

# 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: Andrew Rees

Ein cyf / Our ref:

Eich cyf / Your ref:

**Dyddiad/Date:** Thursday, 2 May 2019

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, 9 May 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 19/06/2019 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 - 10  
To receive for approval the minutes of the 28/03/2019
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 11 - 14  
That the Chairperson accepts the Development Control Committee Amendment Sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be

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accommodated.

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|-----|--|-----------|
| 7.  | <u>Development Control Committee Guidance</u>  | 15 - 18   |
| 8.  | <u>P/19/148/FUL - Cildaudy Farm, Cildaudy Road, Coytrahen</u>  | 19 - 38   |
| 9.  | <u>P/14/38/BCB - 40b Sturmi Way, Village Farm Ind Estate, Pyle</u>   | 39 - 56   |
| 10. | <u>P/19/59/FUL - Delfryn, Heol Las, Maudlam</u>  | 57 - 68   |
| 11. | <u>P/18/868/FUL - The Old Barn, Mawdlam</u>  | 69 - 88   |
| 12. | <u>Appeals</u>   | 89 - 102  |
| 13. | <u>Training Log</u>  | 103 - 104 |
| 14. | <u>Urgent Items</u><br>To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency. |           |

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  
AJ Williams

## DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 28 MARCH 2019

### MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 28 MARCH 2019 AT 14:00

#### Present

Councillor G Thomas – Chairperson

JPD Blundell	DK Edwards	RM Granville	MJ Kearn
DRW Lewis	JC Spanswick	RME Stirman	MC Voisey
CA Webster	AJ Williams		

#### Apologies for Absence

NA Burnett, RJ Collins, SK Dendy, JE Lewis, JC Radcliffe and KJ Watts

#### Officers:

Rhodri Davies	Development & Building Control Manager
Lee Evans	Senior Planning Officer
Craig Flower	Planning Support Team Leader
Mark Galvin	Senior Democratic Services Officer - Committees
Rod Jones	Senior Lawyer
Hayley Kemp	Principial Planning Officer
Robert Morgan	Senior Development Control Officer
Kevin Mulcahy	Group Manager - Highways Services
Jonathan Parsons	Group Manager Development
Leigh Tuck	Senior Development Control Officer

#### 232. APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members:-

Councillor NA Burnett  
Councillor RJ Collins  
Councillor SK Dendy  
Councillor JE Lewis  
Councillor JC Radcliffe  
Councillor KJ Watts

#### 233. DECLARATIONS OF INTEREST

The following declarations of interest were made:-

Councillor MC Voisey – P/18/983/FUL – Personal interest as a Member of Bridgend Town Council who takes no part in planning matters.

Councillor RM Granville – P/19/59/FUL - Prejudicial interest, due to him previously objecting to the application resulting in pre-determination. Councillor Granville spoke at the meeting in the capacity of a public speaker/Ward Member, then left the meeting whilst this item was being considered.

Councillor CA Webster – P/18/983/FUL – Personal interest as a Member of Bridgend Town Council who takes no part in planning matters, and Ward Member.

**DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 28 MARCH 2019**

Councillor G Thomas – Agenda item 16, South Wales Wood Recycling Ltd, near Heol-y-Cyw – Personal interest as the Ward Member.

Councillor DBF White (public speaker) – P/18/983/FUL – Personal interest as the application is in his Ward. He is also a patient at Ashfield Surgery as well as being a Member of the Local Community Health Board.

Councillor JP Blundell – P/18/163/FUL – Personal interest as a Member of Laleston Community Council who takes no part in planning matters.

Councillor AJ Williams - P/18/929/RES - Prejudicial interest due to the fact that she had both objected to the application and pre-determined it. P/18/163/FUL – Prejudicial interest – As her son is a member of Penybont Academy Football Club. She left the meeting whilst both these items were being considered.

Councillor M Kearn – P/18/829/FUL – Prejudicial interest. Councillor Kearn spoke at the meeting in the capacity as a public speaker, then left the meeting whilst the application was being considered as he objected to the proposal.

Group Manager, Planning and Development Services – P/18/139/FUL – As his mother-in-law is a resident at the Nursing Home situate next door to the proposed development, that objected to the proposal. He left the meeting whilst this item was being considered.

234. SITE VISITS

RESOLVED: That a date of Wednesday 8 May 2019 be agreed by Committee for proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson

235. APPROVAL OF MINUTES

RESOLVED: That the Minutes of a meeting of the Development Control Committee dated 14 February 2019, be approved as a true and accurate record.

236. PUBLIC SPEAKERS

<u>Planning App. No.</u>	<u>Site</u>	<u>Speakers</u>
P/18/983/FUL	Former Sunnyside Council Offices & Magistrates Court site Sunnyside Road/Glan Y Parc, Bridgend, CF31 4AJ.	Councillor DBF White Councillor D Unwin Kathryn Thomas Neil Geraghty Louise Attwood

237. 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.

238. 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.

239. P/18/983/FUL - FORMER SUNNYSIDE COUNCIL OFFICES AND MAGISTRATES COURT SITE, SUNNYSIDE ROAD/GLAN Y PARC, PENYBONT, CF31 4AJ

- RESOLVED:
- (1) That having regard to the above application, that the applicant enters into a Section 106 Agreement to:
    - (i) Provide a minimum of 20% of the units as affordable housing with the type of units, location within the site and affordable tenure to be agreed by the Council in accordance with Policy COM5 and SPG13;
    - (ii) Provide a financial contribution of £115,669 towards the provision of 5 secondary school places and 1 Post-16 place in accordance with SPG16;
    - (iii) Provide a contribution in the sum of £9,500 to fund legal traffic regulation orders, roadmarkings and signage in the vicinity of the site; and,
    - (iv) Operate the Health Care Centre in accordance with a Travel Plan and a Parking Management Plan (including a commitment to provide/fund 24 public car parking passes for Healthcare Centre staff) to be agreed in writing by the Local Planning Authority.
  - (2) That 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, subject to the Conditions contained in his report.

Proposal

Development of 59 dwellings, Healthcare Centre and associated works, inc. Access, Landscaping and Car Parking.

Subject to the following further/amended Conditions:-

46. A 1.8m overboarded close boarded fence or equivalent barrier shall be erected around the gardens facing Glan-y-Parc Road and the gardens of the north terrace properties as shown on the submitted drawing SWV ASL 00 XX DR L0005 and L0006. The barrier shall be a minimum of 10kg/m<sup>2</sup> mass per unit area, have no gaps and shall be imperforate, rot proof and vermin proof and able to withstand wind forces. The design details of the barrier shall be submitted to the Local Planning Authority for approval prior to the development being brought into beneficial use and shall be agreed in writing. The design shall be implemented as agreed and the barrier shall be maintained and retained in perpetuity.

Reasons: In the interests of residential amenity.

Condition 40. should be reworded as follows:-

40. Prior to any above ground development works associated with the proposal, the applicant is required to develop a scheme of mitigation measures associated with the proposal. To inform the level of mitigation required an updated air quality assessment shall consider the impacts of NO<sub>2</sub> & PM<sub>10</sub> and look to include most recent receptors locations monitored by the Council. The assessment shall calculate the value of mitigation required following Defra's damage cost approach. The cost of mitigation implemented by the applicant should broadly equate to the calculated value. The scheme shall also include a timetable for the implementation of these approved mitigation measures. The air quality assessment and mitigation scheme will need to be submitted and approved by the Local Planning Authority.

Further to the site visit yesterday and the Development Control Committee pre-meeting today, the Highways Officer has requested the following additional Conditions to fully address the highway considerations of the scheme:-

47. A "Private Road" sign shall be erected at the entrances to the development from Glan y Parc and Sunnyside Road in accordance with details to be agreed with the Local Planning Authority before any dwelling served by the road concerned is brought into beneficial use. The sign shall then be retained as approved in perpetuity.

Reason: For the avoidance of doubt as to the basis of permission hereby granted and to prevent highway rights becoming established.

48. No development shall commence until a scheme for the provision of a vehicular turning area in the vicinity of North Terrace / Ty'r Ardd Registry Office has been submitted to and approved in writing by the Local Planning Authority. The turning area shall be implemented in permanent materials before the development is brought into beneficial use and retained for the purposes of turning in perpetuity.

Reason: In the interests of highway safety.

240. P/18/929/RES - PLAYING FIELDS AT PARC DERWEN, BRIDGEND

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

Proposal

Re-profiling and landscaping of earth bank on southern side of playing fields.

Subject to Condition 4 of the report being amended as follows:-

4. Notwithstanding the approved plans, within three months of the date of this consent, a full landscaping scheme for the earth bank to the southern side of the sports pitches and MUGA, including a scheme of drainage, shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

241. P/18/139/FUL - BRO EWENNY NURSING HOME, EWENNY ROAD, BRIDGEND, CF35 5AW

RESOLVED: (1) That having regard to the above application, the applicant enters into a Section 106 Agreement to:-

'Ensure that 5 of the apartments are provided as affordable housing units in perpetuity with an appropriate tenure agreement reached between the

applicant/operator and the Housing Strategy Manager or a financial contribution of £329,440.00'.

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

Proposal

Demolition of existing Bro Ewenny Nursing Home and construction of a new extra care facility consisting of 16 care bedrooms and 25 extra care apartments.

242. P/18/829/FUL - LAND NORTH EAST OF CROFT GOCH ROAD, KENFIG HILL, CF33 6HA

- RESOLVED:
- (1) That having regard to the above application, the applicant enters into a Section 106 Agreement to provide:-
- i. a minimum of 15% of the units as affordable housing with the type of units, location within the site and affordable tenure to be agreed by the Council;
  - ii. a financial contribution for the sum of £32,626 (index linked) towards the provision of 2 primary school places;
  - iii. a financial contribution for the sum of £16,179 (index linked) towards the provision of Children's Play Equipment and Outdoor Sport facilities;
  - iv. an off-site habitat mitigation, management and maintenance plan, a financial contribution for planting, management and maintenance costs for the sum of £39,907.62 (index linked) and a programme of implementation.
- (2) That the Corporate Director - Communities be given delegated powers to issue a decision notice granting conditional consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, subject to the Conditions contained in his report.

Proposal

Development of 21 affordable homes and associated works.

243. P/18/163/FUL - PENYBONT FOOTBALL CLUB, LLANGEWYDD ROAD, BRIDGEND, CF31 4JU

- RESOLVED:
- (1) That having regard to the above application the Council accepts the Unilateral Undertaking of the Club that:-
- 1. No Welsh Premier League or Welsh Cup fixture shall take place until the Council has been provided with a copy of the Owner's completed legal agreement procuring an additional 35 off-site car parking spaces in addition to its own on-site parking facilities at the car parking facilities of the 3rd Bridgend Scout Group on Llangewydd Road, Bryntirion, Bridgend.

2. Should no suitable site agreement be available as referred to in Paragraph 1 above, no Welsh Premier League or Welsh Cup fixture shall take place at the Site until EITHER the 35 extra off-site car parking spaces have been provided in accordance with a layout to be agreed with the Council and which must be to the complete satisfaction of the Council acting with absolute discretion within the Site OR the Council has implemented a Road Traffic Order which must be paid for by the Owner in the sum of Eight Thousand Pounds (£8000) for the application of double yellow lines around or opposite the Site access and any other areas reasonably deemed necessary by the Council to stop vehicles parking indiscriminately in relation to the use of the Site and affecting the free flow of traffic.

3. The Owner revokes and will not implement planning permission P/17/744/FUL.

(2) That the decision notice granting consent in respect of this proposal be issued subject to the Conditions as contained in the report of the Corporate Director - Communities.

Proposal

Provision of a second stand (250 seater) plus TV gantry.

244. P/18/868/FUL - THE OLD BARN, MAUDLAM, BRIDGEND, CF33 4PH

RESOLVED: That the above application be deferred in order to allow Members of the Committee to undertake a full Committee Site Inspection of the property/land in question.

Proposal

Alterations and extensions to existing structure and conversion to 3 dwellings.

245. P/19/59/FUL - DELFRYN, HEOL LAS, MAUDLAM, BRIDGEND, CF33 4PH

RESOLVED: That the above application be deferred, in order to allow Members of the Committee to undertake a full Committee Site Inspection of the property/land in question.

Proposal

Change of use to Holiday Let above triple garage; alterations to approval P/16/539/FUL, to include alterations to glazing, entrance door and roof finish to rear.

246. APPEALS

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

(2) That the Inspector appointed by Welsh Ministers to determine the following Appeal has directed it be Dismissed (Appendix A to the report referred):-

Code No

Subject of Appeal



A/18/3211218 (1840) Outline application with all matters reserved for the proposed replacement of former farmhouse at Ffos Farm, together with associated works, Ffos Farm, Cwmdu Road, Maesteg.

247. SOUTH WALES WOOD RECYCLING LTD SITE, HEOL LLAN, NEAR HEOL-Y-CYW

The Development and Building Control Manager presented a report, seeking to provide Members with an update on the current situation at the above mentioned Recycling site, and previous Enforcement investigations in respect of the height of the wood piles, operating hours, vehicular movements and wood being deposited on the highway, and actions taken in respect of these issues.

The report concluded, by advising that the site is still being regularly monitored and Officers are in dialogue with the new operators currently to clear the site of historic stockpiles of wood through South West Wood Products Ltd.

RESOLVED: That Members noted the updates to the previous situation regarding the holding of materials at this site, as detailed in the report.

248. TRAINING LOG

RESOLVED: That the report of the Corporate Director - Communities highlighting various training sessions up and coming for Members as listed in such report be noted, with it further noted that an added training session is intended to be held in the coming Autumn, namely a workshop on Open Spaces Supplementary Planning Guidance (SPG).

249. URGENT ITEMS

None.

The meeting closed at 16:50

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**DEVELOPMENT CONTROL COMMITTEE 09 MAY 2019**

**AMENDMENT SHEET**

**The Chairperson accepts the amendment sheet in order to allow for Committee to consider necessary modifications to the Committee report to be made so as to take account of late representations and corrections and for any necessary revisions to be accommodated.**

<u>ITEM NO.</u>	<u>PAGE NO.</u>	<u>APPLICATION NO.</u>
<b>8</b>	<b>15</b>	<b>P/19/148/FUL</b>

A full Development Control Committee site visit was undertaken on Wednesday 8 May, 2019. The Local Ward Member (Cllr. James Radcliffe), Cllr Martyn Jones Chair of Llangynwyd Lower Community Council and the applicants (Landsker Child Care Ltd) attended the site visit.

In addition, Members are advised that the revised site plan for the development (received 10 April 2019) **excludes** the detached parcel of land to the immediate north of the curtilage of the main dwelling (as depicted on page 16 of the agenda).

<b>9</b>	<b>35</b>	<b>P/14/38/BCB</b>
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A full Development Control Committee site visit was undertaken on Wednesday 8 May, 2019. The Local Ward Member (Cllr. M. Kearn), representatives from Pyle Community Council, local objectors/occupiers and a representative from Waste Services attended the site visit.

On page 46, the penultimate paragraph should state that the site falls within Zone C2.

In addition to the above, the following condition for a scheme of direction signage to direct traffic away from Marshfield Avenue is required.

*No development shall commence until a scheme for the provision of directional signage directing traffic to the CRC has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include for bilingual signage along the B4281 and the A48 corridors. The signage scheme shall be implemented in permanent materials before the development is brought into beneficial use.*

*Reason: In the interests of highway safety.*

<b>10</b>	<b>53</b>	<b>P/19/59/FUL</b>
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A full Development Control Committee site visit was undertaken on Wednesday 8 May, 2019. The Local Ward Member (Cllr. R. Granville) attended the site visit. In addition, conditions 3 and 8 should be amended as follows:

3. The first floor above the triple garage shall be used for holiday and ancillary accommodation only and for no other purposes (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure the Local Planning Authority retains effective control over the use of the holiday let and to prevent the holiday accommodation being used as permanent residential accommodation.

8. The driveway access of Delfryn shall be retained at a minimum of 3.65 metres in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

**11**

**65**

**P/18/868/FUL**

A full Development Control Committee site visit was undertaken on Wednesday 8 May, 2019. The Local Ward Member (Cllr. R. Granville) attended the site visit.

**JONATHAN PARSONS  
GROUP MANAGER – PLANNING & DEVELOPMENT SERVICES  
09 MAY 2019**

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## 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/19/148/FUL

**APPLICANT:** Landsker Child Care Ltd:  
The Old Cornstore, Northfield Road, Narberth, SA67 7AA

**LOCATION:** Cildaudy Farm, Cildaudy Road, Coytrahen CF32 0DL

**PROPOSAL:** Change of use to 4 bed residential children's home

**RECEIVED:** 6 March 2019

**SITE INSPECTED:** 5 April 2019

## **APPLICATION/SITE DESCRIPTION**

The application seeks full planning permission for the change of use of an existing, substantial single detached residential dwelling (C3 use - that currently operates as a 3 bedroom children's home - P/18/614/LAE refers) into a 4 bedroom residential children's home (C2 use).

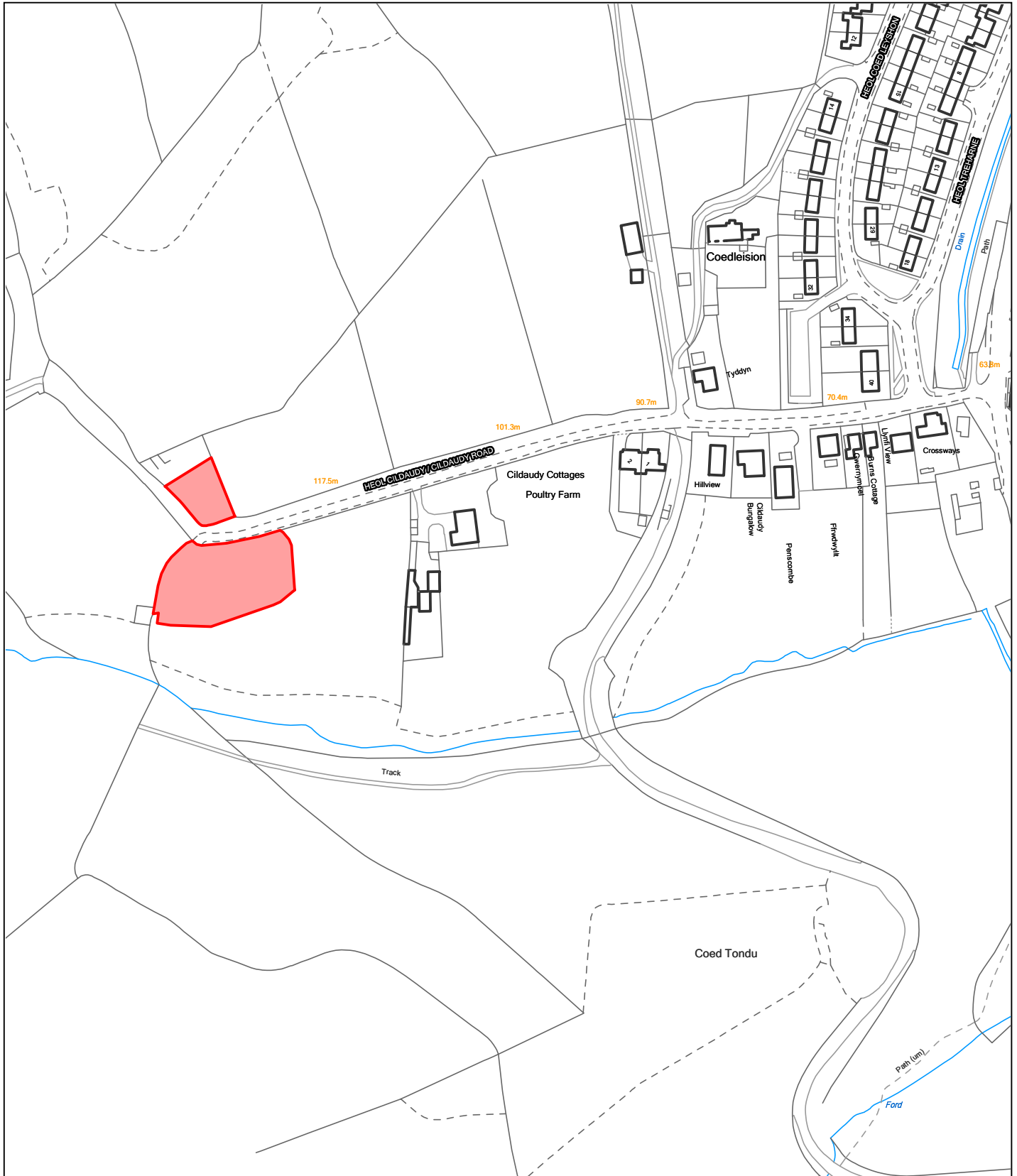
The planning history of the site indicates that a Certificate of Lawful Development issued on 12 October 2018 confirmed the current use of the dwellinghouse as a children's home for a maximum of three children and up to three carers did not constitute a material change of use of the property and the use of the property falls within Class C3 (Dwellinghouse) of the Town and Country Planning (Use Classes) Order 1987. The current planning application is seeking to increase the number of residents from 3 young people to 4 young people, changing the use of the building to a C2 use (Residential Institution).



The application is accompanied by a:

- Supporting Statement;
- Landsker Child Care Statement of Purpose & Function for Cildaudy Farm (May 2018)
- A review of Children and Young People in Bridgend (Western Bay Population Assessment for 2016/17 covering the Bridgend Area) and an ESTYN school inspection report.
- A supporting letter from the Children's Commissioning Consortium Cymru that highlights the need to develop provision for residential care with Landsker being recognised as a highly regarded provider.
- An initial pre application letter from Bridgend CBC Planning Authority (dated 23 June 2017) that informally advises the use of the property by not more than 6 residents living together as a single household (including a household where care is provided for residents), would not require planning permission. This letter further advises that a single household is considered to have a kitchen, bathroom and living room which are shared by all residents;
- The decision notice issued by Bridgend CBC Planning Authority (dated 12 October 2018) certifies that the use of the site as a residential children's home for a maximum of three children and up to three carers has not resulted in a material change of use for planning purposes from the previous lawful use as a C3 dwelling house.
- Care Inspectorate Wales Approval (Notice of decision) detailing permission is granted to register Cildaudy Farm as a care home service for a maximum of 3 individuals.

The supporting statement and information submitted with the planning application highlights that:

- The application is requesting an increase in the number of residents from 3 young



 <p><b>Bridgend County Borough Council</b></p>	<p>Mark Shephard Corporate Director Communities Civic Offices Angel Street Bridgend CF31 4WB Telephone (01656) 643643</p> <p>COMMUNITIES DIRECTORATE</p>	<p><b>P/19/148/FUL</b> <b>Cildaudy Farm</b> <b>Cildaudy Road</b> <b>Coytrahen</b> <b>Bridgend</b></p>	 <p>Scale 1 : 2,500 Date 21/03/2019</p>	<p>Crown Copyright and database right 2018. Ordnance Survey 100023405. Aerial Imagery: Cities Revealed aerial photography copyright The GeoInformation Group 2011. Copyright Getmapping plc Countyside Council for Wales, ©Crown Copyright and database right 2011. Ordnance Survey 100018813. Forestry Commission, ©Crown Copyright and database right 2011. Ordnance Survey 100025498</p>
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- people to 4 young people.
- The age range of the children is 8 to 18.
  - No building work would be necessary to accommodate the increase from 3 to 4 beds. The additional bedroom is already part of the existing property.
  - Cildaudy Farm currently provides a three bedded group living environment for children and young people, male and female in the 'child looked after' system. It offers placements to children and young people who require a full assessment of their emotional, behavioural and educational needs.
  - Most children and young people accommodated would have experienced adverse childhood experiences and would have spent a significant period of their life in foster or residential care prior to placement; accommodated children having emotional, behavioural and social difficulties, mild to moderate learning difficulties and ASD (autistic spectrum disorder).
  - Cildaudy Farm is registered under the Regulation and Inspection of Social Care Act (RISCA) (Wales) 2016 – The registration authority is Care Inspectorate Wales (CIW).
  - The children, who do live here for years, regard the property as their home. They decorate their bedrooms and their personal possessions would be throughout the building; the home functioning as a single household.
  - All meals are communal with the adults and children cooking and eating together, whilst also sharing the use of the same bathrooms.
  - Activities are done jointly, with the home having a number of 'family' holidays during the year the same as other households.
  - There are two cars available for the home that are driven by the carers for everyday journeys such as shopping trips and visits. This is considered a very ordinary level of car use for a property of this size.
  - Bridgend County Borough Council currently use Landsker Child Care as a provider of services to 'Looked After' young people. This home will add to the range of provision within the local authority.
  - Landsker Child Care currently operates seven other children's homes across South and West Wales.
  - The increase in the number of bedrooms to be used at the property to four would result in fourteen full time posts being created.
  - The home is staffed 24 hours a day. Currently, there are a minimum of 2 Residential Care Workers on shift for the 3 young people who live there. If the home becomes a 4 bedded home, then there would usually be 3 or 4 staff on shift, 24 hours a day. The manager and teacher work Monday to Friday, office hours.
  - The Western Bay Population Assessment for 2016/17 covering the Bridgend Area makes it clear that there is a continuing need for residential care provision within Bridgend County Borough Council – with the identified need being met by Landsker Child Care.

The application proposes the provision of on-site car parking spaces to the west and east of the main building. The applicant has detailed that the unauthorised, large car parking area that has been created opposite, to the north of the site, outside the curtilage of the application property will be returned to a grassed area. The Local Planning Authority would seek to take enforcement action should the car parking area, that is considered unjustified development in the countryside, not be returned to open grassland within a reasonable time scale. No other physical works to the property are proposed as part of the planning application.

The application relates to Cildaudy Farm, which comprises a relatively large property that is situated towards the end of Cildaudy Road, Coytrahen. The property falls outside of the settlement boundary as defined by the Bridgend Local Development Plan, adopted 2013. The application site also falls within a Special Landscape Area (Western Uplands).

Figure 1: Photograph of the application building – Cildaudy Farm



### **RELEVANT HISTORY**

P/98/488/FUL – Demolition of pigsty extension to house reroofing of house and garage – Granted 14/07/1998

P/02/501/FUL - Cildaudy Farm - Extension, New roof and Loft conversion - Granted 02/07/2002

P/04/789/FUL - Cildaudy Farm – Extension to farmhouse, new roof with loft conversion and detached garage - Granted 13/07/2004

P/18/614/LAE - Cildaudy Farm - Certificate of lawfulness for an existing use as a residential children's home – Certificate Issued 12/10/2018

### **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 expired on 01 May 2019.

### **Local Policies**

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

- Strategic Policy SP2 – Design and Sustainable Place Making
- Strategic Policy SP3 – Strategic Transport Planning Principles
- Strategic Policy SP5 – Conservation of the Built and Historic Environment
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy ENV1 – Development in the Countryside
- Policy ENV3 – Special Landscape areas
- Policy PLA11 – Parking Standards

## **Supplementary Planning Guidance**

SPG02 – Householder Development

SPG17 – Parking Standards

## **National Planning Policy and Guidance**

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

*Paragraph 1.30 confirms... 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)*

*Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area. (Paragraph 3.56 of PPW 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 6 – Planning for Sustainable Rural Communities (2010)

Technical Advice Note 12 – Design (2016):

Technical Advice Note 18: Transport (2007)

### **Other Relevant Policies:**

#### Biodiversity/Ecology

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

Section 6 (1) states that “a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the

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

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

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

The application proposes no significant works to the fabric of the existing building, particularly the roof space of the building, with the Council’s Ecologist raising no objections against the proposal. It is considered that, overall, there will be no significant adverse residual impacts on biodiversity and therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

#### Wellbeing of Future Generations (Wales) Act 2015

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

The well-being goals identified in the Act are:

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

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

#### **CONSULTATION RESPONSES**

Destination & Countryside Management - No objection, it is advised the application raises no ecology concerns.

Head of Street Scene (Highways) - No objection.

Head of Street Scene (Drainage) - No objection. It is advised there is no increase in footprint proposed as part of the development or any modifications to the existing surface water drainage network, therefore no further surface water consideration is required.



Llangynwyd Lower Community Council - Object to the proposal. The objections raised are summarised as follows:-

- There has been a Lawful Development Certificate recently issued for the site where the number of children would be limited to three, between the ages of 8 to 18. In less than six months the company is now seeking to expand their business.
- Recently there has been a number of incidents where children, who are total strangers have absconded from the site and taken it upon themselves to approach local residents with claims of ill-treatment and physical abuse. Residents have contacted the police over these issues. Local residents are not equipped to deal with these situations, which some perceive to be threatening and upsetting. As a Community Council we are advised that a safeguarding investigation is being undertaken.
- In relation to the supporting statement provided by the applicant there are a number of discrepancies and misleading details provided.
- The community rightly fears a never ending expansion of the site with ever increasing numbers of looked after children.
- The Community Council presents an argument that the welfare of children at this home should be considered in any planning process especially if there is an intention to increase capacity.
- Although this is a fairly remote location this application will increase the threat of noise and general disturbance at Cildaudy Road.
- Vehicular access is currently having a detrimental effect on local residents. To increase capacity at the home would in effect increase vehicular traffic on a restricted country hill. Movements of vehicular traffic by staff members supervising the children would increase when you consider the company employs three staff members to every one child.
- The Community Council has seen no evidence from the Care Inspectorate of Wales that authorisation has been given to increase the number of children at the home to four.

### **REPRESENTATIONS RECEIVED**

Objections have been received against the planning application from the occupiers/owners of the following residential properties:-

1 Cildaudy Cottages, Coytrahen  
2 Cildaudy Cottages, Coytrahen,  
Coedleision Farmhouse,  
Tyddyn, Heol Cildaudy  
Gwern-y-Moel, Cildaudy Road,  
Cildaudy Bungalow, Cildaudy Road, Coytrahen.

The objections raised are summarised as follows:

### **The original planning went ahead without any consultation.**

Residents were not informed of any building works or change of use of Cildaudy Farm from residential to business by new owners Landsker.

### **Highway safety concerns**

- The proposal creates a highway safety danger with poor visibility in the area. Volumes and speed of traffic in the area has greatly increased
- Vehicles use private parking areas to turn or overtake with grass banks and verges being damaged.
- Ten fold increase in traffic on a very narrow, steep, country lane.
- Danger to adults and children who need to step into and walk on access lane.
- Unsuitable access road.

- Vehicle speed is often excessive.
- No passing places on access road.
- As a no-through road, all traffic has to return on the same route, effectively doubling the use.
- Vehicles become easily stranded in winter on the access road with accessibility by emergency vehicles not possible.
- Speed restrictions should be implemented.
- Lots of water running down Cildaudy Hill when it rains collecting on the main A4063.
- The steep lane was never built or maintained for heavy traffic use coming both ways.
- There is no pavement on either side from the bottom to the top of Cildaudy Hill for residents to walk safely – the safety of children and elderly needs to be met.
- Cars are driving at great speed through the lane and there is no room for two cars to pass on the hill.
- Street lighting is limited on the access route.
- Not only will this facility be used by staff there is also maintenance vehicles, health and social staff along with amenities and police activity using the hill.
- Increase in traffic volumes along what is essentially a single track farm road that has caused a detrimental impact on existing roads damage/pot holes and damage to grass verges and drainage infrastructure.
- Consent is approved for a new footpath in the area that would allow residents to wander over Pentwyn Woods and Maesteg Road via the new public footpath, causing a problem in finding any patients if they escape as the area is vast.
- No traffic calming measures in the area.

#### **Creation of large car park**

- A large car park has been created that is not fitting/intrusion in the countryside.
- A car park for 22 cars has been created on adjacent ground that is rural ground with a fresh water well situated on it.
- Car park created on agricultural land, loss of the ancient well and the remains of the building that was reputedly one of the first educational meeting places in Wales.

#### **Police Involvement – Anti social behaviour**

- Police have been called to the site in relation to absconded children who have been visibly violent towards their key workers and police officers.
- Anti social behaviour associated with residents and numerous incidents occurring of residents approaching neighbouring occupiers.
- This should be described as a secure unit - a far cry from a peaceful, caring home.
- Concerns that the facility is not simply for young people from the BCBC area and there is no logic of accommodating them such vast distances from their families.
- Police activity brought on by one child repeatedly leaving the property.
- Security risk associated with the users of the premises.
- The behaviour of the residents seems to be concurrent with a similar unit in Maesteg that has apparently had extensive Police involvement and attendance over the years.

#### **Change of Character**

Negative impact on the locality and change in the quiet rural character of this ancient settlement.

There was an absolute assurance from the care home manager that there would be a maximum of four children at the care home, yet apparently there is already an application for five, how many children will really be living there.

### **Lack of transparency/consultation**

There is obviously a need for children's care homes but there has been a lack of transparency from Landsker from the beginning with residents opinions not even considered.

Councillor James Radcliffe has also objected to the proposal (with a request also being made that the application is referred to Committee in order to allow the Councillor to speak against the application).

The objections raised by Councillor Radcliffe are summarised as follows:-

### **Incorrect decision to issue a lawful development certificate at the site**

Incorrectly a decision has recently been issued at the site that in the view of the Councillor goes against judgements made by the Planning Inspectorate, whereby planning permission should be required when a development of children's home is being undertaken by a private commercial enterprise and cannot be regarded as a family unit.

The history is important because it is quite clear that the strategy of the company concerned is to purchase properties, undertake building work and then to apply for certificates of lawful development based upon informing planning authorities that no more than three children are to be accommodated and it is effectively a family unit not a commercial enterprise. After such certificates are issued the company will apply for planning permission for larger numbers of children saying in practice that there is little difference in the impact of having 4 children compared to 3; the focus would then be on the one additional child rather than the impact of a new secure children's home of 4 children.

Furthermore, in this case the unit has operated as a secure unit with children only allowed out when staff approve of it. It is therefore the case that the Local Planning Authority should be regarding this application as one to establish a large residential secure children's facility, not merely letting an extra child into an existing harmonious household operating as a family unit.

The letter of concern/objection to the Lawful development application raised by the Councillor has also been provided in addition to the further objections against the current proposal.

### **Contrary to Local Planning Policy**

The LDP for Bridgend designates Coytrahen as a small settlement in which development is to be extremely limited and where services are generally confined to those meeting purely local needs with limited retailing and community facilities. The application proposal cannot under any reasonable grounds be considered as 'meeting purely local need'. It is a significant development in a small village and intends to have 14 members of staff in addition to the 4 children. It is a medium sized business. The planning authority has refused applications for substantially smaller businesses in such areas. The move to accommodate one additional child will result in 3 extra members of staff operating on shift patterns.

The development further contradicts the policies of BCBC in moving looked after children away from residential children's homes and into foster placements. These are the most challenging children in the system and under no circumstances can this be reasonably considered a family unit with 'normal' foster children.

### **Suitability of the site – visual appearance and surroundings**

This is a commercial operation that is completely out of character with the rural location of the area. The proposed children's home is currently at the top of Cildaudy Road, a narrow steep road that is only suitable for one vehicle at the time. There are residential homes below it and a few farmhouses near to it. Apart from that, this is essentially a rural location on the settlement border. The home is larger than nearby houses and has a large purpose built staff car park and receives frequent deliveries of groceries.

### **Impact on traffic**

The location is at the very top of steep single lane hill, yet there is a large staff car park with a proposed 14 members of staff operating in shifts, not to mention external deliveries and visitors. Visitors alone could be extensive, constituting social workers, family members, probation service and so on. This is clearly not a residential house. Local residents report a significant increase in traffic in the area. It is also noted from the application form that the company has a contract with a waste disposal company that shows the development is significant – if this was a normal house they would be using the existing services provided by the authority.

### **Adverse safety impact and fear of crime**

Fear of crime is only a material consideration if there is evidence to support the fear of crime expressed by local residents. Given the establishment has been home to 3 children since last summer, there is substantial evidence to support the concerns of residents.

Local residents have reported several incidents of absconding, acts of vandalism, staff chasing children down the road and verbal abuse, and the police have been called on several occasions.

The fear of crime is a reasonable consideration of this type of development. The children who are placed in such residential children's homes are the most challenging of looked after children, often requiring intensive personal support. Staff in a proper facility should be well trained and experts in calming teenagers down and dealing with anger management. Local residents cannot be expected to have the same level of expertise in dealing with such situations which, when combined with the already frequent reports of absconding, in my view represents a perfectly legitimate concern that forms part of the basis for rejecting this application on material grounds.

The proposed expansion of the facility will create an adverse impact on community safety and fear of crime. At the very least the company concerned should pay for security features on neighbouring properties including CCTV and engage more regularly with neighbours, which should be a condition of planning consent if the authority is minded to grant permission. Any consent should also be conditional on a one year probationary period and a report from South Wales Police is requested on the impact of the home already.

### **Environmental and Sewage**

The car park already built by the company is over an old well yet there has been no assessment of the impact on this. A sewage and drainage assessment should therefore be undertaken for the development.

The intensified use of the property raises drainage concerns particularly on properties further down the road.

### **Creation of an undesirable precedent, making it difficult to resist similar proposals elsewhere.**

By refusing this application, we avoid encouraging this trend in which commercial

companies are buying properties and developing them to create residential children's homes. They are bypassing the usual planning process by applying for certificates for lawful development then expanding later on when the consideration will simply be the impact of an additional child. These applications should go through the proper procedures, and not seek development through stealth and exploitation of perceived loopholes in planning law.

### **Inaccuracies in the current application submission**

- The claim that no building work is required to accommodate the 4<sup>th</sup> child may be technically correct – but that is because they have already done the building work over the last 8 months.
- There are no local shops in Coytrahen and therefore the claim that all shopping is done at local shops cannot be true. Local residents instead report frequent deliveries from well-known supermarkets to the site. The application submission is largely a cut and paste from other applications they have made to other authorities.
- The company claim the intention is for the children to be residents for years although this cannot be guaranteed. They know full well that the trend of each local authority is to bring people back to the authority and reduce expenditure on out of county placements.
- The claim that the property lies 'off the main Maesteg road' and therefore the residents and staff can use public transport is misleading.
- The claim that there are 2 cars for the home – used by carers is incorrect. Residents have highlighted the purpose built car park has contained more than 2 cars and is often full of vehicles.
- The company claims Bridgend Council use this home – this is not the information provided by the Authority or the information provided by the manager to the community council in July 2018. The evidence suggests that all the children accommodated here have been from outside the borough.
- The supporting documents highlight that the Care Inspectorate Wales registration specifically states 'a maximum of 3 individuals can be accommodated at this service'. In other words the company does not have CIW registration for 4 individuals.

### **COMMENTS ON REPRESENTATIONS RECEIVED**

#### **The original planning went ahead without any consultation.**

The planning history of the site reveals that on 12 October 2018 a lawful development certificate was granted at the property that details the use of the property as a residential children's home for a maximum of three children and up to three carers has not resulted in a material change of use for Planning purposes from the previous lawful use as a C3 dwellinghouse and the current use of the property falls within Class C3 of the Town and Country Planning (Use Classes) Order 1987.

This was not a planning application and was therefore not the subject to the level of consultation and publicity of a planning application.

The current planning application being considered for the site has been correctly advertised in line with the requirements of Article 12 (5) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended) with a site notice and direct neighbour letters being issued for the development proposal.

#### **Highway safety concerns/Impact on traffic**

The Council's Transportation Officer has assessed the submitted scheme and raises no objections against the proposal as further discussed in the Appraisal Section of this report.

### **Creation of large car park**

It is acknowledged that at the time of the site inspection, undertaken on 5 April 2019, a large car parking area had been created opposite the application building within an area of land that formed part of an open field within the countryside. A review of the aerial photography for the area indicates the car parking area, which is considered to be outside of the curtilage of the application site, has been created relatively recently (since 2017) and is effectively unauthorised and an unjustified development in the countryside. On this basis the applicant has been advised to remove the car park and restore the land to its previous grassed status. The applicant has advised in writing that this work will be undertaken as a matter of urgency. Failure to reinstate the grassed field and remove the car parking area will result in formal Enforcement Action being undertaken by the Local Planning Authority. The revised red line boundary submission does not include the created car parking area and it is considered reasonable to determine the change of use planning application on the basis the large car park does not form any part of the application proposal.

### **Police Involvement – Anti social behaviour/Adverse safety impact and fear of crime**

The objections raised make reference to current anti-social behaviour problems relating to the site and raise concern that this proposal will exacerbate the situation. Any such issues are matters for the police and the proposal, which is a residential use, is unlikely to result in such high levels of anti-social behaviour to warrant the refusal of the planning application. The submitted details highlight there is a level of care to be provided to the residents on a 24 hour basis and the occupants are no more likely to disturb or adversely impact on neighbours than the occupants of a large family home.

Furthermore, anti-social behaviour is a broad term and responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the Police and local authorities. There are a raft of regulations and several pieces of legislation (The Anti-social Behaviour, Crime and Policing Act 2014, Part III Environmental Protection Act 1990, Noise Act 1996, Section 80ZA of the Environmental Protection Act 1990, Community Protection Notices and The Clean Neighbourhoods and Environment Act 2005 etc.) to deal with anti-social behaviour and these are dealt with separately from the planning system. It is up to the applicant Landsker to appropriately manage the property and its occupiers, who would also have responsibilities under other legislation to assess any such risk and take any appropriate measures to safeguard the wider community (and the future occupiers of the facility).

Perception and fear of crime can be a material planning consideration and whilst residents have documented there have been instances of individuals absconding from the application premises that have resulted in police being called to the site, it is considered that a children's residential care home, that is a type of residential use, of the nature and scale proposed in this location does not raise such serious or adverse concerns in this regard to justify the refusal of the planning application.

Conditions suggested by the Local Member in relation to the provision of security features, by the applicant, to neighbouring properties are not considered reasonable. Welsh Government Circular 016/2014 entitled "*The Use of Planning Conditions for Development Management*" (October 2014) states at paragraph 3.1 that "conditions should be necessary, precise and enforceable, ensuring that they are effective and do not make unjustifiable demands of applicants."

Given the advice provided by Welsh Government, it is considered that a condition requiring the applicant to install security measures to neighbouring properties is not reasonable, necessary or proportionate, given the scale and nature of the scheme in this instance.

### **Change of Character**

In terms of the impact of the use on the existing character of the locality the proposal involves limited external changes to the building fabric of the host property, which would retain its appearance as a large, detached domestic property that is established at the end of a country lane. The change of use would have limited impact on the general character of the wider village.

The facility would provide residential care for up to four children/young people occupying the property as if living as a family. Notwithstanding the provision of care to the residents, the use of the property will remain residential in this quiet residential village (albeit the application site is situated outside the settlement boundary) and would have no substantial or adverse impact on the quiet rural character of this locality.

The application seeks permission for a four bedroom residential children's home and any proposal to materially alter or increase this figure would generate the need for a further planning application that would then be judged on its individual planning merits (further controlled by means of a recommended planning condition should permission be granted for the application proposal).

### **Lack of transparency/consultation**

For an application of the scale proposed (not a major application) there is no requirement under planning legislation to undertake any pre application consultation with local residents.

According to Article 12 (5) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended), the Local Planning Authority must publicise an application by giving requisite notice-

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or
- (b) by serving notice on any adjoining owner or occupier.

Consultation letters were sent to neighbouring/adjoining properties and a site notice was erected within the vicinity of the application site. As such, the statutory obligation of the Local Planning Authority to undertake the relevant publicity of the application has been undertaken in compliance with Article 12 (5) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended). Therefore the comments made in respect of insufficient consultation being undertaken will not be considered further.

### **Incorrect decision to issue a lawful development certificate at the site**

The Local Planning Authority issued a Lawful Development Certificate at the site, which is not a planning application, that established the use of the premises as a children's home for a maximum of three children and up to three carers that did not result in a material change of use for planning purposes from the previous lawful use as a C3 dwellinghouse and the current use of the property falls within Class C3 of the Town and Country Planning (Use Classes) Order 1987.

On the balance of probabilities it was considered that there was no material change of use for planning purposes from the previous lawful use of the property as a dwellinghouse (C3 use). Advice was sought from the Council's Legal Officer on the determination of that application and given that this decision has now been issued, matters raised in relation to the determination of the lawful development certificate are not considered relevant to the determination of the current planning application.

### **Contrary to Local Planning Policy**

The characteristics and policy allocation of the site are duly acknowledged, as further highlighted in the appraisal section of this report, and it is considered that the creation of a four bedroom residential children's home, within an existing established building, which represents a residential use on the fringes of the village, does not seriously or adversely conflict with the primary aims of local or national planning policies.

### **Suitability of the site – visual appearance and surroundings**

The proposed children's home is a type of residential use which is considered appropriate in this location. The application plot is situated within a relatively isolated position at the end of a country lane with a level of offset from the nearest residential properties. Visually, limited changes are needed or detailed to the external fabric of the domestic property with the general use of the building for the purposes detailed not being overly noticeable or harmful in visual amenity terms.

### **Environmental and Sewage**

It is considered that the proposed use is unlikely to generate any harmful environmental issues above that generated in normal family occupation. Both the Council's Ecologist and Land Drainage Officers have raised no objections against the change of use planning application.

### **Creation of an undesirable precedent, making it difficult to resist similar proposals elsewhere.**

Any future applications of a similar nature to the application proposal submitted to the Local Planning Authority would need to be judged on their own individual planning merits.

### **Inaccuracies in the current application submission**

Regard has been given to the comments raised in relation to the inaccuracies and discrepancies of the supporting information submitted with the application however, the application is accompanied by appropriate information to allow the application to be appropriately assessed and determined. The characteristics and relationship of the development proposal to existing neighbouring plots has also been assessed during the Officer site inspection and the applicant has submitted a revised red line boundary plan during the processing of the application. It is considered the submitted information is sufficiently detailed to determine this planning application.

It is acknowledged that there are no local shops in Coytrahen and, like many residential properties, there may be deliveries from supermarkets to the site however, additional shopping could be done in nearby settlements/shops.

### **APPRAISAL**

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

Landsker Child Care currently use this residential unit to home three children/young people (and associated care staff) as a single household with an element of care under its lawful use as a class C3 dwellinghouse (Town and Country Planning Use Classes Order 1987 refers). An application for a Lawful Development Certificate was issued by the Local Planning Authority on 12 October 2018 confirming that the use of the building as a residential children's home for a maximum of three children and up to three carers is lawful use and the current use of the property falls within Class C3 of the Town and Country Planning (Use Classes) Order 1987.

The applicants are now seeking to increase the number of children housed at the



premises to four that would effectively represent a material change of use of the property and the change of the dwellinghouse (C3 use) to a residential children's home (C2 use). It is detailed that no significant alterations are proposed to the building with the fourth bedroom already being present within the application building. As part of the proposal, off street car parking would be provided within the curtilage of the application building and the unauthorised parking area that has been created opposite the site (and outside the revised red line boundary submission) will be returned to grassland.

The care is to be provided in a family type environment, providing facilities for a maximum of four children and a total of 14 staff members largely working on a shift pattern to cater for the needs of the residents. If the home becomes a 4 bed home, there would usually be 3 or 4 staff on shift, 24 hours a day. The general manager and teacher at the site would work Monday to Friday, during normal office hours. In order to facilitate the change of use no internal or external alterations are required to the fabric of the main building and associated curtilage buildings that make up the property.

The application site is situated in a relatively secluded, isolated position towards the western edge of Cildaudy Road, Coytrahen. The narrow, sloping highway known as Cildaudy Road gives vehicle access to the site. The plot benefits from a generous curtilage and is largely surrounded by open countryside. There is a detached neighbouring property approximately 90m further to the east of the application site. It was noted during the site inspection that a large unauthorised car park has been created opposite the application site (to the north) that will be subject to the necessary enforcement action should the applicant not remove this facility and return the land to its previous status (grassed area/open field).

The key considerations in the determination of this application are the principle of the development proposal, the visual impact of the development in this countryside location, the impact on the residential amenities of the neighbouring properties, and highway safety.

#### Principle of the Development

The site is located outside of any settlement boundary as defined by the Bridgend Local Development Plan (LDP), Policy PLA1 Settlement Hierarchy and Urban Management and is, therefore, located in the countryside where Policy ENV1 Development in the Countryside ensures that development is strictly controlled. Development may be acceptable where it can meet one of the following ten criteria:

- 1) Agriculture and/or forestry purposes;
- 2) The winning and working of minerals;
- 3) Appropriate rural enterprises where a countryside location is necessary for the development;
- 4) The implementation of an appropriate rural enterprise/farm diversification project;
- 5) Land reclamation purposes;
- 6) Transportation and/or utilities infrastructure;
- 7) The suitable conversion of, and limited extension to, existing structurally sound rural buildings where the development is modest in scale and clearly subordinate to the original structure;
- 8) The direct replacement of an existing dwelling;
- 9) Outdoor recreational and sporting activities; or
- 10) The provision of Gypsy traveller accommodation.

Where development is acceptable in principle in the countryside it should where possible, utilise existing buildings and previously developed land and/or have an appropriate scale, form and detail for its context.

The main aim of LDP Policy ENV1 is to protect the integrity and openness of the countryside and prevent inappropriate forms of development. As the application proposes the conversion of an existing, well established dwellinghouse, it is considered that the proposal would have minimal impact upon this countryside location. It is further considered that the application building is structurally sound and suitable for conversion, and with no external changes being proposed, the proposed development is considered to accord with Policy ENV1 (7). The residential children's home is a form of residential use which is considered appropriate and compatible in this location and raises no 'in-principle' concerns.

In addition, it is fully acknowledged Planning Policy Wales Edition 10, 2018 (PPW) sets out Welsh Government's objectives to reduce the need to travel especially by private car. In this case, it is generally considered that the use of private transport is the most realistic and feasible option for the proposed use given the location of the site outside the settlement towards the end of what can be described as a country lane that, for the most part, is lacking in footpaths and lighting. Travel journeys to the nearby, more built up settlements would be relatively short and the proposal relates to an existing residential site that would have previously generated traffic movements reliant on private means of transport. Moreover the proposed use would provide a form of residential use to vulnerable children who would live in a relatively tranquil setting that would contribute to their quality of life. This would be consistent with other sustainability objectives to achieve a healthier Wales. As such and when taking a balanced view, the scheme would not be so unsustainable as to result in conflict with the objectives of PPW or the general, principle aims of local LDP Policies that seek to encourage sustainable development.

#### Visual Impact

With regard to the external physical works proposed to the application building there are no external changes proposed as part of this change of use development proposal. The general domestic character and appearance of the existing dwelling house would remain largely unchanged as a result of the proposal with the scheme raising no adverse visual amenity concerns.

It is acknowledged the site does fall within a Special Landscape Area (as defined by Policy ENV3 of the LDP) although, given the application effectively relates to a change of use of an existing building that is already well established in this locality, the scheme will have no adverse impact on the setting, character or distinctiveness of the Special Landscape Area.

The unauthorised car parking area that is outside of the curtilage of the property and does not form part of the current red line boundary submission would also be restored by the applicant to an open field/grassed area.

#### Impact on neighbouring properties

With regard to the impact of the proposed development in respect of the change of use on the neighbouring properties, it is considered that as there are no directly adjoining properties located next to or adjacent to the site, the nearest residential building being sited approximately 100m to the east of the site there are no overlooking, overshadowing or privacy issues to consider in the determination of this application.

The distance from the proposed development to the nearest residential dwelling known as the Poultry Farm is approximately 100m. Whilst some noise may be generated from the property, it is considered that this would not exceed the normal noise levels generated by a large residential property. In view of this, it is considered that the proposed development will not have a significantly adverse impact on the residential amenities of the neighbouring properties.

A number of residents have raised concerns regarding community safety and security risk regarding the nature of the service users that will occupy the property however, as previously discussed, the development is not considered of a scale and nature to raise such adverse concerns in this regard. The proposed four bedroom children's home that would accommodate 8 to 18 year olds, with a level of appropriate staffing to provide the necessary care on a 24 hour basis, within its own grounds that are somewhat offset from the nearest neighbours, is unlikely to materially harm the levels of residential amenity currently enjoyed in the locality.

In land-use terms this proposal appears very much like a large family home but arguably what makes it different is the perceived personalities of the young people that would occupy the site and the potential level of disruption that might arise from the behaviour of such residents. This is somewhat of an unknown, variable factor and one that it is difficult to predict in the consideration of this planning application (although the comments of the residents' experiences from the current operations of the building have been fully acknowledged as earlier detailed). The intensity of the use of the site would to some degree differ from that of a normal household as the level of care and support would result in a more frequently accessed site by carers and staff and is likely to lead to some additional activity compared to its use as a single dwelling. The movements caused by the members of staff would however, be relatively minor and would not be significant in relation to impact on local amenity. It is considered that the scheme would create a small increase in activity at the site but this would not be harmful compared to the activity associated with the existing lawful use of the property. Key to any impact is the effective management of the site which would be a matter for the site operator and would be outside the effective control of the planning process.

The management of the site would be regulated outside the planning process by The Care Inspectorate Wales. The management of the site would also apply to the concerns regarding perceived fears of an increase in crime. Provided the site is managed responsibly there is no reason why there should be any increase in crime or anti-social behaviour as a result of the proposal.

In view of the above, it is considered that the proposed development complies with Policy SP2 (7) and SP2 (12) of the Bridgend Local Development Plan (2006-2021).

#### Highway Safety

The Council's Transportation Officer has assessed the submitted scheme and raises no objections against the proposal.

In considering the transportation implications of this application, it is noted that the property currently benefits from a Certificate of Lawful Development issued on 12 October 2018 which confirmed the current use of the dwelling house as a children's home for a maximum of three children and up to three carers.

As a result of the above, the Highway Authority has considered the impact of the potential traffic generated by an additional child and additional staff at this location. It is noted that Cildaudy Road at the site location is a narrow single track country lane environment which widens to a single lane highway with a section of footway at the junction with the A4063. Whilst it is agreed that the introduction of an additional bed and staff will result in a small increase in vehicular traffic on Cildaudy Road, the increase is not considered to be a material increase to the point where it becomes a detriment to highway and pedestrian safety. In addition, it is considered that measures can be put in place which would mitigate the increase in traffic to ensure that there is nil detriment to the existing highway situation. It must also be considered that the property could return to its previous use as a farm

which could generate a higher number of slow moving, large farm vehicles and machinery on Cildaudy Road.

To ensure that the proposal does not create additional highway and pedestrian safety concerns therefore the Highway Authority requests the imposition of a number of conditions should planning permission be granted for the development. Firstly, a condition is requested for the applicant to provide a comprehensive scheme of vehicle passing places along Cildaudy Road, which would also act as pedestrian refuges in some instances. This would ensure that vehicles generated by this proposal can pass oncoming traffic without having to reverse for long distances. In addition, it will provide step off points for pedestrians when faced with vehicular traffic.

The Highway Authority also requests a scheme of signage, warning motorists that there is the potential for pedestrians to be walking in the carriageway. This would help ensure that residents of Cildaudy Farm have the opportunity to choose to make short journeys by walking or cycling rather than use the private motor vehicle.

In terms of off-street parking, it is noted that a previously created car park on land adjacent to Cildaudy Farm has been removed from this application and therefore, the site does not currently have adequate off-street parking provision to serve the proposed development as detailed in the adopted parking standards SPG. It is, however, considered that there is room to provide parking within the site and therefore a condition for a scheme of 7 off-street parking spaces together with a turning area to be created within the site's curtilage will be required to be submitted and agreed before the additional bedroom is brought into use.

Finally, it is considered that whilst one additional bedroom and child living at the property would not generate a material increase in vehicular traffic on the highway network, any additional increase above and beyond four bedrooms may tip the balance, without further junction assessment by the Highway Authority. Therefore, it is also requested that a condition which limits the property to a maximum of 4 beds/4 children to safeguard the operational capacity of Cildaudy Road, is imposed in this instance.

Overall and subject to the imposition of conditions, the Highway Authority raises no objection against the application.

## **CONCLUSION**

This application is recommended for approval because the development complies with Council policy and guidelines and would not adversely affect the character of the area, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities, particularly with regard to the fear of anti-social behaviour or crime emanating from the occupiers of the care home, as to warrant refusal on those grounds. There is an identified need for such children's residential care facilities within the Borough and in balancing the planning merits of the proposal, the scheme is considered acceptable and can be supported.

## **RECOMMENDATION**

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

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

Ground & First Floor Layout plan received 10 April 2019

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

development.

2. No development shall commence until a scheme for the provision of 7 off street parking spaces and a delivery/emergency vehicle turning area within the site curtilage (so as to enable vehicles to enter and leave in a forward gear), has been submitted to and agreed in writing by the Local Planning Authority. The parking and turning area shall be completed in permanent materials in accordance with the approved layout prior to the 4<sup>th</sup> bedroom being brought into beneficial use and shall be retained for parking/turning purposes in perpetuity.

Reason: In the interests of highway safety.

3. No development shall commence until a scheme for the provision of 'Pedestrian in Road' signage along Cildaudy Road has been submitted to and approved in writing by the Local Planning Authority. The agreed signage scheme shall be implemented before the 4<sup>th</sup> bedroom is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway and pedestrian safety.

4. No development shall commence until a scheme for the provision of 3 vehicular passing places along Cildaudy Road has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway and pedestrian safety.

5. The premises shall be used for a children's residential care home for a maximum of four children and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To enable the Local Planning Authority to retain effective control over the use of the premises in the interests of highway safety and residential amenity.

#### **ADVISORY NOTES**

- a. This application is recommended for approval because the development complies with Council policy and guidelines and would not adversely affect the character of the area, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities, particularly with regard to the fear of anti-social behaviour or crime emanating from the occupiers of the care home, as to warrant refusal on those grounds.
- b. No surface water is allowed to discharge to the public highway.
- c. No land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.
- d. Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. The Highway Maintenance Inspector for the area can be contacted at Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.
- e. 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.

**JONATHAN PARSONS  
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES**

**Background Papers**

None

**REFERENCE:** P/14/38/BCB

**APPLICANT:** BCBC COMMUNITIES DIRECTORATE

**LOCATION:** 40B STURMI WAY, VILLAGE FARM INDUSTRIAL ESTATE, PYLE CF33 6BZ

**PROPOSAL:** CHANGE OF USE TO HOUSEHOLD WASTE RECOVERY CENTRE

**RECEIVED:** 31 October 2014

## **APPLICATION/SITE DESCRIPTION**

The application proposes a new Community Recycling Centre (CRC) as a direct replacement for the existing facility at Tythegston. The facility is to be relocated to a vacant site at 40B Sturmi Way, Village Farm Industrial Estate, Pyle.



### **Aerial View of Site and Surroundings**

The new CRC facility will serve the western part of the Borough and will be located at the eastern end of the Industrial Estate. The facility will utilise the existing office building at the north-eastern corner of the site.

It is expected that the facility will still operate with the same opening hours:

- Summer - Monday to Friday: 8.30am to 8pm: Saturday and Sunday: 8.30am to 6pm
- Winter - Monday to Sunday: 8.30am to 4.30pm

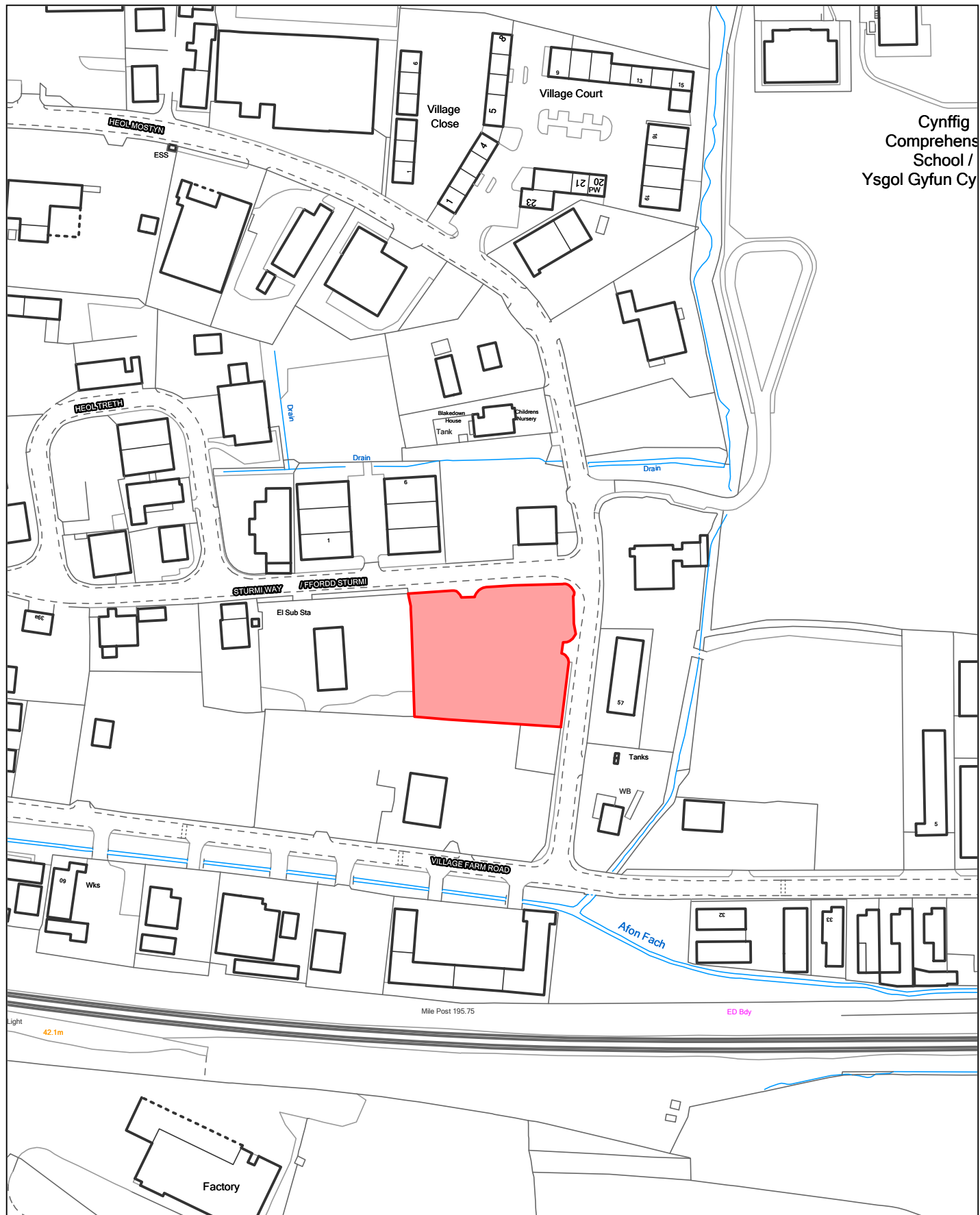
The site will be closed on Christmas Day, Boxing Day and New Year's Day.



As is the case at the existing CRC sites in the Borough (Tythegston, Brynmenyn and Maesteg), tipping permits will be required for commercial sized vehicles and trailers.

The CRC will be operated by Kier as part of their waste contract with the Council. The Council changed its refuse collection arrangements in Summer 2017 in order to achieve Welsh Government targets for household waste recycling of 64 per cent in 2019-20 and 70 per cent in 2024-25.

The proposed modern facility is a fundamental part of achieving the targets and it will be able to accept batteries (car and household), bikes, bric-a-brac, cans, cardboard, cooking

Cynffig  
Comprehens  
School /  
Ysgol Gyfun Cy

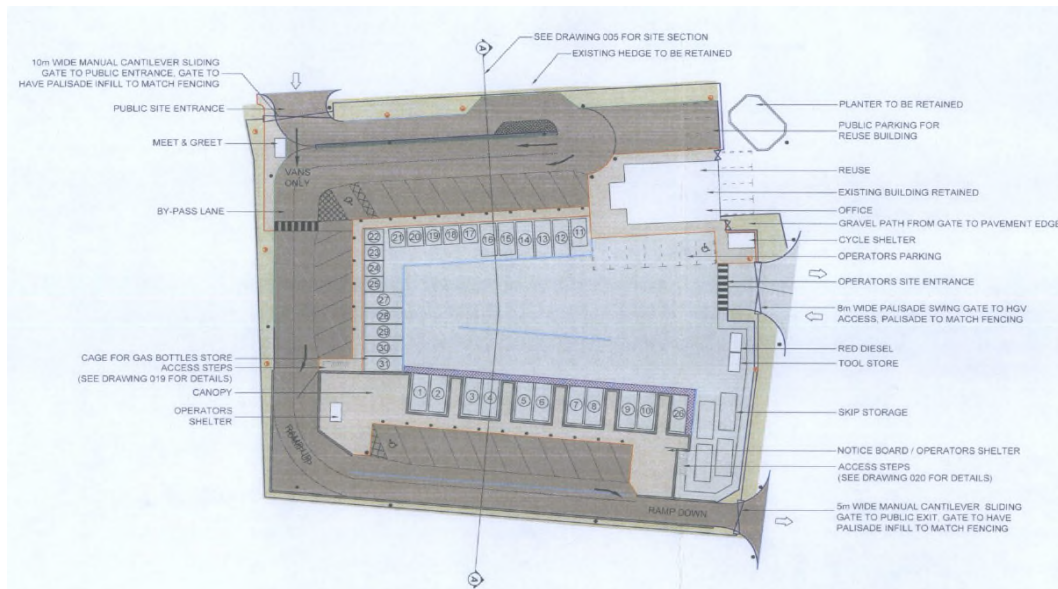


 <p>Bridgend County Borough Council</p>	<p>Mark Shephard Corporate Director Communities Civic Offices Angel Street Bridgend CF31 4WB Telephone (01656) 643643</p> <p>COMMUNITIES DIRECTORATE</p>	<p>P/14/38/BCB 40b Sturmi Way, Village Farm Industrial</p>	 <p>Scale 1 : 2,500 Date 21/03/2019</p>	<p>Crown Copyright and database right 2018. Ordnance Survey 100023405. Aerial Imagery: Cities Revealed aerial photography copyright The GeoInformation Group 2011. Copyright Getmapping plc Countyside Council for Wales, ©Crown Copyright and database right 2011. Ordnance Survey 100018813. Forestry Commission, ©Crown Copyright and database right 2011. Ordnance Survey 100025498</p>
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oil, gas cylinders, glass bottles and jars, green/garden waste, electrical and electronic items, fridges/freezers, motor oil, paper, paint, plastics, scrap metal, soil, textiles and wood. Plasterboard, rubble, soil and hard core are classed as construction waste and this type of waste will be limited to two bags with a maximum weight of 17kg each. For larger quantities, residents will have to book a skip or waste removal company as trade waste will not be accepted.

The facility will also accept non-recyclable materials but anyone who takes their household rubbish bags to the Community Recycling Centre will be asked to open the bags, remove all items that can be recycled and put them in the appropriate skips first.



### Proposed Site Layout Plan

The Industrial Estate is allocated and protected for B1, B2 and B8 employment development but it is has also been earmarked as a site which can accommodate a waste treatment facility under Policy REG1(36) of the Local Development Plan (LDP). In fact, it is specifically identified as an area for the provision of new waste treatment facilities to meet the regionally identified need to treat up to 228,000 tonnes of waste per annum under Strategic Policy SP7(3) of the LDP.

The CRC will be accessed by the public via Sturmi Way with an egress onto Heol Mostyn to the east of the site as a one way system. Operators and HGVs will access the site off Heol Mostyn to the south of the retained building. The site will be secured by cantilevered sliding gates, palisade fencing and an existing hedge.

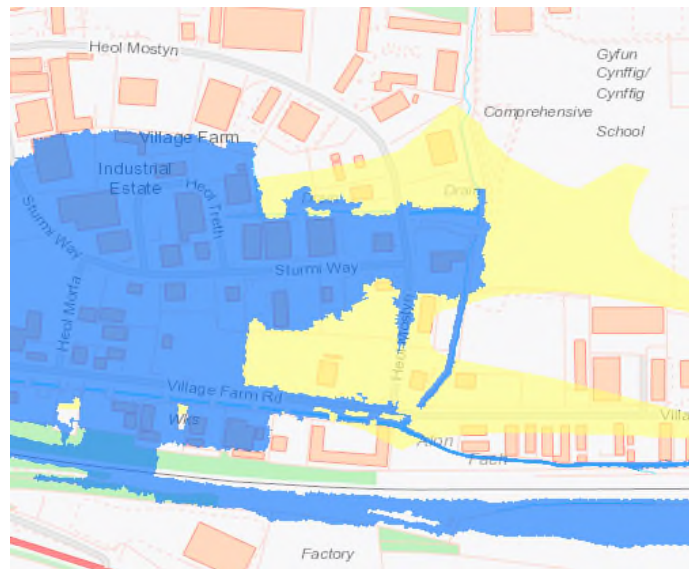
The 2 storey brick office building will be retained and occupied by the operators. It will accommodate a canteen/mess room, offices, a reception area, a storage space for waste that can be reused and toilets at ground floor level and offices, a meeting room, a smaller kitchen/canteen, store rooms, toilets and a shower room at first floor level. Users of the facility will be able to navigate towards, and park in front of, the relevant skips for their waste and there will be a separate parking area for visitors to the offices and reused goods unit.

The site will include an operators hut close to the entrance into the facility and a separate Operators shelter on the upper level close to the exit. The development will necessitate retaining structures and ramps and a series of traffic signs to direct users.



### Proposed Operators Shelter

The site and the Industrial Estate lie within the settlement development boundary of Pyle and it also lies within Zone C2 of the TAN15 Flood Maps and is at fluvial risk of flooding from the Afon Fach.



### PLANNING HISTORY AND RELEVANT BACKGROUND

P/14/25/DPN Proposed Demolition of Two Storey Office/Workshop – Approved 13/2/14

### PUBLICITY

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

Neighbouring occupiers have been notified of the receipt of the application and the submission of amended plans in 2018.

The period allowed for response to consultations/publicity expired on 1 October 2018.

### CONSULTATION RESPONSES

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

**Shared Regulatory Services – Environment Team (Contaminated Land) Comments:** No objection subject to conditions.

**Shared Regulatory Services – Noise Comments:** No objection.

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

**Coal Authority:** No objection.

**Natural Resources Wales (NRW):** NRW has significant concerns with the proposed development on the basis of flood risk, that it lies within Zone C2 of the TAN15 Flood Maps and the Flood Consequences Assessment fails to comply with section A1.14 of TAN15. However, Section 6 of TAN15 requires the LPA to determine whether such a development at this location is justified.

**Dwr Cymru Welsh Water:** No objection subject to conditions.

## **REPRESENTATIONS RECEIVED**

**Councillor Mike Kearn** has requested that the application be referred to Committee for consideration and has provided the following representation on behalf of his constituents:

*The volume of traffic that will be using the proposed facility and the number of vehicles visiting the existing site at Tythegston has increased greatly in volume and it is not unusual for up to 30 cars to be queuing on the road to access this existing site on a weekend.*

*This is a very busy estate and it is unclear whether the access road to the site is suitable for queuing traffic, it is likely to add to congestion on the industrial estate road.*

*The proposed site is in close proximity to Cynffig Comprehensive School campus which has an entrance directly alongside the plant, this is in use by vehicles accessing the school with pupils. There appears to have been no risk assessment on the impact to pupils from traffic pollution or indeed to pedestrians visiting businesses in the area. There is a nursery sited very close to the proposed recycling plant and the young children use the open area around the nursery for outside activities.*

*I must also express concern about the additional traffic that will be using the A48 entrance to the trading estate. This is already a serious congestion point which creates traffic queues back to and onto the roundabout at key points of the working day. There are no traffic lights or pedestrian crossing points to safeguard pedestrians and drivers.*

**Pyle Community Council** outlined their grave concerns and observations which can be summarised as follows:

1. The Council has no objection to the physical presence of the Plant on the Industrial Estate, the objection is totally on the increased number of vehicles having to negotiate the junction of the A48 Pyle Road and Heol Mostyn at the entrance into the Estate.
2. The junction has already been the scene of fatal accidents and my Council is concerned the increased traffic usage could lead to more serious accidents and even fatalities.
3. A report of the Highways Dept. and any traffic surveys on the number of vehicles using the existing facility and the present number of vehicles using the junction are requested.

**The occupiers/owners** of Shillibiers Ltd (43 Village Farm Road), Jeff Reilly Plant Ltd. (29 Village Farm Road), All Spares (Plot 1 Heol Mostyn), Cynffig Comprehensive School, K & E Commercials Ltd. (39A Sturmi Way), Aircraft Maintenance Support Services Ltd. (8 Heol Mostyn), Medical and Professional Investment LLP (1 Heol Mostyn), Wedding Belles (1

Heol Mostyn), 2 Brynglas Terrace, 12a Sturmi Way, 35 Heol Mostyn, Truck Trailer & Bus Components Ltd. (51 Village Farm Ind. Estate), 127, Village Farm Road, Apex Drilling Services, 26 Sturmi Way, Tonic Studios Ltd., Plot 9a Heol Mostyn and 12 Heol Cambrensis have objected to the scheme as summarised below:

- The consultation process has not been acceptable/lack of publicity.
- The increased traffic levels within the estate and the queues along Pyle Road.
- It is already impossible to get off the Estate at peak times.
- The development will have an adverse effect on their businesses.
- The risk that it will have the same traffic impacts as the CRC facility at Brynmenyn Industrial Estate,
- Businesses on the Estate already attract a lot of heavy plant traffic.
- The development will increase the risk of accidents and Road Rage on the Estate.
- The Estate has one entrance and one exit.
- Increase in vermin, odours and air pollution.
- The development will have a detrimental impact on pedestrian safety.

### **COMMENTS ON REPRESENTATIONS RECEIVED**

The majority of the objections revolve around the issue of traffic congestion and highway safety and these points are addressed in the appraisal section of this report. The development is not a landfill site and it will be managed to ensure that there will not be any detrimental impacts by way of pollution.

### **POLICY CONTEXT**

The most relevant policies relating to the proposed development form the adopted Bridgend County Borough Council Local Development Plan (LDP)(2013) and are:

Strategic Policy SP2 – Design and Sustainable Place Making

Strategic Policy SP3 – Strategic Transport Planning Principles

Strategic Policy SP7(3) – Waste Management – Village Farm Industrial Estate

Policy PLA4 – Climate Change and Peak Oil

Policy PLA11 – Parking Standards

Policy REG1 (36) – Employment Sites (Village Farm Industrial Estate)

Supplementary Planning Guidance Notes (SPG):

SPG17: Parking Standards

SPG21: Safeguarding Employment Sites

As stated above, the works are within the designated employment site and on a previously developed site that is not suitable for nature conservation.

In the determination of a planning application, regard is also given to the requirements of National Planning Policy (Planning Policy Wales) which are not duplicated in the LDP.

The following Welsh Government Planning Policy is relevant to the determination of this planning application:

Planning Policy Wales 10 (PPW10) – December 2018

More specifically, Section 5.13 Sustainable Waste Management Facilities of PPW10 advises that the benefits which can be derived from proposals for waste management facilities as well as the impact of proposals on the amenity of local people and the natural and built environment must be adequately assessed to determine whether a planning application is acceptable. The Welsh Government's policy for waste management is

contained in Towards Zero Waste and associated sector plans. Planning authorities should, in principle, be supportive of facilities which fit with the aspirations of these documents and, in doing so, reflect the priority order of the waste hierarchy as far as possible. For all wastes, suitable locations for sustainable waste management development should be identified in development plans as well as criteria by which applications for such developments will be determined, recognising that the most appropriate locations will be those with the least adverse impact on the local population and the environment and with the best potential to contribute to a broad infrastructure framework.

The following Technical Advice Notes (TANs) are also of relevance in the consideration of these proposals:

TAN11 – Noise (1997)  
TAN12 – Design (2016)  
TAN15 – Development and Flood Risk (2004)  
TAN18 – Transport (2007)

Local Development Plan Policy SP2 (Design and Sustainable Place Making) states: All development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment by:

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

The supporting text to this Policy advises that Policy SP2 demands a high quality of design incorporating equality of access in all development proposals and seeks to ensure that new built development is sensitive to its surrounding environment.

## **APPRAISAL**

The application is referred to Committee as the proposal, whilst being within an area allocated for B1, B2 and B8 use site (under Policy REG1 (36) – Employment Sites (Village Farm Industrial Estate) where a waste recycling would be acceptable under Strategic Policy SP7(3), is a major component of the Council's waste strategy and in order to consider the concerns and objections raised by local occupiers/business owners, Pyle Community Council as well as the request from the Local Ward Member to refer it to Committee.

The planning system manages the development and use of land in the public interest, contributing to improving the economic, social, environmental and cultural well-being of Wales, as required by the Well-being of Future Generations (Wales) Act 2015. It should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land and protecting natural resources and the historic environment.

A well-functioning planning system is fundamental for sustainable development.

Up-to-date Local Development Plans (LDPs) are a fundamental part of a plan-led planning system and set the context for rational and consistent decision making in line with national policies. Planning applications must be determined in accordance with the adopted Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers).

The Well-being of Future Generations (Wales) Act 2015 places a duty on public bodies (including Welsh Ministers) to carry out sustainable development and it is accepted that a plan-led approach is the most effective way to secure sustainable development through the planning system.

The adopted Bridgend Local Development Plan (2013) (LDP), which was subject to a Sustainability Appraisal, seeks to focus development in four strategic regeneration growth areas with the objective of delivering more sustainable patterns of development.

Policy SP2 of the Bridgend Local Development Plan and the suite of Supplementary Planning Guidance provide a robust framework for assessing the details of this application.

Provided that the principle of the development in this location is accepted, all development is required to contribute to creating high quality attractive sustainable places, which enhance the community in which they are located. The Policy establishes fifteen criteria against which development proposals will be assessed and the relevant criteria to this specific proposal are addressed below.

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

A Design and Access Statement was included within the original submission. The site will incorporate and retain the existing office building and the remainder of the site will be in keeping with the Industrial Estate. Whilst it is acknowledged that the CRC will be functional and industrial in appearance, the retention and provision of boundary features and planting will soften the edges of the development site. This will be helped by having the lower public part of the site fronting Sturmi Way with a ramp up to the drop off points.



**View of Site and Office Building from Sturmi Way**



**View of Site and Office Building from Heol Mostyn**

*4) Using land efficiently by: (i) being of a density which maximises the development potential of the land whilst respecting that of the surrounding development; and (ii) having a preference for development on previously developed land over greenfield land*

As referred to above, the CRC will be sited on a plot within an Industrial Estate and it will be operated efficiently with designated areas for different types of waste. The skips will be removed and replaced as soon as they are full. Although it has been vacant for a number of years, the site has been cleared and it is not a suitable habitat for nature conservation.

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

The submitted layout and the impact of the development on the highway network have been thoroughly examined by the Transportation and Engineering Section.

The applicant has provided a Transport Assessment to support this application, which has been assessed by the Highway Authority (HA) and also by the HA's external transportation consultants.

The layout of the site has been developed in conjunction with the HA using actual visitor data from the existing HWRC site at Tythegston to understand the level of use the site gets. In addition, visitor data from the TRICS database has been used as a sense check to ensure that the actual visitor numbers are broadly correct. Therefore, the proposed

layout will seek to mitigate the majority of queuing traffic accessing the site at peak times by holding queuing traffic within site and therefore not obstructing the free flow of traffic on Sturmi Way.

In considering the trips generated by this proposal and its impact on the local highway network, the Transport Assessment and the subsequent analysis have indicated that there are capacity issues with the priority junction of Heol Mostyn/A48. The junction is currently operating over capacity which is resulting in lengthy queues forming for northbound traffic wanting to turn right into Heol Mostyn from the A48.

This queuing is present in both the AM and PM traffic peaks. In addition there is also queues forming on Heol Mostyn in the PM traffic peak due to traffic wanting to turn right onto the A48.

As a result of the above, the Heol Mostyn/A48 priority junction does not have the capacity to manage the traffic that is likely to be generated by the proposed development, without substantial queuing on the A48 and Heol Mostyn which would be to the detriment of highway safety.

Notwithstanding the above, the Highway Authority has been involved in a separate project which is considering the options available to improve the capacity of the Heol Mostyn/A48 junction. The Council's Transportation Consultants for this project, Redstart, have produced an Options Report which proposes a number of alternative junction arrangements. As this project is in the final stages and progressing to detailed design stages, the HA is confident that a solution to increase capacity at the Heol Mostyn/A48 junction will be constructed in the near future for the benefit of the Industrial Estate as a whole by increasing capacity over and above what would be required to accommodate the CRC.

However to ensure that the Heol Mostyn/A48 junction improvements are completed and implemented before the proposed HWRC site is used by the public, a Grampian style condition will be added to any consent along with a condition requiring full details of the junction improvements to be submitted to and agreed before any works commence.



**View of Junction into the Village Farm Industrial Estate off Pyle Road A48**

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

This requirement reflects Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a



“biodiversity and resilience of ecosystems duty” under Section 6 of the Environment (Wales) Act 2016 which came into force on 21 March, 2016.

Section 6 (1) states that “a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales and in so doing, promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.”

Section 6(2) goes on to state that “In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems.”

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires Local Planning Authorities to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are: (1) That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".(2) That there is "no satisfactory alternative". (3) That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".

In this instance, the site does not sustain any protected species and there is limited benefit to be gained from introducing biodiversity enhancements in this industrial location.

#### *11) Ensuring equality of access by all*

Developments must conform to the provisions of the Equality Act 2010 and it is understood that the site has been designed to make it accessible for all those who might use the site in the future.

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

In terms of the impact of the proposed development on neighbouring occupiers, the impact on the viability of adjoining businesses is not strictly a planning matter however, the LPA wishes to preserve the integrity and viability of the Employment site as a whole to ensure a steady supply of job opportunities and prospects in the County Borough. The proposed improvements to the junction in advance of the CRC being operated will go a long way towards safeguarding the designation of the Industrial Estate as an Employment Site.

In addition to this, the peak times for the CRC (weekends/evenings) will not coincide with or clash with the normal business hours of the businesses on the site.

In order to limit the potential impacts of the development on the surrounding estate, a construction management plan, operating hours, a HGV Traffic & Delivery/Collection Plan and a queuing traffic management plan will be secured via conditions.

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the

present are met without compromising the ability of future generations to meet their own needs (Section 5).

The well-being goals identified in the Act are:

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

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development. By protecting the long term prospects of a CRC facility in the western part of the Borough, the proposed development will contribute to a more cohesive community.

In terms of flood risk Paragraph 6.6.25 of PPW10 states that development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself. The priority should be to protect the undeveloped or unobstructed floodplain from development and to prevent the cumulative effects of incremental development.

NRW have reviewed the Flood Consequences Assessment submitted with the application.

The Planning application proposes a non-vulnerable development. NRW's flood risk map, which is updated on a quarterly basis, confirms the site to be within Zone C2 of the Development Advice Maps (DAM) contained in TAN 15.

NRW consider that the application site is not shown to be flood free in the 1% Annual Event Probability (AEP) plus climate change event as required in Table A1.14 of TAN15.

The FCA shows that during all flood events the flood depth is simulated to be less than 300mm with velocities of less than 0.15m/s. The site therefore complies with Table A1.15 of TAN15.

There will be re-profiling of the site in order to develop the southern boundary and the development will displace a limited amount of flood water in an event however, this will be offset by the regrading of other areas within the site and there will be a net increase of flood storage of up to 27 cubic metres. Therefore, the acceptability criteria has been met and safe evacuation from the site can be achieved along Village Farm Road.

TAN15 also recognises that much of urban development in Wales has taken place alongside rivers and in the coastal plain. It is therefore inevitable that despite the overall aim to avoid flood risk areas, some existing development will be vulnerable to flooding and fall within Zone C (the application site falls within Zone C1).

Some flexibility is therefore necessary to enable the risks of flooding to be addressed and quantified, whilst recognising the negative economic and social consequences if policy and Planning decisions were to preclude investment in existing urban areas and the benefits of reusing previously developed land.

TAN15 confirms that further development in such areas whilst possibly benefitting from some protection, will not be free from risk and could, in some cases, exacerbate the consequences of a flood event for existing development. It calls for local authorities to use balanced judgement in their decision making. TAN15 does however, indicate that development should only be permitted within Zones C1 and C2 if it can be demonstrated that:-

- I. its location in Zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
- II. its location in Zone C is necessary to contribute to key employment objectives supported by the local authority and other key partners, to sustain an existing settlement or region, and
- III. it concurs with the aims of PPW and meets the definition of previously developed land, and
- IV. the potential consequences of a flooding event for the particular type of development have been considered and found to be acceptable.

In reference to all of the above criteria, the proposed development is acceptable in terms of flood risk. It is considered that the proposal is justified and that the minimal risks/consequences of flooding are acceptable.

Having regard to the above and the implementation of the measures and advice as outlined in the FCA, it is considered that the development accords with Policy SP2 of the Bridgend County Borough Council Local Development Plan (2013) and advice contained within Planning Policy Wales 10 (December 2018) and TAN15.

### *13) Incorporating appropriate arrangements for the disposal of foul sewage, waste and water*

Based on the characteristics of the site, it is considered that a suitable foul and surface water scheme can be provided on the site without detriment to surrounding areas and this will be secured via a suitably worded condition.

## **CONCLUSION**

Section 38(6) of the 2004 Act requires that if regard is to be had to the Development Plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

Factors to be taken into account in making planning decisions (material considerations) must be planning matters, that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability.

In this case, it is considered that the information submitted in support of the current application is material to the determination of the application and has been taken into account during the consideration of the proposal.

On balance and having regard to the above weighing up all material considerations relevant to this scheme, in planning terms it is considered that the CRC is acceptable in this specific location, particularly as the LDP specifically earmarks the Village Farm Industrial Estate as a suitable location for a waste facility and in regard to its potential impacts on surrounding residents by way of increased traffic, highway safety, noise, air quality and lighting.

The application is therefore recommended for approval, subject to conditions and informative notes.

## **RECOMMENDATION**

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

1. The development shall be carried out in accordance with the following approved plans:  
Site Location Plan – Drwg. No. 002 Rev. 0 (received on 23 January 2014)  
Proposed Site Layout Plan – Drwg. No. 004 Rev. C0 (received on 10 September 2018)  
Proposed Drainage Layout – Drwg. No. 010A Rev. C0 (received on 10 September 2018)  
Proposed Services and Duct Layout – Drwg. No. 011 Rev. C0 (received on 10 September 2018)  
Traffic Signs and Road Markings Plan – Drwg. No. 012 Rev. C0 (received on 10 September 2018)  
Retaining Wall Elevations – Drwg. No. 014 Rev. C0 (received on 10 September 2018)  
Proposed Canopy Layout – Drwg. No. 021 Rev. C0 (received on 10 September 2018)  
Hardstanding Construction Details – Drwg. No. 026 Rev. C0 (received on 10 September 2018)  
Proposed Building Layout – Drwg. No. 028 Rev. C0 (received on 10 September 2018)  
Proposed Office and Reuse Elevations – Drwg. No. 007 Rev. 0 (received on 23 January 2014)  
Proposed Operators Shelter Elevations – Drwg. No. 009 Rev. 0 (received on 23 January 2014)  
Construction Details – Drwg. No. 010 Rev. 0 (received on 23 January 2014)

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

2. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how road and roof/yard water will be dealt with, including future maintenance requirements, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to beneficial use commencing.

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

3. The loading, unloading, turning and parking areas shall be completed in permanent materials with the individual bays/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 and maintained as such thereafter in perpetuity.

Reason: To ensure a satisfactory form of development in the interests of highway safety.

4. Prior to the beneficial use of the site, details of a lighting scheme shall be submitted to and agreed with the Local Planning Authority. The scheme shall include the following information:
  - a plan showing the location, height and orientation of the lights, as well as the form and type of lights to be erected and at which locations
  - the operational hours

Upon approval in writing, the details shall be implemented as agreed and thereafter the development shall be operated in accordance with the approved details and retained as such in perpetuity.

Reason: To preserve the amenities of adjoining occupiers.

5. 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 facility 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.

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop and no further development shall take place until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme and verification plan must be prepared and submitted 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.

7. The Heol Mostyn/A48 junction improvements must be constructed and implemented prior to the CRC being brought into beneficial use. The junction improvements shall be carried out in accordance with a scheme that is to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to ensure the free flow of traffic and to maintain the operational capacity of the highway network.

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

Reason: In the interests of highway safety.

9. No development shall commence until a HGV Traffic & Delivery/Collection Plan has been submitted to and agreed in writing by the Local Planning Authority. All servicing and delivery/waste collection vehicles movements to the HWRC shall be made in accordance with approved HGV Traffic & Delivery/Collection Plan once the development is brought into beneficial use and retained thereafter.

Reason: In the interests of highway safety and to ensure the free flow of traffic and to maintain the operational capacity of the highway network.

10. As identified in the submitted Transportation Assessment, the development within the application site shall be limited to the following land uses/parameters:
  - no more than 31 skips/receptacles for recycling.
  - up to 100sq m recycled goods retail
  - up to 100sq m of office space

Reason: In the interests of the free flow and safety of traffic and to maintain the operational capacity of the network.

11. No development shall take place, including any works of demolition/site clearance, until a Construction Traffic Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. The routing of HGV construction traffic to/from the site in order to avoid Heol Mostyn/A48 during peak network hours and Marshfield Road at all 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 Sturmi Way and Heol Mostyn

Reason: In the interests of highway and pedestrian safety.

12. No development shall commence until a queuing traffic management plan for times when the site is closed for skip changeover or other operational reasons has been submitted to and approved in writing by the Local Planning Authority. The plan will ensure that traffic does not queue onto the highway during times of temporary closure and shall be implemented on beneficial use of the site and retained in perpetuity.

Reason: In the interests of highway safety.

13. No development shall commence until details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details

Reason: To ensure a satisfactory form of development

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

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water's maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry

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.

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.

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:-

- determining the extent and effects of such constraints;
- 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 licence.
- 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
- the responsibility for 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.

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

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

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 or footway.

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.

No lorries associated with the construction of the site should enter or leave the site during the periods of half hour either side of the times school commencing and ending and contact the Head Teacher of Mynydd Cynfig Comprehensive In order to make the school aware of the additional traffic movements.

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.

**JONATHAN PARSONS**  
**GROUP MANAGER PLANNING & DEVELOPMENT SERVICES**

**Background papers**

None



**REFERENCE:** P/19/59/FUL

**APPLICANT:** Mr C Morris Delfryn, Heol Las, Mawdlam, CF33 4PH

**LOCATION:** Delfryn Heol Las Mawdlam Bridgend CF33 4PH

**PROPOSAL:** Change of use to holiday let above triple garage; alterations to approval P/16/539/FUL to include alterations to glazing, entrance door and roof finish to rear.

**RECEIVED:** 25th January 2019

**SITE INSPECTED:** 19th February 2019 & 7th March 2019

**This application was deferred from the Development Control Committee on 28 March 2019 to allow for a site visit to be undertaken on the morning of Wednesday 8 May 2019 – the full Committee site visit was requested by Cllr R Granville and Members voted in favour of a site visit. The details of the site visit (attendees and findings) will be summarised as part of the amendment sheet produced in advance of the DC Committee meeting.**

**Reproduced below is the original report including the same recommendation and conditions:-**

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

This application seeks to regularise unauthorised alterations to a previous planning application approved on 31 August 2016 under planning application reference P/16/539/FUL.

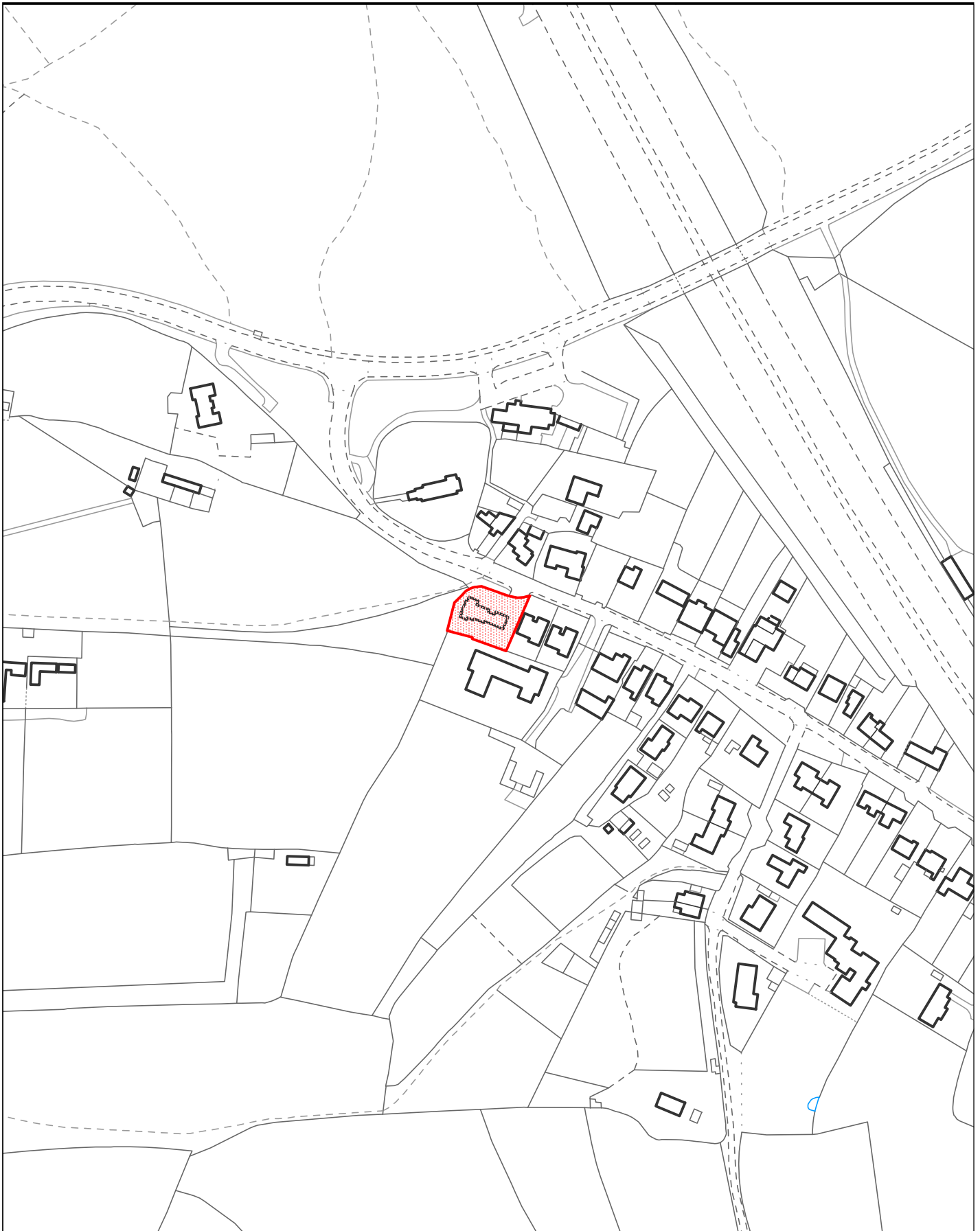
The alterations include the following:

- Alteration to approved roof pitch;
- Change in glazing size at first floor level on the front elevation of the garage;
- Replacement of approved balcony on rear elevation with glazing;
- Installation of two windows on the side elevation at first floor level to serve bedroom one and the ensuite;
- Alteration of entrance to first floor accommodation.

In addition to regularising the alterations mentioned above, the application seeks full planning permission for the change of use of the first floor area above the triple garage into one unit of holiday accommodation. The accommodation will provide one double bedroom, one single bedroom and bathroom with living room and kitchen area. It is self-contained and can only be accessed from the existing access point on the north facing elevation of the property.

## **SITE DESCRIPTION**

The application site is located within the Small Settlement of Mawdlam, as defined by Policy PLA1 of Bridgend County Borough Council's adopted Local Development Plan (2013). The site is bordered to the west by open countryside which is demarcated as a Green Wedge, known as Kenfig and Mawdlam, under Policy ENV2(12) of the Local Development Plan (2013).



Cyngor Bwrdeistref Sirol  
 Pŵl-pobol-ar-Obwr  
  
**BRIDGEND COUNTY BOROUGH COUNCIL**  
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**COMMUNITIES DIRECTORATE**

**Mark Shephard**  
 Corporate Director - Communities

Civic Offices  
 Angel Street  
 Bridgend CF31 4WB  
 Telephone (01656) 643643

**P/19/59/FUL**

**Delfryn  
 Heol Las  
 Mawdlam**



Scale 1 : 2,500

Date 21/03/2019

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The site comprises a substantial detached, two storey dwelling with triple garage and room above. It faces north east and is positioned within the centre of the relatively large residential plot. The property benefits from a relatively large residential plot which has a private amenity space at the rear. The amenity space at the front of the property is partly tarmacked and used as a driveway. The land slopes gradually downwards from west to east and the garage is set down from the host dwelling.

The site lies within an established residential area which is characterised predominantly by a mix of house types, including bungalows, semi-detached and detached dwellings of varying design and appearance. There is no uniformity within the streetscene and therefore no defined character.

## RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/16/539/FUL	Additional third garage attachment to existing double garage with room over below a pitched roof, addition of an entrance porch to main entrance door	Conditional Consent	31/08/2016

## PUBLICITY

This application has been advertised through direct neighbour notification. A total of five letters of objection have been received from the residents of the following neighbouring properties:

- Ty Llan, Heol Las, Mawdlam;
- Ivy Cottage, Heol Las, Mawdlam;
- Carreg Lwyd, Heol Las, Mawdlam;
- Gwynfryn, Heol Las, Mawdlam
- The Corners, Heol Las, Mawdlam.

The objections are summarised below:

### Retrospective Application

1. The objections refer to the planning application being retrospective and mostly state that the applicant intended from the outset to use the first floor of the garage as a holiday let. Several objections state that the applicant has previously operated the first floor of the garage as a holiday let facility which is detrimental to the character of the village of Mawdlam.
2. The objections refer to the approved office and stipulate that the office was never built in accordance with the planning permission because the first floor was fitted as living quarters to be used a holiday let.

### Use as a Holiday Let

3. The letters received which oppose the development all refer to the use of the property as a holiday let, stating that the introduction of a holiday let business premises sets a precedent for future planning applications.

### Highways

4. Each objection received refers to highway safety and raises concern about on-street car parking within the vicinity of the application site given the lack of availability of off-street car parking facilities.

5. Concerns are also raised about the increase in the volume of traffic that will be permitted if this application is deemed acceptable.

#### Materials

6. Some letters of objection refer to the materials used in the finish of the extension approved under planning application reference P/16/539/FUL. They state that the materials are not in keeping with the village of Mawdlam and are detrimental to the character of the village.

#### Noise

7. One letter of objection refers to the impact of the proposed development on noise, stating that “the Angel Pub has a shortcut route opposite and people walking to and from the pub already create noise and now potentially with an extra 2-4 people (at any one time) using Delfryn as a holiday let...coming and going and then residents changing would add to the noise levels”. Concerns are raised about the increase in noise and anti-social behaviour within the village of Mawdlam.

#### Privacy and Security

8. The letters of objection refer to the ‘as-built’ alterations to the approved garage under planning application reference P/16/539/FUL and state that the alteration in the size of the windows and introduction of two windows on the side elevation impact the levels of privacy afforded to neighbouring occupier(s).

### **COMMENTS ON REPRESENTATIONS RECEIVED**

#### Retrospective Application

1. The comments relating to the unauthorised use as a holiday let are acknowledged, however they cannot be considered as a material consideration in the determination of this planning application. If a breach of planning control has taken place, the intention of the applicant should be to remedy the effects of the breach. In this case, the correct approach has been taken by the applicant who has applied for retrospective planning permission to try to regularise the unauthorised alteration of the approved planning consent (reference P/16/539/FUL). The retrospective element of the proposal will be considered against the relevant policies and supplementary planning guidance and the acceptability of the overall scheme will be assessed on its own merits.
2. Planning permission reference P/16/539/FUL permitted the erection of an “additional third garage attached to existing double garage with room over below a pitched roof with additional entrance porch to main entrance door”. The first floor element of the approval did not specify an internal layout and therefore the use of the first floor as living accommodation is permissible. The matters raised in the letters of objection which relate to the office being used as a holiday let are therefore disregarded.

#### Use as a Holiday Let

3. Each planning application received is considered on its own merits and, therefore, any future applications for holiday lets within Mawdlam will be considered in accordance with the relevant planning policies and supplementary planning guidance.

#### Highways

4. The matters raised which relate to sufficient off-street car parking facilities are addressed in the appraisal section of the report.

5. The concerns of the local residents with regard to the increase in vehicular traffic into the village are noted however, it is considered by the Highway Authority that, in the main, Heol Las can accommodate any increase in traffic generated by the proposal.

#### Materials

6. The materials installed on the extension approved under planning application reference P/16/539/FUL are not a matter for consideration in the determination of this planning application and, therefore, will not be addressed further.

#### Noise

7. The impact of the development on privacy and amenity will be considered in the appraisal section of the report however, it is important to note that noise is a statutory nuisance, and is regulated by other statutory bodies (Shared Regulatory Services) under The Environmental Protection Act 1990, The Noise and Statutory Nuisance Act 1993, The Noise Act 1996 and The Licensing Act 2003 and can therefore be dealt with separately and outside of the planning remit.

#### Privacy and Security

8. The matters raised which relate to overlooking and privacy will be addressed in the appraisal section of the report.

### **CONSULTATION RESPONSES**

#### **CONSULTEE**

Clr R Granville  
14 February 2019

#### **COMMENTS**

Objects to the proposal on highway safety grounds.

### **RELEVANT POLICIES**

The relevant policies and supplementary planning guidance are highlighted below:

<b>Policy PLA1</b>	Settlement Hierarchy and Urban Management
<b>Policy SP2</b>	Design and Sustainable Place Making
<b>Policy PLA11</b>	Parking Standards
<b>Policy SP11</b>	Tourism

**Supplementary Planning Guidance 02**  
**Supplementary Planning Guidance 17**

House Extensions  
Parking Standards

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

#### **Planning Policy Wales Edition 10**

<b>Planning Policy Wales TAN 12</b>	Design
<b>Planning Policy Wales TAN 13</b>	Tourism
<b>Planning Policy Wales TAN 18</b>	Transport
<b>Planning Policy Wales TAN 23</b>	Economic Development

### **APPRAISAL**

This application is referred to the Development Control Committee due to the number of objections received, including one from the Local Ward Member.

## **PRINCIPLE OF DEVELOPMENT**

The application site lies within the Small Settlement of Mawdlam, as defined by Policy PLA1 of Bridgend County Borough Council's adopted Local Development Plan (2013). Policy COM3 of the Local Development Plan (2013) states the following:

*Residential developments within settlement boundaries defined in Policy PLA1 on 'windfall' and 'small scale' sites for the conversion of existing buildings, or the re-use of vacant or under-utilised land will be permitted where no other LDP policy protects the building or land for an existing or alternative use.*

The proposal is considered to be compliant with Policies PLA1 and COM3 of the Local Development Plan (2013) and is therefore considered to be acceptable in principle.

In addition to the above, Policy SP11 is also relevant. Policy SP11 refers to tourism and states that *appropriate tourism developments which promote high quality accommodation... will be permitted.* The Development Policy Section consider that the change of use to a holiday let is acceptable in policy terms and as such its introduction is acceptable in principle.

## **DESIGN**

Policy SP2 of the Local Development Plan (2013) states *all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment.* Design should be of the highest quality possible and should be appropriate in scale, size and prominence”.

The alterations to the approved planning permission (P/16/539/FUL refers) comprise the following:-

- Alteration to approved roof pitch;
- Change in glazing size at first floor level on the front elevation of the garage;
- Replacement of approved balcony on rear elevation with glazing;
- Installation of two windows on the side elevation at first floor level to serve bedroom one and the ensuite;
- Alteration of entrance to first floor accommodation.

Given the lack of uniformity within the streetscene and mix of dwelling types that vary in size, scale, character and appearance within the vicinity of the application site, the alterations of the approved garage are considered to be acceptable from a design perspective.

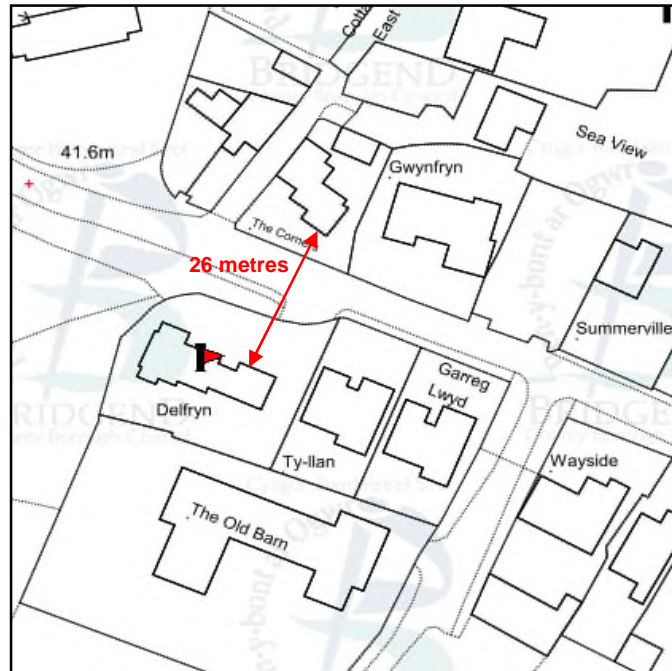
The alterations are not considered to be so detrimental to the character or appearance of the approved garage to warrant a refusal on such grounds and therefore the proposed alterations are considered to be appropriate in size, scale and prominence, in compliance with Policy SP2 of the Local Development Plan (2013).

## **NEIGHBOUR AMENITY**

The occupier(s) of the neighbouring property “The Corners” have raised concern about the alteration of the glazing on the front of the garage, stating “the very large window situated at the front of the holiday let, in its master bedroom, looks directly into our child’s bedroom...[which is]...an alarming invasion of privacy given the proposed purpose of this building”.

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

Note 6 refers specifically to privacy and states that development should respect the privacy of neighbouring houses. According to Note 6 the minimum distance between directly facing habitable room windows in adjacent properties should normally be 21 metres. The window serving bedroom one at first floor level is not considered to overlook the property to the north east, given the distance between the properties is 26 metres and the fact that they are separated by a highway as shown below:



The increase in size of the first floor window on the front elevation of the garage is not considered to worsen the existing levels of privacy afforded to the occupier(s) of the property known as The Corners and therefore the proposed alteration in the size of the glazing is considered acceptable from an amenity perspective.

In addition to the above, concerns are raised by the occupier(s) of the property to the east of the application site, known as Ty Llan, which relate to the unauthorised installation of two windows at first floor level on the side elevation of the garage approved under planning application reference P/16/539/FUL. The windows serve the bedroom and bathroom.

An obscurely glazed window is installed in the side elevation of Ty Llan which serves a bathroom, which is not a habitable room. Whilst it is acknowledged that the windows in Delfryn directly face the western elevation of Ty Llan, it is considered that any form of overlooking could be addressed by requiring the windows to be obscurely glazed. The primary outlook of the application site is to north and south and the windows on the side elevation do not serve rooms that will be used continuously, however, to ensure the concerns raised by the occupier(s) of Ty Llan are addressed, a condition will be imposed to secure obscure glazing in these windows.

The alteration to the rear glazing at first floor level will not overlook The Old Barn, positioned to the south of the application site. Departmental records confirm that the windows in the northern elevation of the property do not serve habitable rooms and therefore the alteration in the glazing is considered to be acceptable from an amenity perspective.

## HIGHWAYS

Significant objections which relate to pedestrian and highway safety have been raised by the occupier(s) of neighbouring properties and Cllr R Granville. The concerns relate to the increase in the volume of traffic caused by the change of use to a holiday let, insufficient off-street parking provision and the subsequent increase in on-street parking and the lack of a public footpath through the village of Mawdlam.

The Transportation, Policy and Development Section notes the concerns of the local residents with regards to the increase in vehicular traffic into the village of Mawdlam however, it is considered that Heol Las can accommodate the traffic generated by the proposal and the change of use to a holiday let will not cause a significant detriment to the free flow of traffic within the village of Mawdlam given the location of the application site on the western boundary of the settlement.

With regards to off-street parking provision, it is considered that this proposal will result in an increase in vehicles entering and exiting the property and, therefore, to ensure that the drive can accommodate two-way traffic and that vehicles associated with the holiday let are not waiting on the highway, it is recommended that a condition is imposed to widen the driveway access of the application site.

It is acknowledged that on-street parking would have the effect of narrowing Heol Las to the detriment of the free flow of traffic and to emergency service vehicles accessing the village and, therefore, it is considered imperative in this location to secure appropriate off-street parking provision. To ensure this can be accommodated at the application site, the Transportation, Policy and Development Section has requested the imposition of a planning condition which requires a scheme for the provision of six off-street car parking spaces to be provided, prior to the commencement of development. The scheme should provide for three off-street car parking spaces to serve the host dwelling and three to serve the proposed holiday let.

The objections raised which relate to the lack of a public footpath through the village of Mawdlam are noted, however, not all land required for the installation of footpaths is within the ownership or control of the Highway Authority or the applicant and this must be taken into consideration when assessing the planning application.

This application has the potential to increase pedestrian footfall to public transport, the nearby public house or church and the village of Mawdlam. Given that the proposal promotes tourism, it is recognised that tourists will explore the local area and the lack of a contiguous footway raises some concern, particularly given that holiday makers are likely to be unfamiliar with the area. In order to address this concern, warn other road users of pedestrian activity, to promote active travel and to encourage walking for short journeys, it is recommended that a planning condition is imposed. The suggested planning condition requires the provision of signage which indicates that pedestrians are walking in the road and also requires the provision of coloured surface treatment to extend from the end of the footway adjacent to the church to the re-commencement of the footway adjacent to Delfryn.

Welsh Government Circular 016/2014 entitled "*The Use of Planning Conditions for Development Management*" (October 2014) states at paragraph 3.1 that "conditions should be necessary, precise and enforceable, ensuring that they are effective and do not make unjustifiable demands of applicants."

Given the advice provided by Welsh Government, it is considered that the request for the provision of coloured surface treatment is not reasonable or proportionate, given the



limited scale of development. Whilst the advice of the Transportation, Policy and Development Section is noted, the condition will be amended to read as follows:

*No development shall commence until a scheme for the provision of a signage scheme indicating that pedestrians are walking in the road has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development is brought into beneficial use and shall be retained in perpetuity thereafter.*

*Reason: In the interests of highway and pedestrian safety and meet the requirements of the Active Travel Act 2013.*

Subject to the imposition of the recommended planning conditions, the proposed development is considered to be compliant with Policy PLA11 of the Local Development Plan (2013) and is therefore acceptable from a highway safety perspective.

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

The well-being goals identified in the Act are:

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

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

## **CONCLUSION**

The proposal is considered to be compliant with Policies PLA1, COM3 and SP11 of the Local Development Plan (2013) and is therefore considered to be acceptable in planning terms. The alterations undertaken are not considered to be so detrimental to the character and appearance of the host dwelling or wider residential area to warrant a refusal on such grounds and the proposal is considered to be acceptable from a design perspective.

Subject to the imposition of a planning condition which requires the additional windows on the side elevation of the garage to be obscurely glazed, the objections raised by local residents and the Local Councillor which relate to neighbour amenity have been addressed in the report. No objection is raised by the Transportation, Policy and Development Section, subject to the inclusion of the recommended planning conditions, and, therefore, the proposal is considered to be acceptable from a highway safety perspective and is compliant with Policy PLA11 of the Local Development Plan (2013).

The application is recommended for approval, subject to the following planning conditions and informative notes:

## **RECOMMENDATION**

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

1. The development shall be carried out in accordance with the following approved plans received 25 January 2019 - Site Location Plan and drawing number CM/COU/001.

Reason: To comply with Section 73A of the above Act.

2. The windows on the side elevation of the garage, serving bedroom one and the ensuite at first floor level, and as shown on drawing number "CM/COU/001" received 25 January 2019, shall be fitted with obscure glazing to a minimum of Level 5 on the Pilkington index of obscurity. The windows shall be fitted prior to the beneficial use of the holiday let hereby approved commencing and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

3. The first floor above the triple garage shall be used for holiday accommodation only and for no other purposes (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure the Local Planning Authority retains effective control over the use of the holiday let and to prevent the holiday accommodation being used as permanent residential accommodation.

4. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year. An up to date register shall be kept at the holiday accommodation hereby permitted and shall be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Reason: To ensure the Local Planning Authority retains effective control over the use of the holiday let and to prevent the holiday accommodation being used as permanent residential accommodation

5. The ground floor (triple garage) shall be used only for the garaging of private vehicles and for no other purpose whatsoever, including the carrying out of a trade or business.

Reason: To ensure that adequate parking facilities are provided within the curtilage of the site and to safeguard the character and amenity of the area.

6. No development shall commence until a scheme for the provision of signage, indicating that pedestrians are walking in the road, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development is brought into beneficial use and thereafter retained in perpetuity.

Reason: In the interests of highway and pedestrian safety and meet the requirements of the Active Travel Act 2013.

7. No development shall commence until a scheme for the provision of 6 off street parking spaces (3 for the dwelling and 3 for the holiday let) has been submitted to and agreed in writing by the Local Planning Authority. The parking area shall be implemented as agreed in permanent materials before the development is brought into beneficial use and retained for parking purposes thereafter in perpetuity.

Reason: In the interests of highway safety.

8. No development shall commence until a scheme for the widening of the driveway access of Delfryn to 3.65 metres has been submitted to and agreed in writing by the Local Planning Authority. The widened access as agreed shall be implemented before the development is brought into beneficial use and retained thereafter in perpetuity.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

10. \* THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION

The proposal is considered to be compliant with Policies PLA1, COM3 and SP11 of the Local Development Plan (2013) and is therefore considered to be acceptable in planning terms. The alterations undertaken are not considered to be so detrimental to the character and appearance of the host dwelling or wider residential area to warrant a refusal on such grounds and the proposal is considered to be acceptable from a design perspective. Subject to the imposition of a planning condition which requires the additional windows on the side elevation of the garage to be obscurely glazed, the objections raised by local residents and the Local Councillor which relate to neighbour amenity have been addressed in the report. No objection is raised by the Transportation, Policy and Development Section, subject to the inclusion of the recommended planning conditions, and, therefore, the proposal is considered to be acceptable from a highway safety perspective and is compliant with Policy PLA11 of the Local Development Plan (2013).

**JONATHAN PARSONS**  
**GROUP MANAGER PLANNING & DEVELOPMENT SERVICES**

**Background papers**

None

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**REFERENCE:** P/18/868/FUL

**APPLICANT:** Mr Mike James The Old Barn, Mawdlam, CF33 4PH

**LOCATION:** The Old Barn Mawdlam CF33 4PH

**PROPOSAL:** Alterations and extensions to existing structure and conversion to 3 dwellings

**RECEIVED:** 25 October 2018

**SITE INSPECTED:** 11 January 2019

**This application was deferred from the Development Control Committee on 28 March 2019 to allow for a site visit to be undertaken on the morning of Wednesday 8 May 2019 – the full Committee site visit was requested by Cllr R Granville and Members voted in favour of a site visit. The details of the site visit (attendees and findings) will be summarised as part of the amendment sheet produced in advance of the DC Committee meeting. Reproduced below is the original report including the same recommendation and conditions:-**

## **APPLICATION/SITE DESCRIPTION**

Planning permission is sought for the alterations and extensions to the existing structure and the conversion into three dwellings of the residential property known as The Old Barn, Mawdlam.

The application proposes the conversion of the existing detached residential property that also comprises associated granny flat accommodation into 3 dwellings. The proposal would comprise two, three bedroom units and a single four bedroom unit with associated off street car parking and amenity space. The application proposes a number of external alterations to facilitate the subdivision of the plot into three dwelling houses - Plots 1, 2 and 3.

### Plot 1

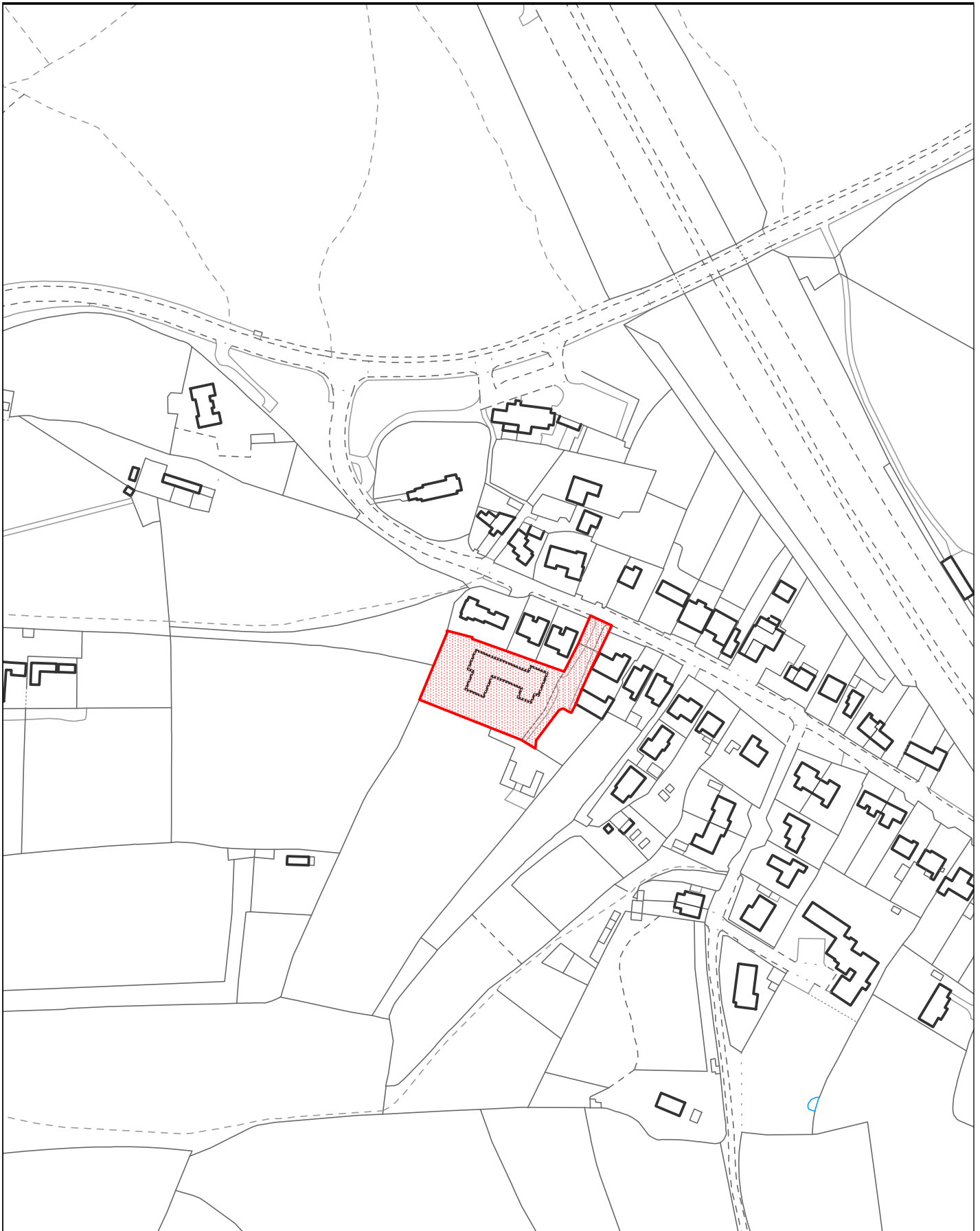
The changes proposed to plot 1 (eastern side of the existing dwelling) include:

- The erection of a single storey dining room extension to the rear, south facing elevation. The extension would have a rectangular footprint measuring 3.4 metres in projection with a 6.7 metres width. The extension would have a flat roof design extending to a height of 3.2 metres from ground level. The extension would have a rendered finish. An external amenity/balcony area would be created above the extension that would incorporate a 1.8m high privacy screen to its west facing boundary. Access to the elevated amenity area would be via a newly created opening at first floor level.
- The erection of a dormer structure to the side, east facing roof plane of the building.
- The insertion of a roof sky light to the east facing roof plane of the building.
- The removal of a single storey, front canopy/car port to the northern side of the building.
- The replacement of a window with an entrance door and window to the east facing elevation of the building.

### Plot 2

The changes proposed to plot 2 (central aspect of existing dwelling) include:

- The replacement of an existing window opening with an entrance door within the north facing elevation of the building.
- The demolition of an existing single garage to the north western corner of the building.



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**BRIDGEND COUNTY  
BOROUGH COUNCIL**  
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**COMMUNITIES DIRECTORATE**

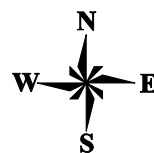
**Mark Shephard**

**Corporate Director - Communities**

Civic Offices  
Angel Street  
Bridgend CF31 4WB  
Telephone (01656) 643643

**P/18/868/FUL**

**The Old Barn  
Mawdlam**



Scale 1 : 2,500

Date 21/03/2019

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Forestry Commission. ©Crown Copyright and database right 2011. Ordnance Survey 100025498.

- The replacement of a window opening with an entrance door with associated access steps leading into the rear garden amenity space of this plot (to the south elevation).
- The introduction of an area of timber cladding to the rear, south facing elevation of the building at first floor level.
- The replacement of an existing window opening with a larger glazed area to the west facing, first floor elevation of the building.
- The cladding of the first floor of the western side of the building (existing rendered walling) with treated timber.

### Plot 3

Works to plot 3 (most western side of the existing dwelling) include:

- The erection of a two storey side extension to the western side of the existing building. This extension would have a mixture of rendered and timber clad elevations. It would have a predominantly, pitched roof design set below the ridge height of the main, existing dwelling and measure 5.4 metres by 8.2 metres. It would accommodate a garage and wc at ground floor level with a living room being created at first floor level. A small decking area would be created to the south and western side of the extension which would give access to the side garden space associated with the plot.
- The erection of a first floor extension above the existing annexe to the rear, south elevation of the building. This extension would measure 8.2 metres by 9.6 metres and be finished with timber cladding. It would accommodate a master bedroom, dressing room, kitchen and utility room.
- The creation of an access drive to plot 3, which would be off the existing private drive behind the building (to the south).

**Figure 1 – Existing & Proposed elevations of the building**

### Existing



## Proposed



The application site comprises a large residential property, known as The Old Barn, Mawdlam that is set within a spacious curtilage. The plot is accessed via a private drive off Heol Las and is set within a recessed position behind the residential properties that front onto Heol Las, the main road through the village. The application building is two storey comprising a mixture of rendered and stone facades and has been developed on a relatively flat site that covers an area of approximately 0.27 hectares. The application site is situated within the built up area of Mawdlam and is situated inside the settlement boundary as prescribed by the adopted Bridgend Local Development Plan, 2013.

Two residential plots have recently been developed to the front (north) of the application building (P/15/389/Ful refers) which are screened from the development site by a high tree line and a high boundary fence. Planning permission has also recently been granted to develop a single residential unit towards the east of the application site (P/17/598/FUL refers).

The planning application is supported with a Preliminary Bat Survey and an Ecological Walkover Survey.



**Figure 2 – Photographs of the application site**

Access drive into plot off Heol Las



Front (north elevation) and eastern side of the existing building



Rear (south elevation) of the application building



## RELEVANT HISTORY

88/1170 - Refurbishment of Barn to Provide Dwelling & Garage & Demolition of Existing Barn - Granted 13/10/1988

91/1153 - Conversion and Extension of Existing Barn, Revision of Previous Approved Scheme 88/1170 - Granted 14/11/1991

P/15/389/FUL - Land adjacent to Delfryn, Heol Las - Proposed Residential Development for 2No. Detached Dwellings - Granted 23/11/2015

P/17/206/OUT - Summerville Bungalow, Mawdlam - Demolition and replacement of an existing bungalow with 3 x two storey detached dwellings - Refused (Dismissed on Appeal) 13/06/2017

P/17/24/OUT - Land to the east of the Old Barn - Erection of a single dwelling on vacant garden plot - Granted 06/04/2017

P/17/598/FUL - Land to the east of the Old Barn - Erection of detached 4 x bed dwelling on vacant garden plot (outline consent P/17/24/OUT) - Granted 22/08/2017

## NEGOTIATIONS

The proposed development has been the subject of pre application discussions and the applicant was also requested to revise the scheme during the planning application process. These revisions were sought to improve the design of the proposal and to reduce the impact on neighbouring residential properties. During the processing of the application, the applicant was also requested to submit a Preliminary Bat Survey, Ecology Survey and Tree plan.

## PLANNING POLICY

### 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 SP12</b>	Housing
<b>Policy COM3</b>	Residential Re-Use of a Building or Land
<b>Policy ENV6</b>	Nature Conservation
<b>Policy ENV7</b>	Natural Resource Protection and Public Health
<b>Policy ENV8</b>	Heritage Assets and Regeneration
<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.(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)*

### **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)

Technical Advice Note 24 – The Historic Environment (2017)

### **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**

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 06 March 2019.

## **CONSULTATION RESPONSES**

*Welsh Water Developer Services* - Raise no objection to the proposal subject to the imposition of standard conditions/advisory notes regarding the drainage of the development.

*Destination & Countryside Management* - Raise no objection against the application. The information submitted in support of the application, comprising a Preliminary Bat Survey, Ecological Walkover Survey (Ecology Services, February 2019) and a letter produced by Pyle Garden Centre regarding the trees on the site, has been fully reviewed. Whilst the letter submitted in relation to the trees does not strictly satisfy BS 5837:2012, given the small scale of the development, the lack of tree preservation orders on site and the fact that the letter states that 'the trees planted in the shrub beds would not be compromised' - the information submitted is satisfactory. It is also welcomed that a nesting bird box/bat box scheme is proposed. These enhancements would go towards satisfying Section 6 of the Environment (Wales) Act 2016 which places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'.

*Cornelly Community Council* - Consulted on 15/11/2018 - no comments received on the planning application.

*Head of Street Scene (Land Drainage)* - Raises no objection to the planning application subject to the imposition of standard drainage conditions.

*Glamorgan Gwent Archaeological Trust (GGAT)* - No objection to the application. It is advised that information in the Historic Environment Record shows that the development area is within the Merthyr Mawr, Kenfig and Margam Burrows Registered Landscape of Outstanding Historic Importance, and within character area HLCA007: Kenfig and Mawdlam. This is characterised as Post-medieval settlement and agricultural landscape with medieval precursor; medieval and post-medieval fields; distinctive boundaries, ribbon development settlement pattern; post-medieval vernacular buildings; ecclesiastical features; communications: footpaths, tracks and straight lanes; historic associations. The focus of the settlement at Mawdlam is in this area, with both the Church of St Mary Magdalene and the Angel Inn likely to date from the 13th Century. 19th Century Title and OS maps depict buildings around these, one of which forms the eastern part of the application area. Clearly this does not remain in its original form and the immediate area has been disturbed by the creation of the current property and landscaping.

GGAT have therefore considered the likely archaeological impact of the proposed development. As noted, changes to the ground conditions are likely to have already impacted archaeological deposits. Therefore, given the current information, it is

considered the impact of the proposal will not cause an adverse effect on the archaeological resource. There is low potential for the work to encounter previously unknown archaeological remains. As the archaeological advisers to Members, there is no objection to the determination of this application.

*Shared Regulatory Services* – No objection subject to standard advisory notes/conditions regarding land contamination, imported soil/aggregates and unstable land.

*Head of Street Scene (Highways)* - Raises no objection against the application subject to the imposition of conditions.

*Councillor J H Tildesley* - Supports the planning application - highlighting the building is far too large for single or family activity. The previous occupants lived in a tiny portion of this building with the remainder being isolated. The planning application will restore a more moderate size to 3 dwellings, making the site more manageable.

*Councillor R Granville* - Advises consultation should be undertaken with the Highways Authority.

## **REPRESENTATIONS RECEIVED**

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

Carreg Llwyd, Heol Las  
The Corners, Heol Las  
Vistana, Heol Las  
Ty Llan, Heol Las  
Delfryn, Heol Las  
Ivy Cottage, Heol Las.

The objections received are summarised as follows:

### 1. Loss of residential amenity

The major expansion of the building would result in a significant loss of amenity to the occupiers of the three properties to the North of the site, namely Carreg Llwyd, Ty Llan and Delfryn.

Unneighbourly overlooking of gardens.

The development will increase vehicle movements along the private drive which will increase noise nuisance.

The proposal would dominate adjoining properties.

Neighbours wellbeing will be compromised by the development (with regard being made to the Wellbeing of Future Generations (Wales) Act 2015).

Increase in noise and disturbance.

The nuisance from additional vehicles movements, within the plot, will be exacerbated by the inclusion of gravel driveway areas, this is already being experienced with the current arrangements for the site.

The developers have shown no sympathy for the property or surrounding neighbours which does not instill confidence that this renovation will be managed appropriately.

The application has a complete disregard for the relationship between the development site and those of their neighbours.

The development is considered contrary to Policy SP2 of the Bridgend Local Development Plan and Supplementary Planning Guidance, which are set to ensure that the general standard of amenity in the wider community is protected in the public interest.

2. New structure to plot 3 resulting in privacy loss and unreasonable domination  
 The new structure/extension to plot 3 provides a new decked area that would overlook existing/proposed properties. This building when viewed from the main living space of the neighbouring plot (Delfryn) would appear unreasonably dominating as defined within Policy SP2 of the Bridgend Local Development Plan.
  
3. Loss of character to the original barn building  
 The character of the barn would be lost by attaching a dwelling on its south western corner and inserting large/numerous glazed areas.  
 Harmful visual intrusion.  
 Poor regard to the site context and setting.  
 Whilst the barn is not a listed building it is a key, historical landmark in Mawdlam and in the past has been renovated sympathetically. Use of uPVC and extensive fenestration is not in keeping with the spirit or detail of the dwelling.  
 The proposals would not be in keeping with its country surroundings and represent an eyesore.  
 The barn would be unrecognisable as an historic agricultural building which forms part of the history of Mawdlam.  
 Altering the building so that it becomes unrecognisable as to its heritage, would be to the detriment of Mawdlam's history for future generations.  
 The dubious design quality of the development is seeking to create large areas of glazing, a glazed extension, a balcony, uPVC windows, cladding of stone work with timber panelling, which are all a contradiction of the historic facade and alien to the vernacular of the surrounding area.
  
4. Reduced space around buildings  
 Claustrophobic and cramped environment that should not be allowed to prevail on any resident of the Borough.  
 Overdevelopment of the plot with limited amenity space for the new units contrary to the guidance and standards set out in the Well Being of Future Generations (Wales) Act 2015 and Policy SP2 of the Bridgend Local Development Plan.
  
5. Increased traffic movement and highway safety concerns  
 Substandard access arrangements for the development.  
 The distance between a public highway and a proposed dwelling should be no more than 45 metres, which the proposal does not appear to comply with, contrary to LDP policies.  
 Increased conflict and danger to pedestrians in the village through increased vehicle activity.  
 Sporadic pavements throughout the village do not adequately accommodate pedestrian movements, with the development proposal only increasing health and safety issues.  
 There is not a fully inclusive pavement infrastructure within the village which raises major safety concerns.  
 The village cannot sustain the growth in vehicle numbers associated with the development.  
 The amount of traffic and pedestrians in the village has continually increased since the 1970s which needs to be given careful consideration when planning the future development of Mawdlam.  
 In addition to this proposal, permission has already been granted to develop a single dwelling adjacent to the barn, all of which will access and exit at the narrowest point of the village with poor visibility.

Within 5 years the entrance into Mawdlam Village will see a potential increase of one to thirty vehicles with no improved infrastructure to accommodate the vast increase.

The intensification of the access road to the site must bring about concerns in relation to the adequacy and safety of the development in highway safety terms. The Authority must be satisfied and demonstrate that the increased traffic flows associated with the site do not create any increased risk to vehicles and pedestrians on Heol Las who, due to the absence of pavements, are forced to share the highway with vehicles at the drive entrance, which is coincidental to being the narrowest point of Heol Las.

The current access to the Old Barn is wholly inadequate for the proposed development as it cannot satisfy the most basic design parameters required for an access onto a 30mph highway in order to ensure public safety.

The increased traffic flows would have a negative impact on the general standard of amenity in the wider community.

6. Planning application previously refused on site opposite the development site

A planning application for three dwellings on land to the north of the access to The Barn was recently refused planning permission on the basis it comprised over-development and did not satisfy highway safety standards.

There is the potential to develop the site opposite (to the north) of the Old Barn access point which could prove catastrophic in highway safety terms.

7. Ecology/Biodiversity Impact

The area hosts a diverse range of animals and birds and the Council should take professional advice to any approval on the protection of bats which are likely to be using the application site for nesting.

The development would adversely impact the overall natural environment of the village.

8. Adverse impact of bin store

Any proposed bin store to the entrance of the development would be unsightly and would raise hygiene issues.

9. Drainage Concerns.

In light of the increase in people living at the Old Barn, assurances must be made that the development will not adversely affect the drainage of the site and neighbouring properties.

The drainage of the development needs to be appropriately considered and should any neighbouring drainage be adversely affected, remedial works should be carried out at the cost of BCBC.

10. Loss of Trees

Mature trees have been removed from the site.

11. Impact on views

The proposal would have a direct impact on what can be seen from the neighbouring properties.

Following the submission of amended plans the owners/occupiers of Ty Llan and Ivy Cottage have provided correspondence that highlight they raise no objections to the revised development proposal (on the basis bins/recycling containers are not housed at the end of the access drive which would be unsightly and any future development has regard to traffic density).

## **COMMENTS ON REPRESENTATIONS RECEIVED**

### **1. Loss of Amenity**

The planning application has been subject to pre-application discussions and negotiation through the planning stage and is not considered to raise such serious or adverse residential amenity concerns to warrant a recommendation to refuse the scheme. The proposed works and subdivision of the dwelling represent changes and alterations to an existing, established plot that is appropriately screened and offset from the nearest neighbouring plots. The plot is abutted to its immediate northern boundary by three residential plots including two new build properties (P/15/389/FUL refers) however, the changes proposed to the existing northern facade of the building would not unduly compromise or adversely overlook these neighbouring plots. Importantly an elevated walkway proposed to the north western corner of the building has been removed from the scheme and no habitable room windows would harmfully overlook any of the adjacent plots, particularly when compared to the existing situation that exists at the site.

Regard has been given to the Wellbeing of Future Generations (Wales) Act 2015 when considering the proposal and the revised planning application is considered to fully comply with the aims of this Act.

Comments raised about increased vehicle movements to the site generating increased noise and disturbance are acknowledged although this is unlikely to be so adverse to warrant a recommendation to refuse the planning application. The increased vehicle movements when comparing a single unit (with associated annexe) to three units would not be so intensive to justify the refusal of the application. When also considering the characteristics of the site including the level of screening between the nearest properties and the access driveways that includes boundary fencing and tree planting, the proposal would not raise significant noise and disturbance concerns.

The scheme to subdivide and extend the existing property is considered to comply with the key requirements of Policy SP2 and ENV7 of the LDP, and SPG02 Householder Development in terms of safeguarding levels of residential amenity currently enjoyed in the locality.

### **2. New structure to plot 3 resulting in privacy loss and unreasonable domination**

Following the submission of revised plans, the provision of an elevated, external walkway structure to the north-western corner of the building has been omitted from the proposal. No windows are proposed within the new side extension, to plot 3, that would harmfully overlook the nearest neighbouring plot (Delfryn). The new extension would also be positioned over 14 to 15 metres from the boundary with Delfryn and as such would not appear as an unreasonably dominating or overbearing feature when viewed from this neighbouring property. A new area of glazing is proposed to the western side of the existing building although, given the orientation, offset and distances between this new feature and the existing neighbouring residential property (Delfryn), no harmful or direct overlooking of this existing plot would occur.

### **3. Loss of character to the original barn building**

Following negotiation, the proposed conversion and external works to the existing dwelling building are considered to represent a compatible and appropriate residential conversion of an existing, established dwelling. The existing building occupies a relatively isolated and secluded position behind existing plots on the main road through the village of Mawdlam. The 'backland' nature of the development site results in a building that is not significantly visible from general public vantage points, particularly from the main route through the village. Whilst areas of timber cladding would be introduced to the existing building this would be to the least visible rear elevation and to the new extensions being proposed as



part of the works. The surrounding locality hosts properties with varying designs and built form with the proposals not harmfully impacting the general character of the area. The existing building is not a Listed Building and is not positioned within a Conservation Area with the subdivision of the building and the associated works considered a respectful and acceptable form of development that can be supported.

The property already has a mixture of finishes including stone and rendered elevations and uPVC window openings. Forms of cladding have also been utilised on nearby, neighbouring residential properties.

#### 4. Reduced space around buildings

Given the size of the plot, that benefits from a significant existing curtilage, the subdivision of the site to three separate plots would not result in the overdevelopment of the site with appropriate garden space and car parking provision being retained for each of the proposed dwellings.

#### 5. Increased traffic movement and highway safety concerns

The transportation and highway safety implications of the proposal have been fully considered by the Transportation Development Control Officer who has not objected to the development subject to conditions.

It is commented that the proposal seeks permission to convert a large dwelling with granny annexe into three properties. The existing dwelling is currently located at the end of a private drive that serves the application site and a nearby stable block. It is considered, in traffic generation terms, that a private drive can accommodate 5 separate dwellings and as such the proposal does not exceed this, however, to ensure that the private drive can accommodate 2 way traffic and emergency vehicles a condition is suggested for the private drive to be widened.

With regards to the access from the site, the speed limit on Heol Las is 30mph which equates to a sight stopping distance or 'Y' distance of 43m (as detailed in Manual for Streets). It is considered that an adequate vision splay can be provided in both directions to ensure that emerging vehicles can see and be seen, however, on the latest site inspection it is noted that a section of a conifer tree at the site access slightly obscures the vision splay to the northwest. To remedy this concern, a condition is requested which will result in the conifer tree being cleared from the vision splay.

The concerns of the local residents with regards to the increase in vehicular traffic into the village are noted however, it is considered by the Highway Authority that in the main, Heol Las can accommodate the traffic generated by the proposal. In addition, it is considered that the traffic generated from the existing use of the site as a large dwelling and granny annexe would not materially increase as a result of this proposal.

#### 6. Planning application previously refused on site opposite the development site

Whilst regard is given to the planning history of the site and nearby plots the planning application must be judged on its own, individual planning merits. Any future planning applications to develop in close proximity to the current application site would also need to be judged on their individual planning merits at that time.

#### 7. Ecology/Biodiversity Impact

The planning application is supported by a Preliminary Bat Survey and Ecological walkover survey that concludes the site is extremely limited in its ecological interest and does not support any flora or fauna of special note (including bats or nesting birds). The development proposals will result in a net gain for biodiversity through the provision of bat boxes, bird boxes and amenity planting that utilises native species of tree and shrubs. As

such no additional ecological survey work is required and there are no reasons for refusing planning permission on the grounds of nature conservation.

The Council's Ecologist has considered the submitted reports and has raised no objection against the planning application.

#### 8. Adverse impact of bin store

The proposed recycling and waste bins/bags are likely to be stored within the grounds of each plot that all have acceptable levels of amenity space for the storage of such waste/recyclable products. The waste bins/bags would then be presented for collection on the access drive to the site on collection days in a manner similar to other neighbouring properties, which commonly occurs throughout the Borough. Such an arrangement therefore raises no adverse visual or hygiene concerns.

#### 9. Drainage Concerns

Following consultation with the relevant drainage bodies, no objections have been raised against the application subject to the imposition of conditions should permission be granted for the development.

#### 10. Loss of Trees

The planning application site is not affected by any Tree Preservation Orders with the planning application also being accompanied by a tree plan and supporting letter that highlights that minimal tree loss would occur as a result of the proposal. The Council's Ecologist has also considered the submitted information in this regard and raised no objections against the scheme.

#### 11. Impact on views

Loss of and impact on views is not a material planning consideration.

### **APPRAISAL**

The application is reported to Committee in view of the number of objections received against the proposal.

The application seeks full planning permission for the subdivision of this large, detached residential property into three dwelling houses. As part of the proposal, a number of alterations and extension works would be undertaken to the fabric of the existing building to support the subdivision of the existing plot into three units.

The key issues to consider in the determination of this application are the principle of the development proposal, the impact on the visual and residential amenities of the area, highway safety, land drainage and ecology.

#### Principle of the Development

The application site is located within the designated settlement boundary of Mawdlam as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP). Policy COM3 of the LDP 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. There is no specific or restrictive LDP policy associated with the application site. Residential properties surround the site with residential use of the site already being firmly established. The use of the site for continued residential purposes does represent a sustainable and compatible use of the plot. Residential development is therefore supported in principle on the site.

### Visual Impact

Policy SP2 of the BLDP establishes the criteria for acceptable design and sustainable place making. This is supported by guidelines set out in Design Guide 1: Dwellings and Domestic Scale Buildings and Supplementary Planning Guidance 2: Householder Development.

In terms of the visual impact of the development proposal, it is acknowledged that a number of external alterations are proposed to the fabric of the existing building that would have a level of impact on the character and appearance of the existing host dwelling, however, given the site context, the acceptable design of the development and the level of negotiation undertaken with the applicant, the proposal does not raise such serious or adverse visual amenity concerns to justify the refusal of the planning application in this regard.

The application site is situated within the built up area of Mawdlam and occupies a relatively secluded and well screened position behind existing properties that front onto Heol Las, the main road through the village. Access to the plot is via a private drive that runs from Heol Las to the eastern side of the application building. The access route also provides access to a stable block positioned towards the rear, south east of the application building. Tree lines screen the access route from the neighbouring properties. The application building is therefore not readily visible from public view-points particularly the main road through the village. Properties within the immediate locality of the application site also vary significantly in their style and appearance, ranging from modest bungalow style properties to large two-storey dwellings. In light of the site context the proposed alterations to the existing dwelling, which have also been revised and modified during the planning process to better reflect and enhance the appearance of the existing building, raise no harmful visual amenity concerns.

Limited changes are proposed to the north facing elevation of the building that faces toward the existing neighbouring properties along Heol Las with a high boundary fence further adding a degree of screening to the site. Changes are proposed to the north-western corner of the building with an area of glazing and a side extension being introduced to the existing structure. However, these are considered appropriate and acceptable forms of development that would have no harmful impact on the existing character of the host building. Changes proposed to the rear (south) facing elevation of the building that include the provision of a first floor extension and a ground floor addition with amenity area above would be undertaken to the least visible elevation of the building, which has a predominantly rendered finish, with no aspect of the physical works being proposed resulting in an obtrusive or visually jarring addition to the building.

The proposed roof dormer is sympathetically designed and whilst areas of timber cladding are proposed on the building, this would not unduly harm the character of the existing building with other properties within the locality incorporating areas of external cladding. A condition is however suggested to control the exact finishing materials for the works and to further ensure the development is sympathetic to the host property and the surrounding built form of the area. On balance, whilst again acknowledging a number of alteration works are proposed, these are required to support the subdivision of the site from one to three residential dwellings. The works are considered respectful to the existing character and appearance of the surrounding locality and raise no adverse visual amenity concerns.

Furthermore, it is considered the site can accommodate three dwellings of the scale and nature proposed without leading to the overdevelopment of the site whilst also accommodating appropriate parking and amenity space for each plot. The proposed plots would be comparable in scale to other residential plots that have been developed in the area including the two new dwellings that have been developed towards the front, north of the site adjacent to Heol Las (P/15/389/FUL refers). Overall, it is considered the

subdivision of the existing plot could be appropriately undertaken without resulting in the overdevelopment of the plot.

### Residential Amenity

In terms of the impact on residential amenity and again noting the objections received against the planning application as earlier detailed, it is considered that the proposed three dwellings following the subdivision of the plot would not have a significant adverse impact on the residential amenities of the existing neighbouring properties.

The proposal does have somewhat of a backland/tandem nature, although it would be served off an existing private drive that already serves The Old Barn residential unit and a large stable block. Appropriate side boundary treatments screen the means of access from the adjacent residential properties along Heol Las, with the additional units unlikely to overly intensify the use of the access drive to an unacceptable degree. A recommended condition would also control the means of soft and hard landscaping for the site, including the additional driveway finishes, to ensure an appropriate material that is not disruptive to neighbouring unit is utilised.

The proposed dwellings which would be created primarily within the existing building, would be sited with an acceptable offset from the rear elevations and associated garden spaces of nearby properties with no habitable room windows or external amenity/balcony spaces unduly overlooking the nearby residential properties. Furthermore, existing high boundary treatments that are detailed to be retained as part of the application add a further degree of screening to the development site with no aspect of the development likely to result in any undue overlooking, overshadowing or overbearing impact on neighbouring residential properties.

Overall, the development is considered to comply with Council guidance in terms of amenity protection (SPG 02) and is considered compatible with neighbouring residential properties.

### Highway Safety

The Council's Transportation Officer has assessed the submitted scheme and raises no objections against the proposal.

As earlier detailed, the proposal seeks permission to convert a large dwelling with granny annexe into three properties. The existing dwelling is currently located at the end of a private drive that serves the application site and a nearby stable block. It is considered in traffic generation terms a private drive can accommodate 5 separate dwellings and as such the proposal would not exceed this.

With regards to the access to and from the site, it is considered that an adequate vision splay can be provided in both directions to ensure that emerging vehicles can see and be seen, however, as noted above, a condition is requested which will result in the conifer tree being cleared from the vision splay.

Furthermore, it is considered by the Highway Authority that Heol Las can accommodate the traffic generated by the proposal with it being considered that the traffic generated from the existing use of the site as a large dwelling and granny annexe would not materially increase as a result of this proposal.

Notwithstanding the above, it is considered that the proposal has the potential to increase pedestrians wanting to access public transport links (bus stop) or the public house, both located at the entrance to the village and the lack of a contiguous footway within the village raises some concern. In order to overcome this concern, promote active travel,

encourage walking for short journeys from the new development and also to warn other road users that there is the potential for pedestrians in the road, a condition is requested for a scheme of pedestrian warning signs and coloured surface treatment to extend along Heol Las from the end of the footway adjacent to the church (St Mary Magdalen's Church) to the re-commencement of the footway adjacent to the residential property known as Delfryn (that fronts the application site).

Overall and subject to the imposition of conditions, the Highway Authority raises no objection against the application.

### 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"

The planning application has been supported by a Preliminary Bat Survey and an initial ecology survey that has been fully considered by the Council's Ecologist who raises no objections against the planning application. On this basis and given the nature of the proposal and the characteristics of the application site, it is considered that overall, there will be no significant adverse residual impacts on biodiversity. The proposal is, therefore, 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.

## CONCLUSION

Having regard to the above, the proposal is recommended for approval because the development complies with Council policy and guidelines. 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, the scheme does not raise such adverse material planning concerns to warrant the refusal of the application, with the proposal representing an appropriate and compatible form of residential development within settlement limits.

## RECOMMENDATION

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

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

Ground Floor Plan - Proposed, Draw.No. 1813-P04, received 15 February 2019  
First and Loft Floor Plans - Proposed, Draw.No. 1813-P05, received 15 February 2019  
Elevations - Proposed, Draw.No. 1813-P06, received 15 February 2019  
Preliminary Bat Survey & Ecological Walkover Survey (Ecology Services), received 15 February 2019

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 development 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 and retained in perpetuity.

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

4. Notwithstanding the requirements of condition 1, no development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt with, including future maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to 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 take place until full details of both hard and soft landscaping works have been submitted to and agreed in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include all proposed planting and landscaping

such as schedule of plants/trees, species and number/densities, hard surfacing materials and implementation programme. Thereafter, all landscaping works shall be implemented in accordance with the approved details.

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

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

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

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 development which would be permitted under Article 3 and Classes A, B, C, D or E of Part 1 of Schedule 2 of the Order shall be carried out within the curtilage of the dwellings hereby permitted without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual and residential amenities.

8. No development shall commence until a scheme for the provision of signage indicating that pedestrians are walking in the road and a scheme for a change of colour treatment of the carriageway surface from the Church to Delfryn on Heol Las, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in permanent materials before the development is brought into beneficial use and thereafter retained in perpetuity.

Reason: In the interests of highway and pedestrian safety.

9. The carriageway of the existing access road shall be widened to no less than 4.5 metres from the junction with Heol Las to serve the proposed development, prior to the development being brought into beneficial use.

Reason: In the interests of highway and pedestrian safety.

10. The proposed means of access shall be laid out with vision splays of 2.4m x 43m in both directions before the development is brought into beneficial use and retained as such in perpetuity.

Reason: In the interests of highway and pedestrian safety.

11. 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 and pedestrian safety.

12. Any entrance gates located on the access to plot 3 shall be set back not less than 5 metres from the south eastern boundary wall of plot 1 to enable vehicles to turn and access and egress in a forward gear.

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

**JONATHAN PARSONS  
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES**

**Background Papers**  
None



## APPEALS

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

<b>CODE NO.</b>	A/19/3225311 (1856)
<b>APPLICATION NO.</b>	P/18/1025/FUL
<b>APPELLANT</b>	MR N & MRS M ARNOLD
<b>SUBJECT OF APPEAL</b>	SITING OF A MOBILE TIMBER ECO RESIDENTIAL UNIT BLACKBRIDGE ARABIAN STUD, TYLAGWYN, PONTRHYL
<b>PROCEDURE</b>	HEARING
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reason:

1. The site lies in a rural area and the proposal, which constitutes an undesirable extension of urban development outside any settlement boundary, would be prejudicial to the character of the area in which it is intended that the existing uses of land shall remain for the most part undisturbed, would be contrary to established national and local planning policies to the detriment of visual amenities, contrary to Policy ENV1 of the Bridgend Local Development Plan.
2. Insufficient details of the mobile timber eco unit, the access and parking arrangements and drainage systems to serve the development have been submitted to enable the implications of the proposal to be properly evaluated by the Local Planning Authority.

<b>CODE NO.</b>	A/19/3225665
<b>APPLICATION NO.</b>	P/18/547/FUL
<b>APPELLANT</b>	MR S MIDDLETON
<b>SUBJECT OF APPEAL</b>	REGULARISATION OF EXTERNAL FINISHES TO DWELLING THE HAVEN 21 ABERGARW MEADOW, BRYNMENYN, BRIDGEND
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reason:

1. The as built dwelling, by reason of its scale, siting and external finishes, is visually obtrusive and generally out of character with the remainder of the development site within which it is located and sets an undesirable precedent for other developments at Abergarw Meadows to attempt to depart from the Development Brief and guidelines adopted for the site, thereby prejudicing the creation of a cohesive development to the detriment of visual amenities, contrary to Policy SP2 of the Bridgend Local Development Plan.

**CODE NO.** A/19/3225746 (1858)  
**APPLICATION NO.** P/18/907/RLX

**APPELLANT** MR & MRS BATER

**SUBJECT OF APPEAL** VARY CONDITION 2 OF P/16/660/FUL TO PROVIDE A SOLID SCREEN TO THE EAST FACING ELEVATION ONLY  
WHITEHALL COTTAGE, PENYFAI

**PROCEDURE** WRITTEN REPRESENTATION

**DECISION LEVEL** DELEGATED OFFICER

The application was refused for the following reason:

1. The removal of the west facing privacy screen to the elevated balcony area would have an unneighbourly and overlooking impact on the occupiers of the neighbouring residential property (Green Meadow) to the detriment of their residential amenities. As such, the proposal would be contrary to policy SP2 of the Bridgend Local Development Plan (2013) and Supplementary Planning Guidance 02: Householder Development.

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**CODE NO.** A/19/3226420 (1859)  
**APPLICATION NO.** P/18/898/RES

**APPELLANT** MR D JENKINS

**SUBJECT OF APPEAL** RESERVED MATTERS TO P/14/742/OUT TO RETAIN DWELLING AS BUILT WITH SWIMMING POOL AND GLAZED PANELS ABOVE BOUNDARY WALLS  
PLOT 11 ABERGARW MEADOWS, BRYNMENYN

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** DELEGATED OFFICER

The application was refused for the following reasons:

1. The development would be detrimental to local visual amenities, by reason of its incompatible roof forms together with the height and materials used for the boundary enclosures, in close proximity and in full view of users of the adjoining highway, contrary to Policy SP2 of the Bridgend Local Development Plan and Supplementary Planning Guidance 02: Householder Development.
2. The swimming pool infringes the safeguarding zone of the public sewer, which crosses the site thereby preventing access for maintenance and/or repair with there being a significant risk of damage to the sewer to the detriment of the health and safety of occupiers of the property, and safety of operatives effecting repairs as well as an undue risk of pollution to the detriment of the environment contrary to Policies SP2 and ENV7 of the Bridgend Local Development Plan.

**CODE NO.** C/19/3226431 (1860)  
**APPLICATION NO.** ENF/241/18/ANC

**APPELLANT** MR D JENKINS

**SUBJECT OF APPEAL** NON COMPLIANCE WITH APPROVALS P/16/222/RES,  
P/17/34/DOC & P/17/1086/FUL  
22 ABERGARW MEADOW (PLOT 11), BRYNMENYN

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** ENFORCEMENT

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**CODE NO.** C/19/3226631 (1861)  
**APPLICATION NO.** P/18/898/RES

**APPELLANT** MR N REES

**SUBJECT OF APPEAL** PROPERTY IN STATE OF DISREPAIR  
6 WARWICK CRESCENT, PORTHCAWL

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** ENFORCEMENT

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

**CODE NO.** C/18/3216164 (1845)  
**ENF NO.** ENF/41/18/ANC

**APPELLANT** MR S RUDD

**SUBJECT OF APPEAL** NON COMPLIANCE WITH APPROVAL P/13/425/FUL  
SCHOOL HOUSE, SCHOOL TERRACE, NORTH CORNELLY

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** DELEGATED OFFICER

**DECISION** THE INSPECTOR APPOINTED BY THE WELSH MINISTERS  
TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL  
BE PART ALLOWED AND THE ENFORCEMENT NOTICE VARIED.

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

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**CODE NO.** D/19/3220063 (1849)  
**ENF NO.** P/18/699/FUL

**APPELLANT** MR L NORMAN

**SUBJECT OF APPEAL** RETENTION OF FEATHER EDGE WOODEN FENCE AT THE FRONT AND SIDE OF PROPERTY  
28 CEMETERY ROAD, MAESTEG

**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**

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**CODE NO.** H/19/3221319 (1852)  
**ENF NO.** A/18/25/ADV

**APPELLANT** MR K JACKSON

**SUBJECT OF APPEAL** ADVERTISING BOARD FOR JACKSON CABS  
SIDE OF 4 SUNNYSIDE, BRIDGEND

**PROCEDURE** COMMERCIAL

**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 C**

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**RECOMMENDATION**

That the report of the Group Manager Planning & Development Services be noted.

**JONATHAN PARSONS**  
**GROUP MANAGER PLANNING & DEVELOPMENT SERVICES**

**Background Papers**

(see application reference number)

## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 15/01/19

gan **Melissa Hall BA(Hons), BTP, MSc, MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 04.04.19

## Appeal Decision

Site visit made on 15/01/19

by **Melissa Hall BA(Hons), BTP, MSc, MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 04.04.19

**Appeal Ref: APP/F6915/C/18/3216164**

**Site address: The School House, School Terrace, North Cornelly, Bridgend CF33 4HU**

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

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Stephen Rudd against an enforcement notice issued by Bridgend County Borough Council.
- The enforcement notice, Ref ENF/41/18/ANC, was issued on 4 October 2018.
- The breach of planning control as alleged in the notice is '*Without planning permission the erection of an entrance canopy, wall and pillars which exceed the limits outlined in the Town and Country Planning (General Permitted Development) Order*'.
- The requirements of the notice are:
  - (i) *Remove the entrance canopy, supporting concrete columns and red brick boundary wall.*
  - (ii) *Remove all materials resulting from step (i) above.*
- The period for compliance with the requirements is 2 months after the Notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (e), (f) and (g) of the Town and Country Planning Act 1990 as amended.

## Decision

1. The appeal is allowed in respect of ground (g) and to a limited extent in respect of ground (f), and I direct that the Enforcement Notice ("the Notice") be varied by:
  - The deletion of the Requirements in their entirety, and their substitution with the following text:
    - (i) *Remove the entrance canopy and supporting concrete columns.*
    - (ii) *EITHER (a) Reduce the height of the red brick pillars so that the resulting structure constitutes permitted development under Class A of Part 2 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended for Wales; OR (b) Remove the red brick boundary wall.*
    - (iii) *Remove from the land all materials resulting from compliance with (i) and either (ii)(a) or (b) above.*

- The deletion of "2 months" and its substitution with "6 months" as the period for compliance with the requirements of the Notice.
2. Subject to these variations, I dismiss the appeal on grounds (a) and (e), uphold the Notice and refuse to grant planning permission on the application deemed to have been made.

### **Procedural Matters**

3. Planning Policy Wales 10 (PPW) has been published since the serving of the Notice and the submission of the appeal. Accordingly, the main parties were given a period of one week to make any additional comments in respect of the issues raised in the appeal.

### **The appeal on ground (e)**

4. An appeal on ground (e) is that the Notice was not properly served. The appellant argues that the Notice was not served on all parties with an interest in the land i.e. the mortgage company.
5. Whether or not the Council pursued details of the mortgagee, the fact remains that the Council served the Notice on the appellant as the owner of the land specified in the response to the Planning Contravention Notice it served on 11 June 2018. The appellant therefore knew about these proceedings and an appeal was duly made within time. Section 176(5) of the amended 1990 Act allows me to disregard any failure to serve the Notice provided that this would not substantially prejudice the person concerned. In this case, even were there a question regarding service of the Notice, the appellant has not been substantially prejudiced. The appeal on ground (e) must therefore fail.

### **The appeal on ground (a) / deemed planning application**

6. An appeal on ground (a) is that planning permission should be granted for what is alleged in the Notice. In this case, the main issue is the effect of the development on the character and appearance of the area.
7. The appeal property consists of a detached, two storey dwelling which fronts a road junction and is highly visible in the street scene. The house has previously been extended with a two storey side extension<sup>1</sup>. It also incorporates a single storey element to the other side elevation, consisting of a double garage with dormer windows above together with a canopy that extends across its width and part of the front elevation of the dwelling.
8. The development the subject of the Notice consists of an entrance canopy which projects 90 degrees off the canopy on the front elevation of the dwelling and extends the depth of the front curtilage to a point where it meets the footway. The hipped roof canopy is supported by two substantial concrete columns which abut the red brick boundary walls. The walls incorporate brick pillars some 1.8 metre high along their length.
9. The surrounding area is predominantly residential in character, with the built form a mix of traditional and modern properties of varying design and external appearance. In terms of front boundary enclosures, there are a number of red brick front boundary treatments in the vicinity, albeit with more modest pillars, generally restricted to those either side of an entrance gate.

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<sup>1</sup> Planning permission P/13/425/FUL refers.

10. I do not take issue with the red brick finish of the boundary wall at the appeal site, given the presence of those in the surrounding area that I have already described. However, the pillars, due to their number and height, have an imposing physical presence and contribute to the creation of a front boundary treatment which dominates in the street scene.
11. The canopy and its supporting columns extend substantially forward of the dwelling, creating an alien feature at the front of the property which is also uncharacteristic of the area. Together, the overly grand appearance of the canopy with its columns and the imposing boundary treatment, overwhelm the more modest front elevation of the property. To this end, the development has a harmful effect on the character and appearance of the area.
12. In particular, the appellant has drawn my attention to the front property boundary of the dwelling opposite the appeal site, which consists of a red brick wall with high pillars and railing infills. I do not consider that the presence of this means of enclosure justifies what is otherwise and unacceptable form of development. Rather, it only serves to reinforce my concern regarding the adverse visual impact of the development before me.
13. Consequently, the development is in conflict with Policy SP2 of the adopted Bridgend Local Development Plan 2013 which requires new development to be of the highest quality design which respects and enhances local character. It would also be at odds with the objectives of good design as outlined in PPW and Technical Advice Note 12 'Design'.
14. I acknowledge the appellant's desire to protect the privacy and amenity of the property not least due to the dwelling's location adjacent to a busy highway junction. However, I am not convinced that the development the subject of the appeal is the only way in which this objective can be achieved, or that this matter outweighs the harm for the reasons I have already given.
15. I note the appellant's willingness to replace the orange coloured ridge tiles on the canopy roof and paint the columns in cream to match the colour of the existing dwelling. The appellant has also suggested that the development could be made acceptable through the imposition of conditions dealing with such matters and by the submission of a scheme to agree details of the proposed new access and the retention of vision splays.
16. Be that as it may, I am not satisfied that changing the ridge tiles or painting the columns would overcome the harm caused by the scale and design of the entrance canopy. Furthermore, in this case where a Notice has been served, it would not be appropriate to attach a condition requiring the submission of a scheme for the creation of a new vehicular access that may or may not be acceptable to the Council for highway safety or other reasons. Unlike an application for planning permission for development yet to commence, the development has already occurred and I am required to consider the acceptability of the development the subject of the Notice under the ground (a) appeal / deemed planning application, rather than an alternative scheme.

**The appeal on ground (f)**

17. An appeal on ground (f) is that the steps required to comply with the requirements of the Notice are excessive and lesser steps would overcome the objections.

18. In support of his case, the appellant states in the grounds of appeal that at no stage prior to the serving of the Notice did the LPA suggest that the entrance canopy, or anything other than the red brick pillars, should be removed. Thus he considers that the requirements of the Notice to remove the entrance canopy, supporting concrete columns and red brick boundary wall are both excessive and unreasonable.
19. I have not been party to any discussions that took place between the appellant and the Council prior to the serving of the Notice, albeit I have had sight of a letter from the Council to the appellant dated 8 August 2018 advising that in order to address the Council's reasons for refusal<sup>2</sup>, the red brick pillars should be removed, the orange roof tiles of the canopy replaced and that the red brick walls should be rendered and painted cream. However, the Council's decision notice in respect of application Ref P18/366/FUL and its subsequent Enforcement Notice clearly take issue with the design and scale of the development. The Council's appeal statement also makes reference to the unacceptable impact arising from the projection and design of the canopy. That is, the Council's concerns do not relate solely to external finishes, despite the opinions expressed in its correspondence. As I have found that the development has an adverse effect on the character and appearance of the area, allowing the pillars and entrance canopy to remain would not overcome the harm I have identified.
20. Turning to the brick wall enclosing the front property boundary. The Council has confirmed in written submissions that, in the event that the 1.8 metre high pillars were to be removed, the part of the wall that would remain would constitute permitted development under Class A of Part 2 to Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995 ("the GPDO")<sup>3</sup>.
21. I recognise that, if any of the limitations of permitted development rights are exceeded, as is the situation in this case, then the whole development is unlawful, not just that element in excess of the permitted development rights. Nevertheless, the existence of permitted development rights may represent a fall-back position which is an important material consideration, particularly in appeals such as those submitted under Section 174(2)(f), where there is a reasonable likelihood that the permitted development rights would be implemented should the Notice be upheld.
22. Within this context, I consider there to be a real possibility that the fall back position would be implemented. As such, I see no purpose in requiring the demolition of the wall in its entirety, only for the brick pillars to be removed. In arriving at this view, I bear in mind that the enforcement process should be remedial rather than punitive.
23. Consequently, and in this regard, I consider the requirements of the Notice to go beyond remedying the breach and, therefore, to be excessive. To rectify this, it is necessary for the requirements of the Notice to include the option of reducing the height of the pillars to reflect the deemed planning permission that is granted by the GPDO.
24. Notwithstanding the above, the appellant has suggested the retention of the canopy, supporting columns and the red brick pillars to the front boundary wall. However, this would not represent a realistic or suitable lesser step that would address the

<sup>2</sup> Planning application Ref P18/366/FUL for the '*Retention of boundary wall 1.8m in height (wall pillars) and entrance canopy to front elevation*' was refused on 25 July 2018 on the grounds that the development by reason of its scale, design and materials represents an incongruous development that is out of keeping with the character and appearance of the existing dwelling, having an unacceptable detrimental impact on the visual amenities of the street scene and wider area.

<sup>3</sup> Class A of Part 2 to Schedule 2 of the GPDO permits the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure where the height of that means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would not exceed one metre above ground level.



fundamental concerns in respect of the development that has been carried out. In my view, the requirements are entirely appropriate to achieve the objective of protecting the character and appearance of the area.

25. Thus, with the exception of the requirement to remove the front boundary wall in its entirety, the requirements of the Notice are not excessive and there are no lesser steps put forward by the appellant that would remedy the breach of planning control or the injury to amenity that has been caused by the breach. The appeal on ground (f) therefore succeeds to a limited extent, but otherwise fails.

### **The appeal on ground (g)**

26. An appeal on ground (g) is that the time given to comply with the notice is too short. The period for compliance is 2 months from the date the Notice takes effect.
27. The appellant argues that a substantial amount of work would need to be carefully planned and undertaken by a contractor, and that 6 months would be a more appropriate timescale.
28. The Council considers that the 2 month time period specified in the Notice is sufficient to undertake the works required as the works can be commenced immediately and do not have to be undertaken by a specialist building contractor.
29. I have balanced competing private and public interests; the private property interest of the appellant and the public interest of bringing to an end the identified harm to the character and appearance of the area without unnecessary delay. I consider that a 6 month period would be reasonable in order to enable the appellant to secure a contractor and carry out the necessary work.

### **Conclusions**

30. For the reasons given above, the appeal on ground (f) is allowed to a limited extent and the ground (g) succeeds, and I am therefore varying the Notice accordingly. Otherwise, the appeal fails in respect of grounds (a) and (e), the Notice is upheld and planning permission is refused for the application deemed to have been made.
31. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

*Melissa Hall*

Inspector

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**Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 25/03/19

gan **Richard E. Jenkins BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 29.04.2019

**Appeal Decision**

Site visit made on 25/03/19

by **Richard E. Jenkins BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 29.04.2019

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**Appeal Ref: APP/F6915/D/19/3220063**

**Site address: 28 Cemetery Road, Maesteg, Mid-Glamorgan, CF34 0LW**

**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 Lee Norman against the decision of Bridgend County Borough Council.
  - The application Ref: P/18/699/FUL, dated 18 August 2018, was refused by notice dated 6 November 2019.
  - The development proposed is the erection of a feather edge wooden fence at the front and side of the property.
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**Decision**

1. The appeal is dismissed.

**Main Issue**

2. This is the effect of the development on the character and appearance of the area.

**Reasons**

3. The appeal relates to a recently refurbished residential property located along Cemetery Road in Maesteg. The property is set back relative to the adjacent properties located to the north and south, with the front amenity space utilised for off-street car parking. The appeal proposal seeks 'retrospective planning permission', under Section 73A(2)(a) of the Act, for the retention of the feather edge wooden fencing that extends from the building line of the appeal property along the shared boundaries with the aforementioned neighbouring properties to the point where the shared boundaries abut the public highway.
  4. It was clear at the time of my site inspection that, by reason of the scale, form and overall design of the fencing, particularly the way in which it projects beyond the front elevation of the adjacent properties and up to the public highway, the development represents a discordant and visually intrusive feature that causes material harm to the street scene. This is particularly evident when the street is viewed upon its length. I recognise the fact that the area incorporates a variety of boundary treatments. I also note the appellant's contention that the fence is necessary for safety reasons. Nevertheless, I do not consider the other enclosures within the area to justify the aforementioned harm, not least because they are generally of a staggered and more appropriate height that helps to retain a sense of openness along Cemetery Road.
-

Furthermore, I have not seen anything to indicate that the appellant's safety concerns could not be mitigated through a visually less harmful means of design.

5. I therefore find that the development causes material harm to the character and appearance of the area and that it runs counter to the general aims of Policy SP2 of the adopted Bridgend Local Development Plan 2006- 2021 (Adopted 2013) (LDP). For the same reasons, it is also contrary to the general thrust of the advice contained within the Council's adopted Supplementary Planning Guidance (SPG) Note 2: *Householder Development*. For these reasons, and having considered all matters raised, I conclude that the appeal should be dismissed.
6. In coming to this conclusion, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

*Richard E. Jenkins*

INSPECTOR

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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 13/2/19

gan Declan K Beggan BSc (Hons) MSc  
DipTP DipMan MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 26/03/2019

## Appeal Decision

Site Visit Made on 13/2/19

by Declan K Beggan BSc (Hons) MSc  
DipTP DipMan MRTPI

an Inspector appointed by the Welsh Ministers

Date: 26/03/2019

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**Appeal Ref: APP/F6915/H/19/3221319**

**Site address: 4 Sunnyside, Bridgend, CF31 4AE**

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

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a refusal to grant express consent.
  - The appeal is made by Mr Ken Jackson of Jackson Cabs against the decision of Bridgend County Borough Council.
  - The application Ref A/18/25/ADV, dated 25 October 2018, was refused by notice dated 10 December 2018.
  - The advertisement proposed is described as "Advertising board for Jackson Cabs".
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The effect of the advertisement on the character and appearance of the area and its effect on highway safety.

### Reasons

3. The proposed sign would be located on the gable elevation of a residential property that forms part of a terrace of dwellings located near to but outside the commercial centre of Bridgend. Views of the proposed sign would be principally from a northerly direction towards the junction of the A473 and Park Street, beyond which the appeal site lies. The general character of the area in which the proposed sign would be located appears domesticated and residential in nature, with the overall impression being that of quiet visual restraint, notwithstanding the appeal site's proximity to the town centre and the commercial properties to the immediate north which exhibit a mix of associated signage. The separate character associated with the immediate environs of the appeal site to that of the more commercially active areas nearby is reinforced by the presence of the adjacent A473 and Park Street.
  4. I consider the proposed advertisement due to its significant size and siting high up on a gable elevation to a residential property would make it a prominent visually cluttering feature in an area that is otherwise devoid of such features particularly when viewed from a northerly direction, notwithstanding the presence of other
-

signage within the wider commercial areas. As such the proposed sign would materially detract from the character and appearance of the area.

5. In support of his position the appellant has submitted several photographs showing other advertisements in the wider locality, however it is unclear from the information before me whether they benefit from consent, however more importantly these other signs in the main are located in areas that are broadly commercial in nature and therefore not directly comparable. In any event their presence does not persuade me to allow an advertisement that I have found to be harmful to the visual amenity of the area.
6. The non-illuminated sign would not obscure any traffic signals given its location relative to the adjacent junction or for that matter any other junction. Notwithstanding the highway objections referred to in the Council's second reason for refusal, I do not consider the sign would result in any significant distraction to drivers or pedestrians at the junction who are taking reasonable care of their own and others safety. In arriving at this conclusion, I am also conscious that there is no evidence to indicate that existing signage in the immediate area has been a material factor resulting in detriment to highway safety.
7. The Council's refusal reason refers to policy SP2 of the adopted Bridgend Local Development Plan (LDP). The policy whilst not decisive in itself, nonetheless is a material consideration. I have taken the view that the proposed sign would be detrimental to visual amenity as it does not respect and enhance local character due its inappropriate size, siting and prominence within the street scene; in this respect the proposed sign would in broad terms run contrary to the aims of policy SP2 of the LDP.

#### *Other Matters*

8. I note the appellant refers to the commercial needs of the business that the proposed advertisement seeks to promote, however those commercial needs in this instance do not outweigh the significant harm identified to the visual amenity of the area.
9. I note the Council draw attention to the fact that the proposed advertisement is near to two conservation areas, however apart from highlighting this fact they say little in terms of its impact upon those conservation areas. The Act<sup>1</sup> requires that I have special regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect, I am satisfied that, bearing in mind the proposed signage would principally be seen in the context of views looking outside and away from those adjacent conservation areas, that any impact would be neutral, and consequently would preserve those local heritage interests.

#### **Conclusion**

10. For the reasons above, I consider that the advertisement is materially detrimental to interests of amenity, and having taken account of all other matters raised, I conclude the appeal should be dismissed.

*Declan K Beggan*  
INSPECTOR

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<sup>1</sup> The Planning (Listed Buildings and Conservation Areas) Act 1990

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## **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>
Sara Taylor, <i>Team Leader Coastal &amp; Flood Management</i>	“Sustainable Drainage Systems, SuDS Approving Bodies and land drainage issues in general – The New System”	9 May 2019	12.45pm
Peter Remedios, <i>Senior Regeneration Officer</i>	“Workshop on Porthcawl Salt lake site (Foodstore)”	20 June 2019	12.45pm
Jonathan Parsons, <i>Group Manager Development</i> / Richard Matthams, <i>Development Planning Manager</i>	“LDP – Preferred Strategy”	1 August 2019	12.45pm
Richard Matthams, <i>Development Planning Manager</i> / Gareth Denning, <i>Policy Team Leader</i> / Adam Provoost, <i>Senior Development Planning Officer</i>	“Open Space SPG workshop”	12 September 2019	12.45pm
Gaynor Thomas, <i>School Programme Manager</i>	“Education contributions – new draft SPG”	24 October 2019	12.45pm
Neil Price, <i>Biodiversity Policy and Management Officer</i>	“Latest on biodiversity in Planning”	5 December 2019	12.45pm

### **Recommendation:**

That the report of the Corporate Director Communities be noted.

**JONATHAN PARSONS**  
**GROUP MANAGER – PLANNING & DEVELOPMENT SERVICES**

### **Background Papers**

None.

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