

# 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:** Thursday, 27 December 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, 3 January 2019 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 including those who are also Town and Community Councillors, in accordance with the provisions of the Members' Code of Conduct adopted by Council from 1 September 2008. Members having such dual roles should declare a personal interest in respect of their membership of such Town/Community Council and a prejudicial interest if they have taken part in the consideration of an item at that Town/Community Council contained in the Officer's Reports below.
3. Site Visits  
To confirm a date of Wednesday 13/02/2019 for proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.
4. Approval of Minutes 3 - 6  
To receive for approval the minutes of the 22/11/18
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.

**By receiving this Agenda Pack electronically you will save the Authority approx. £1.18 in printing costs**

7.	<u>Development Control Committee Guidance</u>	7 - 10
8.	<u>P/16/609/FUL Land between 47 &amp; 49 Woodland Avenue, Porthcawl</u>	11 - 34
9.	<u>P/18/291/FUL Land at Chapel Street, Pontycymmer</u>	35 - 52
10.	<u>Appeals</u>	53 - 68
11.	<u>Training Log</u>	69 - 70
12.	<u>Nomination and Appointment of a replacement Member to the Rights Of Way Sub-Committee</u>	71 - 74
13.	<u>Urgent Items</u> To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.	

Yours faithfully  
**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

## DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 22 NOVEMBER 2018

### MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN COUNCIL CHAMBER - CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 22 NOVEMBER 2018 AT 14:00

#### Present

Councillor G Thomas – Chairperson

JPD Blundell	NA Burnett	SK Dendy	DK Edwards
RM Granville	MJ Kearn	DRW Lewis	JC Radcliffe
JC Spanswick	RME Stirman	MC Voisey	KJ Watts
CA Webster	AJ Williams		

#### Apologies for Absence

RJ Collins, JE Lewis and A Williams

#### Officers:

Rhodri Davies	Development & Building Control Manager
Mark Galvin	Senior Democratic Services Officer - Committees
Rod Jones	Senior Lawyer
Michael Pitman	Business & Administrative Apprentice

#### 188. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R Collins, JE Lewis and Alex Williams

#### 189. DECLARATIONS OF INTEREST

Councillor C Webster declared a personal interest agenda in Item 8 of the agenda and she is a former volunteer for the SSAFA.

Councillor JP Blundell declared a personal interest in agenda Item 10 as he is a member of Laleston Community Council.

#### 190. SITE VISITS

RESOLVED: That a date of Wednesday 02 January 2019 be confirmed for any proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.

Note: In light of the low attendance at Development Control Committee site visits, the Chairperson urged all members of the committee to make every effort to attend future such meetings, as this would help members to gain a greater understanding of the site which will assist in any debate that ensues upon the application when it is further considered at the Committee meeting.

#### 191. APPROVAL OF MINUTES

RESOLVED: That the Minutes of a meeting of the Development Control Committee dated 11 October 2018, be approved as a true and accurate record.

192. PUBLIC SPEAKERS

There were no public speakers.

193. AMENDMENT SHEET

RESOLVED: 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.

194. DEVELOPMENT CONTROL COMMITTEE GUIDANCE

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

195. P/18/711/FUL - MARITIME BUILDING, COSY CORNER, PORTHCAWL

RESOLVED: (1) That having regard to the following application, the applicant enters into a section 106 agreement to:

- (a) Provide a financial contribution of £8,000 to fund a change to legal traffic orders on the parking triangle of the Esplanade.

Proposal

Mixed use maritime centre complex comprising main building, cafe/bistro/wine bar/micro-brewery, green room offices, external areas, loading & unloading points, amphitheatre/auditorium, temporary sea cadet hut/construction office portacabins & proposed temporary hoardings & associated works

- (2) That the Corporate Director – Communities be given delegated powers to issue a decision notice granting permission for the above development, subject to the Conditions contained in his report.

196. P/18/518/FUL - PLOT 65 DUFFRYN OAKS DRIVE, PENCOED

RESOLVED: That the following application be granted subject to the conditions contained in the report of the Corporate Director - Communities.

Proposal

Amended dwelling house type.

197. P/18/564/OUT - GARDEN OF BROADLANDS HOUSE, HEOL BLANDY, BROADLANDS

RESOLVED: (1) That having regard to the following application, the applicant enters into a section 106 agreement to:

- (a) Provide a financial contribution for the sum of £3,117 towards the provision of children's play equipment and outdoor sport facilities.

Proposal

Residential development for 3 new build dwellings.

(2) That the Corporate Director – Communities be given delegated powers to issue a decision notice granting permission for the above development, subject to the Conditions contained in his report.

198. APPEALS

RESOLVED:

(1) That the Appeals as detailed in the report of the Corporate Director – Communities, received since his last report to Committee, be noted.

(2) That the Inspector appointed by Welsh Ministers to determine the following Appeals has directed they be Dismissed:-

<u>Code No.</u>	<u>Subject of Appeals</u>
D/18/3212252 (1839)	Erect a 1.8m high fence on the boundary wall to the side of the property 43 Ty Gwyn Drive Bridgend

A/18/3207624 (1836)	Outline application for a two story dwelling attached to 15 Elm Crescent Bridgend
---------------------	-----------------------------------------------------------------------------------

(3) That it be noted that the following appeal has been Withdrawn by the appellant.

<u>Code No.</u>	<u>Subject of Appeal</u>
X/18/3202858	Certificate of lawfulness for an existing use of land & buildings as a gasification plant (use class b2) Newton Down Industrial Estate, Tythegston Court.

199. ANNUAL PERFORMANCE REPORT (APR) 2017-2018

The Group Manager Development reported on the 2018 Annual Performance Report (APR), which had been completed and forwarded to Welsh Government, and was being placed before Members for information purposes.

The report covered the period from 1 April to 31 March 2018.

He stated that although the number of planning staff had reduced by almost half in recent years, the number of planning applications, particularly in respect of major schemes had slightly increased. Some of the key points of the APR were highlighted in 3.4 of the report.

He also explained that in terms of customer satisfaction levels, 2018 reflected that the percentage has decreased to 50% from 74% (in 2015). He believed this to be attributed to the low response rate of 14%. Further details of these figures were provided in the full APR report, attached at Appendix 1 to the covering report.

The Group Manager Development concluded his submission, by advising that the team were looking at ways to improve engagement with customers with a view to looking at ways of improving satisfaction rates in the future.

RESOLVED: That the report be noted.

200. 2018 ANNUAL MONITORING REPORT (AMR) FOR THE LOCAL DEVELOPMENT PLAN 2006-2021

The Group Manager Development provided a report on the findings of the Bridgend County Borough Council Local Development Plan 2018 Annual Monitoring Report (Appendix 1 to the report). He stated that the aim of the AMR is to assess the extent to which the LDP Strategy and Policies are being achieved.

By way of background, he advised that the Council had a statutory obligation to produce an AMR. The 2018 AMR was required to be submitted to Welsh Government prior to 31 October 2018, and this target was met with it being submitted on 30 October 2018.

He continued by advising, that the main aim of the AMR is to assess the extent the extent to which the LDP Strategy and Policies are being achieved. The AMR had two primary roles, firstly to consider whether the policies identified in the monitoring process are being implemented successfully and secondly to consider the Plan as a whole against all of the information gathered to determine whether a complete or partial review of the Plan is necessary.

The next section of the report outlined that the LDP's performance was monitored through a set of aims and indicators as was explained in paragraph 3.4 of the report.

Paragraph 4.3 of the report confirmed in bullet point format, that the LDP Regulations and the LDP Manual specified what the AMR is required to include, whilst paragraph 4.4 advised that an overview of the LDP Monitoring Data for the fourth AMR period, provided an interesting insight into the implementation of the LDP over the past 12 months. The key findings of these were detailed in this part of the report.

The Group Manager Development continued by confirming that a new LDP was already in progress, and the local planning authority were hoping that the allocation of land use in this would be used at least or if not more effectively than in the current LDP.

He concluded his submission by sharing with members the report's Conclusions and Financial Implications.

He finally responded to questions from Members.

RESOLVED: That the report be noted.

201. TRAINING LOG

RESOLVED: That the dates for the Development Control training sessions as detailed in the report of the Corporate Director – Communities for the coming months on key issues relating to certain service areas of planning etc, be approved.

202. URGENT ITEMS

None.

The meeting closed at 14:55

## 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](http://www.coal.gov.uk)
- l. If your development lies within a limestone area you should take account of any limestone hazards to stability in your proposals. You are advised to engage a Consultant Engineer prior to commencing development in order to certify that proper site investigations have been carried out at the site sufficient to establish the ground precautions in relation to the proposed development and what precautions should be adopted in the design and construction of the proposed building(s) in order to minimise any damage which might arise as a result of the ground conditions.
- m. The Local Planning Authority will only consider minor amendments to approved development by the submission of an application under section 96A of the Town and Country Planning Act 1990. The following amendments will require a fresh application:-
  - re-siting of building(s) nearer any existing building or more than 250mm in any other direction;
  - increase in the volume of a building;
  - increase in the height of a building;
  - changes to the site area;
  - changes which conflict with a condition;
  - additional or repositioned windows / doors / openings within 21m of an existing building;
  - changes which alter the nature or description of the development;
  - new works or elements not part of the original scheme;
  - new works or elements not considered by an environmental statement submitted with the application.



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

## **THE SITE INSPECTION PROTOCOL**

The Site Inspection Protocol is as follows:-

### **Purpose**

#### **Fact Finding**

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

### **Request for a Site Visit**

#### **Ward Member request for Site Visit**

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

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

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

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

Site visits 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/16/609/FUL

**APPLICANT:** Valleys to Coast Housing: c/o Asbri Planning, Unit 9 Oak Tree Court, Cardiff Gate Business Park, Cardiff CF23 8RS

**LOCATION:** Land between 47 & 49 Woodland Avenue Porthcawl CF36 5HW

**PROPOSAL:** Demolish existing structures and construct 10 dwellings and associated works

**RECEIVED:** 29 July 2016

**SITE INSPECTED:** 15 November 2016 & 19 December 2018

## APPLICATION/SITE DESCRIPTION

Planning permission is sought for the erection of ten residential units at a plot of land between 47 and 49 Woodlands Avenue, Porthcawl.

The application proposes the replacement of the existing single storey Woodland Hall building/ Porthcawl Scout Hall and open space at the site with 6 two bedroom dwellings and 4 one bedroom flats. Each dwelling would be served by 2 parking spaces and an area of private amenity space and each flat would be served by a single car parking space and a shared area of communal amenity space. The scheme would also provide 2 parking spaces for visitors.

The proposed two storey dwellings would measure 5.4 metres in width by 9.0 metres in depth with a pitched, apex roof design reaching a maximum height of 8.6 metres from ground level. The building accommodating the flat units would also have a traditional two storey appearance with hipped roof design. It would measure 15.2 metres in length by 10.3 metres in depth (including a front porch addition) with a maximum height of 8.6 metres from ground level. The buildings would be finished in a buff and dark buff brick with concrete tile roofs and grey uPVC windows and doors.

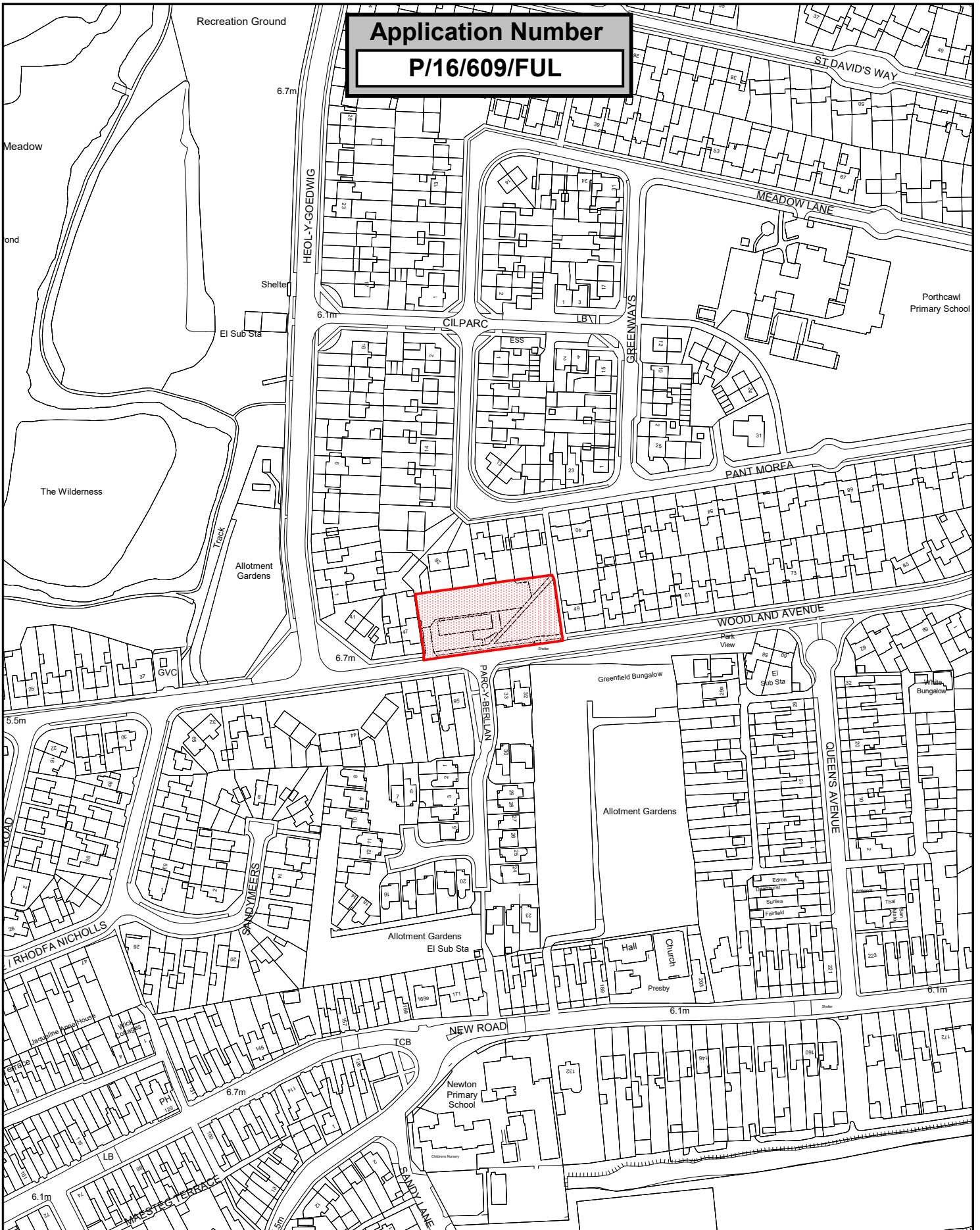
**Figure 1 - Proposed Site Layout**



The buildings would be positioned in a linear fashion broadly following the building lines of the existing, adjacent plots. Front garden areas and off street car parking spaces would be created to the front of the plots with four car parking spaces proposed towards the rear of the flat premises. As part of the application an existing bus stop would be repositioned at the front of the site.

Application Number

P/16/609/FUL



Scale 1:2,500

Date Issued:  
19/12/2018

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 Sirol



**Figure 2 - Proposed street scene elevation**



The site currently accommodates a single storey community style building 'Woodland Hall' that accommodates the Porthcawl Scout Group (who have a lease agreement with Valleys to Coast to use the building for Scout activities) and has a footprint of approximately 200 square metres. This building sits on a slightly raised area of land in front of a former block of garage structures that has now been demolished. The large concrete slab remains in place along most of the rear northern boundary of the site. An existing footpath runs along the eastern boundary of the site linking Woodland Avenue with Pant Morfa to the north. Another footway runs diagonally from the north east corner to the front (southern) boundary of the site across a grassed area that makes up the eastern aspect of the site. The surrounding locality is predominantly residential in nature with residential properties situated opposite and flanking the rear and sides of the development site.

**Figure 3 – Photographs of the existing application site**





The Planning history of the site reveals permission was refused in 2016 for a similar scheme to erect residential units on the site. The previous scheme was considered harmful to the visual amenities of the locality (relating to the design of the proposed flat units as illustrated below) and insufficient information was submitted to justify the loss of the community facility. In an attempt to overcome the earlier reasons for refusal the applicant has revised and re-submitted the Planning application, altering the design of the proposed buildings and providing further justification for the loss of the existing building.



Figure 6 – Scheme refused (Ref No. P/15/568/FUL)

The Planning application is supported by a Design and Access Statement, Planning Statement and a Drainage Strategy Report. Supporting letters have also been provided by the applicant's agent that details acceptance from the nearby Gilgal Baptist Church, Woodland Avenue, of the offer made by Valleys to Coast to purchase the leasehold of this premise, as well as confirmation from the Scout Council of their acceptance to relocate to the new premises at Gilgal Baptist Church, subject to maintenance works being carried out on the building that Valleys to Coast are currently tendering for, to meet the Scouts' requirements.

## **RELEVANT HISTORY**

P/15/848/FUL - Demolish existing structures & construct ten dwellings & associated works  
- Refused 04/02/2016.

P/16/851/FUL - Land opposite 5-9 Heol Y Goedwig - Demolition of existing buildings and construction of new community facilities with associated access and landscaping works –  
Withdrawn 13/01/2017.

## **NEGOTIATIONS**

Discussions have been ongoing with the applicant regarding the loss of the Scout Hall facility and the need to provide a suitable alternative location for the existing users of this building. Following lengthy discussions with the applicant, that has involved the consideration of alternative provisions to address this issue, the applicants have resolved and agreed to relocate the Scout Group to the nearby Gilgal Baptist Church.

Design changes to the development have also been negotiated to address highway safety and adequate parking provision at the development site.

## **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:

<b>Policy PLA1</b>	Settlement Hierarchy and Urban Management
<b>Policy PLA11</b>	Parking Standards
<b>Policy SP1</b>	Regeneration-Led Development
<b>Policy SP2</b>	Design and Sustainable Place Making
<b>Policy SP3</b>	Strategic Transport Planning Principles
<b>Policy SP4</b>	Conservation and Enhancement of the Natural Environment
<b>Policy SP5</b>	Conservation of the Built and Historic Environment
<b>Policy SP12</b>	Housing
<b>Policy SP13</b>	Social and Community Facilities
<b>Policy COM3</b>	Residential Re-Use of a Building or Land
<b>Policy COM7</b>	Protection of Social and Community Facilities
<b>Policy ENV6</b>	Nature Conservation
<b>Policy ENV7</b>	Natural Resource Protection and Public Health
<b>Policy ENV15</b>	Waste Management in New Development

### **Supplementary Planning Guidance**

- SPG 02** Householder Development
- SPG 08** Residential Development
- SPG 17** Parking Standards
- SPG 19** Biodiversity and Development

## **National Planning Policy and Guidance**

National planning guidance in the form of Planning Policy Wales (Edition 10 December 2018) (PPW) is of relevance to the determination of this application.

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

*All development decisions...should seek to contribute towards the making of sustainable places and improved well-being.* (Paragraph 2.2 of PPW refers)

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

*Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people.* (Paragraph 2.7 of PPW refers)

*Previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development.* (Paragraph 3.51 of PPW refers)

*Planning authorities will need to ensure...through the development management process they make the most efficient use of land and buildings in their areas. Higher densities must be encouraged on sites in town centres and other sites which have good walking, cycling and public transport links.*(Paragraph 4.2.22 of PPW refers)

*Infill and windfall sites can make a useful contribution to the delivery of housing. Proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes.* (Paragraph 4.2.23 of PPW refers)

*A community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications.* (Paragraph 4.2.25 refers)

*When considering development proposals planning authorities should consider the needs of the communities and ensure that community facilities continue to address the requirements of residents in the area.* (Paragraph 4.4.2 refers).

### **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 5 - Nature Conservation and Planning (2009)

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.

### **PUBLICITY**

Neighbours have been notified of the receipt of the application.

The application was also advertised by means of press and site notices.

The period allowed for response to consultations/publicity expired on 11 December 2018 (amended plans and additional information).

### **CONSULTATION RESPONSES**

Welsh Water Developer Services - No objection to the scheme subject to the imposition of conditions/advisory notes regarding the drainage of the development.

Destination & Countryside Management - No objection. The building to be demolished has low potential as a bat roost. Advisory notes are recommended accordingly.

Natural Resources Wales - No objection, although advice should be sought off the in-house ecologist to determine if there is any likelihood of bats being present within the application site.

Head of Street Scene (Highways) - No objection subject to the imposition of conditions.

Crime Prevention Design, S.Wales Police - Comment they are generally pleased with the site layout and general advice is provided regarding site layout, landscaping, boundaries, lighting, parking/bicycle stores, utilities, bin storage, door and window security and dwelling identification.

Head of Street Scene (Drainage) - No objection to the scheme subject to the imposition of a condition regarding the drainage of the development.

Porthcawl Town Council - No objection, providing the building to be demolished is no longer required (observations received 09/09/2016). Further comments received on the 14/12/2018 highlighting the scheme should result in extra street lighting and not result in crime spots.

Rights of Way Team - No objection to the planning application. It is highlighted the Definitive Map was checked and it is confirmed no public rights of way are affected or about the area in question.

## **REPRESENTATIONS RECEIVED**

Councillor Brian Jones - Objects to the proposal for the following reasons: over intensification of building, loss of community asset, highway issues and the Scouts Hall is a polling station.

Objections to the planning application have been received from the occupiers/owners of the following properties:

30 Pant Morfa  
34 Pant Morfa  
38 Pant Morfa  
9 Pant Y Dryw  
9 Wren Hollow  
7 Parc-y-Berllan  
10 Parc-y-Berllan  
16 Parc-y-Berllan  
18 Parc-y-Berllan  
21 Parc-y-Berllan  
22 Parc-y-Berllan  
23 Parc-y-Berllan  
25 Parc-y- Berllan  
26 Parc-y-Berllan  
27 Parc-y-Berllan  
29 Parc-y-Berllan  
31 Parc-y-Berllan  
32 Parc-y-Berllan  
33 Parc -y-Berllan  
34 Parc-y-Berllan  
51 Woodland Avenue  
52 Woodland Avenue  
61 Woodland Avenue  
11 Heol Y Goedwig  
19 Neville Road, Porthcawl  
1 Waunlon, Porthcawl  
6 Cypress Gardens, Porthcawl  
10 Long Acre Drive, Porthcawl  
12 Vintin Terrace, Porthcawl  
2 Foxhollows, Brackla

The objections raised are summarised as follows:

### **Inappropriate use of the site**

Additional housing on a small piece of grass area is inappropriate.

### **Loss of Scout Hall Facility**

The removal of the Scout hall adversely affects the facilities available to current residents.

The provision of other community facilities would be more appropriate for the area as opposed to a Scout Hall only.

The Scout Hall is an asset to the community and in regular use.

There are limited facilities for existing residents in the area and introducing further residential properties is not the best use of the land.

The loss of the Scout Hall would be detrimental to the social impact on the area.

The Planning application is considered contrary to Policy SP13 & COM7 of the Bridgend Local Development Plan. Although steps have been taken concerning the loss of the community facility and moves to secure a lease on a new property – The Gilgal Baptist Church – no definite information on completion of the move has been given. Should V2C or the Church pull out of a move, local residents will be without a once existing valuable community facility.

The permission cannot be granted on the pretence that a new community hall will open within the Baptist Church until a contract has been signed and completed amongst the interested parties.

Even with a move to the church, it is a shame that elderly residents would have to travel further to get to the new premises.

A multi-dwelling build over much needed community facilities cannot be supported.

There is little enough for young people to do in the town with the government cuts and demolition of this building will worsen the situation.

There will not be enough health, leisure and educational facilities with the increase in housing in Porthcawl.

The proposed development would decrease amenities in the area

The Scout Hall is also a polling station.

The Scout Hall is used as a youth club during school term and is a community asset that should be supported not demolished.

Unless a replacement building is planned the Scout Hall should not be demolished.

A social facility for young people would clearly be lost – should the Planning application be successful then the groups that attend the facility should be offered alternative accommodation.

### **Loss of Open/Green Space**

The proposed development will eradicate greenspace in the area which currently provides recreational opportunities and makes the area more aesthetically pleasing.

No attempt has been made by the Planning application to justify the loss of the green open space which forms a spatial break between the urban form of the area.

The green area is used by many children as a safe place to play and residents of the area for recreation. There are real benefits open green space brings to our quality of life.

The proposal should not affect the well-used footpaths across the site.

### **Damage to wildlife**

Damage to local urban wildlife in this space would be permanent.

Loss of two mature Ash Trees on site is vital to local birds as part of a green corridor and should be retained.

Bat species use the area and there are slow worms present on the site –additional artificial lighting will not be beneficial to natural habitats and more ecology surveys should be conducted.

### **Over development/over intensification of site.**

Over intensification of housing in the area.

### **Visual Impact**

The proposed development would be detrimental to the existing character of the area and the general levels of visual amenity/green open space.

This insensitive building would be damaging to the area's character.

Current properties on Woodland Avenue are poorly maintained externally by Valleys to

Coast and an additional ten units would clearly be a burden on their maintenance budget.

Local Authority properties in this town are neglected enough and no more should be proposed.

### **Loss of Amenity**

The proposal would overlook and overshadow neighbouring properties.

### **Traffic Congestion and Highway Safety Issues**

The development will cause further parking problems and congestion in the area.

Increased traffic in the area.

Problems for emergency vehicle access.

This is a bus route and is used in the summer by donkeys that have a legal right to use this route.

Commercial vehicles are not permitted to park in Parc Y Berllan.

Parking is already difficult in the area and it is a main bus route.

Parc Y Berllan already has vehicles parked along it from the parents of children attending the nearby Newton Primary School.

There have been several near collisions in the area and further housing development would make the situation even more dangerous.

The development would adversely affect highway safety and the convenience of road users.

Insufficient parking is being proposed for the development.

The new development will result in the loss of previous on-road parking spaces which therefore counteracts any new spaces created, potentially leading to highway safety issues.

The condition of footpaths in the area are horrendous so why create additional footfall.

The site is well served by public transport and any relocation to a new site would result in the loss of convenience, even if it was to be relocated near-by.

### **Footpath narrowing creates crime**

A narrow footpath will be created between Woodlands Avenue and Pant Morfa creating a crime blind spot and is not wide enough for cycling plus pedestrians.

Narrow access behind the plots would create a crime spot and burglary opportunities.

### **The Planning application has not been correctly advertised**

Site notices have not been erected in the locality.

The application has unfairly been submitted during a holiday period when people are away on holidays.

The plans submitted don't detail access routes to the rear of neighbouring properties.

### **Building/Construction Disruption**

The building of the development would produce a significant amount of noise and traffic congestion/pollution.

Construction vehicles and contractors would cause disruption during the build process.

Severe congestion during construction stage.

Damage to the road surface while construction works are being undertaken.

### **Recycling Bin Issues**

People's rubbish bins would need to go somewhere which would inconvenience neighbouring residents.

### **Loss of views**

The proposal would result in loss of views from neighbouring properties.

### **Future use of the site**

If the application is granted then the development could change to a block of flats housing 30 plus families causing greater problems for the area rather than solutions.

If the proposal is granted then existing residents will move out of the area.

The accommodation will be for general use, meaning anyone who qualifies for social housing can apply. The area already has high crime rates and no vetting of residents other than a social needs application form does not offer any security to people's safety.

Perhaps the residents should be over 55.

### **Devalued Property prices**

The affordable housing would cause the devaluation of properties in the area and a reduction of Council Tax should be expected.

In addition to the individual letters of objection received a petition opposing the development has also been submitted that is signed/completed by 18 local residents and states the application will have a detrimental impact on the socio-economic and environmental wellbeing on the close knit community of Woodland Avenue and Parc Y Berllan.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

### **Inappropriate use of the site**

The application site is situated inside the settlement boundary within a predominantly residential locality. Residential premises flank and abut the application site with a residential use considered a compatible and appropriate use of the site.

### **Loss of Scout Hall Facility**

It is fully acknowledged that the proposal would result in the loss of a Scout Hall facility whereas Policies SP13 and COM7 of the LDP seek to prevent the loss of existing social and community facilities 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.

On the evidence of the objections raised against the application the existing hall facility is required for its current use that primarily relates to the provision of accommodation for the operation of a Scout Group at the site. On this basis and subject to considerable negotiation and discussions the applicant/developer (Valleys to Coast Housing) has sought to provide a suitable alternative location for users of the existing facility.

An application was originally submitted to erect a new community facility (ref.no. P/16/851/FUL refers) on land opposite 5-9 Heol Y Goedwig which was subsequently withdrawn by the applicant in light of local opposition, highway safety concerns and the fact that the site was outside the settlement boundary and unlikely to be supported by the Local Planning Authority. Other alternative arrangements have also been explored and considered although it has now been agreed between the Scout Group and Valleys to Coast that the Scouts will relocate to the nearby Gilgal Baptist Church, Woodland Avenue which would also be improved to meet the needs of the Scout Group. The operation of the Scout Group from this alternative building (D1 Planning use would not require Planning permission) and the undertaking of a Legal Agreement to ensure the Gilgal Baptist Church is made available for the Scout Group prior to works commencing on the development site, ensures the requirements of Policies SP13 and COM7 of the LDP are met.

### **Loss of open /green space**

The Planning application would result in the loss of a grassed area adjacent to the building to be demolished. This, however, is a relatively small area of land that does not significantly contribute to the character and distinctiveness of this predominantly residential area. There are larger more prominent and positive open spaces within close proximity to the application site and, when considering the merits of the application that would result in ten residential units being created at the site, on balance, the loss of the green space is not considered to be a justified reason to warrant the refusal of the Planning application in this instance. It is also noted a footpath crosses the site although this is not a recognised or identified right of way with a footpath being retained towards the east of the site linking Woodland Avenue and Pant Morfa.

### **Damage to wildlife**

The application site is situated within an urban area and comprises an existing flat roofed, single storey building, hardstanding areas and a relatively small grassed area. Following consultation with the Council's Countryside Management Officer (Ecologist) and Natural Resources Wales, no objections have been raised against the Planning application. It is, therefore, considered that, given the characteristics of the site and comments raised by the relevant consultees in this regard, the scheme does not raise such harmful wildlife or ecology concerns to warrant a recommendation to refuse the Planning application.

### **Over development/overintensification of site**

The submitted plans and information that accompanied the Planning application indicate the development can be accommodated on the site without leading to over development. Each plot would be served with appropriate car parking and amenity provision, with the layout of the development being generally considered in keeping with the layout of adjacent residential plots in the area. The scheme would therefore not result in the overdevelopment of the site.

### **Visual Impact**

The design of the proposed dwellings and the flat accommodation is considered sympathetic with the existing residential properties within closest proximity to the development site. The proposed buildings would incorporate traditional two storey designs with pitched roofs and brick facades. Visual spaces would be retained between the semi-detached properties in line with the character of nearby properties with the building lines and heights of adjacent plots also being replicated for the development proposal. The existing building has no significant visual merits and contributes little to the overall visual qualities of the area. Whilst some open space will be lost as a result of the development, it is considered that, overall, the scheme would have no substantial adverse impact on the existing character and appearance of the locality.

It is considered that concerns raised with regard to future maintenance requirements and the upkeep of the properties are not justified or material Planning matters that would warrant a recommendation to refuse the Planning application.

### **Loss of Amenity**

The development proposal would allow appropriate offsets and distances between windows to ensure the scheme has no overshadowing or overlooking impact. The scheme is considered to comply with Policy SP2 of the LDP and Supplementary Planning Guidance 02 Householder Development with regard to amenity protection, as further highlighted in the Appraisal Section of this report.

### **Traffic Congestion and Highway Safety Issues**

Following careful consideration of the Planning application and the comments raised by the local residents, the Council's Highway Authority has raised no objections against the Planning application. The highway safety issues raised by the development are further addressed in the Appraisal Section of this report.

### **Footpath Narrowing Creates crime**

The Planning application proposes the retention of the walkway/path in between Woodland Avenue and Pant Morfa which is already established at the site. No objections to the scheme have been raised by the Highway Authority or the Police's Secure by Design Officer with the proposal not raising such significant concerns in this regard to warrant a recommendation to refuse the application.

### **The Planning application has not been correctly advertised**

The Planning application has been advertised in excess of the requirements of The Town and Country Planning (Development Management Procedure) Wales Order 2012 (as amended) to allow the application to be appropriately assessed and determined. Neighbour notification letters, a site notice and a press notice have all been used to advertise the Planning application in accordance with legislation requirements.

### **Building/Construction disruption**

Inevitably a development so close to existing residential properties is going to result in some inconvenience and general noise and disturbance during the construction period. Nevertheless, this is not a valid reason to justify the refusal of the Planning application with such disturbance being of a temporary nature.

### **Recycling Bin Issues**

Each proposed residential unit would benefit from sufficient amenity space to store their recycling/rubbish bins that would then be presented on collection day in a similar manner to existing properties in the locality. A designated/shared bin collection area for the flat premises would also be created to the front of these units.

### **Loss of Views**

Loss of views is not a material Planning consideration.

### **Future use of the site**

The Planning application must be judged on its current Planning merits and any future use of the site for a differing or alternative proposal would need to be judged at that stage should such a scheme (for a block of flats) come forward. The status and characteristics of the future tenants of the proposed residential units is also not a material Planning consideration.

### **Devalued property prices.**

Loss of property value is not a material Planning consideration.

### **APPRAISAL**

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

The application seeks full Planning permission for the demolition of the Woodland Hall building Woodland Avenue, Porthcawl and the erection of 10 residential units in the form of six x 2 bedroom semi-detached properties and four x 1 bedroom flat units.

The key issues to consider in the determination of this application are the principle of the development, the loss of the existing community facility and the impact of the development on the visual amenities of the existing locality, neighbouring properties, highway safety, land drainage and ecology.

#### Principle of the Development

The application site is located within the designated settlement boundary of Porthcawl as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP). Policy COM3 Residential Re-Use of a Building or Land supports the re-use of land within the urban area for small-scale residential development where no other LDP Policy protects the building or land for an existing or alternative use. It is fully acknowledged that the proposal would result in the loss of an existing community facility that is primarily used by Porthcawl Scout Group as confirmed by the applicant who details the premises are leased by Valleys to Coast to the Scout Group for their purposes only. The building and associated land subject of their application are owned by the applicant, Valleys to Coast.

The application seeks consent to develop a site which currently accommodates a community building which is used by local organisations, including the Scouts, for residential purposes. Based on the level of observations received it is apparent that the facility is currently widely used and is, therefore, afforded protection by LDP Policies SP13 and COM7.



Policy SP13 of the LDP states that, in order to maintain and improve the quality of life of residents, community buildings will be retained or enhanced. In the interest of improved service provision, all proposals for new or replacement social and community facilities should demonstrate that every reasonable attempt has been made to consider the co-location with another social and community facility before a stand alone facility is considered.

Policy COM7 of the LDP seeks to prevent the loss of existing social and community facilities and development 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.

Paragraph 6.2.4 of the LDP clarifies that the policy aims to protect all existing social and community facilities that provide a valuable role in their communities against development which would result in their loss and have an adverse impact on the community within which they are intended to serve.

Previously, a similar application to develop the site for residential purposes (P/15/848/FUL refers) failed to provide adequate justification for the proposed loss of the community facility, however, the applicant has sought to address this issue by exploring and securing suitable alternative accommodation in close proximity to the site for the existing facility, including the associated Scout Group, to relocate.

A Planning application was originally submitted to erect a new community building (P/16/851/FUL refers) on land opposite 5 – 9 Heol Y Goedwig, Porthcawl which was subsequently withdrawn by the applicant in light of local opposition, highway safety concerns and the fact that the site was outside the settlement boundary. Other alternative arrangements have also been explored and considered although it has now been agreed between the Scout Group and Valleys to Coast Housing Association that the Scouts would relocate to the nearby Gilgal Baptist Church, Woodland Avenue that would also be improved and upgraded to meet the needs of the Scout Group. Policy SP13 supports the co-location of social and community facilities within buildings with the relocation of the key users of the existing facility (The Scout Group) to the Gilgal Baptist Church being considered an appropriate and justified suitable form of alternative accommodation that meets the requirements of local Planning policy.

The operation of the Scout Group from the Gilgal Baptist Church Hall (D1 Planning use) would not require Planning permission and subject to a Legal Agreement to ensure the Gilgal Baptist Church Hall is made available for the Scout Group prior to works commencing on the development site, the Planning application is considered to meet the requirements of Policies SP13 and COM7 of the LDP.

In summary, it is considered that the demolition of the community building and the relocation of its principal users to a nearby, improved facility, would not result in such undue harm to the amenities of the surrounding community so as to warrant refusal of the Planning application. Furthermore, residential properties surround the site and the use of the existing plot for residential purposes represents a sustainable and compatible use of the site. The proposed residential use of the site is therefore acceptable in principle.

### Visual Impact

The application proposes the construction of ten residential units of a traditional two-storey building design comprising three pairs of semi-detached properties and a single detached building which houses the four proposed flat units.

The layout of the properties has been designed to carry the existing building line along Woodland Avenue, linking and infilling the existing space and replacing the existing, relatively poorly designed, community building. Woodland Avenue is largely comprised of semi-detached dwellings finished with a mixture of hipped and pitched, apex roofs. Directly opposite the application site is a more modern development of brick built detached dwellings. The existing building has a flat roof and does not add to the character of the area.

The design of the proposed buildings is considered to be traditional in style and generally in keeping with the local area. The loss of the existing flat roof structure raises no significant visual amenity concerns with the proposed development representing a visually compatible scheme that would not appear so out of character with the locality so as to be detrimental to the wider visual amenities of the area. Nevertheless, it is considered necessary to impose conditions to agree final external finishes and boundary treatments for the development as this would ensure that the residential development on the site would be successfully assimilated with its surroundings, without unreasonable adverse effect on the visual amenities of the area.

In comparison to the refused scheme at the site (P/15/848/FUL refers) the design of the detached building accommodating the flat units has been amended to overcome the visual concerns with the development. The scheme also results in the loss of a grassed green area, however, given that this is a relatively small area and the design of the proposed units this is not considered a reason to warrant a recommendation to refuse the Planning application.

Accordingly, it is considered the proposed development accords with Policy SP2 of the Bridgend LDP in terms of safeguarding visual amenities.

### Impact on neighbouring residential amenity

Having regard to the submitted layout plan, including the size of the site (approx. 0.2 Ha) and the density and scale of the dwellings, it is considered that the site is capable of accommodating ten units which would benefit from a reasonable degree of amenity and include necessary highway requirements such as access and off-street parking. This could be achieved without unreasonably affecting the amenities of neighbouring properties, particularly with regards to dominance and loss of light, outlook and privacy.

It is acknowledged residential properties adjoin the north of the application site, although being situated in a relatively densely formed built up area there is already a degree of inter-visibility and mutual overlooking occurring between dwellings in the locality. The proposed dwellings, however, have been relatively well designed and positioned within the development plot so as not to adversely overlook or adversely overshadow the nearest neighbouring dwellings.

The proposed development has been designed to ensure that there is a minimum distance of 23 metres between existing and proposed habitable room windows and a distance of 13 metres between first floor windows and existing property boundaries. As such, the proposal would not result in an infringement on privacy standards.

In terms of the impact of the development by overshadowing and dominance, the proposed buildings will be located a sufficient distance from the properties to the rear,

eastern and western boundaries so as to ensure that no adverse overshadowing or dominance will occur.

Overall, the scheme is considered to accord with the requirements of SPG 02 Householder Development with regard to amenity protection given the site context and the appropriate design and layout of the dwelling buildings in this instance.

### Highway Safety

The Group Manager Transportation and Engineering (Highways) has considered the proposal and raised no objections, subject to conditions.

It is noted that the applicant has provided revised drawings which detail off-street parking to meet the parking standards in SPG17. As a result it is considered that the development has adequate off-street parking to ensure that the development would not result in additional on-street parking along Woodland Avenue.

In addition, the application has indicated that each plot will be bounded by 900mm railings (to the front) and the site will be bounded by 1800mm high fencing (to the rear) however, to ensure that the railings and fence do not restrict the vision splays for cars emerging from each property or the access road to the rear parking, a condition is recommended for a detailed scheme of boundary treatment to be submitted and agreed by the Local Planning Authority.

It is also noted that the applicant needs to relocate the bus shelter fronting the site to accommodate the driveway for Plot 9. As such, it is requested by means of Planning condition that the applicant submits a scheme showing the bus shelter removal, white lining, the provision of high access kerbs to serve the new bus shelter, the provision of a double front entry bus shelter in RAL 5013 and relocation of the bus stop flag with litter bin.

Finally, a condition is also recommended to ensure that all access roads and driveways serving the development are constructed in permanent materials.

On the basis of the Highway Officer's comments, it is considered that the development proposal can be satisfactorily accommodated on the site without raising any adverse parking or highway safety concerns.

### Land Drainage

On the basis of the comments received from the various drainage bodies in regard to the proposal, the scheme is considered acceptable subject to the use of standard drainage conditions.

### Ecology

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

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and

within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems.”

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires 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 characteristics of the application site and nature of the development proposal in this instance, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity. The Council's Ecologist has considered the proposal and raises no objections against the Planning application. It is commented that the application involves the demolition of a building that is in the vicinity of suitable bat habitats and there are records of bats in the area, however, features such as the flat roof, its exposed location, metal walls and, adjacent street lighting reduces the likelihood of the building being used by bats and, having weighed up these factors, it is considered that the building has a low potential to act as a roost. It is, therefore, not reasonable to request additional surveys in respect of protected species. Advisory notes are, however, recommended should Planning permission be granted for the development. It is further acknowledged that Natural Resources Wales have raised no objections to the Planning 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.

#### Section 106 Legal 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.

As a proposal for ten residential units the application triggers Policy COM5 of the LDP regarding affordable housing. The applicant has indicated that the scheme will be 100% affordable which is welcomed, however, in order to safeguard compliance with the LDP in perpetuity, the affordable housing target of 30% for Porthcawl should be secured by means of a Section 106 Agreement.

Policy COM11 of the LDP requires the provision of 2.4ha of open space per 1,000 people from all residential developments. BCBC's Open Space Audit (2017) indicates a deficit in provision of outdoor sport facilities and equipped play space in this location and the following amount of open space is required:

- A development of ten units would lead to an estimated development population of 23 (based on an average 2.34 people per house).

- The total amount of outdoor recreation space required should consist of approximately 368sqm of outdoor sport and 184sqm of Children's Play Space.
- The proposed development does not include provision on-site.
- The alternative is to provide equivalent value to the above standards in financial contributions.

The Parks and Playing Pitches Manager has advised that onsite provision is not required as there are existing facilities nearby. As such a contribution towards the further enhancement of the recreation space at Heol Y Goedwig should therefore be secured through a planning obligation. This should equate to a total of £8,510 (£470 per dwelling (6 houses) for outdoor use and £569 per unit (10 units) for children's play space).

As a proposal for six houses (excluding the 1 bedroom flats) the application triggers the threshold of SPG:16 Educational Facilities and Residential Development. However, capacity exists to cater for the 1 pupil that would be generated by the proposal and there is therefore no justification for seeking a financial contribution towards education.

## **CONCLUSION**

Having regard to the above, the proposal is recommended for approval because the development complies with Council policy and guidelines. Full regard has been given to the fact a community facility that primarily serves the Porthcawl Scout Group would be lost as a result of the scheme, however, given that an alternative location has now been negotiated and agreed with the developer, the principle of the development can be supported. Furthermore, it is considered that the scheme would not have an unacceptable impact on the visual amenities of the locality, would not harm privacy or neighbours' amenities or highway safety and would not unduly compromise land drainage or ecology.

The issues raised by local residents 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, with the proposal representing an appropriate and compatible form of infill residential development within settlement limits that would provide much needed affordable housing in Porthcawl.

## **RECOMMENDATION**

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

- ensure the Woodland Hall/Scout Hall is not demolished and no development is commenced until the Local Planning Authority has received and acknowledged a copy of the legal documents showing that Gilgal Hall has been acquired by Valleys to Coast and leased to the Scouts and written evidence that the Scouts have physically relocated to Gilgal Hall.
- provide 30% of the residential units as affordable housing units in accordance with the Affordable Housing Supplementary Planning Guidance (SPG).
- provide a financial contribution for the sum of £8,510 towards the further enhancement of the recreation space at Heol Y Goedwig, Porthcawl.

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

- The development shall be carried out in accordance with the following approved plans

and documents:

Proposed Site Plan Draw. No. 5031/P/11 REV L received 20 November 2018

Proposed street scene Draw. No. 5031/P/75 REV G received 20 November 2018

Proposed ground floor plan plots 1 & 2 Draw. No. 5031/P/20 REV D received 20 November 2018

Proposed first floor plan plots 3 & 4 Draw. No. 5031/P/21 REV D received 20 November 2018

Proposed ground floor plans plots 5 - 6 Draw. No. 5031/P/22 REV C received 20 November 2018

Proposed first floor plans plots 5 - 6 Draw. No. 5031/P/23 REV C received 20 November 2018

Proposed ground floor plans plots 7 - 8 Draw. No. 5031/P/24 REV C received 20 November 2018

Proposed first floor plans plot 7 - 8 Draw. No. 5031/P/25 REV C received 20 November 2018

Proposed ground floor plans plots 9 - 10 Draw. No. 5031/P/26 REV C received 20 November 2018

Proposed first floor plans plots 9 - 10 Draw. No. 5031/P/27 REV C received 20 November 2018

Proposed elevations plots 1 - 4 Draw. No. 5031/P/70 REV F received 20 November 2018

Proposed elevations plots 5 & 6 Draw. No. 5031/P/71 REV F received 20 November 2018

Proposed elevations plots 7 & 8 Draw. No. 5031/P/72 REV F received 20 November 2018

Proposed elevations plots 9 & 10 Draw. No. 5031/P/73 REV F received 20 November 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 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 requirements of condition 1, no development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.

Reason: In the interests of highway safety and 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 the 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.

5. No development shall commence until a scheme for the provision of a new bus shelter, high access kerbs, white lining and relocated bus stop flag has been submitted to and approved in writing by the Local Planning Authority. The revised bus stop shall be implemented before any part of the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of promoting sustainable transport.

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

Reason: In the interests of highway and pedestrian safety.

7. No development shall take place, including any works of demolition/site clearance, 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 routing and timing of HGV construction traffic to/from the site in order to avoid school opening and closing times
- 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. the provision of temporary traffic and pedestrian management along Woodland Avenue.

Reason: In the interests of highway and pedestrian safety.

8. Demolition or construction works shall not take place outside the hours of 0800 hrs to 1800 hrs Mondays to Fridays and 0800 hrs to 1300 hrs on Saturdays and at no time on Sundays or Public Holidays.

Reason: To protect the residential amenities of neighbouring occupiers.

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

Reason: In the interests of highway and pedestrian safety.

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a. This application is recommended for approval because the development complies with Council's policy and guidelines and does not adversely affect privacy, highway safety or visual amenities nor so significantly harms neighbours' amenities 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](http://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 should 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 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.

f. 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.

g. 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.

h. 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, the responsibility for the safe development and secure occupancy of the site rests with the developer.

i. The applicant is reminded of their legal requirement to consider wildlife on their development site. Further information on wildlife and development can be found in the Biodiversity and Development Supplementary Planning Guidance (SPG): A Green Infrastructure Approach that is available to view on the Planning pages of the Council's website.

j. Consideration should be given to the provision of nest boxes within the development for bat and bird species. Suitable bird species include house sparrow, swift and house martin, species which are declining in number due to a reduction in suitable nest sites. The incorporation of bat bricks, bat tiles and bat boxes in the development, would provide summer roosting opportunities for bats and would contribute to the environmental sustainability of the development.

k. It is a requirement under Section 153 of the Highways Act 1980 that any gates must be located and fitted so as not to open out over the highway.



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

m. 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.

**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**  
None

This page is intentionally left blank

**REFERENCE:** P/18/291/FUL

**APPLICANT:** Mr R Williams Meadow Farm, 5 Smallholdings, Coity, CF35 2BW

**LOCATION:** Land at Chapel Street Pontycymmer CF32 8EG

**PROPOSAL:** Construction of 4no (2 x 2-bedroom and 2 x 4 bedroom terraced houses) with associated gardens and car parking

## APPLICATION/SITE DESCRIPTION

This application for full planning permission proposes the erection of a terrace of four living units to be sited on the northern part of the former Noddfa Chapel site in Pontycymmer. Aligned in an east/west direction across this sloping site, with a staggered building line, the units will front a dedicated courtyard parking area and face at the rear the modest garden areas and beyond that Bridgend Road and the side elevation of 1 Railway Terrace.

Each terrace unit will measure 5.1m x 9.7m with pitched roofs reaching a height of 9.8m for the mid-terrace and 9.1m for the end of terrace units, from the finished site level. Units 1 and 4 will have accommodation on two floors comprising hall, kitchen, WC, living/dining room on the ground floor with two bedrooms and a bathroom above. Units 2 and 3 will have the same floorspace configuration but with two additional bedrooms in the roof space served by rooflights. Garden space is generally modest in proportion and will comprise a small terrace and lawned area enclosed along the shared boundary with Bridgend Road.

Eleven spaces will be provided in the courtyard area which will be accessed from Chapel Street with seven spaces along the southern boundary with the remaining spaces provided in front of three of the proposed units.

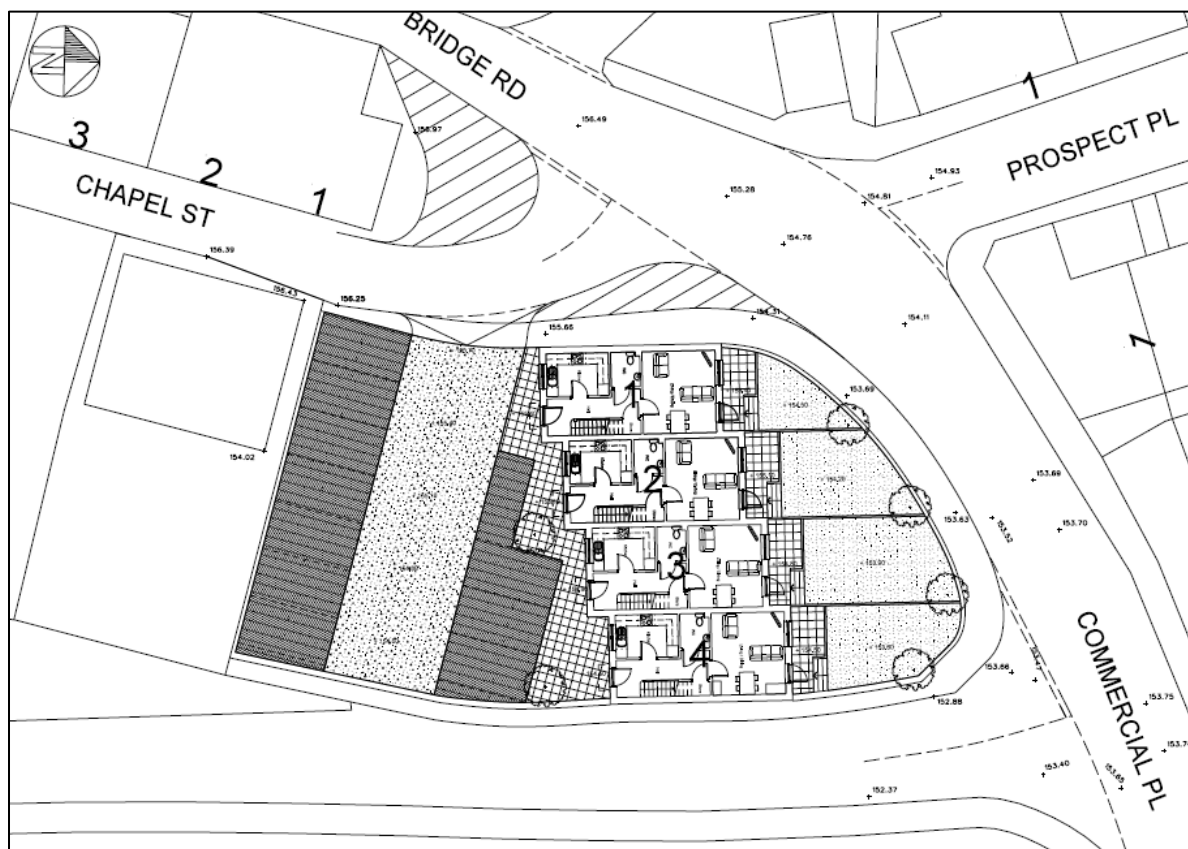
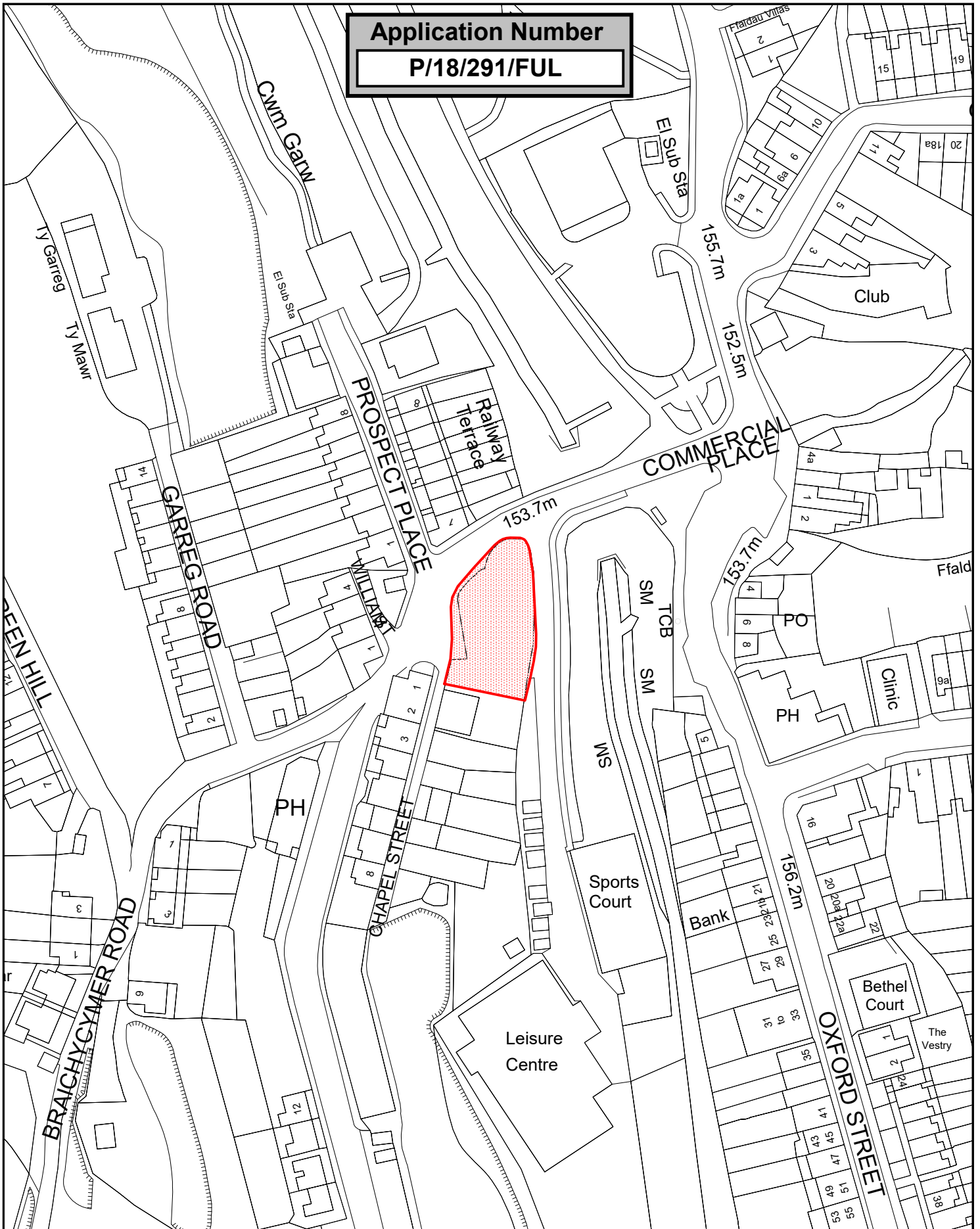


Figure 1 – Proposed Site Layout Plan

Application Number

P/18/291/FUL



Scale 1:1,250

Date Issued:  
19/12/2018

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 Sirol



The materials schedule indicates that the external finishes will consist of rendered walls with brick detailing around the windows and the base of the dwellings and grey roof tiles.

This application follows a 2017 submission that was withdrawn in response to an objection from the Head of Street Scene (Highways) and concerns about the overdevelopment of the site. This application, which has also been the subject of changes, reduces the number of bedrooms in two of the units and proposes a series of highway works that include a revised arrangement for the junction of Chapel Street and Bridgend Road, the realigning of the junction that currently serves the Garw Valley Community Leisure Centre and the provision of a new 1.8m footway along the boundary of much of the development site.

## **RELEVANT HISTORY**

P/96/1135/OUT – One 3-bed, six 2-bed link houses – Conditional Consent on 11/8/1997

P/99/1000/FUL – Residential development – four dwellings – Refused on 8/8/2000

P/00/1005/FUL – Four residential dwellings – Conditional Consent – 27/12/2000

P/01/1078/FUL – Change of use of A3 use of land – Refused on 22/2/2002

P/17/805/FUL – Construction of 4 no. 3-bed, 3 storey units – Application withdrawn on 16/2/2018

## **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 has expired.

## **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:

Policy PLA1 - Settlement Hierarchy and Urban Management

Strategic Policy SP2 - Design and Sustainable Place Making

Policy PLA11 - Parking Standards

Policy COM3 - Residential Re-Use of a Building or Land

Policy COM11 - Provision of Outdoor Recreation Facilities

### **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 10 December 2018) (PPW) is of relevance to the determination of this application.

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

*Local service centres, or clusters of smaller settlements where a sustainable functional linkage can be demonstrated, should be designated by local authorities as the preferred locations for most new development including housing and employment provision. (Paragraph 3.36 of PPW refers).*

*Planning authorities should adopt policies to locate major generators of travel demand, such as housing, employment, retailing, leisure and recreation, and community facilities (including libraries, schools, doctor's surgeries and hospitals), within existing urban areas or areas which are, or can be, easily reached by walking or cycling, and are well served by public transport. (Paragraph 3.46 of PPW refers).*

*Globally Responsible Wales is promoted by locating and designing developments which reduce trip lengths for everyday journeys and supports sustainable modes of travel which in turn will reduce our carbon footprint. **For example, by locating new housing developments within existing settlements enables people to take advantage of the shorter trip lengths to places of employment, retailing and other community services by walking, cycling or public transport.***

*Planning authorities must ensure new housing, jobs, shopping, leisure and services are highly accessible by walking and cycling. (Paragraph 4.1.31 of PPW refers).*

*Planning authorities will need to ensure...through the development management process they make the most efficient use of land and buildings in their areas. Higher densities must be encouraged on sites in town centres and other sites which have good walking, cycling and public transport links.(Paragraph 4.2.22 of PPW refers)*

*Infill and windfall sites can make a useful contribution to the delivery of housing. Proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes. (Paragraph 4.2.23 of PPW refers)*

*A community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications...Applicants for planning permission should therefore demonstrate and justify how they have arrived at a particular mix of housing, having regard to development plan policies. If, having had regard to all material considerations, the planning authority considers that the proposal does not contribute sufficiently towards the objective of creating mixed communities, then the authority will need to negotiate a revision of the mix of housing or may refuse the application. (Paragraphs 4.2.25 and 4.2.29 of PPW refer)*

#### **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

**Garw Valley Community Council:** There have been several applications for this site - some have been rejected and one passed. The location is extremely awkward, on the site of the former Noddfa Chapel overlooking the Square and the adjacent road leading to the centre. As proposed, this site would be overdeveloped as there is a lack of parking especially for larger houses which tend to have more cars and the location of the plot is not suitable. There is little room for access to a building site.

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

**Head of Street Scene (Drainage):** In view of the limited information provided with this application, it is recommended that conditions are imposed requiring the developer to submit and agree a comprehensive and integrated drainage scheme for the site and for this to be implemented prior to the development being brought into beneficial use. Advisory notes should also be included on the permission to inform the developer of the level of information that will be required to discharge the condition.

**Dwr Cymru Welsh Water Developer Services:** The proposed development site is crossed by a 150mm combined public sewer the approximate position being marked on the Statutory Public Sewer Record. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. However, in contrast to the recently withdrawn application, the latest layout plan appears to indicate that the proposed development would be situated within the protection zone of the public sewer, measured 3m either side of the centreline. It may be possible to divert the sewer if the developer applies under Section 184 of the Water Industry Act. It may first be necessary for the developer to carry out a survey to ascertain the location of the sewer and establish its relationship to the proposed development.

In addition, the application fails to indicate proposals for the discharge of surface water flows from the proposed development. In reference to the 'Non-statutory standards for sustainable drainage in Wales', the developer will be required to explore and fully exhaust all technical options in accordance with a hierarchy - as previous the applicant is reminded that a watercourse lies to the east of the proposed development.

Accordingly, if minded to grant planning consent, we would request that conditions and advisory notes are included in any subsequent planning consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

**Public Protection - Shared Regulatory Services:** SRS request the inclusion of conditions and informatives in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced.

**Glamorgan Gwent Archaeological Trust:** The application area encompasses the site of the former Noddfa Baptist Chapel. The chapel is noted by the Royal Commission on the Ancient and Historic Monuments of Wales and in the Historic Environment Record as being built in 1878 and subsequently rebuilt in 1916 in a classical style, having two storeys and a gable entry plan. The chapel is recorded as remaining active until 1990. The chapel was demolished post 2000 disappearing from mapping and aerial photographs at this time. Whilst it is probable that the proposed works will encounter buried remains of the chapel, the archaeological significance of this is limited. Archival and documentary records relating to the chapel survive and are available in publically accessible records. As such we have no archaeological objection to this application and make no recommendations for the attachment of archaeological conditions to any positive determination.

**Head of Street Scene (Waste & Recycling):** No comments received.

## **REPRESENTATIONS RECEIVED**

Letters of objection have been received from the occupiers of 1 and 1A Chapel Street. The following is a summary of the objections received:

1. There is not enough space for all the cars and vans that are currently parked in and around Chapel Street and Prospect Place. Many cars are parked on the main road which is already very busy and the addition of further vehicles would increase the danger to parked cars and pedestrians. Although the new planning application suggests there will be off road parking, in reality it would be very difficult to see how the new development would accommodate anything from four to twelve cars. There should be serious consideration around visitors, deliveries and the fact that other buildings in the valley where it is clear that the off road parking facilities are available and included with the intention to provide off road parking, however off road parking is seldom used and vehicles are parked on the main roads.
2. The main road that runs from Pontycymmer Square passing both Chapel Street and Prospect Place is already very busy and very dangerous. The addition of more parked vehicles will only increase the danger. Site should be visited at the weekends when most people are not in work is when the congestion is at its worst.
3. The new proposal would mean extra traffic entering and exiting the main road where the current road lay out is already confusing. It would also mean that the spare ground behind the development where people currently park their cars would become unavailable for parking and therefore people will be forced to park on the main road. As already stated this would make the hill leading up to my property very congested and greatly increase the danger to cars and pedestrians.
4. The new development may impede access to and from Chapel Street, which already has limited access. Consideration for access for emergency vehicles needs to be fully evaluated and risk assessed.
5. The new proposal states that the new development is for four terraced houses. In fact the new proposal is for four three storey town houses. The third storey will be a bedroom with windows that would be level with or above my property and therefore give any new residents views into my own and other properties close by.



6. The new proposal in terms of design and materials will not blend in with or complement the existing dwellings.

7. The construction of four new properties would increase noise levels and general activity in an already busy area. Will the new properties be for sale or rental? If the properties are for the rental market then this would be a major concern as there are already many properties rented in the valley at present and the residents in these properties have caused a great deal of concern and trouble for local residents.

8. The new building being a three storey building would greatly affect the view from my property. It would also have an impact on the natural light which my property currently benefits from.

9. Any new development would need major ground works to be carried out. As my garage is adjoining the proposed development and is higher than the ground floor of the proposed development it may be possible that any new ground works may cause some disruption to the ground on which my garage stands. The garage is an old building and may become unstable

### **COMMENTS ON REPRESENTATIONS RECEIVED**

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

Objectors have referenced increased noise levels and general activity. Inevitably a development so close to existing properties is going to result in some inconvenience from noise and general disturbance during the construction period. This is not a material planning consideration but given the scale and siting of the development, it will be reasonable to impose planning conditions to control the hours of construction and the implementation of a Construction Management Plan throughout the period of construction.

Any noise, post-completion, would be associated with the movement of vehicles to and from the new properties and the normal noise and activities associated with the residential use of land. Whilst levels will increase over and above the existing use of land, given the site's location close to the main access roads and the centre of Pontycymmer, this should not be significantly above existing background levels. The development in this respect is unlikely to affect the living conditions of the existing neighbours.

The future tenure of the properties is unknown and is not material to the determination of the application.

The objector's concerns regarding ground works are noted and it is inevitable that the development will require intrusive works to form the new parking area, foundations of the dwellings and new retaining walls. Any damage that may be caused to private land is not condoned or authorised by this permission. The planning legislation does not however protect the private interests of one party over another and issues of damage or trespass would need to be resolved through other legislation.

### **APPRAISAL**

This application for full planning permission proposes the erection of a terrace of four living units to be sited on the northern part of the former of Noddfa Chapel site in Pontycymmer. The previous sections describe the application and provide a summary of the responses received from consultees, residents and the Community Council. On the basis of the foregoing, the application needs to be referred to Committee for determination.

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 area and neighbouring properties. Critical also is whether the proposed access and car parking arrangements are acceptable in terms of highway safety.

### Principle of Development

The application site lies within the Local Service Settlement of Pontycymmer as defined by Policy PLA1 of the Bridgend Local Development Plan (2013) ('LDP'). 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.

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

### Impact on the living conditions/well-being of existing residents and the wider area

The assessment references the specific representations that have been received from the objectors and the Community Council:

#### *Loss of Privacy as a result of new development;*

The proposed block of terraced units will be centrally positioned in the site in a roughly east/west orientation. Bridgend Road will separate the staggered rear elevation of the development from the side elevation of 1 Railway Terrace which includes a door and windows at ground and first floor level. Historical records suggest that the ground windows replaced a shopfront in the late 1980s and appear to serve a small living area and parlour (probably part of the former retail unit) and bedroom above (see Figure 2 below)



Figure 2 – Side elevation of 1 Railway Terrace

The privacy afforded to the ground floor windows in the above property is already limited given their proximity to the adjacent highway. A window proposed in the rear elevation of the development will however overlook the side facing habitable room windows in the aforesaid property at a distance of less than 21m (a minimum distance of 16m is recorded from the OS Base Plan). Where established building lines in the area are often less than 21 metres and front a public highway, the Council's Supplementary Planning Guidance recognises that compromises in the privacy standard are permitted. Consideration has been given to requiring the windows on the nearest dwelling to be fitted with obscure glazing. In the circumstance, this is not justified and although the level of privacy afforded to the occupier of 1 Railway Terrace will be affected by the development, the reduction is not sufficiently detrimental to warrant a refusal of planning permission.

The three storey property that accommodates 1 and 1A Chapel Street occupies a corner plot that overlooks the junction of Bridgend Road and Chapel Street. Window openings in the front gable appear to serve habitable rooms on the ground and first floor and possibly second floor (see Figure 3 below).



Figure 3 – Front elevation of 1/1A Chapel Street

Although the application site can be viewed from all windows, it is angled and indirect and, therefore, compliant with the Council's privacy standard. A separating distance of only 13m is recorded but measured at an angle of 50 degrees from the development and 30 degrees from the windows in 1/1A Chapel Street. Although the separating distance is considerably less than 21m, the angle will limit the degree of direct overlooking thus minimising the impact on the privacy of both future and existing residents.

*Scale of development not in keeping with existing properties;*

Predominantly, the housing surrounding the site is two storeys. Three storey buildings at certain key locations are not however uncommon with the building on the corner of Chapel Street being prominent in the view across the road bridge from 'The Square' in Pontycymmer (see Figure 4 below)



Figure 4 – Application Site in the foreground with 1/1A Chapel Street above

The block of units proposed will form a relatively large building on this sloping site measuring 5.5m to eaves and 9.8m (maximum) to ridge. The finished floor levels of the units will be stepped to reflect the change in levels across the site (the fall is from west to east). Although its scale will ensure that the building is prominent, the subtle change in levels across the development site, the staggered building line and roof heights and the use of materials of the vernacular should allow the building to sit reasonably well in its surroundings.

*Loss of view and daylight;*

The occupiers of the adjacent residential properties have enjoyed uninterrupted views across the development site for over twenty years following the demolition of Noddfa Chapel in the late 1990s. Planning cannot protect these views but can assess whether a new development would dominate or overshadow to such an extent that would warrant refusal. The relationship of the development to the nearest properties on Chapel Street and Railway Terrace has been assessed based on OS Plans, the submitted site sections and an understanding of the relative position of windows. Chapel Street is elevated relative to the site with the proposed terrace of 4 units being off-set from the direct views from the nearest windows in this property. At the nearest and measured at an angle, some 13m will separate Unit 1 from the front of Chapel Street. Given the particular arrangement and orientation (the development lies to the north east of Chapel Street) the development will not unreasonably dominate the outlook or result in any significant loss of light to the existing habitable rooms.

1 Railway Terrace lies directly north of the site with the occupiers enjoying an uninterrupted southerly aspect from the existing side facing windows. It is estimated that Units 2 and 3 on the submitted layout are the nearest, measured directly from the aforesaid windows with a distance of between 17–17.8m being recorded. This compares favourably when considered against the Council's Supplementary Planning Guidance which recommends a minimum distance of some 10.5m between the windows and the development. Unreasonable domination is however demonstrated when the development is higher than a line, perpendicular to the window wall, rising at 25 degrees to the horizontal from the mid-point of the affected windows. The combination of relatively tall buildings on raised ground results in the 25 degree line passing through the lower part of the plane of the roofs of Units 2 and 3.

This indicator would suggest the possibility of dominance but there are a number of factors that must also be considered: (i) it is a guideline and not a rigid definition and generally does not relate to side facing windows; (ii) the proposed development is less imposing than Noddfa Chapel that once occupied this site; and (iii) the separating distance ensures that the guideline distance and 45 degree daylight protection zone will not be infringed by the development.

The development will affect the outlook from the side facing windows in 1 Railway Terrace and therefore will have an impact on the living conditions of the occupiers. Such a reduction is not, however, considered to be grounds alone to refuse an application that seeks to deliver much needed new housing on this constrained brownfield site.

Overall, the development will have some impact on the levels of amenity that are currently enjoyed by residents but not to such a degree to represent a significant conflict with the Council's guidelines and policy. The development, on balance, accords with Policy SP2 of the LDP.

Consideration must also be afforded to the living conditions of the occupiers of the new dwellings and again the relationship with existing properties should ensure that acceptable levels will be achieved. On such a constrained site and with the need to provide the maximum levels of car parking, compromises are unavoidable and in this case that relates to the garden space that will be afforded to Unit 1. In quantitative terms, the rear garden falls below the normal accepted standard and although plans and section suggest that it will be enclosed by a 1.8m high wall, it will immediately adjoin the new footway that will be constructed on Bridgend Road and will not be entirely private. Garden size should be appropriate to the dwelling size and on this submission the smallest garden does serve a two bedroom dwelling. For this reason alone, the garden size is considered on the balance to be acceptable.

#### Access and Parking

The Head of Street Scene (Highways) has offered observations taking into account the existing site circumstances and the proposed access and off-site highway works. It is acknowledged that the existing highway provides on-street parking for the majority of the properties in the immediate vicinity of the site. The margins of the cleared site of the former Noddfa Chapel have also provided informal parking for residents and visitors and that would be removed, should the site be developed.

National policy requires Local Planning Authorities to consider a number of matters when considering the transport implications of a development and in this case the effects on the safety and convenience of other users of the transport network is the major consideration. It is not a requirement for this development to address any issues of on-street parking in the area. The proposal should however provide adequate car parking for residents and visitors to ensure that existing parking problems are not exacerbated. A development comprising 2 x 2bed and 2 x 4bed units requires 10 spaces for residents and 1 for visitors. The latest site layout plan achieves this requirement.

Access to the courtyard parking area will be from Chapel Street and in a position that achieves adequate vision in both directions. The existing substandard junction of Chapel Street with Bridgend Road will also be improved through a new road marking scheme. The 'Centre Line' of the amended junction will be positioned such that improved vision will be provided for future road users. It will be a requirement of the permission that the off-site improvements are provided before any of the new units are occupied.

A development of 4 dwellings will generate additional movements onto the local highway network which although constrained, has sufficient capacity both immediate to the site and

beyond. Accordingly, the Head of Street Scene (Highways) has no objections to the development subject to conditions.

### Drainage

The applicant has indicated that the site layout will not cross the route of the public sewer and it will be protected throughout the development of the site.

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.

### 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 and its location it is considered that there will be no significant impact on any biodiversity interests. 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 matters 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 most relevant issues to be considered in this regard are:-

#### Education

As a proposal of 4 dwellings the application does not trigger the threshold of 5 dwellings in SPG16: Educational Facilities & Residential Development.

#### Affordable Housing

As a proposal of 4 dwellings on a site of approximately 0.08ha, the application does not trigger Policy COM5 of the Bridgend LDP regarding Affordable Housing.

#### Outdoor Sport

Policy COM11 of the LDP requires the provision of satisfactory standards of open space from all residential developments which is defined as 2.4ha per 1,000 people. BCBC's Outdoor Sport & Children's Play Space Audit (2017) indicates a deficit in provision of all forms of Outdoor Recreation Facilities in Pontycymmer. The proposed development does not include provision of open space on-site so thought should be given to securing a financial contribution to improve local facilities. The contribution should be calculated at £470 per dwelling for children's play space and £570 per dwelling towards outdoor sport facilities. A total of £4,160 will be secured through a Section 106 Agreement.

### **CONCLUSION**

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) That the applicant enters into a Section 106 Agreement to provide a financial contribution of £4,160 towards the upgrading of existing children's play and outdoor sports facilities

(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 Drawing Numbers:

Proposed Site Layout - DP110 - Revision F  
Proposed Ground and First Floor Plans - DP300 - Revision D  
Proposed Second Floor and Roof Plans - DP301 - Revision E  
Proposed South and East Elevations - DP310 - Revision D  
Proposed North and West Elevations - DP311 - Revision C

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

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

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

3. No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme. The agreed landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed 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.

4. All hard and soft landscape works shall be carried out in accordance with the approved details. The 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.

5. 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.

6. No works shall commence on site until design details, duly certified by a professional engineer, including full engineering details and structural calculations of any retaining wall abutting or having an influence on the highway have been submitted to and approved in writing by the local planning authority. The retaining structures shall be constructed in accordance with the approved design and construction details prior to the occupation of any of the units and maintained in perpetuity.

Reason: In the interests of highway safety.

7. 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 shown on Drawing Numbers: Proposed Site Layout - DP110 - Revision F; Proposed Ground and First Floor Plans - DP300 - Revision D Proposed Second Floor and Roof Plans - DP301 - Revision E

Reason: In the interests of visual and residential amenities.

8. No development shall take place until details of the proposed floor levels of the buildings in relation to existing ground levels and the finished levels of the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.



Reason: To ensure that the development relates appropriately to the topography of the site and the surrounding area.

9. No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, roof/yard water, highway drainage and land drainage will be dealt with within the development, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to any building being occupied.

Reason: To ensure effective drainage facilities are provided for the proposed development.

10. No development shall commence until a scheme for the realignment of the Chapel Street / Bridgend Road junction arrangement to include for radius kerbing, widened footways, uncontrolled pedestrian crossing points, roadmarkings and vision splays of 2.4m x 17m to the South and 2.4m x 22m has been submitted to and agreed in writing by the Local Planning Authority. The revised junction shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained in perpetuity.

Reason: In the interests of highway safety.

11. No development shall commence until a scheme for the Northern site boundary to be set back and a 1.8m footway to be provided along the Southern side of Bridgend Road (site boundary) linking the new footway on Chapel Street to the junction of Bridgend Road with the access to the Garw Valley Life Centre to uncontrolled pedestrian crossing points and a Westerly vision splay of 2.4m x 22m from the access to the Garw Valley Life Centre has been submitted to and agreed in writing by the Local Planning Authority. The footway shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained in perpetuity.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

13. The proposed means of access onto Chapel Street shall be constructed and retained in permanent materials as approved in writing by the Local Planning Authority with vision splays of 2.0m x 11m to the South and 2.0m x 17 to the North before the development is brought into beneficial use and retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

14. No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.

Reason: In the interests of highway safety.

15. No development shall commence until a scheme for the Eastern site boundary to be set back and a margin of 0.9m to be provided along the Western side of the access to the Garw Valley Life Centre has been submitted to and agreed in writing by the Local Planning Authority. The margin shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained in perpetuity.

Reason: In the interests of highway safety.

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

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

17. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced

18. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced.

19. Construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and not at any time on Sundays and Bank Holidays.

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

20. 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 demolition and construction period and shall include:

- i. The routing of HGV construction traffic to/from the site
- 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. the provision of temporary traffic and pedestrian management along Bridgend Road/Commercial Place

Reason: In the interests of highway safety

21. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a) 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.

b) 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. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

Unprocessed / unsorted demolition wastes;

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

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

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

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

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

c) Dwr Cymru Welsh Water advise that the proposed development is crossed by a 150mm combined public sewer with the approximate position being marked on the Statutory Public Sewer Record. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. However in contrast to the recently withdrawn application the latest site layout plan would be situated within the protection zone of the public sewer, measured 3 metre either side of the centreline. It may be possible to divert the sewer if the developer applies under Section 185 of the Water Industry Act and we request that the developer contact DCWW to discuss possible solutions. In the first instance, it is recommended that the developer carry out a survey to ascertain the location of this sewer and establish its relationship to the proposed development.

d)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 months' 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.

e) The Highway Authority will require the Developer to enter into legally binding Section 111 Licence Agreement including an appropriate bond to secure the proper implementation of the proposed highway works and the adoption of the same as part of the maintainable highway. The commencement of the works on or abutting the existing maintainable highway will not be permitted until such time as the Agreement has been concluded.

f) 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:

<b>CODE NO.</b>	A/18/3216164 (1845)
<b>APPLICATION NO.</b>	ENF/41/18/C
<b>APPELLANT</b>	STEPHEN RUDD
<b>SUBJECT OF APPEAL</b>	NON COMPLIANCE WITH APPROVAL P/13/425/FUL SCHOOL HOUSE, SCHOOL TERRACE, NORTH CORNELLY
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	ENFORCEMENT NOTICE

---

<b>CODE NO.</b>	A/18/3215516 (1846)
<b>APPLICATION NO.</b>	P/18/591/FUL
<b>APPELLANT</b>	MR M LEWIS
<b>SUBJECT OF APPEAL</b>	CONVERSION OF WORKSHOP AND CONSTRUCT SIDE EXTENSION TO PROVIDE A DETACHED SINGLE STOREY DWELLING; SUB-DIVISION OF REAR GARDEN TO PROVIDE AMENITY SPACE, PARKING ETC 63 OGWY STREET, NANTYMOEL
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reason:

1. The proposed development, by reason of its form, siting and scale combined with the proposed engineered difference in land levels and the constrained nature of the site, would have a significant detrimental, overbearing and dominating impact on the privacy and amenities of existing nearby properties at 1 and 2 Hill Street and constitutes over-development as the site is too restricted to accommodate a dwelling consistent with generally accepted standards of space about new residential development contrary to Policy SP2 of the Bridgend Local Development Plan and Planning Policy Wales (Ed 9, Nov 2016).
2. Insufficient details in respect of how the proposed land levels are to be achieved together with any retaining structures have been submitted to enable the implications of the proposal to be properly evaluated by the Local Planning Authority contrary to Policy SP2 of the Bridgend Local Development Plan.
3. The proposed development, by reason of the size, extent and design of the extension would represent an unsympathetic addition to the traditional outbuilding, which would be visually obtrusive and would not be in keeping with the character of the adjoining properties, contrary to Policy SP2 of the Bridgend Local Development Plan.

---

<b>CODE NO.</b>	D/18/3216843 (1847)
<b>APPLICATION NO.</b>	P/18/546/FUL
<b>APPELLANT</b>	MRS J WELLAND
<b>SUBJECT OF APPEAL</b>	CONSTRUCTION OF A DOUBLE DETACHED GARAGE WITH STORAGE IN LOFT (RESUBMISSION OF APPROVAL P/16/331/FUL WITH AMENDMENTS) BRADFORD COTTAGE, LLANGEINOR
<b>PROCEDURE</b>	HOUSEHOLDER
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reason:

1. The proposed development would be detrimental to local visual amenities by reason of its proposed size, scale and siting in close proximity and in full view of users of the adjoining Footpath and Byway Open to All Traffic and be out of keeping with the traditional appearance of Bradford Cottage and the setting of the derelict Fullers Mill, which is a locally significant historic structure contrary to Policies ENV1, SP2 and SP5 of the Bridgend Local Development Plan and Supplementary Planning Guidance 02 : Householder Development together with advice contained in Planning Policy Wales (Ed 9, 2016) and Technical Advice Note 12 : Design (March 2016).

---

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

<b>CODE NO.</b>	A/18/3210092 (1838)
<b>APPLICATION NO.</b>	P/18/159/FUL
<b>APPELLANT</b>	MR O WILLIAMS
<b>SUBJECT OF APPEAL</b>	CHANGE OF USE FROM DERELICT WORKSHOP/STORES TO USE CLASS D2 - PERSONAL TRAINING STUDIO WITH PARKING: ADJACENT TO SEAVIEW FARM, HEOL GOEDOG, CEFN CRIBWR
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

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

---

**CODE NO.** D/18/3213525 (1842)  
**APPLICATION NO.** P/18/442/FUL  
**APPELLANT** MR L JONES  
**SUBJECT OF APPEAL** CONSTRUCT SINGLE STOREY REAR EXTENSION  
20 BREDENBURY GARDENS, PORTHCAWL  
**PROCEDURE** HOUSEHOLDER  
**DECISION LEVEL** DELEGATED OFFICER  
**DECISION** THE INSPECTOR APPOINTED BY THE WELSH MINISTERS  
TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL  
BE DISMISSED.

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

---

**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:  
GWARYCOED PANT Y PWLLAU COITY  
**PROCEDURE** INQUIRY  
**DECISION LEVEL** DELEGATED OFFICER  
**DECISION** THE INSPECTOR APPOINTED BY THE WELSH MINISTERS  
TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL  
BE ALLOWED AND A LAWFUL DEVELOPMENT CERTIFICATE BE  
ISSUED.

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

**RECOMMENDATION**

That the report of the Corporate Director Communities be noted.

**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

(see application reference number)

---

**Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 29/10/18

**gan Paul Selby BEng (Hons) MSc MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 13.11.2018**

**Appeal Decision**

Site visit made on 29/10/18

**by Paul Selby BEng (Hons) MSc MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 13.11.2018**

---

**Appeal Ref: APP/F6915/A/18/3210092**

**Site address: Building Adjacent to Seaview Farm, 1 Heol Goedog, Cefn Cribwr, Bridgend CF32 0AN**

**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 Owen Williams against the decision of Bridgend County Borough Council.
  - The application Ref P/18/159/FUL, dated 7 March 2018, was refused by notice dated 24 May 2018.
  - The development is Change of use from derelict workshop/stores to use class D2 - personal training studio with parking.
- 

**Decision**

1. The appeal is dismissed.

**Procedural Matters**

2. Notwithstanding the description of development on the application form, I have used that included on the Council's Decision Notice, which is more succinct and accurate.
3. I am informed that the change of use has already occurred. The application therefore seeks retrospective planning permission.
4. The planning application form indicates that the appeal building is used for storage of various items. As the appeal site does not form part of an agricultural holding the lawful use of the workshop/store appears to be ancillary to the residential property of Seaview Farm and is domestic in nature. I have considered the appeal on this basis.

**Main Issues**

5. The main issues in this case are: a) the effect of the development on the living conditions of neighbouring occupants, with particular regard to noise and disturbance; and b) whether the development is sustainably located and able to be safely accessed by a range of transport modes.

**Reasons**

6. The appeal relates to a single storey detached outbuilding and associated yard located immediately to the north of the residential property of Seaview Farm. The site is
-



accessed via Heol Goedog, a single track lane which terminates south of the appeal site. The lane provides access to a limited number of residential properties and, at its junction with Cefn Road, a primary school. It has a pleasant semi-rural character.

*Noise and disturbance*

7. The nearest residential property is Emmaus, a detached dwelling which lies in close proximity to the appeal building immediately to the north. Three other dwellings are located on the east side of Heol Goedog. Having regard to the intended use as a personal training studio and the floorspace within the appeal building, I consider that the scale and nature of the use has the potential to have a material effect on the living conditions of nearby occupants. The submitted documents indicate that the studio may operate into the evenings and at weekends; times during which the nearby school is unlikely to be in use and the lane would otherwise be relatively quiet. In comparison to the lawful use, the development would result in an increase in cars arriving and departing from the appeal site. Given the limited insulation present within the appeal building, noise generated by users of the personal training studio may also be audible in nearby dwellings. Such noise and activity would result in disturbance to neighbours at times when they would reasonably expect there to be a degree of peace and quiet.
8. The appellant has suggested conditions to restrict hours of operation to between 08:00 and 20:00 and to limit occupancy to 3 clients at any one time. Nonetheless, I am not persuaded that the proposed conditions would offer acceptable mitigation. The proposed hours of operation would extend into the evening and permit the use during the weekends; otherwise quiet periods during which the level of noise and disturbance would be intrusive to neighbours. I concur with the Council that an occupancy condition would be problematic to enforce, even were a logbook to be used or CCTV installed, as suggested by the appellant. Accordingly the conditions would not meet the tests of relevance and enforceability set out in Welsh Government Circular 016/2014 'The Use of Conditions for Development Management'.
9. The appellant contends that due to his other employment the facility could only operate for a maximum of 12 hours per week, with clients limited in number. I do not dispute this, but as planning permissions run with the land rather than the landowner I afford the appellant's personal circumstances little weight. In any case, limiting weekly hours of operation would not acceptably mitigate the identified harm.
10. Whilst the Council's public protection team have not objected to the appeal scheme, matters of public nuisance fall within the ambit of separate legislation and are distinct from planning considerations. For the reasons given above, I conclude that the development would materially harm the living conditions of nearby occupants due to noise and disturbance. It would therefore not accord with the amenity objectives of policies SP2 and ENV7 of the Bridgend Local Development Plan (LDP).

*Sustainability and highway safety*

11. Cefn Cribwr is a linear settlement with relatively dispersed facilities and little clustering in any one location. The scale of the D2 use would be likely to draw clients mainly from the village rather than a wider area. Despite a modest breach of the settlement boundary the site falls mainly within the practical confines of the village and is located close to a primary school and bus stops. In strategic terms I therefore find nothing inherently unsustainable about the site's location for the intended use.
12. The absence of footways on Heol Goedog would require pedestrians travelling to or from the appeal site to walk in the roadway to reach Cefn Road or the nearby public

footpath. The lane is relatively straight in alignment, with little through traffic. It is also lit and features verges where pedestrians could take refuge from passing vehicles. However, my site visit was undertaken during half-term week, with few vehicles parked on the lane or using it. The Council and residents have indicated that the lane is regularly used for school drop-offs and pick-ups, a fact not disputed by the appellant. During such periods, the potential for conflict between pedestrians and vehicles would inevitably increase.

13. Given the linear nature of the village and the sporadic footways on the south side of Cefn Road, I consider that many clients would be likely to use private vehicles to access the site, even if travelling from nearby. As already indicated I am not persuaded that a condition could effectively limit the occupancy of the appeal building to a maximum of 3 clients at any one time. It flows from this that there is little guarantee that the parking area would be sufficient for the vehicles of clients using the building, in addition to occupants of Seaview Farm.
14. The use would therefore have the potential to result in ad-hoc parking in the lane. Given the constrained space available within the lane this would cause an obstruction, particularly to pedestrians, which would give rise to a harmful increase in the risk of pedestrian and vehicle conflicts on Heol Goedog, particularly during school drop-off or pick-up periods. Whilst I note the appellant's suggestion to restrict appointments during school hours, there is little certainty that the training studio could operate viability were its use to be curtailed for substantial periods of the day.
15. Further, for drivers exiting Heol Goedog onto the B4281, visibility is restricted to some degree by vegetation in the ownership of No 90 Cefn Road. The alignment of the B4281 is relatively straight and the junction is lit. Nonetheless, the potential harm caused by a material increase in the use of this substandard junction by vehicles leaving the site further weighs against the appeal scheme.
16. I note the appellant's offer to extend the car parking area or move the fence but I must determine the appeal based on the submitted information. For the stated reasons I conclude that the development would not accord with LDP policies SP2 and PLA11, which seek to secure good walking, cycling, public transport and road connections, ensure efficient access to sites, and provide appropriate levels of parking.

### **Other Matters**

17. I acknowledge the potential benefits of the development to people's health and well-being, particularly in terms of encouraging physical activity in a secure setting. This does not, however, outweigh the identified harmful effects of the development.
18. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards supporting safe, cohesive and resilient communities.

### **Conclusion**

19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Paul Selby*

INSPECTOR



**The Planning Inspectorate**  
**Yr Arolygiaeth Gynllunio**

---

**Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 14/11/18

**gan Mr A Thickett BA(Hons) BTP,  
MRTPI, Dip RSA**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 03/12/2018**

**Appeal Decision**

Site visit made on 14/11/18

**by Mr A Thickett BA(Hons) BTP, MRTPI,  
Dip RSA**

**an Inspector appointed by the Welsh Ministers**

**Date: 03/12/2018**

---

**Appeal Ref: APP/F6915/D/18/3213525**

**Site address: 20 Bredenbury Gardens, Nottage, Porthcawl, CF36 3NY**

**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 L Jones against the decision of Bridgend County Borough Council.
  - The application Ref P/18/442/FUL, dated 4 June 2018, was refused by notice dated 25 July 2018.
  - The development proposed is a single storey extension.
- 

**Decision**

1. The appeal is dismissed.

**Main Issue**

2. The main issue is the visual impact of the proposed development on the living conditions of the occupiers of No. 21 Bredenbury Gardens.

**Reasons**

3. Nos. 20 and 21 Bredenbury Gardens are a pair of semi-detached bungalows both with a flat roof addition at the rear. The appellant proposes to extend the existing addition to No. 20 by a further 11.3m, almost the full length of the garden. The extension would have a flat roof and be 2.85m high with lantern rooflights and be set off the shared boundary by about 300mm. The shared boundary is formed by a 1.5m fence topped by a trellis, giving an overall height of around 2m.
  4. No. 21 has a window in the rear addition facing down its garden and a patio area beneath that window. The proposed extension would be around 0.85m taller than the fence and trellis and about 1.3m higher than the solid part of the fence. I appreciate that a 2m high fence could be erected on the boundary under permitted development rights. Nevertheless, the proposed extension would be higher and would present a long, high wall along almost all the length of the garden to No. 21. I consider that, due to its height, bulk, length and proximity, the proposed extension would appear unduly overbearing when seen from the window to the rear of No. 21 and from its patio and garden.
-

## **Conclusion**

5. The appellant has submitted examples of large extensions in the area. I am not aware of the details of these developments and my decision is based on the site specific circumstances of this case. For the reasons given above and having regard to all matters raised, I consider that the proposed development would have an unacceptable visual impact on the living conditions of the occupiers of No. 21 Bredenbury Gardens. I conclude, therefore, that the proposal conflicts with Policy SP2 of the Bridgend Local Development Plan, 2006 – 2021, adopted 2013 and that the appeal should be dismissed.
6. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of creating attractive communities.

*Anthony Thickett*

Inspector

---

**Penderfyniad ar yr Apêl**

Ymchwiliad a gynhaliwyd ar 27/11/18

Ymweliad safle a wnaed ar 27/11/18

**gan Hywel Wyn Jones BA (Hons) BTP  
MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 17/12/18**

**Appeal Decision**

Inquiry Held on 27/11/18

Site visit made on 27/11/18

**by Hywel Wyn Jones BA (Hons) BTP  
MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 17/12/18**

---

**Appeal Ref: APP/F6915/X/18/3209991**

**Site address: Gwar-y-Coed, Pant-y-Pyllau, Coity, Bridgend, CF35 6BP**

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

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
  - The appeal is made by Mr Huw Griffiths against the decision of Bridgend County Borough Council.
  - The application (ref: P/18/431/LAE), dated 4 June 2018, was refused by notice dated 28 July 2018.
  - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
  - The use for which a certificate of lawful use is sought is domestic amenity garden.
- 

**Decision**

1. The appeal is allowed and attached to this decision is a certificate of lawful use describing the existing use which is considered to be lawful.

**Preliminary and Procedural Matters**

2. At the outset of the inquiry it was agreed that the application seeks to establish the lawfulness of the identified land for a purpose incidental to the dwelling. In the interests of precision I have adopted that description in the attached certificate.
3. All oral evidence to the inquiry was given on oath.

**Reasons**

4. Gwar-y-Coed is accessed from an unmade track that serves a loose collection of residential properties set in a countryside location some distance outside the built up area of Coity village. The appeal land lies to the east of the established curtilage of Gwar-y-Coed and is enclosed on the other 3 sides by long-standing boundaries which comprise a stone wall, indigenous hedgerows with mature trees, and a post and wire fence. To the north of the site lies an agricultural field with residential properties to the south and east.
-

5. Mr Griffiths purchased the property in 1981. He points out that the sale particulars make no mention of the subject land being a paddock, agricultural land or otherwise distinguish it from the remainder of the property. At that time the whole of the property was seriously overgrown with small trees and bushes and the dwelling was in need of extensive renovation following many years of neglect. In carrying out the site clearance Mr Griffiths was adamant that there was no physical feature on the ground that might explain the line shown on the OS extract that was used in the sales particulars. He accepts that the line approximates to the boundary between the subject land and the remainder of his property but that he has always considered the whole property as a single entity.
6. In the mid 1990's Mr Griffiths planted a row of conifer trees which roughly followed most of the length of the black line shown on the aforementioned OS plan. The intention was to provide a hedge to screen views from the nearest dwelling in response to neighbour-relations difficulties. In about 2015 the trees and their roots were removed because of their increasing overshadowing of the main garden area and safety concerns over their stability. In the same approximate position a beech hedge has been planted, which now follows the edge of a recently constructed driveway.
7. Mr Griffiths explained that the hedges that have separated the 2 areas were not a physical barrier to movement given the gaps between some of the trees and underneath the lowest braches. There was also a significant gap retained between the line of trees and the northern boundary, as indicated on the aerial photographs, which provided access to the land. The area was used for play, including learning to ride a bicycle, by his daughter during her childhood which would have begun over 20 years ago. Mr Griffiths described how his daughter would utilise the notable slope which runs in proximity to the line of the western boundary of the site to gain forward momentum. The same type of use is presently made by a younger generation with a simple den and a rope swing evidence of their activities.
8. Since the early 2000's Mr Griffiths began planting fruit trees of which there are now some 15 specimens within the area and he cuts the grass in this area to an extent sufficient to ease access for fruit picking.
9. Mrs Hulse's evidence was consistent with that of her brother, the appellant, and was based on her first-hand knowledge of the property as a local resident over several decades. She confirmed that her 2 children who are of similar age to Mr Griffiths' daughter also used the area to play, preferring its unkempt condition to the more manicured garden nearest the dwelling. She also explained that, given the accessibility to the surrounding common for recreation, part of the land that forms her garden is used less intensively than the area closest to the house and is enjoyed for its more natural state. This, it was maintained, also describes how the appeal site is used and regarded as part of the residential garden.
10. In advance of the inquiry the Council had suggested that the use of the land was agricultural as indicated in a letter dated 10 May 2017 to the appellant's agent. This was on the basis that the site appeared to have been separated by a boundary demarcation from the curtilage of the dwelling as shown on the OS map. This view was reinforced by a block plan that accompanied a planning application for works to the dwelling in 2007 which identified the application site edged in red and which did not encompass the appeal site. In response the appellant explained that this was a decision of his plan draughtsman at the time and did not reflect an attempt to define the boundaries of the garden. As the purpose of the red line was to define the extent of the area affected by the proposed development I do not attach much weight to this plan.

11. At the inquiry the Council confirmed that it did not seek to dispute the details of the activities undertaken on the site as described by Mr Griffiths and Mrs Hulse. However, it was opined that the historic use was not at a sufficient intensity to be material in establishing the lawful use of the land. In the last year or so it was accepted that the level of use had intensified in association with the developments on the periphery of the land including the construction of a driveway and a log store. The Council's witness declined to comment on whether the present activity represented a material change in the status of the land from a state which it considered to be vacant land.
12. The available evidence suggests that since Mr Griffiths' occupation and his clearance of the land of overgrown bushes and other vegetation the level of use of the appeal site has been low compared to the land closest to the dwellings where there are lawned areas, a cultivated garden with a polytunnel and green house, and a patio area. The existence of the previous and replacement hedgerows have served to demarcate the boundary between the 2 areas. I consider that this boundary denotes the limit of the area of land which has the degree of intimate relationship with the host dwelling such as to constitute its curtilage. However, as the Council acknowledged, that does not necessarily mean that the area of land outside the curtilage is not in residential use.
13. The available evidence leads me to find that the subject land has been continuously used in connection with the dwelling since the appellant's occupation of the property. The degree of use has fluctuated in intensity, for instance during the periods when the children found the area attractive. In more recent years, since the fruit trees were planted, the use has become somewhat more intensive. In the absence of any other use of the land I am satisfied that, on the balance of probability, it has been in residential use for a continuous period of 10 years and as such is lawful.

#### **Conclusion**

14. For the reasons given above I conclude on evidence available that the Council's decision not to grant a LDC was not well-founded and that the appeal should be allowed. I will exercise the powers transferred to me under section 195(2) of the Act as amended.

*Hywel Wyn Jones*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Mr Huw Griffiths	Appellant
Mrs Catryn Mair Hulse	Appellant's sister

### FOR THE LOCAL PLANNING AUTHORITY:

Ms Alexandra Lavagna	Planning Officer – Development Control
Mr Rhodri Davies*	Development and Building Control Manager

\* Mr Davies did not give evidence but asked questions of the appellant's witnesses

## **DOCUMENTS**

- 1 Council's publicity of the appeal and inquiry arrangements
- 2 Council's letter to appellant's former agent, 10 May 2017





---

## Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191  
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES)  
ORDER 2012: ARTICLE 28

---

**IT IS HEREBY CERTIFIED** that on 4 June 2018 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and hatched in red on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The use has been undertaken for a continuous period of 10 years and has become lawful by reason of immunity from enforcement action.

Signed

*Hywel Wyn Jones*  
Inspector

Date 17/12/18

Reference: APP/F6915/X/18/3209991

### **First Schedule**

The use of the land for a purpose incidental to the dwelling.

### **Second Schedule**

Land at Gwar-y-Coed, Pant-y-Pyllau, Coity, Bridgend, CF35 6BP.

NOTES

1. This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule was /were lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.
3. This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.



---

## Plan

This is the plan referred to in the Lawful Development Certificate dated: 17/12/18

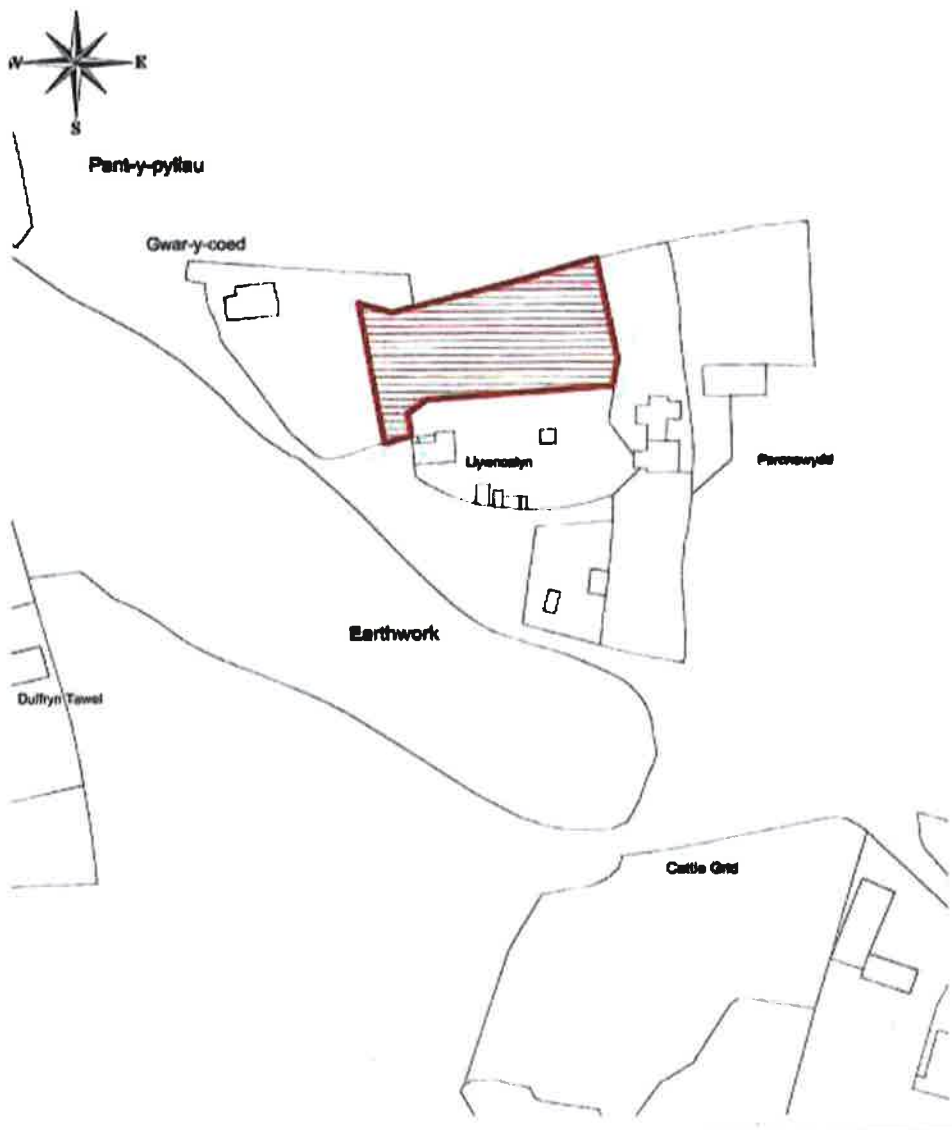
by **Hywel Wyn Jones BA (Hons) BTP MRTPI**

**Land at: Gwar-y-Coed, Pant-y-Pyllau, Coity, Bridgend, CF35 6BP**

**Reference: APP/F6915/X/18/3209991**

Scale: not to scale

---



This page is intentionally left blank

## **TRAINING LOG**

*All training sessions are held in the Council Chamber unless otherwise stated.*

<b><u>Facilitator</u></b>	<b><u>Subject</u></b>	<b><u>Date</u></b>	<b><u>Time</u></b>
Jonathan Parsons, <i>Group Manager Development</i> / Rhodri Davies, <i>Development &amp; Building Control Manager</i>	“End of year performance report”	3 January 2019	12.45pm
Gethin Powell, <i>Highways &amp; SUDS Drainage Engineer</i> / Rhodri Davies, <i>Development &amp; 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 <sup>st</sup> 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

## REPORT TO THE DEVELOPMENT CONTROL COMMITTEE

3 JANUARY 2019

### REPORT OF THE CORPORATE DIRECTOR OPERATIONAL AND PARTNERSHIP SERVICES

#### NOMINATION AND APPOINTMENT OF A REPLACEMENT MEMBER TO THE RIGHTS OF WAY SUB-COMMITTEE

##### 1. Purpose of Report.

- 1.1 The purpose of this report is for the Development Control Committee to nominate and appoint a replacement Member to Councillor Tim Thomas on the Rights of Way Sub-Committee. It is further requested that this replacement be Councillor James Radcliffe, in order to maintain political balance on this particular body.

##### 2. Connection to Corporate Improvement Objectives / Other Corporate Priorities.

- 2.1 The establishment of necessary Committees and other bodies fulfils the requirements of the Constitution and enables the Authority to work towards the successful achievement of all its three Corporate Priorities.

##### 3. Background.

- 3.1 The remit of the Development Control Committee includes for the nomination and appointment of 6 of its Members to form the Rights of Way Sub-Committee, with the Chairperson and Vice-Chairperson of the Development Control Committee fulfilling the same role for the Rights of Way Sub-Committee.
- 3.2 The Annual Meeting of Council on 16 May 2018 approved changes to the membership of the Development Control Committee and, as a result of this, the nomination and appointment of Members to the Rights of Way Sub-Committee was determined by the Development Control Committee at its meeting on 7 June 2018. One of the Members appointed to the Sub-Committee at this time was Councillor Tim Thomas.

##### 4. Current situation / proposal.

- 4.1 At a meeting of Council on 19 September 2018, it was recommended and subsequently agreed, that Councillor James Radcliffe replaces Councillor Tim Thomas as a member of the Development Control Committee. This did not affect the political balance of the Committee, as both these Members are aligned to the Plaid Cymru Group.
- 4.2 Due to Councillor Tim Thomas no longer being a member of the Development Control Committee, he also has to relinquish his membership on the Rights of Way Sub-Committee. The reason for this is that the membership of the Rights of Way Sub-Committee is established by the Development Control Committee.

4.2 Members are reminded that the political balance of the Sub-Committee, based upon the number of Members it comprises of, is as follows:-

Labour	- 2 Members	- (to include the Chairperson and Vice-Chairperson of the Development Control Committee)
Conservative	- 1 Member	
Independent/Alliance	- 1 Member	
Llynfi Independents	- 1 Member	
Plaid Cymru	- 1 Member	

4.3 As there is therefore a vacancy on this Sub-Committee from the Plaid Cymru Group, it is suggested that Councillor Radcliffe replaces Councillor Thomas on this body by virtue of him recently replacing Councillor Thomas as a member of the Development Control Committee.

## **5. Effect upon Policy Framework and Procedure Rules.**

5.1 This report accords with the Council Procedure Rules as set out in Part 4 of the Authority's Constitution.

## **6. Equality Impact Assessment.**

6.1 There are no equality implications regarding this report.

## **7. Well-being of Future Generations (Wales) Act 2015 Implications**

7.1 The Act provides the basis for driving a different kind of public service in Wales, with 5 ways of working to guide how public services should work to deliver for people. The following is a summary to show how the 5 ways of working to achieve the well-being goals have been used to formulate the recommendations within this report:

- Long-term - The approval of this report will assist in the long term planning of the business of the Council in both the short term and in the long-term.
- Prevention - The proper composition of Council Committees meets the requirements of the Local Government and Housing 1989 Act in achieving political balance and the allocation of Committee seats which supports the effective decision making of the Council.
- Integration - The report supports all the wellbeing objectives.
- Collaboration - Consultation has taken place with the Group Leaders and Independent Members regarding the allocation of memberships of Committees and other bodies and the allocation of Chairs to these, where appropriate.
- Involvement - Advance public notice of Council Committee meetings can ensure that the public and stakeholders can engage in these meetings. Agendas and minutes of all public meetings will be available in the Welsh language in compliance with the Welsh Language Standards.

## **7. Financial Implications.**

7.1 There are no financial implications regarding this report.



**8. Recommendation.**

- 8.1 That Councillor James Radcliffe replaces Councillor Tim Thomas as a member from the Plaid Cymru Group on the Rights of Way Sub-Committee.

**Kelly Watson**

**HEAD OF LEGAL AND REGULATORY SERVICES**

**Contact Officer: Mark Anthony Galvin**  
**Senior Democratic Services Officer - Committees**

**Telephone: (01656) 643148**

**Email: [cabinet\\_committee@bridgend.gov.uk](mailto:cabinet_committee@bridgend.gov.uk)**

**Postal address: Democratic Services Section**  
**Legal and Regulatory Services**  
**Civic Offices**  
**Angel Street**  
**Bridgend CF31 4WB**

**Background documents:**

There are no background documents in relation to this report.

This page is intentionally left blank