

Public Document Pack

Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

Bridgend County Borough Council



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

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

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



Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate

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

Gofynnwch am / Ask for: Michael Pitman

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Friday, 5 October 2018

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, 11 October 2018 at 14:00**.

AGENDA

1. Apologies for Absence
To receive apologies for absence from Members.
2. Declarations of interest
To receive declarations of personal and prejudicial interest (if any) from Members/Officers in accordance with the provisions of the Members' Code of Conduct adopted by Council from 1 September 2008.
3. Site Visits
To confirm a date of Wednesday 21/11/18 for proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.
4. Approval of Minutes 3 - 14
To receive for approval the minutes of Development Control Committee of 30/08/2018
5. Public Speakers
To advise Members of the names of the public speakers listed to speak at today's meeting (if any).
6. Amendment Sheet
That the Chairperson accepts the Development Control Committee Amendment Sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be accommodated
7. Development Control Committee Guidance 15 - 18
8. P/18/592/FUL - Jesmond Villa 36 Ewenny Road 19 - 28

By receiving this Agenda Pack electronically you will save the Authority approx. £2.48 in printing costs

9.	<u>P/18/410/FUL - Land west of Bryn Bragl, Brackla</u>	29 - 48
10.	<u>P/18/618/FUL - Land Adj to Ty Gwyn, Heol Y Graig, Porthcawl</u>	49 - 66
11.	<u>P/18/583/OUT - Land at Broadlands Cottage, Broadlands</u>	67 - 80
12.	<u>Appeals</u>	81 - 92
13.	<u>Review of the pre-application advice service and proposed changes to the Pre-Application Advice Guidance Note and charging regime</u>	93 - 112
14.	<u>BCBC response to WG Consultation: Subordinate Legislation Consolidation and Review - Consolidation of the Town and Country Planning (Use Classes) Order 1987 and Town and Country Planning (General Permitted Development) Order 1995</u>	113 - 122
15.	<u>Training Log</u>	123 - 124
16.	<u>Urgent Matters</u> To consider any other item(s) of business in respect of which notice has been given in accordance with Rule 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

K Watson

Head of Legal and Regulatory Services

Councillors:

JPD Blundell
NA Burnett
RJ Collins
SK Dendy
DK Edwards
RM Granville

Councillors

MJ Kearn
DRW Lewis
JE Lewis
JC Radcliffe
JC Spanswick
RME Stirman

Councillors

G Thomas
MC Voisey
KJ Watts
CA Webster
A Williams
AJ Williams

Agenda Item 4

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 30 AUGUST 2018

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN COUNCIL CHAMBER - CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 30 AUGUST 2018 AT 14:00

Present

Councillor G Thomas – Chairperson

JPD Blundell	NA Burnett	DK Edwards	RM Granville
MJ Kearn	DRW Lewis	JE Lewis	JC Spanswick
RME Stirman	KJ Watts	CA Webster	A Williams

Apologies for Absence

RJ Collins, SK Dendy, T Thomas, MC Voisey and AJ Williams

Officers:

Rhodri Davies	Development & Building Control Manager
Gareth Denning	Principal S106 Officer
Craig Flower	Planning Support Team Leader
Mark Galvin	Senior Democratic Services Officer - Committees
Rod Jones	Senior Lawyer
Susan Jones	Development Planning Manager
Richard Matthams	Development Planning - Team Leader
Robert Morgan	Senior Development Control Officer
Kwaku Opoku-Addo	Policy, Development and Transport Team Leader
Jonathan Parsons	Group Manager Development
Michael Pitman	Business & Administrative Apprentice
Philip Thomas	Principal Planning Officer

150. APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members:-

Cllr Tim Thomas
Cllr Richard Collins
Cllr Amanda Williams
Cllr Matthew Voisey
Cllr Sorrel Dendy

151. DECLARATIONS OF INTEREST

The following declarations of interest were made:-

Cllr Alex Williams declared a personal interest in Agenda item 8. in that he was the Ward Member for this area. He stressed that he had not pre-determined the application, and therefore, his interest was not prejudicial. He also declared a personal interest in Agenda item 9. in that he was a Member of Pencoed Town Council but took no part in planning matters.

Cllr Gary Thomas declared a personal interest in Agenda item 11. in that he was a Member of St. Brides Minor Community Council but took no part in planning matters.

Cllr John Spanswick declared a personal interest in Agenda item 14. in that he was a Member of Brackla Community Council but took no part in planning matters.

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 30 AUGUST 2018

Cllr Richard Granville declared a prejudicial interest in Agenda item 15. in that he knew the applicant. He left the meeting whilst this item was being discussed.

Cllr Janice Lewis declared a personal interest in Agenda item 11. in that she was a Member of St. Brides Minor Community Council but took no part in planning matters.

Cllr David Lewis declared a personal interest in Agenda item 11. in that he was a Member of St. Brides Minor Community Council but took no part in planning matters.

Cllr Mike Kearn declared a prejudicial interest in Agenda item 10. in that he was Chairperson of Pyle Community Council who were objecting to the application. He also declared a prejudicial interest in Agenda item 15. for the same reason as that specified above.

152. SITE VISITS

RESOLVED: That a date of Wednesday 10 October 2018 be confirmed for any proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.

153. APPROVAL OF MINUTES

RESOLVED: That the Minutes of a meeting of the Development Control Committee dated 19 July 2018, be approved as a true and accurate record.

154. PUBLIC SPEAKERS

<u>Planning Application No.</u>	<u>Site</u>	<u>Speakers</u>
P/18/520/FUL	Rockwool, Wern Tarw	E Crowley, Objector D.Matthews Managing Director Rockwool
P/18/429/FUL	31, Prince Road, Kenfig Hill	Cllr J Gebbie, Objector G Collett, Objector A Ireland, Site agent

155. AMENDMENT SHEET

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

156. DEVELOPMENT CONTROL COMMITTEE GUIDANCE

RESOLVED: That the summary of Development Control Committee Guidance as detailed in the report, be noted.

157. P/18/520/FUL - ROCKWOOL LTD WERN TARW ROAD WERN TARW BRIDGEND CF35 6NY

RESOLVED: (1) That having regard to the above application, this be referred to Council as a proposal that is a departure from the Development Plan that the Development Control Committee are not disposed to refuse, based on the supporting information submitted with the application, the limited incursion into the countryside and the operational requirements of the business:-

Proposal

New hardstanding to the south of the plant for external storage of materials, new operational buildings and new vehicular access off Wern Tarw Road.

(2) That should Council approve the above proposal, then this consent be subject to the Conditions contained in the report of the Corporate Director – Communities.

158. P/18/174/FUL - FORMER PENCOED PRIMARY SCHOOL SITE PENPRYSG ROAD PENCOED

RESOLVED: (1) That having regard to the above application, the applicant enters into a S106 Agreement to:

(i) Provide a minimum of 20% of the units as affordable housing with the type of units, location within the site and affordable tenure to be agreed by the Council.

(ii) Provide a financial contribution of £34,000 towards the upgrading of existing outdoor recreation facilities in the vicinity of the application site.

(iii) Provide a financial contribution of £114,191 towards the provision of 1 Nursery and 6 Primary School places

(iv) Provide a financial contribution of £7,000 on the commencement of development towards the 20 mph Traffic Order on the proposed estate road.

Proposal

Demolition of Pencoed Primary School and construct 40 residential units and associated work

(2) That the Corporate Director – Communities be given delegated power to issue a decision notice granting consent in respect of this proposal, once the applicant has entered into the afore mentioned S106 Agreement, subject to the Conditions contained in his report.

Subject also to the deletion of Condition 3 of the report and the additional following advisory note (h):-

h. Warning: A European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at:-

<https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

159. P/18/429/FUL - 31 PRINCE ROAD KENFIG HILL CF33 6ED

RESOLVED: That the above application be granted, subject to the Conditions contained in the report of the Corporate Director – Communities, and

the additional Conditions restricting the permission to an initial temporary 12 month period:-

Proposal

Change of use from use class C3 to C4 (House in Multiple Occupation)

Subject to the inclusion of the following Conditions 3 and 4 being added to the consent:-

3. The C4 House in Multiple Occupation Use hereby permitted shall be discontinued within 12 months from the date of the first implementation of the use and the premises shall thereafter be returned to its former use as a C3 dwelling house in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to review the matter at the end of the temporary permission and to protect neighbouring residential amenities.

4. The developer shall notify the Local Planning Authority in writing of the exact date of the commencement of the use within 7 days of the first tenant taking occupation.

Reason: To enable the Local Planning Authority to review the matter at the end of the temporary permission and to protect neighbouring residential amenities.

160. P/16/251/OUT - LAND OFF FFORDD LEYSHON BRYNCETHIN CF32 9TB

RESOLVED: (1) That having regard to the above application, the applicant enters into a S106 Agreement to:-

(i) Provide 20% of the units as affordable housing units in accordance with the Affordable Housing Supplementary Planning Guidance (SPG). The Section 106 Agreement will provide for these units to be transferred to a Registered Social Landlord, with the type of units, location within the site, affordable tenure, transfer price and timescale for delivery to be agreed by the Council.

(ii) Provide a financial contribution in accordance with the Educational Facilities Supplementary Planning Guidance (SPG) formula towards the provision of additional primary school places in the school serving the development; this figure being dependent on the final development mix and numbers with contributions provided on a pro-rata basis.

(iii) Provide an outdoor recreation facility (Local Area of Play) in accordance with Policy COM11 of the Bridgend Local Development Plan and to submit and agree as part of the Obligation the arrangements for future management and maintenance of this outdoor recreation facility.

(iv) Provide a financial contribution, prior to the commencement of development, toward the provision of a central pedestrian refuge on Route A4061 (in the proximity of the junction with Daleside) with the figure being dependent on the final development mix and numbers with the contribution provided on a pro-rata basis.

(v) Provide a management scheme for the long term maintenance of the remainder of the 'Site of Importance for Nature Conservation' that is within the ownership of the applicant to compensate for the loss of part of the SINC to development.

Proposal

- (1) Up to 9 dwellings with public open space, landscaping, access & associated works (amended no. of dwellings).

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

Subject to the fourth point in Condition 2 of the report being deleted, as it refers to plots 10-12 which have been omitted from the application.

Condition 2 should also now read as follows:-

The consent hereby granted shall be limited to the construction of no more than 9 dwellings and details of the appearance, landscaping, layout, and scale, (hereinafter called "the Reserved Matters") shall accord with the following requirements:

- No development is permitted in the 1% and 0.1% fluvial flood outline of Nant Bryncethin and therefore within the area hatched in blue on the 'Illustrative Masterplan' BRYN-02 Revision C received on 24 November 2016;
- A distance of 21m between directly facing habitable room windows, in relation to existing properties;
- The dwellings on Plots 1 and 9 being sited a minimum distance of 12m from the side facing habitable room windows in 33 and 34 Ffordd Leyshon respectively;
- Car parking provision in accordance with SPG 17 – Parking Standards

Reason: In the interests of safeguarding the living conditions of existing and future residents and highway safety.

161. P/18/460/FUL - TYMAEN HOUSE STATION ROAD SERVICE ROAD LEADING TO TY MAEN, PONT RHYD Y CYFF MAESTEG CF34 0EH

RESOLVED: That the above application be granted, subject to the Conditions contained in the report of the Corporate Director – Communities:-

Proposal

Construct a manege for private use.

162. P/18/244/FUL - LAND REAR OF 33 SOUTH ROAD PORTHCAWL CF36 3DG

RESOLVED: That the above application be granted, subject to the Conditions contained in the report of the Corporate Director – Communities:-

Proposal

Proposed 1 bed dwelling with parking for existing and proposed dwellings with works to lane.

163. P/18/410/FUL - LAND WEST OF BRYN BRAGL BRACKLA CF31 2LP

RESOLVED: That the above application be deferred, in order to explore, through negotiation with the applicant, a possible contribution to existing equipped play areas in the surrounding area in lieu of on-site provision:-

Proposal

Residential development of 4 affordable housing units with car parking and associated works.

164. P/18/509/FUL - LAND ADJACENT TO 4 MORIAH PLACE KENFIG HILL CF33 6DW

RESOLVED: That the above application be granted, subject to the Conditions in the report of the Corporate Director – Communities:-

Proposal

Development of one building comprising 2 no. flats (re-submission of P/18/53/FUL).

165. FORMAL DESIGNATION OF PRESWYLFA COURT CONSERVATION AREA AS AN ARTICLE 4 DIRECTION AREA (INCLUDING SUMMARY OF CONSULTATION RESPONSES FROM RESIDENTS)

The Development and Building Control Manager submitted a report, the purpose of which, was to update Members on any representations received from owners and occupiers of the affected properties since the making of the Article 4(1) and Article 4(2) Directions in Preswylfa Court Conservation Area. As part of the Report Members received a copy of the decision by Welsh Government to confirm the Article 4(1) Direction. Members had to decide, based on the representations received, whether to confirm the Article 4(2) Direction. The Article 4 Directions remove certain permitted development rights from the properties included in the Directions and this effect was immediate, when the Directions were made at Development Control Committee on 15 March 2018. The Article 4 Directions must be confirmed within 6 months of being made (ie by 15 September 2018) or they will lapse.

Preswylfa Court Conservation Area was designated at a meeting of Development Control Committee on 15 March 2018, in order to avoid harm to the setting of the thirteen Listed Buildings and to enable the preservation and enhancement of the character and appearance of the area as a whole.

As set out above, Members agreed at the same Committee meeting to the making of the Article 4(1) and Article 4(2) Directions. The effect of these Directions is the withdrawal of permitted development rights. Committee was reminded of the scope of the Directions and the properties that are affected in Appendix 1 and 2 of the report, respectively.

As a direct response to the Article 4 letters of notification being issued, seven written responses were received from owners and occupiers of the properties. The contents of these responses were summarised in Appendix 4 of the report. No objections were received to the proposals and whilst further support for the designation of the Conservation Area was expressed, further clarification was requested. For example, further information was requested on a proposed design for a new extension, boundary treatments, chimneys, windows, rainwater goods, external doors, satellite dishes, tree pruning and retrospective works. Clarification was also requested whether the front and rear of the properties are covered by the Directions. This information has been provided via site meetings with the property owners and the draft guidance leaflet has been updated to reflect the comments submitted as part of the consultation. The final version of this leaflet is attached as Appendix 5 to the report. A copy of the completed Well-being of Future Generations (Wales) Act 2015 Assessment was attached at Appendix 5 to the report.

The Development and Building Control Manager concluded his submission, by referring to the report's financial implications.

RESOLVED: That Members:-

- (1) Noted Welsh Government's decision to confirm the Direction made under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995, to remove permitted development rights from those owners and occupiers of non-domestic properties contained within the proposed Preswylfa Court Conservation Area under the terms set out in Appendix 1 to the report.
- (2) Agreed that the Direction be confirmed under Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995 to remove permitted development rights from those owners and occupiers of dwelling houses contained within the proposed Preswylfa Court Conservation Area, under the terms set out in Appendix 2 of the report.
- (3) Adopted the guidance leaflet in Appendix 4 of the report for Development Control purposes.

166. BRIDGEND COUNTY BOROUGH COUNCIL - JOINT HOUSING LAND AVAILABILITY STUDY 2018

The Corporate Director – Communities submitted a report, the purpose of which, was to inform the Development Control Committee of the outcome of the Joint Housing Land Availability Study (JHLAS) 2018, attached at Appendix 1 to the report.

The Development Planning Manager advised Members, that the provision of maintaining a 5 year housing land supply was a key requirement of Welsh Government. Undertaking a Joint Housing Land Availability Study, which is agreed with house builders and other consultees, is the mechanism to demonstrate whether this policy requirement is being met.

The Joint Housing Land Availability Study is an extremely important piece of evidence to inform the future Replacement Local Development Plan, and also to monitor the effectiveness of the existing LDP, in terms of the delivery of housing.

The 2018 Study shows that when measured against the housing requirement set out in the LDP, the Council has a housing land supply of 3.4 years, which is below the 5 year land requirement. There was a total of 390 completions on all sites. This was the second consecutive year whereby land supply had been below the 5 year requirement.

She further added, that it should be noted that at the base date of last year's Study in April 2017, 19 out of the 25 local planning authorities in Wales were unable to demonstrate a 5 year housing land supply.

Paragraph 6.2 of the TAN 1 guidance, relating to the Joint Housing Land Availability Studies, states that when a study shows less than 5 years the need to increase supply should be given considerable weight when dealing with planning applications. Across Wales this guidance has resulted in an increase in speculative planning applications for residential development on un-allocated sites.

In response to this, Welsh Government had recently undertaken a consultation to dis-apply paragraph 6.2 of TAN4, to relieve pressure on Local Planning Authorities when dealing with such speculative applications, allowing them to focus on Replacement Local Development Plans.

The Development Planning Manager added, that this temporary dis-application of paragraph 6.2 is related to a wide ranging review by Welsh Government of the delivery of housing through the planning system, which will take place this summer.

The Study will be published on the Council's web site as well as a link being sent to Welsh Government.

As the Development Planning Manager was very shortly due to retire, the Chairperson and Committee Members in turn, thanked her for the excellent contribution she had given both within the Planning Department and in respect of the part she had played in supporting the Development Control Committee.

She thanked Members for their kind words.

RESOLVED: That the 2018 Joint Housing Land Availability Study be noted.

167. LOCAL DEVELOPMENT PLAN SUSTAINABILITY APPRAISAL (SA) SCOPING REPORT AND INITIAL HABITAT REGULATIONS APPRAISAL (HRA) SCREENING REPORT

The Development Planning Team Leader presented a report, the purpose of which, was to inform the Development Control Committee of the Sustainability Appraisal (SA) Scoping Report (attached at Appendix 1 to the report) and Habitats Regulation Appraisal (HRA) Screening Report (attached at Appendix 2). The reports were subject to 5 weeks stakeholder consultation period commencing 23rd July 2018 until 27th August 2018.

The Sustainability Appraisal Scoping Report for the Replacement Bridgend Local Development Plan outlines the proposed approach to the LDP's Sustainability Appraisal (SA), incorporating Strategic Environmental Assessment (SEA).

He explained that this report was the first stage of a SA process to identify, assess and address any likely significant effects on the environment from the emerging replacement Bridgend Local Development Plan

Under Section 62(6) of the 2004 Act, emerging LDPs need to be subject to Sustainability Appraisal. This is statutorily required to guide the selection and development of policies and proposals for inclusion in LDPs in terms of their potential social, environmental and economic effects.

The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 as amended ('the SEA Regulations') require Responsible Authorities, including local authorities such as Bridgend County Borough Council, to assess the likely significant environmental effects of implementing relevant plans and programmes, as defined within the regulations. The SEA Regulations also require Responsible Authorities to examine the likely significant effects of reasonable alternatives to the plan or programme under consideration. Where required, the assessment is to be prepared following a staged reporting process known as Strategic Environmental Assessment (SEA).

The Development Planning Team Leader explained that SA and SEA share a common focus on assessing environmental and wider sustainability performance and can therefore be undertaken and reported together.

- Screening: The SA Scoping Report sets out a draft SEA Screening Determination for the consideration of the SEA Consultation Bodies (Section 3).
- Scoping: sets out the proposed SA Framework, SA methodology and SA consultation arrangements detailed in Sections 5 and 6;
- Preparation and Consultation: a SA Report will need to accompany each substantive element of the replacement LDP as it emerges, in particular the preparation of LDP Pre-Deposit and subsequently LDP Deposit Documents. Each SA Report must be consulted on in tandem with the emerging replacement LDP, with the SA Report for the final LDP Deposit Document then submitted to the Welsh Assembly to support an independent examination of the replacement LDP.
- Preparation of a Post Adoption Statement: By the end of the LDP Review process, a replacement LDP will have been adopted for the BCBC area, this is required by the end of 2021 to avoid a planning policy vacuum.

The Sustainability Appraisal Scoping Report is structured as follows:

- Section 2 – LDP Review Context and Proposed Content;
- Section 3 – Need for SEA;
- Section 4 – Environmental Information and Key Sustainability Issues;
- Section 5 – Proposed SA Framework describes the assessment framework which will be used to identify and assess the likely effects from the LDP Review;
- Section 6 – Proposed SA Methodology and Consultation; and,
- Section 7 – Next Steps.

Section 4 of the Scoping Report are supported by two appendices, namely:

- Appendix A – Baseline Analysis; and,
- Appendix B – Review of Plans, Programmes and Strategies supports

The SEA Regulations also introduce a link between SEA and a need, in some cases, for a separate Habitats Regulation Appraisal (HRA) of plans and projects where there is the potential for significant effects on European Sites (Special Protection Areas and Special Areas of Conservation). Further details regarding the HRA are provided in the Initial HRA Screening Report that was submitted to Natural Resources Wales (NRW) in tandem with this SA Scoping Report.

In terms of Targeted Stakeholder Consultation, the Draft Sustainability Appraisal Scoping Report and the Initial HRA Screening Report was subject to a 5 week stakeholder consultation period commencing 23rd July 2018 until 27th August 2018. The LPA received 9 consultation responses. A summary of the key issues raised in relation to the reports was provided in the Consultation report.

RESOLVED: That the Committee:-

- (1) Endorsed the contents of the Sustainability Appraisal Scoping Report, the Initial HR Screening Report and Screening Determination.
- (2) Gives delegated authority to the Group Manager Development, Communities Directorate to make any factual corrections or amendments to the reports, as considered necessary.

168. CANDIDATE SITE ASSESSMENT QUESTIONNAIRE

The Corporate Director – Communities submitted a report, the purpose of which, was to inform Committee of the Candidate Site Assessment Questionnaire (attached at Appendix 1 to the report).

The Principal S106 Officer advised that the Development Planning Section has undertaken 5 weeks of targeted consultation on the Questionnaire at the same time as the Draft Sustainability Appraisal (SA) Scoping Report, and the Draft Initial Habitats Regulation Appraisal (HRA) Screening Report.

The Call for Candidate Sites is a key early stage in the preparation of the Replacement Bridgend Local Development Plan (LDP), as it enables interested parties to submit sites they feel should be included in the plan whether it be for new housing, employment or other uses such as community and recreation use.

The Candidate Site Assessment Questionnaire has been designed to ensure integration between the Sustainability Appraisal and site selection process. The questionnaire will help ensure that interested parties include sufficient information and data to allow the Local Planning Authority to make a robust assessment.

A summary of the consultation responses was included on the Amendment Sheet to the report.

A total of 7 responses were received in response to the consultation, with the only substantive comments being from the Home Builders Federation. This was to be expected, as members of the HBF would in all probability, submit the majority of Candidate Sites.

The Principal S106 Officer further added, that the comments received had been constructive, and as a result of this, 1 or 2 very minor amendments to some of the questions had been made, in to provide greater clarity. The main alteration Officers were proposing, was to provide a set of guidance notes to accompany the questionnaire in order to assist interested parties to complete the form.

RESOLVED: That Members:-

- (1) Endorsed the Candidate Site Assessment Questionnaire, and
- (2) Gave delegated authority to the Group Manager Development, Communities Directorate, to make any factual corrections or amendments to the Candidate Site Assessment Questionnaire, as considered necessary.

169. APPEALS

- RESOLVED:
- (1) That the Appeal as detailed in the report of the Corporate Director – Communities, received since his last report to Committee, be noted.
 - (2) That the Inspectors appointed by Welsh Ministers to determine the following Appeals has directed they be allowed, subject to Conditions:-

Code No. Subject of Appeals

A/18/3198111(1827) 2 static residential gypsy caravans, day/utility room, 2 touring caravans & relocate access/driveway: former playground, Fountain Terrace, Aberkenfig

A/18/3200555(1829) New dwelling, land off Albany Road, Pontycymmer

D/18/3202925(1832) 1st floor extension to side & loft conversion 10 Rhodfar Coed, Maesteg

- (1) That the Inspectors appointed by Welsh Ministers to determine the following Appeals has directed they be dismissed:-

A/18/3197614(1826) Erect 3 detached dwellings and associated works, Land adj Ty Gwyn, Heol Y Graig, Porthcawl

A/18/3200227(1828) Conversion of 3 lock-up garages into small shop garages to rear of 67 John Street, Porthcawl.

D/18/3203035(1834) Re-modelling of dwelling to inc. new roof shape, alterations, extension & loft conversion inc. dormers; raising of ground levels to accommodate erection of detached garage; installation of retaining walls to support change in ground levels Penybryn, Bridgend, Bryncethin

170. TRAINING LOG

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 30 AUGUST 2018

The Corporate Director – Communities submitted a report, that outlined up and coming training session dates for Members as part of the Committees Training Log.

The Group Manager Development advised that it may be useful sometime in the future, to also have sessions in relation to contributions for Educational developments, as well as an item on Car Parking Standards.

RESOLVED: That the report be noted.

171. URGENT ITEMS

None.

The meeting closed at 16:50

This page is intentionally left blank

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		

REFERENCE: P/18/592/FUL

APPLICANT: Seabreeze Property Ltd: 29a West Drive, Porthcawl, CF36 3HS

LOCATION: Jesmond Villa, 36 Ewenny Road, Bridgend CF31 2HR

PROPOSAL: Retention of change of use from an 8 bed guest house to an 8 bed Housing in Multiple Occupation (HMO)

RECEIVED: 20 July 2018

SITE INSPECTED: 31 August 2018

EOT AGREED: 15 October 2018

APPLICATION/SITE DESCRIPTION

The application seeks retrospective consent to regularise the change of use of an 8 bed guest house (Use Class C1) to a large House in Multiple Occupation (HMO). The property has been occupied as a large HMO since February 2018.

The property is split over three floors (ground floor, first floor and a room in the loft) and provides accommodation for 8 individuals with shared communal facilities/areas. The ground floor comprises three bedrooms, a shared w/c, a shared kitchen/lounge and a shared dining room. Four bedrooms and a shared w/c and shower room are located on the first floor with one bedroom located on the second floor.

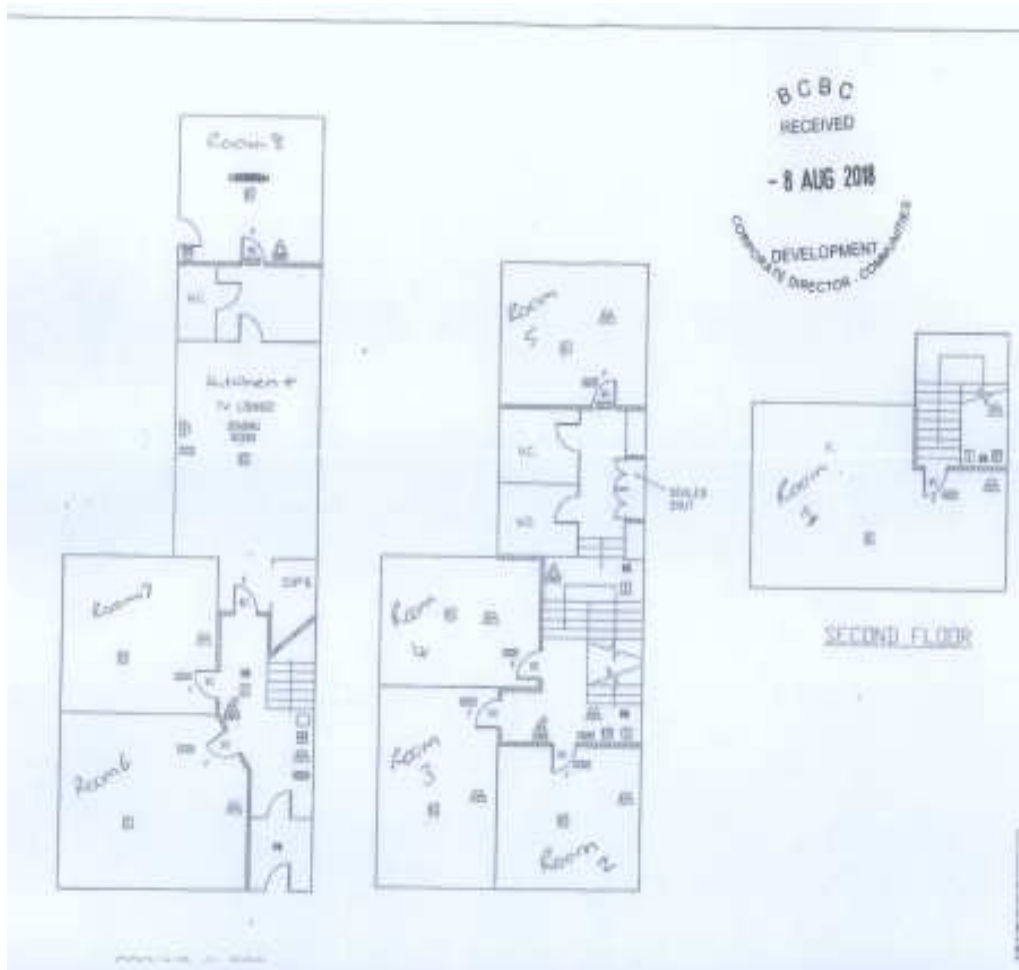


Fig 1: Proposed Floor Plans

No internal or external alterations are proposed as part of this planning application.

Application Number

P/18/592/FUL



Scale 1:1,250

Date Issued:
03/10/2018

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

(c) Crown Copyright and database rights
(2018) Ordnance Survey (100023405)

(c) Hawlfraint a hawliau cronfa ddata'r Goron
(2018) Rhif Trwydded yr Arolwg Ordnans
(100023405)

(c) Cities Revealed Aerial Photography
copyright, The GeoInformation Group (2009)

Cyngor Bwrdeistref Siroi



The application property comprises a two storey mid terraced property with a front bay window at ground floor level, accessed via a small front garden area which fronts the main highway known as Ewenny Road. Ewenny Road has no on street parking with double yellow lines positioned along both sides of the road. The property is also served by a small rear garden area and a hardstanding area which are accessed via the rear lane. The hard standing can accommodate approximately 1-2 off street parking spaces

The application site is located within the residential settlement boundary of Bridgend as defined by Policy PLA1 of the Bridgend Local Development Plan (2013). The property is located within an established residential area and terraced street.



Fig 2: Streetscene view of property

RELEVANT HISTORY

None

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 6 September 2018.

PLANNING POLICIES

Local Policies

The Development Plan for the area comprises the Bridgend Local Development Plan 2006-2021, which was formally adopted by the Council in September 2013, and within which the following policies are of relevance:

- Strategic Policy SP1 – Regeneration-Led Development
- Strategic Policy SP2 – Design and Sustainable Place Making
- Strategic Policy SP3 – Strategic Transport Planning Principles
- Policy SP12 – Housing
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy PLA11 – Parking Standards
- Policy COM3 – Residential Re-Use of a Building or Land

Supplementary Planning Guidance

SPG02 – Householder Development

SPG17 – Parking Standards

National Planning Policy and Guidance

National planning guidance in the form of Planning Policy Wales (Edition 9, November 2016) (PPW) is of relevance to the determination of this application.

The Welsh Government has issued practice guidance relating to houses in multiple occupation which is considered relevant in the consideration of this proposal (Houses in Multiple Occupation: Practice Guidance, February 2016).

Other Relevant Policies:

Biodiversity/Ecology

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

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

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

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

Given the nature of the development (change of use of an existing building), it is considered that there will be no significant adverse residual impacts on biodiversity. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable

development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

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

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

CONSULTATION RESPONSES

Bridgend Town Council – No objection.

Head of Street Scene (Highways) – No objection.

Head of Street Scene (Drainage) - No objection.

REPRESENTATIONS RECEIVED

Cllr Lyn Waters (Local Member) – raises an objection to the development regarding concerns that relate to the lack of off street parking in the area and has requested that the application is returned to the full Planning Committee.

Two further letters of objection have been received from:

42 Ewenny Road states:

- Anti-Social Behaviour;
- Noise disturbance and damage to properties; and,
- Increase in rubbish in rear lane.

38 Ewenny Road states:

- Lack of parking to serve the development and area;
- Anti-Social Behaviour;
- Noise disturbance;
- Too many HMOs/Shelters/Women's refuge on Ewenny Road – no need for any more; and,
- Increase in recycling bags and boxes in the street – no property storage and rubbish on the road.

COMMENTS ON REPRESENTATIONS RECEIVED

The majority of the issues raised above have been addressed within the Appraisal section of this report.

Anti-social behaviour, noise disturbance, damage to properties and increased levels of rubbish are not material planning considerations and do not form part of the assessment of this application.

Likewise, the proposed tenure of the service users is not a material planning

consideration.

It has been established through the Courts that the perceived fears of the public are a material consideration and the effects of a development on, for example, health, public safety and crime can also be material considerations, as, in principle, can public concerns in relation to such effects.

However, Planning Policy Wales (Edition 9, November 2016) states that factors to be taken into account in making planning decisions must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability, and proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. When determining planning applications, local planning authorities must take into account any relevant view on planning matters expressed by neighbouring occupiers, local residents and any other third parties but whilst the substance of local views must be considered, the duty is to decide each case on its planning merits.

In this instance, the HMO has been in operation since February and there is no evidence to suggest that criminal behaviour in the area has increased as a direct result of this property. In any case, anti-social behaviour is a matter for the police and is controlled by other legislation outside the planning system.

The operation of recycling and storage of refuse bags at the property relates to the management of the property and is not a material planning consideration.

Whilst it is noted that there are other HMO uses located in the vicinity, it is considered that a HMO proposal of this size and scale is unlikely to result in any significant adverse impact on the levels of amenity enjoyed by the locality by way of an accumulation of HMOs.

APPRAISAL

The application is referred to the Development Control Committee to consider the objections raised by local residents and in line with a request by the Local Member.

The main issues to consider in this application are the principle of the development, the impact on the character and appearance of the area, the impact on neighbouring residents amenity and the highway safety implications of the proposal.

Principle of the Development

The application site is located within the settlement boundary of Bridgend, as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP) 2013-2021 and, as such, the conversion of the existing guest house into a house in multiple occupation is considered to accord with the criteria set out in Policy COM3 of the LDP and Planning Policy Wales (2016) which supports the use of suitable previously developed land for housing development as it can assist regeneration and, at the same time, relieve pressure for development on greenfield sites.

Furthermore, Strategic Policy SP1 seeks to encourage regeneration led development within the settlement hierarchy and it is considered that the proposed change of use of the existing building to another form of residential use in a predominantly residential locality is compatible with surrounding land uses and is acceptable. It is also considered that the proposed development is located within a sustainable location being located close to public transport links and local amenities.

In view of this, the proposed development is considered to accord with Strategic Policy SP1 and Policies PLA1 and COM3 of the Bridgend Local Development Plan (2013-2021)

and can be supported in principle.

Impact on the character of the existing property, street scene and wider area.

The application building is located approximately 45 metres to the south west of the Local Service centre known as Five Bells Road, (encompassing units on Ewenny Road) which contains numerous small stores which generally operate within A1 and A3 use classes and is located approximately 145 metres to the south of Bridgend Town Centre. Whilst predominantly a residential area the application site is situated in close proximity to a mixture of other uses and local amenities. Ewenny Road is characterised by traditional terraced properties, bay windows and small front gardens. It is considered that the conversion of an existing guest house to a HMO (with no major external or internal works proposed as part of the scheme) would provide a valuable and additional/alternative type of living accommodation to the locality whilst not harmfully or significantly eroding the character and appearance of the existing area as a whole.

The essential character of the area, and the amenities of the locality given its location near the local service area and Bridgend Town Centre and the introduction of a relatively small scale HMO of the nature proposed, would not be so adversely impacted to warrant a recommendation to refuse the planning application in this regard. Furthermore, whilst it is noted that there are similar uses to that proposed located in the area, the proposal is for a single HMO and as such would not result in an undue concentration of incompatible uses in this location.

In terms of the level of amenity and standard of accommodation being created for future occupiers of the proposed HMO, each bedroom facility would have a satisfactory outlook with appropriate habitable room space and kitchen/bathroom facilities being proposed to support the use. The plot benefits from a small front garden and a larger enclosed rear garden that would provide a form of external amenity area and waste/recycling bin storage areas to potential future residents of the premise (in line with the requirements of paragraph 12.7.3 of Planning Policy Wales 2016 which advises that development proposals should provide adequate facilities and space for the collection, composting and recycling of waste materials).

In addition and as advised within the Welsh Government's Practice Guidance Note on Houses in Multiple Occupation (March 2017), anti-social behaviour is a broad term and responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the Police, local authorities and social landlords. There are a raft of regulations and several pieces of legislation (The Anti-social Behaviour, Crime and Policing Act 2014, Part III Environmental Protection Act 1990, Noise Act 1996, Section 80ZA of the Environmental Protection Act 1990, Community Protection Notices and The Clean Neighbourhoods and Environment Act 2005 etc.) to deal with anti-social behaviour in relation to HMOs and these are dealt with separately from the Planning system. It is up to the applicant and agent (HL Ltd and Seabreeze Property Ltd) to manage the property and its occupiers in a reasonable manner.

The development proposes no external changes to the facade of the building and therefore, the visual appearance of the property will not alter as a result of the proposed development. Therefore, it is considered that the proposed development respects the character of the existing building and local character of the area and accords with the general requirements of Policy SP2 (2) and SP3 (3) of the Bridgend Local Development Plan (2013).

Impact on neighbouring amenities

In terms of the likely impacts on neighbouring residential amenity, with particular reference to the immediate residents of Ewenny Road and Grove Road to the rear of the site, it is

considered the proposed retention of the existing use would not unreasonably compromise the level of amenity that is currently enjoyed and can be reasonably expected in such a locality. It is considered the level of activity and other likely effects of the use would not significantly exceed what was previously experienced when the building was used as a guest house. The objections raised make reference to current anti-social behaviour problems relating to the site and raise concern that this proposal will exacerbate the situation. Any such issues are matters for the Police and the proposal, which is a residential use, is unlikely to result in such levels of anti-social behaviour, as to warrant or justify the refusal of the planning application.

Accordingly, it is considered that the proposed development is acceptable in terms of the likely impact on neighbouring amenity levels and therefore accords with Policy SP2 (12) of the LDP and the Council's Supplementary Planning Guidance SPG02: Householder Development.

Access and Parking

The Transportation Officer has assessed the submitted application and noted that this is a retrospective application for the retention of an 8 bedroom HMO, with the previous use of the property as a 8 bedroom guest house. The parking requirement for this previous use would have generated 1 space per guest bedroom with a further space per 3 non-resident staff. It is considered that a total of 9 spaces would have been required for this former use. It is noted that there is limited space to the rear of the property which is considered to be capable of only providing one standard off-street parking space.

The Council's adopted Parking Standards contained within SPG17 do not provide detail of the parking requirements for a HMO although it is considered that in a Zone 4 location such as this a requirement akin to 1 bedroom flats could be applied. This requires provision of 1 space per bedroom thus a total of 8 spaces would be required to serve the proposed use. Accordingly, whilst there is limited on site off-street parking available, the proposal would not generate an increase demand for parking and the proposal can reasonably be considered on a nil detriment basis.

The proposed development is therefore acceptable in highway safety terms and accords with Policy SP2 (6) of the LDP (2013) and the Council's Supplementary Planning Guidance SPG: 17 – Parking Standards.

CONCLUSION

This application is recommended for approval because the development complies with Council policy and guidelines and would not adversely affect the character of the existing property, street scene or wider area, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities. The concerns raised by the neighbours are acknowledged, however, in their case and on balance they are not considered to outweigh the other material issues connected to the development as to warrant refusal on those grounds.

RECOMMENDATION

(R64) That retrospective 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:

Site Location Plan received on 20 July 2018 and 'Floor Plans' received on 9 August 2018.

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

2. The existing off-street parking space to the rear of the property shall be retained for the purposes of parking in perpetuity.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None

This page is intentionally left blank

REFERENCE: P/18/410/FUL

APPLICANT: Wales & West Housing Association c/o WYG Planning & Env., 5th Floor Longcross Court, 47 Newport Road, Cardiff CF24 0AD

LOCATION: Land west of Bryn Bragl, Brackla CF31 2LP

PROPOSAL: Residential development of 4 affordable housing units with car parking and associated works

The above application was reported to the Development Control Committee on 30 August 2018.

The Officer's recommendation was for refusal for the following reason:

- 1. The proposed development, by reason of its siting, scale and extent, would result in the loss of an identified area of natural greenspace and children's play facility without making sufficient provision for a replacement facility of equivalent community benefit contrary to Policies SP13 and COM7 of the Bridgend Local Development Plan, the goals established by the Well Being of Future Generations Act 2015 and advice contained in Planning Policy Wales (Ed 9).*

A copy of the Officer's report and recommendation presented to the previous Committee are attached as **Appendix 1**.

After a short debate, Members agreed to defer consideration of the application to allow negotiations with the developer with the aim of agreeing a suitable financial contribution towards improving an existing play facility in the vicinity of the proposed housing scheme in lieu of the loss of the informal open space and the requirement for a new equipped play area as evidenced by the Outdoor Sports and Children's Playing Space Audit 2017.

It was advised that the contribution should go towards improving an existing play area to the north of Brackla Primary School (identified as site 4 in the applicants' original open space assessment) which is approximately 650m (by foot) from the application site.

However, it was also advised that an off-site contribution in lieu of an on-site facility should not be based on the formula of £470 per unit but, rather, should take into account the cost that the developer would have had to absorb had they provided the play area in the first instance.

The Parks Services Officer has advised that the minimum cost of providing a simple five piece, equipped play area (with requisite surfacing, enclosures and seating/bins) would cost around £35k to install.

The applicant has agreed to a contribution of £20k towards improving the existing facility at Brackla Primary School which is considered a reasonable compromise in this instance.

It is considered that as a contribution has been secured towards improving an existing facility in lieu of a new Local Equipped Area of Play, the scheme can be considered to be generally in line with Local Development Plan (LDP) policies albeit being classed as a minor technical departure from the LDP which does not need to be referred to Council.

If Members concur and wish to go against the original recommendation to refuse the application, the new recommendation will need to include the requirement for a Planning

obligation to be entered into to secure the £20k contribution (and to secure an extra Affordable Housing (AH) unit in perpetuity in addition to the 2 AH units already secured under the original scheme for 10 houses on the adjoining land approved under P/17/393/FUL), as well as conditions to be attached to the consent, as follows:

R34) (A) The applicant enter into a Section 106 Agreement to:-

- *Provide a contribution of £20,000 towards improving the existing play facility in Brackla.*
- *Provide a minimum of (20%) 1 unit as affordable housing in perpetuity in accordance with Supplementary Planning Guidance 12.*

(B) The Corporate Director Communities be given delegated powers to issue a decision notice granting permission for the development subject to the following conditions:-

1. *The development shall be carried out in accordance with the following approved plans and documents: plan numbers (90)001, (90)003, (90)004, (90)005, (90)006 and (90)007 received on 24 May 2018.*

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

2. *Notwithstanding the approved plans, 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. *Notwithstanding the approved plans, no development shall commence until a scheme for the provision of a widened carriageway at the junction of Bryn Bragl with Rhiw Tremaen has been submitted to and agreed in writing by the Local Planning Authority. The revised junction arrangement shall be implemented in permanent materials before the development is brought into beneficial use.*

Reason: In the interests of highway safety.

4. *Notwithstanding the approved plans, no development shall commence until a scheme for the provision of pedestrian crossing facilities at the site access to facilitate access across Bryn Bragl has been submitted to and agreed in writing by the Local Planning Authority. The crossing facilities shall be implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.*

Reason: In the interests of highway safety.

5. *Notwithstanding the approved plans, no development shall commence until a scheme for the provision of a continuous 2m wide pedestrian footway link between the proposed footway fronting Units 7-10 and the maintained footway fronting 26 Rhiw Tremaen has been submitted to and agreed in writing by the Local Planning*

Authority. The footway link scheme shall include for a system of street lighting and shall be implemented in permanent materials before the development is brought into beneficial use and thereafter retained in perpetuity.

Reason: In the interests of highway safety.

6. *The proposed means of access shall be laid out with 6metre radius kerbing on both sides of the entrance constructed and retained in permanent materials as approved in writing by the Local Planning Authority with vision splays of 2.4m by 25m in both directions before the development is brought into beneficial use and be retained as such thereafter in perpetuity.*

Reason: In the interests of highway safety.

7. *No structure or erection exceeding 0.6 metres in height above adjacent carriageway levels shall be placed within the required vision splays areas at any time.*

Reason: In the interests of highway safety.

8. *Notwithstanding the approved plans, no development shall commence until a scheme for the provision of 2 off street parking spaces each for Units 1-4 and 5 visitor parking spaces has been submitted to and agreed in writing by the Local Planning Authority. The parking spaces shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the agreed scheme prior to the development being brought into beneficial use and shall be retained for parking purposes in perpetuity.*

Reason: In the interests of highway safety.

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

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

10. *No development shall commence until details of the specification and position of protective fencing along the northern site boundary with the Coed Y Morfa SINC and of any other measures to be taken for the protection of the trees along this boundary from damage before or during the course of development have been submitted to and approved by the Local Planning Authority. The protective fencing shall be erected in accordance with the agreed details and retained in place for the duration of the works.*

Reason: In the interests of nature conservation.

11. *Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-*

enacting that Order with or without modification), no buildings shall be erected other than those expressly authorised by this permission and as shown on the approved plans.

Reason: In the interests of visual and residential amenities.

- 12. No development shall take place until details of the proposed floor levels of the buildings in relation to existing ground levels, existing adjoining properties 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.

- 13. 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.

- 14. No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme which shall include, proposals for surface treatment, indications of all existing trees and hedgerows on land and details of any to be retained, together with measures for their protection in the course of development. The agreed landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority prior to any development commencing on site.*

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

- 15. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for the equipped play area and 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.

- 16. No development shall commence on site until there has been submitted to and agreed in writing by the Local Planning Authority an invasive non-native species protocol, which shall detail the method of containment, control and removal of invasive non-native Montbretia. The measures identified in the scheme shall thereafter be undertaken strictly in accordance with the agreed protocol prior to development commencing.*

Reason: In the interests of prevention of pollution.

17. *Notwithstanding the approved plans, no development shall commence on site until there has been submitted to and agreed in writing by the Local Planning Authority details of a refuse and recycling storage facility/area serving the Units 1, 2, 3 & 4. The refuse and recycling storage facility/area shall be provided in accordance with the agreed details prior to the apartment building being brought into beneficial use and retained thereafter for that purpose in perpetuity.*

Reason: In the interests of residential amenity.

THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

- (a) *The observations received from Dwr Cymru/Welsh Water which contains advisory notes in respect of the connections to the public sewerage system and provision of water supply are available for the developer's information and consideration at <http://planning.bridgend.gov.uk/> (Application No. P/17/393/FUL)*
- (b) *No surface water is allowed to discharge to the public highway.*
- (c) *No land drainage run off will be permitted to discharge, either directly or indirectly, into the public sewerage system.*

Finally, as the original consent (P/17/393/FUL) included the local equipped area of play on the approved plans and a specific condition requiring details of a scheme for an equipped play area on the amenity/playground area (to include a programme for its implementation), that consent will also need to be varied through a S.73 application.

RECOMMENDATION:

That Members consider the content of this report and Appendix.

**MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

Appendix 1 Original Committee Report and recommendation reported to Members at the DC Committee on 30 August 2018.

REFERENCE: P/18/410/FUL

APPLICANT: Wales & West Housing Association c/o WYG Planning & Env., 5th Floor Longcross Court, 47 Newport Road, Cardiff, CF24 0AD

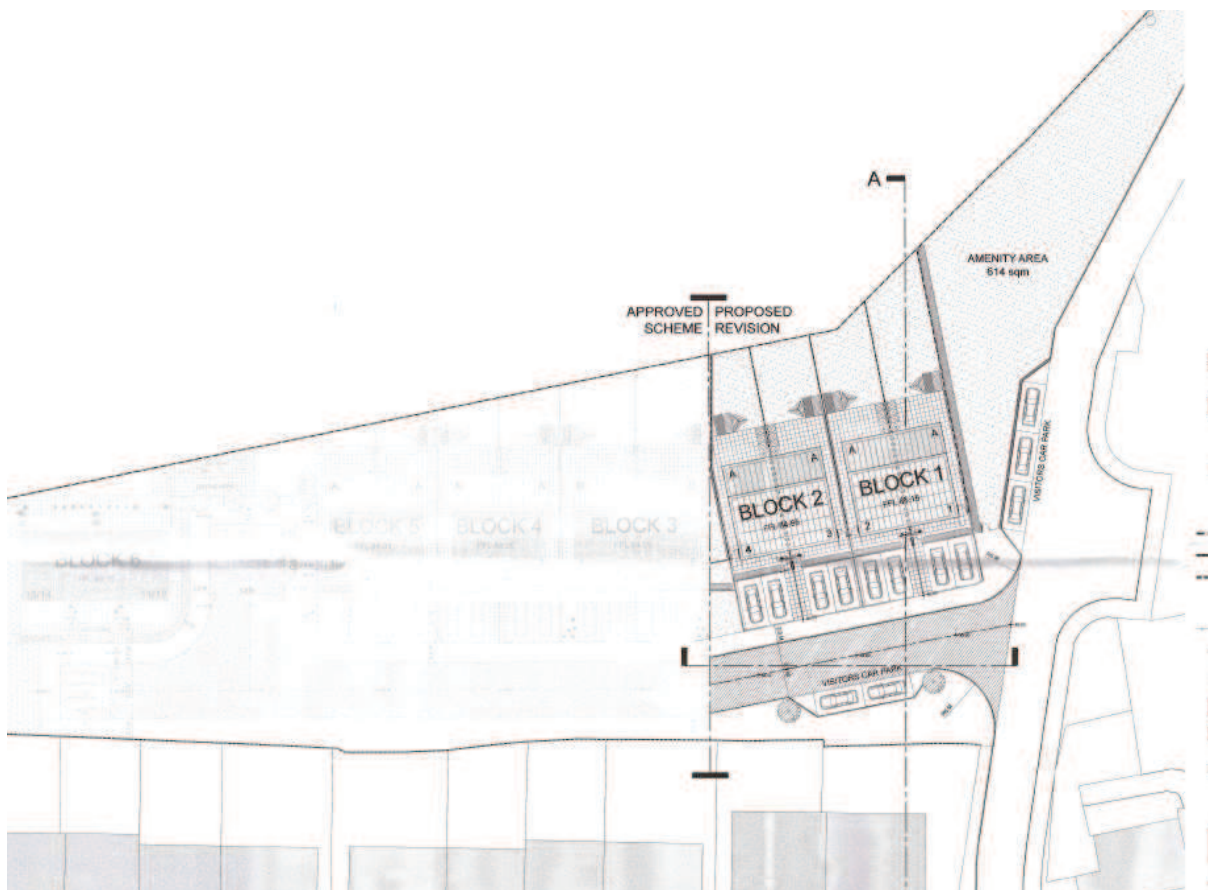
LOCATION: Land west of Bryn Bragl Brackla CF31 2LP

PROPOSAL: Residential development of 4 affordable housing units with car parking and associated works

RECEIVED: 24 May 2018

APPLICATION/SITE DESCRIPTION

The application seeks consent for the erection of four two bedroom affordable housing units on land to the west of Bryn Bragl, Brackla, Bridgend. The application site originally formed part of a larger scheme for 14 units under reference P/17/393/FUL but during the processing of that submission, the proposed development was reduced to provide 10 units, car parking, an equipped play area, access and associated works. The current application effectively seeks to re-instate the four omitted units thereby providing the originally proposed 14 units with a significantly reduced open space area, which will adjoin Bryn Bragl.

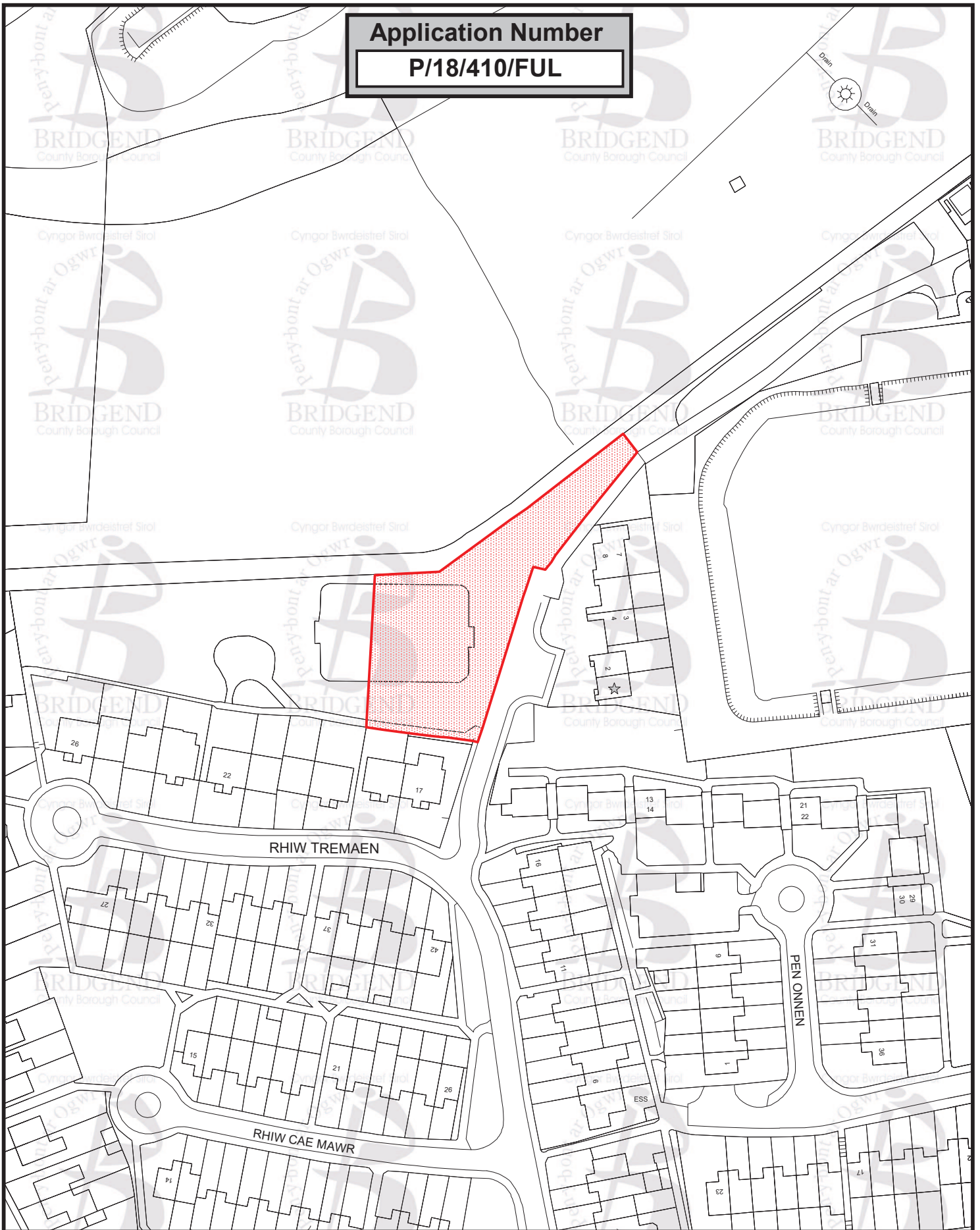


Proposed Site Layout Plan

The proposed additional units are two bedroom, two storey dwellings comprising a living room, store, wet room, utility, kitchen and dining room on the ground floor with two bedrooms and a bathroom at first floor level. The footprint of each property measures 9.7m by 5.1m and the dwellings will have an asymmetrically pitched roof reaching 8.8m at its ridge.

Application Number

P/18/410/FUL



Scale 1:1250

**Date Issued:
22/08/2018**

**Development-Mapping
Tel: 01656 643176**

Mark Shephard

Corporate Director-Communities

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

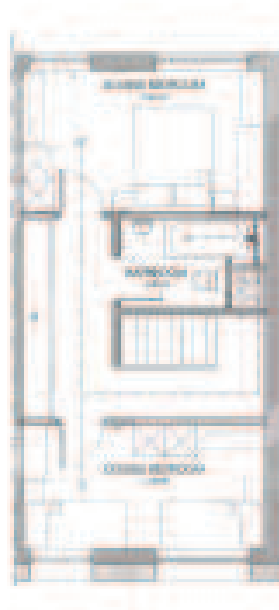
O/DC Committee Report Location Maps/

(c) Crown Copyright and database rights
(2018) Ordnance Survey (100023405)

(c) Hawlfraint a hawliau cronfa ddata'r Goron
(2018) Rhif Trwydded yr Arolwg Ordnans
(100023405)

(c) Cities Revealed Aerial Photography
copyright, The GeoInformation Group (2009)





Floor plans

The external finishes are to be facing brick on the side and rear elevations of each of the units. The front elevations will be made up of brickwork on the lower half of the building with grey cladding, which incorporates integrated solar collectors. The south facing roof plane will have integrated photovoltaic panels and the north facing roof plane will be a grey metal profile roof with standing seam. Doors and windows will be aluminium clad timber frames finished in grey with grey UPVC rainwater goods etc.



Elevations

The application site forms part of an area of land to the west of Bryn Bragl, Brackla and is currently open space/children's play area. A tarmac area approximately the size of a basketball court/indoor football pitch lies towards the eastern end of the larger site with a further smaller irregularly shaped tarmac area lying to the west. It appears that at some point in time, this smaller area accommodated play equipment but this has since been removed.



OS Map extract showing application site in relation to its surroundings

Much of the area is laid to grass although there is a bank of trees in the south eastern corner of the site adjacent to the pathway that runs along the rear boundaries of the properties on the northern side of Rhiw Tremaen. A low (knee high) post and rail fence encloses the eastern site boundary onto Bryn Bragl. On the northern side of the site is an extensive wooded area, which is designated as the Coed y Morfa Site of Importance for Nature Conservation (SINC).



2017 Aerial photograph showing current site conditions

The land slopes gently from east to west and from north to south. It can be seen from the section drawing reproduced below that the proposed additional dwellings will be set at a slightly higher level than the existing bungalows in Rhiw Tremaen.



Section AA' View towards West

RELEVANT HISTORY

P/17/393/FUL – 10 affordable housing units, car parking, access and open space –
Conditional Consent & S106 Agreement – 10/07/18

PUBLICITY

The application has been advertised in the press and on site as a development that does not accord with the Local Development Plan. In addition, neighbours have been notified of the receipt of the application. The period allowed for response to consultations/publicity expired on 27 June 2018.

CONSULTATION RESPONSES

Welsh Water Developer Services - It is noted that there was a previous consultation in respect of an application for 14 units to which the response offered no objections subject to a condition and the inclusion of advisory notes. It appears that the present submission proposes 4 units as part of a revision for this residential development although the submitted application form proposes the disposal of surface water flows into the main sewer. The developer will be required to explore and fully exhaust all technical options in accordance with a hierarchy which states that discharge of a combined sewer shall only be made as a last resort. Accordingly a condition requiring a drainage scheme showing how foul, surface and land drainage will be dealt with and including an assessment of the potential to dispose of surface water by sustainable means should be imposed.

Councillor J C Spanswick - This application needs to be reported to the Development Control Committee and not a delegated powers decision. Some of the comments within the application papers in relation to play facilities and available space within Brackla are misleading and need to be challenged.

Head of Street Scene (Drainage)- No objection subject to condition

Transportation Policy and Development Section: No highway objection subject to conditions.

REPRESENTATIONS RECEIVED

The occupier of 17 Rhiw Tremaen objects to the application but does not register a request to speak at Committee. The six and a half page letter considers that the development is contrary to the provisions of Policies COM3, COM13, SP13 and COM7 of the Bridgend Local Development Plan resulting in the loss of an existing unequipped play area. Consent was previously approved for a scheme for 10 affordable units on the understanding that the scheme would rectify an imbalance and provide a much needed equipped play area. Notwithstanding the energy efficiency of the design of the units, due to the loss of the children's play facility, the development cannot be considered as compatible with the Well Being of Future Generations Act contrary to criterion 1 of Policy SP2. The appearance of the proposed units does not blend in with the character of the existing dwellings. The units will be detrimental to local visual amenity contrary to criterion 2 of that Policy. Similarly for the reasons outlined above, criterion 4 is not met.

The proposed development will result in the felling of a group of trees in the south eastern corner of the site and when combined with the location of up to 10 parking spaces in close proximity to the rear boundary of 17 Rhiw Tremain, this arrangement cannot be considered as being compatible with criterion 10 of SP2.

Whilst the development may not infringe the privacy standard of 21m between directly facing habitable room windows of neighbouring properties, no account has been taken of the oppressive nature of the 8.8m high dwellings and a visitor car park behind a row of linked bungalows. The layout does not incorporate sufficient space about the units, which will result in unreasonable domination and overshadowing of neighbouring properties. The application site is such that the primary amenity area of our property and our conservatory, which is used as the main living room, would be overlooked from the first floor windows of the new units.

The loss of the existing area of open space and children's play facilities adversely impacts on the amenities of both the existing adjoining residents and the wider community.

The final criterion (13) requires appropriate drainage and waste arrangements to be incorporated. The scheme does not comply and, in line with Welsh Water's and Land Drainage Section's comments, this requires the imposition of a condition to require an appropriate scheme.

It is therefore considered that the proposed development is a direct contravention of the Local Development Plan. The design does not afford adequate privacy for the occupants of the units or the adjacent linked bungalows in Rhiw Tremain, particular to their right to the quiet enjoyment of their garden amenities. The Council is urged to consider their responsibilities under the Human Rights Act, Protocol 1, Article 1. Article 8 states that a person has the substantive right to respect for their private and family life. The UK Courts reappraised the purpose of the law and concluded that the protection of the countryside falls within the interests of Article 8. Private and family life therefore encompasses not only the home but also the surroundings.

Good design should contribute positively to making places better for people. Design, which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. The Council should encourage development that creates places, streets and spaces, which meet the needs of people, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character. The proposals are believed to contravene this guidance. The original 14 units were unacceptable to Planning Officers in February 2018 yet the applicant has re-introduced this proposal at the expense of the quality, character and amenity value of the area.

In respect of a number of identified conditions attached to the earlier planning permission further information has been sought. There is objection to the removal of the footpath and screening behind 17 Rhiw Tremain together with the proposal for street lighting. It is therefore requested that the Council uses its powers to control hours of construction and other restrictions that might make the duration of the works more bearable. Given the nature of the site, careful consideration should be given to the siting of construction vehicles, staff parking and access so that inconvenience to existing neighbours is minimised.

We request that these objections are taken into consideration when determining the application. An opportunity to meet with a representative of the Planning Department would be welcomed in order to illustrate our objections at first hand. In addition, it is requested that the application be brought before the Committee as per the previous application.

COMMENTS ON REPRESENTATIONS RECEIVED

The objections raised by the local resident are addressed in the Appraisal section of the report.

APPRAISAL

The application is referred to Committee to enable Members to consider the balance to be reached in respect of the provision of affordable housing and childrens' play space.

As indicated in the description of development, the application seeks consent for the construction of 4 affordable housing units, open space, car parking and associated works on land to the west of Bryn Bragl, Brackla and previously forming part of an earlier application for 14 dwellings that was subsequently reduced to 10 dwellings through negotiations.

The application site lies within the settlement boundary for Bridgend as designated by Policy PLA1 of the Bridgend Local Development Plan (LDP). Policy COM3 of the LDP states that residential development within settlement boundaries defined in Policy PLA1 on windfall and small scale sites, for the conversion of existing buildings or the re-use of vacant or under-utilised land, will be permitted where no other development plan policy protects the building or land for an existing or alternative use.

Policy COM5 states that where a local need is demonstrated, the Council will expect an appropriate element of affordable housing to be provided on sites capable of accommodating 5 or more dwellings or exceeding 0.15 hectares in size. In this case, the proposed development falls below both thresholds and in any event relates entirely to affordable housing. On the basis, however, that the proposed development is likely to be undertaken in conjunction with/as part of the previously approved scheme for 10 units on the immediately adjoining land, which was subject to a Section 106 Agreement to ensure the retention of a minimum of 20% (2 units) as affordable housing in perpetuity, the applicant's agent has indicated that a fresh Agreement or Deed of Variation to secure an additional unit would be acceptable to the applicant.

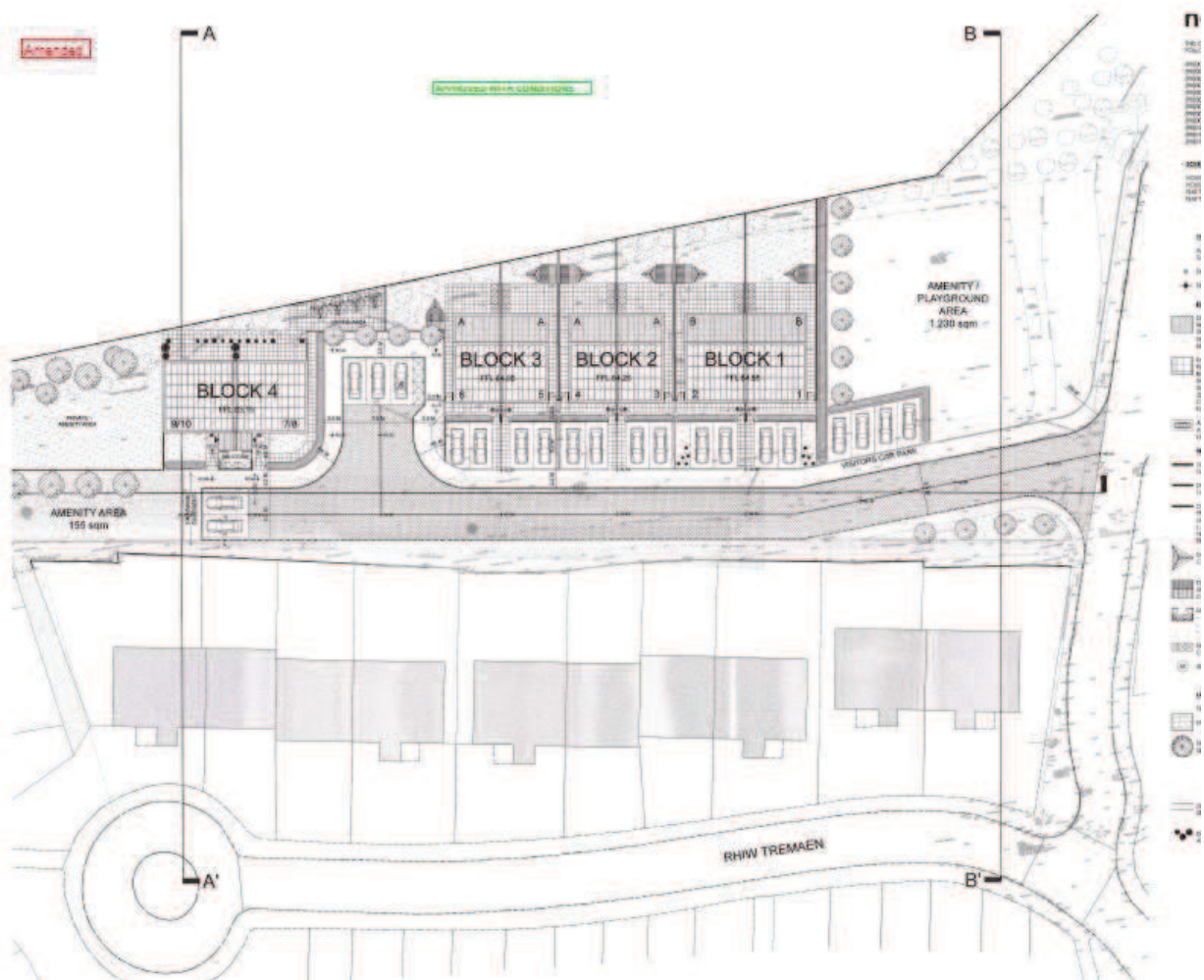
The site forms part of the Brackla Ridge Natural Greenspace as defined by Policy COM13(5) – Provision of Accessible Natural Greenspace. This Policy states that the Council will promote the provision of accessible natural greenspace (including public open space) wherever suitable opportunities arise. The Bridgend Outdoor Sports and Children's Playing Space Audit, 2017 identifies the site as informal unequipped recreational space (0.3444 hectares) which includes an all weather multi-sports ball court (0.092 hectares). The site is therefore considered to be protected by Policies SP13 and COM7 of the LDP.

Policy SP13 states that in order to maintain and improve the quality of life of residents, outdoor recreation facilities will be retained or enhanced. The accompanying paragraph 6.1.2 of the LDP clarifies that the term social and community facilities covers a broad range of activities and services, some of which are in the ownership of the Council and others that are privately owned. Local social and community facilities are important to the health and well being of local communities. Their existence is often the key determinant in creating viable and sustainable local communities if such facilities are in easy walking and cycling distance for local residents. Policy SP13 therefore seeks to retain or enhance facilities to ensure no section of the community is excluded from having access to basic services, with the overall aim of creating sustainable and inclusive communities.

Policy COM7 states that proposals which result in the loss of existing or proposed social and community facilities will not be permitted unless justified on one of the following grounds:

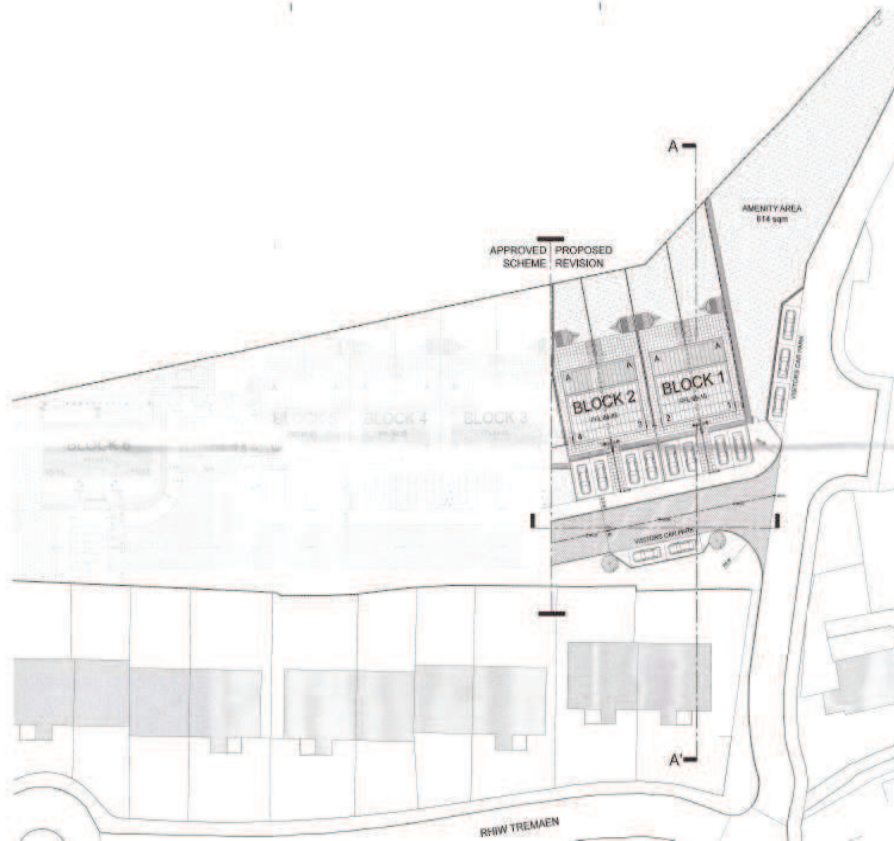
1. A suitable alternative location is available and a facility of equivalent community benefit is provided by the developer on or off the site; or
2. In the view of the Local Planning Authority, the existing facility is no longer required for the current use or any other social and community uses or there is already an excess of such provision in the area.

The Outdoor Sports and Children's Playing Space Audit 2017 indicates that Brackla Ward has a surplus of unequipped informal play spaces but has a deficit of equipped play space. In respect of the earlier application for 10 affordable housing units, which initially proposed the total loss of the unequipped play area, it was considered that the scheme could be considered compliant with the above mentioned policies subject to the incorporation of a suitable alternative facility of equivalent community benefit on the site. The planning permission issued in respect of the 10 unit development provided a significantly larger area of land for amenity and a playground and a condition attached to the consent required the submission of details of an equipped play area including a programme for its implementation and ongoing maintenance.



Layout approved for 10 dwellings (P/17/393/FUL refers)

A further condition required a revised parking scheme to provide only 2 parking spaces for each of the houses, one space for each of the apartments and two visitor spaces. This would have reconfigured the parking arrangements shown on the approved layout thereby resulting in even less intrusion into the amenity/playground area and improving the potential design of the required equipped play area. It can be seen from the currently proposed layout that the four additional units will occupy just over half of the previously approved amenity area.



The remaining amenity area is further reduced by the inclusion of visitor parking facilities and due to its shape and location would be limited in terms of its ability to provide an equipped play area as that would not be as readily accessible. It was also noted during the processing of the earlier application that this area is overgrown and informally being used by the occupiers of the properties at the northern end of Bryn Bragl.



In addition to the loss of the children's play facility, it can be seen from the map extract reproduced below that the addition of the four affordable homes will significantly constrain access to the natural greenspace designated by Policy COM13(5) as Brackla Ridge and Associated Areas, Bridgend as the residential curtilages will prevent access.



Therefore, the proposal to redevelop the site will result in the loss of an unequipped play area which would be contrary to Local Development Plan Policy as a suitable alternative location is not available to provide a facility of equivalent community benefit and the Local Planning Authority considers that the Outdoor Sports and Children's Playing Space Audit 2017 demonstrates that the Brackla Ward has a deficit of equipped play space.

The applicant's agent has become aware of the Council's assessment of the proposal's compatibility with the adopted Local Development Plan and has requested that the matter be considered by Committee on the basis that the earlier application for the 10 units had been determined by Committee and during the debate on that submission, it appeared that some Members supported the provision of additional unit. The Authority lost four houses for a play area as part of the previous application.

In light of the foregoing, the agent contends that the current submission directly responds to the comments. It has also been emphasised that a community's need for affordable housing is a significant material planning consideration and the need to approve the scheme is supported by recent Welsh Government Ministerial statements regarding housing delivery. It has been pointed out that the maintenance of the open space will be a service charge on the existing tenants, who have indicated that they do not wish to pay for the maintenance of the open space and do not have major concerns if it is lost in its entirety.

The agent has also highlighted an appeal decision relating to the construction of affordable housing units on an area of open space in Neath, which they consider to be relevant to this case. The main issue in the appeal also revolved around whether the loss of open space would be outweighed by the provision of affordable housing. In his appeal decision, the Inspector noted that both the appellants and the Local Planning Authority acknowledged that there was an overprovision of informal open space within the Ward in which the appeal site was located. On that basis, the Inspector concluded that the proposal would be consistent with the general thrust of the development plan policy which stated that proposals that would result in the loss of an existing area of open space will only be permitted where it can be demonstrated that:-

1. The space is no longer needed;
2. There is no shortfall of provision of that category of open space; and
3. The site would not be suitable to provide an alternative type of open space for which there is a shortfall.

The Inspector acknowledged that affordable housing has been identified as a ministerial priority for the Welsh Government and therefore concluded that in that instance, the need for affordable housing outweighed the modest loss of informal open space.

Whilst the applicant's agent clearly believes that there was Member support for a scheme for these additional affordable housing units, it is considered that comments made during the course of the debate may have been taken out of context and do not necessarily accurately represent the wider views of these individual Members or the resolution reached by the Committee. Similarly, the agent, fails to acknowledge that Officers considered that the development resulting in the loss of an informal unequipped play area was only considered to be compliant with the Development Plan subject to the provision of a suitable alternative facility of equivalent community benefit and recommended a condition to secure this.

In light of the foregoing, it is considered that the previously approved scheme was an wholly appropriate compromise that provided affordable housing but also a smaller but enhanced children's play facility. The current proposal seeks to construct four additional units on the area previously designated for children's play with a significantly smaller unequipped area that due to its scale, shape and location, would not be readily usable for local children and would provide little amenity for both existing residents, the wider community and future occupiers of the affordable housing units already approved.

With regard to the issues raised by the objector in respect of the proposed development's impact on the residential amenities of the neighbouring bungalows in Rhiw Tremaen, it is considered that, given the separation distance of approximately 28m between the front elevations of the proposed units and the rear elevation of the objector's property, there will be no infringement of the Authority's privacy standards nor will the proposed development dominate or overshadow this neighbour to an unacceptable degree.

In respect of concerns regarding loss of trees on the site, it is highlighted that, in granting planning permission for the 10 affordable housing units, it has already been accepted that the group of trees and shrubs in the south eastern corner of the site will be removed to facilitate the new access road serving that development. Members will also recall when they inspected the site, prior to considering the earlier application, that this area contains a number of ash trees together with shrubs that have grown so that they appear like small trees. The loss of this small area was accepted subject to the

developer being mindful of their responsibilities to nesting birds prior to their removal. Although not referred to by the objector, northern boundaries of the proposed units about the Coed y Morfa SINC, in the event that Members are minded to approve the proposed development, a condition requiring protective fencing during the construction phase would be necessary.

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

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

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

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

Given the nature of the application site and for the reasons outlined above, it is considered that there will be no overall significant residual impacts on biodiversity and appropriate protection measures can safeguard the adjoining SINC. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

The objector has also expressed concern with regard to the proximity of proposed parking spaces to the rear boundary of their property. The submitted layout indicates that the closest extent of the parking spaces in the forecourt of the proposed units will be approximately 14m away from the rear boundary fence of the objector's home. The scheme also proposes two visitor parking spaces in a layby type arrangement which will be between 3m and 4.75m away from this boundary. It is considered that in view of the screening provided by the objector's existing close boarded fence, the impact will not be so significant as to warrant refusal for this reason.

Whilst the neighbour considers that the submitted proposals will contravene their rights under the Human Rights Act, it is considered for the reasons set out above that the

Local Planning Authority has properly considered the impact of the proposed development on the amenities of this neighbour and conclude that it has acted proportionately, paying due respect to the rights of the individual whilst acting in the interest of the wider community. National Government appears to be satisfied that provided that, as an inherent part of the decision making process, the Authority has assessed the effects of a proposal on individuals and weighed these against the wider public interest, such practice would be compatible with the European Convention on Human Rights which has been incorporated into UK law through the Human Rights Act, 1988.

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

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

The duty has been considered in the assessment of this application. Whilst it could be argued that there would be no significant or unacceptable impacts upon the achievement of the majority of the above mentioned wellbeing goals/objectives as a result of the proposed development, the Council believes that the omission of an equipped children's play facility would not contribute to the aim for a healthier future generation.

During the processing of this application Policies PLA1, COM3, COM5, COM7, COM13, ENV4, SP2 & SP13 of the Bridgend Local Development Plan and Supplementary Planning Guidance 17 : Parking Standards were considered.

CONCLUSION

This application cannot be recommended for approval because the development conflicts with Council policy and guidelines in that the proposed development would result in the loss of an identified area of natural greenspace and a children's play facility without making provision for a replacement facility of equivalent community benefit given that the Outdoor Sports and Children's Playing Space Audit identifies a deficit of equipped play space. Notwithstanding that the application proposes four affordable housing units, the Local Planning Authority considers that the arrangement approved under P/17/393/FUL provides the optimum balance between the provision of affordable housing and play space. The omission of an equipped play space would conflict with both the Bridgend Local Development Plan and the goals identified in the Well Being of Future Generations Act to the detriment of the wider community and the provision of four additional units of affordable housing does not outweigh this harm.

In other regards, the Council is satisfied that, in terms of access and parking, subject to the imposition of appropriately worded conditions, the proposal would not be detrimental to highway safety. Notwithstanding the objections raised by a local resident, the scheme will not so significantly impact on the amenities of existing neighbouring properties as to warrant refusal on those grounds alone.

Planning Law dictates that planning decisions must be taken in accordance with the development plan unless material considerations suggest otherwise. In this case, the provision of additional affordable housing is a material consideration, however, so is the loss of open space and the provision of an equipped play area.

The information submitted by the applicant has been carefully taken into account in the consideration of this application. Nevertheless, it is considered that the arguments put forward do not outweigh the provisions of the Local Development Plan or justify the further loss of open space and recreation facilities, notwithstanding the benefit of additional housing. In this regard in view of the above, it is considered that the proposal cannot be supported.

RECOMMENDATION

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

1. The proposed development, by reason of its siting, scale and extent, would result in the loss of an identified area of natural greenspace and children's play facility without making sufficient provision for a replacement facility of equivalent community benefit contrary to Policies SP13 and COM7 of the Bridgend Local Development Plan, the goals established by the Well Being of Future Generations Act 2015 and advice contained in Planning Policy Wales (Ed 9).

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

REFERENCE: P/18/618/FUL
APPLICANT: A Rees & J Rees Naylor Ty Mawr, Llangan, CF35 5DW
LOCATION: Land adjacent to Ty Gwyn, Heol y Graig, Porthcawl CF36 5PB
PROPOSAL: Erection of 3no. detached dwellings and associated works
RECEIVED: 27 July 2018
SITE INSPECTED: 5 September 2018
EOT AGREED: 15 October 2018

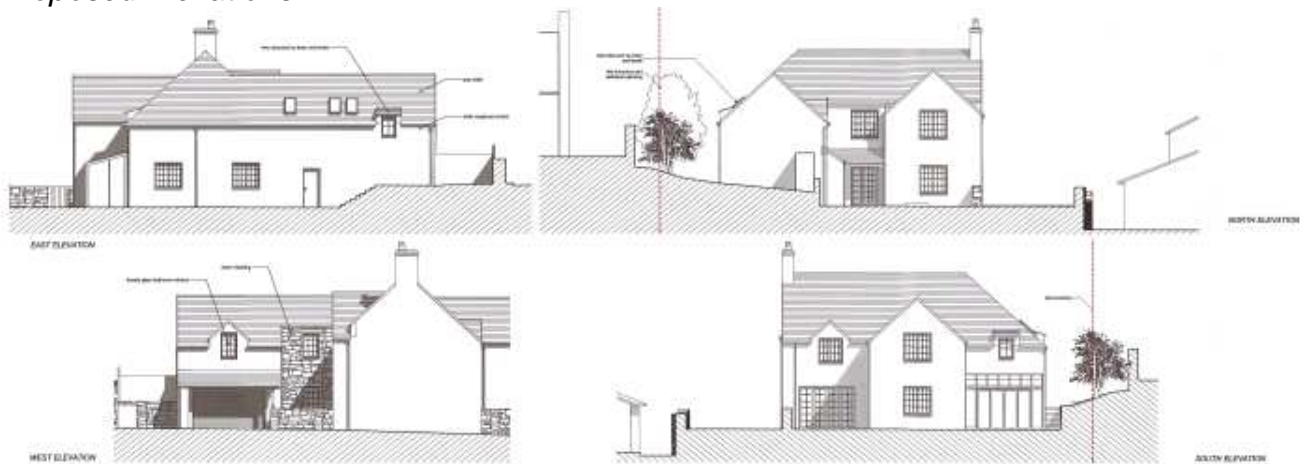
APPLICATION/SITE DESCRIPTION

The application relates to the re-submission of a previous planning application reference P/17/439/FUL and seeks full planning permission for the erection of 3 detached dwellings and associated works on land adjacent to Ty Gwyn, Heol y Graig, Porthcawl.

The application site is relatively level and measures approximately 2900 square metres in area. The site originally formed part of a farm and included a single dwelling known as Ty Gwyn.

The application proposes the erection of three, 5 bedroom detached dwellings all with associated landscaping and parking. The proposed dwellings will be L-shaped in form and two storeys high. Each dwelling is sited such that the front elevation will overlook the private drive and provides open, hard surfaced entrance courtyards and amenity space to the side of the properties. Materials proposed are similar to the local vernacular with self coloured render, high quality timber windows with slender mullions and small panes, stone faced lintels where appropriate and stone cills throughout, slate roof with dark clay ridge tiles, cast iron rainwater goods and some stone walls to bring up the elevations.

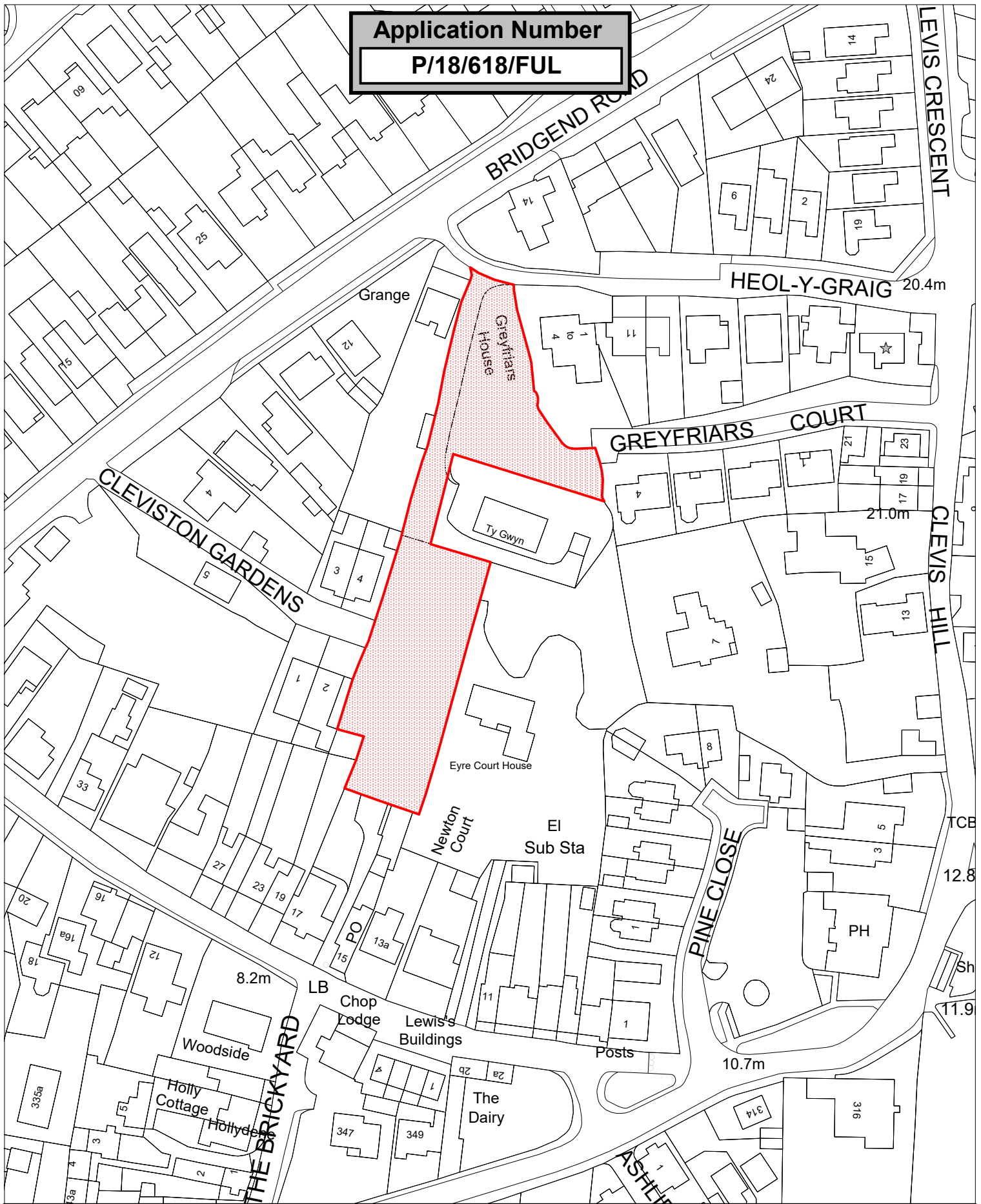
Proposed Elevations:



Each dwelling will comprise a living room, kitchen/dining room, family room, utility, wc and garage at ground floor level and a master bedroom with en-suite and dressing room, 3 double bedrooms with en-suite, family bathroom and a single bedroom/office at first floor level.

Application Number

P/18/618/FUL



Scale 1:1,250

Date Issued:
03/10/2018

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

(c) Crown Copyright and database rights
(2018) Ordnance Survey (100023405)

(c) Hawlfraint a hawliau cronfa ddata'r Goron
(2018) Rhif Trwydded yr Arolwg Ordnans
(100023405)

(c) Cities Revealed Aerial Photography
copyright, The GeoInformation Group (2009)

Cyngor Bwrdeistref Siro





Fig 1: Proposed Floor Plans

Access to the site is currently via a private drive from Heol y Graig. A right of access for pedestrians to Newton Nottage Road is retained by the applicant. The proposed dwellings will be arranged along an improved private drive and will be accessed via the existing access onto Heol y Graig.

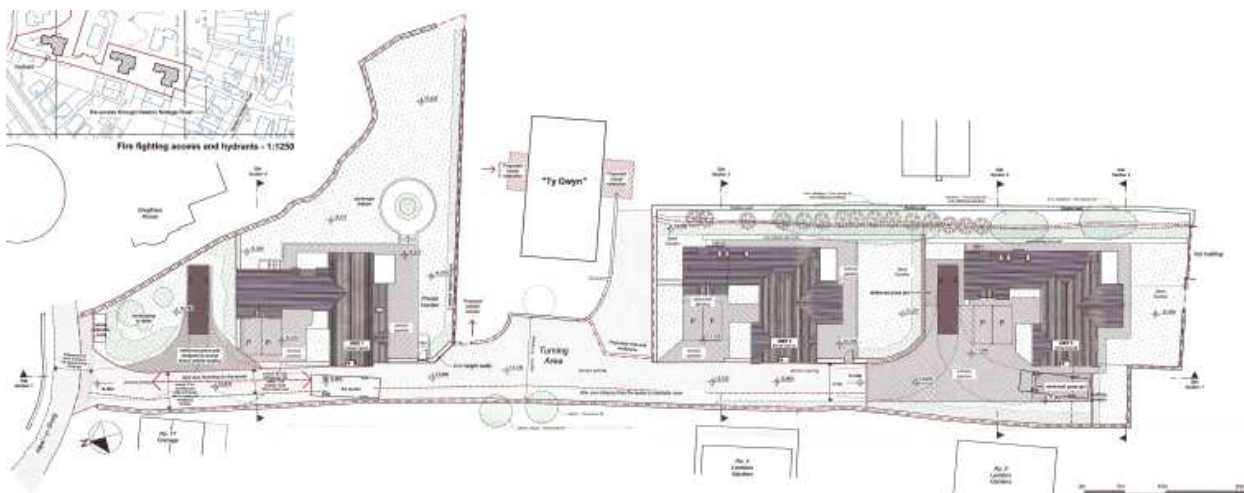


Fig 2: Proposed Site Layout:

The application also proposes the removal of 6 trees on the site and the retention and pruning back of the existing hawthorn trees located along the eastern boundary of the site, together with new planting to provide a habitat for wildlife and a barrier between the new dwellings and the concrete boundary wall of the adjacent property.

The application site lies within the approved residential settlement boundary of Porthcawl as defined by policy PLA1 of the Bridgend Local Development Plan 2013. The site is located within the Newton Conservation Area and lies to the eastern side of the village. The site lies within a predominately residential area of Porthcawl and is surrounded by a variety of different designs and styles of residential properties, including Eyre Court and Greyfriars Court.

The application has been accompanied by:

- Design and Access Statement prepared by Gillard Associates;
- Planning Statement prepared by Geraint John Planning
- Unilateral Undertaking – Planning Obligation by Deed of Agreement

RELEVANT HISTORY

P/17/439/FUL - Erection of 3 Detached dwellings on vacant land – Refused – Appeal Dismissed – 17/07/2018

P/13/907/FUL – Erection of 3 Detached dwellings on vacant land – Refused – 04/07/2014.

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 28 August 2018.

PLANNING POLICIES

Local Policies

The Development Plan for the area comprises the Bridgend Local Development Plan 2006-2021 which was formally adopted by the Council in September 2013 and within which the following policies are of relevance:

- Strategic Policy SP1 - Regeneration Led Development
- Strategic Policy SP2 – Design and Sustainable Place Making
- Strategic Policy SP3 – Strategic Transport Planning Principles
- Strategic Policy SP5 – Conservation of the Historic and Built Environment
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy PLA11 – Parking Standards
- Policy COM3 – Residential Re-Use of a Building or Land
- Policy COM5 – Affordable Housing
- Policy ENV6 – Nature Conservation

Supplementary Planning Guidance

SPG02 – Householder Development

SPG08 – Residential Development

SPG13 – Affordable Housing

SPG19 – Biodiversity and Development

National Planning Policy and Guidance

National planning guidance in the form of Planning Policy Wales (Edition 9, November 2016) (PPW) is of relevance to the determination of this application.

Chapter 9 of PPW is of relevance in terms of the advice it provides regarding new housing. Whilst the bulk of Chapter 9 is relevant to housing proposals in general, the following is considered to be of specific relevance to this proposal:

9.3.1 New housing developments should be well integrated with and connected to the existing pattern of settlements. The expansion of towns and villages should avoid creating ribbon development, coalescence of settlements or a fragmented development pattern.

9.3.2 Sensitive infilling of small gaps within small groups of houses or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area. Significant incremental expansion of housing in rural settlements and small towns should be avoided where this is likely to result in unacceptable expansion of travel demand to urban centres and where travel needs are unlikely to be well served by public transport.

Technical Advice Notes:

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

Technical Advice Note 2 – Planning and Affordable Housing (2006)

Technical Advice Note 5 – Nature Conservation and Planning (2009)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 18 – Transport (2013)

CONSULTATION RESPONSES

Cllr Kenneth Watts (Local Ward Member) - if the previous reasons for refusal are now addressed to the satisfaction of the Planning Officer, I am content to leave the decision to the delegated Officer.

Porthcawl Town Council – No objection subject to the developer entering into a S106 agreement to improve the condition of the highway from Bridgend Road to Heol y Graig.

Head of Street Scene (Highways) – No objection subject to conditions.

Head of Street Scene (Drainage) – No objection subject to two conditions requesting a drainage scheme and infiltration tests prior to development commencing on site.

Welsh Water Developer Services – No objection subject to standard conditions and advisory notes.

Destination and Countryside Manager – No objection subject to conditions requesting a clearance methodology, arboricultural impact assessment, tree protection plan, arboricultural method statement and watching brief which are crucial during the implementation of the scheme.

REPRESENTATIONS RECEIVED

The occupier/owner of 10 Bridgend Road raises an objection to the proposed development regarding the fear that damage will be done to the wall with the use of heavy equipment during construction work and then the constant use with the extra properties.

The occupier/owner of Flat 3, Greyfriars House objects to the development and states that the latest application remains over development on a site which is limited in both scale and access. Concerns regarding the size of unit one and its roof level would have a serious effect on both ground and first floor rooms of Greyfriars House. In terms of access, Heol y Graig is narrow in places and already has to cope with heavy traffic in school term time without the addition of large builders vehicles and possibility of half a dozen more residents cars.

The occupier/owner of 4 Cleviston Gardens objects to the proposed development stating that the proposed scale and size of the proposed houses are out of keeping with the beautiful 12th Century village. Also raises concerns regarding close proximity of proposed dwelling (Unit 2) to bedroom window resulting in loss of light and privacy. Concerns are also raised regarding the Planning Officer viewing the site from their property and the lack of time the Planning Inspector spent at their property when carrying out his site visit in relation to the appeal.

The occupier/owner of Eyre Court House raises an objection to the development stating that the applicant intends to demolish a stone boundary wall which is not within their ownership, the removal of the stone wall and lowering of foundations will affect the foundations of the existing screen wall on the neighbours property and the impact of privacy and overlooking as a result of the development due to changes in ground levels.

Concerns are also raised regarding the submission of the correct Certificate with the Planning application and advertisement requirements regarding the proposed works outside of the red line site boundary of the application.

The occupier/owner of Ty Gwyn, Heol y Graig objects to the proposed development in respect of the distance between the properties and the refuse points, lack of provision of lighting and footpath along the access road, concerns over the base levels of the proposed houses and how they relate to the current levels of the land and previously highways and the Fire Department were not satisfied with the proposals.

The occupier/owner of Cranage, 17 Heol y Graig Porthcawl objects to the proposed development stating there will be considerable noise and disturbance during and after construction, highway concerns have failed to be addressed and concerns about the vision splays at the front of the site

The occupier/owner of Crynallt, 17 Newton Nottage Road objects to the proposed development raising concerns regarding land drainage and the disposal of water at the site with the additional load of three new dwellings, lack of detail in relation to landscape proposals, concern over land referred to outside of applicant's ownership, no vehicle access to the site from Newton Nottage Road, not clear how proposed development relates to existing neighbouring properties, highway problems identified are still substantially present and the infill site of three dwellings would be over intensification of the site.

COMMENTS ON REPRESENTATIONS RECEIVED

The majority of the comments raised were addressed within the previous Planning application P/17/439/FUL and are addressed again in the appraisal section of this report. The Inspector also addresses matters raised by the neighbouring properties within his appeal decision.

On 13 September 2018, the applicant's agent submitted revised plans showing that the existing stone boundary wall will not be removed and clarified that the proposed development would be undertaken within the red line boundary. They also confirmed that the ownership of the applicant runs along the middle of the existing stone boundary wall which has been confirmed by an independent survey and, as the occupiers of Eyre Court have been informed of the results, the relevant ownership Certificate has been served in relation to the Planning application.

Inevitably a development so close to existing properties is going to result in some noise and disturbance during the construction period. If the Council were minded to grant planning permission, a planning condition could be imposed controlling the hours of work as part of a Construction Method Statement.

With regard to the provision of footpaths and lighting along the proposed access road, this is a private highway and will not be adopted by the Council. In view of this it is not the responsibility of the Council to provide footpaths and lighting on private land.

APPRAISAL

This application is reported to Committee in view of the objections received.

Background

From assessing the planning history, it is noted that a previous application (P/13/907/FUL refers) for the erection of 3 detached residential dwellings on this site was refused on the 4 July 2014 for the following reasons:

- 1. The development will result in the additional use of the substandard lane serving the site will result in an increase in traffic hazards to the detriment of highway safety and contrary to the objectives of criteria 3 and 6 of policy SP2 and criterion 6 of SP3 of the Bridgend Local Development Plan.*
- 2. In the absence of adequate common turning facilities within the site to cater for calling delivery/service vehicles and emergency service vehicles (ie. a fire appliance), the proposed development will generate vehicular reversing manoeuvres onto the highway to the detriment of highway safety and contrary to the objectives of criterion 6 of policies SP2 and SP3 of the Bridgend Local Development Plan.*
- 3. The proposal constitutes over-development as the site is too restricted to accommodate the proposed dwellings whilst safeguarding the privacy of future occupiers of plot 1 and the neighbouring dwelling by virtue of the position of a habitable room window in plot 2 and its impact on the amenities of 4 Cleviston Gardens. The development would be contrary to the objectives of criterion 12 of policies SP2 and note 6 of Supplementary Planning Guidance 02.*

Following this, a further planning application was submitted in May 2017 (P/17/439/FUL refers) proposing the erection of 3 detached residential dwellings but addressing the above mentioned reasons for refusal. On 9 January 2018, this application was refused for the following reason:

- 1. The proposed development, by reason of the number of units and their design, siting and scale, constitutes overdevelopment of the constrained site that fails to provide adequate levels of private outdoor amenity space for the future occupiers of the 5 bed dwellings, whilst having a significant detrimental impact on the privacy and residential amenities of the future occupiers of the proposed dwellings by way of overlooking. The proposed development is therefore contrary to Policy SP2 of the Bridgend Local Development Plan 2013, Supplementary Planning Guidance SPG02: Householder Development and advice contained in Planning Policy Wales (Edition 9, November 2016) and Technical Advice Note 12 – Design (2016).*

The applicant appealed the LPA's decision to refuse the planning application to the Planning Inspectorate. Whilst the Inspector considered the scheme to be acceptable, the appeal was dismissed on 17 July 2018, for the following reason:

A suitable legal agreement under Section 106 of the above Act has not been submitted with the appeal proposal, however, and such contributions cannot be addressed through the use of planning conditions. It therefore follows that the agreement between the parties over such a matter, as referred within the Council's evidence, should not be attributed weight in the determination of the appeal. Without such contributions, the proposed development would be contrary to the general thrust of Policy SP14 and Policy COM5 of the adopted LDP and, for the same reasons, would also conflict with the ministerial priority of delivering affordable housing through the planning system as prescribed by Planning Policy Wales (Edition 9, 2016) (PPW) and Technical Advice Note 2: Planning and Affordable Housing (2006) (TAN2). Indeed, in light of the absence of any information to justify a deviation from such an established policy position, I find the lack of such an obligation to represent a compelling reason why planning permission should be withheld.

In view of this, the applicant's agent has now re-submitted the same scheme for 3 detached residential dwellings on the same site but has also submitted a draft Unilateral Undertaking legal document committing to the revised sum regarding the affordable housing contribution.

Assessment

The main issues to consider in the determination of this application are the principle of the development, the impact on the character and appearance of the area and Newton Conservation Area, the potential impact on neighbouring amenities, drainage, trees and highway safety and the applicant's commitment to paying the financial contribution required to meet the affordable housing provision.

Principle of the Development

The application site lies within the main settlement boundary for Porthcawl as recognised by Policy PLA1 Settlement Hierarchy and Urban Management of the LDP. It also lies within the Porthcawl Strategic Regeneration Growth Area as defined by Policy SP1 Regeneration-Led Development of the Bridgend Local Development Plan (LDP) adopted 2013.

Policy COM3 Residential Re-Use of a Building or Land of the LDP states *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 subject to detailed design considerations and where no other policy protects the building or land for an existing or alternative use.*

The proposed site would be classified as a small site under Policy COM3, which makes an important contribution to the overall housing supply and introduces an important element of choice and flexibility into the housing market. The site is not allocated for a specific use therefore, residential development would be acceptable in principle subject to other LDP Policies and detailed design considerations.

Policy COM5 Affordable Housing states where a *local need is demonstrated, the Council will expect an appropriate element of "affordable housing.* The proposal has triggered this policy as the site exceeds 0.15 hectares in size and is discussed in more detail in the section below.

In conclusion, the principle of development accords with Policies SP1, PLA1 and COM3 of the LDP. In view of the above, it is considered that the principle of residential development is acceptable subject to compliance with Policies COM5 and SP2 of the BLDP 2013.

Impact on the character and appearance of the area and the wider Newton Conservation Area

The site is located within the Newton Conservation Area under Policy SP5(2) Conservation of the Built and Historic Environment of the LDP, which states *future development should not destroy or devalue the character and appearance of the Conservation Area. It is important that the proposed development should conserve, preserve, or enhance the built and historic environment of the County Borough and its setting.* The Council's Conservation Officer states that the materials for the proposed buildings are similar to the local vernacular – white painted or self-coloured render, small paned timber windows, timber doors, stone sills, natural grey slate roofs, chimneys and cast iron rainwater goods, the L - shape is a traditional form and gardens are set back behind stone boundary walls.

Accordingly, the proposed dwellings will not have an adverse impact on the character and appearance of the Conservation Area, as the proposed development is considered to be sympathetic in design, scale and materials, is well screened and seeks to preserve and enhance the character and appearance of the area, thereby according with Policy SP5 (2) of the LDP.

Design, Siting, Scale and Materials

Initially, the LPA raised concerns and subsequently refused the previous planning application P/17/439/FUL with respect to the proposed size, scale and number of units and that this would result in the over-development of the site and a substandard level of amenity space in terms of provision and privacy to serve the future occupiers of the proposed dwellings.

The applicant appealed the LPA's decision to the Planning Inspectorate and subsequently the Inspector disagreed with the LPAs position and made the following observations regarding the LPA's concerns in his decision:

Paragraph 6 of the appeal decision letter states:

In terms of the issue of living conditions, I am satisfied that the proposed scheme would, by virtue of its development to plot ratios, provide for a satisfactory quantum of outdoor amenity space at each of the proposed dwellings. I am also satisfied that, by virtue of the vast area of amenity space proposed at Plot No.1, and the angle of outlook from the neighbouring Greyfriars Court, a sufficient proportion of the outdoor space at that property could be utilised as a private amenity area. There is little doubt that the combination of the limited distance between Plot Nos. 2 and 3 and the proposed first floor window arrangements at Plot No.3 would lead to a lack of private outdoor space at Plot No.2. Indeed, the space to the south of the dwelling at Plot No.2 would be significantly overlooked by the first floor window located in the northernmost elevation of Plot No.3. Similarly, the first floor window separation distances between habitable room windows at Plot Nos. 2 and 3 would also fall short of the 21 metres prescribed by the Council's adopted Supplementary Planning Guidance SPG 02: Householder Development (SPG). However, as the imposition of a suitably worded planning condition requiring the window in the northernmost gable of Plot No.3 to be obscurely glazed would satisfactorily mitigate such concerns, I do not consider that such matters merit the refusal of planning permission.

Paragraph 8 goes on to state:

I therefore find that, subject to the imposition of suitably worded planning conditions, the proposed development would provide for acceptable living conditions for future occupiers of the proposed dwellings. I also find that the concerns raised in relation to the effect of the proposed development upon the living conditions of the occupiers of neighbouring residential properties are largely unsubstantiated. The development would therefore be broadly compliant with Policy SP2 of the adopted Bridgend Local Development Plan (2013) (LDP) and the associated advice contained within the aforementioned SPG document.

Accordingly, it is considered that subject to the imposition of an appropriate planning condition regarding the implementation of obscure glazing to the window in the northern most gable of Plot 3, the proposed development can be deemed to be acceptable and accords with Policy SP2 of the BLDP (2013) and the Council's Supplementary Planning Guidance SPG02: Householder Development.

Impact on neighbouring amenities

2 and 4 Cleviston Gardens are semi-detached dormer bungalows to the west of the application site. Although the principal elevations of the development would overlook the access track and the gardens of the respective properties, side facing windows serving a kitchen, bathroom and bedroom at ground floor and bedroom windows (4 Cleviston Gardens) at first floor level face the development site. From the site inspection, it was noted that the above properties are located at a lower level than the proposed dwellings due to the topography of the site.

Previously, and as mentioned above, the application was refused due to its impact on the privacy and amenities of 4 Cleviston Gardens, However, the applicant has addressed this issue by removing the bedroom window and replacing it with an obscurely glazed window that now serves a bathroom on the western elevation of Unit 2. In view of this, whilst it is noted that there is only a distance of 8m between Unit 2 and 4 Cleviston Gardens, due to the separation by the access track and the fact that no windows directly overlook the property, it is considered that the proposed development will not have an adverse impact on the residential amenities currently enjoyed by the occupiers of 4 Cleviston Gardens.

With regard to the relationship between Unit 3 and 2 Cleviston Gardens, it is noted from the submitted plans that only one habitable room window (serving the master bedroom) will directly face the said property with a separation distance of 18m. Direct overlooking will not occur (based on the finished level Unit 3 relative to the neighbouring property) and therefore, the proposed development is not considered to have an adverse impact on the residential amenities currently enjoyed by the occupiers of 2 Cleviston Gardens.

Ty Gwyn is the existing detached dormer bungalow that is located within the development site, between the proposed dwellings at Units 1 and 2. It currently enjoys a relatively open outlook from its principal windows in the front and rear elevations. The property has also benefitted from planning permission which has allowed a number of alterations to be undertaken to the property including front and rear extensions and additional accommodation in the roof space. Consideration has been given to the relationship between the existing and potentially extended property to the proposed dwellings. It is also noted that the finished levels of the proposed dwellings (Units 1 and 2) will be below the floor level of Ty Gwyn. Again whilst the close proximity and relationship of this property and Unit 2 is noted, the applicant has removed the bedroom from the northern elevation of the proposed dwelling to reduce the impact of overlooking of Ty Gwyn. Also, due to the elevated nature of Ty Gwyn and the position of an existing 2m high stone pillar and wooden panel fence around the property, it is considered that the proposed dwelling (Unit 2) will have no adverse impacts on the residential amenities currently enjoyed by the occupiers of Ty Gwyn.

Eyre Court House is a relatively modern large detached property set within a very generous garden area that lies immediately to the east of the development site and shares its boundary with the rear of Units 2 and 3. Due to the topography of the site, Eyre Court House is positioned at a higher level than the proposed dwellings and is separated by a stone boundary wall. There are a number of trees that run along this boundary which are to be retained and which will help to address any privacy/overlooking matters as a result of the development. Whilst views may be afforded from the proposed development into the upper floor of Eyre Court, it is considered that these views would be limited and the retention of the trees and vegetation along the shared boundary would help to obscure any views. Accordingly, it is considered that the development will not have an adverse impact on the residential amenities of this neighbouring property.

Cranage, 17 Heol Y Graig is a detached bungalow sited alongside the entrance to the development site such that its rear garden shares its boundary with the western edge of the proposed access. The design and siting of Unit 1 will ensure that no direct overlooking between windows will occur. Cranage is situated at a lower level than Unit 1 and therefore the existing boundary wall offers a degree of privacy. The nearest living room window (which is a secondary opening) could however be fitted with obscure glazing if permission were to be granted for the development. The proposed hall and utility room windows in Unit 1 do not serve habitable rooms.

The Inspector agreed with the LPA's assessment regarding the impact on neighbouring properties and stated in paragraph 7 of his decision:

The Council has not objected to the proposed development on the basis of its effect on the living conditions of the occupiers of existing residential properties, although a number of representations opposing the scheme have been received from interested parties. In response to those matters, I am satisfied that, by virtue of the siting and orientation of the proposed dwellings relative to the existing properties within the area, there would not be any significant overshadowing impacts or any material loss of light at any of the nearby residential properties. Moreover, by reason of the combination of the siting of the proposed dwellings, the specific location of the habitable rooms within each of the proposed dwellings and the potential requirement for obscured glazing to be utilised through planning conditions, I do not consider that the proposed development would result in a material loss of privacy at existing properties. Moreover, as there is no legal right to a view over land in separate ownership, I can only attribute limited weight to such matters.

Overall, it is considered that the proposed development will not have a significant adverse impact on the amenities of the neighbouring properties subject to the imposition of appropriate planning conditions regarding obscure glazing, boundary and landscape treatments in accordance with Policy SP2 (12) of the Bridgend Local Development Plan and the Council's Supplementary Planning Guidance SPG02: Householder Development.

Access and Parking

The Highway Officer has considered the transportation implications of the proposal and has noted that this application is a resubmission of a previously refused application P/17/439/FUL. The previous application did not attract an objection from the Highway Officer and, in transportation terms, it was considered acceptable subject to the imposition of planning conditions. This latest submission is exactly the same as the previous scheme and the Highways Officer's comments and conditions are re-iterated.

The proposal is currently on land which has no established use in planning terms and as such any traffic generated from the development would be additional traffic to the network however, it is considered that the local highway network could accommodate a development of this scale. In considering the site layout a number of highway safety related concerns were raised and as a result a meeting with the applicant's agent took place to discuss those concerns amongst other planning related issues. As a result of that meeting the agent submitted a set of revised plans which aimed to address the concerns of the Highway Authority. The revised plans, submitted on 10 October 2017, included the ability for a fire engine to reach Unit 3 and turn to exit the site in a forward gear.

Improvements to the bell mouth of the access have been made to provide the required vision splays commensurate with the speed and volume of vehicles passing the site entrance. It should be noted that, in this instance, due to the width of Heol y Graig the vision splays can be measured 2.4m back from the access to the centre line of Heol y Graig, as it is considered that vehicles drive in the centre of the road at this point.

It is considered that the garden wall of the neighbouring property to the south will not interfere with the vision splays however, to ensure this situation remains in perpetuity, a condition is requested to be attached to any consent granted. In addition to the above the access road surface treatment has been amended to provide a surface type and colour that would indicate a shared pedestrian and vehicular arrangement.

Notwithstanding the above, some concerns remain. The refuse collection point location should be adjacent to the adopted highway to ensure refuse operatives do not have to enter private land to collect household waste. In addition the surface treatment of the emergency/delivery vehicle turning area adjacent to Unit 3 should be surfaced in the same

material as the access road, to ensure it remains clear for use at all times and should not form part of the garden of Unit 3. It is considered that these concerns could be overcome by the imposition of suitable planning conditions.

Accordingly, the proposed development is considered to accord with Policies SP2 (6), SP3 and PLA11 of the BLDP 2013 and the Council's Supplementary Planning Guidance SPG: 17 Parking Standards.

Drainage

The Council's Drainage Officer has considered the submitted information and in view of the limited information available, has recommended that two conditions be attached to any consent granted regarding infiltration tests and a drainage scheme to be submitted and agreed by the LPA prior to any works commencing on the site, to accords with Policy SP2 (13) of the LDP.

Biodiversity/Ecology

The Council's Ecologist has assessed the application and has noted that the site is covered in scrub vegetation which provides feeding and nesting opportunities for a range of species including bats, birds, and reptiles.

The SPG provides detailed advice in respect of protected species and the optimum timing of works so as to limit their effect on wildlife and to ensure works proceed within the law. In this respect, the bird nesting season is generally considered to be from the beginning of March until August. With specific reference to this proposal, Section B1: Biodiversity Design Guidance Sheet: Bats and Development, B2: Biodiversity Design Guidance Sheet: Birds and Development and B3: Biodiversity Design Guidance Sheet: Reptiles and Amphibians and Development are relevant as the developers may encounter nesting birds and/or reptiles when undertaking the scrub clearance however, bats will predominantly be using the scrub for foraging opportunities.

The scrub vegetation made it impossible to access the whole of the site to determine presence of non-native invasive species however, it was noted Montbretia was growing close to the existing property. Montbretia is listed under Part II of Schedule 9 Wildlife & Countryside Act 1981 which makes it an offence to deliberately cause them to grow in the wild. This species is also subject to Section 34 of Environmental Protection Act (1990) and is classed as 'Controlled Waste'. Consequently it should be disposed of at a licensed landfill site under the EPA (Duty of Care) Regulations (1991). There are no such licensed sites within Bridgend County Borough.

Given the above, the applicant should submit a clearance methodology to the Local Planning Authority for approval prior to works commencing on the site.

The southern portion of the site is bounded by mature trees with the south eastern boundary containing trees that are protected under Tree Preservation Order (TPO) (1978) OBC No1. This TPO designation and mature planting will provide natural screening to neighbouring properties.

The submitted tree survey and the supporting documentation also seek to consider the impact of the development on neighbouring properties however, it is recommended that

the tree survey be developed in line with British Standard recommendations BS5837:2012 and should include an arboricultural impact assessment, tree protection plan, arboricultural method statement and watching brief which are crucial during the implementation of the scheme. These documents should be submitted to the Local Planning Authority for approval prior to works commencing on site.

In view of the above, it is considered that the proposal complies with Policy ENV6 of the LDP, the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

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

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

S106 Contributions

Policy SP14 of the LDP requires applicants to enter into Planning Obligations or alternatively provide contributions if they are deemed necessary to offset any negative consequence of development. The most relevant issue to be considered in this regard relates to affordable housing provision.

The proposal triggers Policy COM5 of the LDP which requires 30% of the dwellings to be affordable on sites that exceed 0.15 hectares in size in the Porthcawl and Rural area. Given the low quantum of dwellings proposed, it is considered that a financial contribution in lieu of on-site provision is more appropriate on this occasion. As such, a revised commuted sum of £103,042.80 is sought towards affordable housing and this will be secured through a Section 106 Agreement. The applicant has confirmed that they are happy to enter into an agreement to secure the relevant contribution.

CONCLUSION

This application is recommended for approval because the development complies with Council policy and guidelines and, subject to conditions, will not have an adverse impact on the living conditions of the future occupiers of the dwellings, will be served by an adequate amount of amenity space and will not have a significantly detrimental impact on the privacy or visual amenities of the area nor so significantly harm neighbours' amenities or highway safety to warrant refusal of the application. The concerns of the residents have been taken into account as part of the consideration of the application; however, it is not considered that on balance that the issues raised outweigh the merits of the scheme. In response to the Inspector's decision, the applicant has agreed to enter into an obligation to secure the relevant contribution for affordable housing.

RECOMMENDATION

- A) The applicant enters into a Section 106 Agreement to provide a financial contribution in the sum of £103,042.80 (index linked) towards the provision of affordable housing;

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

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

Site Location Plan, Planning Statement prepared by Geraint John Planning, Design and Access Statement prepared by Gillard Associates and Drawing Nos. C177/AL(0) 11 Revision P1, C177/AL(0) 12 Revision P1, C177/AL(0) 13 Revision P1, C177/AL(0) 14 Revision P1 received on 27 July 2018 and the amended plan Drawing No. C177/AL(0)6 Revision P6 - Site Plan and Site Sections received on 13 September 2018.

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.

3. Notwithstanding the submitted details, no development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation has been submitted to and agreed in writing by the Local Planning Authority. 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. Notwithstanding the requirements of condition 1, no development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt with, including future maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to beneficial use of any part of the development commencing.

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

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

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

6. Notwithstanding the submitted plans, no development shall commence until a scheme for the provision of an emergency vehicle turning area adjacent to Unit 3, with a surface treatment matching the access road and clearly identifiable as not part of Unit 3, has been submitted to and approved in writing by the Local Planning Authority. The turning area shall be implemented in permanent materials before the development is brought into beneficial use and retained for turning purposes in perpetuity.

Reason: In the interests of highway safety.

7. No structure, erection or planting exceeding 0.6 metres in height above adjacent carriageway level shall be placed within the required vision splays of 2.4m x 15m to the east and 2.4m x 16m to the west measured to the centre line of the carriageway at any time.

Reason: In the interests of highway and pedestrian safety.

8. Notwithstanding the submitted plans no entrance gates shall be installed on any plots at any time.

Reason: In the interests of highway safety to ensure adequate passing places and turning areas within the development.

9. No development shall commence until a scheme for the provision of a refuse collection point which is adjacent to and accessible from, the adopted highway is submitted to the Local Planning Authority. The refuse collection point shall be implemented in accordance with the agreed scheme before the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of highway and refuse collection operatives' safety.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification) (as amended), no development shall be carried out which comes within Parts 1 (Classes A, B and C) of Schedule 2 of this Order.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification) (as amended), no building, structure or enclosure required for a purpose incidental to the enjoyment of any dwelling-house shall be constructed, erected or placed within the curtilage.

Reason: To enable the Local Planning Authority to control the scale of development.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) or any Order revoking or re-enacting that Order (as amended), no windows other than as hereby approved shall be inserted into the dwellings hereby permitted.

Reason: To safeguard the privacy and residential amenities of adjoining

neighbouring occupiers.

13. No development shall take place until full details of both hard and soft landscape works have been submitted and agreed in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include all proposed planting and landscaping such as schedule of plants/trees, species and number/densities, hard surfacing materials and implementation programme.

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

14. No development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority for tree and root protection measures including barrier fencing for all existing trees and hedgerows on and adjacent to the site, an arboricultural impact assessment, an arboricultural method statement and a watching brief. The agreed details shall be implemented prior to and for the duration of the development of the site.

Reason: In the interests of biodiversity.

15. No development shall take place until a clearance methodology which includes full details of how the works will eradicate the invasive species at the site and confirm that the site doesn't contain additional non-native invasive species has been submitted to and approved by the Local Planning Authority. Works shall be carried out in accordance with the agreed details.

Reason: In the interests of controlling invasive species and safeguarding general amenities.

16. Notwithstanding the requirements of condition no.1, the following windows shall be fitted with obscure glazing to a minimum of level 5 on the Pilkington index of obscurity and non-opening:

- First floor window opening positioned within the northernmost gable of the northern elevation of Unit 3 (to serve master bedroom);
- First floor window opening positioned in the western elevation of Unit 2 (to serve a bathroom);
- Ground floor window opening positioned on the western elevation of Unit 1 (to serve living room)

The windows shall be fitted prior to the beneficial use of the dwelling hereby approved and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

17. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. Loading and unloading of plant and materials
 - iii. Storage of plant and materials used in constructing the development
 - iv. The erection and maintenance of security hoarding

- v. Wheel washing facilities
- vi. Measures to control the emission of dust and dirt during construction
- vii. Hours of operation.

Reason: In the interests of highway and pedestrian safety and to ensure that the highway amenities of the area are not unduly affected.

18. Prior to the construction of the dwellings on site, details of existing ground levels within and adjacent to the site and the proposed finished ground and floor levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

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

a. This application is recommended for approval because the development complies with Council policy and guidelines, will not have an adverse impact on the living conditions of the future occupiers of the dwellings, will be served by an adequate amount of amenity space and will not have a significantly detrimental impact on the privacy or visual amenities of the area nor so significantly harm neighbours' amenities or highway safety as to warrant refusal.

b. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

c. The applicant may need to apply to Dwr Cymru/Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). Further information can be obtained via the Developer Services pages of www.dwrcymru.com

d. In order to satisfy Conditions 4 and 5 the following supplementary information is required:

- Provide drainage layout showing both foul and surface water sewers and their discharge points.
- Provide an agreement in principle from DCWW with regards to the proposed foul water connection to the existing public sewer.
- Provide infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE 365.
- Provide a plan showing location of trial holes and at least 3 separate tests at each trial hole location.
- Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system.
- Provide a timetable for its implementation; and
- Provide a management and maintenance plan for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

e. The Public Protection Section draws your attention to the following:-

- The possibility of gases (landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but not radon gas) being generated at the site or land adjoining thereto, and recommend investigation and monitoring of the area.
 - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing within 2 days to the Public Protection Section, all associated works should stop and no further development should take place until a scheme to deal with the contamination found has been approved.
 - Any topsoil [natural or manufactured] or subsoil, to be imported, should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.
 - Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.
 - The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for
 - (i) determining the extent and effects of such constraints;
 - (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use,
 lies with the applicant/developer.
 - Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
 - Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed.
- f. The proposed 'Private Drive' will not be adopted by the Highway Authority.
- g. 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.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers
 None

REFERENCE: P/18/583/OUT

APPLICANT: Mr & Mrs Miller Broadlands Cottage, Broadlands, Bridgend, CF32 0NS

LOCATION: Land at Broadlands Cottage, Broadlands, Bridgend CF32 0NS

PROPOSAL: Residential development for 4 new build detached dwellings with associated new access

RECEIVED: 18 July 2018

SITE INSPECTED: 7 August 2018

EOT AGREED: 15 October 2018

APPLICATION/SITE DESCRIPTION

The application seeks Outline planning permission with all matters reserved for future approval. The scheme proposes the erection of four, new build, detached dwellings with associated access on land at Broadlands Cottage, Broadlands, Bridgend.

The application site currently forms part of the residential garden of the existing dwelling known as Broadlands Cottage. Access to the dwelling is currently via a Public Right of Way which is also used by pedestrians and cyclists and is located to the north of the site.



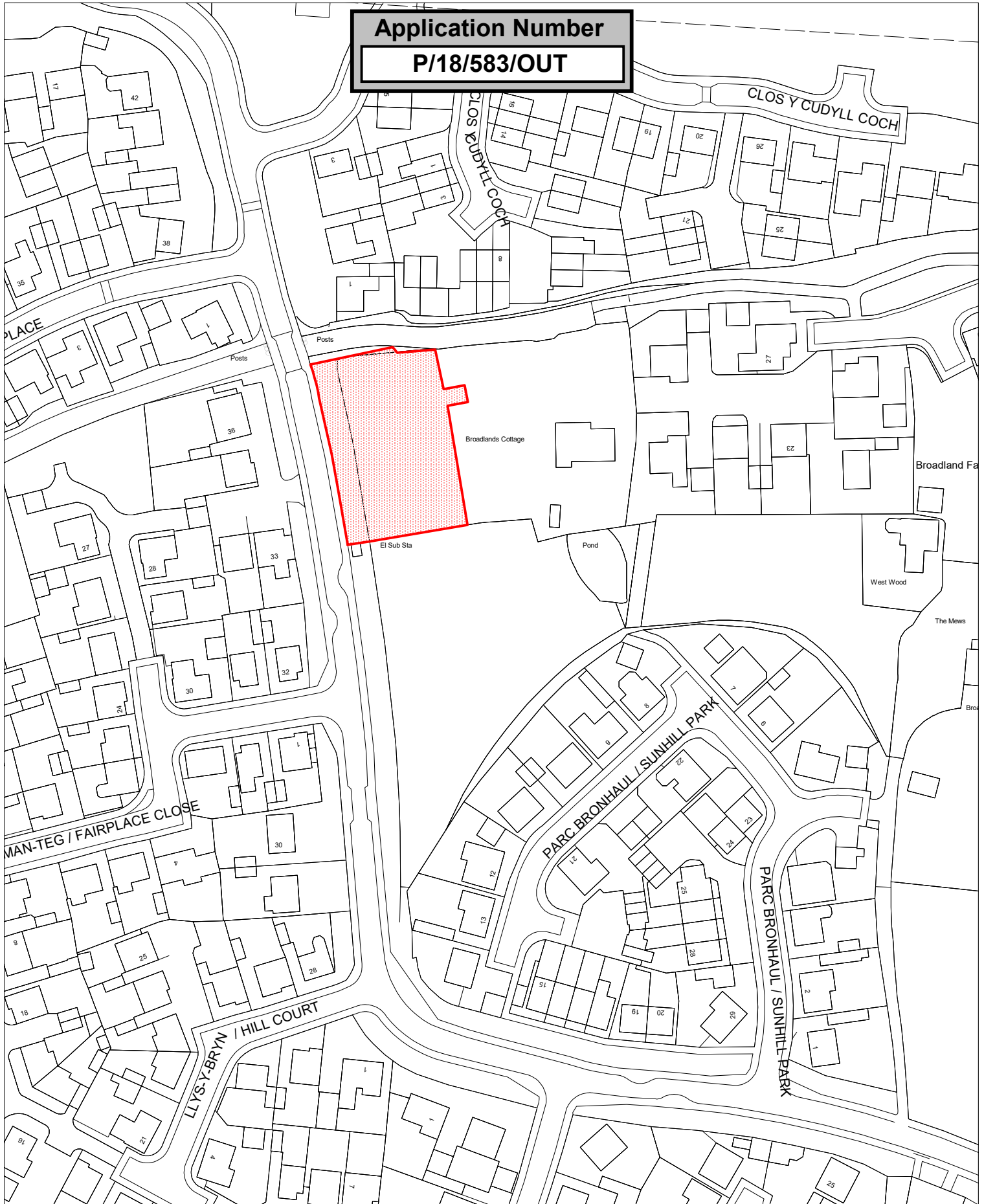
Fig 1: Site Location Plan:

The application seeks to develop part of the site for the erection of four detached dwellings with associated garages and driveways and the creation of a new access off the main peripheral road serving the residential estate. The application also seeks to extinguish the existing access to Broadlands Cottage along the Public Right of Way and create a new access through the application site to access the existing dwelling. As the application is in Outline, all matters have been reserved for future consideration.

The scale parameters of the proposed dwellings are two storey properties of 9m in height and 7m x 13m (including garages) in footprint with three car parking spaces to be provided for each residential unit (a garage and two driveway spaces) and two visitor spaces to be

Application Number

P/18/583/OUT



Scale 1:1,250

**Date Issued:
03/10/2018**

**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

(c) Crown Copyright and database rights
(2018) Ordnance Survey (100023405)

(c) Hawfprint a hawliau cronfa ddata'r Goron
(2018) Rhif Trwydded yr Arolwg Ordnans
(100023405)

(c) Cities Revealed Aerial Photography
copyright, The GeoInformation Group (2009)



accommodated within the site. The proposed layout includes one dwelling located to the north of the site with a detached garage and three dwellings with attached garages located to the south.



Fig 2: Proposed Site Layout:

The application is located within the residential settlement boundary of Bridgend as defined by Policy PLA1 of the Local Development Plan (LDP) 2013, within the existing residential estate known as Broadlands and is surrounded by a number of similar designed, two storey, relatively new build, modern residential properties.

RELEVANT HISTORY

None

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 16 August 2018.

PLANNING POLICIES

Local Policies

The Development Plan for the area comprises the Bridgend Local Development Plan (LDP) 2006-2021, which was formally adopted by the Council in September 2013, within which the following Policies are of relevance:

- Strategic Policy SP2 – Design and Sustainable Place Making
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy PLA11 – Parking Standards

Supplementary Planning Guidance

SPG02 - Householder Development

SPG08 – Residential Development

National Planning Policy and Guidance

National planning guidance in the form of Planning Policy Wales (Edition 9, November

2016) (PPW) is of relevance to the determination of this application.

Chapter 9 of PPW is of relevance in terms of the advice it provides regarding new housing. Whilst the bulk of Chapter 9 is of relevance to housing proposals in general, the following is considered to be of specific reference to this proposal:

9.3.2 Sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area.

9.3.3 the cumulative effects of development or redevelopment.... should not be allowed to damage an area's character or amenity.

Technical Advice Notes:

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

Technical Advice Note 12 – Design (2016)

Technical Advice Note 18 – Transport (2007)

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

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

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

CONSULTATION RESPONSES

Head of Street Scene (Highways) – No objection subject to the developer entering into a Section 106 Agreement to relinquish the access rights along the cycle path and Public Right of Way and the imposition of a number of conditions including the permanent stopping up of the vehicular access onto the cycle path and Public Right of Way.

Head of Street Scene (Drainage) – No objection subject to the imposition of two conditions requesting a drainage scheme and infiltration test results.

Welsh Water Developer Services – No objection subject to standard advisory notes.

Head of Public Protection - No objection subject to standard advisory notes.

Rights of Way Section – No objection subject to the applicant keeping the footpath clear of any materials whilst works are being carried out.

REPRESENTATIONS RECEIVED

A petition objecting to the proposed development has been received from 33 Clos Manteg, Broadlands. The petition has been signed by three other properties namely 34, 35 and 36 Clos Manteg and raises the following concerns:

- Proposed access is onto Heol Blandy which is an un-adopted road and subject to a lengthy dispute between BCBC and Permission Homes;
- Proposed access will result in the removal of an established hedgerow which will have a detrimental environmental effect;
- Some of the mature trees should be subject to a tree protection order;
- Introduction of the proposed access could have a road safety impact not only for children but other vehicles using Heol Blandy; and
- Inadequate visitor parking could result in on street parking on Heol Blandy causing disruption to both pedestrians and traffic flow;

An objection has also been received from 6 Clos y Cudyll Coch raising the following concerns:

- Application site is a pleasant piece of land both visually and as a natural habitat and would result in the loss of green space on the residential estate;
- Concerns that houses will be built on the remaining parcel of land which is located directly behind the property which will detract from the pleasant outlook and privacy the property currently benefits from;
- Proposed development would result in considerable disruption (noise, pollution from large vehicles to the site) to the residents of the area during the building process.

COMMENTS ON REPRESENTATIONS RECEIVED

The majority of the concerns raised above are addressed within the appraisal section of this report.

The status of the un-adopted road is not a material planning consideration.

Details regarding landscaping and hedgerows is a Reserved Matter and not a consideration at this stage as the application is in Outline only. A landscaping condition will be attached to ensure these details are submitted with any Reserved Matters submission, however, the indicative layout suggests that this hedgerow will be retained.

Concerns regarding the impact of any future development of the remaining parcel of land, (land outlined in blue) does not form part of the assessment of this application and any future proposals for that site will be considered on their own merits.

Inevitably a development so close to existing properties is going to result in some noise and disturbance during the construction period. If the Council were minded to grant planning permission, a planning condition could be imposed controlling the hours of work, to preserve the residential amenities of the area.

APPRAISAL

The application is referred to the Development Control Committee to consider the objections raised by local residents.

The main issues to consider in the determination of this application are the principle of the development, its impact on the character and appearance of the on the existing

property (Broadlands Cottage), the street scene and wider area and its impact on neighbouring properties, drainage and highway safety.

Principle of Development

The application site lies within the residential settlement boundary of Bridgend as defined by Policy PLA1 of the LDP 2013. Policy COM3 *Residential Re-Use of a Building or Land* states that residential developments within settlement boundaries defined in Policy PLA1 on windfall and small scale sites for the conversion of existing buildings, or the re-use of vacant or under-utilised land, will be permitted where no other policy protects the building or land for an existing or alternative use. The proposed site would be classed as a vacant site under Policy COM3. The site is not allocated for a specific use therefore, a residential re-development of the site would be acceptable in principle subject to other LDP policies and detailed design criteria.

In conclusion, the principle of residential development accords with Policies PLA1 and COM3 of the LDP and is therefore considered acceptable.

Impact on existing property, street scene and wider area

The application proposes the erection of four, detached, two storey properties on land that currently forms part of the domestic garden of the property known as Broadlands Cottage. The proposed scale and layout parameters of the dwellings on the submitted plans are considered to be in keeping with the area, including garages and driveways, with adequate amenity space which reflects the design and size of the existing dwellings that currently surround the site. Whilst the application site currently comprises a domestic garden, it is considered that the introduction of four dwellings will not have a significant adverse impact on the proposed street scene or the wider area.

Whilst all matters are reserved for future appraisal, the access into the site has been proposed off the main un-adopted road through the Broadlands estate. Details such as landscaping and retention of the existing hedgerow on the site are not for consideration at this stage, however, it is considered necessary to attach a condition to the consent requesting a landscaping scheme to be submitted and agreed by the Local Planning Authority (LPA) prior to development commencing on site.

In respect of design, as the application is in Outline, there are no design details submitted however, these would be considered and agreed at the Reserved Matters stage where the local context can be taken into account.

Accordingly, it is considered that the proposed development accords with Policy SP2 (2) and SP2 (3) of the Bridgend LDP (2013).

Impact on neighbouring properties

From assessing the submitted plans, it is considered that the proposed three detached dwellings located to the south of the site will not have a significant adverse impact on the residential amenities of the existing neighbouring properties as they back onto a landscaped area which contains many trees, shrubs and a pond. They are also considered to be located an adequate distance from existing properties to preserve existing privacy levels.

With regard to the proposed detached dwelling located to the north of the site, whilst the details of design and position of the proposed windows is a Reserved Matter, the proximity of the proposed dwelling in relation to the property to the rear, 1 Clos y Cudyll Coch, between habitable windows, is 14m and it is considered to fall below the Council's suggested standard of 21m as stated within the Council's Supplementary Planning Guidance SPG02: Householder Development. The proposed dwelling is not however

directly in line with 1 Clos y Cudyll Coch (as noted following an inspection of the application site and area) and it was noted that the two properties are separated by an existing Public Right of Way and established landscaping, such as large shrubs and trees along the boundary of the above mentioned property, which significantly reduces the impact on any overlooking or privacy issues as a result of the proposed dwelling. These landscape features on the application site will be retained as part of any future landscaping scheme.

It is also considered that the proposed dwelling will not have a significant adverse impact on the properties in on Clos Manteg due to the separation distance and the intervening main highway.

Accordingly, it is considered that the proposed development will not have a significant adverse impact on the residential amenities of existing neighbouring properties, particularly as the exact layout is yet to be agreed, and accords with Policy SP2 (12) of the LDP (2013) and the Council's Supplementary Planning Guidance SPG02: Householder Development.

Access and Parking

The Transportation Officer has assessed the submitted scheme and it is noted that the application has reserved all matters for later consideration and agreement. As a result of the above, all matters relating to off-street car parking provision and internal private road layout have been assessed only in terms of whether the principle of providing adequate parking and turning can be achieved. Accordingly, it is considered by the Highway Authority that adequate parking and turning can be provided within the site.

With regard to the proposed access, it is considered that it could meet the standards of a new access in terms of vision splays and location. It should be noted that, currently, Broadlands Cottage gains vehicular access via the cycle route therefore, the provision of a new access off Heol Blandy and closure of the existing access is considered to provide betterment in highway and pedestrian safety terms by the removal of the vehicles from using the cycle route. In view of this, it is considered necessary to attach a condition requesting that a scheme be submitted to show that the existing access will be permanently stopped up and shall only be used as a cycle route and pedestrian footway.

In addition, it is considered that to ensure that the future occupiers of the proposed development are not provided with access rights along the cycle path and Public Right of Way, the developer is required to enter into a Section 106 Agreement to relinquish the access rights along the whole of the cycle path and Public Right of Way.

Accordingly, it is considered that the proposed development accords with Policy SP2 (6) of the LDP (2013) and the Council's Supplementary Planning Guidance SPG17: Parking Standards.

Drainage

The Council's Drainage Officer has raised no objection to the proposed development subject to the imposition of a condition to any granted consent requiring a comprehensive and integrated drainage scheme to be submitted and agreed by the LPA prior to any works commencing on the site, which accords with Policy SP2 (13) of the LDP.

Public Right of Way

The Rights of Way Officer has checked the Definitive Map and has confirmed that Footpath 2 - Laleston is affected on the red line application boundary of the proposed development. On closer inspection of the Definitive Map and associated plans it has come to the attention of the Rights of Way Section that there is currently an anomaly

associated with this footpath and it would appear that the current alignment of the footpath on the Definitive Map is incorrect as it should follow the access track. As this anomaly appears to be a mapping error, the Rights of Way Section has confirmed that when resources are available to enable the Definitive Map to be updated, the alignment will be corrected.

Having taken into account all the points outlined above, the Rights of Way Section would raise no objection to the proposed development, subject to the applicant keeping the footpath clear of any materials whilst works are being carried out.

Other Matters

Biodiversity/Ecology

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

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

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

The three tests that must be satisfied are:

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

Given the nature of the development site as a domestic garden, it is considered that there will be no significant impact and on biodiversity interest. Furthermore, protected species are subject to separate laws and any future developer must take this into account. This does not however preclude the need to carry out necessary survey work as part of any further reserved matter application. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

S106 Contributions

Policy SP14 of the LDP requires applicants to provide planning obligations or contributions

if they are deemed necessary to offset any negative consequence of development. The most relevant issues to be considered in this regard are:-

Affordable Housing

The application falls below the trigger point of Policy COM5 in relation to affordable housing. It is also noted that the location plan indicates that the applicant owns the land immediately adjacent to the application site and if this is subject to a future planning application, then 'SPG13 Affordable Housing' enables the Council to consider the entire site as a whole.

Outdoor Sport

The proposed development does not include provision of open space on-site. Policy COM11 of the LDP requires the provision of satisfactory standards of open space from all residential developments at 2.4ha per 1,000 people. BCBC's Outdoor Sport & Childrens Play Space Audit (2017) indicates a deficit of equipped play space in the Bryntirion, Laleston & Merthyr Mawr ward and a deficit of Outdoor Sport provision in Bridgend. In order to comply with the policy, a financial contribution will be sought towards children's play equipment and Outdoor Sport facilities and secured through a Section 106 Agreement. The Equipped Play contribution will equate to £470 per dwelling and the Outdoor Sport contribution will be £569 per dwelling. This equates to a total contribution of £4,156.

Highways

To ensure that the future occupiers of the proposed development are not provided with access rights along the cycle path and Public Right of Way, it is recommended that the developer is required to enter into a Section 106 Agreement to relinquish the access rights along the whole of the cycle path and Public Right of Way to Gypsy Lane.

The applicant has confirmed that they will enter into a S106 agreement to secure the relevant obligations.

CONCLUSION

Having regard to the above and in view of the Outline nature of the application, the proposed is recommended for approval because the development complies with Council policy and guidelines and it is considered that the scheme would not have an unacceptable impact on the character of the existing property, street scene or wider area, and will not adversely affect privacy, highway safety or visual amenities nor so significantly harm neighbours' amenities or highway safety as to warrant refusal.

The issues raised in the objections have been taken into account during the determination of the application however it is considered that on balance they do not outweigh the other material considerations in favour of the development.

RECOMMENDATION

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

- i. provide a financial contribution for the sum of £4,156 (index linked) towards the provision of Children's Play Equipment and Outdoor Sport facilities;
- ii. to relinquish the access rights along the whole of the cycle path and Public Right of Way from Broadlands Cottage to Gypsy Lane;

(B) The Corporate Director Communities be given plenary powers to issue a decision notice granting Outline consent in respect of this proposal once the applicant has

entered into the aforementioned Section 106 Agreement, subject to the standard Outline conditions and the following conditions:-

1. The consent hereby granted shall be limited to the construction of 4 detached dwellings with a maximum ridge height of 9m and shall be carried out in accordance with the following approved plans and documents, Drawing Nos. 15250 PL 01 001, PL 01 002, PL 01 003 and PL 01 105 and the Design Statement received on 18 July 2018.

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 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.

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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out which comes within Parts 1 (Classes A, B and C) of Schedule 2 of this Order.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the dwelling.

Reason: To enable the Local Planning Authority to control the scale of development.

6. No development shall take place until details of the proposed floor levels of the dwellings 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.

7. Notwithstanding the requirements of condition 1, no development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt with, including future maintenance

requirements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to beneficial use of any of the dwellings commencing.

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

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

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

9. No development shall take place until full details of both hard and soft landscaping works have been submitted to and agreed in writing by the Local Planning Authority. These details shall include all proposed planting and landscaping such as schedule of plants/trees, species and number/densities, hard surfacing materials and implementation programme. Thereafter, all landscaping works shall be implemented in accordance with the approved details

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

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

11. The development site hereby approved shall be served by a single means of access from Western Loop Road/Heol Blandy, serving the 4 new dwellings and Broadlands Cottage.

Reason: In the interests of highway safety

12. There shall be no vehicular access from the site to the adjacent cycle route/footway at any time.

Reason: In the interests of highway and pedestrian safety.

13. No development shall commence until a scheme for permanently stopping up the existing access from Broadlands Cottage onto the adjacent cycle route/footway has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the beneficial use of the development commencing and retained thereafter in perpetuity.

Reason: In the interests of highway and pedestrian safety.

14. No development shall take place, including any works of demolition/site clearance, until a Construction Traffic Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the routing of HGV construction traffic to/from the site avoiding the cycle route.
 - ii. the parking of vehicles of site operatives and visitors
 - iii. loading and unloading of plant and materials
 - iv. storage of plant and materials used in constructing the development
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. access into the site by Construction Vehicles.
 - viii. hours of operation

Reason: In the interests of highway and pedestrian safety.

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

- a. The application is recommended for approval because the development complies with Council policy and guidelines and is not considered to have an unacceptable impact on the character of the existing property, street scene or wider area and will not adversely affect privacy, highway safety or visual amenities nor so significantly harm neighbours' amenities or highway safety as to warrant refusal.
- b. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
- c. The applicant may need to apply to Dwr Cymru/Welsh Water (DCWW) for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com
- d. The applicant is also advised that some public sewers and lateral drains may not be recorded on the maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist DCWW in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- e. In order to satisfy Conditions 7 and 8, the following supplementary information is required:
 - Provide a surface water drainage layout (including the location of the soakaway);
 - Provide infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE 365;
 - Provide a plan showing locations of trial holes and at least 3 separate tests at each trial hole location;
 - Provide information about the design calculations, storm period and

- intensity, the method employed to delay and control the surface water discharge from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system;
- Provide a timetable for its implementation; and
 - Provide a management and maintenance plan for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.
- f. The Public Protection Section draws your attention to the possibility of gases (landfill gases, vapours from contaminated land sites and naturally occurring methane and carbon dioxide, but not radon gas) being generated at the site or land adjoining thereto and recommend investigation and monitoring of the area.
- g. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing within 2 days to the Public Protection Section, all associated works should stop and no further development should take place until a scheme to deal with the contamination found has been approved.
- h. Any topsoil [natural or manufactured] or subsoil to be imported, should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.
- i. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.
- j. Any site won material including soils, aggregates, recycled materials should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be reused.
- k. The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for the safe development and secure occupancy of the site rests with the developer.
- l. The Developer is reminded that consent under the Town and Country Planning Act 1990 conveys no approval under the Highways Act 1980 for works to be undertaken affecting any part of the public highway including verges and footways and that before any such works are commenced the developer must:
- i. obtain the approval of Bridgend County Borough Council as Highway Authority to the details of any works to be undertaken affecting the public highway;
 - ii. indemnify the County Borough Council against any and all claims arising from such works;
 - iii. give not less than one calendar month's notice in writing of the date that the works are to be commenced to the Policy, Development and Transport Team Leader, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.
- m. 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.

**MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES**

Background Papers
None

APPEALS

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

CODE NO.	X/18/3209991 (1837)
APPLICATION NO.	P/18/431/LAE
APPELLANT	MR H GRIFFITHS
SUBJECT OF APPEAL	CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OF LAND ADJOINING THE DWELLING AS DOMESTIC GARDEN: GWAR Y COED PANT Y PWLLAU COITY
PROCEDURE	INQUIRY
DECISION LEVEL	DELEGATED OFFICER

The application was refused on the following grounds:

Insufficient information has been submitted to demonstrate that, on the balance of probabilities, the area of land to the east of the property known as Gwar y Coed, Pant y Pwllau, Coity, has been used as domestic garden for a continuous period of 10 years or more prior to the submission of this application and therefore a Certificate of Lawfulness cannot be issued.

CODE NO.	A/18/3210092 (1838)
APPLICATION NO.	P/18/159/FUL
APPELLANT	MR O WILLIAMS
SUBJECT OF APPEAL	CHANGE OF USE FROM DERELICT WORKSHOP/STORES TO USE CLASS D2 - PERSONAL TRAINING STUDIO WITH PARKING: BUILDING ADJACENT SEAVIEW FARM, HEOL GOEDOG, CEFN CRIBBWR
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The non-conforming use by reason of its scale and form, would introduce a commercial use that could cause a significant source of nuisance and disturbance to the detriment of the amenities of neighbouring residential properties, contrary to Policies SP2 and ENV7 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 9, November 2016).
2. The proposed development, by reason of its scale and location, would result in additional vehicular and pedestrian movements along a narrow country lane without any pedestrian refuges, to the detriment of pedestrian and highway safety, contrary to policies SP2 and PLA11 of the Bridgend Local Development Plan (2013) and advice contained within

3. The proposed development is situated in a relatively remote location that is not easily accessible by a range of different transport modes and will rely on the use of private motor vehicles. The proposal is therefore contrary to policy SP2 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 9, November 2016).

CODE NO.	D/18/3212252 (1839)
APPLICATION NO.	P/18/514/FUL
APPELLANT	MRS H ELWARD
SUBJECT OF APPEAL	ERECT A 1.8M HIGH FENCE ON THE BOUNDARY WALL TO THE SIDE OF THE PROPERTY: 43 TY GWYN DRIVE BRACKLA
PROCEDURE	HOUSEHOLDER
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposal, by virtue of its siting, height and materials would constitute an unduly prominent and incongruous feature in the street scene that is out of keeping with the character and appearance of the existing dwelling and detrimental to the visual amenities of the area contrary to Policy SP2 of the Bridgend Local Development Plan 2013, advice contained in Planning Policy Wales (Edition 9, November 2016) and Technical Advice Note - 12 - Design (2016).
2. The proposed development would restrict the southern vehicular and pedestrian visibility from the driveway serving the property to the detriment of highway and pedestrian safety.

CODE NO.	A/18/3211218 (1840)
APPLICATION NO.	P/17/510/OUT
APPELLANT	MR & MRS KENNEDY
SUBJECT OF APPEAL	OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE PROPOSED REPLACEMENT OF FORMER FARMHOUSE AT FFOS FARM TOGETHER WITH ASSOCIATED WORKS: FFOS FARM CWMDU ROAD MAESTEG
PROCEDURE	HEARING
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reason:

1. The application submission fails to demonstrate that the proposed new rural enterprise has been planned on a sound financial basis and, therefore, would amount to an unjustified residential development in the countryside, contrary to Policy ENV1 - Development in the Countryside of the Bridgend Local Development Plan 2013 and advice in Planning Policy Wales Edition 9 (November 2016) and Technical Advice Note 6 – Planning for Sustainable Rural Communities (July 2010).

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

CODE NO.	A/18/3202759 (1831)
APPLICATION NO.	P/18/103/OUT
APPELLANT	MR D SMITH
SUBJECT OF APPEAL	NEW THREE BEDROOM DWELLING: LAND AT 49 ALBANY ROAD PONTYCYMMER
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

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

CODE NO.	A/18/3203880 (1835)
APPLICATION NO.	P/18/158/FUL
APPELLANT	MR A WOODHALL
SUBJECT OF APPEAL	DEMOLITION OF EXISTING FLATS AND CONSTRUCTION OF NEW 5 BED DETACHED HOUSE WITH ATTIC ROOM AND CAR PARKING: 1 DANYGRAIG AVENUE PORTHCAWL
PROCEDURE	WRITTEN REPRESENTATIONS
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 the appeal decision is attached as **APPENDIX B**

RECOMMENDATION

That the report of the Corporate Director Communities be noted.

**MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES**

Background Papers (see application reference number)

Appendix A

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 06/08/18

gan Richard E. Jenkins BA (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 05/09/2018

Appeal Decision

Site visit made on 06/08/18

by Richard E. Jenkins BA (Hons) MSc
MRTPI

an Inspector appointed by the Welsh Ministers
Date: 05/09/2018

Appeal Ref: APP/F6915/A/18/3202759

Site address: 49 Albany Road, Pontycymer, Bridgend, CF32 8HE

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr D Smith against the decision of Bridgend County Borough Council.
 - The application Ref: P/18/103/OUT, dated 8 February 2018, was refused by notice dated 11 April 2018.
 - The development proposed is a new three bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline, with all matters reserved for subsequent approval. There is sufficient information provided to deal with the appeal on this basis.

Main Issues

3. These are the effect of the proposed development upon: the living conditions of the occupiers of neighbouring residential properties, with particular reference to levels of outlook, privacy and natural light; and pedestrian and highway safety, with particular reference to car parking arrangements.

Reasons

4. The appeal relates to a parcel of land that currently forms part of the rear garden area of No.49 Albany Road in Pontycymer. The land in question is located at a significantly higher ground level than the existing property at No.49 and had been subject to significant clearing and retaining works by the time I visited the site. The appeal proposal seeks outline planning permission for a two storey detached three bedroom dwelling with all matters reserved for subsequent determination. An indicative site layout, as well as indicative floor plans and elevations, have been submitted in support of the proposal.

Living Conditions

5. It was clear at the time of my site visit that, by reason of the combination of the scale and siting of the proposed dwelling within such close proximity to and at a significantly higher ground level than No.49, the development would result in significant oppressive
-

and overbearing impacts on the occupiers of the existing dwelling at No.49. Indeed, I consider that such impacts would be so significant that they would cause material harm to the living conditions of the occupiers of that dwelling. I recognise that overlooking impacts from the proposed ground floor windows could potentially be minimised through detailed design and the erection of a privacy screen or landscaping buffer. However, such features would only serve to exacerbate the foregoing concerns relating to outlook. In addition, the proposed main bedroom window would, despite being off-set from the host dwelling, be located within relatively close proximity to habitable room windows and the amenity space serving No.49 and would therefore result in a material loss of privacy for the occupiers of that property. Indeed, such impacts would be greatly exaggerated by the differing site levels.

6. It was also clear at the time of my site visit that Ty Rhedyn, which comprises the neighbouring property located to the north of the appeal site, incorporates a single storey conservatory to its southern elevation. That same elevation also incorporates two windows serving habitable rooms. The Council contends that those windows would overlook the amenity space proposed as part of the appeal proposal. However, having regard to the indicative site layout, I am satisfied that private amenity space could be established within the appeal site subject to appropriate landscaping. Nevertheless, the proposed dwelling would be located within close proximity to the habitable room windows and the conservatory located at the southern elevation of Ty Rhedyn and, given the scale of the development proposed, I consider that it would result in significant overbearing and overshadowing impacts. I note the fact that the habitable rooms referred are also served by other windows. However, such arguments do not account for the impacts from the aforementioned conservatory and do not, therefore, justify the harm identified.
7. I therefore conclude that the proposed development would cause material harm to the living conditions of the occupiers of neighbouring residential properties. It follows that the development would be contrary to Policy SP2 of the adopted Bridgend Local Development Plan (LDP) which, amongst other things, seeks to ensure that the viability and amenity of neighbouring uses and their occupiers would not be affected.

Highway Safety

8. Access to the proposed dwelling would be achieved via the existing access road leading to the nearby cemetery which already serves three existing residential properties, namely Ty Rhedyn, Cae Lloi and Cysgod Y Derw. I have not seen anything to indicate that the use of this access road would be unacceptable in principle. However, the indicative site layout does not incorporate any turning facilities to allow vehicles to enter and leave in a forward gear. For this reason, I consider the Council's concerns regarding the risk of vehicles reversing onto the highway and thereby representing a risk to both pedestrian and highway safety to be well-founded.
9. I have not been provided with the full details of the circumstances of other properties within the area which are alleged to incorporate a similar set of circumstances to that proposed in this case. Nevertheless, the information before me appears to illustrate that the access arrangements at Ty Rhedyn would not necessitate reversing movements onto the highway which materially differentiates that scheme from that proposed in this case. Notwithstanding this, it is a well-established principle of planning that each case should be treated on its own particular merits and, given the potential consequences of such an arrangement, I do not consider that examples of other developments in the area should weigh heavily in favour of the development currently proposed.

10. For these reasons, I conclude that the proposed development would represent a material threat to both pedestrian and highway safety. It would therefore conflict with Policies SP2 and PLA11 of the adopted LDP which, amongst other things, respectively seek to ensure that new developments have good road connections within and outside the site, and provide satisfactory levels of parking. For the same reasons, the development would also run counter to the general thrust of the advice contained with the Council's adopted Supplementary Planning Guidance (SPG) Note 17: *Parking Guidelines*.

Overall Conclusions

11. Based on the foregoing, I find that the development would cause material harm to the living conditions of the occupiers of neighbouring properties. It would also represent a material threat to highway safety. I note and concur with the Council's assessment that there is insufficient information to satisfactorily assess the implications of the development upon surface water drainage. However, the Head of Street Scene covering drainage matters within the Council has not objected to the proposal subject to planning conditions being imposed and, as I have not seen anything to indicate that such a matter could not be satisfactorily addressed via means of planning condition, I do not consider that it renders the development unacceptable. Nevertheless, the adverse consequences of the scheme are compelling and are not, therefore, outweighed by the matters in favour of the proposal. For this reason, and having considered all matters raised, I conclude that the appeal should be dismissed.
12. In coming to this conclusion, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

Richard E. Jenkins

INSPECTOR



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 17/08/18

gan Richard E. Jenkins BA (Hons) MSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 28/09/2018

Appeal Decision

Site visit made on 17/08/18

by Richard E. Jenkins BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 28/09/2018

Appeal Ref: APP/F6915/A/18/3203880

Site address: 1 Danygraig Avenue, Porthcawl, CF36 5AA

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 A Woodhall against the decision of Bridgend County Borough Council.
 - The application Ref: P/18/158/FUL, dated 28 March 2018, was refused by notice dated 22 May 2018.
 - The development proposed is the demolition of existing flats and construction of new 5 bed detached house (with attic room) and car parking.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing flats and construction of new 5 bed detached house (with attic room) and car parking at 1 Danygraig Avenue, Porthcawl, CF36 5AA in accordance with the terms of the application, Ref: P/18/158/FUL, dated 28 March 2018, subject to the conditions set out in the attached schedule.

Main Issues

2. These are the effect of the proposed development upon: the character and appearance of the area; and the living conditions of the occupiers of neighbouring residential properties, with particular reference to outlook and levels of natural light.

Reasons

3. The Local Planning Authority (LPA) granted planning permission in August 2017 for the demolition of existing flats at the appeal site and the construction of a detached dwelling. Pre-commencement conditions were discharged and work on that dwelling commenced, with the building constructed to first floor wall plate level by the time I visited the site. Work on site has now ceased, however, with planning permission sought through this appeal for a similar development that would incorporate an increased ridge height with centralised front dormer to facilitate living accommodation in the roof space. I shall confine my reasoning to the principal matters of dispute, having particular regard to the context set by the lawful fall-back position.
 4. There is little doubt that the proposed development would, by reason of its increased height and overall massing, deviate from the context set by the adjacent properties, including the new dwelling proposed to be located to the west of the appeal site. However, it was clear at the time of my site visit that the appeal site forms part of a
-

wider residential area that incorporates an eclectic mix of architectural designs. As such, I do not consider that the dwelling would appear as an incongruous form of development when viewed in the wider street scene. Indeed, the combination of the lack of a consistent roof type in the area, the proposed hipped roof design, the separation distances from adjacent properties and the proposed siting back from the public highway would prevent the development from appearing as an overly prominent or discordant form of development that would cause material harm to the character and appearance of the area.

5. I have fully considered the Council's contention that the development would have unacceptable overbearing and overshadowing impacts on the private rear garden and conservatory at 'The Glade'. However, the principal ridge line of the property would be located some distance from the shared boundary with 'The Glade' and would incorporate a pitch that would slope away from that property. Similarly, whilst the rear gable feature would extend within close proximity to the shared boundary, it would only incorporate a modest increase in height relative to the lawful fall-back position and, by reason of its hipped design, would not cause any significant overbearing impacts. I note the fact that the proposed dwelling is due south of the property at the Glade. However, the shadow analysis submitted in support of the scheme illustrates that there would not be any material loss of natural light as a result of the change in design. I have assessed the impact of the proposed development on the existing property located to the east and the proposed property to the west. However, I have not seen anything to persuade me to deviate from the LPA's conclusion that the living conditions of the occupiers of those properties would not be materially harmed.
6. For these reasons, I conclude that the proposed development would not cause material harm to the character and appearance of the area. Moreover, having regard to the lawful fall-back position, neither do I consider that it would cause material harm to the living conditions of the occupiers of neighbouring residential properties by reason of loss of outlook or natural light. It follows that the development would be compliant with Policy SP2 of the adopted Bridgend Local Development Plan (LDP) and the associated Supplementary Planning Guidance (SPG) document entitled *SPG02: Householder Development*. Therefore, having considered all matters raised, I conclude that the appeal should be allowed subject to conditions.
7. I have considered the Council's suggested conditions and, having had regard to the advice in Welsh Government Circular 16/2014: *The Use of Planning Conditions for Development Management* (October 2014), have adjusted their wording in the interest of clarity and precision. In addition to the statutory time commencement condition, I have imposed a condition relating to the approved plans for the avoidance of any doubt. Condition Nos.3 and 4 are necessary in the interest of visual amenity and Condition No.5 is necessary to ensure that a satisfactory scheme of drainage is implemented. Condition Nos.6, 7 and 8 are justified in the interest of safeguarding the living conditions of the occupiers of neighbouring residential properties. I note the Council's suggested condition restricting permitted development rights relating to outbuildings, structures and other enclosures. However, as I have not seen anything by way of cogent evidence to justify such a condition I do not consider it to meet the tests set out in the aforementioned Circular.
8. In coming to foregoing conclusions, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in

accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WCFG Act.

Richard E. Jenkins

INSPECTOR

Schedule of Conditions

- 1) The development shall begin not later than five years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans and documents: *Site Location Plan; Proposed Plans and Elevations, Drawing No.P02 REV F, received by the LPA on 6 March 2018.*
- 3) Prior to the construction of the dwelling hereby approved, details or samples of the materials to be used in the construction of the external surfaces of the dwelling shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) Prior to the occupation of the dwelling hereby approved, a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the building is occupied.
- 5) No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall include an assessment of the potential to dispose of surface water by sustainable means. The scheme shall be implemented in accordance with the approved details prior to the occupation of the dwelling and retained in perpetuity.
- 6) Notwithstanding Condition No.2 above, the first floor window openings positioned in the east facing side elevation (facing No.3 Dayygraig Avenue) shall be fitted with obscured glazing before the development is brought into use, details of which shall first be submitted to and agreed in writing by the local planning authority. Any part of those windows that are less than 1.7m above the floor of the room in which they are installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking or re-enacting that Order with or without modification) no development shall be carried out which comes within Parts 1 (Classes A, B and C) of Schedule 2 of this order, without the prior permission of the local planning authority.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking or re-enacting that Order with or without modification) no windows other than as hereby approved shall be inserted into the eastern elevation of the dwelling hereby permitted without the prior permission of the local planning authority.

This page is intentionally left blank

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO DEVELOPMENT CONTROL COMMITTEE

11th October 2018

REPORT OF THE CORPORATE DIRECTOR – COMMUNITIES

REVIEW OF PRE-APPLICATION ADVICE CHARGING REGIME

1. Purpose of Report

- 1.1 To review the pre-application advice service as adopted in June 2016 and to provide Members with an updated pre-application advice charging regime. This will require Cabinet approval before being implemented early in 2019.

2. Connection to Corporate Improvement Plan/Other Corporate Priorities

- 2.1 The pre-application advice service(s) provided by Local Planning Authorities apply to all Welsh Local Planning Authorities as part of the Welsh Government's wider positive planning programme.
- 2.2 The delivery of the County Borough's statutory planning function has links to the Council's Corporate Priorities in particular number 1 "Supporting a Successful Economy".

3. Background

- 3.1 Bridgend CBC has operated a system of charging for pre-application advice since April 2011. BCBC were one of the first LPAs in Wales to operate a paid pre-application advice service. Most Welsh LPAs now have a charging system.
- 3.2 The Planning (Wales) Act 2015 (6th July, 2015) introduced new pre-application processes that is key to the delivery of effective frontloading of applications. More specifically, Section 18 of the Act introduced a new statutory requirement for LPAs to provide pre-application services to applicants.
- 3.3 The regulations set a standard, national fee for the purposes of the statutory pre-application service and this came into force on 16th March, 2016 under Parts 1 and 2 of the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) (Amendment) Regulations 2016.
- 3.4 Any additional written advice from, or meetings with, LPAs regarding a pre-application enquiry did not form part of the statutory (basic level) service. However, the Welsh Government actively encouraged LPAs to provide a more comprehensive pre-application service over and above the statutory minimum and recognised that this may be subject to a discretionary charge under section 93 of the Local Government Act 2003.
- 3.5 Some Members may recall the Workshop Session on 22nd January, 2016 which included a summary of the proposed changes and a discussion on the proposed charging regime for the Council's non-statutory service. The workshop explored charging levels, the expected response times, in-house specialist advice and exceptions to charging.
- 3.6 The BCBC Pre-Application Advice Guidance Note was updated to differentiate between the statutory and non-statutory streams of pre-application advice and an informal consultation exercise was undertaken with local planning agents in February 2016 to warn them of the first fundamental change to the scheme for five years.
- 3.7 At the 31st March, 2016 DC Committee, Members approved the new guidance note and the item was referred to Cabinet on 7th June, 2016. Cabinet commended the LPA for leading the way in having implemented a pre-application advice service in advance of the legislation and approved the

content of the report and the adoption of a new pre-application charging regime. The new system for charging for pre-application advice took effect from 13th June, 2016.

3.8 The 21st December, 2017 Development Control Committee meeting agenda included a report for noting which incorporated the LPAs review of the pre-application advice process since its adoption in June 2016 and proposed potential changes and updates to the charging regime. The proposed changes included the introduction of new categories in the schedule, redefined exemptions from charging, a refined “Specialist Advice” section, a refined Planning History Search and photocopying/printing charging schedule.

3.9 Officers subsequently emailed all DC Committee Members on 16th May 2018 to remind Members of the proposed changes. The email invited comments from Members and also included publicly available papers from Rhondda Cynon Taff CBC and Monmouthshire County Council outlining their respective proposals to offer additional discretionary services, a fast track service for householders, a pre-purchase certificate service, a completion certificate service and planning performance agreements.

4. Current Situation

4.1 The current pre-application advice service and guidance have been in force since 13th June, 2016 and it is an opportune time to review the system and suggest changes to remove any anomalies, to improve the service and to insert new categories in order to clarify the range and variety of charges.

5. Review of the adopted Pre-application Advice Regime (inc. a comparison with previous years)

5.1 The main changes to the 2011 system incorporated into the current regime included:

- a tailored and equitable charging system for different types and scale of development;
- a new charge for householder design advice;
- a new charge to advise if planning permission is required for householder development (i.e. extensions, fences, porches, driveways etc.), particularly as this information is available on the Welsh Government’s website;
- a bespoke and comprehensive advice service to developers to include meetings and site visits; and,
- an initial free “scoping” meeting with developers on major developments (of up to an hour) to allow the developer to introduce the scheme to the LPA, to set up communication channels between developers and Officers, to identify the information required to be included with any subsequent formal pre-application submission and to assess the required input from other sections within the Council such as Highways and Public Protection etc.

5.2 Developers can also choose the type of pre-application advice service they want to receive from the LPA –

1. the WG statutory scheme, which does not involve a meeting or advice from internal consultees; or,
2. the non-statutory, bespoke BCBC scheme, which would involve a free scoping meeting (for major developments), consultation with various internal specialists and further meetings/site visits as necessary.

5.3 The preliminary enquiry advice service fee income has generally exceeded expectations since the introduction of the paid-for service in 2011.

Historic Pre-application Advice Fee Income Between 2012 and 2016

Financial Year	2012-2013	2013-2014	2014-2015	2015-2016
Income (£)	18775	15030	23061	17240

- 5.4 The fee income from this service fell in 2015-2016 although the income achieved in 2014-2015 was likely an anomaly as a result of a number of allocated sites in the Local Development Plan (adopted in September 2013) coming forward and several major renewable energy schemes (solar farms, wind turbines etc.) being submitted in that period.
- 5.5 Since the adoption of the new charging regime on 13th June 2016, fee income has continued to grow year on year.

Pre-application Advice Fee Income Since 2016

Financial Year	2016-2017	2017-2018	2018-to date	Projected for 2018
Income (£)	26,216	29,985	31,473	Approx. 50k

- 5.6 Of the 744 paid for pre-application enquiries received between April 2016 and the end of September this year (with only 2.5% of the public requesting the WG Statutory service) the fees ranged between £25 and £3400. Members should note that the LPA has not levied the maximum fee of £5000 for a major development at any point since adopting the new schedule of charges in 2016 which is mainly due to the nature and scale of the proposals received.

Statutory pre-app enquiries

Financial Year	2016-2017	2017-2018	2018-to date	Projected for 2018
Number	12	6	1	3

Non-statutory pre-app enquiries

Financial Year	2016-2017	2017-2018	2018-to date	Projected for 2018
Number	237	265	223	Approx. 400

- 5.7 A small element of the fee income emanates from the fee for providing advice as to whether a householder development (house extension etc.) requires planning permission (a householder permitted development enquiry). Since 2016 this equates to £11,950 (478 separate queries at £25 per query).

Householder Permitted Development PEs (£25)

Financial Year	2016-2017	2017-2018	2018-to date	Projected for 2018
Income (£)	4425	5200	2325	Approx. 5000
Number	177	208	93	Approx. 200

- 5.8 It is worth noting that most LPAs in Wales (including Swansea, Neath Port Talbot CBC, Monmouthshire CC and Cardiff CC) do not offer this service and simply advise homeowners to apply for a Certificate of Lawfulness for a proposed householder development (with an application fee of £95) for a formal decision.
- 5.9 Once the Section receives an emailed enquiry for a householder development (that does not relate to the design of the scheme), the Technical Support Unit will advise the enquirer that they can:
- carry out a self-assessment of whether their scheme requires planning permission (by providing them with a link to WG Guidance online);
 - submit the details of the scheme with a fee of £25 for a written response from the LPA (to cover the cost of allocating resources to the assessment of the scheme against the permitted development parameters); or,

c) formally apply for a Certificate of Lawfulness for a Proposed Scheme (which has an application fee of £95).

n.b. the LPA has noticed an increase in the number of LDC submitted by Conservatory companies such as Dunraven Windows and Leekes.

- 5.10 In the overall period since April 2016, the LPA has received a total of 478 queries on householder permitted development rights. Whilst we do not have access to the exact statistics due to the way we register preliminary enquiries, a small percentage (approximately 5%) of queries did not result in a fee being received due to various reasons. These reasons include queries relating to disabled persons' properties (no charge), the public deciding to carry out a self-assessment of their proposal (rather than pay the £25 fee for a written response) or the public deciding to either formally apply for planning permission or submit a Lawful Development Certificate.
- 5.11 It is considered that the Officer time saved in not having to process the "lost" queries, together with the fee income gained from the remaining queries (and any application fees from the submission of formal planning applications or Lawful Development Certificates) has improved the efficiency and resilience of the team. It is also considered that providing the professional advice option is valued by the public and is more customer orientated than the rigid system adopted by other LPAs.
- 5.12 Officers have reviewed whether or not it is reasonable to increase the permitted development enquiry fee (e.g. from £25 to £40) to continue to justify allocating resources to this relatively time consuming part of the service. It is considered that an increase in the fee by an extra £15 represents value for money as it is still considerably less than the corresponding fee for a planning application (£190) or an application for a Certificate of Lawful Use (£95) and provides sufficient comfort for a vendor at the point that they eventually wish to sell the property.
- 5.13 The increased fee will also represent the true amount of time spent in researching whether a householder scheme is a form of permitted development or not.

Householder Permitted Development PEs (if charged at £40)

Financial Year	2016-2017	2017-2018	2018 – to date	Projected for 2018 (inc. 10% drop off)
Income (£)	7080	8320	3720	7200
Number	177	208	93	Approx. 180

- 5.14 The above table indicates the increased income that would have been received by the Council if the charge was levied at £40 from 2016 onwards. Whilst the £63% increase in fees received from this small part of the service is welcomed it is accepted that some homeowners will not proceed on that basis due to the increased cost. However, a drop in the total number of permitted development enquiries combined with the fact that the LPA would receive a greater fee for responding to the remaining queries will take some pressure off the service in terms of resources and will ensure that the service is properly funded. It is proposed that this part of the pre-application advice service will be reviewed after a year to monitor uptake and fee income.
- 5.15 In addition to offering advice as to whether a householder development requires planning permission or not, the LPA offers pre-application advice on the design/acceptability of householder developments that do require planning permission.
- 5.16 In this case, the number of queries has increased since 2016 and this service is valued by homeowners as they obtain advice and comfort from the LPA about their proposed design before going to the cost of instructing plan-smiths/architects and formally submitting an application with a corresponding fee of £190.
- 5.17 The frontloading of the process also allows the LPA to meet Welsh Government 8 week targets for processing applications. Some LPAs offer a fast track service to determine simple Householder applications within a shorter timescale than the generally accepted 8 week target. For example, the

LPA at RCT are trialling an enhanced service whereby they charge for a fast track determination of householder applications i.e. a guaranteed decision within 28 days of the receipt of a valid application for an extra £85 fee (on top of the original £190 application fee). If the decision is made after the promised 28 day window, the additional fee is refunded to the applicant.

- 5.18 At this point in time, Officers consider that there is no benefit in adopting this approach at BCBC because the vast majority of householder applications are processed within 6 weeks in any case and a 28 day target would sometimes be difficult to achieve due to the need for internal consultee comments, fluctuations in the number of applications received over the year and the limited capacity for Officers to provide such a service and for the administration team to register all applications in a timely manner.
- 5.19 In terms of good practice and feedback, the free “scoping meeting” element of the service has been well received by developers/investors, especially on the larger more complicated schemes. This procedure helps the LPA to enable and promote high quality development in the County Borough.

Number of free scoping meetings for major developments

Financial Year	2016-2017	2017-2018	2018-to date	Projected for 2018
Number	1	6	7	15

- 5.20 The process allows potential developers an opportunity to outline their scheme and for Officers to identify the main issues. It has been refined over the past year to include detailed research before the meeting, basic guidance at the meeting, a written schedule outlining the scope of the enquiry immediately following the meeting, advice as to which Sections should be involved (the level and nature of staff attending will be dependent on the nature of the development), the quoted cost for supplying the advice and a draft timetable for meetings/responses. It is then up to the applicant whether to engage in our more detailed paid for pre-application service or to use the more limited statutory system.
- 5.21 Whilst it is accepted that not all of the initial queries that benefited from a free scoping meeting resulted in a subsequent formal pre-application advice request or a planning application (for a variety of reasons including the need to engage in the LDP review process or after the LPA highlighted insurmountable constraints to development), it is apparent that the support provided at the scoping stage has been beneficial to potential developers and investors in the County Borough.
- 5.22 The benefits to developers and investors into the County Borough include the speed in setting up the meeting and the provision of relevant advice with regard to the relatively new Pre-Application Consultation procedure on major developments (introduced by the Welsh Government in August 2016). The main advantages for the LPA in offering this service include early engagement with the developer, the focussing in on specific information and consultee involvement at the subsequent paid pre-application advice stage and the avoidance of abortive work during the application stage.
- 5.23 Since the procedure has been in place, Officers have gradually refined a system of clearly setting out/itemising the pre-application advice fees for major developments that is based on the allocation of Officer time and resources to a specific project on a full cost recovery basis.
- 5.24 It is considered that this system provides the LPA with a defensible position should the fee be challenged by a developer or the process is internally audited.
- 5.25 Going forward, whilst there does not appear to be a demand for such services at this current time, the pre-application service could be developed to incorporate discretionary packages such as providing people who are looking to purchase a property/land with a “*Pre-purchase Certificate*” (to include a planning history search of the property, a site visit, details of any planning permissions/listed building consents and enforcement history relating to identified breaches of planning control). There could also be scope to provide “*Completion Certificates*” which state whether or not a permission and/or Listed Building Consent has been carried out in accordance with the approved plans and confirms the status of conditions or approved amendments.

6. Proposed Changes

• New Categories

6.1 Having reviewed the implementation of the process since the new charging regime was adopted in June 2016, it is considered that some specific queries do not fit easily into the categories as listed in the guidance note.

6.2 It is proposed to include a separate charge for providing permitted development advice for developments other than householder proposals.

6.3 The new categories will cover agricultural and forestry development, telecommunications proposals, changes of use, temporary buildings and uses, commercial/industrial development and domestic and non-domestic micro-generation/renewable energy proposals, as assessed against Schedule 2 of the town and Country Planning (General Permitted Development) Order 1995 (as amended) as follows:

- Agricultural and Forestry development - £50
- Telecommunications Operators proposals - £50
- Changes of Use of land and buildings - £50
- Commercial/industrial development - £50
- Non-domestic micro-generation/renewable energy schemes - £50
- Domestic micro-generation/renewable energy schemes - £25
- Temporary Uses and Buildings - £25

6.4 Currently, it is not proposed to introduce a fee to offer permitted development advice for works carried out by the Local Authority, the Local Highway Authority, Drainage Bodies, Sewerage Undertakers, Statutory Undertakers, Schools, Colleges or Hospitals.

• Exemptions

6.5 With regard to the registered disabled access exemption, it is proposed to include the provision of ground floor disabled facilities rather than just the access to the building, especially as there is no fee for the corresponding planning application.

6.6 Additionally, it is proposed to exclude Housing Associations from the "Registered Charities" exemption as they are also profit making organisations. However, the LPA will use its discretion whether or not to charge for advice relating to new residential care homes etc.

• Specialist Advice

6.7 In some cases, particularly major schemes, it is necessary to seek advice from the Council's Land Drainage Section (especially when the new Sustainable Drainage Systems Approving Body is in place); the Council's Parks Services Officer and the Council's Tourism section. Therefore, it is proposed to add these to the list of specialist advisors with an hourly fee of £50 (which is consistent with other sections within the Council). As the LPA accurately itemise the expected input by Officers, it is considered that the flat rate fee for major developments can be removed from the schedule.

• Planning History Search

6.8 Currently there is a flat rate of £50 per plot. However, since 2016, it has been noted that it is much more time consuming to carry out searches for planning history pre-dating 1996. Therefore, it is proposed to charge £40 for a planning history search back to 1996 and £80 per search between 1976 and the present in order to justify allocating the resources to these requests.

• Copies of Approved Plans and Decision Notices

6.9 Occasionally, the LPA are asked to provide copies of approved plans. To cover the time spent sourcing the approved plans, it is proposed to add a charge for this service as follows:

- A4 plans – £1 per sheet
- A3 plans - £2 per sheet
- A2 plans - £4 per sheet
- A1 plans - £10 per sheet
- A0 plans - £20 per sheet

6.10 Likewise, the cost of providing hard copies of decision notices will be increased from £10 to £15 per decision.

7. Wellbeing of Future Generations (Wales) Act 2015

7.1 The wellbeing goals and the duty have been considered in the production of this report. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the report.

8. Next Steps

8.1 If Members agree with the recommendation, Officers will refer this report and the updated Pre-Application Advice Guidance Note to Cabinet with a view to formally adopting the document in early 2019. It is also proposed to consult with key stakeholders (consultees, community/town councils and local planning agents etc.) of the impending changes. The pre-application advice service will, thereafter, be reviewed on an annual basis.

9. Conclusion

9.1 The Council's pre-application advice service has been very successful in promoting good quality development throughout the County Borough since its introduction in 2011 and Bridgend was seen as a forward thinking planning authority. Revisions to the scheme made in 2016 coincided with new national regulations and best practice advice and provided more scope to officers in advising developers. It is considered that the latest proposals will further strengthen the service and provide clear and relevant advice to both residents and developers who wish to invest in Bridgend. It is also considered that the proposals will contribute to the overall resilience of the Planning Service and ensure that resources are prioritised to essential service areas.

10. Recommendation

(1) That Members Note the content of this report and the draft updated pre-application advice charging schedule and guidance note and approve the documents for referral to Cabinet.

Mark Shephard
Corporate Director Communities
11th October, 2018

Contact Officer:

Mr. Rhodri Davies, *Development and Building Control Manager*

Telephone Number: 01656 643152, e-mail: rhodri.davies@bridgend.gov.uk

Background documents

Appendix 1:

Draft Updated Pre-Application Advice Guidance Note (as adopted on 13th June, 2016 with proposed changes highlighted in red) to be referred to Cabinet with the aim of adopting the updated guidance note and charging regime on 1st January, 2019.

Appendix 1

Bridgend County Borough Council

Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr



BRIDGEND COUNTY BOROUGH COUNCIL - COMMUNITIES DIRECTORATE - DEVELOPMENT GROUP

CHARGING FOR PRE-APPLICATION ADVICE - GUIDANCE NOTE

Updated Version effective from 1st January, 2019

The Council has operated a paid for pre-application advice system since April, 2011. We encourage and welcome the opportunity to provide advice before an application is made.

The *Planning (Wales) Act 2015* (6th July, 2015) introduced new pre-application processes that will be key to the effective frontloading of applications.

Section 18 of the Act introduced a new statutory requirement for Local Planning Authorities (LPAs) to provide a pre-application advice service.

The regulations set a standard, national fee for the purposes of the statutory pre-application service and this came into force on 16th March, 2016 under Parts 1 and 2 of the *Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) (Amendment) Regulations 2016*. The regulations require LPAs to provide a **written response** to all valid pre-application enquiries within 21 days, unless an extension of time is agreed between the authority and applicant.

Any additional written advice from, or meetings/site visits with, LPAs regarding a pre-application enquiry will **not** form part of the statutory (basic level) service.

However, the Welsh Government actively encourages LPAs to provide a more comprehensive pre-application service over and above the statutory minimum and recognise that this may be subject to a discretionary charge under section 93 of the *Local Government Act 2003*.

Our aim is to enable and promote high quality development. We have reviewed our pre-application advice charging schedule and, whilst we have increased the charges compared to 2011 levels, they will enable us to provide a more responsive and professional service which will reduce uncertainty and be highly cost effective for people preparing a planning application. **A new guidance note was adopted in June 2016 and the pre-application process was reviewed in the Autumn of 2018. This is the updated version of the guidance note which came into force on Tuesday 1st January, 2019 following reports to the Development Control Committee and Cabinet.**

These fees are in addition to the fees payable for the submission of applications. If you make an application having received advice for which you have paid, the full application submission fee remains applicable.

The advice is intended to help you understand the best way to go about seeking permission and offer the option of the statutory level of service or a more bespoke, flexible and comprehensive non-statutory level of service.

The main changes to how we have previously applied our pre-application advice service are:

- a tailored and equitable charging system related to the type and scale of development proposed;
- a new charge for householder design advice to cover the time and cost of assessing a domestic extension etc.;
- a bespoke and comprehensive advice service to include the option of undertaking meetings and site visits; and,
- an initial free “scoping” meeting with developers on major developments (of up to an hour) to identify the information required to be included with a pre-app submission and the required input from other departments of the Council and statutory consultees such as the Highway Authority and Public Protection etc.

There are considerable benefits in seeking our advice as

- It gives you an opportunity to understand how our policies will be applied to your development.
- It can identify at an early stage where there is a need for specialist input, for example about listed buildings, trees, landscaping, noise, flooding, transport, contaminated land, ecology or archaeology.
- It will assist you in preparing proposals for formal submission which, providing you have taken our advice fully into account, will be handled more quickly.
- It may lead to a reduction in time spent by your professional advisors in working up proposals.

It may indicate that a proposal is completely unacceptable, saving you the cost of pursuing a formal application.

You may be able to find the information you need on the planning pages of our website www.bridgend.gov.uk/planning or on the Planning Portal's website www.planningportal.gov.uk.

Householders seeking to extend their homes can access our website to establish if planning permission is required and can also access our Supplementary Planning Guidance advice on householder development. However, we are introducing a new charge for responding to queries as to whether a proposal is a form of permitted development or not **due to the resource implications of providing this advice.**

WELSH GOVERNMENT STATUTORY PRE-APPLICATION ADVICE SERVICE

The Welsh Government's Statutory Pre-Application Advice Service specifies that developers must submit **a completed pre-application advice enquiry form** containing information on their proposal to enable a response from the LPA. As a minimum they will be required to provide:

- Name, address and contact details
- Description of the proposal (including an indication of any increase in floorspace and/or number of new units proposed)
- Site Address
- Location Plan
- Fee

The fees that will be levied for the statutory pre-application service are the same across Wales, although they vary depending on the size and scale of the proposed development as follows:

- Householder - £25
- Minor development - £250
- Major development - £600
- Large major development - £1000

The *Town and Country Planning (Development Management Procedure) (Amendment) Order 2015* provides the following definition:

“householder application” means an application for—

- (a) planning permission for the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or
- (b) change of use to enlarge the curtilage of a dwelling house, for any purpose incidental to the enjoyment of the dwellinghouse but does not include—
 - (i) any other application for change of use,
 - (ii) an application for erection of a dwellinghouse, or
 - (iii) an application to change the number of dwellings in a building;

Large major development is defined as development exceeding 24 dwellings, or 0.99 hectares, or 1,999 square metres.

We will send you an acknowledgement of your request for pre-application advice upon receipt of a valid enquiry.

As a minimum, applicants for householder developments should expect to receive the following information within their written response:

- The relevant planning history of the site
- The relevant development plan policies against which the development proposal will be assessed
- Relevant supplementary planning guidance (i.e. design, conservation etc.)
- Any other material planning considerations
- An initial assessment of the proposed development

For all other development proposals, applicants will receive all the information outlined above, as well as advice as to whether any Section 106 Legal Agreement contributions are likely to be sought and an indication of the scope and amount of these contributions.

Without payment of the appropriate fee, the LPA will be under no obligation to accept and process a pre-application enquiry form.

Advice for listed building consent applications and advertisements can only be provided through the non-statutory service offered by the local planning authority. Article 4 of the *Town and Country Planning (Pre-application Services) (Wales) Regulations 2016* stipulates that qualifying applications are applications for planning permission made to a local planning authority for the development of land.

BCBCs NON-STATUTORY PRE-APPLICATION ADVICE SERVICE

We will always ask you to write to us with details of your proposal if you want us to comment on a particular building, extension, design etc.

For **all enquiries under the non-statutory service** you will need to send us the following as a minimum:

- Written details of the address and proposal;
- Description of the nature and scale of the development proposed and the uses to which land and buildings are to be put;
- Site location plan with the site clearly marked (to a recognised scale, north point etc);
- Sketch drawings providing details of the proposal (to a recognised scale);
- Photographs of the site and surrounding area, with particular regard to any nearby houses or other development which might be affected by your proposal
- Full contact details including phone number and email address;
- The appropriate fee – **The enquiry will not be registered on the system and no detailed work will be undertaken until the full fee has been paid;**
- An initial draft Design and Access statement and/or Heritage Statement;
- Access and parking arrangements;
- The submission may also need to be accompanied by ecological, landscape, ground contamination, flood and transport assessments depending upon the location, nature and complexity of the development.

WHAT WE WILL DO

On receipt of your initial enquiry, we will decide whether it requires pre-application advice and what type of advice is most suitable. We will then check that the appropriate fee has been paid. If it has not, we will contact you confirming that we will not progress your enquiry until the appropriate fee has been paid.

Once the fee has been paid, your enquiry will be allocated to an appropriate officer.

We will aim to reply to your enquiry within the target response periods as outlined in the charging schedule. However we cannot guarantee a response within this time period as we may be awaiting consultation responses etc. and we will contact you to agree a time extension. In particularly complex cases, more time may be needed and we will advise you when you can expect a reply.

If we do not have enough information to answer your enquiry then we will write to you by letter or email, setting out what information we need. If the enquiry relates to a major proposal then you will be contacted by the officer allocated to your enquiry, who will confirm whether there is

sufficient information to provide advice and, if not, will ask for additional information. In either case, the clock will stop until all of the information is received.

Where a site visit or meeting is sought, we will arrange a suitable date depending on the complexity of the scheme and the amount of work that will be needed beforehand. This may include any time necessary to obtain initial views from other interested parties such as the Highways Engineer, Building Conservation Officer etc. However, no meetings will take place without prior sight of the requested information.

Attendance of other officers at the meeting, including specialist advisors, will be at our recommendation and will require the payment of additional fees (see Charging Schedule below).

Following the site visit/meeting, we will confirm the advice in a formal letter.

Should a further meeting be required, the scope for such a meeting will be established beforehand together with the relevant fee which must be received together with any relevant document before the subsequent meeting.

Meetings will take place at the Civic Offices, Bridgend.

The Development and Building Control Manager has the right to decline a request for pre- application advice where it is considered that it is either inappropriate or unnecessary.

WHAT ARE THE CHARGES?



BRIDGEND COUNTY BOROUGH COUNCIL DEVELOPMENT MANAGEMENT

Guidance on Pre-Application Charges – Welsh Government Statutory Service from 16th March, 2016 BCBC Non-Statutory Service from 13th June, 2016 – **updated 1st January, 2019**

Category/Scale of Development	WG Statutory Service - Written Advice Only	Non Statutory Service - Written Advice/Response Only	Written Advice and a 1 hour Meeting (site or office)	Additional Written Advice and/or Meetings	Target Response Time from Enquiry or Meeting Date (Days)
Householder Advice re: Permitted Development	-	£40	£50	£25	14
Other Permitted Development Enquiries:	-				14
• Agricultural and Forestry development		£50	£75	£50	
• Telecommunications Operators proposals		£50	£75	£50	
• Changes of Use of land and buildings		£50	£75	£50	
• Commercial/industrial development		£50	£75	£50	
• Non-domestic micro-generation/renewable energy schemes		£50	£75	£50	
• Domestic micro-generation/renewable energy schemes		£25	£50	£25	
• Temporary Uses and Buildings		£25	£50	£25	
Householder design advice	£25	£90	N/A (site visit inc. in fee)	£50	21
Planning History Search	-	£40 per plot/site for applications since 1996 £80 per plot/site for applications since 1976	N/A	N/A	21

PD Rights Removal	-	£50 per plot	N/A	N/A	21
Compliance with Conditions/Notices	-	£50/£150	£100/£300	N/A	14
Works to Protected Trees	-	£50	£100	£50	14
Minor Agricultural and Forestry Development	-	£150	£250	£100	21
Minor Commercial Development/CoU* (up to 500 sq. m. gross floorspace)	£250	£250	£350	£200	21
Minor Works to Listed Buildings/in Con Areas	-	£100	N/A (site visit inc. in fee)	£50	21
Adverts	-	£100	£150	£100	21
Copies of Decision Notices	-	£15	N/A	N/A	7
Copies of Approved Plans		A4 plans – £1 per sheet A3 plans - £2 per sheet A2 plans - £4 per sheet A1 plans - £10 per sheet A0 plans - £20 per sheet			
Copies of S.106 Legal Agreements	-	£10	N/A	N/A	7
Copies of TPO	-	£10	N/A	N/A	7
Confirmation conditions/S.106 have been discharged	-	£100	£150	N/A	14

* Pre-app advice fee to be determined by Planning Officers in conjunction with Economic Development e.g. for employment uses B1, B2 or B8

Category/Scale of Development	WG Statutory Service - Written Advice Only	Non Statutory Service - Written Advice/ Response Only	Written Advice and a 1-hour Meeting (site or office)	Additional Written Advice and/or Meetings	Target Response Time from Enquiry or Meeting Date (Days)
Larger Scale Development					
New dwellings/conversion to residential					
1-2 dwellings	£250	N/A site visit inc.	£350	£100	21
3-4 dwellings	£250	N/A site visit inc	£500	£200	28
5-9 dwellings (inc. Planning Obligations)	£250	N/A site visit inc	£1000	£300	35
Rural Enterprise Dwelling	£250	N/A site visit inc	£600	£250	35
Barn Conversions	£250	N/A site visit inc	£500	£200	28
Agricultural and Forestry Development (500-1000 sq. m.)	£250	£300	£400	£150	28
Commercial Development/CoU * (500 – 1000 sq. m.)	£250	£750	£850	£250	35
Non-PD Domestic Scale Renewable Energy Schemes**					
- Small Scale Hydro Schemes	£250	£250	£350	£100	28
- Solar Panels/Photovoltaics	£250	£250	£350	£100	28
- Single Turbines up to 40m to blade tip	£250	£500	£600	£200	35

* Pre-app advice fee to be determined by Planning Officers in conjunction with Economic Development e.g. for employment uses B1, B2 or B8

** To be confirmed by the Planning Officer based on the details provided

Category/Scale of Development	WG Statutory Service - Written Advice Only	Non Statutory Service - Written Advice/ Response Only	Written Advice and a 1-hour Meeting (site or office)	Additional Written Advice and/or Meetings	Target Response Time from Enquiry or Meeting Date (Days)
Major Development (N.B. first scoping meeting with Officers is free)			Maximum – fee to be agreed following initial scoping meeting (Minimum Fee of £1000)		
10 or more dwellings (or 32 dph) inc. Planning Obligations	£600 < 25 units £1000 > 24 units	N/A site visit inc. N/A site visit inc.	£2500 £5000	£1000 £2500	35 42
Agricultural and Forestry Development (> 1000 sq. m.)	£600 < 2000 sq. m. £1000 > 1999 sq. m.	N/A site visit inc. N/A site visit inc.	£1500 £2500	£500 £1000	35 42
Commercial Development/CoU * (> 1000 sq. m.)	£600 < 2000 sq. m. £1000 > 1999 sq. m.	N/A site visit inc. N/A site visit inc.	£3000 £5000	£1000 £2500	42 42
Commercial Renewable Energy Schemes (inc. EIA)					
- Hydro Schemes	-	N/A site visit inc.	£500	£100	35
- Waste to Energy Schemes	-	N/A site visit inc.	£5000	£300	42
- Solar Parks/Farms	-	N/A site visit inc.	£5000	£500	42
- Wind Farms	-	N/A site visit inc.	£5000	£750	42
Winning and Working of Minerals	£600	N/A site visit inc.	£5000	£500	42
Waste Development	£600	N/A site visit inc.	£5000	£500	42

* Pre-app advice fee to be determined by Planning Officers in conjunction with Economic Development e.g. for employment uses B1, B2 or B8

Exemptions

Town Council/Community Council Enquiries (except for Commercial Development)

Registered Charities (excluding Housing Associations)

Other BCBC Service Areas

Non-profit making groups/Community Interest Companies/Churches etc.

Conservation advice - urgent structural repairs to Listed Buildings only

Works that are required to improve facilities and access for the registered disabled
(that would not be subject to a planning application fee)

Specialist Advice
**Additional Cost Per
Hour (inc.
meetings/site
visits)**
**Additional flat rate cost
per major development**

BCBC Ecologist

£50

£300

BCBC Highways

£50

£300

BCBC Building Conservation/Heritage

£50

£300

BCBC Public Protection

£50

£300

BCBC Economic Development

£50

£300

BCBC Parks

£50

£300

BCBC Land Drainage/SuDS

£50

£300

BCBC Tourism

£50

WHAT THE COSTS COVER

These fees cover administration costs and the time spent in research, assessment, a meeting as necessary, and in making a written response.

The HMRC have confirmed through the CIPFA VAT Committee that the statutory pre-application service provided by Welsh LPAs is to be treated as non-business and outside the scope of VAT. The non-statutory/discretionary service will remain VAT-able and the charging schedule above includes VAT.

For major developments, a 'free' scoping meeting of up to 1 hour will be offered. The purpose of the scoping meeting is to allow the potential developer to explain and outline their scheme and for the LPA to identify the main issues. Some very basic guidance will be provided but there will not be any qualitative advice at this stage. Following the meeting, the case officer will provide a written schedule outlining the scope of the PE, which Sections from the Council will be involved, a breakdown of the cost of providing the formal pre-application advice and a draft timetable for meetings/responses. It is then up to the applicant whether to engage our more detailed PE service or use the more limited statutory system.

The level and nature of staff attending the initial scoping meeting will be dependent on the nature of the development. Very large scale proposals will involve the Group Manager – Development, the Development and Building Control Manager and/or the Development Planning Manager.

Each project or separate site referred to in an enquiry will be charged at the appropriate rate. Sites may not be artificially divided in an attempt to attract a different tariff. Multiple requests will attract the appropriate multiple fees. The Development and Building Control Manager has the right to determine the fee. In the event of any disputes, the issue will be referred to the Head of Regeneration and Development whose decision will be final. Where the appropriate fee is not paid within 15 working days after a reminder, no response will be given.

We would prefer payment to be made by credit card by telephoning the department (Tel. No. 01656 643675) where the payment can be taken.

PLEASE NOTE

Our pre application advice service is offered to both developers and individual applicants including householders. In either case there are some general points which you should take into account before you contact us:

- Try to contact us at the earliest reasonable opportunity in your project;
- Undertake some initial research yourself including looking at our notes on how to submit a valid application;
- Sound out the views of those who may be affected by your proposals;
- Remember the more information you can give us, the more accurate and helpful our response can be - vague proposals can receive only vague advice. The key to the success of this service will be you providing us with adequate information in advance - this is set out in more detail in the documents mentioned above; and

- On complex issues be prepared to seek private professional help - our service is not intended to be an alternative to employing professional consultants.

We will always do our best to give you the best advice we can on the information which is to hand. However, you need to be aware that any advice given by Council Officers for pre application enquiries does not constitute a formal decision by the Council as Local Planning Authority. Any views or opinions are given in good faith, and to the best of our ability but without prejudice to the formal consideration of any planning application.

The final decision on any application that you may then make can only be taken after we have consulted local people, statutory consultees and any other interested parties. It will be made by the Development Control Committee or by planning officers and be based on all of the information available at that time.

You should therefore be aware that officers cannot guarantee the final formal decision that will be made on your application(s). However, any pre application advice that has been provided will be carefully considered in reaching a decision or recommendation on an application; subject to the proviso that circumstances and information may change or come to light that could alter that position.

Please note that the weight given to pre application advice will decline over time, and can be superseded by new government advice or new planning policies.

Fees are non refundable.

REPORT TO DEVELOPMENT CONTROL COMMITTEE

11 October 2018

REPORT OF THE CORPORATE DIRECTOR – COMMUNITIES

WG CONSULTATION DOCUMENT: SUBORDINATE LEGISLATION CONSOLIDATION AND REVIEW – CONSOLIDATION OF THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987 AND TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995

1. Background

1.1 The Welsh Government (WG) has issued a consultation document seeking views on the consolidation of the Town and Country Planning (Use Classes) Order 1987 (UCO) and Town and Country Planning (General Permitted Development) Order 1995 (GPDO). The purpose of this report is to draw Members' attention to the consultation and provide details of the BCBC response. The consultation ran between 31 May and 28 September 2018.

1.2 The WG consultation documents can be accessed by Members using this hyperlink:
<https://beta.gov.wales/subordinate-legislation-consolidation-and-review>

2. What are the Use Classes Order (UCO) and General Permitted Development Order (GPDO)?

2.1 The UCO removes the need for planning permission for many material changes of use where the Planning impacts of the new uses are similar - the current Use Classes Order in Wales can be viewed on page 3 of the consultation document.

2.2 Changes between uses within the same 'class' should not result in any significant change in Planning impact, so there is little benefit in requiring a Planning application. Therefore, a material change of use within a class does not require Planning permission. A material change of use to a use either in a different class or not specified in a class (a *sui generis* or 'unique use'), does require Planning permission.

2.3 The GPDO grants Planning permission for many small and low impact developments. Permitted development is development which can be undertaken without the need to apply for Planning permission, as it is already permitted under the GPDO. The GPDO contains 43 parts which grant Planning permission for a wide range of developments across many different sectors.

3. The Consultation Document – an Introduction

3.1 Requiring an application for Planning permission for all development would be an unnecessary use of scarce Local Planning Authority (LPA) resources and would impose unwarranted costs on individuals and businesses, as much development is small in scale and has limited effects. For many decades, such development has either been granted Planning permission on a national basis or excluded from the need for permission.

3.2 The Town and Country Planning (Use Classes) Order 1987 (UCO) removes the need for Planning permission for many material changes of use where the Planning impacts of the new uses are similar. The Town and Country Planning (General Permitted Development) Order 1995 (GPDO) grants Planning permission for many small and low impact development.

3.3 The Welsh Government commissioned a review of the UCO and associated permitted development rights and the recommendations arising from the report are considered in the consultation document. The proposed changes to the GPDO are also explored in the consultation document.

3.4 The UCO is now over 30 years old and the GPDO is over 21 years old. Both have been subject to multiple amendments and revocations, not all of which apply to Wales, creating confusion for all

users. To address the difficulty for the public to find up-to-date versions of the Statutory Instruments and, most importantly, the parts which are relevant to Wales, the WG propose to consolidate both the UCO and GPDO.

4. A Summary of the Proposals

4.1 The WG propose to consolidate the UCO and GPDO to:

- streamline the Planning legislation for small and low impact developments and
- make sure the most accurate version of the legislation is readily available.

4.2.1 The following changes/clarifications (amongst others) are proposed as part of the consultation:

- beauty salons (and associated uses) should be included within use class A1 (shops)
- betting offices are to be removed from use class A2 (Financial and Professional Services)
- hot food takeaways are to be placed in their own use class
- drinking establishments and restaurants are to be placed in the same use class
- cafes and sandwich bars are to be grouped and placed in their own use class with limited hours of opening, goods for sale and floorspace thresholds
- renumbering the B use class by changing B8 (storage and distribution) to B3 (storage and distribution)
- nightclubs and retail warehouse clubs are to be specified as unique uses
- make provision for two types of Article 4 Direction; Directions with immediate effect (“Immediate Directions”) and Directions without immediate effect (“Non-immediate Directions”)
- developers and LPAs should be able to agree longer determination periods for the consideration whether prior approval is required
- HMOs should not benefit from permitted development rights granted by Part 1 of the GPDO
- permitted development proposals for electric vehicle charging infrastructure
- no permitted changes of use from the new use class A4 (drinking establishments and restaurants)
- permitted changes of use from hot food takeaways but no permitted changes of use to a hot food takeaway
- no permitted development rights for the change of use of car showrooms
- permitted development rights for mast heights above ground level to be increased from 15 metres to 20 metres on Article 1(5) land or any land which is within a site of special scientific interest and from 15 metres to 25 metres in unprotected areas
- the introduction of permitted development rights to assist CADW in their role as the responsible body for the management, maintenance and restoration of historic buildings and monuments in Wales
- Planning permission required for the demolition of a public house to consider the impacts resulting from the loss of the use
- establishing the principle of permitted development rights for small scale, low risk hydropower developments in Wales

5. Recommendation

(1) That Members note the content of this report, the WG Consultation Document and the LPA’s response to the WG consultation (Appendix 1).

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None

Appendix 1

Q1	Do you agree beauty salons (and associated uses) should be included within use class A1 (shops)?
Yes	
Q2	Do you agree betting offices should be removed from use class A2?
Yes – move to Sui Generis as in England. However, this will come in too late to affect any positive change as many of the banks/building societies etc. have been converted to betting offices already and it is likely that the growth in online gambling will reduce the demand for new betting shops.	
Q3	Do you agree hot food takeaways should be placed in their own use class?
Yes	
Q4	Do you agree restaurants and takeaways with drive-through facilities should be grouped with hot food takeaways?
Yes	
Q5	Do you agree with the proposal to place drinking establishments and restaurants in the same use class?
Yes – on the basis that most drinking establishments now serve food to be commercially viable. However, in order to achieve consistency with England and to avoid confusion, it is suggested that it should A3 (Restaurants and Cafes) and A4 (Drinking Establishments) and a mixed A3/A4 use for pubs that provide meals/hot food or, as in England, a separate AA use class for drinking establishments with expanded food provision.	
Q6	If you answered no to Q5, how should the UCO be amended to protect public houses in Wales?
It can be amended to remove the permitted CoU from A4 to mixed A3/A4 or A3.	
Q7	Do you agree with the principle of a new Café and Sandwich Bar Use Class?
Yes although, for consistency and to avoid confusion, it would be simpler to follow the English system and keep cafes in A3 and Coffee Shops/Sandwich Bars (without hot food sales or seating) in A1.	
Q8	Do you consider this new use class will help the flexible management of town centre uses and contribute to their vitality and viability? Please explain your view.
Yes if it is meant to allow easy interchanges between cafes and coffee shops/sandwich bars. However, there are more benefits to be gained by following the English model i.e. an A3 Restaurants and Cafes use class which will avoid having to differentiate between a café and a restaurant and imposing unenforceable opening hour conditions on the	

cafe premises.

Q9 Will the clarification of the A1 Use Class in relation to consumption on the premises help understanding of the order or cause additional confusion to users of the planning system?

Yes - it is clearer than the incidental sale of hot or heated up food from coffee shops/sandwich bars.

Q10 Is a timescale appropriate to help define this use class? If yes, is 6am to 7pm suitable or are there more appropriate times?

A typical café would operate during normal shop opening hours on the high street. 6am to 7pm is sufficient as any later would blur the lines between a café and a restaurant use. Notwithstanding this comment, it is the LPAs view that cafes serving hot food for consumption on the premises should be grouped with restaurants as an A3 use as in England in order to avoid confusion.

Q11 We welcome your views about how a distinction can be made between a daytime café use and mixed takeaway and restaurant use.

-

Q12 Should cafes solely catering for on premises consumption be included in this use class? If so, how can a clear distinction be made between restaurants and café uses?

As stated above, cafes and restaurants should still be grouped together in the A3 use class. It is too difficult to make a clear distinction between a café and a restaurant and it would be difficult to enforce.

Q13 Should a floorspace threshold be used to help define this use class? If yes, what threshold would be appropriate and why?

No. It would be too difficult to quantify/measure/assess and enforce and would leave the system open to interpretation.

Q14 Do you agree with the proposal to re-number B8 (Storage and Distribution) as B3 (Storage and Distribution)?

Yes although, in effect, the LPA has not experienced any confusion from landowners/developers regarding the differentiation between B1, B2 and B8 or the lack of Use Classes B3, B4, B5, B6 and B7. The B uses have not been changed in England and it could cause more confusion instead of simplifying the UCO.

Q15 Do you agree use as a nightclub should be specified within the UCO as a unique use?

Yes – potentially different and negative impacts compared to other D2 (Assembly and Leisure) uses.

Q16 Do you agree use as a retail warehouse club should be specified within the UCO as a unique use?

Yes although a “retail warehouse club” would have to be clearly defined.

Q17 Other than the changes discussed above, does the UCO remain fit for purpose as a deregulatory tool?

Yes

Q18 Are there any other changes not referred to in this consultation which you wish to see made to the UCO? If yes, please specify and provide justification/evidence for the proposed change.

Clarification on Bed and Breakfast uses, Air BnB lets/units and ‘party houses’.
Also clarification with C4 Small HMOs where the occupants are unrelated but share more than just basic facilities such as a communal lounge/living room.

Q19 Do you agree with the proposals for amending Article 4 directions? If not, how could the proposal be improved?

No. Apart from the occasional and site specific need to control permitted development in Conservation Areas (under Article 4(2)), LPAs can remove pd rights by condition on consents where necessary and this system works well.

Q20 Do you agree that developers and LPAs should be able to agree longer determination periods for the consideration whether prior approval is required?

Yes

Q21 Do you agree that HMOs should not benefit from permitted development rights granted by Part 1 of the GPDO?

Yes to large (Sui Generis) HMOs but no to small (C4) HMOs.

Q22 Do you agree that condition A3(a) relating the materials for Class A development should be removed?

No

Q23 If you answered no to Q22, should condition A3(a) be varied to allow more flexible use of materials for additions to the rear where there is no visual impact?

Yes. For additions to the rear which cannot be seen from public vantage points. Particularly for UPVc/glazed conservatories etc.

Q24 Do you agree with the proposed condition for the provision and replacement of hard surfaces within the curtilage of a dwellinghouse in Development Class F? If not, please suggest alternative approaches, restrictions or thresholds that could be adopted.

Yes

Q25 Do you agree with the introduction of permitted development rights for the installation of smart meter antenna?

Yes
Q26 Do you agree with the permitted development proposals for electric vehicle charging infrastructure?
Yes

Q27 Do you agree that there should be no permitted changes of use from the new use class A4 (drinking establishments and restaurants)?
Yes although it is suggested that drinking establishments should be separated from restaurants as is the case in England.

Q28 Do you agree with the proposed permitted changes from hot food takeaways (A5)?
Yes

Q29 Should the permitted development rights be extended to permit two flats with a betting office or part of a mixed A1 or A2 use?
No – keep to one flat above an A1/A2 unit or a new Betting Office use class unit with a window display as it is likely that the flat will be occupied by the manager/owner of the ground floor commercial premises and any intensification of residential uses on upper floors will require greater access to amenity space, bin storage, parking etc. and would need to avoid any loss of residential amenity.

Q30 Do you agree with the proposed permitted changes from a betting office?
Yes to the first two permitted changes (to A1 and A2 uses) but not to a mixed use betting shop and up to two flats.

Q31 Do you agree that permitted development rights for the change of use of car showrooms should not be restated in the consolidation GPDO?
Yes. This is long overdue.

Q32 Does Part 16 provide sufficient permitted development rights for development by or on Behalf of Sewerage Undertakers?
Not as it stands. There should be pd rights to erect permanent buildings (subject to limitations in terms of size, finishes and location) other than for “survey or investigation” as technological advances occur.

Q33 If not, what types of development should be included within Part 16? Please specify any associated limitations and conditions.
Size limits should be set in conjunction with DC/WW in terms of their standardised pieces of kit/buildings.

Q34 Do you agree with the proposed increases in height for the installation, alteration or replacement of a mast on protected and unprotected land?
Yes on unprotected land (up to 25m). No on protected land (up to 15m).

Q35	Do you agree with the change to mast width described in relation to the alteration or replacement of a mast?
No	
Q36	Do you agree with the definition of 'small antenna' and 'small cell system'?
Yes	
Q37	Do you agree with the proposed changes to small antennas and small cell systems allowed on buildings and structures (other than dwellinghouses and within their curtilages) in unprotected areas, and protected areas?
Yes	
Q38	Do you agree with the changes to permitted development rights for small antenna and small cell systems on dwelling houses and within their curtilages in unprotected areas; and dwelling houses in protected areas and conservation areas?
Yes	
Q39	Do you agree these changes are sufficient to accommodate the likely needs of future network requirements?
Yes	
Q40	Do you agree with the changes to other antenna system and to the increase in numbers of electronic Communications code operators present on a building?
Yes	
Q41	Do you agree to an increase in the time from 6 months to 18 months, where land may be used in an emergency to station and operate moveable electronic communications apparatus required to replace unserviceable equipment?
Yes	
Q42	Do you agree the clause inserted by The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No. 2) Order 2014 relating to broadband services should be made permanent, removing the requirement to submit a prior approval?
Yes	
Q43	If you answered yes to Q42, should the notification requirement be retained?
Yes	

Q44 Do you agree Cadw should be granted permitted development rights to reflect their role in the management, maintenance and restoration of historic buildings and monuments in Wales?

Yes. Agree in principle. The assumption is that the proposed permitted development rights will in practice relate only to those buildings or monuments within the control/ownership or management of Cadw. Alternatively could Cadw use these permitted development rights to undertake with prior agreement of a Public/Private landowner works pursuant to purposes in para 3.107? Has any consideration been given to granting Local Authorities permitted development rights to undertake the same with regard to its own historic assets (if listed building delegation is in place for all other buildings). This may be an incentive for Local Authorities to secure delegation and would remove delays.

Q45 Do you agree that the demolition direction should be cancelled and the categories of demolition currently in the direction prescribed in the permitted development order?

Yes. The outcome of the Law Commission report with regard to the proposed merging of Listed Building/Conservation Area and Planning Consent is yet unknown nevertheless there have been strong objections from the Historic Environment Sector in view of how the proposal will dilute conservation controls and this would further compound this. For clarity would the 50 cubic metre volume limit still apply for buildings within a conservation area or could this be amended to include all buildings within a conservation area. If the Law Commission recommendations are adopted, in line with the Historic Environment Act 2016 and subsequent guidance, could this also provide that buildings of special local interest will always need planning permission for demolition, the benefits of which are two fold, to encourage the preparation and adoption of local lists by LPA's but also greater control over the demolition of the wide range of historic buildings that are of significance some of which provide community benefits. This may include public houses and whilst there is agreement that safeguarding public houses is important, there are also other buildings including chapels/village/community halls/rural buildings etc. outside conservation areas which are of significant heritage value and could also be afforded a level of protection from demolition if an adopted list and policy was in place.

Q46 Do you agree that the demolition of a public house should require planning permission in order for the LPA to consider the impacts resulting from the loss of the use?

No. Potentially, the best way to protect rural public houses of note would be to have a designated local list of buildings.

Q47 Do you agree with reintroducing permitted development rights for the protection of poultry and other captive birds?

Yes, upon avian influenza controls being put in place.

Q48 Do you agree with the principle of establishing permitted development rights for non-domestic Solar PV and Thermal without applying a specific energy threshold?

Yes

Q49	Do you agree that ‘development not permitted’ listed, (a) to (f), is sufficient to control the potential impacts of solar PV or solar thermal permitted development?
	Yes
Q50	Do you agree that the existing conditions are sufficient to control the potential impacts of solar PV or solar thermal permitted development?
	Yes
Q51	Do you agree there should be no change to the size of ground based solar panel developments (and therefore their energy output) within the curtilage of a non-domestic building?
	Yes
Q52	Do you agree ‘development not permitted’ listed above, (a) to (c), is sufficient to control the potential impacts of ground based solar PV or solar thermal permitted development within the curtilage of a non-domestic building?
	Yes
Q53	Do you agree no change is required to the conditions for non-domestic ground based solar PV or thermal developments?
	Yes
Q54	Do you agree with our approach of not including limitations on non-domestic ground based solar PV or thermal developments on listed buildings, scheduled monuments or other landscape areas? If not, what limitations would you like to see which would still maximise opportunities for deployment on these buildings / sites?
	Yes. Considered on a case by case basis.
Q55	Do you agree with the principle of establishing permitted development rights for small scale, low risk hydropower developments in Wales?
	No. Each site is different in terms of topography, visual impact and biodiversity etc.
Q56	Do you agree that new permitted development rights should be accompanied by practice guidance? If yes, what aspects should the guidance cover?
	N/A
Q57	Do you agree with the concept to allow permitted development rights for small scale, low risk Hydropower schemes in National Parks and AONBs?
	No
Q58	Do you agree with those areas where permitted development rights for

hydropower schemes would not apply?

N/A

Q59 Do you agree with the proposed non-spatial limitations where permitted development rights for hydropower schemes would not apply?

N/A

Q60 Do you agree with these conditions relating to minimising the visual / environmental impact of the intake structures and the header tank elements?

N/A

Q61 Do you agree with these conditions to minimise the visual impact of the pipelines?

N/A

Q62 Do you agree with these conditions to minimise visual / amenity / environmental impacts of the powerhouse and outfall?

N/A

Q63 Do you agree with these miscellaneous conditions relating to tree felling, water course crossings, construction practices and decommissioning?

N/A

Q64 We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Clarification as to the thresholds/circumstances surrounding what can be considered to be homeworking requiring planning permission for a change of use and what can be deemed to be ancillary to the main residential use of the property is needed i.e. frequency of visitors, staff and deliveries etc.

Also, some clarification over the operation of a taxi service from a residential unit would be useful.

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>
Rhodri Davies, <i>Development & Building Control Manager</i>	"Houses in Multiple Occupation (HMOs)"	11 October 2018	12.45pm
Hayley Kemp, <i>Principal Planning Officer</i>	"Section 215 notices and procedures"	22 November 2018	12.45pm
Jonathan Parsons, <i>Group Manager Development / Rhodri Davies, Development & Building Control Manager</i>	"End of year performance report"	3 January 2019	12.45pm
Gethin Powell, <i>Highways & SUDS Drainage Engineer / Rhodri Davies, Development & Building Control Manager</i>	"Sustainable Drainage Systems and SuDS Approving Bodies – The New System"	14 February 2019	12.45pm
Gaynor Thomas, <i>School Programme Manager</i>	"Education contributions and surplus spaces in 21 st Century schools"	28 March 2019	12.45pm

Recommendation:

That the report of the Corporate Director Communities be noted.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None.

This page is intentionally left blank