the development is compatible with the Local Development Plan.

During the processing of the application Policy SP2 of the Bridgend Local Development Plan and Supplementary Planning Guidance 17 - Parking Standards were considered.

CONCLUSION

The application is recommended for approval as the development complies with Council Policy and guidelines and will not adversely impact on highway safety, visual amenity, privacy nor so significantly harm the residential amenities of neighbouring occupiers as to warrant refusal of the scheme.

RECOMMENDATION

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

- 1 The use of the property as a Residential Care Home shall accommodate a maximum of four residents in need of care at any one time.

Reason : To ensure that the Local Planning Authority retains effective control over the use of the property.

- 2 The development shall not be brought into beneficial use until a scheme for the provision of three parking spaces has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details with the spaces individually demarcated in permanent materials prior to the commencement of the use as a Residential Care Home and retained as the car parking area in perpetuity.

Reason: To ensure adequate off street parking is provided in the interests of highway safety.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

(a) The application is recommended for approval as the development complies with Council Policy and guidelines and will not adversely impact on highway safety, visual amenity, privacy nor so significantly harm the residential amenities of neighbouring occupiers as to warrant refusal of the scheme.

(b) The observations of Dwr Cymru/Welsh Water are attached for the developer's information and consideration.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

RECOMMENDATION : GRANT WITH CONDITIONS

REFERENCE: P/15/96/FUL
APPLICANT: MS ANITA KAUR
105 OLDBURY COURT ROAD FISHPONDS BRISTOL
LOCATION: 36 TENNYSON DRIVE CEFN GLAS BRIDGEND
PROPOSAL: CONVERT GARAGE TO LIVING ACCOM, SINGLE STOREY REAR EXT,
DORMER WINDOWS TO FRONT & REAR.
RECEIVED: 16th February 2015
SITE INSPECTED: 16th March 2015

APPLICATION/SITE DESCRIPTION

The application site is an extended semi-detached property located on a large corner plot where the front aspect faces Tennyson Drive and the side elevation faces Longfellow Drive.

The proposal involves:-

the conversion of the existing double garage attached to the side of the property into a kitchen and living/dining room;

a porch extension to the front elevation of the property measuring 2.5m x 1.5m with a pitched roof reaching a height of 3.6m;

2 pitched roof dormer extensions to the front roof elevation each measuring 2.5m x 3.2m with pitched roofs measuring a height of 2.2m;

a flat roof dormer extension to the rear elevation of the property which will measure 2.5m x 3.5m with a flat roof reaching a height of 2.6m;

a single storey rear extension which will provide an extended living area measuring 4m x 2.8m with a flat roof reaching a height of 2.7m;

A rear ground floor shower room/utility room extension which will measure 4.9m x 4m with a flat roof reaching a height of 2.7m.

As a result of the works above the first floor will be reconfigured from the existing five bedrooms into four bedrooms with a bathroom.

RELEVANT HISTORY

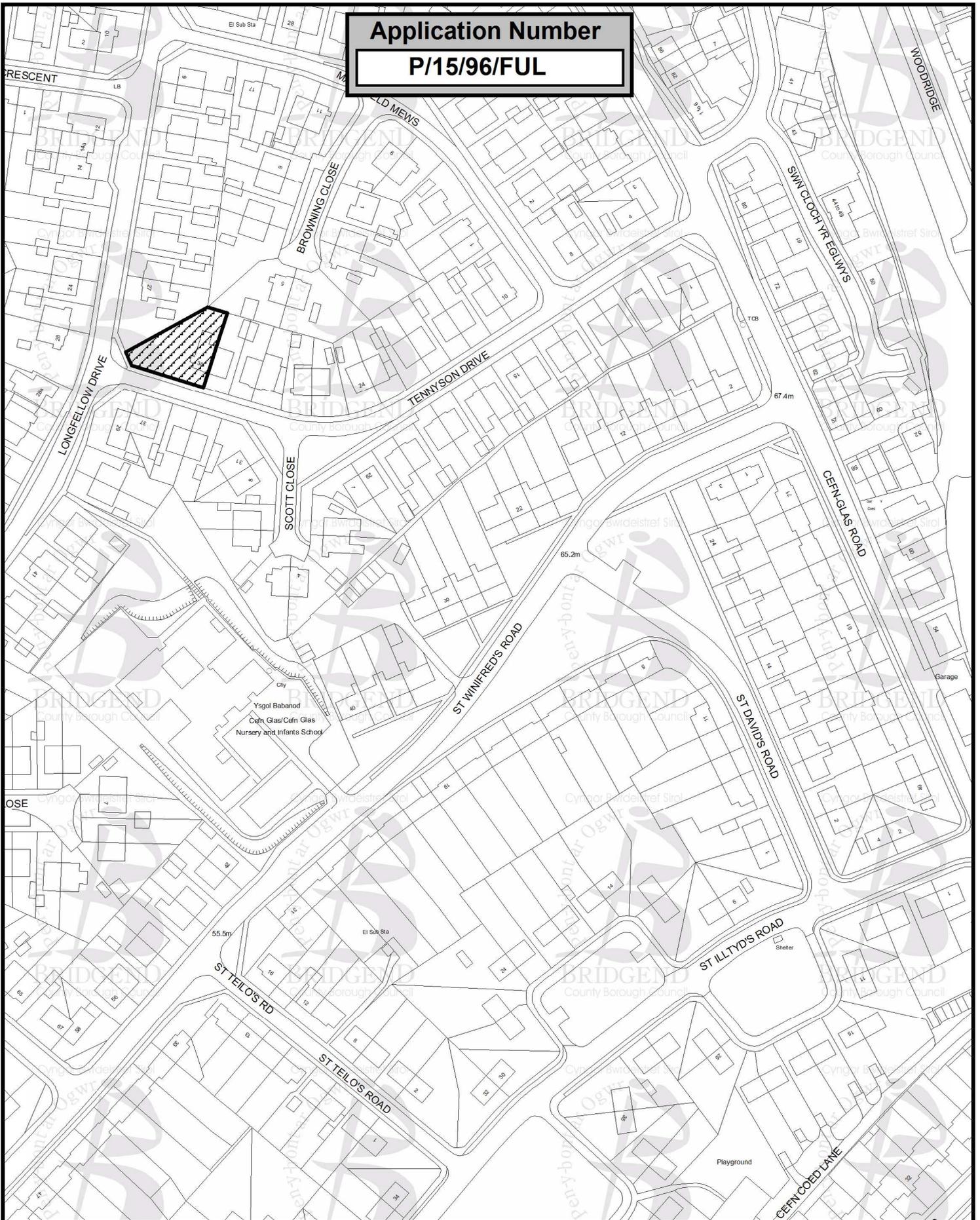
91/0555 CC 25-JUL-91
SITE EXTENSION - TO INCLUDE DOUBLE GARAGE, THREE BEDROOM & BATHROOM II
DORMA OVER.

PUBLICITY

Neighbours have been notified of the receipt of the application.

Application Number

P/15/96/FUL



Scale 1:1,750

Date Issued:
22/04/2015

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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Cyngor Bwrdeistref Siro



NEGOTIATIONS

Amended plans received 08-04-2015

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 24th February 2015

None

REPRESENTATIONS RECEIVED

Mr A Pearse, 35 Tenyson Drive

I have no objections to this planning application.

Objections Have Been Received From The Following, :-

Sheryl Cowling, 14, Shelley Drive, Cefn Glas;
Mrs J L Dyson, 18 Tyn Y Bettws Close, Bettws;
Mark Davies, 6 South Close, Pencoed;
Megan Wickham, 18A Gwaun Bant, Pontycymmer;
Mrs Kay Harris, 17 Maesglas, Bettws;
Gareth Owen, 16 Heol Y Felin, Bettws;
Carl Cowling, 32 Heol Bradford, Bettws, Bridgend.

As the letters of objection were similar in format and content, the objections are summarised below:-

1. The development would be in breach of several sections of Bridgend Local Development Plan and Policy SP2.
2. The proposed development is far too large and, contrary to the Design statement, there are no other properties within the area that have, nor require extensions to this scale.
3. The property is already a 5 bedroom house with disability modifications in place and it is believed that the developer is attempting to use the disability aspect of this proposal to justify the massive overdevelopment of this site.
4. The block location plan is out of date and does not show the current state of extension within the property boundaries.
5. Why is the shed placed in this position? It will damage the visual amenity of the area and increase the likelihood of criminal activity by leaving the shed in an unmonitored position.
6. As the property has previously been extended to accommodate a child with severe disabilities, what is the purpose of converting the double garage to residential space especially when you take into account the additional space being created to the rear of the property with the single storey extension.
7. The planning consent given in 1991 was conditional, it is believed there is a strong possibility that the double garage was granted to accommodate a vehicle for a disabled child, and this would be an asset to the current occupiers considering that their application is based partly on the requirements of a disabled person. It is also believed that one of the conditions of the original application may have been that the garages must remain in perpetuity to comply with the planning consent.

8. The scale, position and prominence of the proposed front dormers is not in keeping with the historic built environment and, as a result, would contradict Policy SP2 (Section 2 & 3) and would be harmful to the visual amenity of the neighbourhood. Due to the siting of this development, it would affect the amenity of the properties of both Tennyson Drive and Longfellow Drive.

9. The proposed addition of two apex roofed dormers will make the development look top heavy, notwithstanding the fact that most of this development will take place over the garages.

10. The positioning of a further two apex roof dormers will offset the balance of the property with more than 75% of the development being outside of the original footprint of the house. Also, the two dormers will appear to be significantly to the left of the property, with one dormer to the right separated by a velux style window. All of these elements will be to the principal elevation and, therefore, far more prominent than any other developments, both at this site or anywhere in the locality.

11. Should any of the other adjoining properties be allowed the same rights to develop to this extent, this would create a terracing effect within the street scene which is contrary to policy and SPG advice.

12. This proposal significantly harms the visual amenity of the street scene in that this estate is made of dormer bungalows with modest extensions. What the developer is proposing is creating a two storey house with massive extensions that will not fit visually within this street or the adjoining street which it shares the corner plot.

13. The proposed porch sits forward of the principal elevation and is, therefore, more likely to affect the visual amenity of the area. There are no other known examples of this type of porch on the estate and it would create an incongruous element within the street scene.

14. The size, scale and design of this proposal are similar in many ways to an application that was unanimously refused by the Development Control Committee based on Policy SP2 Sections 2 & 3 and which is subject to enforcement action. This development is less than 100yds straight line from the site of this proposal - P/14/229/FUL (currently under appeal) and P/14/568/FUL (refused for insufficient information to fully assess the impact on the amenity of the local area). There are concerns that this proposal could set precedence in the area that would breach policy and would leave the planning department open to future legal action.

15. The design of dormer extensions in the locality of this proposal are predominantly flat roofed dormers and those that do have a pitched roof dormer to the front elevation only have one of this particular design which means that this proposal by its design would stand out horribly amongst the other modest traditional extensions.

16. It is believed that, due to the large side extension built on the site during the early 1990s, the developer would have greatly exceeded any permitted development allowances under the GPD Order Wales requirements.

17. It is noted that the agent for the applicant is known to the planning department and too many of the Development Control Committee as Ralph Shepherd, former Ogmores Valley Council Member and County Councillor in Bridgend for the Ogmores Vale Ward. He was also a member of the Development Control Committee during his time as a Councillor.

18. The proposed development adds a large amount of square footage to the footprint of the property, as well as a massive increase in the volume of the property, by the addition of the garage conversion, porch, single storey rear extension and the 3 further dormer extensions on top of the two already on site. This is considered to be overdevelopment of the site.

19. It is considered that this proposal far exceeds both the actual requirements of the applicant and also for the area in which it is sited.

COMMENTS ON REPRESENTATIONS RECEIVED

1 & 2 Design and scale etc are considered within the appraisal;

3. The new dwelling will have the same number of bedrooms and will have a small extension to provide a disabled shower on the ground floor level;

4. The location plan would have been purchased from Ordnance Survey and this has not been updated to date. However, the block plan submitted shows the dwelling with the existing extensions and the proposed extensions;

5. The shed has been removed from the scheme.

6. The end user of the dwelling is not material to the planning decision;

7. The planning consent in 1991 was granted with conditions one of which stated "the garage shall be used only for purposes incidental to the enjoyment of the dwellinghouse and for no other purpose". This prevents the use of the garage for business purposes not the use as living accommodation;

8, 9 & 10. The dormer extensions are considered in the appraisal;

11 & 13. Each application is assessed on its own merit;

12, 14, 15 & 18 See appraisal;

16. Planning permission was required for the extension 1991 and for the current proposal as permitted development rights have been exceeded;

17. Every application is dealt with on its own merits on a land use basis and the identity of the developer or the architect is not a material consideration;

19. The planning authority will assess the proposal submitted in accordance with adopted policy and guidelines.

APPRAISAL

The proposal is reported to Committee as there are a number of objections to the scheme, none of which are from properties in the immediate vicinity. The attached neighbour supports the proposal.

The development is for the conversion of an existing double garage, a porch and two dormer extensions to the front elevation and a dormer extension and single storey extension to the rear.

In assessing the proposed works Policy SP2 and Supplementary Planning Guidance (SPG) 2 are relevant.

The application site is on a large corner plot with the front aspect facing Tennyson Drive and the side aspect facing Longfellow Drive in Cefn Glas, Bridgend. There are existing single storey and dormer extensions on the rear elevation of this property and the proposed works will not extend the dwelling any closer to the rear boundary of the site, which is the boundary with the large rear

garden of 5 Browning Close. As such, it is considered that these works will have no detrimental effect on the amenities of the property to the rear.

The development will extend closer to the side/rear boundary of 27 Longfellow Drive, however, it is not considered that the single storey extension will have a significant effect on that property.

The new rear dormer window will be adjacent to the boundary of the other half of this semi-detached property, 34 Tennyson Drive, and could result in the overlooking of this garden. This will be a secondary window to serve that bedroom and it is, therefore, considered reasonable to require the window to be obscurely glazed to safeguard the privacy of the occupiers of that property and comply with Note 6 of SPG2. The single storey extension will also extend up to the boundary with 34 Tennyson Drive but it is not considered that this element will have a significant effect on that property.

With respect to the dormers on the front elevation SPG2 indicates that the key principles in respect of such extensions are that dormer windows should be subservient to the main roof and should normally use the same pitch and roofing details as the main roof and also dormer windows should be positioned to complement the pattern of the windows on the rest of the house. With respect to the materials the existing dormer is clad in white boarding and whilst hanging tiles would have been preferable, introducing a new finish on the front elevation would upset the appearance of the property.

It was noted whilst on site that there are numerous properties within this area with large dormers, which have also been extended and occupy a corner plot such as this. The external finishes are also varied.

The proposed porch to the front elevation of this property will occupy a relatively small portion of the front elevation and will only project 1.5m from the main building line.

Note 18 of Supplementary Planning Guidance 02: Householder Development states:-

"Front extensions that come forward of a definable building line, including porches, should be designed to the highest standard in recognition of their prominence in the street scene."

As there is also a porch on a property on the opposite side of the road to the application site it is considered that this part of the proposal will not have a detrimental effect on the character of the street scene.

The front of the property will provide a parking area part of which is existing. There are no highway objections to the scheme, however, given that the development will result in the loss of the garage and the proposed porch will reduce the length of the driveway to the front of the property, a scheme of parking for the provision of 3 off street parking spaces will be required.

It is considered that the proposed alterations and extensions are acceptable and comply with Policy SP2 and SPG2.

CONCLUSION

The application is recommended for approval as the development is compatible with Council Policy SP2 and Supplementary Planning Guidance 02: Householder Development and will not adversely impact on highway safety nor visual amenity nor so significantly impact on the amenities of neighbours or the character of the street scene as to warrant refusal of the scheme.

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: plan numbers sheet 2 of 3, stamped AMENDED PLAN and date stamped - 8 Apr 2015.

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

- 2 No development shall commence until a scheme for the provision of 3 off street parking spaces has been submitted to and agreed in writing by the Local Planning Authority. The parking area shall be implemented in permanent materials before the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of highway safety.

- 3 The window serving the new rear dormer shall be fitted with obscure glazing to a minimum of level 3 on the Pilkington index of obscurity. The window shall be fitted prior to the beneficial use of the extension hereby approved and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a) The application is recommended for approval as the development is compatible with Council Policy SP2 and Supplementary Planning Guidance 02: Householder Development and will not adversely impact on highway safety nor visual amenity nor so significantly impact on the amenities of neighbours or the character of the street scene as to warrant refusal of the scheme.

b) Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. The Highway Maintenance Inspector for the area can be contacted at Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend or by telephone on (01656) 642541.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

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RECOMMENDATION : GRANT WITH CONDITIONS

REFERENCE: P/15/60/FUL

APPLICANT: COASTAL HOUSING GROUP & BCBC
3RD FLOOR 220 HIGH STREET SWANSEA

LOCATION: LAND AT THE RHIW MULTI STOREY CAR PARK WALKWAY BRIDGE & ENTRANCE BRIDGEND

PROPOSAL: DEMOLISH & REBUILD CAR PARK: ERECT 5 STOREY RESIDENTIAL/COMMERCIAL BLOCK (CLASS A1/A2/A3 & 28 DWELLINGS WITH PARKING)

RECEIVED: 30th January 2015

SITE INSPECTED: 27th February 2015

APPLICATION/SITE DESCRIPTION

Coastal Housing Group and Bridgend County Borough Council are seeking full planning permission for the demolition of the existing multi-storey car park and pedestrian walkway bridge and provision of a mixed used redevelopment of the site comprising a replacement multi storey car park, a 5 storey residential/commercial block comprising ground floor retail space (Classes A1 or A2 or A3) with 28 residential apartments above and undercroft residential car parking area and associated works. The development forms part of the Vibrant and Viable Place flagship project with funding from Welsh Government.

The application has been accompanied by the following information:

Planning & Design and Access Statement prepared by Asbri Planning;

Ecological Appraisal prepared by Soltys Brewster Ecology;

Environmental Noise Assessment prepared by Acoustic Consultants Ltd;

Tree Survey, Categorisation & Constraints Report prepared by Steve Ambler and Sons;

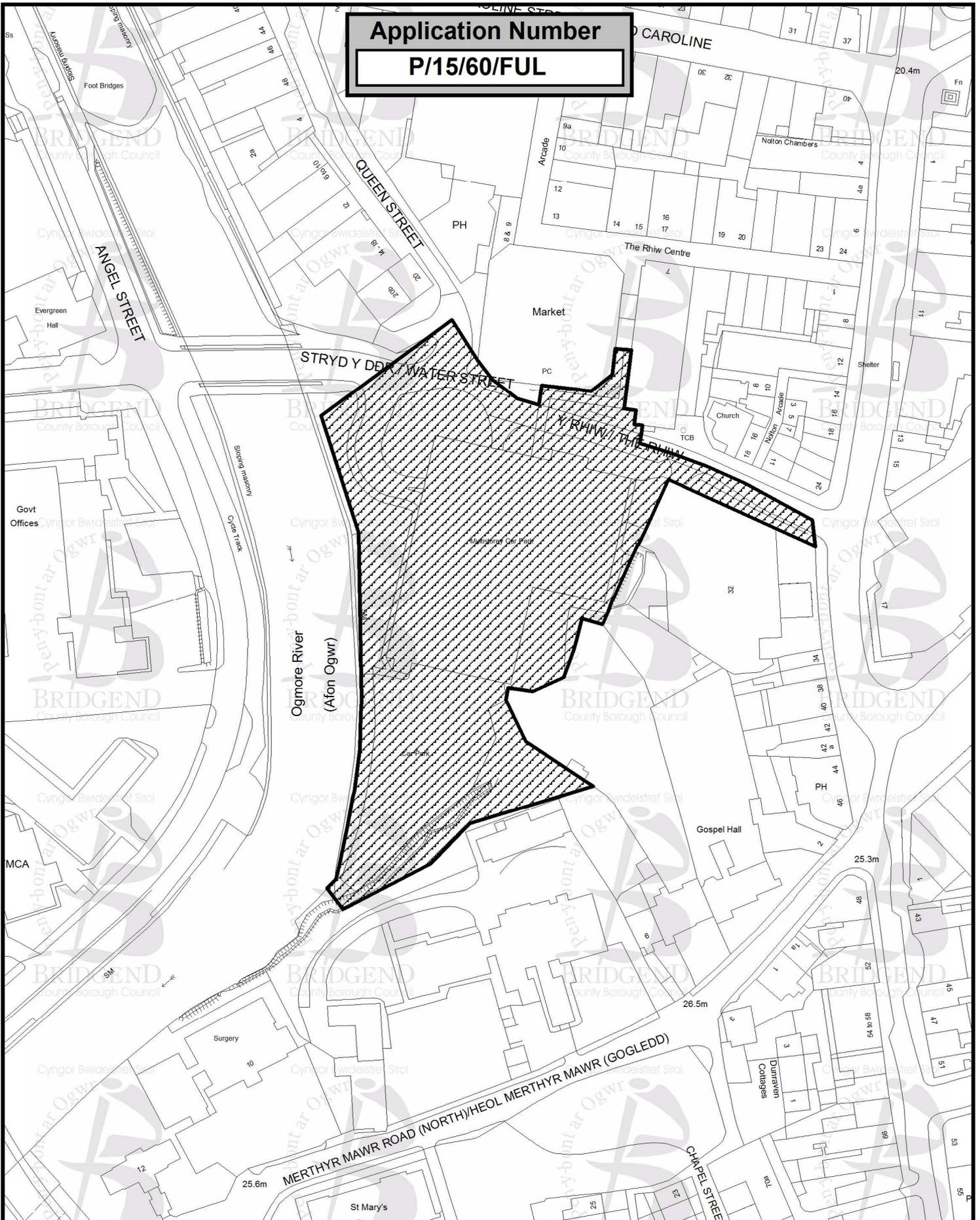
Archaeological Desk Based Assessment prepared by Archaeology Wales;

Flood Consequence Assessment Report and Drainage Strategy, Phase 1 Geotechnical/Geoenvironmental Desk Top Study Report and Transport Statement prepared by Jubb Consulting;

The application site comprises of an irregular shaped parcel of land which is flat along its river frontage and rises steeply up The Rhiw towards Nolton Street to the east and south, to the Merthyr Mawr Road Conservation area and the Rhiw Hill. The site accommodates the current Rhiw multi-storey car park and extends to approximately 1.85 acres of brownfield urban site. An existing cliff face and associated vegetation form the southern and eastern boundary to the 'open air' car park and to the north lies the boundary of the Bridgend Town Centre Conservation area which includes the central retail area of Bridgend and the Rhiw Shopping Centre. The Rhiw and Water Street form the application site's northern boundary and this currently provides the primary access route to the existing car park and links up to the wider road network including A473 to the west and the town centre to the east. In terms of access into the site, it is proposed to use the existing access road and junction at Water Street and The Rhiw.

Application Number

P/15/60/FUL



Scale 1:1,250

Date Issued:
22/04/2015

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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The new multi storey car park would provide a minimum of 240 car parking spaces. The spaces will be provided over 4 decks with the upper deck open to the elements. Due to ground levels the design of the car park is such that each deck is provided over split levels. For clarity these split levels are referred to as river side and cliff face side. At the lowest level (Deck 1) provision would be made for approximately 40 spaces at the river side. A ramp within the car park would then give access from this level up to approximately 25 spaces at the cliff face side. Approximately 17 of these spaces would be for disabled users where from level access can be gained directly to the Rhiw at the north eastern part of the site. A further ramp would then give access up to the next level (Deck 2) with approximately 41 spaces being provided at the river side. A further ramp would give access up to approximately 20 spaces at the cliff face side. A further ramp would then give access up to the next level (Deck 3) with approximately 41 spaces being provided at the river side. A further ramp would give access up to approximately 20 spaces at the cliff face side. A further ramp would then give access to the top level (Deck 4) with approximately 41 spaces being provided at the river side. The last ramp would then give access up to approximately 20 spaces at the cliff face.

The multi storey car park would include 2 lifts and stair core in order to provide pedestrian access directly to the Rhiw at the north eastern part of the site.

Site constraints and operational requirements have dictated the design of the new multi storey car park which takes on a fairly conventional form and construction. To a large extent the car park would be screened from public viewpoints by virtue of the new residential/commercial block to the side and the rising land to the rear and side, which is heavily landscaped. The west facing elevation overlooking the river would be visible and the design solution for this elevation is the use of blue grey lias limestone and cast stone cladding panels on the ground floor with horizontal louvres facing the floors above.

Access to the multi storey car park would be derived at a similar position to the existing albeit an extended access road would run all the way along the river wall to the west entering the proposed building at the southernmost section of the site. Vehicles would enter and exit the car park at the same point requiring the access road to be dual width. The car park access road has been orientated to provide for the maximum length of queuing and ensure suitable forward visibility and stacking for vehicles that may be waiting at the barrier. The access road is calmed with speed cushions to ensure 20mph or less for vehicle speeds.

The car park will be closed for approximately 9 months to allow for the demolition and construction of the new facility, with a further 6 months to complete the ancillary residential/retail unit.

RESIDENTIAL

28 residential apartments are proposed over four floors, with each floor having 7 apartments. Each of these apartments would be occupied as social housing. Each of the apartments would have two bedrooms (one double, one single) with a separate bathroom, and open plan kitchen, lounge, dining area. Access to the residential units would be gained via a lift and stair core which would be accessed either from within the car park or via a formal entrance on the western elevation. A separate fire escape is incorporated along with a refuse storage facility.

The vehicular access road to the residential car park would be shared with the multi storey car park albeit there would be a separate spur off this access road at the western elevation of the block. Undercroft parking will be provided for the residential units, 30 car parking spaces in total are proposed along with cycle stands.

The apartments are carefully designed to ensure that none of the apartment windows overlook the multi storey car park to the south. Projecting features are incorporated to all of the northern facing apartments ensuring views are afforded westwards towards the river.

The proposed finishes will comprise coloured rain-screen cladding.

COMMERCIAL

It is proposed that approximately 650 square metres of commercial space would be provided above the undercroft car park with level access achieved off the Rhiw at its easternmost side. Due to the changes in land levels the western end of the commercial space would be elevated and will form an external seating area, providing an opportunity for views towards the river and beyond.

The enclosure of the residential undercroft car park where visible will form a plinth to the scheme and will be finished in Blue Grey Lias Limestone, with cast coping stones running along its length and forming the junction to the glazing panels of the retail unit. A series of decorative metal ventilation grills will be inserted along the face of the plinth and fronting The Rhiw.

PHASING

The Planning Statement suggests that phasing of the project will be in two stages. Firstly, due to the operational requirements of the town centre it is of fundamental importance to ensure that the multi storey car park is replaced and operational as soon as practicably possible. The project brief thereby requires this to be completed by the end of June 2016. Delivery of the residential/commercial block will follow albeit construction will need to commence on this prior to the completion of the multi storey car park to achieve the brief requirement of completion by the end of 2016.

It is the intention to remove the existing bridge across to Bridgend Market and provide for an at-grade crossing that will assist in prioritising pedestrians over vehicles and increases footfall and movement along the street. The crossing is already in place.

RELEVANT HISTORY

None.

PUBLICITY

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

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 27th February 2015.

NEGOTIATIONS

Negotiations have been undertaken in respect of a number of issues including design, materials of construction, waste and re-cycling collection and the access and car parking arrangements.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 3rd February 2015

No objection: however Bridgend Town Council has concerns regarding the re-location of the 'shopmobility' scheme and removal of overhead walkway.

Councillor Mrs E M Hughes

I welcome apartments / houses in the town centre as these will bring vibrancy to the town.

Conservation & Design

The proposed development is located in a prominent location situated between Bridgend Town Centre Conservation Area and Merthyr Mawr Road Conservation Area and occupies an important gateway site when arriving into the town centre from a northern, southern and westerly direction.

The proposed scale of the development which is up to 5 storey's in height will mean that it will be clearly visible from within the adjacent conservation areas, particularly as you approach the site along Dunraven Place and Queen Street and from Merthyr Mawr Road to the south, particularly when there is limited tree cover/ foliage in winter months. Long distance views are also possible of the site from an elevated position from within the Newcastle Hill Conservation Area.

The site therefore provides an opportunity for a landmark building which respects its context and references local character and local distinctiveness in its design. Discussions were held about the following with the applicant's architect in relation to the original plans submitted:

North East Facing (Rhiw Hill) elevation: the design of this elevation took reference from the Georgian terraced properties in Dunraven Place in presenting vertical emphasis and a rhythm and an element of unity on the upper floors. This will be further enhanced by the agreement of a colour palette of the cladding material proposed to reflect render finishes traditionally used in the town centre. The ground floor / pedestrian lower level will be finished in traditional stone to complement the previous phase of public realm enhancements on the Rhiw Hill under the Convergence Project. Further details will be required of the glazing proportions and signage relating to the Ground Floor retail unit which can be covered by conditions. Further details will also be required for the proposed vents located at the lower ground floor level.

West facing (Riverside) elevation: Amendments were requested to emphasise the riverside nature of this elevation and to reduce the massing of this block with the northern corner of the site. Agreement was also reached to visually break the horizontal emphasis of the car park and this has been achieved

Northern Corner Elevation (River Street / Queen Street): Detailed discussions were held with regard to the shape and form of this corner which is arguably the visual focal point of the development. In an attempt to enhance this corner, a series of bay windows and a top floor balcony has been introduced which goes some way to add architectural interest to this focal point and it is considered that there is further scope to enliven this elevation through the agreement of further details and addressing the visual cantilever support for the building.

On balance, whilst there is some concern that the opportunity to provide a building of an exemplar design in this prominent location may have been missed the applicant has made a number of revisions to the original proposal to address some of the issues raised above. On balance therefore subject to the agreement of further details relating to the above via conditions, there is no objection in principle to the development.

Team Leader Building Control

No objections .

Destination & Countryside Management

The proposed development is accompanied by an Ecological Appraisal conducted by Soltys Brewster Ecology (2014).

The survey found that, with the exception of the adjacent boundary woodland, retaining wall and cliff face, the habitats associated with the site were generally considered to be of little or no ecological value. The hedgerow and woodland bordering the site are likely to function as locally important habitat for birds and bats.

Therefore, there is no requirement for additional survey effort or development licence application to the Welsh Government should the recommendations in the report (section 5) be implemented.

Economic Development

Support this application.

Head Of Street Scene (Waste & Recycling)

The arrangements for commercial waste bin collections are not clear and do not provide a suitable external area for collections. The steeply sloping footpath alongside The Rhiw would cause difficulties in placing and moving any waste wheelie bins and accidents are liable to occur.

Consideration should also be given to manoeuvrability of any waste vehicles and prevention of traffic congestion during collections.

The arrangements for residential waste and recycling collections are also unclear and do not identify who manages the bin store area.

Consideration should also be given to manoeuvrability of any waste vehicles and prevention of traffic congestion during collections.

Head Of Street Scene (Drainage)

No objection subject to conditions.

Head Of Street Scene (Engineers)

I am happy that all engineering aspects of the work are being looked at thoroughly; this includes demolition of the existing car park as well as the construction of the new car park, commercial unit and flats. Site investigations, asbestos and topographic surveys together with investigations into the condition of the existing structure and elements such as the rock face and boundary walls have been undertaken, as have the requisite searches on the existing services, etc.

Welsh Water Developer Services

No objection subject to conditions.

Crime Prevention Design S.Wales Police

The Crime Prevention Design Advisor has provided general observations in respect of the development and has confirmed that, as the development is for social housing, Secured by Design (SBD) specifications and standards must be met for the housing part of the development.

Glamorgan Gwent Archaeological Trust

The proposals will require archaeological mitigation.

The supporting information includes an archaeological desk-based assessment undertaken by Archaeology Wales (report dated September 2014, reference: 1265); this report meets current professional standards, has collated and assessed information from appropriate sources and includes the results of a site visit. The assessment details the historical background of the site within a defined study area and notes the site of the 12th century castle adjacent to the south; the potential for medieval remains is considered. The later post-medieval development of slaughter-houses and tannery at the site is described and the historic mapping sequence illustrates some of this later development. In assessing the impact, it is noted that there is potential for remains to exist, particularly in the southern part of the site where there has been less significant disturbance to the area. The arch in the rock face may relate to the later industries but given its location may be earlier; the development may obscure this and there is

currently no detailed record of it.

The demolition and any ground clearance, the new build and further elements of development, any groundwork to enable access and services installation have the potential to encounter remains of the tannery and other features and finds.

Whilst we have no objection to the positive determination of this application, we recommend that two conditions should be attached to the consent, to mitigate the impact of the work on any buried archaeological resource and also on the historic structure.

Group Manager Public Protection

No objection subject to conditions.

REPRESENTATIONS RECEIVED

Edith Hughes, 9 The Retreat

I welcome apartments / houses in the town centre as these will bring vibrancy to the town

Objections Have Been Received As Follows:, .

Residents from 21 Kensington Drive, 34 Camberwell Avenue and an ex-resident of Bridgend, now residing in New South Wales have objected to the proposal on the following grounds (summarised):

1. Repairs to the current car park are not viable due to concrete fatigue but to replace it with the proposed is not viable to the economic regeneration of the town centre;
2. The pedestrianisation of the whole town centre has led to a lack of passing traffic, footfall is down. Decreasing car parking is not a feasible option;
3. The town centre does not need Social Housing and more retail outlets;
4. Grant money would be better spent on health care, policing;

Colliers International on behalf of Creative Assets Global Ltd, (owners of The Rhiw Shopping Centre) have objected to the development on the following grounds:

5. Justification for loss of significant amount of town centre parking;
6. Methodology for car park count used;
7. Examination of impact of town centre trade on loss of permanent car parking spaces and displacement of trade during construction period; Strategy for alternative car parking including possibly adjusted pricing strategy for 9-12 months of construction;
8. Justification of permanent removal of existing pedestrian access from car park to Rhiw Market and Rhiw Centre and quality and safety of alternative at grade access from car park to Rhiw Centre;
9. It is possible that the proposed development does not meet town centre retail objectives as described in PPG Wales (7) and the Council's adopted LDP and supporting documents.

Traffic and Transport Planning on behalf of Creative Assets Global Limited have submitted a

further objection to the development which examines whether (i) the application is in accord with the transport aspects of the Bridgend Town Centre Masterplan and (ii) the Transport Statement submitted with the application assesses fully the impact of the proposed development on parking in the town centre.

In summary, the report concludes that the application has disregarded the aim of the Masterplan Framework to create a vibrant and successful visitor destination. Furthermore, the application has not addressed the impact on shopping in the town centre resulting from the closure of the Rhiw Car Park, the reduction in capacity and the transfer of Shopmobility to the Brackla Multi-storey car park. The report substantiates the above objections and concerns expressed by others in relation to the re-siting of the Shopmobility facility.

The Co-ordinator of the Stroke Association's Life After Stroke Community Group has objected to the proposal and a summary of the comments are provided as follows:

10. What measures are proposed by the Council for disabled persons to park after the existing Rhiw Car Park has been demolished; car parking for users of the Evergeen Hall has been reduced and currently none is provided; would BCBC consider allowing the Stroke Association access to their car park,

11. Concerned that the new car park is cutting the number of disabled bays, with an ageing population who are living longer, this seems to be short sighted and again, could cause problems for the future.

12. Is the alternative location for the Shopmobility facility appropriate - is the route safe and accessible to town and from the bus station, the distance to travel will dissuade people with mobility issues attending the Stroke Club, shops and other facilities

Patrons of the Stroke Club and other persons with mobility issues have also objected on similar grounds and letters have been received from the occupiers of the following properties: 5 Leys Close, Cowbridge; 17 Craiglas, Llangeinor; 13 De Clare Court, Boverton; Elma Rose, St Brides Major; 12 Osbourne Close, Litchard; 34 Minffrwd Road, Pencoed; 7 Cwm Coed, Bettws; 77 Hazeldene Avenue, Brackla; 17 Elm Crescent, Bryntirion;

Colliers International holding objection set out above has been formalised in a six page objection received on 21st April 2015. They have requested that the current plans and supporting planning and highways statement are withdrawn and fundamentally re-examined in order to:

a. Complement the existing number of spaces at 368 or alternatively demonstrate that reducing the number by 35% to 231 (planning application figure) would have no adverse retail impact on the vitality and viability of the Rhiw Shopping Centre and town centre, especially in the light of current high vacancy rates and significantly lower footfall than in previous years.

b. Review the decision to remove the shop mobility scheme to an edge of town centre location including demonstrating that its removal from a location in the town centre with easy links to the Rhiw Shopping Centre would not disadvantage existing vulnerable user groups.

c. Review the decision to remove the pedestrian walkway including demonstrating that its removal and replacement with an 'at grade crossing' of the Rhiw would positively enhance the opportunities to increase footfall at this southern entrance from current figures and would not disadvantage users from vulnerable groups.

COMMENTS ON REPRESENTATIONS RECEIVED

The following observations are provided in response to the representations received:

1. The car park is beyond its working life, and parts of the car park are currently closed off. The most viable option is the re-development of a new higher quality car parking facility that will protect the town centre as a retail destination. The loss of the car park long term is not an acceptable option.
2. No evidence has been presented to suggest that the pedestrianisation of the town centre has led to a reduction in footfall. Other factors such as economic downturn may have resulted in changes.
3. The long term success of Bridgend Town Centre is dependent upon investment by private enterprise, in partnership with the Council where possible. National policy encourages a diversity of uses in town centres and mixed use developments are encouraged to promote lively centres and reduce the need to travel. The proposal accords with both national and local policy.
4. Funding received under the Vibrant and Viable Places framework is for re-generation projects which include The Rhiw Gateway Scheme. Funding for health care and policing is not via a grant but directly from Central and Local Government.
5. Question 11 on the planning application form provides a breakdown of vehicle parking associated with the existing and proposed multi-storey car park. The headline figures are the reduction in car parking spaces from 302 (current provision) to 231 (a loss of 71 spaces), a reduction in disabled parking spaces from 19 to 17 (a proportionate reduction of two spaces) and the provision of 54 new cycle spaces in the new car park (no spaces are currently provided).

The reduction in car parking provision has to be considered in the context of national and local planning which generally supports the provision of lower levels of car parking and encourages more sustainable forms of transport such as public transport, cycling and walking. Furthermore, through grant money (Vibrant and Viable Places) the Council has a unique opportunity to replace a car park that is beyond its working life which, if not replaced, could in the future become completely redundant. A new facility with the 'Pay on Foot' system of charging will benefit all future visitors to the town centre and will improve the shopping environment.

The Council has commissioned a wider review of car parking provision in the town which was undertaken and completed by Capita in November 2014. Various scenarios have been modelled, including the loss of the existing Rhiw Car Park, and the survey indicates that existing public and private car parks provide capacity for short stay shoppers and long stay town centre workers. The report does however confirm that the closure of the 'Sunnyside' and Rhiw Car Park will create a situation where demand for spaces will just be met by 'supply' (100% saturation). Alternative provision for Council Staff will be provided on the former Coed Parc Library site, off Park Street and the former Lorne Stewart site off Brackla Hill, the latter in the future will also be used for public car parking. The rationalisation of Council staff car parking is to 'free up' space within the existing and proposed Rhiw Car Park for shoppers and visitors to the town centre. The situation will be monitored and other sites close to the town centre will be brought forward if there is an indication that the existing provision is being exceeded.

The reduction in car parking is accepted on the basis that mitigation is offered and that the impact on users of the town centre and consequently traders will not be significant. Furthermore, the department has received assurances that the car parking situation will be monitored and additional spaces can be delivered, if necessary, in the future.

6. The Group Manager Transportation and Engineering (Highways) has confirmed that the methodology used by Capita in assessing car parking numbers complies with industry standards.

7. The applicant's Planning Statement recognises that there is a clear relationship between the quantity of car parking and footfall. Towns with higher footfall have more car parking spaces. It is accepted by all parties that not replacing the Rhiw car park will have a significant detrimental impact on the prosperity of the town.

No evidence has however been provided to indicate that the reduction in the car parking spaces, as discussed above, will significantly impact on trade although some disruption is inevitable during the closure of the car park. Alternative provision will however be on offer and the Council will endeavour to publicise changes to the parking arrangements and manage the impacts in the short term. During the construction period, shoppers will be re-directed to the other car parks including the Brackla multi-storey car park at Cheapside which will also accommodate the relocated Shopmobility service.

8. The principle of demolishing the car park and pedestrian link is considered to be justified on the basis that the existing structures are an eyesore which seriously detract from the visual amenities of the area. The proposals include the safe removal of the existing walkway bridge and making good of third party land, where appropriate, to ensure continuity of the street environment and public realm. The car park and pedestrian link lie adjacent to the Bridgend Town and Merthyr-mawr Conservation areas and at the heart of the commercial centre. An opportunity to redevelop the site will enhance the character and appearance of the area which will lead to an improved shopping environment.

The 'at grade' crossing will provide a safe and convenient 'link' from the new multi-storey car park to the Rhiw Centre and represents an acceptable alternative to the existing unsightly link. No evidence has been provided to indicate that the loss of the covered link will reduce the footfall through the town centre.

9. Chapter 10 of Planning Policy Wales: Planning for Retail and Town Centres requires that development plans address six aspects which include the establishment of the strategic role to be performed by the main centres in the retail hierarchy, measures to reinvigorate particular centres and policies to achieve vital, attractive and viable centres. The adopted Bridgend Local Development Plan aligns with national policy, a matter recognised by the LDP Inspector.

Local Planning Authorities should also take into account ten criteria in the determination of an application for retail development, including redevelopment that range from compatibility with a development plan strategy, a sequential approach to site selection, impact on existing centres, accessibility by a variety of modes of travel and impacts on overall travel patterns. Again having examined the development against both local and national policy, the re-development on a matter of principle does accord with the policies and objectives.

10 & 11. On the basis of the objections received it is clear that users of the Evergreen Hall, particularly those that attend the 'Stroke Association' meetings will be inconvenienced by the loss of the Rhiw Car Park. Regrettably, the structural condition of the car park has resulted in the closure of sections of the car park and that situation is only likely to get worse. This project will provide a new facility with improved parking opportunities for disabled persons, albeit there will be a slight reduction in numbers. The expressed concerns are more a parking management issue during the time between the car park being demolished and the new facility being in place. Surface pay and display car parks are available under the Bowls Hall and dedicated disabled spaces are provided although it is acknowledged that this will be a greater distance to travel. The Group Manager Transportation and Engineering (Highways) has indicated that the car parking situation in the town centre will be monitored and whether in the short term additional spaces can be provided to the rear of the Council building is a matter that could be considered but outside the planning process.

12. The re-location of the Shopmobility service to Brackla Street Multi storey car park was agreed by Cabinet on 11th November 2014. The decision was informed by a survey carried out

with users of the service during the months of August and September 2014. The respondents who represented the majority of regular, high frequency users provided information in determining the future delivery of the service. The chosen location of the scheme needs to be within a five minute journey time of the retail core, must be able to provide an appropriate number of car parking spaces for service users' cars and be within reach of toilet facilities. Both the Brackla 3 car park (behind Wilkinsons) and the Brackla multi-storey car park are within a five minute journey of the town centre core. However, the Brackla 3 car park is a very popular car park with shoppers and has a high occupancy rate. Furthermore, it is popular amongst convenience shoppers. Re-provision of the Shopmobility service, which would include office and toilet facilities, scooter parking and service user car parking on this site, would result in a significant loss of convenient spaces in the town centre. Furthermore in Brackla 3 Shopmobility users would also be exposed to adverse weather conditions.

The Brackla multi-storey is within a five minute journey of the retail core and good Shopmobility facilities can be provided, with sufficient service user allocated spaces, toilets and an office, under cover.

The decision to relocate the facility is not subject to planning permission and, although the new location is not as convenient when considered in relation to the Rhiw Shopping Centre, it is nonetheless appropriate for future users.

APPRAISAL

The application is referred to Committee for determination given the level of objection that has been received.

National policy and guidance (including Planning Policy Wales 7, TAN 2 - Affordable Housing, TAN 12 - Design, TAN 15 - Development and Flood Risk, TAN 18 - Transport) and local policy and guidance (Bridgend Local Development Plan, SPG 18 - Residential Development, The Bridgend Town Centre Masterplan) have informed the design process and the assessment of the application.

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that, where the development plan is material to the determination of a planning application, 'the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The Bridgend Local Development Plan 2006-2021 (LDP) was adopted by the Council in September 2013 and is the starting point for the assessment of this application. All development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment.

The application site lies within the Primary Key Settlement and Sub-Regional Retail Centre of Bridgend and is allocated as a key development site under Policy REG9 (2). Refurbishment or redevelopment of such sites for retail, office, other commercial, leisure and complementary uses will therefore be favoured due to its contribution to the regeneration of the town centre. Additionally, Policy SP10 of the LDP states that all new development proposals within retailing and commercial centres should provide retail, community or commercial floor space on the ground floor and that retail, office, other commercial and leisure developments shall be of a scale appropriate to the centre within which they are located and should contribute to or sustain the vitality and attractiveness of the town centre. In terms of the proposed 28 residential units above the commercial development, the site represents a 'windfall' site within the main settlement of Bridgend in the context of Policy COM3 of the LDP. The introduction of residential accommodation to the town centre will aid efforts to stimulate vibrancy through greater footfall and increase perceptions of safety, particularly in the evenings, when fear of crime generally rises due to anti-social behaviour.

Strategic Policy 2 establishes criteria which represents the starting point for the assessment of all planning applications. The proposal will be assessed against each criterion as follows:

(1) Complying with all relevant national policy and guidance where appropriate;

The Planning Statement submitted in support of the planning application includes a comprehensive review of the relevant national policy and guidance.

The regeneration project will re-use brownfield land which is viewed by Welsh Government as key to creating more sustainable patterns of development. The mix of uses will deliver 'affordable' residential accommodation that is much needed and a new car park and retail unit that will improve the shopping environment and an extended commercial offer. Furthermore, the development is part of the on-going regeneration works that seek to secure Bridgend Town's position as an attractive and successful regional retail and commercial destination.

On the basis of the above, the development accords with the broad objectives of national policy.

The retention of sufficient car parking to serve the town centre is a material consideration that is discussed further in this report. National Policy recognises that car parking provision is a major influence on the choice of means of transport and the pattern of development but policy requires local authorities to ensure that new developments provide lower levels of parking than have generally been achieved in the past. The level and nature of public transport provision and a site's accessibility by a range of different transport modes are as critical in the assessment of new development as is the level of car parking provision.

(2) Having a design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character and (3) Being of an appropriate scale, size and prominence;

The Design and Access Statement confirms that the overall aspirations for the development are to create a quality mixed use / housing scheme that delivers a strong sense of place and community within the Town Centre of Bridgend. The key principles that have informed the design of the scheme include: (i) enhancing the multi-storey parking with a mixed use development to improve the physical linkages with the town centre; (ii) a residential scheme back into the town centre; (iii) the levels for residential access and egress were required to be set above the flood level; (iv) the proposal should reflect 'secured by design' principles; (v) the design of the scheme should ensure that the buildings are of high quality and fit for purpose; (vi) the provision of a suitable vehicular access into the site; (vii) Sustainable principles;

In terms of design the development has evolved through many design iterations in response to comments provided by both the Design Commission for Wales and Local Planning Authority.

The issue of an appropriate scale for the development (Criterion 3) has been important and the designer's aim has been to create a legible sequence of buildings and spaces that provides an appropriate response to scale within the context of the town centre and adjoining conservation areas so as to ensure that the development does not have an overbearing impact on adjoining plots, spaces or buildings. Projecting features are incorporated in all of the northern facing apartments ensuring views are afforded westwards towards the river. These features also help to break up the mass of the building providing 'articulation of this elevation and opportunities for incorporating different colour palettes helping to create a sense of place and context relevance'. Furthermore, the apartments are carefully designed to ensure that none will overlook the multi storey car park to the south.

The former Boards Garage site to the east of the application site has recently been cleared to make way for a new private surface car park, consented under application P/14/486/FUL. The proposed development has however been designed in a manner that should not prejudice any

future development proposals on the land. No habitable room windows in the proposed apartments will directly overlook the site and a degree of separation will be achieved between any future developments.

It is considered that the proposed building will make a positive and distinctive statement visually. The Planning Statement confirms that 'given that the site acts as a gateway to Bridgend town centre from the west it is important to celebrate this with a building of substance which not only raises the bar in terms of design quality but is respectful of the character and appearance of adjacent conservation areas'.

Subject to the agreement of the materials of construction and the colours of the finishes, the proposal achieves the stated aims as set out in the Design Statement and, furthermore, addresses the objectives of national and local policy on design.

The site is framed by two conservation areas and so is located within an area of archaeological significance which is recognised as the former village of Oldcastle. The appraisal acknowledges that the existing car park may have destroyed any archaeological deposits, however it highlights there are possibly remains of eighteenth and nineteenth-century tanning pits including the stone-wall and archway on the eastern edge of the rear car park which are likely to be remains of buttress walls of the former nineteenth-century tannery buildings. Accordingly the appraisal acknowledges that any excavations may reveal nineteenth-century tan pits which could be observed during a watching brief in this area and states, if the potential development impacts on the wall and arch, the remains would need to be cleared of some of the ivy and recorded; a detailed photographic record is suggested as the preferable option.

Glamorgan Gwent Archaeological Trust has no objection to the positive determination of the planning application but has recommended that conditions be attached to the consent to mitigate the impact of any works on any buried archaeological resource and also on historic structures.

4) Using land efficiently by: (i) being of a density which maximises the development potential of the land whilst respecting that of the surrounding development; and (ii) having a preference for development on previously developed land over greenfield land and 5) Providing for an appropriate mix of land uses which have good walking, cycling, public transport and road connections within and outside the site to ensure efficient access (criterion 6);

The proposal represents a high quality mixed use development including medium to high density housing on a brownfield site in a highly sustainable location which has been designed to respect the surrounding land uses - the aforementioned criteria is addressed by the proposal.

(7) Minimising opportunities for crime to be generated or increased;

The proposals have been designed to provide natural surveillance to deter crime, whilst ensuring the security of residents through suitable boundary treatments. The Design and Access Statement confirms that communal entrances within the development will be fully secured with access only available to residents or authorised persons by keypad control or similar. The external space has been designed to be fully overlooked to give the necessary natural surveillance, such that residents are able to assume a level of ownership. Materials will also be selected to be robust, particularly at lower levels where the chances of damage are greater. Recessed spaces where people can loiter have been minimized, however, where they are unavoidable, then it is accepted that specific use of CCTV and enhanced lighting will be required. The observations of the Crime Prevention Officer have been forwarded to the applicant's agent.

(8) Avoiding or minimising noise, air, soil and water pollution;

No adverse representations have been received from consultees and the matter of site drainage will be controlled through a planning condition requiring the agreement of a comprehensive

drainage scheme (foul and surface water) prior to any development commencing. Noise will be addressed later in this section of the report.

(9) Incorporating methods to ensure the site is free from contamination (including invasive species) and 10) Safeguarding and enhancing biodiversity and green infrastructure;

No invasive species are present on site.

An appraisal of the site ecology has been undertaken by Soltys Brewster Ecology and assessed by the Council's Ecologist. The headlines from the report indicate that the multi-storey car park is considered to be of little ecological value, although the rock face and retaining wall at the rear of the car park is considered may have some bat roosting potential.

Accordingly, the appraisal recommends 'reasonable avoidance measures'. In addition, the appraisal highlights that an unoccupied bird nest was identified within the retaining wall's drainage hole and likewise recommends that any proposed works proceed outside of the bird nesting season (1st March-31st August inclusive). The hedgerow and woodland bordering the site are likely to function as locally important habitat for bats and birds and any clearance works should be undertaken outside of the bird nesting season. Trees onsite would offer negligible bat roosting potential although a precautionary approach should be taken where any these trees require felling or pruning which should be in April or September/October by a suitably qualified arborist; felling in April should also be preceded by a thorough check for the presence of nesting birds. This is to coincide with the period of lowest likelihood of bats being present; however, if roosting bats are found the report advises that all works should immediately cease and Natural Resources Wales (NRW) contacted for advice on how to proceed.

Finally, the appraisal maintains that the design of the site lighting needs to maintain the boundary features and riparian habitat as 'dark corridors', as far as practical, and recommends further localised enhancements as part of the development including the use of bird or bat boxes, the use of plant species to promote biodiversity and the use of diverse seed mixes for amenity grassland to enhance the habitat for local birds and invertebrates.

The findings of the report have been accepted by the Council although it will be necessary to impose conditions and provide advisory notes in respect of site clearance works and biodiversity enhancements.

11) Ensuring equality of access by all.

All uses proposed under the 'umbrella' of this application have been designed to enable access by all although it will be necessary to secure a minor change to the pedestrian access to the car park off The Rhiw. The current scheme seeks to utilise the existing narrow doorway which would need to be widened. This can be addressed by the imposition of a pre-commencement condition that requires the submission of a revised access arrangement.

(12) Ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected;

The proposed development is sufficiently distanced away from existing residential properties so as not to give rise to any overriding issues associated with residential amenity.

Furthermore, it is also considered that careful attention has been given to the scheme proposals to ensure that the residential amenities of future occupiers of the development would be appropriate given the town centre with regard to the positioning of habitable room windows to have views of the river but with no windows overlooking the multi storey car park to the south.

In terms of noise impacts, an environmental noise assessment has been undertaken by

Acoustic Consultants Ltd and the findings of the survey indicate that the site falls within an area where noise mitigation needs to be considered. As such recommendations have been made for the construction of the development and accepted by the Group Manager Public Protection. Conditions will be imposed to control development in the interest of safeguarding the amenities of the future occupiers. The noise impact from the proposed commercial use has also been considered based upon a typical A3 use and again control will be imposed to safeguard the future occupiers of the apartments through planning conditions.

The site lies within flood Zone C1, defined as 'an area served by significant infrastructure including flood defences' by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15). The zonal description referred to in TAN 15 indicates this is an area where development can take place subject to application of the justification test, including acceptability of consequences.

The proposal is defined as a development classed 'as a mainly less vulnerable development' for the retail and car park element with the residential premises classed as 'Highly vulnerable development'. The site is located within an area of the town centre served by significant infrastructure and generally the site is well above the flood risk areas.

A Flood Consequence Assessment has been undertaken by Jubb Consulting Engineers and is currently being considered by Natural Resources Wales (NRW). On the basis of the pre-application discussion, it is expected that NRW will not oppose the development. Any observations received will be brought to Members attention on the amendment sheet.

(13) Incorporating appropriate arrangements for the disposal of foul sewage, waste and water and (14) Make a positive contribution towards tackling the causes of, and adapting to, the impacts of Climate Change; and

No adverse representations have been received from statutory consultees although it will be necessary to impose a condition requiring the agreement of site drainage.

As a condition of the grant funding the applicant is committed to meeting the appropriate Code for Sustainable Homes (Level 3+) requirements and, as such, the new dwellings and will seek to fully comply with the new Building Regulation standards thus ensuring that energy efficiency levels will be high.

15) Appropriately contributing towards local, physical, social and community infrastructure which is affected by the development.

As a proposal of over 5 units, the application triggers Policy COM5 of the LDP regarding affordable housing. The applicant has indicated that all 28 units will be provided as social rented accommodation which is welcomed. The LDP target of 20% for the Bridgend area would normally be secured through a Section 106 agreement but as the Council is landowner such an agreement is difficult to progress. The applicant's agent has suggested that a condition can secure the provision, although the recently published Welsh Government circular on planning conditions indicates that price, tenure and ownership should normally be secured by planning obligation. Given the complexities of securing S106 agreements on Council owned land, a condition in this instance is considered appropriate in that it will control the provision for the proposed and any future schemes for development.

Additionally, in lieu of the provision of any outdoor recreation space as part of the proposals a contribution to off-site recreation in accordance with Policy COM11 of the LDP would normally be required of the development. The developer's agent has however indicated that extensive public realm works are to be delivered as part of the project which includes:

* Making good of public realm interface with residential building - £15,000 approx.

* Making good of public realm interface with Rhiw Shopping Centre - £8,722 approx.

* Soft landscaping works - £7,500 approx.

In cost terms, the scheme will deliver the equivalent environmental and community benefit which, in this case, can justify the Council setting aside the requirement for an off-site contribution toward recreation facilities. It should be noted that the site is close to amenities within the town centre and open spaces and play provisions in Newbridge Fields.

As a scheme of more than 15 apartments, the proposal triggers the need to consider the requirement for an Education Contribution in accordance with SPG16. The pupil generation formula in Table 1 of the SPG demonstrates that 2 Primary age and 1 Secondary age child would be generated by the development. However, the Children's Directorate has indicated that this level of pupil numbers could be accommodated within existing local schools.

On the basis of the assessment above, it has been established that the proposed development is compatible with national policy and has responded to the site constraints to achieve a satisfactory scale and size, which efficiently utilises this brownfield site and provides an acceptable mix of uses which is compatible with local policy. Furthermore, adequate car parking provision will be provided to serve the town centre and occupiers of the new development.

CONCLUSION

This application is recommended for approval because the development complies with national and local policies and guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal. Furthermore, the development will not be detrimental to highway safety.

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 plan numbers 3924-A-00-01 (Rev B) 02 (Rev C) 03 (Rev B) 04 (Rev B) 05 (Rev B) 06 (Rev B) 07 (Rev B) 08 (Rev B) 09 (Rev B) 10 (Rev B) 11 (Rev B) and 13 (Rev A) and the following documents: Tree Survey, Categorisation & Constraints Report - Steve Ambler and Sons Tree Specialists Ltd - October 2014; Transport Statement - Jubb - January 2015; Environmental Noise Assessment - Acoustic Consultants Limited - January 2015; Ecological Appraisal - Soltys Brewster Ecology - October 2014; Archaeological Desk Based Assessment - Archaeology Wales - September 2014 and Flood Consequence Assessment Report & Drainage Strategy - Jubb - January 2015

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

- 2 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for:
 - a. the parking of vehicles of site operatives and visitors;
 - b. loading and unloading of plant and materials;
 - c. storage of plant and materials used in constructing the development;
 - d. the erection and maintenance of security hoarding;
 - e. wheel washing facilities
 - f. measures to control the emission of dust and dirt during demolition/construction
 - g. a scheme for recycling/disposing of waste resulting from demolition and construction

works

Reasons: In the interests of highway safety and to safeguard the amenities of the area.

- 3** No development shall commence until a phasing plan identifying all phases of development has been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include commencement and practical completion of all principal elements, including the car park, commercial unit and residential apartments and all other associated works. Thereafter all phases of the development shall be completed and carried out in accordance with the agreed phasing plan agreed by the Local Planning Authority.

Reason: To secure the programming and phasing of, and an orderly pattern to the development.

- 4** No development shall commence until a detailed scheme for the demolition of the pedestrian walkway and bridge and including details of works to make good the residual structures has been submitted to and agreed in writing by the Local Planning Authority. The works shall then proceed in accordance with the scheme agreed by the Local Planning Authority.

Reason: In the interests of highway safety and to safeguard the amenities of the area

- 5** No development, apart from the demolition of the existing car park, shall begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Welsh Government Technical Advice Note 2: Affordable Housing (2006) or any future guidance that replaces it. The scheme shall include:

a. the numbers, type and tenure of the affordable housing provision to be made which shall consist of not less than 20% of housing units;

b. the timing of the construction of the affordable housing;

c. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

d. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure that the Local Planning Authority retains effective control over the development and to ensure that the development provides affordable housing in accordance with policy COM 5 of the Bridgend Local Development Plan.

- 6** Apart from the demolition of the existing car park, no development shall commence on any phase of the development until the following information has been submitted to and agreed in writing by the Local Planning Authority:

a. Detailed specification and samples of, the materials to be used in the construction of the external surfaces of new car park, commercial unit and residential building;

b. Details and finishes at a scale of 1:5 of the following: (i) window units in the residential and commercial buildings, (ii) typical external doors (including fire doors), (iii) the proposed plant screening, (iv) decorative metal ventilation grills, (v) security gates, (vi) the car parking louvres and cladding panels, (vi) the cantilever support.

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

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

- 7** No development, apart from the demolition of the existing car park, shall commence until the implementation of an appropriate programme of building recording and analysis has been submitted to and agreed in writing by the Local Planning Authority, to be carried out by a specialist agreed by the Local Planning Authority and in accordance with an agreed written brief and specification.

Reason: As the structure is of architectural and cultural significance the specified records are required to mitigate impact.

- 8** No development, apart from the demolition of the existing car park, shall commence until a written scheme of archaeological investigation and mitigation has been submitted to and approved in writing by the Local Planning Authority. Thereafter, any necessary works identified and agreed in writing by the Local Planning Authority will be fully carried out in accordance with the requirements and standards of the written scheme.

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

- 9** No development, apart from the demolition of the existing car park, shall commence until a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms shall be subject to sound insulation measures to ensure that all such rooms achieve internal noise level of 35dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The scheme shall include the recommendations for noise mitigation for the external sitting area as stated in 8.2, paragraph 4 of Environmental Noise Assessment: Acoustic Consultants Limited: January 2015. The scheme shall ensure that habitable rooms, subject to sound insulation measures, shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from:

(i) An upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to:

(ii) A lower rate between 10 and 17 litres per second against zero pressure

The scheme shall also include the additional measures to be implemented to address flanking sound transmission paths from the commercial units to the residential properties. This scheme shall take into account the recommendations set out in point 8.2 of Environmental Noise Assessment: Acoustic Consultants Limited: January 2015.

The development shall be carried out in accordance with the agreed scheme.

Reason: To maintain noise levels at a sustainable level in the interests of residential amenities.

- 10** No habitable rooms shall be located in the southern elevation of the residential development, overlooking the proposed multi storey car park (facade B as indicated on the plan that accompanied the Environmental Noise Assessment: Acoustic Consultants Limited: January 2015).

Reason: To maintain noise levels at a sustainable level in the interests of residential amenities.

- 11** Cumulative fixed plant noise limits shall be restricted to the following rating level when assessed using BS 4142:

Time Period:

Daytime (07:00 hours to 23:00 hours) Plant Noise Limit: 48 LAr (1 hour) dB

Time Period:

Night time (23:00 hours to 07:00 hours) Plant Noise Limit: 35 LAr (15 minutes) dB

Reason: To maintain noise levels at a sustainable level in the interests of residential amenities.

- 12** No development, apart from the demolition of the existing car park, shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to demonstrate how odour from the preparation and cooking of food at restaurants and food outlets will be controlled to ensure that the odour does not impact on the proposed residential flats. The scheme shall be implemented in full prior the commercial units being brought into beneficial use.

Reason: In the interests of safeguarding the amenities of the future occupiers of the residential units.

- 13** No development, apart from the demolition of the existing car park, shall commence until a scheme for the comprehensive and integrated drainage of the site showing how foul drainage, road and roof/yard water will be disposed of, including future maintenance requirements, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme must be implemented prior to each respective phase of the development being brought into beneficial use.

Reason: To ensure safe drainage of the site.

- 14** Notwithstanding the submitted information, no development, apart from the demolition of the existing car park, shall commence on site until full details of the Retail and Residential Waste Strategy has been submitted to and approved in writing by the Local Planning Authority. The Retail and Residential Waste Strategy shall specify that all waste should be collected between 07.00 hours and 19.00 hours Mondays to Fridays. Development shall be carried out in accordance with the approved Strategy.

Reason: In the interests of highway safety and residential amenity.

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

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

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

This application is recommended for approval because the development complies with national and local policies and guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal. Furthermore, the development will not be detrimental to highway safety.

The archaeological work should be undertaken to the Standards and Guidance of the Chartered Institute for Archaeologists (CIfA) and it is recommended that a Registered Organisation with CIfA or a MCIfA Level Member should be employed for this purpose.

In order to discharge Condition 12, the Developer should provide the following information:

- a. Detailed Engineering Design Drawings;
- b. Revised 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.
- c. Confirmation from DCWW with regard to consents to discharge to the public sewerage system
- d. Management and maintenance arrangements for any private elements of the drainage and any other arrangements to secure the operation of the scheme throughout its lifetime and the lifetime of the development.

Contractors should be made aware that there is a possibility of encountering bat roosts unexpectedly during the development work. In the unlikely event of bats being found to be present on site, work should stop immediately and advice sought from the Natural Resources Wales, (NRW) (tel. 02920 772400).

Work should ideally be carried out in the autumn/winter months (October to March inclusive) when bats are least likely to be present. This should also minimise the potential for encountering nesting birds that are also afforded statutory protection.

The developer is advised that British bats and their breeding sites and resting places are protected by law through UK legislation under the Conservation of Habitats and Species Regulations 2010 which implements the EC Directive 92/43/EEC in the United Kingdom and the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000). This legislation makes it an absolute offence to damage or destroy a breeding site or resting place (sometimes referred to as a roost, whether the animal is present at the time or not), intentionally or recklessly obstruct access to a place used for shelter and protection, or deliberately capture, injure, kill, or disturb a bat/bats.

The developer is reminded of their legal requirement to consider wildlife on their development site. Further information on wildlife and development can be found in the Biodiversity and Development Supplementary Planning Guidance (SPG): A Green Infrastructure Approach.

Consideration should also be given to the provision of nest boxes within the development for bat and bird species. Suitable bird species include house sparrow, swift, sand and house martin, species which are declining in number due to a reduction in suitable nest sites. Further information can be found on page 55 sections 16.0 in the Biodiversity and Development: A Green Infrastructure Approach SPG. The incorporation of bat bricks, bat tiles and bat boxes into the development, would provide summer roosting opportunities for bats and would contribute to the environmental sustainability of the development. Further information can be found on page 46 section 7.0 of the above SPG. Incorporation of biodiversity enhancements will help contribute to the environmental sustainability of the development. This will demonstrate local authority compliance with S40 of the Natural Environment and Rural Communities (NERC) Act 2006, to have regard to conserving biodiversity.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

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RECOMMENDATION : GRANT WITH CONDITIONS

REFERENCE: P/14/823/RES

APPLICANT: H D LIMITED
C/O SAVILLS 12 WINDSOR PLACE CARDIFF

LOCATION: ISLAND FARM INSTITUTE OF SPORT ISLAND FARM BRIDGEND

PROPOSAL: RESERVED MATTERS: SITE WIDE SOFT LANDSCAPING & ECOLOGICAL MITIGATION

RECEIVED: 15th December 2014

SITE INSPECTED: 13th February 2015

APPLICATION/SITE DESCRIPTION

Reserved matters consent is sought for site wide landscaping and ecological mitigation works pursuant to the outline planning permission granted, following the signing of the related section 106 agreement, for a mixed use development comprising sport/leisure/commercial/office uses at Island Farm, Bridgend, (P/08/1114/OUT refers).

The Supporting Planning Statement introduces the proposal as follows:

'Proposals were submitted as part of the outline application for the protection, enhancement and enlargement of the existing Site of Importance for Nature Conservation (SINC), reinforced boundaries, native planting, the introduction of additional ponds, species rich dry and wet grassland and long-term management to enhance the overall biodiversity of the site. A number of ecological surveys were undertaken, notably to inform the outline application and Environmental Statement. A Landscape and Visual Impact Assessment (LVIA) was also submitted with the application.

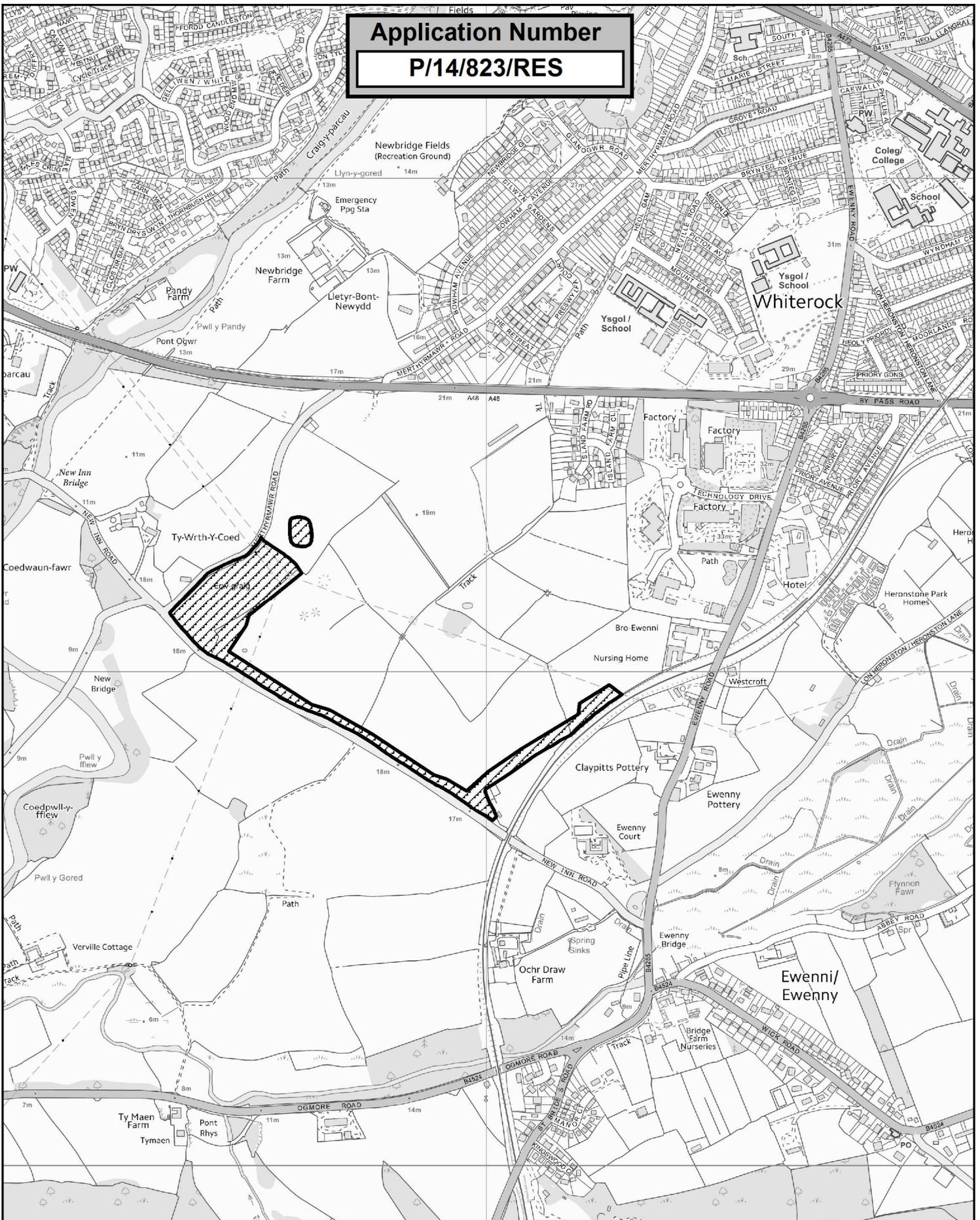
The ecology, landscape and visual impacts were considered major constraints during the master-planning of the site and the approved indicative masterplan was considered the best environmental fit for the intended land uses. The Environmental Impact Assessment parameter plans adopted a number of primary mitigation measures to reduce the impact of the development on the landscape, visual amenity and the site's ecology. Fundamentally, the design of the scheme sought to locate all building development outside of the sensitive SINC habitat to the north and west of the site and so that the link road is located so as to avoid sensitive tree and scrub habitat to the north. The impact of the loss of SINC habitat resulting from the new road, as agreed as part of the outline planning permission, will be mitigated by the extension to the SINC to incorporate the south-west field and to introduce habitat enhancements and management over the SINC as a whole. It is this land that is subject of the planning application.

Strategic Landscape Buffer

The proposed mitigation planting on the southern boundary provides a visual edge to the site and will afford a degree of screening to the built development beyond. Due to the proposed density of the tree belt, the screening will be effective in winter months and will increase in the summer months when in full leaf. Indeed, the enhancement of the countryside edge to the south with a minimum average depth of planting of 15m (and never less than 5m) will provide an appropriate defensible boundary strengthen the edge feature and screening ability in sensitive views from the south. The new planting will comprise native species of local provenance and the south west part of the buffer will include phase 1 and 2 translocated hedgerow. This strategic buffer is also an important part of the ecological mitigation, facilitating safe dispersal and movement by

Application Number

P/14/823/RES



North arrow pointing North (N), South (S), East (E), and West (W).

Page 82

Scale 1:10,000

Date Issued:
22/04/2015

Development-Mapping
Tel: 01656 643176

Mark Shephard
Corporate Director-Communities

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

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

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Cyngor Bwrdeistref Siro

BRIDGEND
County Borough Council

dormice and bats.

South-west Field SINC Extension

The proposals include enhancement works to the south-west field. During the determination of the outline application, the applicant committed to extending the SINC to incorporate this field and to introduce habitat enhancements and favourable management over the SINC as a whole. The south west field and boundaries are to accommodate translocated hedgerows and new planting.

Just Ecology has prepared an ecological design (see Habitat Design for the South-West Field, November 2014) for the south-west field and the field containing the new pond in the west, which seeks to provide high- quality wildlife habitats that are appropriate to the setting and to ensure that the target key species have maximum potential. In parallel with the design of this area, a management plan has been prepared (and is submitted alongside this application) for the whole of the SINC area and boundary hedgerows.

Bat Roost

The proposals also include the provision of a purposely designed bat roost building within the southwest field. The structure will have an 'L-Shaped form with maximum dimensions of 10m x 5m with a pitched roof reaching a height of 4m. Natural stonework will be used on the external walls with natural slate, covering the roof construction. The building has been positioned so that it lies on the known key flight line for lesser horseshoe bats from the Hut 9 roost, and close to the prime feeding habitats on the River Ogmore and the Merthyr Mawr estate. This new roost will be constructed in the very first stages of the development so that it becomes available should there be any temporary disturbance to the Hut 9 roost.

The new roost will have suitable access points for both lesser horseshoe and brown long-eared bats and will provide a variety of roosting conditions and different temperature regimes and to suit seasonal and diurnal changes in temperature. The building contains a warm roof void, as well as a constant and cool cellar. The building will need to be locked and made secure. The plans include 3.0m high security fencing to surround the building along with extensive planting proposals, consisting of a new native hedge around the compound, a large belt of native tree planting to the north west and a translocated edge, formed on the south eastern boundary.

Introduction of additional ponds

In total, it is planned to create six new permanent ponds across the site. This application relates directly to the two ponds to be created in the south-west field and the large pond to be created to the north of it (within the existing SINC area).

The design of these ponds and their management specification is set out in 'Habitat Design and Management: Great Crested Newt' (November 2014) which has been submitted at the same time of this application to discharge condition 27 of the outline planning consent. The proposals include a pond of approximately 150 sq m. The ponds are designed to be suitable for breeding populations of Great Crested Newts and other wildlife species.

RELEVANT HISTORY

P/08/1114/OUT

APPROVED 14-03-2012
+conditions

NEW DEVELOPMENT (MIXED USE - SPORT/LEISURE/COMMERCIAL/ OFFICES)

P/14/354/RES

APPROVED 22-08-2014

+conditions

INDOOR TENNIS CENTRE WITH 12 EXTERNAL COURTS, VIEWING AREAS,
LANDSCAPING, CAR PARKING & ASSOCIATED WORKS

P/14/824/RES

RESERVED MATTERS: HIGHWAY INFRASTRUCTURE, GREEN BRIDGE & DRAINAGE
INFRASTRUCTURE

P/97/531/OUT

DEEMED 22-08-1997

REFUSED

ASSEMBLY/SPORTS FACILITIES, HOTEL, BUSINESS RESIDENTIAL AT ISLAND FARM.
LEISURE FACILITIES AT BREWERY FIELD

PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 15th January 2015.

NEGOTIATIONS

None.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 19th December 2014

Merthyr Community Council has objected to the development. The following is a summary of their objections:

1. My Council considers this is a significant departure from the site plan approved as part of application Island Farm, P/08/1114/OUT.
2. Changes to proposed Highway Infrastructure - plans show the proposed link road from the current technology site to the site passing immediately adjacent to Island Farm Close houses and very near to Island Farm Road dwellings. This does not conform with plans submitted for P/08/1114/OUT permission or to the assurances given at the Planning committee.
3. Underpass for A48 - at the planning meeting for P/08/1114/OUT it was said that an underpass would be included to ensure the safety of pedestrians to the new sports site in conjunction with the upgrading of the A48. This does not appear on the highways plans.
4. Asbestos - Council asks for a condition that a whole site assessment for asbestos be carried out.
5. Lighting - it is noted that higher levels of lighting are now being suggested for the site than originally submitted.
6. Protection of species - no feasibility study has been submitted to ensure a successful translocation of the species of dormice. Simply building a green bridge and expecting they will use it to access the wildlife area is unrealistic. In other areas of the country assisted migration has been implemented. Discussion took place prior to the approval of P/08/1114/OUT regarding

fencing of the wildlife area, to ensure the survival of protected species and wildlife.

7. Site planting - submitted site planting plans do not mention or appear to take into account the hedges on and around the site. We suggest a management plan for the retention and maintenance of those sections which can be retained is included as a condition.

8. Archaeological Importance - matter has not been addressed;

9. No mention is made of acquiring the land necessary from BCBC for this permission. Please advise what negotiations are taking place; my Council does not understand the comment made in the applicant's letter of - 'the flexible outline permission does not require strict compliance'

10. Application Form - my Council notes that the application form lists the elements of the application for approval - this list does not include the resubmitted site plan.

11. Electricity Pylons and Line - the site includes high voltage pylons and lines - an assessment should be carried out.

12. Sink Holes - my Council is concerned that there will not be adequate conditions laid down to ensure a full assessment of site sink-holes to ensure the safety of any future visitors to the site.

13. Site Works - a condition of planning permission P/08/1114/OUT requires that no site works start until there is a management plan for route A48.

14. Car Parking site - is it correct that the original planning permission P/08/1114/OUT requires construction of the car park before site occupation? If so will this condition be imposed?

15. Welsh Government Licence - is it correct that a condition exists for a licence from Welsh Government before use?

16. Fencing - Is it correct that there is a condition for fencing before occupation?

Notified on 19th December 2014

On 16th January 2015, Bridgend Town Council requested an extension of time of consultation period and request a copy of Ecological Assessment and Bat Report

Group Manager Public Protection

No objection to the landscaping scheme itself. However paragraphs 4.3 - 4.5 of the report entitled 'Detailed Planting Scheme' refers to the importation of top soil. I would advise that any imported topsoil must comply with the attached guidance to this email.

REPRESENTATIONS RECEIVED

Letters Of Objection Have Been Received From The Following:, .

Ruth and Luke Richards - 23 Island Farm Road;

The Island Farm/Close Residents Association;

Mr Hedley Rees - 12 Island Farm Close;

The following is a summary of the objections received:

1. Proximity of new road to local residents; A48 cannot cope with additional traffic;
2. Noise disturbance from construction;
3. Light pollution;
4. Loss of privacy;
5. Air Quality (a survey for pollution levels as the road is so close to homes);
6. Exiting the junction onto the A48;
7. A prediction of all the above when road is at maximum capacity when the development is complete would also be required as the Nitrogen Dioxide levels already exceed the safe levels on the junctions of the road at A48 & B4265;
8. Concerned about whether there is a potential market for the facilities and whether a commitment has been given to meet the operating costs of the facilities such as the new tennis centre;
9. Are the development funds for the Island Farm development in place?
10. Does the company have experience in delivering large scale complex developments such as proposed?
11. Supporting documents make no reference to the negative impacts of the development on existing businesses;
12. The Council should only be seeking to dispose of the land required by the developer at full market value.

COMMENTS ON REPRESENTATIONS RECEIVED

Members will note that this current application seeks only the agreement of details for soft landscaping and ecological mitigation on part of the Island Farm development site. The vast majority of the objections received from Merthyr-mawr Community Council, the Residents Association and local residents either relate to matters outside the scope of this application, such as the highway infrastructure, or relate to matters that were considered as part of the original outline planning application which is not for consideration as part of this reserved matters application.

The Community Council has repeated an objection offered in respect of the reserved matters application for the tennis centre and it relates to the 'indicative masterplan' submitted with the reserved matters applications differing from the plan that was approved as part of the original application. It is acknowledged that there are changes in the respective plans but not to the extent that they alter the form and character of the development. Furthermore, it is noted that no planning conditions were imposed on the outline planning consent restricting the development to the arrangements set out on the 'indicative masterplan' which is appropriately titled. The reserved matters applications that have been submitted thus far are in compliance with the outline permissions, the conditions and the related S106 agreements. At this stage, there is no reason for the applicant to submit a fresh application to agree the principle of the development again to regularise the minor changes to the indicative masterplan.

The only comments that have been offered by the objectors that have any significance in relation

to this reserved matters submission are considered as follows:

1. Protected Species: Protection of species - Countryside Council for Wales (CCW), (now Natural Resources Wales) requested detailed mitigation strategies for bats and dormice as part of the outline planning application and also an outline of the management plan for the site and information on future management responsibility. The reports were duly submitted and considered in conjunction with the information within the submitted Environmental Statement. In the view of CCW the recommendations in the reports provided an adequate basis upon which to make an informed assessment of the likely impact of the proposals on the favourable conservation status of the species concerned. Planning conditions were however imposed on the outline planning consent referring specifically to the bat and dormouse mitigation strategies and information has been submitted to discharge the relevant planning conditions in recent months.

Although the Council is awaiting responses from Natural Resources Wales in respect of the discharge of planning conditions and this reserved matters submission, the applicant's agent has confirmed that the schemes have not changed substantially, as the development itself has not changed.

Both applications reflect the details and principles discussed in detail and agreed with CCW at the outline stage and the mitigation originally proposed and presented as part of this submission remains appropriate and proportionate. It is expected that observations will be received from Natural Resources Wales, prior to the committee meeting, confirming the same. If not, it may be necessary to defer consideration of the application.

2. Site Planting Proposals: the submitted site planting plans do not include proposals for the whole site but rather site specific landscaping and ecological enhancements

3. Welsh Government Licence: Any Protected Species Licence that may be required in connection with habitat management and enhancement will be processed by Natural Resources Wales and should be in place before any related development takes place.

Objections made in respect of the position of access roads, underpass (A48), asbestos, noise pollution, lighting, loss of privacy, traffic congestion, capacity of the infrastructure, acquisition of council land, car parking, archaeology, electricity pylons, air quality, sink holes, market demand for facilities, impacts on local businesses and a funding programme for the works have either been dealt with under the original planning permission, are addressed by conditions on the consent that will need to be agreed by the developer, will be considered as part of other reserved matters applications or are outside the consideration of any planning application.

APPRAISAL

This reserved matters submission is referred to Committee in view of objections received to the development from the Community Council, the Residents Association and individual households

This application seeks the approval of reserved matters for soft landscaping and ecological mitigation works associated with the wider development of the Island Farm site for a mix of commercial, leisure, sport and office uses.

The submission is informed by the extensive survey work that was undertaken in connection with the outline planning application and as part of the Environmental Impact Assessment. In order to reduce the impact of the development on the site's landscape and ecology, a number of measures were proposed which are detailed in this application and include:

(i) the extension of the SINC to incorporate the south-west field to compensate for the area affected by the new access road (subject of application P/14/824/RES) and to introduce habitat enhancements and management over the whole SINC,

- (ii) mitigation planting on the southern boundary to screen any future built development and to provide habitat for the re-location of dormice and bats,
- (iii) a bat roost and associated planting and
- (iv) new ponds to provide habitat for Great Crested Newts.

On the first test it is considered that the proposed works accord with the outline planning permission and do not conflict with any clauses in the related S106 agreement.

The detailed proposals have also been examined against the following policies and guideline of the Council: Policies SP2, SP4, ENV5, ENV6 and SPG 19 Biodiversity and Development.

Policy SP2 represents the starting point for the assessment of all applications and it is considered that the proposals satisfy the relevant criteria in that the works will safeguard and enhance biodiversity and green infrastructure. Furthermore the development will retain, conserve, restore and enhance woodland, trees, hedgerows and ponds providing protection and enhancement of wildlife corridors and networks which is essential to secure the longer-term protection of biodiversity in the County Borough and off-sets the impacts of the wider development on the landscape (Policies ENV5, ENV6 and SPG19 refers). It is considered that the proposed works accord with the policies and guidelines of this Council.

Natural Resources Wales are however important consultees on matters relating to ecological management, mitigation and enhancement but to date no observations have been received from that agency in connection with the outstanding reserved matters applications. The applicant's agent maintains that the proposed works reflect the details and principles discussed in and previously agreed with Countryside Council for Wales (now Natural Resources Wales) at the outline stage and, therefore, there is a reasonable expectation that no objections will be received to the applications. Any observations that are received will be brought to the attention of the Committee on the Amendment Sheet.

CONCLUSION

The application is recommended for approval on the basis that the development complies with the Council policy, guidelines and the conditions attached to the outline planning consent P/08/1114/OUT. The development should not adversely affect the visual amenities of the area nor so significantly harm neighbours' amenities as to warrant a refusal of planning permission.

RECOMMENDATION

(R04) That permission be GRANTED subject to the following condition(s):-

- 1 The development shall be carried out in accordance with the following approved plans: Planting Proposals DLA-1561-(02) 11 (Rev A), 18, 19 and 20; Planting Specifications DLA-1561-Spec 02; Bat Roost Drawings: 14050 PL 105, 110, 131 and 141.

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

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

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

No development shall take place until there has been submitted to and agreed in writing by

- 3 the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.

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

- 4 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) shall be submitted to and agreed by the Local Planning Authority prior to the occupation of any part of the development. The landscape management plan shall be carried out as agreed.

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

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

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

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

The application is recommended for approval on the basis that the development complies with the Council policy, guidelines, and the conditions attached to the outline planning consent P/08/1114/OUT. The development should not adversely affect the visual amenities of the area nor so significantly harm neighbours' amenities as to warrant a refusal of planning permission.

The developer is reminded of the need to comply with conditions attached to the outline planning permission P/08/1114/OUT prior to any development commencing on site.

Paragraphs 4.3 - 4.5 of the report entitled 'Detailed Planting Scheme' refers to the importation of top soil. Any imported topsoil must comply with the Welsh Land Contamination Working Group - Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

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RECOMMENDATION : GRANT WITH CONDITIONS

REFERENCE: P/15/155/FUL
APPLICANT: MRS JOY PARISH
57 DANYGRAIG AVENUE PORTHCAWL
LOCATION: 53 DANYGRAIG AVENUE PORTHCAWL
PROPOSAL: RECONSTRUCT AND REROOF EXISTING FRONT BAY, INTERNAL
STRUCTURAL ALTERATION & DETACHED GARAGE EXTENSION
RECEIVED: 6th March 2015
SITE INSPECTED: 23rd March 2015

APPLICATION/SITE DESCRIPTION

The application seeks planning permission to replace the existing front bay projection and to extend the existing garage to the rear to form a double garage.

The property currently has a front bay projection which measures 7.6m x 1.2m and has a marginally sloping roof form which reaches a maximum height of 2.8m. The replacement front projection will be of the same dimensions in terms of width and depth and will be finished with a sloping roof, merging with the existing roof, reaching a maximum height of 3.9m.

The existing garage on site measures 9m x 3m and is finished with a flat roof reaching 2.4m in height. The application proposes to alter the garage so that it measures 5.9m x 5.35m and will be finished with pitched roof reaching a maximum height of 3m.

The application property is a detached dormer bungalow located on Dan y Graig Avenue, Porthcawl.

RELEVANT HISTORY

None

PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations expired on 29 April 2015.

NEGOTIATIONS

None

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 10th March 2015

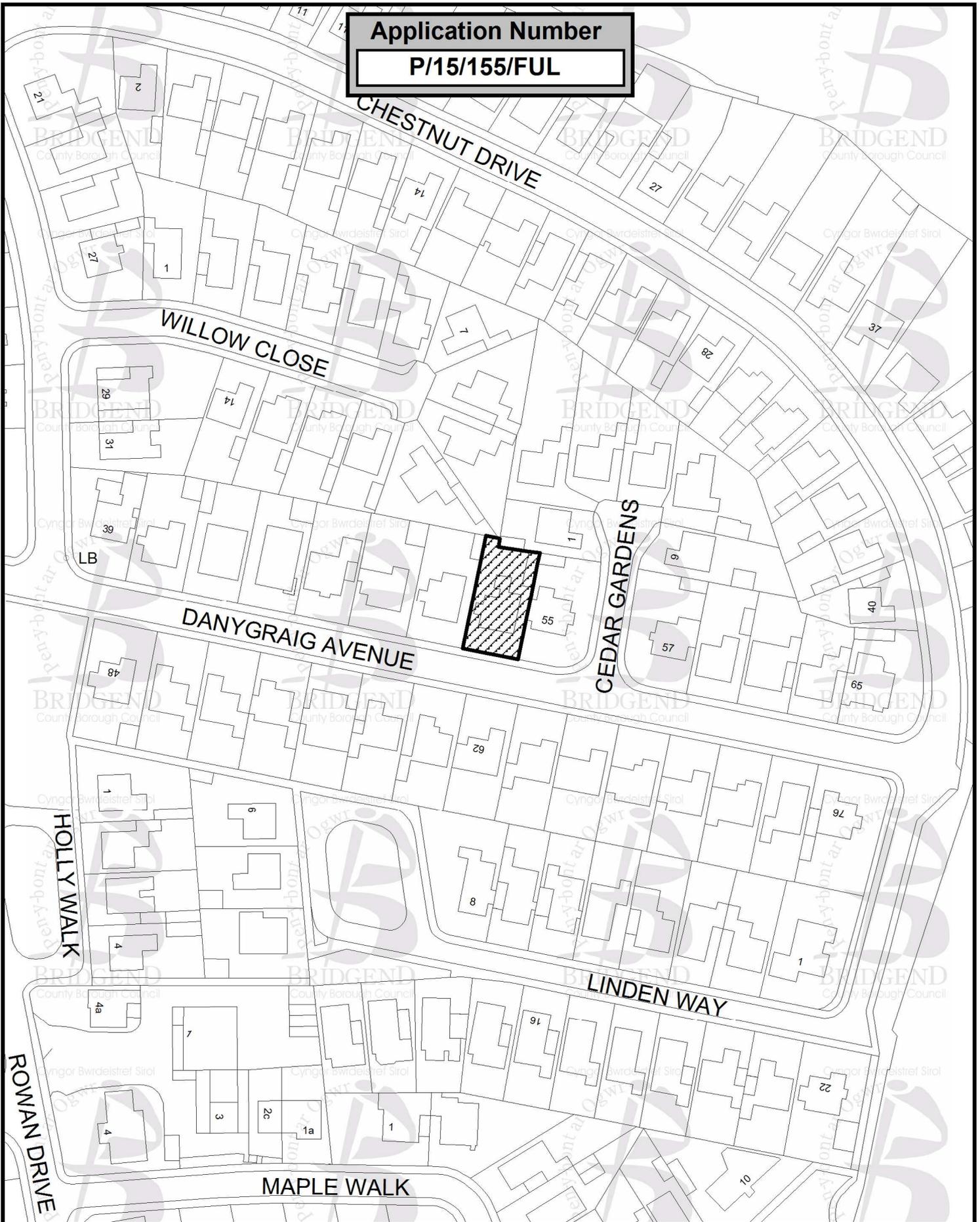
Has no objections to the proposal.

Cllr Ken Watts

Considers that the application can be determined under officer delegated power.

Application Number

P/15/155/FUL



Scale 1:1,250

Date Issued:
22/04/2015

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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Cyngor Bwrdeistref Sirol



Head Of Street Scene (Highways)

Has no objection to the proposal.

REPRESENTATIONS RECEIVED

Walter Burton, 55 Danygraig Avenue

Objects to the proposal and has requested to speak at the Development Control Committee meeting. The objections are summarised as follows:-

- Incorrect development description
- Original bay was built without planning permission
- Front extension protrudes beyond the building line
- Out of keeping in the street scene
- Adverse impact on visual amenities
- Loss of boundary wall between properties
- Potential damage to property due to demolition of the existing garage
- Loss of privacy
- No notification in respect of Part Wall Act 1996
- Requests that the right-hand wall of the garage remains standing.

Rosemary Thomas, 51 Danygraig Avenue

Objects to the proposal for the following reason:-

- Outside of the building line
- Loss of view
- Design is out of keeping
- Utility room has been built without planning

Mrs C Penston, 1 Cedar Gardens

Objects to the proposal for the following reasons:-

- The garage would tie in with the garage at 1 Cedar Gardens
- Garage at 1 Cedar Gardens would no longer be free standing
- The pitched roof will be obtrusive and out of keeping in the area

COMMENTS ON REPRESENTATIONS RECEIVED

The visual impact of the proposed development is addressed in the Appraisal section of this report.

The development description is considered to accurately reflect the development being proposed.

The existing front extension appears to have been erected without the benefit of planning permission, however the structure has been in place in excess of 4 years and is, therefore, immune from any enforcement action. Furthermore, the application seeks planning permission to replace this element.

Note 18 of Supplementary Planning Guidance 02 states 'Front extensions that come forward of a building line, including porches should be designed to the highest standards in recognition of their prominence in the street scene.' The front projection proposed will be of the same dimensions as that of the existing and, as such, will not project further forward of the existing

building line. The proposed development is similar in design to that of the existing front extension and a condition shall be attached to any permission granted requiring the materials used in the external surfaces of the development to match those used in the existing dwelling house.

The demolition of part of the existing garage and boundary wall does not require planning permission and any damage caused during the construction of the development would be a private matter between the parties involved. The submitted plans show that the rear wall of the existing garage will be retained and will form part of the proposed garage and a new parapet wall will form the side elevation of the proposed garage, which will adjoin the boundary of 55 Dan y Graig Avenue.

In order to ensure that privacy standards are not infringed a condition shall be attached to any permission granted which will require details of boundary treatment to be submitted to and agreed in writing by the Local Planning Authority.

The agent has served Notice on 1 Cedar Gardens and submitted the appropriate Certificate B, as the rear elevation of the proposed extended garage will 'tie in' with the side elevation of the existing garage at 1 Cedar Gardens. The agent has fulfilled the requirements of the planning legislation in regard to the extended garage, however, permission to 'tie in' with property outside of the applicant's control is a private matter between the parties involved. The agent has also served Notice on the owner of 55 Dan y Graig Avenue as the garage will 'tie in' with the boundary wall at No. 55.

The loss of view is not a material planning consideration.

Compliance with the Party Wall Act is a private matter between the parties involved, however, standard Note D of any decision notice draws the attention of the applicant of the provisions of the Act.

With regard to the comments in respect of the utility room being built without planning permission it would appear that the side extension would be classed as permitted development as the extension does not exceed 3m in height.

APPRAISAL

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

The application proposes to replace the existing single storey front projection with a sloping roof front projection and to alter the existing garage to form a double garage.

The proposed development will replace an existing front projection with a development of the same width and depth. Although the existing front projection has a sloping roof it has the appearance of being finished with a flat roof as the gradient of the slope is so minimal. There are several other properties with front extensions in the immediate vicinity of the site and, as such, the proposed development is not considered to be out of keeping in the street scene. The other front projections in the street scene are finished with a variety of roof types including flat roofs, sloping roofs extending from the main roof and hipped roofs. A similarly designed roof form to that being proposed can be found at 65 Dan y Graig Avenue.

The roof of the proposed front extension will join with the existing roof and, provided the roof tiles match the existing roof tiles, the proposed development is not considered to have an adverse impact on the visual amenities of the area.

The proposed garage will be located at the very rear of the site and, as such, will not be a prominent feature in the street scene and will not be harmful to the visual amenities of the area.

The proposed garage will be to the rear of the property and will be screened, in part, from the neighbouring properties by the existing boundary treatment. The garage will be on a lower level than the property to the rear, 1 Cedar Gardens, and, as such, does not raise any overriding concerns in regard to residential amenity.

The proposed extended garage will be built on a section of the existing rear garden area. The amount of rear garden area remaining will measure approximately 120 square metres, which is considered to be a sufficient amount of amenity space to serve a modest dormer bungalow.

The proposal will result in the loss of boundary treatment between the application site and 55 Dan y Graig Avenue and mutual overlooking of the respective garden areas will be possible. In order to ensure that privacy standards are maintained a condition shall be attached to any permission granted requiring a scheme showing the replacement boundary treatment proposed to be agreed.

The development also includes alterations to the internal layout and the replacement of the existing kitchen door and window with a window, which will serve a kitchen/diner. The proposed window will not directly face any habitable room windows at 55 Dan y Graig Avenue and, as such, will not have an impact on privacy standards. Furthermore, the replacement window is considered to be permitted development.

Whilst determining this application Policy SP2 of the Bridgend Local Development Plan and Notes 6, 8, 10, 11,12 & 18 of Supplementary Planning Guidance 2 were considered.

CONCLUSION

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

RECOMMENDATION

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

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

Proposed Elevations Drw No. 4 of 4
Proposed ground floor Plan Drw No. 3 of 4.

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

- 2** The materials to be used in the construction of the external surfaces of the approved front extension shall match those used in the existing building.

Reason : To secure the maximum degree of unity between existing and proposed development so as to enhance and protect the visual amenity of the area.

- 3** No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development

shall be carried out in accordance with the agreed plan and timetable.

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

* THE FOLLOWING IS AN ADVISORY NOTE AND NOT A CONDITION

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

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

RECOMMENDATION : REFUSE

REFERENCE: P/15/55/FUL

APPLICANT: MRS KAREN AJAX-LEWIS
NEW STREET SURGERY 3 NEW STREET ABERKENFIG

LOCATION: NEW STREET SURGERY 1-3 NEW STREET ABERKENFIG
BRIDGEND

PROPOSAL: CHANGE OF USE OF No.1 NEW STREET TO FORM LARGER
SURGERY & TWO STOREY EXT WITH REAR PARKING SPACE

RECEIVED: 27th January 2015

SITE INSPECTED: 10th February 2015

APPLICATION/SITE DESCRIPTION

The proposal seeks to expand the neighbouring surgery premises by amalgamating it with an adjacent premises to enhance the quality of the existing facility and the range of services it provides. The amalgamation would involve the change of use of a residential property to a surgery and the construction of side and rear extensions.

The proposed two-storey extension would partially replace an existing single-storey extension and would measure 8m x 5m and finished with a pitched roof, reaching maximum heights of 4.8m (eaves) and 7.2m (ridge). Attached to the two-storey extension would be a single-storey extension measuring 3.5m x 8m and finished with a mono-pitched roof, reaching maximum heights of 2.5m (eaves) and 4.3m (ridge).

The eastern side elevation of the site contains the original part of the surgery. It is proposed to construct a single-storey infill extension to create a lobby which would be immediately in-front of the existing entrance to the surgery. The existing entrance already contains a covered lobby, however, this would be replaced by a permanent structure of similar dimensions, being 2.5m x 2m and finished with a mono-pitched roof, reaching maximum heights of 2.7m (eaves) and 3.8m (ridge).

The scheme also proposes to enlarge the existing single-storey rear extension. This extension would provide toilet facilities for patients. Its overall dimensions would be 7m x 3.5m and finished with a pitched roof, reaching maximum heights of 2.4m (eaves) and 4.2m (ridge).

The final aspect of the scheme is to demolish the existing detached garage to the rear of 1 New Street and provide one off-street parking space.

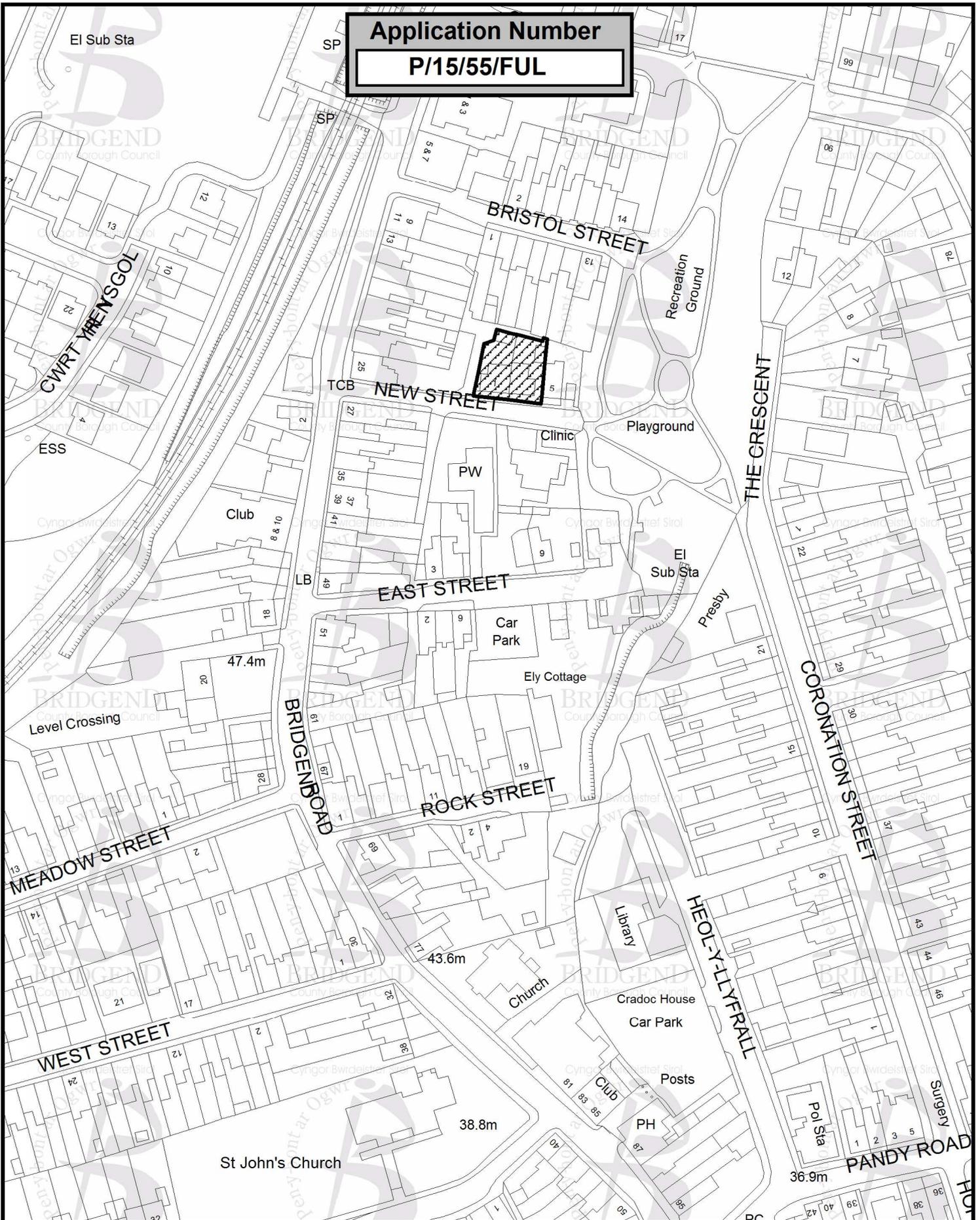
Initial pre-application advice was sought concerning this proposal in 2013 (PE/00534/2013). This involved a site meeting with the Case Officer and the Transportation Development Control Officer. Whilst informal advice was given in the context of the Bridgend Unitary Development Plan (BUDP) and not the adopted Bridgend Local Development Plan (BLDP), it is considered that the bulk of the content remains relevant to this submission.

A planning application was subsequently submitted in early 2014 and determined under Officer delegated powers (P/14/199/FUL refers). This scheme was refused on three highway grounds:

1. The proposed additional use of the substandard access known as New Street (in both primary vehicular and pedestrian access terms) will create increased traffic hazards to the detriment of highway safety and the free flow of traffic.

Application Number

P/15/55/FUL



Scale 1:1,500

Date Issued:
22/04/2015

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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Cyngor Bwrdeistref Siro



BRIDGEND
County Borough Council

2. In the absence of adequate off street parking facilities the development will generate additional on street parking along the substandard access known as New Street and the surrounding constrained roads/streets to the detriment of highway safety and the free flow of traffic.

3. The proposed development will generate additional vehicular turning movements at the substandard Bridgend Road/New Street junction, creating further traffic hazards to the detriment of highway safety and the free flow of traffic.

This latest application is identical to that submitted under P/14/199/FUL apart from additional information being submitted in an attempt to overcome the previous highway-related objections.

RELEVANT HISTORY

P/14/199/FUL REFUSED 17-07-2014
CHANGE OF USE OF No.1 NEW STREET TO FORM LARGER SURGERY & TWO STOREY
EXT WITH REAR PARKING SPACE

PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 26 February 2015.

NEGOTIATIONS

None.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 30th January 2015

No adverse comments to make on the proposal, but wish to be supportive.

Councillor M Winter

Requests that the application is referred to Committee due to concern over increased traffic at this location. Requests a Site Panel visit since the applicant maintains that there will be no increase in traffic which has been stated within the submission.

Head Of Street Scene (Highways)

Objects to the proposal as it is considered to be detrimental to highway safety.

REPRESENTATIONS RECEIVED

R & F Bale, 5 New Street

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

1. Highway/Pedestrian safety, traffic and parking

Karl Stephens, 5 Bristol Street

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

1. Overshadowing.
2. Increased footfall/patients to the premises
3. Highway/pedestrian safety, traffic and parking issues (refers to the Road Traffic Act 1988, Highways Act 1980 and the Town and Country Planning Act 1990).
4. The scheme would be contrary to the Human Rights Act 1998 specifically Part 1 Articles: 2 Right to Life, 8 Right to respect for private and family life and Part 2 Article 1 Protection of property.

Irene Delday, 19 Bridgend Road

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

1. Highway/Pedestrian safety, traffic and parking

COMMENTS ON REPRESENTATIONS RECEIVED

1. Lack of parking, increase in traffic, disruption and detrimental to highway/pedestrian safety.

Refer to the 'Comments on Representations Received' and 'Appraisal' Sections of the report.

This planning application is determined in accordance with the provisions of the Town and Country Planning Act 1990, whilst other highway-related matters are governed under separate legislation.

The lane to the side of the proposed surgery expansion is unadopted and appears to be private. Unauthorised use of this lane is a private matter between the interested parties.

2. Overshadowing to 5 Bristol Street.

Neighbouring properties from Bridgend Road and Bristol Street would generally be over 21m away from the application property and the proposed two-storey extension.

The rear of the site backs onto the rear gardens of properties along Bristol Street. Several of these properties have garages/outbuildings located at the bottom of the garden and near to the application site. It would also appear that they benefit from long rear gardens and many have extended their properties with two-storey extensions. Given the built-up nature of this part of Aberkenfig, it is not considered that the proposed two-storey extension of this scale, design, appearance and in this particular location, would have any significant adverse effect on these properties, with particular regards to dominance and loss of light, outlook and privacy.

3. Impact on Human Rights

The general purpose of the Human Rights Act 1998 is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a democratic society. It sets out the basic rights of every person together with the limitations placed on these rights in order to protect the rights of others and of the wider community. The Local Planning Authority is satisfied that it has considered the Act during the assessment of this application. The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process for the Local Planning Authority to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed.

APPRAISAL

This application is referred to Committee at the request of the local Member.

The proposal seeks to expand the neighbouring surgery premises by amalgamating it with an adjacent premises to enhance the quality of the existing facility and the range of services it provides. The amalgamation would involve the change of use of a residential property to a surgery and the construction of side and rear extensions.

This proposal, in principle, is deemed to be in accordance with Policies SP13 and COM8 of the adopted Bridgend Local Development Plan (BLDP) which concerns with retention, enhancement and benefits to health and well-being facilities.

Notwithstanding the acceptability of the proposal in principle, the proposal must satisfy all other planning policies, guidelines and material planning considerations.

This submission is virtually identical to that previously submitted under application P/14/199/FUL, in which it was concluded that subject to condition, the development would not have any adverse effect on the visual amenities of the area or on the residential amenities of neighbouring properties. Since the determination of that application, there has been no significant change in the circumstances of the site or in terms of planning policy. It is, therefore, concluded that these matters have been previously assessed under the previous application and do not require revisiting.

The main consideration of this scheme relates to the impact of the development on parking and other highway-related matters. This is due to the refusal of application P/14/199/FUL purely on three highway-related grounds recommended by the Group Manager Transportation and Engineering (Highways) and echoed by several local residents who objected to the previous and latest application on highway primarily safety and parking issues.

The Group Manager Transportation and Engineering (Highways) has had the opportunity to carefully consider this scheme, which includes additional information submitted to address the previous reasons for refusal. This information includes:

1. Traffic Survey
2. A revised Design and Access Statement
3. A supporting statement attempting to balance the highway-related issues with the benefits that the proposed development would bring to the community
4. A petition signed by approximately 1118 signatories requesting the Council to review their previous refusal of application P/14/199/FUL.

This latest submission provides a case in support of the proposal, which outlines the need for the expansion of the surgery and the community benefits that this would bring to the locality. It also explains that the surgery has considered re-locating, however, they have been unable to locate a suitable site or premises.

The Group Manager Transportation and Engineering (Highways) has assessed the scheme with the additional information supplied and there is objection to the submitted proposals for the following reasons:

1. The proposed additional use of the substandard access known as New Street (in both primary vehicular and pedestrian access terms) will create increased traffic hazards to the detriment of highway safety and the free flow of traffic.
2. In the absence of adequate off street parking facilities the development will generate additional on street parking along the substandard access known as New Street and the surrounding constrained roads/streets to the detriment of highway safety and the free flow of traffic.

3. The proposed development will generate additional vehicular turning movements at the substandard Bridgend Road/New Street junction, creating further traffic hazards to the detriment of highway safety and the free flow of traffic.

Having reviewed all relevant planning policies, guidelines and material considerations, it is concluded that the highway safety objections raised by the Group Manager Transportation and Engineering (Highways) and local residents outweigh the case made by the applicant in support of the development. The scheme is, therefore, recommended for refusal.

CONCLUSION

This application is recommended for refusal because the development does not comply with Council policy and guidelines, and is deemed to be detrimental to highway safety.

RECOMMENDATION

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

- 1 The proposed additional use of the substandard access known as New Street (in both primary vehicular and pedestrian access terms) will create increased traffic hazards to the detriment of highway safety and the free flow of traffic.
- 2 In the absence of adequate off street parking facilities the development will generate additional on street parking along the substandard access known as New Street and the surrounding constrained roads/streets to the detriment of highway safety and the free flow of traffic.
- 3 The proposed development will generate additional vehicular turning movements at the substandard Bridgend Road/New Street junction, creating further traffic hazards to the detriment of highway safety and the free flow of traffic.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

RECOMMENDATION : REFUSE

REFERENCE: P/15/125/FUL
APPLICANT: MR I WILLIAMS
41 MERTHYR MAWR ROAD BRIDGEND
LOCATION: 41 MERTHYR MAWR ROAD BRIDGEND
PROPOSAL: RETENTION OF FENCE TO FRONT AND SIDE OF PROPERTY
RECEIVED: 25th February 2015

APPLICATION/SITE DESCRIPTION

The application seeks retrospective consent to retain a timber fence to the front and side of this semi-detached dwelling. The timber fencing panels have been erected on posts that are situated within the garden area of the dwelling and immediately adjacent to the existing stone boundary wall. The garden is approximately 0.6m higher than the adjacent footpath and highway. When measured from inside the garden the fence panels reach a maximum height of 1.9m.

The dwelling is located on a corner plot immediately next to the junction into St Marie Street, which is a one way road with access off Merthyr Mawr Road.

The area is built up of mainly large detached and semi-detached dwellings with varying sized front gardens. During the site visit it was noted that the majority of front gardens are bounded by low level front walls with metal railings.

RELEVANT HISTORY

P/14/833/FUL APPROVED 06-03-2015
+conditions
DEMOLISH EXISTING REAR EXTENSION & GARAGE AND CONSTRUCT A SINGLE
STOREY REAR EXTENSION

PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 31 March 2015.

NEGOTIATIONS

None.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 3rd March 2015

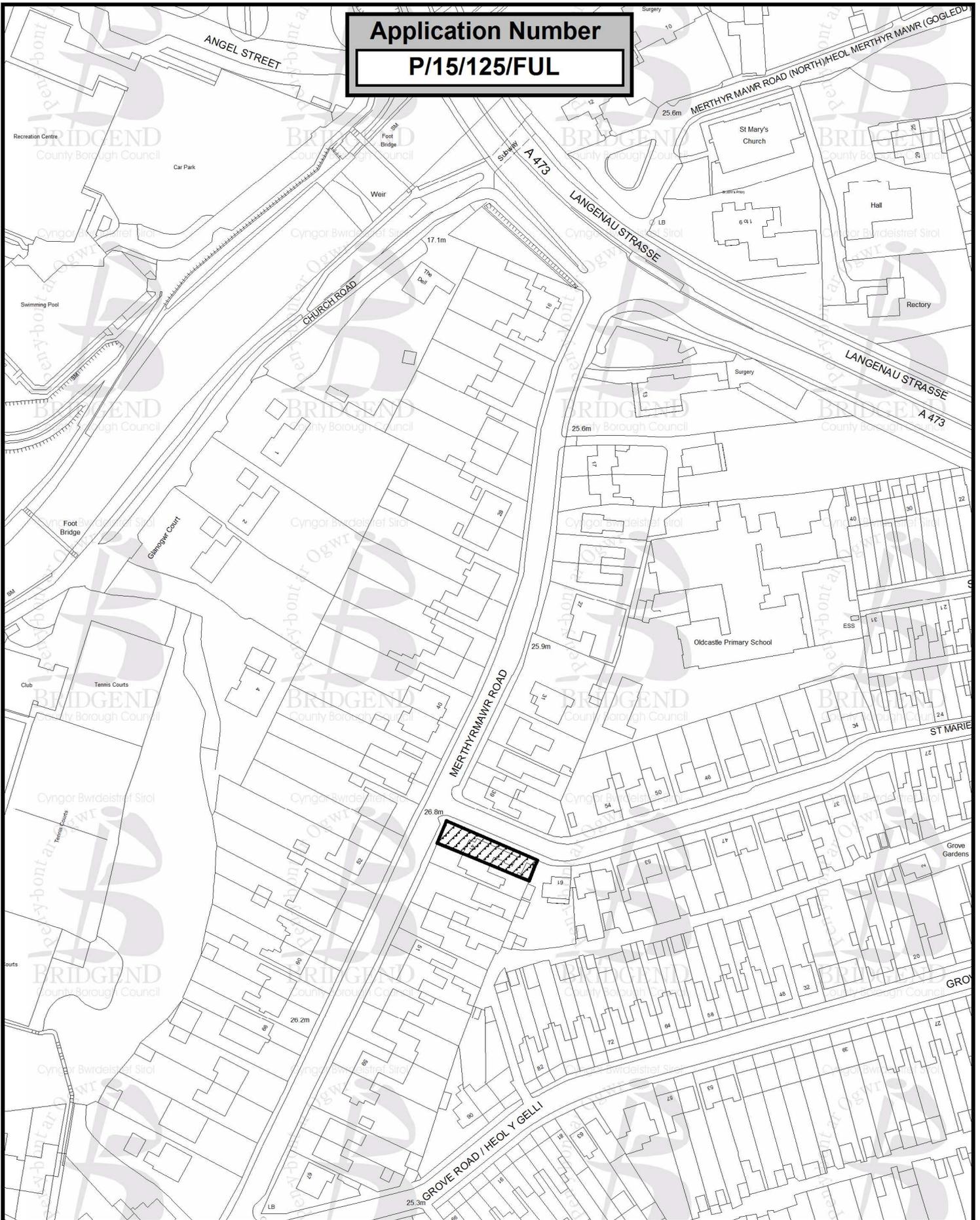
Objects to the proposal stating "fencing incongruous to surrounding street scene".

Councillor Mrs E M Hughes

Requests that the application be placed before the Development Control Committee. The fence

Application Number

P/15/125/FUL



Scale 1:1,750

Date Issued:
22/04/2015

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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is of good quality and in line with neighbours hedge; not too high and I have had no complaints from anyone. Much better than Leylandii trees that were there.

Head Of Street Scene (Highways)

No objection.

REPRESENTATIONS RECEIVED

J M Thomas, 61 St Marie Street

I fully support this proposal. I am of the opinion that the fence already erected at 41 Merthyr Mawr Road is perfectly acceptable and adds to the appearance of the house in particular and the area in general.

COMMENTS ON REPRESENTATIONS RECEIVED

None.

APPRAISAL

The application is referred to the Development Control Committee for determination at the request of one of the Local Member's, Councillor E Hughes.

The applicant's submission states the fence is required for security and privacy as the front garden is the 'only social amenity as the rear of the house only has a slabbed hardstanding which was once used for car parking'.

The predominant feature of boundaries fronting this part of Merthyr Mawr Road is that they are low and the openness that results from such boundary treatment contributes significantly and positively to the character and appearance of the locality. There are other examples of boundary treatments above one metre, although some are being enforced against while others are immune from enforcement. Such examples do not necessarily justify permitting similar treatment and many illustrate the harmful impact of high enclosures in an otherwise open fronted residential area.

The fence fronting Merthyr Mawr Road creates a visual barrier between primary elevations and the public realm, in a location where the visual cohesiveness that flows from the style of houses and their relationship with the street contributes to the sense of place. It is considered that this harms the overall appearance and character of the street scene.

It is acknowledged that this fence replaces a previous leylandii hedge that was approximately 4m in height, but this was a softer form of boundary treatment than the current fence and does not in itself justify permitting the fence, which causes the harm that has been identified.

This development is similar in nature to other fences in Priory Avenue that have been brought to Development Control Committee, where similar issues were involved. Where these have been appealed to the Planning Inspectorate, the decision of this Authority has been upheld.

Whilst this development is not acceptable in its current form, more sympathetic consideration would be given to a scheme which sets the fence back 2m from the front boundary on both sides and completely removes the fence fronting Merthyr Mawr Road. A scheme of painting the remaining panels dark green or dark brown to lessen the visual impact would also be required.

Whilst determining this application Policy SP2 of the Bridgend Local Development Plan and Note 7 of Supplementary Planning Guidance 2 were considered.

CONCLUSION

This application is recommended for refusal because the development does not comply with Council policy or Council's guidelines and is detrimental to the visual amenities of the area, contrary to Policy SP2 of the Bridgend Local Development Plan and Note 7 of Supplementary Planning Guidance 2.

RECOMMENDATION

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

- 1 The front facing parts of the fence are, by virtue of their height and siting, visually obtrusive and generally out of character with the existing properties and the open nature of the area and, as such, the fence is contrary to criterion 2 of Policy SP2 of the LDP and Note 7 of Supplementary Planning Guidance: Householder Development. The proposal would set an undesirable precedent for similar development in the area.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

RECOMMENDATION : GRANT WITH CONDITIONS

REFERENCE: P/15/159/FUL
APPLICANT: MR S THOMAS, THOMAS, PARSONS & DAVIES
CAE CADDY THE DERWEN BRIDGEND
LOCATION: LAND OFF HEOL EGLWYS PENYFAI
PROPOSAL: TWO DETACHED DWELLINGS & DOUBLE GARAGE WITH NEW
VEHICULAR & PEDESTRIAN ACCESS
RECEIVED: 10th March 2015
SITE INSPECTED: 30th March 2015

APPLICATION/SITE DESCRIPTION

The application seeks planning permission for the erection of two 4 bedroom dwellings on this parcel of land off Heol Eglwys, Pen y Fai.

The proposed dwellings will be identical in design, each will measure 8.4m x 8.5m and will be finished with a hipped roof and reaching 7.6m in height. The dwellings will accommodate a kitchen, dining room, living room, utility room, cloak room and study on ground floor level and will accommodate 4 bedrooms and a bathroom at first floor level. Both dwellings will be served by a single garage and garden area. The principal elevation of the proposed dwellings will front Heol Eglwys, the main highway through Pen y Fai.

The application site is currently a parcel of land on the western side of Heol Eglwys, which the applicant advises was formally gardens associated with 1-4 New Cottages. Access to the site will be gained via the road to the north of the site, which is also used for access to and from the recently constructed primary school.

RELEVANT HISTORY

P/14/254/FUL REFUSED 26-06-2014
2No. 2 STOREY 4 BED DWELLINGS WITH SINGLE STOREY GARAGES ASSOCIATED
GARDENS

PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations and publicity expired on 9 April 2015.

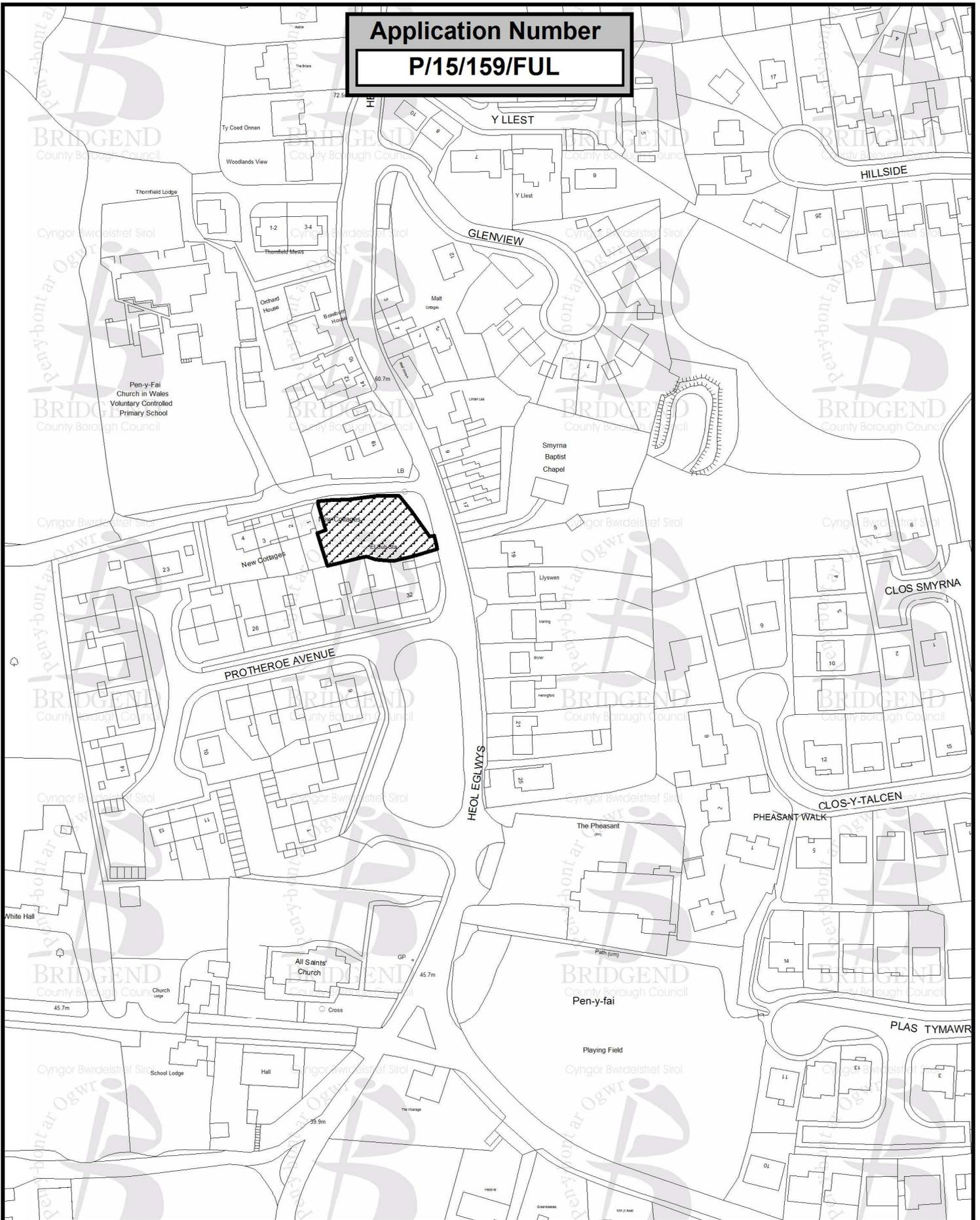
NEGOTIATIONS

None

CONSULTATION RESPONSES

Application Number

P/15/159/FUL



Page 108

Scale 1:1,750

Date Issued:
22/04/2015

Development-Mapping
Tel: 01656 643176

Mark Shephard
Corporate Director-Communities

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

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

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Pen-y-bont ar Ogwr

BRIDGEND
County Borough Council

Town/Community Council Observations

Notified on 12th March 2015

Destination & Countryside Management

Advised on Ecology and requested that a note be attached to any permission granted regarding nesting birds.

Head Of Street Scene (Drainage)

Advised on drainage and requested that a condition be attached to any consent granted.

Natural Resources Wales

Has no objection to the proposal.

Welsh Water Developer Services

Advised on sewerage.

REPRESENTATIONS RECEIVED

Mr & Mrs J Molnar, 32 Protheroe Avenue

Objects to the proposal for the following reasons:-

- Overbearing impact
- Loss of privacy
- Impact on residential amenity
- Concerns regarding levels of the site
- The design of the dwellings does not reflect the site context
- Drainage

Mrs Meryl Catherine Wilkins, 1 Penyrheol

Objects to the proposal for the following reasons:-

- Highway safety
- Pedestrian safety

Mrs Barbara Powell, 31 Protheroe Avenue

Supports the proposal.

Mark Barber & Emma Douglas, 1 New Cottages

Objects to the proposal or the following reasons:-

- Loss of allotments and the requests that the site is used for community allotments
- Protected species on site
- Adverse impact on birds using the site
- Drainage concerns
- Adverse impact on character of area
- Loss of privacy
- Highway safety
- Disturbance during construction

COMMENTS ON REPRESENTATIONS RECEIVED

In regard to the comments relating to site levels, submitted plan No. '240' shows a sectional view of the proposed dwellings and the levels of the neighbouring property, additionally the site has

been inspected by the case officer. On this basis it is considered that the impact of the development on the neighbouring properties in respect of the differing land levels can be properly assessed.

The potential disturbance caused during construction phases are a short term disturbance and it is not considered reasonable to refuse planning permission for this reason.

Whilst the proposed dwellings will be on a higher level than the properties on Protheroe Avenue they are not considered to overshadow or overbear to an unacceptable degree as they will be located directly north of the gardens and will be some 10.5m from the boundaries of the properties on Protheroe Avenue.

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

The Land Drainage section has assessed the scheme and considers it acceptable subject to conditions.

The application site is in private ownership and the Local Planning Authority has no evidence that the site was historically used as allotments. The Design and Access statement submitted states that the site was formally gardens associated with 1-4 New Cottages. As the site is in private ownership the Local Authority has no control in respect of the request for the land to be used as a community allotment.

The development has been assessed by the Council's Ecologist and Natural Resources Wales who both have no objection to the development in terms of biodiversity. The Ecologist has requested that a note be attached to any permission granted regarding nesting birds.

The introduction of residential use at this plot is not considered to create an unacceptable level of disturbance to neighbouring properties as to warrant refusal of the scheme.

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

APPRAISAL

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

The application seeks planning permission to erect two detached dwellings on this parcel of land within Pen y Fai.

The application is a re-submission of a previously refused application for two dwellings on the site, which was refused for the following reason:-

The dwellings, by virtue of their design, siting and external finishes are generally out of character with existing properties in the area and represent an incongruous element in the street scene to the detriment of local visual amenities, contrary to criterion 2 of Policy SP2 and Policy SP5 of the Local Development Plan and Supplementary Planning Guidance 02:Householder Development.

The current application differs from the previously refused application in that the application proposes two dwellings which front Heol Eglyws rather than the road leading to Pen y Fai Primary School and the design of the dwellings has been altered to incorporate some architectural features to reflect the local vernacular.

The application site is located within the settlement boundary of Pen y Fai as identified by Policy

PLA1 of the Local Development Plan (LDP) and, as such, Policy COM3 of the LDP is relevant.

Policy COM3 states:-

'Residential developments within settlement boundaries defined by 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 proposed dwellings are considered to be compliant with Policy COM3 of the LDP. All new development in the County Borough is also assessed against Policy SP2 of the LDP, which states:-

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

The application site is surrounded by a terrace of two storey, locally listed, cottages which are of significant architectural merit located to the west, a Church and a terrace of traditional cottages to the east, a terrace of three properties to the south, traditional semi-detached properties to the north and, as the road rises, there are a number of cottages and detached dwellings on both sides of the road of varying scale and design. The recently constructed school is located to the north west of the site and is accessed off Heol Eglwys.

The properties to the west, 1-4 New Cottages, are of significant architectural merit, which the Local Authority has recognised by placing them on the list of locally significant buildings. Policy SP5 of the LDP states that development should conserve, preserve or enhance the built and historic environment and that development will only be permitted where it can be demonstrated that they will not have a significant impact upon Locally Significant Buildings.

Given that the site was formerly gardens associated with 1-4 New Cottages, the dwellings should be designed to reflect the architectural style of the cottages. The proposed dwellings have reflected the hipped roof design, small gable feature and window casements of 1-4 New Cottages. The proposed dwellings will be a modern feature in the street scene and have been designed to reflect this, whilst, incorporating some features of the local vernacular without becoming a pastiche of the properties to the rear. Consequently, the proposed dwellings are not considered to have a significant impact on 1-4 New Cottages.

The application site represents an area in Pen y Fai where the local vernacular changes, from the more modern estate to the south to the more traditional building styles to the west and the north of the site.

The properties will front Heol Eglwys and will form part of the street scene of Heol Eglwys, which is comprised of a wide variety of house types and styles. The proposed dwelling have been finished with hipped roof forms which reflect the style of roof found on many of the dwellings on Heol Eglwys and are, therefore, considered to be in keeping with the street scene and character of the area.

In order to ensure that the materials used in the external surfaces of the proposed dwellings respect and enhance the character of the area a condition shall be attached to any permission granted requiring details of the materials to be used in the external surfaces to be submitted to and agreed in writing by the Local Planning Authority.

The retention of the stone boundary walls, which run along the site frontage and side of the site, is welcomed as this will retain a feature of the character of the original site.

In regard to the impact on residential amenities, the plot to the southern side of the site will be located directly to the north of 32 Protheroe Avenue. The distance between the rear elevation of No. 32 and the side elevation of the proposed dwelling will be 10.5m. Whilst, the proposed dwelling will be located on a higher level, as the dwelling will be due north of No. 32 and the distance between the properties is 10.5m, which is in accordance with Note 1 of Supplementary Planning Guidance 02:Householder Development, the impact of the development in terms of overshadowing and dominance is not considered to be so harmful as to warrant refusal of the scheme.

Furthermore, there is an existing electricity substation between the application site and 32 Protheroe Avenue.

In regard to privacy the proposed dwelling to the south of the plot proposes a side entrance door serving a utility room. The submitted plans indicate that a 1.79m high timber post and feather edge fence will be erected along the boundary of the site which will screen any views from the side door to 32 Protheroe Avenue and, as such, the proposed development is not considered to infringe the privacy standards of No. 32.

In respect of the proposed dwelling to the northern side of the site, this dwelling will be some 17m from the conservatory at 1 New Cottages and 20m from the first floor elevation, as the proposed dwelling does not propose any habitable room windows which will directly face any habitable room windows at 1 New Cottages, the proposed development is not considered to infringe privacy standards.

The proposed garage will be single storey and, as such, will not adversely affect the residential amenities of the neighbouring properties.

The layout plan submitted indicates that both dwellings will be served by an appropriate level of amenity space, however, the plans do not indicate whether this amenity space will be adequately screened and private. In order to ensure that private amenity space is provided a condition shall be attached to any permission granted requiring a scheme showing the proposed boundary treatment to be submitted to and agreed in writing by the Local Planning Authority.

Having regard to the above, the proposed dwelling are considered to comply with Council policy and guidelines and are not considered to give rise to any overriding residential, visual or highway safety concerns.

Whilst determining this application Policies COM3 & SP2 of the Bridgend Local Development Plan and Notes 1,2,6,10,11 & 12 of Supplementary Planning Guidance 2 were considered.

CONCLUSION

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

RECOMMENDATION

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

- 1 The development shall be carried out in accordance with the following approved plans and documents: plan numbers 202 and 204 received on 10 March 2015.

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

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

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

- 3** No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme. The agreed landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority prior to any development commencing on site.

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

- 4** No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.

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

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

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

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

Reason: To ensure that effective drainage facilities are provided for the proposed development.

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

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

- 8** No vehicles associated with the construction works shall enter or leave the site during the

periods of half hour either side of Pen y Fai Primary School commencing and ending of class times.

Reason: In the interests of highway safety.

- 9** Notwithstanding the submitted plans, no development shall commence until a scheme showing the site frontage being set back to allow a minimum 4.8m wide carriageway and 1.2m wide footway has been submitted to and agreed in writing by the Local Planning Authority. The works shall be implemented in permanent materials prior to the development being brought into beneficial use.

Reason: In the interest of highway safety

- 10** There shall be no gates erected across the driveway entrance at any time.

Reason: In the interests of highway safety

- 11** No development shall commence in site until a scheme for the provision of a site compound has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the commencement of works on site and maintained for the duration of the construction works.

Reason: In the interests of highway safety.

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

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

b) If at any time nesting birds are observed, works, which may disturb them, must cease immediately and advice sought. Any active nests identified should be protected until the young have fledged. Where a Schedule 1 species is involved, mitigation for impacts, e.g. loss of nesting site, should be devised and implemented.

c) In order to satisfy conditions 6 and 7 the following supplementary information is required:-

- Provide infiltration tests to confirm acceptability of any proposed soakaway
- 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 receiving groundwater and/or surface water.
- 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.

d) Foul water and surface water discharges shall be drained separately from the site.

e) No surface after shall be allowed to connect, either directly or indirectly, to the public sewerage system.

f) Land Drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

g) The application site is crossed by a public sewer with the location being available on the Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to it apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

h) The developer should contact the Head Teacher of Penyfai Primary School in order to make the school aware of the additional construction traffic movements.

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

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

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

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

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APPEALS

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

CODE NO. A/15/3006376 (1752)
APP. NO. P/14/828/FUL
APPELLANT MR G LEWIS
SUBJECT OF APPEAL DORMERS TO FRONT: 148 NEW ROAD PORTHCAWL
PROCEDURE HOUSEHOLDER PILOT
DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reason:

1. The proposed dormer extension, which would be in full view of users of the adjoining highway, would represent a prominent and incongruous element in the street scene, to the detriment of local visual amenities, contrary to Policy SP2 of the Bridgend Local Development Plan and Note 14 of Supplementary Planning Guidance 2: Householder Development.

CODE NO. A/15/3009476 (1753)
APP. NO. P/14/754/FUL
APPELLANT MR A WILLIAMS
SUBJECT OF APPEAL PROPOSED ROOF EXTENSION TO PROVIDE 3RD STOREY:
48 BEACH ROAD PORTHCAWL
PROCEDURE HOUSEHOLDER PILOT
DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reason:

1. The proposed development, by introducing a further floor to this detached dwelling, would unbalance the symmetry with the dwellings within Beach Road which would represent an incongruous element in the street scene to the detriment of local visual amenities, contrary to Policy SP2 of the Bridgend Local Development Plan and Supplementary Planning Guidance 02: Householder Development.

CODE NO. A/15/3012436 (1754)
APP. NO. P/14/410/FUL
APPELLANT MR J CROCKER
SUBJECT OF APPEAL BUILD DETACHED FAMILY HOUSE OF SIMILAR SIZE TO EXISTING
'WINDRUSH' TON KENFIG
PROCEDURE HEARING
DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reasons:

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

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

CODE NO.	C/15/2227670 (1748)
APP. NO.	ENF/55/14/C
APPELLANT	MR R DAVIES
SUBJECT OF APPEAL	ENFORCEMENT NOTICE WHICH REQUIRED THE REINSTATEMENT OF THE FRONT DORMERS IN ACCORDANCE WITH DETAILED PLANS AS PER APPLICATION P/13/495/FUL : 16 SHELLEY DRIVE, CEFN GLAS
PROCEDURE	ENFORCEMENT
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE ALLOWED, THE ENFORCEMENT NOTICE IS QUASHED AND SUBJECT TO A CONDITION.

A copy of this appeal decision is attached as APPENDIX A

CODE NO.	A/14/2227669 (1749)
APP. NO.	P/14/229/FUL
APPELLANT	MR R DAVIES
SUBJECT OF APPEAL	RE-POSITION DORMERS TO FRONT ELEVATION AND CONSTRUCT SINGLE STOREY EXTENSION TO REAR : 16 SHELLEY DRIVE, CEFN GLAS
PROCEDURE	WRITTEN REPS
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE ALLOWED SUBJECT TO CONDITIONS.

A copy of this appeal decision is attached as APPENDIX A

RECOMMENDATION:

That the report of the Corporate Director Communities be noted.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

See relevant application reference number.



Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 19/02/15

Site visit made on 19/02/15

gan **Richard E. Jenkins BA (Hons) MSc MRTPI**

by **Richard E. Jenkins BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 10/04/2015

Date: 10/04/2015

Appeal A - Ref: APP/F6915/C/14/2227670

Site address: 16 Shelley Drive, Cefn Glas, Bridgend, CF31 4QA

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

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr R. Davies against an enforcement notice issued by Bridgend County Borough Council.
- The Council's reference is ENF/55/14/C.
- The notice was issued on 12 September 2014.
- The breach of planning control as alleged in the notice is the erection of two dormers to the front elevation of the property which are greater in size than that allowed under planning approval P/13/495/FUL.
- The requirements of the notice are to reinstate the front dormers in accordance with the attached detailed plans (drawing nos. 16Shelley/WD/04, 16Shelley/WD/05 and plan received on 9 July 2013) as per application P/13/495/FUL approved on 28 August 2013.
- The period for compliance with the requirements is 3 months after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990, as amended.

Appeal B - Ref: APP/F6915/A/14/2227669

Site address: 16 Shelley Drive, Bridgend, Mid Glamorgan, CF31 4QA

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr R. Davies against the decision of Bridgend County Borough Council.
- The application Ref P/14/229/FUL, dated 2 April 2014, was refused by notice dated 27 June 2014.
- The development proposed is to re-position dormers to front elevation and construct single storey extension to rear elevation.

Decision

Appeal A - Ref: APP/F6915/C/14/2227670

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act, as amended, for the erection of two dormers to the front elevation of the

property which are greater in size than that allowed under planning approval P/13/495/FUL on land at 16 Shelley Drive, Cefn Glas, Bridgend, CF31 4QA referred to in the notice, subject to the following condition:

- 1) Within three months of the date of this permission, the front and side elevations of the dormer windows on the front elevation of the appeal property shall be hung with roof tiles to match those on the main roof and shall thereafter be retained as such.

Appeal B - Ref: APP/F6915/A/14/2227669

2. The appeal is allowed and planning permission is granted to re-position dormers to the front elevation and construct single storey extension to rear elevation at 16 Shelley Drive, Cefn Glas, Bridgend, CF31 4QA in accordance with the terms of the application, Ref P/14/229/FUL, dated 2 April 2014, and the plans submitted with it, subject to the following conditions:
 - 1) Within three months of the date of this permission, the front and side elevations of the dormer windows on the front elevation of the appeal property shall be hung with roof tiles to match those on the main roof and shall thereafter be retained as such.
 - 2) The materials to be used in the construction of the external surfaces of the rear extension hereby permitted shall match those used on the existing building.

Procedural Matters

3. As set out above, there are two appeals at the site. Appeal A relates to the Enforcement Notice and deemed planning application for the erection of two dormers to the front elevation of the property, which have not been constructed in accordance with the planning permission granted under planning application Ref P/13/495/FUL. Appeal B seeks 'retrospective planning permission' under Section 73A(2)(a) to 're-position the dormers to the front elevation and construct a single storey extension to the rear elevation'. As the deemed planning application under Appeal A duplicates part of the appeal under Appeal B, I have dealt with both of the appeals together in a single document, albeit with two separate formal decisions.

Main Issues

4. These are: the effect of the development on the character and appearance of the appeal property and surrounding area; and, in the case of Appeal B, the effect on the living conditions of the occupiers of neighbouring properties, with particular reference to outlook and levels of natural light.

Reasons

Appeal A - Ref: APP/F6915/C/14/2227670

5. The appeal property comprises a semi detached dwelling, located within a residential area of Bridgend. Planning permission was granted at the property, under Ref:P/13/495/FUL, for a side extension, rear dormer extension and two dormer windows to the front elevation. The front dormer windows were not constructed in accordance with the approved plans and subsequent enforcement action followed. The Council consider that, by virtue of their size, siting and external finish, they are visually out of character with existing properties in the area and thereby represent an incongruous element in the street scene. The appellant contests the issuing of the

enforcement notice, stating that planning permission ought to be granted in respect of the breach of planning control.

6. The constructed dormers are considerably larger than those previously approved, representing substantial additions to what was originally a modest semi detached property. However, they are set in a considerable distance from the eaves of the dwelling, do not exceed the ridge height of the main roof and incorporate pitched roofs which help to limit their overall visual impact. The external finish of the dormers currently comprises white render which appears as a prominent choice of material against the backdrop of the brown roof tiles. However, I am satisfied that an appropriately worded planning condition could require the dormers to be finished in a more sensitive choice of material, such as roof tiles to match the main roof, in order to ensure visual subservience to the main dwelling.
7. I have had full regard to the advice contained within the Council's adopted Supplementary Planning Guidance (SPG) entitled No.02: *Householder Development*. Specifically, Note 14 provides key principles for dormer style developments, including that they should not exceed 50% of the roof area and should be set down from the ridge line of the main roof. In this respect, whilst I am not aware of the exact percentage of area accommodated by the dormers, I am satisfied that, within the context of the wider area, which incorporates a number of examples of dominant box like dormer extensions, the appeal structures would not appear incongruous or out of character. Indeed, by virtue of the pitched roof and set back from the eaves, coupled with a restriction on choice of material, I am satisfied that they would not be unduly prominent within the street scene.
8. I note the claims that the as built dormers unbalance the pair of semi-detached properties. However, the appeal property already incorporates a large, albeit unfinished, side extension which is not replicated at the adjoining property at No.14 Shelley Drive. Moreover, with regards the matter of symmetry, I do not consider the constructed dormers to represent a materially different situation to the fall back position provided by the planning approval under Ref: P/13/495/FUL. It was also clear at my site visit that the wider area incorporates numerous examples of asymmetrical pairs of semi-detached properties.
9. I note the concerns raised in relation to the effect of the dormers on the outlook and privacy of neighbouring occupiers. However, given the substantial separation distances, I am satisfied that they would not lead to any material loss of outlook or privacy, regardless of the gradient at Shelley Drive. Meanwhile, concerns relating to the Party Wall Act lie outside of my jurisdiction in determining this appeal.
10. I have considered the concerns relating to the ridge height of the main roof, including those that contend that it may have being raised to ensure that it is not exceeded by the corresponding feature on the dormers. However, such accusations have not been substantiated and a raised roof was not evident at my site visit. Nevertheless, this is not a matter that has been enforced against and is, therefore, not before me to consider in the determination of this appeal. Likewise, no substantive evidence has been submitted in relation to assertions of false ownership certificates and, in any event, such matters should be addressed outside of the scope of this appeal.
11. For these reasons, I conclude that, subject to an appropriately worded planning condition relating to the use of materials, the front dormers would not cause material harm to the character and appearance of the host property or indeed the surrounding area. As such, I find no conflict with Policy SP2 of the Bridgend County Borough

Council's adopted Local Development Plan (LDP) which, amongst other things, requires development to respect and enhance local character and distinctiveness and be of an appropriate scale, size and prominence. The development is also compliant with the general thrust of the advice contained within the Council's SPG relating to Householder Development. I have had full regard to national policy and, in this respect, nothing outweighs the considerations that have led to my conclusions set out above.

Appeal B - Ref: APP/F6915/A/14/2227669

12. As with Appeal A above, Appeal B seeks planning permission for the repositioning of the dormers, as built. For the same reasons as those set out above, I do not consider this element of the scheme to cause material harm to the character and appearance of the appeal property or the surrounding area.
13. Nevertheless, Appeal B also seeks 'retrospective planning permission', under Section 73A(2)(a), for a single storey extension to the rear of the appeal property. This extension is located between an existing rear gable projection and the shared common boundary with No.14. The rear extension measures some 3.9 metres by around 2.7 metres and incorporates a flat roof some 2.7 metres in height. The Council has not enforced against, or indeed objected to, this rear extension as it considers it to represent permitted development. In contrast, the occupiers of the neighbouring property at No.14 have submitted that the extension would adversely affect their living conditions, with particular reference to loss of natural light and associated overbearing impacts.
14. The lawfulness of the flat roof extension is not a matter that I can determine within the context of an appeal made under section 78 of the above Act. Such a determination could, however, be applied for under section 191 of the same Act. Nevertheless, the structure clearly forms part of the development applied for under planning application Ref: P/14/229/FUL and I have therefore given full consideration to its impact in determining this appeal.
15. Notes 1 and 2 of the Council's SPG relating to Householder Development state that extensions should not unreasonably dominate the outlook or overshadow an adjoining property. Within this context, I was able to fully appreciate at my site visit that No.14 benefits from a rear habitable room and patio area that are linked via traditional patio doors. I am also fully aware that these features immediately abut the extension subject of this appeal. However, whilst I acknowledge that the development would be higher than any boundary treatment that could be erected under permitted development rights, its modest height and depth, coupled with its flat roof design, is such that there would not be any significant overbearing impacts, regardless of the difference in ground levels between the two properties.
16. For the same reasons, along with the fact that the appeal property is sited to the north of No.14, I conclude that any loss of natural light at the adjoining property would not be so significant so as to materially harm the living conditions of its occupiers. I acknowledge that the occupier of No.14 commissioned an independent 'right to light' survey at the planning application stage. I also note that this survey raised concerns regarding the '45 degree' planning test, referred to the legal 'right to light' enjoyed by No.14 and ultimately recommended that no planning decision is made in favour of the development until a daylight and sunlight study is submitted. However, it is important to note that the 'right to light' referred to is a civil matter, whilst such daylight and sunlight studies are not a statutory requirement of the planning process.

Furthermore, the '45 degree rule' represents guidance only and, as such, should not be treated as determinative.

17. Therefore, based on the foregoing, I conclude that neither the front dormers nor the single storey rear extension cause material harm to the character and appearance of the host property or the surrounding area. I also conclude that there would not be any harm to the living conditions of neighbouring occupiers in respect of outlook or levels of natural light. As such, the development is compliant with Policy SP2 of the Bridgend County Borough Council adopted LDP which, amongst other things, requires development to respect and enhance local character and distinctiveness, be of an appropriate scale, size and prominence and ensure that the viability and amenity of neighbouring uses and their occupiers are not adversely affected. Finally, for the reasons set out above, there would not be any conflict with the advice contained within the Council's adopted SPG or national planning policy.

Overall Conclusions

18. For these reasons, I conclude that both appeals should be allowed. Accordingly, the enforcement notice under Appeal A is quashed and planning permission is granted for the erection of the two dormers to the front elevation, subject to the condition set out in the formal decision above. Planning permission is also granted under Appeal B for the re-positioning of the dormers to the front elevation and the construction of the single storey extension to the rear elevation, again subject to the conditions set out in the formal decision.
19. I have had full regard to the planning conditions suggested by the Local Planning Authority. However, within the context of the advice contained within Welsh Government Circular 016/2014: *The Use of Planning Conditions for Development Management* (2014), I have only imposed conditions where they are absolutely necessary.
20. In this regard, as the development has already commenced, I do not consider it to be necessary to impose the statutory time commencement condition. Nevertheless, the suggested condition requiring the front face and side cheeks of the front dormer extensions to be hung with roof tiles is necessary to safeguard the character and appearance of the host property and the surrounding area. For the same reasons I have imposed a separate condition under Appeal B requiring the materials used on the external surfaces of the rear extension to match those on the existing building.

Richard E. Jenkins

INSPECTOR

TRAINING LOG

All training sessions are held in the Council Chamber unless otherwise stated.

<u>Facilitator</u>	<u>Subject</u>	<u>Date</u>	<u>Time</u>
Gareth Denning, Development Group BCBC <i>Level 3 Conference Room, Civic Offices</i>	"Briefing on CIL"	30 April 2015	12.45pm

Dates for other topics and speakers to be arranged including the following:

Subject

- Planning enforcement

Recommendation:

That the report of the Corporate Director - Communities be noted.

**MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None.

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REPORT OF STATISTICAL INFORMATION FOR 1 APRIL 2014 - 31 MARCH 2015

The speed of determining planning applications is a key national indicator of performance as set by the Welsh Government. The target is to determine 80% of all applications within 8 weeks. For the above period, the Welsh Government website shows that Bridgend have determined the following within the 8 week target-

Quarter 1 = 86%; Quarter 2 = 76%; Quarter 3 = 93%*; Quarter 4 = 90%* (projected)

** The Welsh Government now includes those planning applications where the applicant/agent has agreed to an extension of the 8 week period. These have been included from Quarter 3 onwards, which partly accounts for the significant percentage increase.*

During the year 769 planning applications were determined and officers negotiated enhancements to 138 of these (18%), which highlights the continuing work in adding value to the determination process.

The Development Group has undergone further re-structuring as of April 2015 with the loss of 4 posts.

The following statistical reports are attached as appendices for your information-

Appendix A - Section 106

Appendix B - Appeals

Appendix C - Enforcement

Appendix D - Building Control

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None.

APPENDIX A

SECTION 106 ANNUAL STATISTICS

1 APRIL 2014 – 31 MARCH 2015

(The figures in brackets relate to the previous year)

This report describes progress on Section 106 Agreements. The report covers completed agreements, total obligations, total financial value and contributions received.

Members are no doubt aware that the Local Planning Authority has resolved to grant planning permission on several applications subject to Section 106 Agreements being entered into. Once those Agreements have been signed the requirements will then be incorporated within this report.

1. Completed S106 Agreements = 11 (10)

DATE	APPLN REF	TYPE	APPLICANT	LOCATION	SUM
15/04/2014	P/13/721/FUL	POS	TAYLOR WIMPEY	Former Day Care Centre, Heol Tre Dwr, Bridgend	£26,320.00
15/04/2014	P/13/721/FUL	HIGHWAYS	TAYLOR WIMPEY	Former Day Care Centre, Heol Tre Dwr, Bridgend	£95,450.00
11/07/2014	P/11/781/FUL	HOUSING	MAYO PROPERTY DEVELOPMENT	The Rest Convalescent Home, Porthcawl	£370,000.00
11/07/2014	P/11/781/FUL	HIGHWAYS	MAYO PROPERTY DEVELOPMENT	The Rest Convalescent Home, Porthcawl	£63,136.32
11/07/2014	P/11/781/FUL	MISC	MAYO PROPERTY DEVELOPMENT	The Rest Convalescent Home, Porthcawl	NON FINANCIAL
26/09/2014	P/00/288/OUT (Deed Of Variation)	COMMUNITY FACILITIES	CONSORTIUM OF DEVELOPERS	Land at Parc Derwen, Bridgend	£475,000.00
26/09/2014	P/00/288/OUT (Deed Of Variation)	EDUCATION	CONSORTIUM OF DEVELOPERS	Land at Parc Derwen, Bridgend	SCHOOL CONSTRUCTION
26/09/2014	P/00/288/OUT (Deed Of Variation)	MISC.	CONSORTIUM OF DEVELOPERS	Land at Parc Derwen, Bridgend	USE OF LAND
07/10/2014	P/13/861/FUL	AFFORDABLE HOUSING	HAFOD HOUSING ASSOCIATION	Carey Baptist Church, Aberkenfig	AFFORDABLE UNITS
30/10/2014	P/13/322/FUL	HIGHWAYS	COASTAL OIL & GAS	Tyla Lane, Merthyr Mawr	ROUTE AGREEMENT

05/11/2014	P/13/930/FUL	HIGHWAYS	FORD MOTORS	Ford Plant, Waterton	£7,000.00
05/11/2014	P/13/246/OUT	EDUCATION	SOUTH WALES LAND DVLPMTS	Brackla Ind. Estate, Bridgend	£950,000.00 TBC
05/11/2014	P/13/246/OUT	HIGHWAYS	SOUTH WALES LAND DVLPMT	Brackla Ind. Estate, Bridgend	£317,000.00
05/11/2014	P/13/246/OUT	POS	SOUTH WALES LAND DVLPMT	Brackla Ind. Estate, Bridgend	£108,100.00
05/11/2014	P/13/246/OUT	MISC	SOUTH WALES LAND DVLPMT	Brackla Ind. Estate, Bridgend	NOISE MITIGATION
17/12/2014	P/13/904/FUL	HIGHWAYS	CENIN	Stormy Down	ROUTE AGREEMENT
22/12/2014	P/14/439/RLX	HIGHWAYS	DOVEY ESTATES	Heronston Lane, Waterton	£7,000.00
22/12/2014	P/14/439/RLX	HIGHWAYS	DOVEY ESTATES	Heronston Lane, Waterton	ROUTE AGREEMENT
24/12/2014	P/14/337/FUL	HIGHWAYS	SUNCREDIT	Land near Court Colman	ROUTE AGREEMENT
24/12/2014	P/14/337/FUL	MISC	SUNCREDIT	Land near Court Colman	£100,000.00
12/02/2015	P/13/835/FUL	HOUSING	NOS 4 LIMITED	Former Woodstock Inn, Kenfig Hill	1 AFFORDABLE UNIT
12/02/2015	P/13/835/FUL	POS	NOS 4 LIMITED	Former Woodstock Inn, Kenfig Hill	£2,800.00
DATE	APPLN REF	TYPE	APPLICANT	LOCATION	SUM

2. Total Obligations = 22 (20)

3. Total Financial Value = £2,521,806.32 (£402,321.00)

4. Contributions Received = 10 (8)

DATE	APPLN REF	TYPE	APPLICANT	LOCATION	SUM
14/04/2014	P/07/822/FUL	AFFORDABLE HOUSING	LLANMOOR HOMES	Joslin Road, Litchard	£96,600.00
28/05/2014	P/12/878/OUT	HIGHWAYS	WATERSTONE HOMES	New Road, Porthcawl	£7,000.00
30/05/2014	P/06/1080/FUL	MISC.	RWE / PENNANT WALTERS	Fforch Nest Windfarm	£263.68
09/06/2014	P/13/721/FUL	HIGHWAYS	TAYLOR WIMPEY	Former Day Care Centre,	£95,450.00

				Heol Tre Dwr, Bridgend	
13/08/2014	P/13/930/FUL	HIGHWAYS	FORD MOTOR CO	Ford Plant, Waterton, Bridgend	£7,000.00
24/12/2014	P/00/288/OUT	EDUCATION	WELSH GOVT	Coity School, Parc Derwen	£387,374.00
07/01/2015	P/13/721/FUL	POS	TAYLOR WIMPEY	Former Day Care Centre, Heol Tre Dwr, Bridgend	£26,320.00
19/01/2015	P/11/355/FUL	EDUCATION	LINC CYMRU	Land adj to Coity Bypass, Brackla	£75,000.00
02/02/2015	P/00/288/OUT	EDUCATION	PERSIMMON	Coity School, Parc Derwen	£415,054.00
02/03/2015	P/06/417/FUL	MISC.	PENNANT WALTERS	Pant y Wal Windfarm	£1,678.22
DATE	APPLN REF	TYPE	APPLICANT	LOCATION	SUM

5. Total Value of Contributions Received = £1,111,739.90 (£621,030)

APPENDIX B

APPEAL STATISTICS – 1 April 2014 – 31 March 2015

(Figures in brackets relate to previous year)

1. NUMBER OF APPEALS RECEIVED DURING YEAR	15	(20)
<u>PROCEDURES</u>		
Written Representations	12	(9)
Hearing		(1)
Public Inquiry		(2)
Householder Appeal (Pilot)	3	(8)
2. TYPES OF APPEAL RECEIVED		
Section 78(1) Appeal (Against Refusal of Planning Permission)	12	(10)
Section 78(1) Householder Appeal Pilot	2	(8)
Section 78(1) Appeal (Against condition/s of Approval)		
Section 78(2) Appeal (Against Non determination of application within statutory period)		(2)
Section 174 (Against issue of Enforcement Appeal)	1	(0)
Advertisement Appeal		(2)
3. APPEAL DECISIONS	15	(22)
Dismissed	9	(18)
Allowed	4	(4)
Part Allowed/Part Dismissed		
Enforcement Notice Quashed		
Enforcement Notice Upheld	1	(0)
Lapsed (Enforcement)		
Withdrawn	1	(0)
Invalid		
No Further Action		
4. OUTSTANDING APPEALS		
Pending	5	(5)
5.	100% of appeal statements were submitted within the period prescribed by the Welsh Government.	
6.	This year's performance on appeals has been maintained.	

APPENDIX C

ENFORCEMENT - Report for the Period 1 April 2014 – 31 March 2015 **(figures in brackets relate to previous year)**

The following information on enforcement cases investigated by the Department during this period is submitted for consideration.

The information is based on the Enforcement Section's compliance with the following performance indicators:-

1. Acknowledge receipt of written complaint in 5 working days.
2. Undertake site visit within 21 working days.
3. Advise complainant of outcome of investigation in 42 working days.
4. Resolve cases within 12 weeks.

There have been 376 (431) complaints received by the Department from the following sources:-

Members	10%	(12%)
Proactive	11%	(16%)
Other Departments	13%	(14%)
Telephone	2%	(3%)
Written	64%	(55%)

The complaints can be categorised as follows:-

Non Compliance	18%	(26%)
Unauthorised Uses	21%	(22%)
Unauthorised adverts	7%	(9%)
Unauthorised building/works	47%	(38%)
Untidy Land	7%	(5%)
High Hedges	-%	(-%)

During the period, the Department's performance in dealing with complaints is as follows:-

Telephone complaints pending written confirmation	-	(0)
Enforcement Notices/Breach of Condition Notices Issued	7	(4)
Resolved	312	(417)

Details of Enforcement Notices served and prosecutions for adverts etc.

ENF/417/09/C - Land opposite 1 Ffordd Rhaglan, Heol y Cyw

An Enforcement Notice was served on the owner of the property requiring the cessation of the use of the land as a builders' yard and the removal of associated structures. The Notice came into effect on 28 June 2012 and required compliance within 2 months of this date. No appeal has been lodged against the Notice. The Notice has not been complied with; however Certificate of Lawful Use applications were submitted which have subsequently been refused. The case is now pending referral to the Magistrates' Court.

ENF/188/12/C - 2 Ton Rhosyn, Brackla

A Section 215 Notice was served on the owner of the property requiring the removal of mounds of soil, builders' rubble, all plastic containers, timber and a fridge from the front garden and to stack the unused bricks in the garden away from the Highway. The Notice came into effect on 17 June 2014 and required compliance within 2 months of this date. The Notice was complied with by 2 September 2014.

ENF/306/13/C - Devon View South Cornelly

A Material Change of Use Notice was served on the owner and operator of the land requiring them to cease the use of the land for the importation and exportation of waste materials including but not limited to builders' rubble, green waste, metal, wood, household waste, soil etc. and to remove and keep removed the waste materials, skips, vehicles and equipment in association with this use. The Notice also required them to cease the use of the land as a skip hire business and to remove and keep removed the skips, vehicles and equipment in association with this use. The Notice was due to take effect on 2 July 2014. The Notice was complied with on 27 May 2014 and Appeal was lodged on 21 May 2014. The Appeal was subsequently dismissed and the Notice upheld on 3 December 2014.

ENF/55/14/C - 16 Shelley Drive, Cefn Glas

An Operational Development Notice was served on the owner of the property requiring the front dormers to be reinstated in accordance with drawing nos. 16Shelley/WD/04 and 16Shelley/WD/05 as per application P/13/495/FUL approved on 28 August 2013. An appeal against the Notice was lodged on 20 October 2014. The appeal was allowed and the Notice quashed.

ENF/342/12/C - Land at Cwm Ciwc Isaf Farm, Rhiwceiliog

An Operational Development Notice was served on the owner of the land to remove and keep removed the decking. The Notice came into effect on 5 February 2015 and required compliance within 3 months of this date. No appeal has been lodged against the Notice.

A Material Change of Use Notice was served on the owner of the property requiring the removal of the caravan and marquee, the gravel and hardstanding access track leading to the caravan and for the land to be reinstated, levelled and re-seeded with grass. The Notice came into effect on 5 February 2015 and required compliance within 3 months of this date. No appeal has been lodged against the Notice.

ENF/90/13/C - Unit 8 George Thomas Avenue, Brynmenyn Industrial Estate, Bridgend

A Breach of Condition Notice was served on the owners / occupiers of Unit 8 George Thomas Avenue on 29 April 2013 to cease the use of the land for the storage of incoming materials for recycling or finished products outside the building. The materials were to be permanently removed and the land restored to original condition. The owners continued to breach the Notice and as such, the matter was heard in the Magistrates' Court on 20 January 2014 where the owners were found guilty and given a conditional discharge with a fine of £415. The owners are continuing to breach the Notice and the matter has been referred back to the Magistrates' Court to be heard on 27 April 2015.

ENF/194/14/C - 2 School Terrace, Blaengarw

An Enforcement Breach of Condition Notice was served on the owner of the property requiring the removal of the door to the second floor attic bedroom and replace with a window to comply with drawing no. 1107/PA02 of approval P/10/432/FUL. The Notice came into effect on 9 March 2015 and required compliance within 2 months of this date. No appeal has been lodged against the Notice.

ENF/13/14/C - Land rear of 1 Glannant Road, Evanstown, Gilfach Goch

A Material Change of Use Notice was served on the owners / occupiers of the land requiring the discontinuation of the use for the parking of buses and coaches and to remove from the land all vehicles, equipment brought to the land for the purpose of that use. The Notice came into effect on 23 March 2015 and required compliance within 4 weeks of this date. The Notice was complied with by 1 April 2015.

ENF/37/14/C - Land adjacent to Corbett Street, Ogmere Vale, Bridgend

An Operational Development Notice was served on the owners of the land requiring the reduction of part of the boundary wall to 1m in height and the removal of the workshop building and also removal of any materials which result from the previous requirements. The Notice comes into effect on 28 April 2015 unless an appeal is made against it beforehand.

ENF/281/14/C - Land opposite The Croft, Barn Hill, Laleston, Bridgend

An Operational Development Notice was served on the owner of the land requiring the demolition of the building and the removal of the resultant materials from the land. The Notice comes into effect on 21 May 2015 unless an appeal is made against it beforehand.

A Material Change of Use Notice was served on the owner of the land requiring the residential use to cease and the removal of the caravan from the land. The Notice comes into effect on 21 May 2015 unless an appeal is made against it beforehand.

ENF/92/13/C - Land west of Dunraven House, Pyle, Bridgend

A Breach of Condition Enforcement Notice was served on the owner of the land requiring works to be carried out to widen the layby to 8.5m and improve the layby to prevent vehicles from manoeuvring across the verge between the layby and the A48. Engineering works to include surface water drainage of the widened layby were also required along with the provision of 10 off street parking spaces for the café demarcated and laid out in permanent materials. The Notice comes into effect on 21 May 2015 unless an appeal is made against it beforehand.

99% (99%) of the complaints requiring acknowledgement have been acknowledged within five days of their receipt.

All sites that required a site visit have been inspected and 99% (98%) of the site inspections were undertaken within the prescribed twenty one-day performance standard.

In 89% (94%) of cases, where the complainant should have been advised of the outcome of the Department's investigations, the Department responded within forty-two days.

Of the cases resolved in this period 76% (75%) were resolved within 12 weeks. The target for this is 80%.

Of the cases where applications were invited 33 (55) have been received.

There have been (33) retrospective applications received during this financial year of which 64% were approved (9% are currently yet to be determined).

The fee income generated for these retrospective applications was £7,175 (£14,219).

APPENDIX D

BUILDING CONTROL STATISTICS FOR THE YEAR 1 April 2014 - 31 March 2015

Building Regulations

Initial notices submitted	163	(140)
Competent Persons Schemes (Electrical, Gas Boilers, Cavity wall insulation)	6346	(6873)
Building Regulations applications received	337	(327)
Building Notices received	390	(292)
Number of sites started	823	(692)
Number of Completion	538	(434)

Reactive Work

1.1 Dangerous Structures

Number of dangerous structures dealt with **106** **(108)**

Demolitions

Number of demolitions received **10** **(16)**

Service Requests in Respect of Drains/Private Sewers **42** **(17)**

Customer satisfaction

1.2 All applicants are requested to complete a customer satisfaction questionnaire. This covers the administration of Building Control and site inspections.

Very Satisfied **81%** **(82%)**

Fairly satisfied **13%** **(14%)**

Neither Satisfied nor Dissatisfied. **5%** **(4%)**

Dissatisfied **1%** **(0%)**

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