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Bridgend County Borough Council



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Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate

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

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Friday, 2 July 2021

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held remotely - via Microsoft Teams on
Thursday, 8 July 2021 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. Approval of Minutes 3 - 10
To receive for approval the minutes of the 27/05/2021
4. Public Speakers
To advise Members of the names of the public speakers listed to speak at today's meeting (if any).
5. Amendment Sheet
That the Chairperson accepts the Development Control Committee Amendment Sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be accommodated.
6. Development Control Committee Guidance 11 - 14
7. P/21/56/FUL - Braseria El Prado, High Street, Laleston, CF32 0LD 15 - 28

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| 8. | <u>P/21/412/RLX - 66 Grove Road, Bridgend, CF31 3EF</u> | 29 - 34 |
| 9. | <u>P/21/217/FUL - Land Adjacent Heol Tredwr, Waterton, CF31 3AJ</u> | 35 - 52 |
| 10. | <u>Appeals</u> | 53 - 70 |
| 11. | <u>Training Log</u> | 71 - 72 |
| 12. | <u>Urgent Items</u>
To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency. | |

Note: Please note: Due to the current requirement for social distancing this meeting will not be held at its usual location. This will be a virtual meeting and Members and Officers will be attending remotely. The meeting will be recorded for subsequent transmission via the Council's internet site which will be available as soon as practicable after the meeting. If you have any queries regarding this, please contact cabinet_committee@bridgend.gov.uk or tel. 01656 643147 / 643148.

Yours faithfully

K Watson

Chief Officer, Legal, HR & Regulatory Services

Councillors:

JPD Blundell
N Clarke
RJ Collins
SK Dendy
DK Edwards
RM Granville

Councillors

M Hughes
A Hussain
MJ Kearn
DRW Lewis
JC Radcliffe
JC Spanswick

Councillors

RME Stirman
G Thomas
MC Voisey
KJ Watts
CA Webster
RE Young

Agenda Item 3

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 27 MAY 2021

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD REMOTELY - VIA MICROSOFT TEAMS ON THURSDAY, 27 MAY 2021 AT 14:00

Present

Councillor G Thomas – Chairperson

JPD Blundell	N Clarke	SK Dendy	DK Edwards
RM Granville	A Hussain	MJ Kearns	DRW Lewis
JC Radcliffe	JC Spanswick	RME Stirman	MC Voisey
KJ Watts	RE Young		

Apologies for Absence

RJ Collins, M Hughes and CA Webster

Officers:

Rhodri Davies	Development & Building Control Manager
Gareth Denning	Policy Team Leader
Craig Flower	Planning Support Team Leader
Mark Galvin	Senior Democratic Services Officer - Committees
Rod Jones	Senior Lawyer
Richard Matthams	Development Planning - Team Leader
Robert Morgan	Senior Development Control Officer
Louis Pannell	Senior Strategic Planning Policy Officer
Jonathan Parsons	Group Manager Development
Michael Pitman	Democratic Services Officer - Committees
Adam Provoost	Senior Development Planning Officer
Philip Thomas	Principal Planning Officer

479. DECLARATIONS OF INTEREST

None.

480. APPROVAL OF MINUTES

RESOLVED: That the Minutes of a meeting of the Development Control Committee dated 15 April 2021, be approved as a true and accurate record.

481. PUBLIC SPEAKERS

There were no public speakers.

482. 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 the Committee to consider necessary modifications to the Committee report, so as to take account of late representations and revisions that are required to be accommodated.

483. 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.

484. P/21/101/FUL - UNIT 2 GARTH DRIVE, BRACKLA INDUSTRIAL ESTATE, CF31 2AQ

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

PROPOSAL: Transform unused office space into a hair salon

485. P/20/373/FUL - THE RANGE, UNIT 6/7 ROYAL LONDON PARK, WATERTON, CF31 3YN

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

PROPOSAL: Siting of two 2.4m x 6.1m steel storage containers for use in connection with The Range

486. P/21/150/FUL - PENCOED SOCIAL CLUB LTD., 37 HENDRE ROAD, PENCOED, CF35 6TB

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

PROPOSAL: Erect a marquee at the front of the club - this will be in the garden of 1 Woodland Avenue which is owned by the club

487. APPEALS

RESOLVED: (1) That the Appeals received since the last Committee meeting as detailed in the report of the Corporate Director Communities, be noted.

(2) That the Inspector appointed by the Welsh Ministers to determine the following appeal directed that the appeal be allowed subject to conditions:-

Code No.

Proposal

A/20/3264867 (1907)

Retention Of Temporary Log Cabin Land At Cwmdu Lodge, Maesteg

(3) That the Inspector appointed by the Welsh Ministers to determine the following appeal directed that the appeal be allowed and that the Enforcement Notice be quashed:-

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 27 MAY 2021

A/20/3264867 (1908) Unauthorised Log Cabin Land Adjacent To St Johns Colliery, Maesteg

- (4) That the Inspector appointed by the Welsh Ministers to determine the following appeal directed that the appeal be allowed subject to conditions:

A/21/3266841 (1910) Remove Conditions 1 & 3 Of P/20/299/Ful:
10 Woodside Avenue, Litchard

- (5) That the Inspector appointed by the Welsh Ministers to determine the following appeal has directed that it be dismissed:-

A/21/3267243 (1911) Erection Of One Dwelling:
Land To The Rear Of 30/32 High Street, Ogmere Vale

488. **REPLACEMENT LOCAL DEVELOPMENT PLAN DEPOSIT PLAN PUBLIC CONSULTATION DOCUMENT**

The Strategic Planning and Transportation Manager (SPTM) presented a report to bring to the attention of Development Control Committee that the Replacement Local Development Plan Deposit Draft (LDPDD) (attached as Appendix 1 to the report) will be published for public consultation in June 2021 for a period of 8 weeks in accordance with the Development Agreement approved by Council and Welsh Government.

The SPTM advised that on 18 May 2021, Cabinet authorised the publication of the LDPDD for public consultation in June 2021 for a period of 8 weeks, in accordance with the Development Agreement approved by Council and Welsh Government. The SPTM then outlined to members the legal framework surrounding the process and the progress which has been made leading to this stage. The details of his report are set out in the following paragraphs.

The Planning and Compulsory Purchase Act 2004, requires Bridgend County Borough Council to prepare a Local Development Plan (LDP) setting out its objectives for the development and use of land in Bridgend County Borough over the plan period to 2033 and its policies to implement them.

This LDPDD has been prepared by Bridgend County Borough Council to underpin preparation of the Replacement LDP 2018-2033.

Once finalised and adopted the Replacement LDP will replace the existing LDP (2006-2021) as the statutory Development Plan for the County Borough. In accordance with statutory requirements, policy and guidance, the Replacement LDP will be required to:

- deliver sustainable & transit-orientated development;
- maximise well-being and creating sustainable places through placemaking;
- build upon and add value to the National Development Framework and national Planning policies and guidance produced by the Welsh Government;
- reflect local aspirations for the County Borough based on a vision agreed by the Council and other stakeholders;
- express in land-use terms the objectives of the Well-Being of Future Generations (Wales) Act 2015 and priorities of the Bridgend Public Services Board's Well-being Plan. This will be enabled by demonstrating the Five Ways of Working

(involvement, collaboration, integration, prevention and long term balancing factors) in the Plan's development;

- provide a basis for rational and consistent Development Management decisions;
- guide growth and change while protecting local diversity, character and sensitive environments;
- ensure the social and economic resilience of settlements and their ability to adapt to change over the long term; and
- show why, how and where change will occur over the Plan period.

The LDPDD builds upon the Preferred Strategy which was consulted on between 30 September 2019 and 8 November 2019. In doing so the LDPDD provides an updated strategic framework to underpin the Replacement LDP.

The reasons for review are detailed in the LDP Review Report which was previously reported to Council (on 20 June 2018). LDPs also have to be based on robust evidence to ensure that critical land-use issues are identified and properly addressed. Some of the evidence base studies that underpin the existing LDP policies, are out-of-date and need to be updated and/or replaced in order to fully understand the land-use requirements of the County Borough up to 2033.

Fundamentally, the Replacement LDP will avoid 'Planning by appeal' and ad hoc development coming forward outside the Development Plan system and not in accordance with the Plan's strategy. This will strengthen the Council's framework for determining Planning applications and provide enhanced certainty to communities in this respect.

The LDPDD consists of a Written Statement (Appendix 1) and Proposals Map (Appendix 2). The Written Statement outlines local Planning policies, land use allocations and associated justification based on the supporting evidence.

A succinct overview of the Plan's chapters were set out in the report.

The LDP Vision will be delivered through the achievement of 4 Strategic Objectives which will be underpinned by 35 Specific Objectives. These seek to reflect updated national policy and legislation and address the issues facing the County Borough. The SPTM gave a resume of these and they were also expanded upon in the report.

The Strategic Objectives have been defined to reflect identified key issues, align with national policy and ensure an appropriate balance between the different elements of sustainability.

The Strategic and Specific Objectives, had been devised to create the right conditions to address the various social, cultural, environmental and economic well-being outcomes. The objectives will also form part of the basis for monitoring the implementation of the Plan once adopted and operational.

A suite of Strategic Policies were identified in the Replacement LDP Preferred Strategy. These had been modified to take account of representations received and extended to provide a more comprehensive Strategic Policy Framework. The updated suite of 18 Strategic Policies, was also now supported by 56 accompanying Development Management Policies, which addressed a range of detailed thematic issues as illustrated in paragraph 4.17 of the report.

In terms of Supporting Documents, the Strategic Planning and Transportation Manager highlighted that the LDPDD was supported by a Candidate Site Assessment which had identified the potential sites that are suitable for allocation within the Replacement LDP.

All candidate sites have been subject to a sequential four-stage assessment. This has firstly considered the potential of each site to support the Preferred Strategy before scrutinising detailed site assessments (in terms of deliverability, sustainability and suitability) and consulting with appropriate specific consultation bodies. The fourth stage of this assessment has sought additional information from site promoters, where appropriate, to support sites for inclusion and subsequent allocation in this Deposit Plan.

In line with statutory requirements the preparation of the emerging Replacement LDP is being informed by a suite of impact assessments. These were detailed in paragraph 4.23 of the report.

There were a number of supporting technical documents that had been produced to inform the Replacement LDP. These were listed in Table 1 at paragraph 4.27 of the report, along with their role and purpose and should be read alongside the LDPDD. Also, copies of these documents were attached as PDFs at the end of the Officer's report.

The SPTM, then referred to the last section of the report, which contained some additional key points for noting by Members and further work that needed to be carried out, prior to the LDP going out to public consultation. Covid-19 had unfortunately meant there had been a delay, in terms of the preparation of the revised replacement LDP. The LDP would be submitted to full Council in due course, following the consultation period.

A Member encouraged Councillors to engage with their constituents, in order that they were aware of the consultation period, during which, they could give their input to the LDP, in order that these view could be considered during this crucial period.

A Member asked if there was available, an 'easy read' version of the LDP and its supporting documentation as the report and appendices before Members was very comprehensive and not that user friendly, in terms of the documents being easily referred to by those interested in reading these.

The SPTM confirmed that a summary document was being prepared by the Council's Engagement Team and this would be placed on the website for the benefit of the public. The documents would also be available for all, including any disadvantaged groups, he added. All the documents would also be separate, so that those interested in reading them, could navigate to the particular documents they were interested in.

Finally, the SPTM confirmed that the Council would be supported by Planning Aid Wales, in order that engagement on the Replacement LDP and its supporting documentation is encouraged both with BCB Council Members and Town/Community Council Members.

RESOLVED: That the Development Control Committee noted the report and that the Replacement Local Development Plan Deposit Draft will be published for public consultation in June 2021 for a period of eight weeks.

489. **TO PROPOSE THAT BRIDGEND COUNTY BOROUGH COUNCIL BECOMES A SIGNATORY TO THE PLACEMAKING WALES CHARTER**

The Group Manager Planning and Development Services presented a report, the purpose of which, was to seek the endorsement of the Development Control Committee in proposing that the Council becomes a signatory to the Placemaking Charter Wales.

He confirmed that placemaking is a proactive and collaborative process of creating and managing places that also supported good and effective planning policies. Although the

Local Planning Authority may be considered as the main proponent, the placemaking agenda goes effectively beyond the Planning and related functions of the Council and has cross-disciplinary connections to multiple service areas across local government and its related partners, in order to contribute to the effective creation and management of places. Placemaking is seen as a key process to deliver the duties of the Well-Being of Future Generations Act and key corporate priorities/strategies including the Corporate Plan and the carbon reduction aspirations of Bridgend 2030. Furthermore, its multi-disciplinary requirements align well with a one Council approach in carrying out its functions.

The Group Manager Planning and Development Services added, that by becoming a signatory to the Placemaking Charter Wales, the Council will demonstrate its commitment to the placemaking principles and developing and improving its places.

The Placemaking Wales Charter, launched in September 2020, has been developed by Welsh Government and the Design Commission for Wales in collaboration with the Placemaking Wales Partnership. This consists of stakeholders representing a wide range of interests and organisations working within the built and natural environment. The Charter is intended to reflect the collective and individual commitment of these organisations to support the development of high-quality places across Wales for the benefit of communities.

The components of the Charter were summarised in the report and attached to it in full, at Appendix A.

The Group Manager Planning and Development Services, confirmed that signatories to the Placemaking Wales Charter, agree to promote the principles in the planning, design and management of new and existing places, as was detailed in paragraph 4.3 of the report.

This would require a commitment to the principles shown in bullet point in paragraph 4.4 of the report that would cut across a wide range of departments and Council functions, all of which have a role to play in ensuring that new development and supporting infrastructure are informed by placemaking objectives.

Signing up to the Placemaking Wales Charter, would also assist in the design of developments and statutory principles, aims and objectives of the Council's Local Development Plan (LDP). Supplementary Planning Guidance would also be introduced as a result of committing to the Charter, he added.

A Member felt that as well as there being Officer Champions supporting the Placemaking Wales Charter, there should be a Member Champion too, possibly the Chairperson of the Development Control Committee.

- RESOLVED:
- (1) That Members endorsed that Bridgend County Borough Council agreed to become a signatory of the Placemaking Wales Charter.
 - (2) That the Group Manager Planning & Development Services pursues the above, through the Corporate Management Board and also seeks the approval of Cabinet and Council to commit to the Charter.

490. TRAINING LOG

The Group Manager Planning and Development Services presented a report, containing items that comprised the future Training Programme for Members, in the immediate future.

RESOLVED: That the report be noted.

491. URGENT ITEMS

None.

The meeting closed at 16:15

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

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

STANDARD CONDITIONS

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

Time-limits on full permission

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

Time-limits on outline permissions

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

Variation from standard time-limits

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

STANDARD NOTES

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

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

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

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

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

To determine whether your building work requires Building Regulation approval, or for other services

provided by the Council's Building Control Section, you should contact that Section on 01656 643408 or at:- <http://www.bridgend.gov.uk/buildingcontrol>

- d. Developers are advised to contact the statutory undertakers as to whether any of their apparatus would be affected by the development
- e. Attention is drawn to the provisions of the party wall etc. act 1996
- f. Attention is drawn to the provisions of the Wildlife and Countryside Act 1981 and in particular to the need to not disturb nesting bird and protected species and their habitats.
- g. If your proposal relates to residential development requiring street naming you need to contact 01656 643136
- h. If you are participating in the DIY House Builders and Converters scheme the resultant VAT reclaim will be dealt with at the Chester VAT office (tel: 01244 684221)
- i. Developers are advised to contact the Environment and Energy helpline (tel: 0800 585794) and/or the energy efficiency advice centre (tel: 0800 512012) for advice on the efficient use of resources. Developers are also referred to Welsh Government Practice Guidance: Renewable and Low Carbon Energy in Buildings (July 2012):-
<http://wales.gov.uk/topics/planning/policy/guidanceandleaflets/energyinbuildings/?lang=en>
- j. Where appropriate, in order to make the development accessible for all those who might use the facility, the scheme must conform to the provisions of the Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005. Your attention is also drawn to the Code of Practice relating to the Disability Discrimination Act 1995 Part iii (Rights of Access to Goods, Facilities and Services)
- k. If your development lies within a coal mining area, you should take account of any coal mining related hazards to stability in your proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 7626848 or www.coal.gov.uk
- l. If your development lies within a limestone area you should take account of any limestone hazards to stability in your proposals. You are advised to engage a Consultant Engineer prior to commencing development in order to certify that proper site investigations have been carried out at the site sufficient to establish the ground precautions in relation to the proposed development and what precautions should be adopted in the design and construction of the proposed building(s) in order to minimise any damage which might arise as a result of the ground conditions.
- m. The Local Planning Authority will only consider minor amendments to approved development by the submission of an application under section 96A of the Town and Country Planning Act 1990. The following amendments will require a fresh application:-
 - re-siting of building(s) nearer any existing building or more than 250mm in any other direction;
 - increase in the volume of a building;
 - increase in the height of a building;
 - changes to the site area;
 - changes which conflict with a condition;
 - additional or repositioned windows / doors / openings within 21m of an existing building;
 - changes which alter the nature or description of the development;
 - new works or elements not part of the original scheme;
 - new works or elements not considered by an environmental statement submitted with the application.
- n. The developer shall notify the Planning Department on 01656 643155 / 643157 of the date of commencement of development or complete and return the Commencement Card (enclosed with this Notice).

- o. The presence of any significant unsuspected contamination, which becomes evident during the development of the site, should be brought to the attention of the Public Protection section of the Legal and Regulatory Services directorate. Developers may wish to refer to 'Land Contamination: A Guide for Developers' on the Public Protection Web Page.
- p. Any builder's debris/rubble must be disposed of in an authorised manner in accordance with the Duty of Care under the Waste Regulations.

THE SITE INSPECTION PROTOCOL

The Site Inspection Protocol is as follows:-

Purpose

Fact Finding

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

Request for a Site Visit

Ward Member request for Site Visit

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

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

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

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

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

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

Inappropriate Site Visit

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

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

Format and Conduct at the Site Visit

Attendance

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

Officer Advice

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

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

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

Code of Conduct

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

Record Keeping

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

Site Visit Summary

In summary site visits are: -

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

N.B. – Due to the Covid 19 pandemic, physical site visits will not be possible for the foreseeable future and virtual site visits will be provided where it is deemed necessary

Frequently Used Planning Acronyms

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

REFERENCE: P/21/56/FUL

APPLICANT: Braseria El Prado

LOCATION: Braseria El Prado High Street Laleston CF32 0LD

PROPOSAL: Construction of side addition and elevation alterations to serve existing restaurant; reconfiguration of car parking to create additional spaces and dedicated refuse store

RECEIVED: 21 January 2021

SITE INSPECTED: 16 April 2021, 13 May 2021 & 16 June 2021.

DESCRIPTION OF PROPOSED DEVELOPMENT

Full planning permission is sought for the construction of a side addition, elevation alterations, the reconfiguration of the existing car parking facility and the creation of a dedicated refuse store at the 'El Prado' Restaurant, High Street, Laleston.

Following the submission of amended plans and a level of negotiation with the applicant, the original proposal for the provision of 28 external seating spaces to the front west elevation of the existing building has been completely removed from the scheme.

At the time of the site inspections, works had begun on the side addition with the elevation alterations, reconfiguration of the car park and the new refuse store works being fully completed at the site.

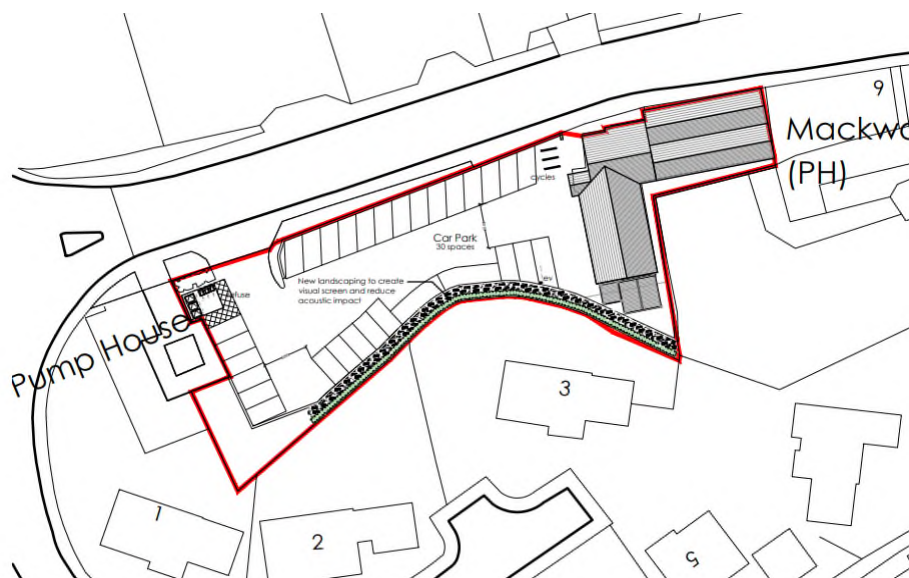


Figure 1 – Layout of the site

The new side addition has a steel frame construction and would have predominantly glazed elevations with a roof covering comprising a ventilated louvre system which can be opened and closed. It is detailed that the new addition would accommodate 12 covers/seating spaces. It measures 5.5m in width (maximum) with a maximum length of 7.5m and a height of 2.75m from ground level. The addition covers a floor area of approximately 34 square metres.

Changes to the fenestration of the building comprise the insertion of a set of bi-folding/retractable doors within the west facing elevation of the building facing the car park associated with the property. A dedicated refuse store has also been introduced towards

the western boundary of the site that is largely enclosed by timber boundary fencing. Changes to the layout and configuration of the car parking area has resulted in 30 dedicated off-street spaces being created at the site including an electric vehicle charging point (24 spaces previously being available at the site).

Information submitted in support of the application highlights the proposed seating area within the side addition would only be used up to 9:30pm – 10:00pm each evening.

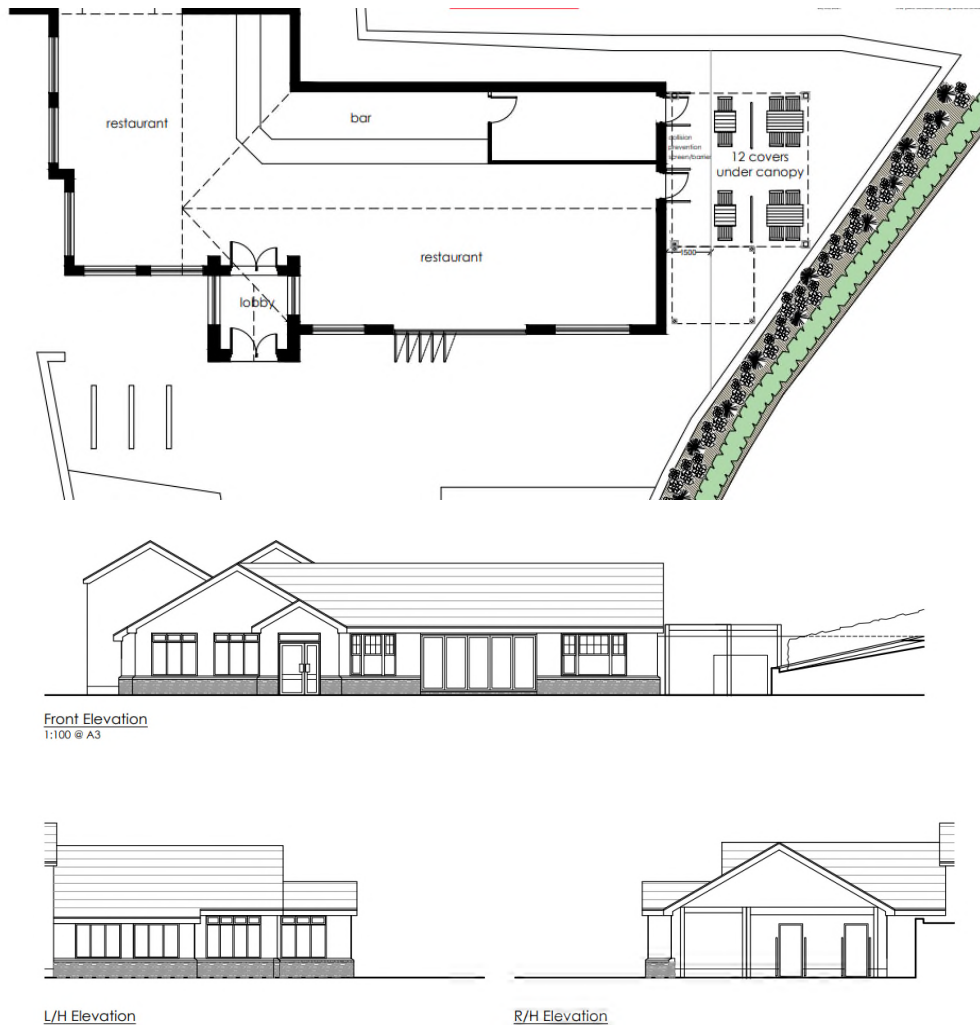


Figure 2 – Proposed layout and elevation details

SITE DESCRIPTION

The application site comprises the El Prado restaurant which is situated within the built up area of Laleston. The relatively flat site is positioned to the south of the main road that runs through the village. The site is largely surrounded by residential properties although the Mackworth Arms Public House immediately adjoins the east of the site. Immediately to the south of the site in a slightly elevated position are the rear gardens of residential properties within Ty Ddyn Gwaun. Boundary fencing screens the development site from the rear of properties within Ty Ddyn Gwaun.

Opposite the public highway to the north of the site are further residential properties (High Street). To the west of the main building is the car parking area associated with the premises, which is largely defined by a low stone boundary wall. A narrow row of trees/shrub planting forms part of the southern boundary of the site (in-between the site and the residential properties) with some of the trees to the south west of the site being protected under a Tree Preservation Order. The application building is situated within the

Laleston Conservation Area although the boundary of the Conservation Area dissects the car parking area.



Figure 3 – Photographs of the application site

RELEVANT HISTORY

Application Reference	Description	Decision	Date
T/14/20/TPO	Crown reduction and crown thinning to 6 Beech Trees	Granted	13/06/2014
T/18/46/TPO	(3 Ty Ddyn Gwaun) - Fell 1 x Sycamore, fell 2 x Beech trees, reduce the canopies of remaining trees by 25% and remove any dead wood and cross rubbing growth	Granted	04/12/2018
P/18/853/FUL	New vehicular access to El Prado car park	Granted	09/01/2019
T/19/42/TPO	Fell a 3 stemmed ash tree due to safety concerns and undertake an 8m crown reduction to a beech tree	Granted	11/09/2019

CONSULTATION RESPONSES

Laleston Community Council	No comments received on the Planning application.
Transportation Officer (Highways)	No objection to the revised Planning application with conditions recommended.
Building Conservation and Design Officer	Advise that no principle concerns were raised against the proposal when a grant application was being considered prior to the submission of the Planning application.
Shared Regulatory Services Public Protection: Noise	No objection to the revised Planning application with conditions recommended.

REPRESENTATIONS RECEIVED

The application has been advertised on site. Neighbours were notified of the receipt of the application. The period allowed for response to consultations/publicity (third consultation exercise) expired on 07 June 2021.

Cllr Pam Davies – Objects to the scheme highlighting the application has the potential to cause highway safety concerns with regards to the overspill of traffic into the narrow side streets of Laleston and noise and disruption issues for residents. It is also stated the Councillor is against this Planning application as the owner is not adhering to times of working on the site, is not adhering to the social distancing or wearing of PPE. It is understood the applicant has also requested a further extension of licensing hours into AM by 30 mins - 0030 which does not lend itself to the Village of Laleston.

The owner/occupier of 1 Ty Ddyn Gwaun supports the proposal.

The owners/occupiers of 3, 7, 9 & 11 High Street, The Annexe at 1 High Street, 2,3,4,5,6 & 8 Ty Ddyn Gwaun objected to the original Planning application submission.

Following the submission of amended plans that reduced the number of external seating areas proposed at the site, the owners/occupiers of 3,7,11 High Street, the Annexe at 1 High Street and 4 Ty Ddyn Gwaun, Laleston specifically provided comments/objections on that revised scheme.

The final set of amended plans that are now under consideration (whereby the external seating area has been completely removed from the scheme) has been the subject of objections from the owners/occupiers of 4 Ty Ddyn Gwaun and 3,7 & 11 High Street. The comments received to the revised Planning application under consideration are summarised as follows:

Impact on Residential Amenity

Direct negative impact from noise and lighting from people eating and drinking outside to neighbouring properties particularly during the evening.

Five-panelled bi-fold doors have been inserted in the building which will allow customer noise and music to emanate from inside and cause further noise nuisance if open.

Noise nuisance from users of the facility leaving the premises late in the evening.

Residents on High Street live directly opposite the front entrance to El Prado and even with the owner's attempt at a screen consisting of six potted shrubs, privacy is invaded particularly when people congregate at the entrance.

The latest plans do not include provision for the outside eating/drinking area. This aggravates the car parking issue and will affect the issue of noise not only from the outside customers but it will necessitate the opening of the bi-folding doors throughout the period this area is in use to allow access for staff to serve meals and to clear tables. Thus the noise for inside the building will be audible.

Could air conditioning be installed to avoid the need to open the new bi-folding doors/windows during warm weather.

Highway Safety & Parking

Traffic congestion and clear parking issues at the site.

The new plans do not resolve the issue of inadequate car parking which will result in

significant on-street parking. In the past during busy periods High Street was often inundated with street parking although the number of covers is now being significantly increased.

The car park shows spaces for 30 but they have used the wrong measurements which do not conform to the Council's adopted parking standard SPG17, so the true number of spaces is only 26. This is before any staff park there which happens daily. If they are stopped from using the car park, they will have to park on-street.

Clear car parking deficiency based on current Bridgend Council guidelines which is causing on-road car parking which will be made worse by the proposal.

Dining area capacity is being increased by the conversion of the upstairs store room to a function room along with the proposed Pergola. Licensing has granted alcohol to be purchased without requirement to purchase food. This gives flexibility for operational changes which will increase parking demands.

The applicant has been granted a click and collect type service for alcohol sales. This by nature will put take-away scenario conditions with on-road parking.

No commercial delivery space is shown. The previous owners had all deliveries in the early hours of the morning. The current arrangement is that dry goods are stacked at the corner of the south and west elevation or taken in through the fire door on the north elevation using highway parking. Refrigerated goods are delivered at all times of the day and sometimes have to use highway parking for delivery or cause highway parking by blocking access to the car park.

By taking out the seating area of the car park which was for 18 people and adding in 12 people in the upstairs function room the net reduction for parking is 6. On a typical day there are at least 6 car parking spaces used by staff.

El Prado has never provided enough off-street parking for busy periods. The situation is already far worse than under the former owners with the congestion going on for longer periods.

The licence now allows drinkers of alcohol and other beverages to be served throughout the day without having meals. There is an off-sales collection service throughout the day plus a new function room. It all adds to the number of customers, noise and nuisance of traffic coming and going.

In their original application the new owners sought to exploit the Welsh Government's Active Travel Policy by implying people would access the site by walking, cycling and public transport. Their backing for the policy seems to have waned somewhat as they appear to be now trying to get more car parking spaces. In fact, since El Prado began to emerge out of lockdown, we have not seen a single customer on a bicycle.

The wish to help the hospitality industry is understood but it is felt the huge expansion in customers that this development will bring (and has already brought) is completely inappropriate for a village the size of Laleston. None of the bar/restaurants in the village could survive on walk-in customers alone, so the car, taxi and minibus are king. Unless the traffic is properly regulated the village will eventually grind to a halt.

Visual Impact

The development has already had a massive impact on the Conservation Area. The new owners destroyed a line of mature trees behind El Prado which were undoubtedly the finest natural asset in the Conservation Area and provided visual amenity and a habitat for migrating birds.

Retrospective Nature of the scheme

The side conservatory has already been erected at the site.

All the works except the outdoor seating area have already been done regardless.

COMMENTS ON REPRESENTATIONS RECEIVED

Factors to be taken into account in making Planning decisions must be Planning matters, that is they must be relevant to the proposed development and the use of land in the public interest. The matters raised in the objections received are addressed below:

Impact on Levels of Residential Amenity and Highway safety:

The impact of the Planning application proposal on both the levels of residential amenity and highway safety are fully considered in the Appraisal Section of this report. When taking a balanced and sympathetic approach particularly in regard to the difficulties experienced by the hospitality industry throughout the Corona Virus Pandemic, the significantly revised proposal to extend and alter the premises in the manner proposed does not raise such harmful material Planning matters to warrant the refusal of the Planning application and can on balance be supported.

Visual Impact:

Matters raised in relation to the level of tree loss and landscaping changes at the site are fully acknowledged although not considered material to the consideration of this application with historic tree applications previously being submitted in and around the application site.

It is also acknowledged that the application site (building) falls largely within the Laleston Conservation Area and whilst careful regard to the visual impact of the scheme must be given, in this instance it is considered the physical works being proposed and undertaken do not harmfully impact the visual amenities of the area to such an adverse degree that would warrant the refusal of the scheme in this respect. This matter is further discussed in the Appraisal Section of the report.

Retrospective Nature of the scheme:

The Planning system allows the submission of retrospective Planning applications and all Planning applications must be determined on their own individual Planning merits.

It is further appreciated to some degree that the reason the applicant has undertaken the works is due to the current pandemic and a level of sympathy with their situation is acknowledged as it has been a very difficult time for the hospitality sector. Regard has also been given to the recent changes to the new temporary permitted development rights introduced to support the economic recovery and businesses affected by the pandemic - The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (Wales) Order 2021 ("the Amendment Order"). This revised legislation would permit a level/form of temporary external seating for a 56 day period at the site (applicable from 30 April to 03 January 2022).

RELEVANT POLICIES

Local Policies

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

which the following Policies are of relevance:

- Policy SP1 – Regeneration Led Development
- Policy SP2 – Design and Sustainable Place Making
- Policy SP5 – Conservation of the Built and Historic Environment
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy PLA11 – Parking Standards
- Policy ENV6 – Nature Conservation
- Policy ENV7 – Natural Resource Protection and Public Health
- Policy ENV8 – Heritage Assets and Regeneration

Supplementary Planning Guidance

- SPG02: Householder Development
- SPG17: Parking Standards
- SPG19: Biodiversity and Development: A Green Infrastructure Approach

National Planning Policy

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.

National planning guidance in the form of Future Wales – the National Plan 2040 (February 2021) and Planning Policy Wales (Edition 11, February 2021) (PPW) are of relevance to the determination of this application.

Paragraph 1.30 of PPW 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)

PPW states at paragraphs 2.22 and 2.23 that the Planning system should *ensure that a post-Covid world has people's well-being at its heart and that Planners play a pivotal role...in shaping our society for the future, prioritising placemaking, decarbonisation and well-being. As society emerges from the pandemic the needs of communities must be recognised and the Planning system has a role to play in ensuring development is appropriately located to provide both physical and mental health benefits, improve well-being and help to reduce inequality.*

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 11 – Noise (1997)
- Technical Advice Note 12 - Design (2016)
- Technical Advice Note 23 – Economic Development (2014)
- Technical Advice Note 24 – The Historic Environment (2017)

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

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

The well-being goals identified in the act are:

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

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

THE SOCIO ECONOMIC DUTY

The Socio Economic Duty (under Part 1, Section 1 of the Equality Act 2010) which came in to force on 31 March 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and whilst this is not a strategic decision, the duty has been considered in the assessment of this application.

APPRAISAL

This application is referred to the Development Control Committee to consider the objections raised by the residents of nearby properties and the Ward Member for Bryntirion, Laleston and Merthyr Mawr.

The application seeks consent for a number of alterations at the El Prado restaurant which primarily involves the provision of a covered glazed structure to the side of the building. As part of the scheme fenestration changes have been undertaken to the west elevation of the main building and a bin storage area/fenced area created within the grounds of the site. A reconfiguration of the car parking layout at the site has also been undertaken.

Key considerations in the determination of the application are the principle of the works, the impact on visual amenities, the impact on residential amenities and highway safety.

Principle of the Development

The application site is situated within the village of Laleston within a predominantly residential locality although there are a number of commercial properties situated on the main road through the village including the application premises and the neighbouring Mackworth Arms Public House. The application site is situated within the settlement boundary although it is not allocated for any particular purpose including employment or commercial use as defined by the Bridgend Local Development Plan 2013 (BLDP). It is noted that part of the site including the main building is situated within Laleston Conservation Area. Given the siting of the application site within a built up area, the modifications to the existing well established building in the manner proposed raises no

'in-principle' concerns.

Visual Impact

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 location of the application site in the main within Laleston Conservation Area is acknowledged although the proposal as a whole raises no serious adverse concerns in respect of the impact of the visual amenities enjoyed within the locality. The works undertaken and proposed are considered relatively modest alterations from a visual perspective that have limited impact on the overall appearance and general massing of the existing host building. The permanent glass addition/pergola structure has been erected in a relatively screened/isolated position to the least visible rear/side elevation of the building and the structure is not so significant to form a visually obtrusive addition to the host building. The existing main building and boundary treatments at the site largely screen this new addition from wider public viewing points. Changes to the facade of the building facing the car park where a set of bi-folding doors have replaced two window openings is also considered a relatively minor and sympathetic alteration that has not significantly altered the form and overall appearance of the host building in visual terms. The re-surfacing of the historic car park and the erected bin store also have no detrimental impact on the character or appearance of the surrounding locality.

Given the siting of the building within a Conservation Area the application has been assessed against Policy SP5 of the Bridgend Local Development Plan (LDP) (2006-2021) which requires development to conserve, preserve or enhance the built and historic environment of the County Borough and its setting. In particular, development proposals will only be permitted where it can be demonstrated that they will not have a significant adverse impact on the identified heritage assets such as inter alia Conservation Areas and their settings. The policy is supplemented by Policy ENV8 of the LDP which states that development which respects and utilise the heritage assets and which preserve, conserve and enhance the local distinctness of the County Borough will be permitted. Development which would materially harm heritage assets and features will not be permitted.

The Council's Conservation and Design Officer highlights that when they originally commented/considered the proposal, no serious concerns with the scheme in principle were raised. The scheme of the nature and scale detailed is therefore likely to have a neutral impact on the setting of the surrounding Conservation Area.

In view of the above, it is concluded that the changes proposed/undertaken are relatively modest in nature from a visual perspective and have no negative impact on the application building or its wider setting. Accordingly it is considered that the proposals have had regard to national and local Planning policies that seek to ensure that buildings within a Conservation Area are not damaged or adversely affected by development and the scheme is in accordance with Policies SP2, SP5 and ENV8 of the Bridgend Local Development Plan (2006-2021).

Impact on neighbouring occupiers

Particular regard in this instance must be given to the impact of such a proposal on the viability and amenity of neighbouring uses and their associated occupiers as advised by Policy SP2 and Policy ENV7 of the BLDP (with due regard to the comments and concerns of a number of local residents as earlier highlighted).

In terms of the compatibility of the proposal with neighbouring uses and the subsequent impact on adjoining residential units in particular, the application originally raised concerns in this regard. A permanent external seating area (for 28 then 18 covers/seating places) was originally proposed that given its proximity within sight and sound of a number of neighbouring residential properties, would have likely caused a level of nuisance to neighbouring occupiers.

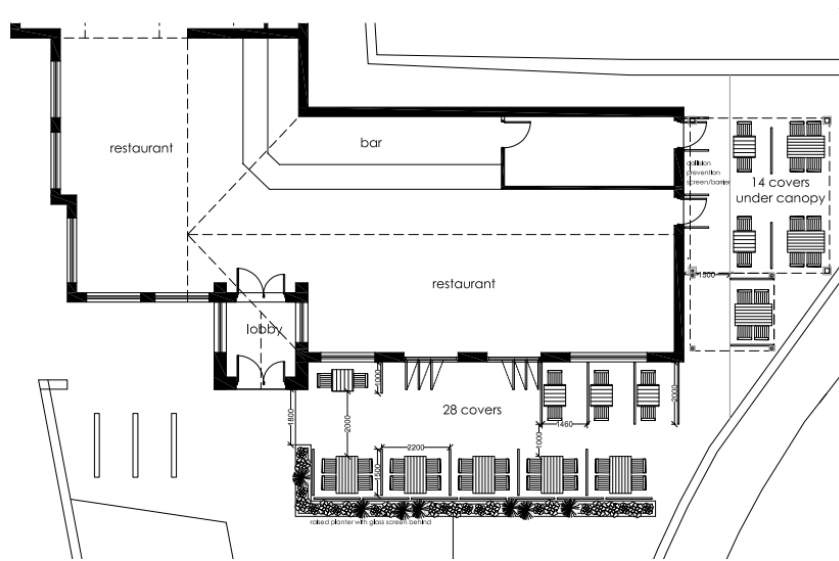


Figure 4 – Originally proposed external seating area (now removed from the scheme)

Following site meetings and a level of negotiation and compromise with the applicant, the originally proposed external seating area for 28 covers/spaces has now been removed from the scheme and importantly, the revised application now proposes a much more enclosed addition to the side of the existing building only rather than any permanent outdoor seating facilities. The number of covers/seating spaces within the side addition has also been reduced from 14 to 12.

The proximity of properties along Ty Ddyn Gwaun is particularly noted although a high boundary fence and level of planting offers a screen between these neighbouring properties and the new addition with the neighbouring properties also being sited in an elevated position (at a higher ground level) than the application site. The largely enclosed addition would also provide a level of acoustic protection in comparison to a completely open area.

The applicant has also highlighted that the new addition would not be used no later than 9.30pm - 10.00pm by customers and it is therefore considered reasonable to impose a condition which limits the hours of operation of the new side addition to no later than 9:30pm to fully safeguard the amenities of the nearest neighbouring properties.

It is also noted that the side addition has replaced the historic siting of the bin storage and external recycling/waste products has now been re-sited towards the western end of the site within an enclosed fenced compound, further away from residential properties along Ty Ddyn Gwaun and arguably representing a betterment in general amenity terms.

The new side addition is also screened by the existing main building and is significantly offset from properties along High Street, to the north of the site, such as to raise no amenity issues in respect of levels of amenity enjoyed by occupiers of these residential properties which are also set back from the highway that runs to the front of the application site.

The new bi-folding doors to the west elevation of the building facing the car park area which have replaced windows and a more solid wall elevation, are also considered acceptable from a general residential amenity perspective and do not raise such adverse amenity concerns to warrant the refusal of the scheme in this respect. Ultimately should the use of the new doors create a statutory noise nuisance this would be a matter for Public Protection with the Council's Public Protection Officer (Shared Regulatory Services) raising no objections against the revised Planning application.

The Public Protection Officer welcomes the revisions undertaken to the scheme which has reduced the total number of proposed covers from 42 to 12 and ensured the new seating spaces would now be located within a glass pergola style structure with openable louvre roof to the side elevation of the existing building. The agent states that the structure when glazed has acoustic properties (of a higher level than typical domestic double glazing) that will prevent any noise escaping however, the pergola would still be open at the front and has a louvre roof which is openable. Therefore, during warm weather it is likely to be left open for ventilation purposes particularly as glazed areas can get very warm.

This could result in problems of noise as there is a residential premises immediately adjacent to the site with raised voices when customers are socialising and eating and drinking in this area potentially being an issue for the adjacent property. The applicant has however offered to install an acoustic barrier along the boundary of the adjacent premises to reduce the noise arising from the pergola, in addition to uprated glazing being installed to the elevations of the pergola which are to be enclosed. Whilst this would reduce the noise at ground floor level, it would not reduce it at first floor level as the barrier would be ineffective at that height. The applicant has also however, agreed to shut the pergola area by 9.30pm which can be controlled by way of a Planning condition. Consequently no objection is raised by Public Protection on the proviso conditions are attached to any approved consent to ensure:

- the pergola area remains closed between 21.30 -10.00 Monday- Saturday and 21.30 - 12.00 (midday) Sundays (10:00 and 12:00 (midday) are the opening hours of the premises respectively);
- an acoustic barrier is provided along the top of the embankment alongside the existing fence between El Prado and the property at 3 Ty Ddyn Gwaun;
- the pergola area is enclosed with appropriate glazing on at least its rear and side elevations closest to the residential property with a glazing rating value of at least Rw of 40dB.

When further noting the historic and established use of the main restaurant building which residents would now be accustomed to, taking a balanced approach and noting the level of negotiation undertaken with the applicant which has completely removed the permanent provision of a substantial outdoor seating area at the site plus the need for Local Authorities to support the economic recovery following the Corona Virus Pandemic, the scheme on balance and subject to conditions does not raise such harmful residential amenity concerns to warrant the refusal of the Planning application in respect of its impact on existing levels of residential amenity enjoyed by properties that surround the application site.

Highway Safety

The impact of the scheme on highway safety is a key material Planning consideration in the determination of this application. The Council's Transportation Officer has carefully considered the Planning application and has raised no objection against the revised scheme.

The applicant has reduced the number of additional covers from 42 to 12 whilst removing the permanent seating area to the front of the restaurant and therefore, the increase in floor area as part of the latest proposal has reduced significantly. In assessing the off-street parking requirement, it is noted that the quantum of parking spaces will/has increased by 6 from 24 spaces to 30 spaces. This is considered acceptable and meets the requirements as detailed in the Council's adopted parking standards (SPG17) for an increase in floor area of the size detailed.

The original observations raised by the Highway Authority noted that on the submitted plans the proposed parking spaces measured 2.4m wide and should measure 2.6m wide to meet the parking standards however, whilst the plans show a small discrepancy on individual spaces, the Highway Officer has visited the site and when physically measured, the spaces ranged from 2.4m wide to 2.6m wide. In addition, the car park was full and therefore the smaller spaces did not seem to deter the use of them.

The concerns of the local residents have been taken into consideration with regards to parking and especially the vehicles which are parking on-street when the car park is full. The Highway Authority's Traffic Management Section does receive a significant number of complaints regarding on-street parking in this area of Laleston and whilst these complaints are not solely attributed to this site, the Highway Officer has carefully monitored the situation undertaking a site visit out of hours in the evening. The visit confirmed that on-street parking is taking place outside of the peak network hours in the evening when the impact is minimal. In addition, the site is located some 20m from a mini roundabout and therefore vehicles should be slowing for the roundabout junction and travelling at slow speeds past the site. As a result, it is considered that the revised proposal with the smaller addition and the increase in car parking spaces at the site is unlikely to generate additional parking in an on-street position.

The Council's parking standards also require this type of development to provide commercial delivery space within the site which has not been provided. Again, during another site visit undertaken by the Highways Officer at 10am it was noted that the delivery vehicle was in the car park making deliveries which did not impact the highway and is considered acceptable. Therefore, rather than requesting a dedicated delivery parking space at the site, it is considered a condition requesting a delivery management plan would remove any concerns with deliveries taking place from the highway or during busy times at the restaurant.

To improve the sustainability credentials of the site the applicant has provided an electric charging space and cycle parking spaces however, to meet the requirements of the current Active Travel Act legislation and Wellbeing of Future Generations Act, a travel plan for staff and customers will also be required which will incentivise walking and cycling to the site and reduce the pressures on the local highway network. A condition is therefore recommended in this respect should Planning permission be granted for the development.

Subject to the imposition of the recommended Planning conditions, the proposed development is therefore considered to be acceptable from a highway safety perspective.

Other Matters

A proposal of the nature and scale proposed raises no serious land drainage concerns.

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"

Given the nature and scale of the application and characteristics of the application site and its surroundings, it is considered that overall there will be no significant adverse residual impacts on biodiversity. Overall, 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.

CONCLUSION

A balanced and careful assessment of the proposal has been undertaken in this instance and particular regard has been given to the circumstances of the applicant's business with the backdrop of the Corona Virus Pandemic and recent Welsh Government Guidance that advises Authorities to support economic recovery and aid businesses in the easing of Covid-19 restrictions.

The application has been subject to a significant level of negotiation that has resulted in the removal of the permanent outside seating area at the site and the revised scheme, despite the public objections received, is unlikely to have such a serious impact on visual and residential amenities, highway safety or any other material Planning matter to warrant the refusal of the Planning application.

Therefore, having regard to the above, the scheme, on balance, is considered to comply with Council Policy and Guidelines and is recommended for approval subject to conditions.

RECOMMENDATION

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

1. The development shall be carried out in accordance with the following approved amended plans received 20 May 2021:

Proposed Plan Dwg. No. AL (00)05 Rev. D
Proposed Elevations Dwg. No. AL (00)06 Rev. D
Proposed Site Plan Dwg.No. AL (90)02 Rev. D

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

2. Within 1 month from the date of consent a scheme for the provision of an acoustic barrier to be provided along the top of the embankment alongside the existing fence between El Prado and the property at 3 Ty Ddyn Gwaun shall be submitted in writing for the agreement of the Local Planning Authority. The scheme shall be continuous in length along the rear of 3 Ty Ddyn Gwaun with no gaps between the fencing panels or the ground and shall have a minimum mass of 10kg/m². The approved acoustic barrier shall be implemented within 3 months from the date of consent and the barrier shall be retained for as long as the side pergola continues to operate at the site.

Reason: In the interests of protecting neighbouring residential amenity.

3. Notwithstanding the requirements of condition 1, within 3 months of the date of consent the pergola addition shall be enclosed with glazing on at least the rear elevation and side elevation closest to the residential property. The glazing shall have a rating value of at least Rw of 40dB. The glazing shall be retained for as long as the pergola area remains in use.

Reason: In the interests of protecting neighbouring residential amenity.

4. The side pergola addition hereby permitted shall remain closed to customers/patrons between:

21:30 and 10:00 Monday - Saturday
21:30 and 12:00 (midday) Sundays

Reason: In the interests of protecting neighbouring residential amenity.

5. Within 1 month from the date of consent a Traffic & Delivery Plan shall be submitted in writing for the agreement of the Local Planning Authority. All servicing and delivery vehicles movements to the restaurant shall be made in accordance with the approved Traffic & Delivery Plan thereafter.

Reason: In the interests of highway safety.

6. Within 1 month from the date of consent a Travel Plan shall be submitted in writing for the agreement of the Local Planning Authority. The approved Travel Plan shall be implemented within 3 months from the date of consent. Such a plan shall contain targets, measures and initiatives relating to the encouragement and promotion of the use of sustainable transport for staff and customers to the site.

Reason: In the interests of promoting sustainable modes of transport to and from the site.

Janine Nightingale
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None

Agenda Item 8

REFERENCE: P/21/412/RLX
APPLICANT: Mr & Mrs N Heard c/o John Matthews
LOCATION: 66 Grove Road, Bridgend CF31 3EF
PROPOSAL: Remove conditions 1 and 4 of P/20/301/FUL
RECEIVED: 4 May 2021

APPLICATION/SITE DESCRIPTION

Planning permission was granted by the DC Committee on 23 July 2020 for the change of use of the dwellinghouse (Use Class C3(a)) to a residential care home for 2 children (Use Class C2) (P/20/301/FUL refers).

The consent was subject to the following conditions:-

1. The use hereby permitted shall be discontinued on or before 31 December 2022.

Reason: To enable the Local Planning Authority to assess the impact the development has on the amenities of the area and to enable the matter to be reviewed at the end of the period of the temporary consent.

2. The premises shall be used as a residential care home for a maximum of two children as specified in the application details 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 safeguarding the general amenities of the area.

3. The use hereby approved shall not operate until space has been laid out in permanent materials at the rear of/within the curtilage of the site for two cars to be parked. This area shall be retained for parking purposes for two cars in perpetuity.

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

4. An up to date register shall be kept at the residential care home (use class C2) premises from the first beneficial C2 occupation of the property. The register shall be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names and occupations of all visitors to the property, the date, the time of arrival and the time of departure from the property.

Reason: To inform the Local Planning Authority of the use of the property at the end of the temporary period.

The current proposal seeks to remove conditions 1 and 4 on the basis that *the conditions are neither reasonable nor necessary as indicated in a recent appeal decision (ref. APP/F6915/A/21/3266841) relating to 10 Woodside Avenue, Bridgend.*

RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/20/301/FUL	Change of use from dwellinghouse (Use Class C3(a)) to the residential care of 2 children (Use Class C2)	Approved with conditions	23 July 2020

REPRESENTATIONS RECEIVED

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 11 June 2021.

Councillor Voisey comments:-

The portal does not have the application details, however i sat on committee for the original application, and conditions were discussed at length.

Whilst the applicant has the right to request removal of conditions, it makes a mockery of planning.

I must insist that as the original application went to full committee, any changes so soon after approval, requesting a change must also be decided on by full committee.

Councillor Walters advises *I object to this application and am not happy for the conditions 1 and 4 to be removed. However, I am aware of a similar application and am happy for officers to use there delegated powers to decide the best course of action.*

Objections have been received from 57 Grove Road which reiterate their objections to P/20/301/FUL and comment that condition 1 should remain so that the use can be reviewed and discontinued if problems are identified by local residents.

The occupier of 41 Merthyr Mawr Road comments:-

There was a change of use from a dwelling house to Residential home for two children. this property is now being rented privately and according to neighbours there is an older couple there with the male occupant not in good health.

Condition No4 of the planning consent was to keep a register of occupants, visitors etc. has the Planning Department had sight of this document?

It is my opinion that if these conditions are removed you will see an increase in disturbance, anti social behaviour and comings and goings.

I feel there has been a deliberate attempt to hoodwink the Planning Committee and this application needs to be rejected and the owner taken to task.

COMMENTS ON REPRESENTATIONS RECEIVED

The objections to the change of use per se are not material to this application however, the objections to the removal of the conditions are relevant.

The current claimed use of the property is not a material change of use from that as a single dwelling and as such, the comments regarding condition 4 is not relevant.

The Planning system does not exist to punish people.

APPRAISAL

The application is reported to Committee at the request of the Ward Member for Oldcastle.

As referenced by the reason for the request to remove the conditions, a recent application for the removal of the same conditions as those under consideration here was refused by this Local Planning Authority under planning application P/20/652/RLX. This relates to a property in Litchard again involving a change of use from a house to a care home for 2 looked after children.

The application was refused for the following reason:-

1. The conditions relate to a temporary grant of planning permission and removal of conditions 1 and 3 of P/20/299/FUL would result in a lack of control, evidence and information being available to enable the Local Planning Authority to adequately review the impact the development on the amenities reasonably expected to be enjoyed by occupiers of nearby residential properties and the area at the end of the period of temporary consent. As such the proposal is contrary to Policy SP2 (12) of the Local Development Plan and the Council's Supplementary Planning Guidance SPG02: Householder Development."

However, following an appeal to the Planning Inspectorate, the relaxation was allowed on the basis that the conditions were neither reasonable nor necessary and as such failed to comply with Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management' ('the Circular').

Reproduced below is the Inspector's decision allowing the appeal and the removal of the aforementioned conditions:-

The Council confirms that the principle of the development is acceptable. Given that a residential use would be compatible with the character of the area, I do not disagree. From the Council's officer report and statement it is evident that whilst it was accepted that the development may not result in excessive comings and goings over and above the existing residential character, given the extent of local concerns, and because the business had not been registered with the Care Inspectorate, Condition 1 was considered reasonable to allow an assessment of the impact on residential amenity to be made. Related to this, Condition 3 was considered necessary to enable sufficient information to be available as evidence to support an assessment under Condition 1.

Guidance regarding the imposition of planning conditions is set out in the Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management' ('the Circular'). Paragraph 5.23 advises that it will rarely be necessary to grant temporary permission for development which conforms with the provisions of the development plan. The material considerations to which regard must be had in granting permission are not limited or made different by a decision to make the permission a temporary one. The reason for granting a temporary permission should never be that a time limit is necessary because of the effect of the development on the amenity of the area.

The development is a small care home that would be occupied by up to two children with associated care workers providing 24-hour supervision and care. Given that the appeal property is a family sized dwelling, the intensity of occupation would be similar to a private family household. I concur that the development would result in a greater propensity for visits from various service providers, however, families can also generate delivery and service traffic and are not exempt from visits from care professionals or emergency

services. The scale and occupation level of the care home use would be proportionate to the size of the appeal property, and I consider that the amount of activity associated with either use would not be fundamentally different.

I have had regard to the objections from nearby residents and the reported issues around child supervision and anti-social behaviour. However, these are problems that can equally apply to a family household and, in this case, the development would be regulated by care bodies outside the planning system. Taking account of the small-scale nature of the operation, there is little evidence that general activity from the care home would amount to actual harm to residents' living conditions. Similarly, I have had regard to concerns relating to parking congestion and traffic, but there is no tangible information, such as evidence from the Highway Authority, to demonstrate that the occupancy level of the care home would materially change the volume or flow of traffic to and from the site. The Council does not indicate that any parking standards would be breached and, notwithstanding local concerns, I have no reason to believe that the development would prejudice highway safety interests or cause unacceptable inconvenience to residents.

Having regard to the advice in the Circular, I conclude that Conditions 1 and 3 are not reasonable or necessary. Removing the disputed conditions would not result in any harm to the general amenities of the area, or result in any conflict with Policy SP2 of the Bridgend Local Development Plan which seeks high quality, attractive and sustainable places by, amongst other things, ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected.

The original permission contained a condition to restrict occupation to a maximum of two children, and I consider that this is necessary to safeguard the amenities of the area. I have therefore reimposed the condition on this permission.

In reaching my decision, I have taken account of the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the Act.

For the above reasons and having regard to all matters raised, the appeal is allowed.

Members are advised that whilst each application is treated on its own merits, the Local Planning Authority must take into account the recent appeal decision which considers that the same conditions imposed on a consent for an identical venture are neither reasonable nor necessary.

CONCLUSION

On the basis of the Planning Inspectorate's recent decision, it is considered that the proposal is reasonable and acceptable in principle. The continued imposition of conditions 1 and 4 of P/20/301/FUL would not be in compliance with the relevant legislation and guidance and, as such, they should be removed.

This decision will be the new Planning permission for the development and therefore, the remaining conditions will be re-imposed.

RECOMMENDATION

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

1. The premises shall be used as a residential care home for a maximum of two children as specified in the application details 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 safeguarding the general amenities of the area.

2. The use hereby approved shall not operate until space has been laid out in permanent materials at the rear of/within the curtilage of the site for two cars to be parked. This area shall be retained for parking purposes for two cars in perpetuity.

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

Janine Nightingale
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None

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REFERENCE: P/21/217/FUL

APPLICANT: Cornerstone Construction Bridgend Ltd
2 Coed Parc Court, Bridgend CF31 4HU

LOCATION: Land adjacent to 12 Heol Tre Dwr, Waterton, Bridgend CF31 3AJ

PROPOSAL: Detached 4 bed dwelling and single garage

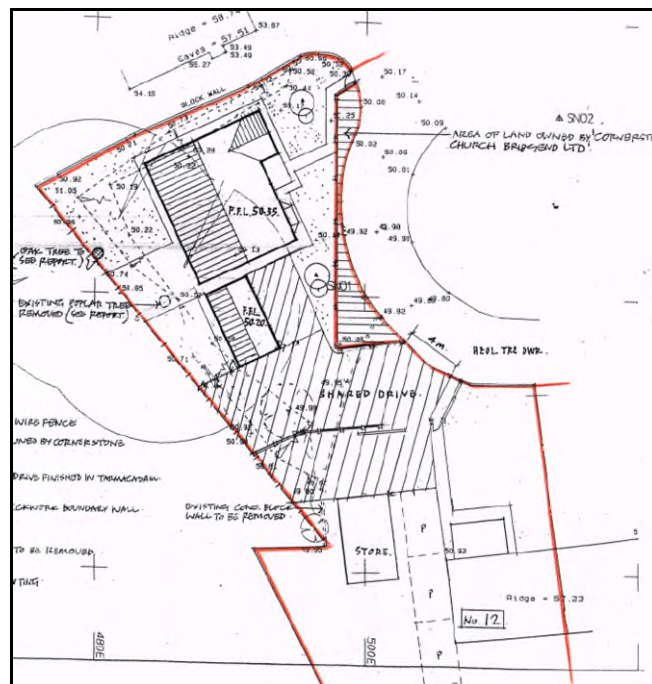
RECEIVED: 9 March 2021

SITE INSPECTED: 12 May 2021

DESCRIPTION OF PROPOSED DEVELOPMENT

This application seeks full Planning permission for the erection of a four bedroom detached dwelling with single detached garage on land adjacent to 12 Heol Tre Dwr, Waterton.

The site layout plan (drawing number 021:05/02 Rev A received on 28 May 2021) shows the dwelling as being located in the northern area of the application site with a detached garage to the south:



Proposed Site Layout Plan

The dwelling is principally orientated to face the east with secondary fenestration and openings on the northern and western elevations.

The property is proposed to measure 10 metres in width, 9.6 metres in maximum depth and 8.5 metres in height. It will comprise a hallway, lounge, home office, kitchen, utility room, family room and WC at ground floor level with four bedrooms (one with en-suite bathroom) and a family bathroom at first floor level. The dwelling will have red facing-brick elevations with a blue/black fibre cement slate roof and white uPVC traditional sash windows. The fascia/arge boards and soffits will be black uPVC.

The dwelling will sit in the relatively large residential plot and will benefit from an amenity space at the front and rear of the property. It will be accessible from the proposed access point on the southern boundary of the site, off Heol Tre Dwr.

In addition to the dwelling, the proposal comprises the erection of a detached single storey garage which measures 3.2 metres in width, 6.3 metres in depth and 4 metres in maximum height. The garage will be finished in red facing-brick elevations with a blue/black fibre cement slate roof to match the proposed dwelling and black uPVC rainwater goods.

SITE DESCRIPTION

The application site lies within the Primary Key Settlement of Bridgend, as defined by Policy PLA1 of the adopted Local Development Plan (2013).



OS Map Extract of Application Site

It lies on the western side of Heol Tre Dwr, Waterton and comprises a roughly rectangular shaped plot between existing properties, 12 Heol Tre Dwr to the south and 13 Heol Tre Dwr to the north. It is proposed to access the site off its eastern boundary, directly off Heol Tre Dwr.

The application site is surrounded by residential properties to the north, east and south and by Bridgend Resource Centre to the west. Properties vary in character and appearance but are predominantly semi-detached two storey properties with hipped roofs to the south and east and detached two storey properties to the north, as shown in the aerial image below:



Aerial Imagery (2020)

The site itself is relatively flat and is currently grassed and overgrown with vegetation.

RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/04/1117/OUT	Two 4 bedroom detached houses Outline application	Refused	01/10/2004
P/05/631/OUT	One detached house and garage	Refused	21/06/2005
P/05/1000/OUT	1 detached dwelling and play area	Conditional Consent	04/10/2005
P/06/1099/FUL	Detached dwelling and children's play area	Conditional Consent	06/11/2006
P/10/52/FUL	4 bed detached property and children's play area (amended house type)	Conditional Consent	12/03/2010
P/10/836/FUL	Amended position of dwelling (previous Planning application P/10/52/FUL)	Conditional Consent	04/01/2011
P/15/179/RLX	Extend consent P/10/836/FUL (4 bed detached property and children's play area) for a further 5 years	Conditional Consent	24/07/2015
P/16/165/FUL	Proposed detached dwelling	Refused (Allowed on Appeal)	09/05/2016
P/16/399/DOC	Approval of details for conditions 2, 3, 5, 8 and 9 of P/15/179/RLX	Split Decision	30/08/2016
P/19/102/DOC	Approval of details for Conditions 3, 4, 5, 6, & 7 of appeal decision A/16/3156036 (P/16/165/FUL)	Agreed	07/11/2019

RESPONSE TO INITIAL CONSULTATION UNDERTAKEN CONSULTEE COMMENTS

Dwr Cymru/Welsh Water	No objection subject to the inclusion of the recommended informative notes.
Land Drainage	Recommends the inclusion of Planning conditions and informative notes.
Biodiversity Policy and Management Officer	Recommends that a Planning condition is imposed upon any Planning consent which ensures the developer complies with the recommendations of the Tree Survey received on 30 April 2021. Also recommends that an initial bat survey and report are submitted in support of the Planning application.
Bridgend Town Council	No objection subject to the large mature tree remaining in situ.

**Transportation Officer
(Highways)**

It is apparent from the plans that the existing driveway for 12 Heol Tre Dwr is being truncated to provide a shared arrangement. As this property (beyond the initial area of works) is not included within the red application site boundary, the scheme should be amended in order to ensure sufficient off-street car parking space can be provided for the property known as 12 Heol Tre Dwr in perpetuity. Objection is raised as in its current form the development would result in on-street parking to the detriment of highway safety.

**RESPONSE TO SECOND CONSULTATION UNDERTAKEN FOLLOWING RECEIPT OF
AMENDED PLANS ON 28 MAY 2021**

CONSULTEE

COMMENTS

Land Drainage

Recommends the inclusion of Planning conditions and informative notes.

**Transportation Officer
(Highways)**

No objection subject to the imposition of the recommended Planning conditions.

**Dwr Cymru/Welsh
Water**

No objection subject to the inclusion of the recommended informative notes.

REPRESENTATIONS RECEIVED

Cllr L Walters

I do not support this application as the proposed shared drive appears to reduce the access and parking for number 12. I'm happy for officer's delegated powers to be used.

This application has been advertised through direct notification to seventeen of the nearest properties and through the erection of a site notice. The initial period for consultation expired on 22 April 2021.

Five letters were received which raised objection to the scheme on the following grounds:

- Concerns over how the additional household would contribute to the maintenance of the private road;
- Insufficient off-street car parking space for vehicles, adding to traffic on the cul-de-sac and congestion;
- Drainage network incapable of accommodating additional dwelling;
- Destroys the wildlife and greenery associate with the area;
- Oak Tree should be retained as it is protected and is the last remaining Oak Tree within the vicinity;
- Size of dwelling proposed is too large;
- Air quality;
- Loss of light to the property known as 13 Heol Tre Dwr, Waterton as the proposed dwelling is located to the south of the existing dwelling;
- Loss of privacy and amenity for immediate neighbouring properties.

The objections also refer to previous Planning consents which provided a children's play area and object on grounds that the children's play area has never been implemented leaving the residents *without a recreational facility*.

To alleviate concerns initially raised by the Highway Authority, an amended Site Location Plan was submitted to include the land within the ownership of the adjacent property known as 12 Heol Tre Dwr, Waterton.

A second consultation was then undertaken and all properties initially consulted were sent a second letter requesting further views of the proposed changes. A further five responses have been received objecting to the scheme on the grounds raised above along with objections in respect of the land within the amended Site Location Plan not being within the sole ownership of the applicant and vehicular access to the proposed car parking spaces being impossible due to the landscaping in the garden of 12 Heol Tre Dwr, Waterton.

COMMENTS ON REPRESENTATIONS RECEIVED

The following observations are provided in response to the objections raised by {a} local resident(s):-

Factors to be taken into account in making Planning decisions must be Planning matters, that is they must be relevant to the proposed development and the use of land in the public interest. The matters raised which are considered to be material to the determination of this application are addressed in the appraisal section of this report.

Other matters such as land ownership, access and maintenance of the private road are not material Planning considerations and will not be addressed further. As with previous Planning applications, objectors claim that the application site is not wholly within the ownership of the applicant – a ransom strip exists along the site frontage which is owned by Cornerstone (Bridgend) Limited, as well as a shared drive and access. The Planning agent has served Notice on the relevant respective land owners and has completed Certificate B thereby satisfying the requirements of land ownership in Planning terms. Any permission required to cross the land within separate ownership to gain access to the application site is a private matter and one to be resolved separately to the Planning application process.

The issues raised in relation to the loss of open space and car parking arrangements are addressed in the appraisal section below.

RELEVANT POLICIES

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

Policy PLA1	Settlement Hierarchy and Urban Management
Policy SP2	Design and Sustainable Place Making
Policy SP3	Strategic Transport Planning Principles
Policy PLA11	Parking Standards
Policy SP4	Conservation and Enhancement of the Natural Environment
Policy ENV6	Nature Conservation
Policy SP12	Housing
Policy COM3	Residential Re-Use of a Building or Land
Supplementary Planning Guidance 02	Householder Development
Supplementary Planning Guidance 07	Trees and Development
Supplementary Planning Guidance 08	Residential Development
Supplementary Planning Guidance 17	Parking Standards
Supplementary Planning Guidance 19	Biodiversity and Development

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

Future Wales – The National Plan 2040

Planning Policy Wales Edition 11

Planning Policy Wales TAN 5

Planning Policy Wales TAN 10

Planning Policy Wales TAN 12

Nature Conservation and Planning

Tree Preservation Orders

Design

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

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

The well-being goals identified in the act are:

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

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

THE SOCIO ECONOMIC DUTY

The Socio Economic Duty (under Part 1, Section 1 of the Equality Act 2010) which came in to force on 31 March 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and whilst this is not a strategic decision, the duty has been considered in the assessment of this application.

APPRAISAL

This application is referred to the Development Control Committee to consider the objections raised by local residents and the Local Ward Member for Oldcastle.

SITE HISTORY

Historically the application site and adjacent land accommodated a block of garages that served the properties in Heol Tre Dwr but map records suggest that they were cleared from the site in the mid 1990s. Since the early 2000s Planning permission has been sought on several occasions for the erection of a detached four bedroom property.

In 2005 Planning permission was granted in Outline for the erection of a detached dwelling and play area under Planning permission reference P/05/1000/OUT. It is understood that the play area was proposed to appease local residents and address previous reasons for refusal under Planning application references P/04/1117/OUT and P/05/631/OUT. The permission extended for a period of five years but was never implemented.

Again in 2010 Planning permission was granted for the erection of a four bed detached property with children's play area under Planning permission reference P/10/52/FUL (amended house type) and later under reference P/10/836/FUL to amend the position of the dwelling. This application was renewed in July 2015 under Planning permission reference P/15/179/RLX for a further five years but was not implemented.

In 2016 Planning permission for the erection of a four bedroom detached dwelling was sought under Planning application reference P/16/165/FUL however this scheme omitted the children's play area from the description of development and the plans. The Design and Access Statement submitted in support of the application argued that the land is not a cultural or community facility and there is no planning agreement in place which requires the area of land to be developed/used for the benefit of the public as it is privately owned, it could be enclosed at any time to prevent public entry. The Planning application was refused for the following reason:-

Insufficient information has been submitted with the Planning application to justify the loss in part of the open space amenity area and replacement play facility which forms an integral part of the design of the existing housing estate. The Planning application is therefore contrary to Policies SP2, SP13 and COM7 of the Bridgend Local Development Plan 2013.

The refusal of Planning permission was appealed under appeal reference APP/F6915/A/16/3156036 and was subsequently allowed on 18 November 2016. The appeal Inspector considered that whilst it is evident that a playground facility historically exists at Heol Tre Dwr, no formal play facilities were ever provided and the play area constitutes an informal recreation space that has been accessed by the local community. The Inspector did not regard the space as being an outdoor recreation or a social or community facility in the context of Policies SP13 or COM7 of the Local Development Plan (2013) and it was determined that no empirical evidence was provided to demonstrate the need for a children's play area in this location.

In conclusion, the Inspector noted the desires of local residents to retain the land for community purposes but considered that on the evidence available there was no justification that a contribution to public open space or a children's play facility was necessary to make the development acceptable in Planning terms.

Several of the local residents object to the development now under consideration on grounds that the children's play area was not implemented after previous Planning consents were granted and that there is no facility proposed as part of the scheme now under consideration.

Having regard to the fact that the current Open Space Audit (2017) doesn't recognise the area of land as any form of open space and in consideration of the view of the Planning Inspectorate that the rationale for requiring such provision historically was not explained or quantified against any identified need or recognised deficiency in children's play provision in the locality at that time, it is not considered reasonable to refuse Planning permission on grounds that the previous children's play area approved is now omitted from the development proposal.

For this reason the objections raised which relate to the loss of a children's play area are not addressed further in the consideration of this Planning application and the omission of the previously proposed children's play area is considered to be an issue which has been addressed.

PRINCIPLE OF DEVELOPMENT

The application site lies within the Primary Key Settlement of Bridgend, as defined by Policy PLA1 of Bridgend County Borough Council's adopted Local Development Plan (2013). Policy COM3 of the Local Development Plan (2013) states that "residential developments within settlement boundaries defined in Policy PLA1 on 'windfall' and 'small scale' sites for the conversion of existing buildings, or the re-use of vacant or under-

utilised land will be permitted where no other LDP policy protects the building or land for an existing or alternative use.”

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

Placemaking considers the context, function and relationships between a development site and its wider surroundings. It adds social, economic, environmental and cultural value to development proposals resulting in benefits which go beyond a physical development boundary and embed wider resilience into Planning decisions. Therefore, due regard must be given to Policy SP2 of the Local Development Plan (2013) as it incorporates the concept of placemaking.

SITE LAYOUT & DESIGN

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

PPW11 states at paragraph 3.9 that “the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important Planning considerations”.

The area surrounding the application site is occupied by semi-detached and detached two storey dwellings. Generally the semi-detached properties are finished in painted render elevations with concrete tiled roofs and the detached properties have red facing-brick elevations and concrete tiled roofs, as demonstrated below:



Entrance to Heol Tre Dwr, Waterton

In general terms the surrounding area is residential in nature and the introduction of an additional dwelling on land between 12 and 13 Heol Tre Dwr is considered to be an appropriate form of development which will complete and round-off the cul-de-sac, resulting in the current overgrown vegetation being cut back and improving the visual amenities of the area.

The developer is seeking to maximise the potential of the land by increasing the density of the wider site and it is considered that the addition of one dwelling is appropriate within the

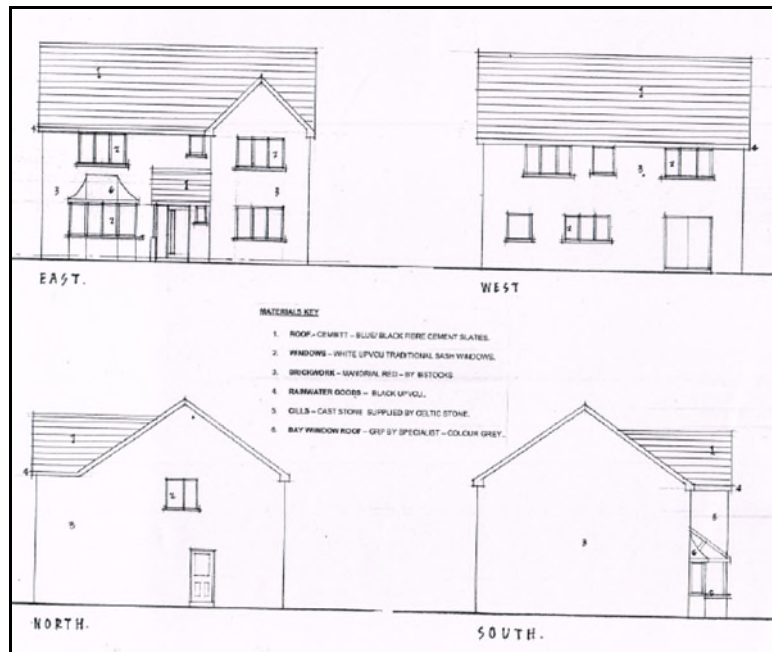
site's wider context. The proposed is not considered to result in overdevelopment of the existing plot and the proposed positioning of the dwelling is considered to be acceptable.

Planning permission granted under appeal reference number APP/F6915/A/16/3156036 was granted on 18 November 2016 and must be implemented within five years from the date of this decision. Therefore in consideration of this scheme it is important to note that Planning permission reference P/16/165/FUL can still be implemented until 18 November 2021. The drawings approved are reproduced below:



Approved Plans P/16/165/FUL

The dwelling now under consideration is of a lesser scale than that previously approved, as shown below:



Proposed Elevations

One letter of objection received refers to the dwelling being too large and not in keeping with the character of the area. The dwelling is two storeys and is proposed to be finished with red facing-brick elevations, a blue/black fibre cement slate roof and white uPVC traditional sash windows. The fascia/barge boards and soffits will be black uPVC. The

materials proposed are considered to match the materials of the other detached dwellings to the north of the application site and will not detract from the character or appearance of the cul-de-sac.

In terms of its size, whilst the dwelling will be readily visible from the streetscene and public vantage points, it is considered that its size is modest and of a scale which is proportionate and complimentary to the surrounding residential area. The proposed dwelling will not appear as an overly prominent addition to the streetscene and is not considered to be overly excessive in terms of its size. The proportions of the dwelling now under consideration are considered to be more in keeping with surrounding properties than the dwelling which could be implemented under Planning permission reference P/16/165/FUL.

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

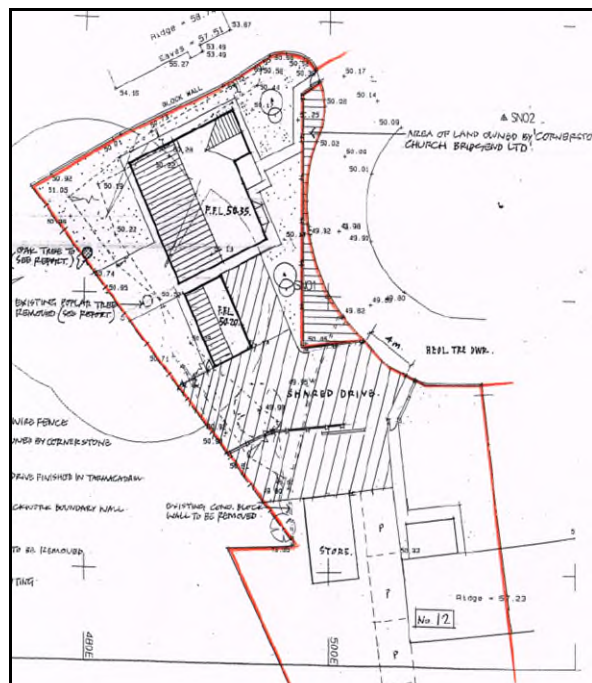
NEIGHBOUR AMENITY

Criterion (12) of Policy SP2 of the Local Development Plan (2013) seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers is not adversely affected by development proposals and in addition, seeks to ensure that an appropriate level of amenity is afforded to future occupiers of a development.

Although Supplementary Planning Guidance Note 02 Householder Development (SPG02) relates to household development, it is considered that the principles are applicable in this instance. Note 1 of SPG02 states that no development should “unreasonably dominate the outlook of an adjoining property”. The application site and its relationship to residential dwellings bordering the site is shown below (left):



Application Site Outlined in Red



Proposed Site Layout Plan

The dwelling is proposed to be positioned in the northern area of the site with a detached garage to the south and will principally face the east, as shown above (right)

The objections raised from the occupiers of the property to the north, 13 Heol Tre Dwr, relate to the impact of the proposed dwelling on the existing levels of light afforded to the property and to increased levels of overlooking which will be caused by the introduction of

windows at first floor level on the northern elevation of the dwelling.

In terms of light, whilst the dwelling is located to the south of the existing dwelling, its position within the application site will not result in any form of overshadowing to the dwelling or amenity space associated within the dwelling to the north of the site. The introduction of a dwelling in this position will not result in substantial loss of sunlight and is therefore not considered to adversely affect the levels of light currently afforded to the neighbouring property to the north, in accord with Note 1 of SPG02.

The dwelling has been orientated and designed to limit any form of overlooking into the neighbouring property to the north. One window is proposed to be installed at first floor level which will serve the stairwell and landing which provide access to the first floor level of the dwelling. As the window does not serve a habitable room, it is not considered that any form of overlooking will take place into the property to the north known as 13 Heol Tre Dwr. In addition, the property to the north only benefits from one window on the southern elevation at first floor level which serves an en-suite bathroom. This window is obscurely glazed and owing to the positions of the two windows, will not result in any form of direct overlooking.

No windows are proposed to be installed at first floor level on the southern elevation of the host dwelling and therefore, any form of overlooking into the property to the south known as 12 Heol Tre Dwr has been alleviated through design.

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

RESIDENTIAL AMENITY

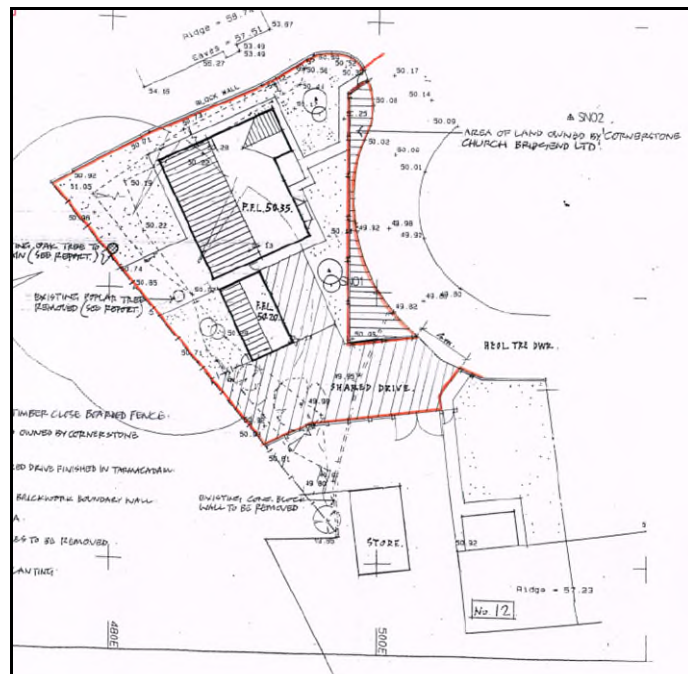
Note 8 of SPG02 refers to amenity. It states at paragraph 5.1.1 that “while an individual may accept a window box as sufficient garden space, the County Borough Council believes that generally there should be a reasonable private outdoor area for enjoyment of the present and future households”.

In this instance, the position of the proposed dwelling in the northern area of the application site provides a private amenity space for future occupiers at the rear of the dwelling (west) and an amenity space to the front. The proposed development is therefore considered to be compliant with Note 8 of SPG02 and is acceptable in this regard.

HIGHWAYS

Policy PLA11 of the Local Development Plan states that “all development will be required to provide appropriate levels of parking. This should be in accordance with the adopted parking standards”. Supplementary Planning Guidance Note 17 Parking Standards denotes that off-street car parking spaces should measure 4.8 metres in depth and 2.6 metres in width at a minimum. It also states at page 18 that 1 off-street car parking space per dwellinghouse should be provided (up to a maximum requirement of 3 spaces).

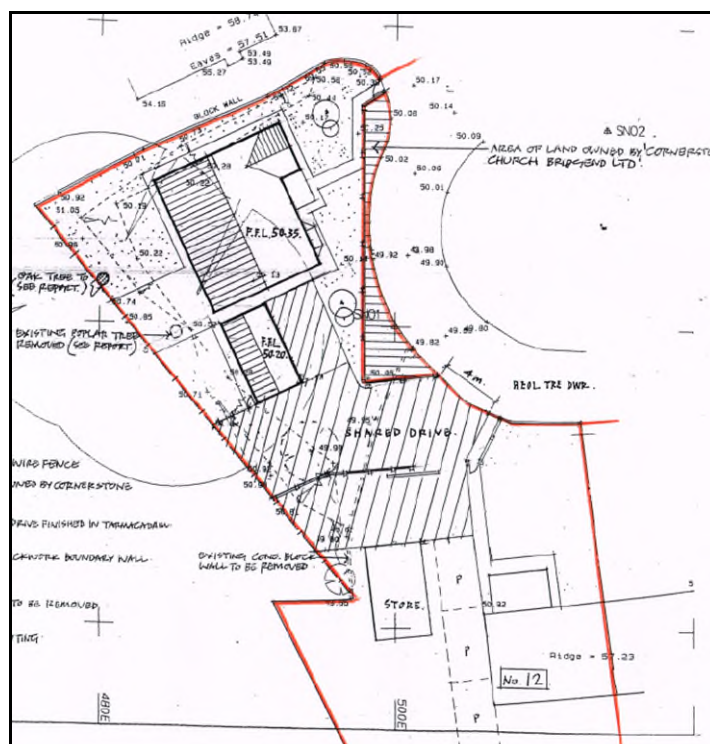
The Highway Authority initially raised an objection to the proposal on the grounds that the vehicular access to the site was provided on third party land and the existing driveway for 12 Heol Tre Dwr is being truncated to provide a shared arrangement, as shown below:



Site Layout Plan (as originally submitted)

The truncated vehicular access point proposed would result in the displacement of the existing off-street parking arrangement for the property known as 12 Heol Tre Dwr, to the south of the application site. In order to prevent overspill parking onto the turning circle fronting the site, the Highway Authority requested that the red line boundary of the application site was extended to include the land within the ownership of 12 Heol Tre Dwr to ensure off-street car parking provision was retained and the development did not result in the generation of on-street parking to the detriment of highway safety.

In order to address the objection raised, the Planning agent has provided a revised red line boundary to include the land within the ownership of 12 Heol Tre Dwr and has served the appropriate Notice on the land owner. The revised red line boundary and off-street car parking layout is shown below:



Proposed Site Layout Plan

The proposal now comprises a shared access arrangement which is truncated to provide a driveway and garage for the proposed dwelling as well as three off-street car parking spaces in tandem to serve the property known as 12 Heol Tre Dwr.

The occupiers of 12 Heol Tre Dwr have raised objection to the revised scheme stating the following:

If the three Ps on the map I received indicate parking spaces I wish to inform you that I STRONGLY OBJECT to having two spaces right next to my house, next to my dining room and kitchen windows which will block my view and the light.

It is reasonable to conclude from the consultation response that the revised drawing has been misinterpreted by the occupiers of 12 Heol Tre Dwr. The parking spaces to be provided to the side of the dwelling are provided for 12 Heol Tre Dwr and not for the future occupiers of the proposed dwelling.

The Highway Authority has considered the revised parking arrangement and is satisfied that sufficient off-street car parking space is now provided for the occupiers of the proposed dwelling as well as the occupiers of the dwelling to the south. As such, the development will not result in any overspill on-street parking on the turning circle fronting the application site and the property known as 12 Heol Tre Dwr. Given this, the development is considered to be compliant with the guidance contained within SPG17 and is in accord with Policy PLA11 of the Local Development Plan (2013). The scheme is considered to be acceptable from a highway safety perspective subject to the imposition of a Planning condition which requires the off-street spaces for the proposed dwelling and 12 Heol Tre Dwr to be implemented before the development is brought into beneficial use.

LAND DRAINAGE

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

Again, concerns are raised by local residents about the capacity of the drainage network which serves the properties claiming that the drainage network is incapable of accommodating the additional dwelling proposed. Again, it is important to note that the dwelling approved under Planning permission reference P/16/165/FUL can be implemented up until 18 November 2021. The drainage conditions imposed upon the consent were formally discharged by Bridgend County Borough Council on 7 November 2019 after the information submitted was considered acceptable.

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

Dŵr Cymru Welsh Water has advised that capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site thereby addressing the concerns raised by local residents.

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

ECOLOGY

Criterion (10) of Policy SP2 of the Local Development Plan (2013) seeks to safeguard and enhance biodiversity and green infrastructure. This is supported by Supplementary Planning Guidance Note 19 Biodiversity and Development which encourages the protection and enhancement of the natural environment through safeguarding, enhancing, restoring and creating wildlife habitats.

In reviewing the application, the Authority's Biodiversity Policy and Management Officer recommended that an initial bat survey and report were undertaken to establish whether the trees on the site have a potential for bats. Owing to the fact that the application site benefits from an extant consent (P/16/165/FUL refers) and works can be implemented at any point, it was not considered reasonable to request the submission of a preliminary survey.

The proposal comprises the retention of the existing Oak Tree which sits on the western boundary of the application site. The Biodiversity Policy and Management Officer has requested that the Section 9 of the Tree Report submitted in support of the application is included in the conditions of approval and a condition is imposed which requires the submission of a Tree Protection Plan prior to the commencement of development.

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

PUBLIC PROTECTION: CONTAMINATED LAND

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

CONCLUSION

Having regard to the above and after weighing up the merits of the scheme against the reiterated objections and concerns of neighbouring occupiers, it is considered that, on balance, the scheme is acceptable from a highway safety perspective, represents an appropriate form of development in this residential location and is designed to ensure that the dwelling will not have a detrimental impact on the residential amenities of neighbouring occupiers. It should also be noted that there is an extant consent for a dwelling on this site following an allowed appeal in 2016.

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

RECOMMENDATION

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

1. The development shall be carried out in accordance with drawing numbers 021:05/03, 021:05/04, 021:05/05 and 021:05/06 received on 9 March 2021 together with drawing number 021:05/01 Rev A and the Site Location Plan received on 28 May 2021.

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

2. Notwithstanding Condition 1, the development shall be undertaken in accordance with Section 9 Recommendations of the Tree Survey dated 5 April 2019 and written by Clay Williams, received on 30 April 2021.

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

3. No development nor any site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of a scheme for the protection of the Oak tree shown to be retained on drawing number 021:05/02 Rev A received on 28 May 2021. The approved scheme shall be implemented before any equipment, machinery or materials are brought onto the site for the purposes of the development and shall be retained throughout the course of the development. Nothing shall be stored or placed in any area fenced/protected in accordance with this condition and the ground levels within the protected areas shall not be altered nor shall any excavation be made without the prior written consent of the Local Planning Authority.

Reason: In the interests of biodiversity.

4. The proposed parking areas for the proposed dwelling and 12 Heol Tre Dwr shall be implemented in permanent materials before the development is brought into beneficial use and retained for parking purposes in perpetuity.

Reason: In the interests of highway safety.

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

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

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

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

7. 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.

8. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *

Having regard to the above and after weighing up the merits of the scheme against the reiterated objections and concerns of neighbouring occupiers, it is considered that, on balance, the scheme is acceptable from a highway safety perspective, represents an appropriate form of development in this residential location and is designed to ensure that the dwelling will not have a detrimental impact on the residential amenities of neighbouring occupiers. Therefore, the application is recommended for approval as it complies with Council policy and guidelines, will improve the visual amenities of the residential area and will not have a significantly detrimental impact on the privacy of neighbours' amenities to warrant a refusal on such grounds.

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.

As of 7 January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Local Authority as the determining SuDS Approval Body (SAB) in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru Welsh Water in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Any topsoil [natural or manufactured] or subsoil to be imported should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.

Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.

Any site won material including soils, aggregates, recycled materials should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants material should be reused.

The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts however you are minded that the responsibility for the safe development and secure occupancy of the site rests with the developer.

Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. You should contact the highway maintenance inspector for the area, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

It is recommended that the applicant be made aware that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. In this respect the applicant is referred to appropriate timing of works and it is recommended that all works take place outside of the bird nesting season which is generally considered to be March – August.

Consideration should be given to the provision of nest boxes within the development for bat and bird species. Suitable bird species include house sparrow, swift and house martin, species which are declining in number due to a reduction in suitable nest sites. Further information can be found at <https://www.bridgend.gov.uk/media/1840/final-green-infrastructure-spg-for-web.pdf>

Janine Nightingale
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

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APPEALS

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

P.I. REF.	A/21/3274987 (1920)
APPLICATION NO.	P/20/752/FUL
APPELLANT	MR & MRS KELLY
SUBJECT OF APPEAL	PART CONVERSION OF GARAGE & ROOF EXTENSION TO CREATE 1-BED RESIDENTIAL UNIT; ASSOCIATED EXTERNAL ALTERATIONS 19 COYCHURCH ROAD, PENCOED
PROCEDURE	WRITTEN REPRESENTATION
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed residential unit, by reason of its siting, size, scale and prominence, represents an excessive, incongruous and overly prominent form of development that will have a detrimental impact on the appearance of the streetscene and the general character of the residential area, contrary to Policy SP2 of the Local Development Plan (2013), Supplementary Planning Guidance Note 02 Householder Development and advice contained within Planning Policy Wales (Edition 11, February 2021).
2. The proposed development, by reason of its siting, scale and design, would constitute an unneighbourly and harmful form of development that fails to safeguard the privacy of existing dwellings, and would be detrimental to the existing levels of residential amenity and privacy currently enjoyed in the locality by way of overlooking, contrary to Policy SP2 of the Local Development Plan (2013) and advice contained within Supplementary Planning Guidance Note 02 Householder Development (2008) and Planning Policy Wales (Edition 11, February 2021).
3. The proposal, by reason of its scale and siting on a site of insufficient size, results in a contrived development that fails to provide adequate space about the building for private amenity, and fails to achieve an acceptable living environment for the future occupiers of the residential unit, contrary to Policy SP2 of the Local Development Plan (2013) and advice contained within Supplementary Planning Guidance Note 02 Householder Development (2008) and Planning Policy Wales (Edition 11, February 2021).

P.I. REF.	ENV/3275423 (1921)
APPLICATION NO.	T/21/7/TPO
APPELLANT	MR A HOWELL
SUBJECT OF APPEAL	CONTINUAL POLLARDING OF TREES (T/18/17/TPO REFERS) REAR OF 44 BRIARY WAY, BRACKLA, BRIDGEND
PROCEDURE	WRITTEN REPRESENTATION
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reason:

1. There is insufficient justification for the proposed works which would adversely affect the well being of the trees and significantly reduce their amenity value.

P.I. REF. A/21/32761 (1922)
APPLICATION NO. P/20/859/FUL

APPELLANT MR GURPREET SINGH

SUBJECT OF APPEAL CHANGE OF USE OF RETAIL SHOP (A1) TO HOT-FOOD TAKEAWAY
CHIP SHOP (A3): 10 CAERAU ROAD, MAESTEG

PROCEDURE WRITTEN REPRESENTATION

DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reason:

1. The proposed hot food take-away, by reason of its location and form, would result in an increase in short term on-street parking along Caerau Road to the detriment of highway and pedestrian safety and the free flow of traffic in the vicinity of the site, contrary to Policy SP2 of the Bridgend County Borough Council Local Development Plan 2013 and advice contained within SPG17: Parking Standards and Planning Policy Wales (Edition 11, Feb. 2021).

P.I. REF. D/21/3276567
APPLICATION NO. P/20/997/FUL

APPELLANT MR CHRIS FRANCOMBE

SUBJECT OF APPEAL SINGLE STOREY REAR EXTENSION AND DORMER ROOF EXTENSION:
20 HILLSBORO PLACE, PORTHCAWL

PROCEDURE HOUSEHOLDER

DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reason

1. The dormer extension, by reason of its design, siting and scale, is an overly obtrusive and prominent feature within Porthcawl Conservation Area and its retention will have a detrimental impact on the setting of the Conservation Area, contrary to Policies SP2 and SP5 of the Local Development Plan and advice contained within Planning Policy Wales (Edition 11, February 2021) and The Planning (Listed Building & Conservation Areas) Act 1990.

P.I. REF. D/21/3277143 (1924)
APPLICATION NO. P/21/128/FUL

APPELLANT MS G ROSSINI

SUBJECT OF APPEAL RAISE ROOF TO CREATE FIRST FLOOR WITH 3 BEDROOMS, ENSUITE
AND BATHROOM; SINGLE STOREY REAR EXTENSION WITH BALCONY
OVER; CANOPY OVER FRONT DOOR (SIDE):
64 WEST PARK DRIVE, PORTHCAWL

PROCEDURE HOUSEHOLDER

DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reason

1. The proposal, by reason of its scale, design and location, represents an incongruous and inappropriate form of development that is not in keeping with the established character of the residential area and street scene causing unacceptable harm to the appearance of the dwelling and the visual amenities of the wider area. The application is therefore contrary to Policy SP2 of the Bridgend Local Development Plan (2013), the Council's Supplementary Planning Guidance SPG02 – Householder Development and advice contained within Planning Policy Wales 11 (February, 2021).

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

P.I. REF. APPLICATION NO.	A/21/3268705 (1914) P/20/600/TPN
APPELLANT	HUTCHISON 3G UK LTD
SUBJECT OF APPEAL	PRIOR NOTIFICATION FOR PROPOSED TELECOMMUNICATIONS INSTALLATION: 20.0M PHASE 8 MONOPOLE C/W WRAPAROUND CABINET AT BASE AND ASSOCIATED ANCILLARY WORKS: A4063 ST BRIDES MINOR (NEXT TO LAYBY), SARN
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE ALLOWED SUBJECT TO CONDITIONS

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

P.I. REF. APPLICATION NO.	A/21/3270088 (1915) P/20/382/OUT
APPELLANT	MR K SYLVESTER
SUBJECT OF APPEAL	ONE BEDROOM DETACHED BUNGALOW WITH 1 OFF ROAD PARKING SPACE: 10 TONTEG, PENCOED
PROCEDURE	WRITTEN REPRESENTATION
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**

P.I. REF. APPLICATION NO.	A/21/3272695 (1918) P/20/713/FUL
APPELLANT	MR & MRS S TREHARNE
SUBJECT OF APPEAL	RETENTION OF RAISED GROUND & ERECTION OF 1.8M HIGH FENCE: 5 ST MICHAELS WAY, BRACKLA

PROCEDURE HOUSEHOLDER APPEAL
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**

P.I. REF. A/21/3272433 (1916)
APPLICATION NO. P/19/861/FUL
APPELLANT MR N & MRS M ARNOLD
SUBJECT OF APPEAL SITING OF A MOBILE TIMBER ECO RESIDENTIAL UNIT ON LAND PART OF THE BLACKBRIDGE ARABIAN STUD:
LAND AT BLACKBRIDGE ARABIAN STUD, TYLAGWYN, PONTRHYL
PROCEDURE WRITTEN REPRESENTATIONS
DECISION LEVEL DELEGATED OFFICER
DECISION THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

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

RECOMMENDATION

That the report of the Corporate Director Communities be noted.

Janine Nightingale
CORPORATE DIRECTOR COMMUNITIES
Background Papers (see application reference number)



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 04/05/21

gan **Janine Townsley, LLB (Hons)**
Cyfreithiwr (Nad yw'n ymarfer)

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 3/6/21

Appeal Decision

Site visit made on 04/05/21

by **Janine Townsley, LLB (Hons) Solicitor**
(Non-practising)

an Inspector appointed by the Welsh Ministers

Date: 3/6/21

Appeal Ref: APP/F6915/A/21/3268705

Site address: Land at A4063 St. Bride's Minor, Sarn, Bridgend, CF32 9SL

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 prior approval under the provisions of Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended.
- The appeal is made by Hutchinson 3G UK Ltd. against the decision of Bridgend County Borough Council.
- The application Ref P/20/600/TPN, dated 12 August 2020, was refused by notice dated 14 October 2020.
- The development proposed is described as a telecommunications installation: Proposed 20.0m Phase 8 Monopole C/W wraparound cabinet at base and associated ancillary works.

Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 24, paragraph A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO) for a telecommunications installation: 20 metre phase 8 monopole with wraparound cabinet at land at A4063, St. Bride's Minor, Sarn, Bridgend, CF32 9SL in accordance with the details submitted pursuant to Schedule 2, Part 24, paragraph A3 of the GPDO.

Procedural and Preliminary Matters

2. Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) grants planning permission for certain classes of development subject to standard conditions. The appeal relates to an application for prior approval under such provisions, meaning that the principle of development is already established by law. Such provisions do however require Local Planning Authorities to assess such developments on the basis of their siting and appearance and my determination of this appeal has been made in the same manner.
3. Whilst it is not a prerequisite for prior approval cases to be determined in accordance with the development plan¹, the Council's policies may be relevant as material

¹ Paragraph 44 of Technical Advice Note 19 'Telecommunications' (TAN 19) advises that where development requires an **application for planning permission**, applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

considerations. In this case the Council did not cite any adopted Local Development Plan policies in refusing the prior approval and, as such, local planning policies have not been referred to within this decision.

4. Since the application was determined by the Council, the Welsh Government has published Future Wales: the National Plan 2040 (Future Wales) and Planning Policy Wales, Edition 11 (PPW 11). I am satisfied that neither publication makes any material difference to the main issues in this case.

Main Issues

5. There is no dispute that the proposed installation would comply with the limitations imposed under Part 24 of Schedule 2 of the GPDO. As the appeal is against the refusal of prior approval the only issues which can be considered are siting and appearance. The Council has taken no issue with the appearance of the apparatus and I see no reason to disagree with this position.
6. Accordingly, the main issues are the effect of the proposed development on the safe and free flow of traffic in the area and on highway safety with particular reference to access. If any such harm is identified whether that harm would be outweighed by the need to site the development in the location proposed having regard to the potential availability of alternative sites.

Reasons

7. The application is for a 20-metre-high monopole with a wraparound cabinet at the base with associated ancillary works. The equipment would be sited adjacent to a police layby on the A4063 between Sarn roundabout and the junction for Bryncoch Road.
8. The proposed development will create traffic hazards to the detriment of the safety and free flow of traffic on Route A4063 and The proposed development will generate additional vehicular turning movements to and from the public highway, to the detriment of highway safety so a full application would be necessary.
9. The Council considers that Road Restraint Risk Assessment Process (RRRAP) is required to indicate whether there would be a need for safety fencing around the installation. The Council acknowledges that the technical document which sets out where road restraint systems are required applies only to motorways and trunk roads. Nevertheless, the Council considers that the A4063 in the vicinity of the site meets all other criteria set out in the document due to the speed and volume of traffic since the road has a speed limit of 50 mph and, by reference to local traffic count data, has an annual average daily traffic figure of 15,937 vehicles². The Council has not produced a copy of the technical guidance in support of its case.
10. Despite an assertion from the Council that reference to the technical document is a "useful tool", these requirements do not apply at the appeal site and for this reason, this should not be taken as a justification in itself for the refusal of the prior approval application. In any event, the Council has not set out in what way it is considered the proposal would represent a hazard to motorists at this location, particularly where no concern has been expressed in relation to the appearance of the equipment, nor has it been set out why it is felt there is a risk of motorists leaving the highway and colliding with the development at this location. Accordingly, I find that the Council has failed to substantiate the first reason for refusal of the prior notification application and for the

² Data from 2019

reasons I have set out, I am satisfied that the proposed development would not result in the introduction of a traffic hazard to the detriment of the safety and free flow of traffic on the A4063.

11. Turning next to the issue of highway safety, the installation of telecommunications equipment would be sited on land adjacent to a police layby and not served by pedestrian footways. The lack of footways means that it would not be possible for operatives carrying out maintenance visits to park off site and walk to the site. I agree with the Council that it is reasonable to assume that operatives will wish to use the layby when access is required to the site.
12. Although the intended use of the layby is for police vehicles carrying out speed checks, it is unlikely that maintenance visits to the appeal site by operatives would be frequent and since the layby is not in constant use by the police it is unlikely there would be any conflict of use if it were to be used by servicing or maintenance operatives on occasion. The Council has referred to a traffic regulation order applying to the layby, but no details have been provided of the nature of any restrictions or how they might impact the use of the layby by telecommunications operatives. I observed that there is no physical impediment to prevent use of the layby.
13. In terms of safety of drivers egressing the layby, no technical evidence has been presented by the Council to demonstrate the extent of perceived risk and I note that police vehicles already use the layby. The Council has not set out why leaving the layby would be more difficult or of greater risk to highway safety for maintenance vehicles. Furthermore, although this is a busy road with a speed limit of 50 mph, it is located close to a junction serving a housing estate from which vehicles would exit in the same direction as those egressing the layby. I observed that there is no restriction on visibility at this location, with the road following a generally straight alignment and therefore drivers should be able to assess when it is safe to pull-out from the layby. Overall, therefore, I am satisfied that vehicles would be able to safely leave the layby at this location and thus the proposed development would not result in undue risk to highway safety.
14. The installation phase would likely require a lane closure, however I am satisfied that this is a matter which could be managed by the appellant in accordance with their own standards and in liaison with the Council to secure any temporary traffic regulation order to allow for the delivery and installation of the equipment.
15. I have found that the proposed development would not give rise to harm to highway safety and therefore it is not necessary for me to consider the potential benefits of the scheme. Nevertheless, these have been set out by the appellant and they are factors which I consider add further weight in favour of the development. PPW 11 acknowledges the importance of high-quality telecommunications, stating that adequate and efficient infrastructure including services such as telecommunications is crucial for economic, social and environmental sustainability.
16. I have had regard to Welsh Government's clear aspirations for improved service, connectivity, infrastructure and the latest technologies as advanced in, *inter alia*, the Minister's written statement of January 2017 and the Mobile Action Plan of October 2017. The proposal would also align with the goals of the Well-Being of Future Generations Act, in terms of supporting a prosperous economy and a well-connected Wales.
17. Neither do I underestimate the importance of delivering a connected world in post Covid-19 times. Welsh Government's *'Building Better Places: The Planning System*

Delivering Resilient and Brighter Futures Placemaking and the Covid19 Recovery July 2020 recognises that staying connected through digital means was one of the few opportunities for social interaction with friends and family and has become mainstream as part of our working lives throughout the lockdown period. It also acknowledges that with homeworking now likely to be more prevalent across the country, having reliable and good quality communications systems in place is more important than ever before to help the economic and social recovery.

18. The appellant has drawn my attention to the Future Telecoms Infrastructure Review which outlined plans for the majority of the population to have 5G mobile coverage by 2027 and public benefits in the provision of a 5G network.
19. There is a strong framework of support for telecommunications in policy terms. The development plan status of the recently published Future Wales adds weight to the arguments advanced regarding the essential need for mobile telecommunications to access services, enable social and economic interaction, enhance education, and support well-being, including addressing issues such as social isolation and exclusion.
20. I am satisfied from the evidence submitted that the appellant has followed the sequential approach set out in TAN 19 to ascertain whether there are any suitable alternative sites. TAN 19 advises that applications for telecommunications development, including prior approval, should be supported with the necessary evidence to justify the proposed development for a new mast or base station, this should include evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. In this case, within the search area no opportunities for sharing were available resulting in the need to use a new ground based mast in a street. There has been no suggestion from the Council that an alternative location could have been found in this case.

Conditions

21. Standard conditions are set out in the GPDO for development by electronic communications code operators and it is not necessary for me to impose any additional conditions beyond those. The Council has suggested a condition requiring the submission of a Maintenance Traffic Management Plan, however, the GPDO does not provide authority for the imposition of non-standard conditions. In any event, I have found the development would not result in highway safety issues and therefore the suggested condition would not be necessary.

Conclusion

22. The identified benefits of the proposal weigh significantly in favour of the installation. I have found that the proposed development would not result in and significant harm to the safe and free flow of traffic in the area or to highway safety.
23. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015 ('the Act'). I consider that this decision accords with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's well-being objectives as required by section 8 of the Act. Whilst the proposed installation may align with the well-being goals in terms of supporting a prosperous economy and a well-connected Wales, it would conflict with the goal of creating cohesive communities.
24. For the reasons set out above, I conclude that the appeal should be allowed, and approval granted. In granting approval the appellant should note that the GPDO requires at Paragraphs A3 (8), (9) and (10) that the development shall be begun not

later than 13th August 2025 and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer, the address or location of the development and the date of completion.

Janine Townsley

INSPECTOR

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 20/04/21

gan **J P Tudor, BA (Hons), Cyfreithiwr (ddim yn ymarfer)**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 1/6/21

Appeal Decision

Site visit made on 20/04/21

by **J P Tudor, BA (Hons), Solicitor (non-practising)**

an Inspector appointed by the Welsh Ministers

Date: 1/6/21

Appeal Ref: APP/F6915/A/21/3270088

Site address: 10 Ton Teg, Pencoed, Bridgend, CF35 5ND

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Kyle Sylvester against the decision of Bridgend County Borough Council.
- The application Ref: P/20/382/OUT dated 5 June 2020, was refused by notice dated 9 September 2020.
- The development proposed is one-bedroom detached bungalow with 1 off-road parking space.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is in outline only. However, there is disagreement between the Council and the appellant about the way the application was dealt with and a lack of clarity about which matters were to be reserved for future consideration. The application was made on a bespoke form for 'Outline Planning Permission with all matters reserved'. It is unclear to me on what basis the Council Officer's Report refers to 'appearance' and 'landscaping' only, as reserved matters. The appellant has not specifically clarified the matter in his appeal submissions, aside from maintaining that the submitted plans were only intended to be 'suggestive' (as labelled). Therefore, I have considered the appeal on the basis that all matters (i.e. access, appearance, landscaping, layout, and scale) are reserved for future consideration, as per the planning application form.
3. Article 3 of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) advises, in relation to outline applications, that where 'layout' is a reserved matter, the application for outline permission must state the approximate location of buildings, routes and open spaces included in the development proposed. Similarly, where 'scale' is a reserved matter, the application must state the upper and lower limit for the height, width and length of each building included in the development. The appellant advises that the submitted plans were intended to show that the plot could theoretically accommodate a dwelling of a similar size to the appellant's adjacent existing two-bedroom bungalow, but that the intended

one bedroom bungalow would, in fact, be smaller. However, while an approximate location for buildings, routes and open spaces is indicated, no 'lower limit' for the height, width, and length of the building has been provided. Given that and the appellant's submissions, I have treated the plans as 'illustrative only' and as indicating the maximum size of building that could be physically accommodated on the site.

Main Issues

4. The main issues are:

- the effect of the proposed development on the character and appearance of the area; and,
- whether the proposed bungalow would provide acceptable living conditions for future occupiers, with regard to private outdoor space and outlook.

Reasons

Character and appearance

5. The appeal site comprises a small, roughly rectangular parcel of land on the corner of Ton Teg and Dan Y Coed. It is adjacent to a semi-detached bungalow at 10 Ton Teg and forms part of the side/front garden of that property, although it has been largely cleared of vegetation, apart from a hedge along its northern boundary. The area is residential and characterised by semi-detached bungalows set on reasonably sized plots arranged around cul-de-sacs. The pattern of development, with dwellings set back behind front or side gardens, wide grass verges adjacent to the road and further grassed areas at street corners, provides an attractive sense of space and openness.
6. Strategic Policy SP2 of the Bridgend Local Development Plan 2006-2021 (LDP)¹ indicates that all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment. Various criteria within policy SP2 detail how that aim is to be achieved and include, at criterion 2, by having a design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness. In addition, criterion 4 of policy SP2 recognises that land should be used efficiently and, while expressing a preference for the use of previously developed land, requires that proposals respect surrounding development.
7. The proposal would introduce a building, albeit limited to a one-bedroom bungalow, onto an open corner area of land. While layout, scale and appearance are reserved matters, for the dwelling to be able to offer acceptable levels of internal living space and given the restricted plot-size, it would be inevitable that its built form would occupy much of the plot. Therefore, even though the public verge would remain, a dwelling sited at this corner location would appear particularly prominent in the street scene and diminish the existing sense of space and openness in the area.
8. Moreover, as most of the plot is in front of the main building line of the adjacent bungalows along Dan Y Coed, the new bungalow would protrude in front of that consistent building line. It would also be likely to be to the fore of the adjacent bungalows to the west along Ton Teg, including No. 10. Therefore, while it could be of a similar height to other development, its position and detached form, which would contrast with the semi-detached nature of surrounding dwellings, would make it an

¹ Adopted September 2013

incongruous and intrusive feature, at odds with the prevailing character and pattern of development in the immediate area.

9. While the appellant refers to the side garden as disused and redundant, as No. 10 benefits from other front and rear gardens, those garden areas are relatively small and a future occupier of the bungalow at No. 10 may take a different view. Indeed, I note that a similar open area of land to the side of the bungalow at 8 Ton Teg, on the corner opposite the appeal site, appears to be used as part of its garden, even though that dwelling also benefits from other front and rear garden areas. In any event, these relatively open areas near corners contribute positively to the spacious atmosphere of the local environment.
10. Some approved dwellings on allegedly small plots are cited by the appellant in support of the appeal proposal. However, limited details of those schemes have been provided and they are some distance from the appeal site and its immediate street scene. Therefore, they have limited direct relevance to the appeal proposal and its effects. In any case, all proposals must be judged on their individual merits and site-specific characteristics, which is the approach I have taken in determining this appeal.
11. Given the above factors, I conclude that the proposed development would have an adverse effect on the character and appearance of the area. Consequently, it would be contrary to policy SP2 of the LDP in that respect.

Living Conditions

12. The Council considers that to prevent overlooking of future occupiers of the bungalow by neighbouring residents, a 2-metre high boundary fence would be required. According to the Council that would result in a poor outlook from rear windows of the new dwelling. While I note that concern, it appears to be based on a series of assumptions about the location of windows, habitable rooms and fences, which would only be confirmed at the reserved matters stage when appearance, layout, scale and landscaping would be finalised. Even allowing for the restricted plot size, it may be possible to arrive at a design without such consequences. Therefore, I do not agree with the Council that the living conditions for future occupiers, with regard to outlook, would necessarily be poor.
13. Referring to the site layout plan, the Council also expresses concern about the living conditions for future occupiers, with regard to the provision of private amenity space. The appellant's Design and Access Statement refers briefly to the provision of '*small yet maintainable front and side gardens*', but the issue of private outdoor space is not addressed in any detail in the appellant's submissions.
14. While layout and scale are reserved matters, given the small size of the plot, at about 14m x 12m according to the Council, the erection of a bungalow with an off-street parking space would leave very little land available for the provision of private outdoor living space. Although the dwelling would be 1-bedroom, the provision of outdoor space contributes to the quality of life of occupiers and is necessary to accommodate domestic items, such as a washing lines or garden furniture. Therefore, on the basis of the evidence before me, I am not persuaded that the proposal is capable of providing sufficient usable private outdoor space. Consequently, I conclude that it would not provide acceptable living conditions for future occupiers, with regard to private outdoor space.
15. In that regard, the Council alleges that the proposal would conflict with criterion 12 of LDP policy SP2. However, the wording of that criterion relates to ensuring that the amenity of neighbouring uses and their users/occupiers will not be adversely affected,

rather than future occupiers of a development. Nevertheless, I consider that the failure to demonstrate that sufficient private outdoor space can be provided is contrary to the principles of high quality design referred to in criterion 2 of policy SP2.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.
17. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015 ('the Act'). I consider that this decision is in accord with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's well-being objectives as required by section 8 of the Act.

JP Tudor

INSPECTOR

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 17/05/21

gan Paul Selby, BEng (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 1/6/21

Appeal Decision

Site visit made on 17/05/21

by Paul Selby, BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 1/6/21

Appeal Ref: APP/F6915/D/21/3272695

Site address: 5 St. Michaels Way, Brackla, Bridgend, CF31 2BT

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 Mrs Samantha Treharne against the decision of Bridgend County Borough Council.
- The application Ref: P/20/713/FUL dated 21 September 2020, was refused by notice dated 4 March 2021.
- The development is described as "I have levelled a section of my garden where the trees were previously to align with the rest of my garden. My plan going forward is to install a 1800mm fence on top of this ground to attain privacy for our neighbours and ourselves. The area that has been raised has been risen to a height of 1140mm from bottom of existing fence post to new ground level. There is no weight bearing at all on the existing fence".

Decision

1. The appeal is dismissed.

Procedural Matters

2. The development has been partially completed and the appeal therefore seeks retrospective planning permission.
3. I have taken the description of development from the planning application form but have omitted superfluous information which does not describe the development. The application is accompanied by a location plan and photographs which, although not scaled drawings, indicate the level and extent of groundworks for which permission is sought. I have determined the appeal scheme based principally on these documents.

Main Issue

4. The main issue is the effect of the development on the living conditions of neighbouring occupants, with particular regard to outlook and privacy.

Reasons

5. The appeal site is occupied by a two-storey detached dwelling situated within a residential estate. The property features a modest rear garden which backs onto similarly sized gardens located to the rear of Nos 14 and 15 Raphael Avenue. These gardens are separated from one another by timber fences and trellises. The dwellings at Nos 14 and 15 are sited at a lower level to the appeal dwelling and their rear gardens slope up towards the appeal site.

6. The appeal development in part comprises groundworks within the previously sloping rear garden of No. 5 St. Michaels Way. I saw that concrete block stilts have been constructed near to the shared boundary with Nos 14 and 15 Raphael Avenue, with the remaining area infilled to create a levelled patio and garden composed of concrete, hardcore and soil. The concrete platform adjacent to the rear boundary has been constructed at a level moderately below the top of the fences bounding Nos 14 and 15. As a result, direct and close range views are available from the appeal site into the full extent of these adjacent rear gardens, with views also possible into ground floor rooms. Whilst I accept that views between these properties and the rear garden of the appeal site would previously have been possible, such views would have been neither as proximate nor extensive as those currently achieved. Consequently, the appeal development gives rise to a level of overlooking which unacceptably affects the privacy of neighbouring occupants.
7. The description of development confirms the appellant's intention to install a 1.8m fence, which would need to be substantially impermeable to attain an acceptable standard of privacy. The location of this fence is not confirmed in the appeal documentation, but I concur with the Council's view that locating it near to the rear boundary of the appeal site, where it would project well above the existing boundary fences, would afford it a dominance which would unacceptably overbear on the rear gardens and rear-facing ground floor rooms at Nos 14 and 15. To avoid this harmful effect the 1.8m fence would need to be set well into No. 5's garden, but in my view the consequent reduction in the available garden area would be likely to nullify the benefit of granting planning permission, and would be unacceptable as a result.
8. The appellant indicates that a 1.8m fence is no longer sought, with a dwarf wall and hedgerow proposed in its place. However, irrespective of whether neighbouring occupants are supportive of this, the Welsh Government's Development Management Manual confirms that there is no ability to make amendments to an application following an appeal being made against a Local Planning Authority's decision, except where the amendment corrects an error in the application and which does not affect the substance of the application. As the proposed 1.8m fence is a clearly described element of the planning application which goes to the heart of the scheme, I must determine the appeal on this basis. In any case, given the location and construction of the concrete block platform near to the shared boundary, I am not persuaded that the appeal development, in its present formulation, could accommodate landscaping of an extent and density which would acceptably mitigate existing overlooking or screen a 1.8m boundary fence.
9. The Council considers that the retaining structure is structurally sound, and I have no reason to find otherwise. However, neither this nor the other matters raised outweigh the identified harm caused by the appeal development, which could not be adequately overcome via mitigation. Consequently, I conclude that the appeal development conflicts with the objective of policy SP2 of the Bridgend Local Development Plan to avoid adverse effects on the amenity of neighbouring occupiers.

Conclusion

10. For the above reasons I conclude that the appeal should be dismissed. In reaching my decision, I have taken account of the requirements of the Well-Being of Future Generations (Wales) Act 2015 and consider that this decision contributes towards the well-being objective of building healthier communities and better environments.

Paul Selby, INSPECTOR



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 11/06/21

gan **P J Davies, BSc (Hons) MA MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 29/6/21

Appeal Decision

Site visit made on 11/06/21

by **P J Davies, BSc (Hons) MA MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 29/6/21

Appeal Ref: APP/F6915/A/21/3272433

Site address: Blackbridge Arabian Stud, Tylagwyn, Pontrhyl, CF32 8EJ

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 & Mrs Nick & Mair Arnold against the decision of Bridgend County Borough Council.
- The application Ref: P/19/861/FUL dated 14 November 2019, was refused by notice dated 5 October 2020.
- The development proposed is described as siting of a mobile timber ECO residential unit.

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the application was determined by the Council, the National Development Framework (Future Wales: the national plan 2040) [‘the NDF’] and Edition 11 of Planning Policy Wales (PPW 11) have been published. Neither of these documents have resulted in any fundamental change to the main considerations in this case, but in any event, both documents represent current national planning policy and my decision is made on this basis.

Main Issues

3. These are:
 - a) whether the proposal would comply with national and local planning policies relating to the countryside, having regard to character and appearance, and any other material considerations, and,
 - b) whether there is sufficient information regarding the means of sewage disposal having regard to public health and the environment.

Reasons

Whether the proposal would comply with national and local planning policies

4. For the purposes of the Bridgend Local Development Plan (LDP) the appeal site is outside any settlement boundary and within the countryside. PPW 11 advises that development should be located within and adjoining those settlements where it can

best be accommodated in terms of infrastructure, access, habitat and landscape conservation. It stipulates that new building in the open countryside away from settlements must continue to be strictly controlled¹. In conformity with PPW 11, LDP Policy ENV1 places strict control over new development in the countryside. It states that development may be acceptable where it is necessary for a number of reasons, including appropriate rural enterprises where a countryside location is necessary and the implementation of an appropriate rural enterprise project. Nonetheless, whilst it is evident that the appellants run a successful Arabian horse stud, no formal case for a rural enterprise dwelling has been put forward. Neither is there evidence that supports the locational need for the development under the other categories listed in Policy ENV1. The proposal therefore conflicts with LDP Policy ENV1.

5. LDP Policy SP2 requires all development to 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. PPW 11 also recognises that the countryside is a dynamic and multi-purpose resource that must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value, and for its landscape and natural resources. Maximising environmental protection and limiting environmental impact is also a principal component of placemaking as set out in PPW 11.
6. The appeal site comprises part of a small paddock area adjacent to a stable block situated on an attractive wooded valley side. It is an isolated location with very little visual correlation with any settlement or group of buildings, and the site is clearly part of the countryside. The existing buildings are low height and simple in form with a function that is commensurate with the countryside. This gives the site a muted and informal appearance that allows it to blend into the rural setting.
7. Some details of the appearance and scale of the proposed Eco log unit have been provided. Whilst predominantly timber and demountable, it would have a distinctly domestic appearance with an array of glazed windows and doors and a formal entrance. It is likely that there would also be associated domestic paraphernalia such as outside drying lines and garden furniture, and there would be additional traffic from service and delivery vehicles. Moreover, the Eco unit comprises a large 3-bedroom structure that, relative to its currently subdued context, would introduce a significant mass of domestic form to the site. All of this would fundamentally change and urbanise the function and appearance of the site, with consequent adverse effects on the rural character of the area.
8. The case for the proposal is largely made on the need for accommodation to provide 24-hour care for horses and foals as part of an established and evidently very successful Arabian stud. It is acknowledged by the appellants that a permanent dwelling is unlikely to be favourably received and the appeal is reliant on the individual needs of the stud and the demountable nature of the unit. The appellants are also agreeable to a personal permission limiting occupation to themselves and requiring removal of the unit in the event the stud ceases to operate.
9. I am very mindful of the need to provide care for the horses. Foaling especially is a time when attendance on site is essential and I am sympathetic to the tragic circumstances that led to the loss of one of the horses. However, dwellings in the countryside require careful assessment. Much of the information that has been

¹ Paragraph 3.60 PPW 11

presented relies on an account of how the stud has developed and succeeded rather than any detailed and quantifiable analysis that demonstrates the need for the development against rural restraint policies. The absence of any compelling evidence in this regard is a factor that weighs heavily against this appeal. I have had regard to the supporting letters from other breeders and an equine vet explaining why living on site is important for horse breeding, but these do not provide tangible information directly related to the proposed development. In essence, they do not comprise the very robust evidence needed to justify a departure from established planning policies relating to the countryside.

10. Whilst the appellants are agreeable to a personal and/or occupancy condition, these should only be used where sound planning grounds can be demonstrated. I have found none in this case. The unit would be demountable, but it would still involve development in the countryside, and in any event the appellants' intentions for the site appear to be long term.
11. I conclude that the proposal would be contrary to LDP Policies ENV1 and SP2 and PPW 11. It would harm the character and appearance of the surrounding countryside, and there are no other material considerations that would outweigh this harm.

Sewerage

12. The appellants indicate that a cesspit would be used for foul sewage disposal. PPW 11 advises that where non mains sewage proposals are included in development applications, they should be subject to an assessment of their effects on the environment, amenity and public health in the locality. No such assessment has been provided. Furthermore, I do not know if other forms of sewage disposal have been considered in accordance with the hierarchical approach set out in Welsh Government Circular 008/2018 which sets out the planning requirements in respect of the use of private sewerage in new development. Without this information I am unable to conclude that the proposal would not have an adverse effect on public health or the environment. In addition, without establishing beforehand whether a cesspit or any other form of private sewerage disposal would be suitable, it would not be appropriate to impose planning conditions to secure such provision.

Other Matters

13. There is limited information that clearly sets out the access and parking arrangements albeit there would appear to be sufficient land within the ownership of the appellants to provide for parking and turning within the site. The access to the site is via a hardcore track that would be adequate for the demands of a single dwelling, bearing in mind that it is already used by vehicles accessing the stud. I do not therefore find this to be a determining issue in this appeal.

Conclusions

14. In reaching my decision, I have taken account of the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives as required by section 8 of the WCFG Act.
15. For the above reasons, and having regard to all matters raised, the appeal is dismissed.

P J Davies INSPECTOR

TRAINING LOG

All training sessions will be held on the Microsoft Teams platform.

Subject

Date

Building Regulations Fire Safety Act 2021

7 July 2021

Minerals Update

17 August 2021

Recommendation:

That the report of the Corporate Director Communities be noted.

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

BACKGROUND PAPERS

None

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