

# Public Document Pack

## Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

### Bridgend County Borough Council



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

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

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



#### **Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate**

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

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

**Dyddiad/Date:** Friday, 13 August 2021

Dear Councillor,

#### **DEVELOPMENT CONTROL COMMITTEE**

A meeting of the Development Control Committee will be held remotely - via Microsoft Teams on **Thursday, 19 August 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 - 6  
To receive for approval the minutes of the 08/07/2021
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 7 - 10
7. P/20/328/FUL - Land at Broadlands House, Broadlands, CF32 0NS 11 - 32

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8.	<u>P/20/888/RLX - Land Off All Saint's Way, Penyfai, CF31 4BX</u>	33 - 50
9.	<u>P/20/777/FUL - Land Adjacent To 8 Sunnyside, Ogmores Vale, CF32 7AW</u>	51 - 64
10.	<u>P/21/605/FUL - 20 Shakespeare Avenue, Cefn Glas, CF31 4RY</u>	65 - 78
11.	<u>P/21/337/FUL - 76 Nolton Street, Bridgend, CF31 3BP</u>	79 - 86
12.	<u>P/21/213/FUL - 21 Springfield Avenue, Porthcawl, CF36 3LB</u>	87 - 94
13.	<u>Appeals</u>	95 - 106
14.	<u>Nomination And Appointment To The Rights Of Way Sub-Committee</u>	107 - 110
15.	<u>Training Log</u>	111 - 112
16.	<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

- |   |  |  |
|---|--|--|
| <u>Councillors:</u><br>JPD Blundell<br>N Clarke<br>RJ Collins<br>SK Dendy<br>DK Edwards<br>RM Granville | <u>Councillors</u><br>A Hussain<br>MJ Kearns<br>DRW Lewis<br>JC Radcliffe<br>JC Spanswick<br>RME Stirman | <u>Councillors</u><br>G Thomas<br>MC Voisey<br>KJ Watts<br>CA Webster<br>RE Young<br>S Vidal |
|---|--|--|

# Agenda Item 3

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 8 JULY 2021

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD  
REMOTELY - VIA MICROSOFT TEAMS ON THURSDAY, 8 JULY 2021 AT 14:00

## Present

Councillor G Thomas – Chairperson

N Clarke	RJ Collins	SK Dendy	M Hughes
MJ Kearn	DRW Lewis	JC Radcliffe	JC Spanswick
RME Stirman	MC Voisey	KJ Watts	CA Webster
RE Young			

## Apologies for Absence

DK Edwards

## Officers:

Rhodri Davies	Development & Building Control Manager
Lee Evans	Senior Planning Officer
Craig Flower	Planning Support Team Leader
Mark Galvin	Interim Democratic Services Manager
Rod Jones	Senior Lawyer
Robert Morgan	Senior Development Control Officer
Jonathan Parsons	Group Manager Development
Andrew Rees	Democratic Services Officer - Committees
Alexandra Richards	Senior Planning Officer
Leigh Tuck	Senior Development Control Officer

## 492. DECLARATIONS OF INTEREST

None.

## 493. APPROVAL OF MINUTES

RESOLVED: That the minutes of the Development Control Committee of 27 May 2021 be approved as a true and accurate record.

## 494. PUBLIC SPEAKERS

There were no public speakers.

## 495. 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.

## 496. DEVELOPMENT CONTROL COMMITTEE GUIDANCE

**DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 8 JULY 2021**

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

497. **P/21/56/FUL - BRASERIA EL PRADO, HIGH STREET, LALESTON, CF32 0LD**

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

**Proposal**

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

498. **P/21/412/RLX - 66 GROVE ROAD, BRIDGEND, CF31 3EF**

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

**Proposal**

Remove conditions 1 and 4 of P/20/301/FUL

Due to Councillor G Thomas (Chairperson) losing connection from the meeting during this item, Councillor Watts was elected Chairperson for this item only. On conclusion of this item, Councillor G Thomas took the Chair for the remainder of the meeting.

499. **P/21/217/FUL - LAND ADJACENT HEOL TREDWR, WATERTON, CF31 3AJ**

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

**Proposal**

Detached 4 bed dwelling and single garage

500. **APPEALS**

**RESOLVED:** (1) That the following Appeals received since the last meeting as listed in the report of the Corporate Director – Communities, be noted.

**Subject Of Appeal**

A/21/3274987 (1920)  
P/20/752/FUL

Part Conversion Of Garage & Roof Extension To Create 1-Bed Residential Unit; Associated External Alterations 19 Coychurch Road, Pencoed

ENV/3275423 (1921)  
T/21/7/TPO

Continual Pollarding Of Trees (T/18/17/TPO Refers) Rear Of 44 Briary Way, Brackla, Bridgend

A/21/32761 (1922)  
P/20/859/FUL

Change Of Use Of Retail Shop (A1) To Hot-Food Takeaway Chip Shop (A3): 10 Caerau Road, Maesteg

D/21/3276567  
P/20/997/FUL

Single Storey Rear Extension and Dormer Roof  
Extension: 20 Hillsboro Place, Porthcawl

D/21/3277143 (1924)  
P/21/128/FUL

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

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

Subject of Appeal

A/21/3268705 (1914)  
P/20/600/TPN

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

- (3) That it be noted that the Inspector Appointed by the  
Welsh Ministers to determine the following appeals  
directed that they be dismissed:

Subject of Appeals

A/21/3270088 (1915)  
P/20/382/OUT

One bedroom detached bungalow with 1 off road  
parking space: 10 Tonteg, Pencoed

A/21/3272695 (1918)  
P/20/713/FUL

Retention of raised ground & erection of 1.8m high  
fence: 5 St Michaels Way, Brackla

A/21/3272433 (1916)  
P/19/861/FUL

Siting of a mobile timber eco residential unit on land  
part of the Blackbridge Arabian Stud: land at  
Blackbridge Arabian Stud, Tylagwyn, Pontrhyll.

501. TRAINING LOG

RESOLVED:

That the report of the Corporate Director Communities on  
the updated Training Log be noted.

502. URGENT ITEMS

There were no urgent items.

The meeting closed at 15:19

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

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

### **STANDARD CONDITIONS**

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

#### Time-limits on full permission

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

#### Time-limits on outline permissions

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

#### Variation from standard time-limits

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

### **STANDARD NOTES**

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

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

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

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

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

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

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

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



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

## **THE SITE INSPECTION PROTOCOL**

The Site Inspection Protocol is as follows:-

### **Purpose**

#### **Fact Finding**

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

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

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

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

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

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

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

Site visits 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/20/328/FUL

**APPLICANT:** Mr D Perry, 9 Lon yr Eglwys, St Brides Major CF32 0SH

**LOCATION:** Land at Broadlands House Broadlands Bridgend CF32 0NS

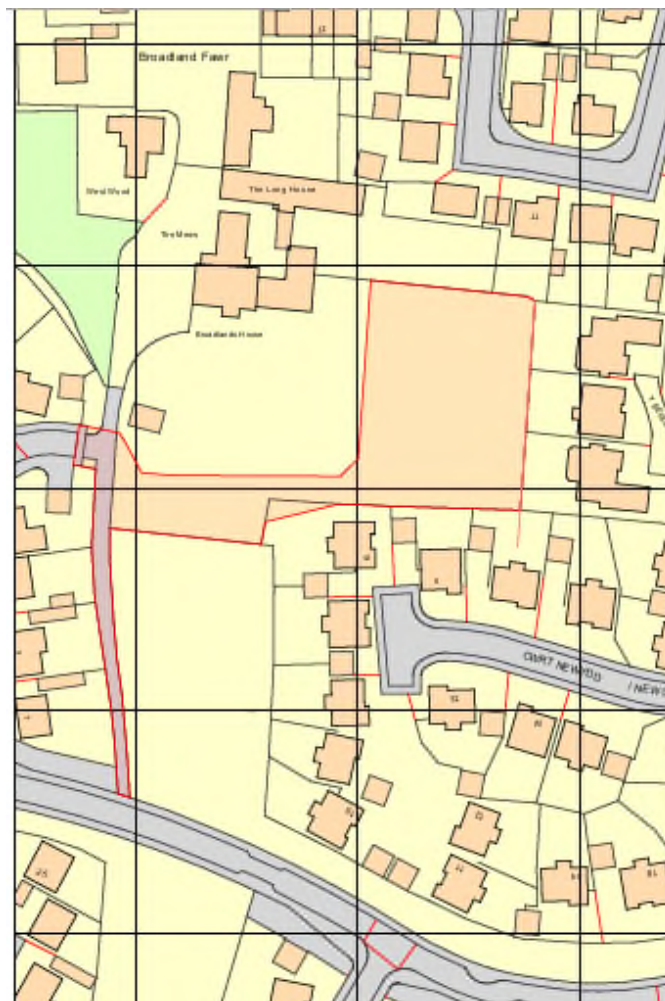
**PROPOSAL:** Construction of 3 detached dwellings (amended plans and information received 09/07/2021)

**RECEIVED:** 7 May 2020

**SITE INSPECTED:** 26 June 2020 & 04 August 2021

## APPLICATION/SITE DESCRIPTION

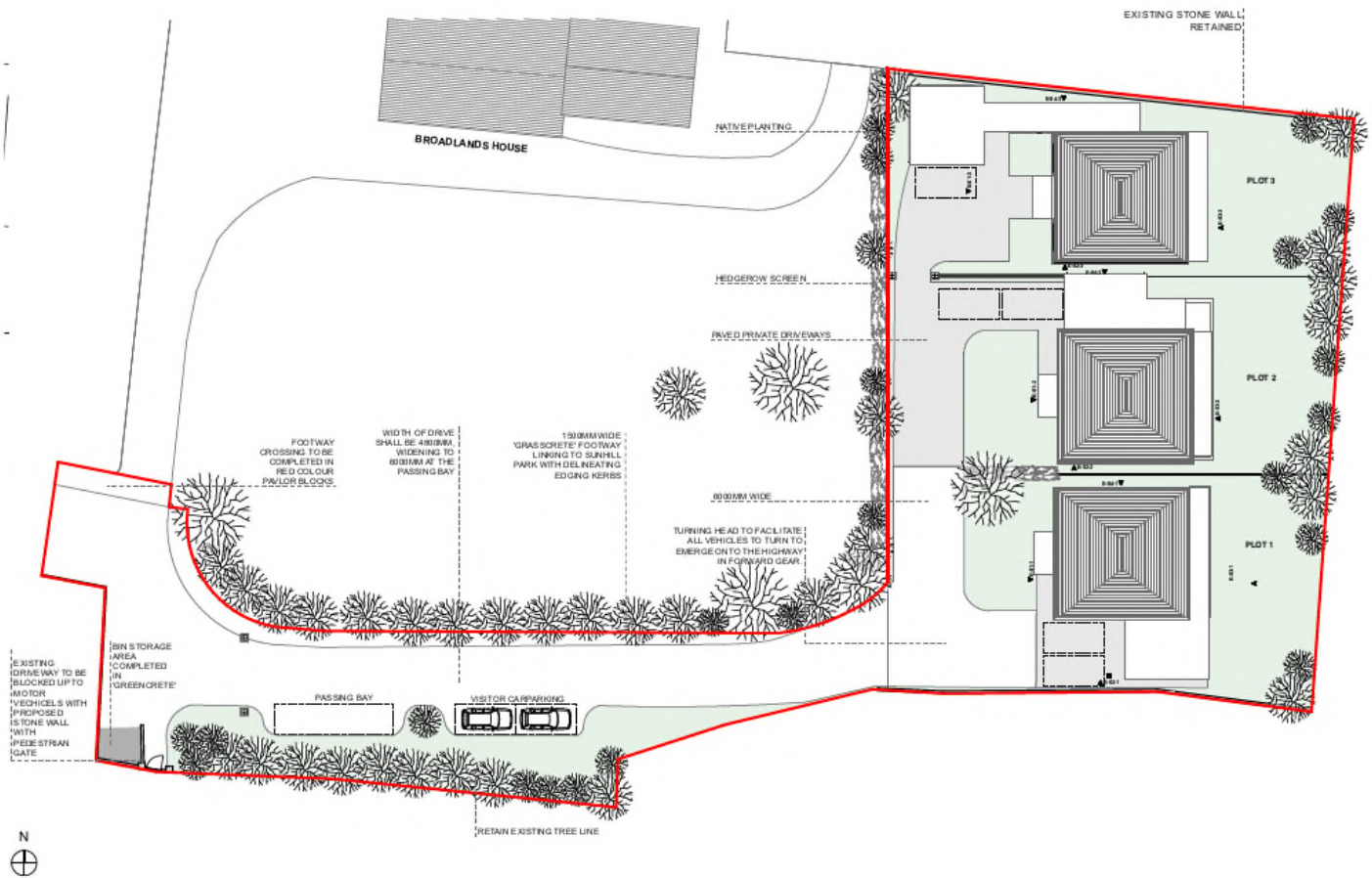
The application seeks full planning permission for the erection of three dwelling houses and associated works on land at Broadlands House, Broadlands, Bridgend.



**Figure 1 – Site Location Plan**

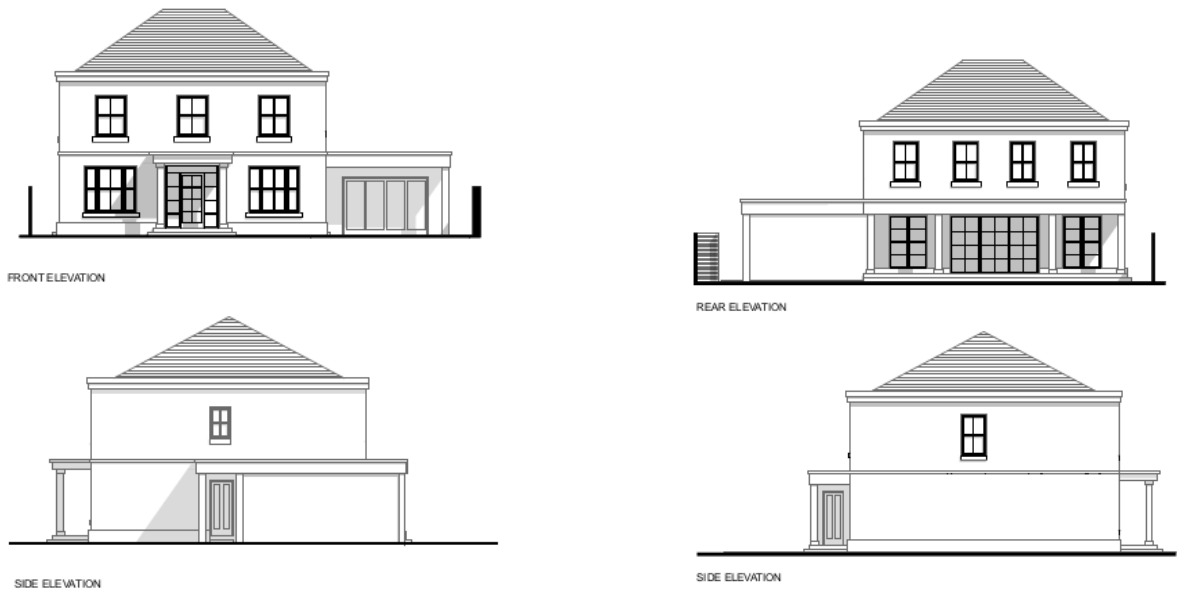
The proposal includes the development of three detached, 4 bed properties, on approximately 0.29 Ha of land which effectively borders the east of 'Broadlands House' and its garden and tennis court, and to the west of residential properties along 'The Orchard'. The development also includes a proposed driveway which would run south of the tennis court and link to the existing driveway of Broadlands house and into the cul-de-sac known as Sunhill Park. A pedestrian/cycle link only would be retained to the south western corner of the site linking towards the nearby children's park facility along Heol Blandy.

The supporting documentation and scaled plans indicate the three comparable houses would be erected in a linear fashion along the eastern aspect of the overgrown area associated with Broadlands House, a Grade II Listed Building, that is Listed for its special interest as a well preserved late Georgian House.



**Figure 2 – Proposed Site Layout**

The three comparable houses would approximately measure 10.3m by 10.7m with rear canopy structures and associated side garages although plot 3, the most northerly of the plots, would have a front garage. The dwellings, following significant negotiation with the Case Officer and Conservation Officer, would each have a Georgian style, symmetry and detail to reflect the nearby Listed Building of Broadlands House with associated rear amenity/garden spaces and car parking spaces. Soft landscaping and trees would be introduced and retained around the built development.



**Figure 3 - Proposed Elevations of Plot 1**



**Figure 4 – Proposed Street scene view**



**Figure 5 – Illustrative visualisation of the development from Broadlands House**

The application site comprises an irregular parcel of land largely to the east and south of Broadlands House, Broadlands. The site slopes gradually from the north to the south. It currently mainly comprises scrubland forming part of the garden amenity space of the adjoining Broadlands House.

The site is largely vacant although it is bounded by existing residential development to the north, east and south (Broadlands Housing Estate). A tennis court serving Broadlands House is located directly to the west of the proposed siting of the dwellings beyond which is further residential properties within Sunhill Park. There is a collection of trees and mature planting towards the southern – south/western boundaries of the site, although these are not protected under a Tree Preservation Order. The application site is situated within the residential settlement boundary of Bridgend as defined by Policy PLA1 of the Local Development Plan (LDP) 2013.



**Figure 6 – Photograph of the application site**

The planning application is supported by a:

Heritage Impact Assessment

Tree Constraints Plan/Survey

Ecology Report

And numerous Illustrations to accompany the scaled drawings and plans.

The Planning history of the site reveals that Outline planning permission for three dwellings at the site received a Committee Resolution to grant consent in November 2018 - subject to the signing of a Section 106 Legal Agreement (although this has yet to be signed (P/18/564/OUT refers)). Planning permission was previously granted in January 2008, to erect two residential plots at the site (P/07/1031/OUT refers). Permission has been refused however for the erection of a building to house supported living accommodation on the site (Planning applications P/16/423/FUL and P/17/698/OUT refer).

## **RELEVANT HISTORY**

P/18/564/OUT - Residential development for 3 new build dwellings – Resolution to Grant at Development Control Committee, 22/11/2018, subject to the signing of a S106 agreement (S106 yet to signed and the final decision issued).

P/17/698/OUT - Construction of up to 12 assisted living units (providing care for persons with learning disabilities) and associated works – Refused 01 February 2018.

P/16/423/FUL - 12 x 1 bedroom units & 2 x 2 bedroom units (14 total) for supported living - Refused 28 November 2016.

P/15/644/FUL – Erection of building to house 14 Supported Living Units – Withdrawn 22 February 2016.

P/07/1031/OUT – 2 Plots off Cwrt Newydd, Broadlands, Bridgend – Granted 18 January 2008.

## NEGOTIATION

The applicant was requested to revise the design and appearance of the development proposal to enhance the visual appearance of the development and to better reflect and respect the nearby Listed Building; and to reduce the scale and size of the dwelling buildings. The means of vehicle access to the site, following negotiation and discussion with the Council's Highways Officer has also been revised to access directly onto Sunhill Park (rather than directly behind properties on Sunhill Park via a narrow access lane).



**Figure 7 – Originally proposed design of the dwellings (now superseded)**

## PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 23 July 2021 (second consultation exercise)

## CONSULTATION RESPONSES

Welsh Water Developer Services - No objection subject to the imposition of standard conditions/advisory notes.

Building Conservation & Design Officer - No objection to the revised planning application.

Destination & Countryside Management - No objection following the submission of an Ecological Appraisal for the development.

Transportation Officer (Highways) - No objection.

Land Drainage Officer - No objection subject to the imposition of conditions. It is also advised the proposal would be over 100m<sup>2</sup>, therefore a sustainable drainage application will be required.

Laleston Community Council - Provided an 'in-principle' objection to the original

submission although provided no further reasons or details for the objection.

Shared Regulatory Services - No objection subject to condition/advisory notes.

(Public Protection:  
Land Contamination)

## **REPRESENTATIONS RECEIVED**

The owners/occupiers of Broadlands House, 1 & 2 The Long House and 15 New Court support the revised proposal/raise no objections with comments being raised that the scheme would enhance the area surrounding the Listed Building and improve the current outlook of the site.

Following the advertisement of the original application, objections to the scheme were received from the occupiers of 1, 3, 4, 5 Parc Bronhaul/Sunhill Park, 11 Cae Gwyllt/Wild Field and 1 Y Berllan/The Orchard. Following the submission of the revised plans, objections were raised against the scheme from the occupiers of 5 & 29 Parc Bronhaul/Sunhill Park, 1 Y Berllan/The Orchard, 11 and 12 Cae Gwyllt/Wild Field. An objection has also been received from a Mr and Mr Curtis although no contact details or home address were provided. The objections raised are summarised as follows:

### **Residential Amenity**

Any housing development should not obstruct light to the rear gardens of properties along Y Berllan/The Orchard.

The plan proposes the construction of 3 large detached properties in close proximity to a number of existing dwellings which are situated on 3 sides of the boundary to the proposed site. The subsequent construction of these new dwellings will have a materially detrimental impact on the outlook, privacy and provision of light for the existing dwellings.

The construction of the new dwellings will dominate and most definitely prejudice the amenity currently enjoyed by the existing properties.

The garden of 11 Wild Field is south facing with clear lines of access to open space and natural daylight. The proposed construction runs adjacent to and in parallel to the garden boundary and the siting of the proposed dwelling in such close proximity combined with its size and height will cause a significant loss of sunlight and natural daylight. As a result, the back garden will be shrouded in darkness throughout daylight hours. Further, the siting and scale of the new dwellings will cause the outlook currently enjoyed to become unacceptably closed in, effectively hemmed into a small space destroying the amenity currently enjoyed.

Any side windows would overlook the property to the north, 11 Wild Field, resulting in a total loss of privacy.

This application fails to meet the criteria of not compromising residential amenity in the areas of outlook, light and privacy.

Loss of light and privacy to 12 Wild Field with numerous windows looking toward this property from the new development. Proposed landscaping could potentially overshadow this property also.

It would appear somewhat contradictory to claim the application is being protective of residential amenity in respect of "a quiet environment" where an increase in the number of



dwellings in the proposed site will only serve to increase the amount of overall noise that will be generated from the people and vehicles that will move into these new dwellings.

In conclusion, residential amenity in respect of outlook, light and privacy is severely compromised and the proposed dwellings as per the current application will dominate causing significant and material adverse impact on local residents. A more sympathetic solution to this which may be acceptable to all parties is to amend the application to construct the dwellings on the opposite side of the open space adjacent to Broadlands House. This would allow the construction to take place while not compromising the amenity and quality of life for current residents.

The proposal would be detrimental to the current residents living in Parc Bronhaul/Sunhill Park, the environment and the local area.

Any rear lights on the properties should be down lights.

Also the noise of additional cars frequently passing especially when it is directly behind a garden fence will be unsettling for those with boundary fences or on a blind corner.

The disruption, noise, general mess of a building site and time span needed for such a project would be impractical and unfair on a well-established neighbourhood.

### **Visual Impact**

The application places significant emphasis on the fact that the new development will maintain and be in keeping with the heritage, Georgian style and character of Broadlands House. However, the proposed development is totally incongruent to all of the adjacent properties on the 3 boundaries to the proposed development and the character and style of the properties on the wider Broadlands development.

Loss of green area.

### **Boundary Treatments**

The development must incorporate appropriate boundary treatments and respect existing fencing and boundary hedges.

### **Access**

The use of the back lane during building and for the residents entry (behind Sunhill Park) will be disruptive as the lane runs directly alongside the properties rear, perimeter fencing. The site traffic will also pose a risk to the busy play park opposite.

The original plans for the properties to be built with access via Court Newydd were favourable to residents, as this poses less of a risk and less disruption.

Concerns regarding the additional traffic on a narrow street particularly while the development is being built.

Queries raised in relation to the means of access and why this has changed from Cwrt Newydd.

Parc Bronhaul is already a very busy road and the parking of vehicles is a big concern for residents without adding extra traffic to the daily problem.

Unsuitable access through Parc Bronhaul.

The road would certainly not be appropriate for construction traffic and additional utilities etc. needed for this project.

The proposed access for these new dwellings is via a very narrow lane which is not sufficient for manoeuvring a vehicle. The lane will have poor visibility for accessing Parc Bronhaul and vice versa which would be dangerous for all concerned.

### **Other Matters**

Collection of refuse from these new dwellings would be a difficult problem too.

Loss of trees and wildlife.

The development must benefit from appropriate drainage.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

### **Residential Amenity**

The drawings highlight that the development of three dwellings could be appropriately accommodated on the site without seriously compromising the outlook, levels of privacy and levels of daylight received within neighbouring properties. The rear garden spaces of the proposed dwellings (that generally measure in excess of 10.5m in length) would satisfactorily offset the new buildings from adjoining plots that back onto the site along Y Berllan. Whilst the properties to the north of the site, including 11 & 12 Wild Fields, would experience a level of light loss and general loss of outlook from the rear of their properties this is unlikely to be so significant as to warrant a recommendation to refuse the planning application.

The side, relatively large garden space associated with the Long House (the occupants of which support the scheme) offsets the site from the direct boundaries of 12 Wild Field. Whilst the rear garden space associated with 11 Wild Fields directly adjoins the development site, the main two-storey element of the new dwelling would be set approximately 2.5m off the direct boundary and away from the neighbouring garden space with the rear garden space of the new dwelling largely adjoining the rear boundaries of 11 Wild Fields. As such, it is considered the properties along Wild Fields to the north would not experience such harmful loss of outlook or dominating impact to warrant the refusal of the scheme, with other properties in the locality having a close relationship with the immediately adjoining plots.

The one side window proposed at first floor level within the plot nearest to the neighbouring properties to the north of the site (plot 3), would serve a bathroom and could be conditioned to remain obscurely glazed in perpetuity to prevent any direct overlooking occurring.

Any construction noise and general disturbance, whilst inevitable for a development proposal of this nature, would likely be of a temporary nature and is not a justified reason to warrant the refusal of the planning application.

### **Visual Impact**

The application has been subject to significant negotiation and design considerations with the site considered to relate to the adjacent Listed Building rather than the more modern dwellings that face away from, and somewhat screen and hide the development site, from general public view points. The scheme is considered reflective and sympathetic to the appearance of the Listed Building and at the same time would not harmfully disrupt the wider character and appearance of the general houses on the wider estate that do exemplify much variety in their appearance and form.

The application site is a largely overgrown, poorly maintained former area of garden space associated with Broadlands House rather than a significantly valued area of public open space that has significant amenity value. Whilst the importance of maintaining space around properties and built form is acknowledged, in this instance, the loss of this green area is not considered a justified reason to warrant the refusal of the planning application. The planning history of the site also highlights residential development has also been supported on the site previously.

### **Boundary Treatments**

The detailed boundary treatments for the site would be appropriately controlled through condition should planning permission be granted in this instance. Maintenance issues surrounding existing boundary fencing around the site are private matters that are not considered material to the determination of this application.

### **Access**

The transportation and highway safety implications of the proposal have been fully considered by the Transportation Development Control Officer who raises no objections against the Planning application (subject to the imposition of conditions).

### **Other Matters**

The submitted plans illustrate a general refuse collection point would be created within the site near the western boundaries, with a recommended condition fully controlling the exact siting of such a collection point.

The Council's Ecologist has raised no objections to the scheme with the planning application being supported by an Ecological Appraisal and general tree survey (it is also noted that none of the trees within the boundaries of the application site are protected under a tree preservation order). Conditions are also suggested to ensure that appropriate landscaping is maintained and enhanced at the site.

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

## **PLANNING 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 SP3 – Strategic Transport Planning Principles
- Policy SP4 – Conservation and Enhancement of the Natural Environment
- Policy SP5 – Conservation of the Built and Historic Environment
- Policy SP12 – Housing
- Policy SP14 - Infrastructure
- Policy COM3 – Residential Re-Use of a Building or Land
- 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
- Policy ENV15 – Waste Management in New Development

### Supplementary Planning Guidance

- SPG02: Householder Development
- SPG08: Residential Development
- SPG17: Parking Standards
- SPG19: Biodiversity and Development: A Green Infrastructure Approach

### National Planning Policy

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 12 - Design (2016)
- Technical Advice Note 18 – Transport (2007).
- Technical Advice Note 24 – The Historic Environment (2017)

### **Well-being of Future Generations 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**

The application is referred to the Development Control Committee to consider the objections raised by the residents of nearby properties.

The application seeks full planning permission for the erection of three detached dwellings within the overgrown front/side garden space associated with Broadlands House, Broadlands.

The key issues to consider in the determination of this application are the principle of the development, its impact on the character and appearance of the existing locality including the nearby Broadlands House (Listed Building), the impact on neighbouring properties, highway safety, land drainage and ecology.

### **Principle of the Development**

The application site is located within the designated settlement boundary of Bridgend as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP). Policy COM3 Residential Re-Use of a Building or Land supports the re-use of land within the urban area for small-scale residential development where no other LDP Policy protects the building or

land for an existing or alternative use. There is no specific or restrictive LDP policy associated with the application site. Residential properties surround the site and the use of the existing, overgrown and poorly maintained garden space for residential purposes does represent a sustainable and compatible use of the plot. The Planning history of the site further reveals that residential development has previously been granted on the site (P/07/1031/OUT refers) and more recently a Committee Resolution to grant consent for three dwellings in outline was also agreed (P/18/564/OUT refers) and the proposed residential use of the site is therefore supported in principle.

### **Visual Impact including the impact on the Broadlands House Grade II Listed Building**

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

The new development in itself, given the somewhat screened and secluded nature of the site, is unlikely to give rise to any significant adverse visual impact. Furthermore, the development proposal has been subject to significant negotiation and amendments to enhance the visual appearance of the scheme and ensure a sympathetic form of development that is reflective of the surrounding character and appearance of the area (particularly the Listed Building) is introduced in this instance.

Section 66 of the Listed Buildings Act 1990 places a duty on Local Planning Authorities (LPAs) to have special regard to the setting of a Listed Building in the determination of a Planning application.

The development would be sited in close proximity to a Grade II Listed Building, Broadlands House, which is positioned towards the north west of the application site. Consequently, it is important to consider the effect the proposed development may have on the Listed Building and its setting and, in this respect, Policy SP5 of the LDP is also relevant. This Policy states that development should conserve, preserve or enhance the built and historic environment of the County Borough and its setting.

The submitted layout plans for the development indicate an offset of approximately 29m would be achieved between the main, two-storey element of the residential buildings and the existing Listed Building, with the potential for landscaping at the site adding a further buffer between the plots. It is therefore considered that Policy SP5 of the LDP will not be compromised by the proposal. The existing Listed Building also occupies a relatively secluded position that is not overly visible from public vantage points with the proposal not significantly disrupting any particular views or the setting of the Listed Building.

The Council's Conservation Officer has no objections to the revised proposal. It is highlighted the application is accompanied by a thorough set of plans and a proportionate Heritage Impact Assessment. The architect has worked and negotiated extensively to deliver a considered scheme that would not detract from the setting of Broadlands House. The use of symmetry and reference to Georgian Regency architecture, expressed in a modern iteration, allows a visual design link to reference the adjacent Broadlands House. As the structures are new build, the use of uPVC Conservation grade windows is supported. The use of white throughout is also acceptable.

However, the visuals suggest the use of black or dark front door and side windows and dark or black windows on the ground floor of the rear elevation. This departure from a single consistent colour creates visual interest and is a welcomed alteration. Exact details of the window and door details, and the roof tiles for the development should, however, be

conditioned to ensure the finishing materials are to complete satisfaction. In respect of the landscaping of the site, any hedging should also be a native species and a planning condition would appropriately control this.

In view of the above, it is considered that there would not be any adverse impact on the Listed Building or its setting, and the scheme would not harm the existing visual amenities currently enjoyed in the locality of the development site.

### **Impact on Neighbouring Residential Properties**

In terms of the impact on residential amenity, it is considered that the three detached dwellings would not have a significant adverse impact on the residential amenities of the existing neighbouring properties. With due regard to the submitted drawings, the dwellings would be positioned with an acceptable offset from the rear elevations and associated garden spaces of nearby properties. A distance of approximately 21m would be retained from the rear elevations of the new dwelling units and the existing, main rear elevations of properties along The Orchard/Y Berllan that abut the east of the application site (with garden spaces of around 10.5 m or in excess of this figure being created for the new plots).

It is acknowledged that some of the proposed front windows within the new development would be afforded views over the front garden space and tennis court associated with Broadlands House, although this is a spacious curtilage that would also be separated from the proposed dwellings by the access road serving the new development and a level of boundary planting. As such, Broadlands House would not experience any significant loss of amenity or privacy as a result of the proposal.

The scheme is unlikely to raise any adverse overlooking, overbearing or overshadowing concerns given the separation distances involved and the characteristics of the site. Furthermore, existing high boundary treatments add a further degree of screening to the development site. Overall, it is considered that a satisfactory arrangement for the dwellings is being proposed that complies with Council guidance in terms of residential amenity protection (SPG 02) and therefore, the proposed development would be compatible with neighbouring residential properties.

In addition, given the size of the plot and the position and design of the access to the site, it is unlikely that the intensified use of the site for residential purposes would give rise to a substantial or harmful increase in the general levels of noise and disturbance to neighbouring residents, particularly as a result of increased traffic movements.

### **Highway Safety**

The Council's Transportation Officer has assessed the submitted scheme and raises no objections against the proposal. It is noted that the application has been significantly revised and negotiations have been undertaken with the applicant's highway engineer. This resulted in a number of revisions with regards to access into the site, the site layout, parking and the provision of active travel infrastructure. Notwithstanding the above revisions, there are a number of additional points that require refining, however, it is considered that these changes and refinements can be provided and secured via robust planning conditions.

The application site is located in a sustainable residential location close to transport links, cycle routes and local shops and services. As such, the proposal does not raise any concerns with regards to its connectivity to the wider highway network.

The original application sought to access the development from a substandard width access lane to the rear of Sunhill Park. It was considered by the Highway Officer that the

increased use of the lane as the primary vehicular access to the site as a whole would not be acceptable and would create reversing manoeuvres onto the main loop road of the west side of the Broadlands estate. It should also be noted that, as part of the original planning consent for Broadlands in the year 2000 (P/00/464/OUT refers), the existing substandard access lane should have been stopped up by the developer and this requirement was detailed as such on the consented and agreed plans. An extract from the relevant Committee report is detailed below:

*'The submitted plans also indicate that the existing track serving Broadlands House will be closed and grubbed up. A programme for the closure will be agreed between the developer and the property owner. A new access to the property will be created from Area 14' (now Sunhill Park).*

As can be seen from the above, the purpose built access from Sunhill Park was designed and built to accommodate vehicular movements into the Broadlands House complex. As a result it is considered that the access from Sunhill Park is of a sufficient standard and construction to accommodate the additional vehicle movements generated by the three proposed dwellings and does not raise any highway capacity concerns.

With regards to the access track which remains, despite the planning committee report acknowledging the closure of the access track over 21 years ago, it is considered by the highway authority that, rather than request the track be closed up, it could be better utilised as a traffic free active travel route to promote walking and cycling from this development and the Broadlands House complex as a whole and improve the sustainable transport credentials of the proposal in line with Welsh Government Policy.

As a result, a condition securing the active travel route in perpetuity is requested. Similarly, in order to meet the aims of PPW 11 and meet the Welsh Governments targets of net zero carbon a condition requesting electric charging points in each garage will also be required.

With regards to the access to the development from Sunhill Park and the internal layout of the site, the quantum of parking for the development has been provided as per the Council's adopted parking standards, however, the linear parking arrangement for plot 2 raises some concerns with regards to manoeuvrability and the potential to block access to plot 3. As a result, the applicant is requested to submit a scheme of parking for plot 2 to overcome these concerns through a recommended condition.

It is noted that the surface treatment for the internal access has been detailed in front of plots 2 & 3, whereas no detail has been provided regarding the surface from plot 1 to the access onto Sunhill Park. Whilst the first 10 metres from the adopted highway will need to be provided in permanent materials, if the remainder of the internal access road is to be considered a shared use road then the material will have to be agreed. Therefore, a condition requesting details of the surface treatments for the access road has been requested.

The submitted plans also detail a 1.5m grasscrete footway which starts opposite the access from Sunhill and reduces to nothing opposite plot 1. The usefulness of this path is not clearly understood as there are no dropped kerbs and the path could put pedestrians back onto the access road. In addition, it is considered grasscrete for a footway does not promote walking and can often be difficult to navigate for the visually impaired or residents using pushchairs or wheelchairs. As a result of the above concerns, the applicant is required to submit a scheme (controlled through condition) which removes the grasscrete path and creates a shared use route for the entire width of the access road.



Additionally, it is noted that the refuse storage is some distance from the adopted highway and difficult for the refuse operatives to access. Therefore, this should be relocated to a position closer to the adopted highway on Sunhill Park.

There are 2 small squares detailed on the submitted plans, located west of the passing bay on the access road and there is no key to indicate what these are for. It should be noted that if these are pillars to support locked gates into the development then this would not be supported by the highway authority as it could potentially lead to delivery and emergency vehicles reversing back out onto Sunhill Park to the detriment of highway safety. As such, a condition stipulating that no gates are to be erected between the access from Sunhill Park and the east of the visitor car parking spaces will be added to the recommendation.

Finally, in order to minimise disruption to the residents of Sunhill Park during the construction phase of the development, the applicant will need to provide a Construction Traffic Management Plan, detailing deliveries, contractor parking, material storage and wheel wash locations.

On the basis of the above and on the proviso the above detailed conditions are attached to any approved consent, the scheme is supported by the Highway Officer.

### **Land Drainage**

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

### **Ecology**

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

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

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

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

The application has been supported with a Preliminary Ecological Appraisal that has been carefully considered by the Council's Ecologist, who has raised no objection against the planning application and generally concurs with the findings of the appraisal.

The report identifies that no Japanese knotweed or Himalayan Balsam was recorded to be present on site, and that whilst there would be some loss of a small amount of habitat and foraging opportunity, particularly with respect to nesting birds and reptiles, provided the mitigation measures, including clearance methodology, outlined in Section 5.0 of the submitted report are followed, the predicted impacts of the development on protected species and habitats will be negated. Clearance works should be undertaken outside the breeding bird season (March – September inclusive) where possible.

On the proviso the recommendations of the Preliminary Ecological Appraisal - Section 5 *Discussions and Recommendations* be included in the conditions of approval, and further details of any tree loss and landscaping/screening for the development is appropriately conditioned – the proposal raises no serious Ecology concerns. Advisory notes in respect of the introduction of suitable nest boxes for bat and bird species is also recommended.

Given the survey works undertaken and fully acknowledging the comments of the Council's Ecologist, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

### **Other Matters**

Policy SP14 of the LDP requires applicants to provide planning obligations or contributions if they are deemed necessary to offset any negative consequences of development. In terms of affordable housing the application falls below the threshold of Policy COM5 in relation to affordable housing. As a scheme for the provision of three dwellings, the proposal also does not trigger the need for an education contribution. The proposed development does not include the provision of open space on site. Policy COM 11 of the LDP requires the provision of satisfactory standards of open space from all residential developments at 2.4 ha per 1,000 people. BCBC's Outdoor Sport and Children's Play Space Audit (2017) indicates a deficit of equipped play space in the Bryntirion, Laleston & Merthyr Mawr ward and a deficit of outdoor sport provision in Bridgend. In order to comply with the Policy, a financial contribution will be sought towards children's play equipment and outdoor sport facilities, secured through a Section 106 Agreement. The equipped play contribution will equate to £470 per dwelling and the outdoor sport contribution will be £569 per dwelling. This equates to a total contribution of £3,117.

### **CONCLUSION**

Having regard to the above and in view of the substantial revisions undertaken to the scheme, the proposal is recommended for approval because the development complies with Council policy and guidelines. It is considered that the scheme would not have an unacceptable impact on the visual amenities of the locality, including the setting of the nearby Listed Building, would not harm privacy or neighbours' amenities or highway safety and would not unduly compromise land drainage or ecology.

The issues raised by local residents have been taken into account during the determination of the application, however, it is considered that, on balance, they do not outweigh the other material considerations in favour of the development, with the proposal representing an appropriate and compatible form of infill residential development within settlement limits and within an established residential area.

## RECOMMENDATION

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

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

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

1. The development shall be carried out in accordance with the following approved plans (as amended) and documents, received 09 July 2021 :

Highways Site Plan - Draw. No. 00 105  
Proposed Floor Plans Plot 1 – Draw. No. 00 110-1  
Proposed Floor Plans Plot 2 – Draw. No. 00 110-2  
Proposed Floor Plans Plot 3 – Draw. No. 00 110-3  
Proposed Elevation of Site – Draw. No. 00 140  
Proposed Elevations Plot 1 – Draw. No. 00 141 -1  
Proposed Elevations Plot 1 – Draw. No. 00 142 -1  
Proposed Elevations Plot 2 – Draw. No. 00 141 -2  
Proposed Elevations Plot 2 – Draw. No. 00 142 -2  
Proposed Elevations Plot 3 – Draw. No. 00 141 -3  
Proposed Elevations Plot 1 – Draw. No. 00 142 -3  
Section 5 Discussions and Recommendations of the Phase 1 Habitat Survey and Scrub Assessment undertaken April 2021 by Excal.

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

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

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

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

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

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

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

5. Notwithstanding the requirements of condition 1, no development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt with, including future maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the beneficial use of any of the dwellings commencing.

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

6. Notwithstanding the requirements of condition 1, no development shall take place until full details of both hard and soft landscaping works have been submitted to and agreed in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include all proposed planting and landscaping such as schedule of plants/trees, species and number/densities, hard surfacing materials and implementation programme including full details of any trees to be removed at the site. Thereafter, all landscaping works shall be implemented in accordance with the approved details.

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

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

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

8. Notwithstanding the requirements of condition no.1, the first floor window opening positioned within the north facing, side elevation of the dwelling building known as plot 3 (facing the garden space of the Long House) shall be fitted with obscure glazing to a minimum of level 5 on the Pilkington index of obscurity. The window shall be fitted prior to the beneficial use of the dwelling hereby approved (plot 3) and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

9. Notwithstanding the requirements of condition 1, no development shall commence until a scheme for the provision of a cycle friendly access preventing vehicular access for the proposed active travel lane has been submitted to and approved in writing by the Local Planning Authority. The vehicle access preventative measures on the lane shall be implemented in accordance with the agreed details before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway safety.

10. Notwithstanding the requirements of condition 1, no development shall commence until a scheme for permanently stopping up the existing access lane on the loop road and reinstating the vehicular crossing as footway has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in

full prior to the development being brought into beneficial use.

Reason: In the interests of highway and pedestrian safety.

11. Notwithstanding the requirements of condition 1, no development shall commence until a scheme for the provision of 3 off street parking spaces and turning area for all plots has been submitted to and approved in writing by the Local Planning Authority. The parking and turning areas shall be implemented in permanent materials in accordance with the approved scheme before the development is brought into beneficial use and retained for parking purposes in perpetuity.

Reason: In the interests of highway safety.

12. Notwithstanding the requirements of condition 1, no development shall commence until a scheme for the provision of a shared use surface for the access road and the relocation of the waste collection area has been submitted to and approved in writing by the Local Planning Authority. The surfacing and waste collection area shall be implemented in permanent materials in accordance with the approved scheme before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway safety.

13. No development shall commence until a scheme for the provision of electric vehicle charging point connections in each garage has been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be implemented before the development is brought into beneficial use and retained for electric charging in perpetuity.

Reason: To promote sustainable transportation modes.

14. Notwithstanding the requirements of condition 1, no gates shall be erected between the vehicle access from Sunhill Park and the immediate east of the visitor car parking spaces.

Reason: In the interests of highway safety.

15. No development shall take place, including any works of demolition/site clearance, until a Construction Traffic Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. The routing of HGV construction traffic to/from the site.
  - ii. The construction of the internal access road and passing turning place shall be completed before construction of the dwellings commences.
  - iii. the parking of vehicles of site operatives and visitors
  - iv. loading and unloading of plant and materials
  - v. storage of plant and materials used in constructing the development
  - vi. wheel washing facilities
  - vii. measures to control the emission of dust and dirt during construction
  - viii. the provision of construction traffic warning signage at the entrance to Broadlands House and Sunhill Park.

Reason: In the interests of highway safety.

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

- a. This application is recommended for approval because the development complies with Council's policy and guidelines and does not adversely affect privacy, highway safety or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.
- b. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
- c. The applicant may need to apply to Dwr Cymru/Welsh Water (DCWW) for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)
- d. The applicant is also advised that some public sewers and lateral drains may not be recorded on the maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist DCWW in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- e. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing within 2 days to the Public Protection Section, all associated works should stop and no further development should take place until a scheme to deal with the contamination found has been approved.
- f. Any topsoil [natural or manufactured] or subsoil to be imported, should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.
- g. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.
- h. The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however, the responsibility for the safe development and secure occupancy of the site rests with the developer.
- i. 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 on page 55 section 16.0 in the following SPG: Biodiversity and Development Supplementary Planning Guidance (SPG): A Green Infrastructure Approach (available on the Council's website).
- j. From 7 January 2019, new developments greater than 100m<sup>2</sup> of construction area or

2 dwellings or more require sustainable drainage to manage on-site surface water. The surface water drainage systems must be designed and built in accordance with standards for sustainable drainage. These systems must be approved by the SuDS Approving Body (SAB) before construction work begins. The applicant shall submit a sustainable drainage application form to the Bridgend County Borough Council SAB. Further information in relation to the new legislation including the sustainable drainage application forms can be obtained from the following link:

<https://www.bridgend.gov.uk/residents/recycling-waste-and-environment/environment/flooding/sustainable-drainage-systems/>

**Janine Nightingale**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None

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**REFERENCE:** P/20/888/RLX

**APPLICANT:** Mr M Mordecai C/c/o John Matthews, Anglesey House, 47 Anglesey Way, Porthcawl, CF36 3QP

**LOCATION:** Land off All Saints Way Penyfai CF31 4BX

**PROPOSAL:** Variation of condition 1 of P/17/77/FUL (as amended by P/17/855/NMA) to reflect Plots 1 and 4 as built and revised details (siting and design) for Plots 2 and 3

**RECEIVED:** 10 November 2020

**SITE INSPECTED:** 21 July 2021 and 19 January 2021.

## APPLICATION/SITE DESCRIPTION

Permission is sought to vary condition 1, in relation to revised plans, in respect of approved planning application P/17/77/FUL (as amended by P/17/855/NMA) to reflect the 'as built' plots 1 and 4 of the development and to revise the details, in terms of both the siting and design, of plots 2 and 3 in respect of the construction of 4 dwellings and associated works at land off All Saints Way, Penyfai.

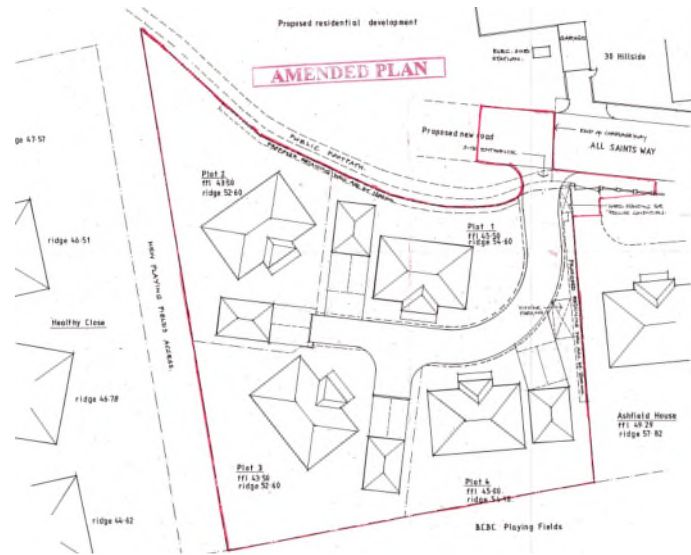


**Fig. 1 - Site Location Plan**

Planning consent P/17/77/FUL for the erection of four detached dwellings at land off All Saints Way, Penyfai was granted subject to conditions and a Section 106 Legal Agreement by the Council on 11 September 2017.

All pre commencement conditions were then agreed and discharged by the Council on 26 September 2017 (P/17/541/DOC refers), with a non-material minor amendment being agreed for the development on the 03 November 2011 (P/17/855/NMA refers) that related to the submission of details in relation to the retaining wall to the northern boundary of the site.

The applicant, however, now intends to revise the design and siting of plots two and three on the site and has modified the siting of the "as built" plots (Plots 1 and 4). Condition 1 of the previously approved consent at the site, (P/17/77/FUL refers) required the development to be carried out in accordance with the approved plans received in 2017 (as indicated in Figure 2 below) . The development has however been revised in line with the amended plans received 23 June 2021 (Figure 3 below).



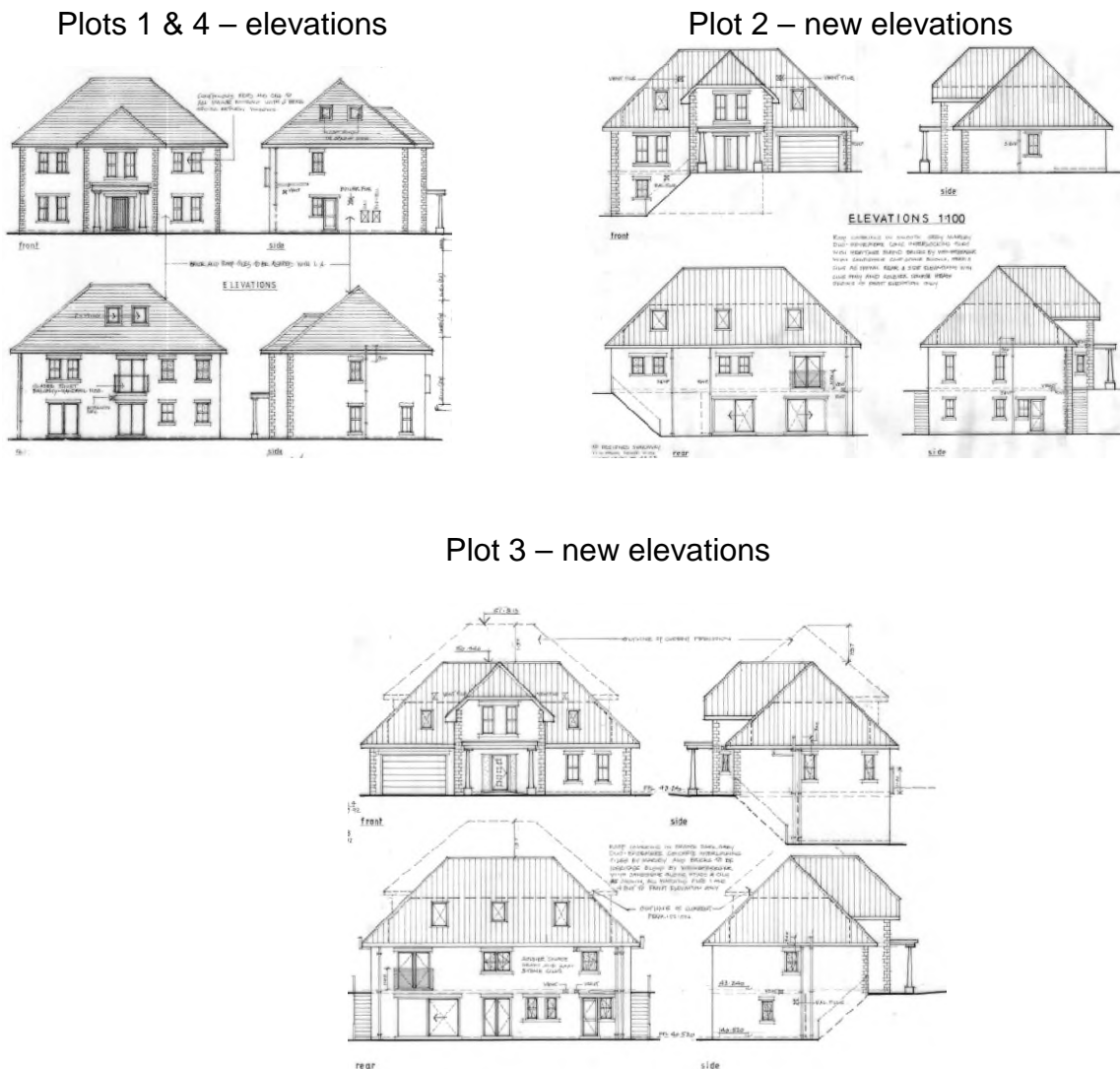
**Fig. 2 – Previously Approved plans (P/17/77/FUL & P/17/855/NMA refer)**



**Fig. 3 – Proposed revised layout that consent is now sought – (hatched areas indicate siting of previously approved dwellings on the site)**

Whilst 4 large dwellings of a detached nature with 5 bedrooms each are still being proposed, key differences between the previously consented development and the proposed scheme, include:

- The slight re-siting of the two plots built on site, including the repositioning of the side garages.
- The removal of the detached garages associated with plots 2 and 3 (yet to be built on site).
- The reorientation of plot 2 and the re-design of the house style (split level type design to integrate with the slope of the site). The revised plot two dwelling measuring 14.4m by 8.6m (with additional front porch structure) and approximately 10.1m in height.
- The enlargement of the plot 3 dwelling and the re-design of the house type to integrate with the sloping topography of the application site. The overall ridge height of plot 3 as viewed on the site reducing by approximately 1.37m. The previously approved dwelling measured 12.3m by 9.4m by 9.3m in height with the proposed dwelling measuring 14.4m by 9.7m by 10.1m in height (facing rear).



**Fig. 4 – New house styles being proposed for plots 1 & 4 (identical ) and plots 2 and 3 at the development site**

This Section 73 application therefore seeks to amend condition 1 of consent P/17/77/FUL (as amended under P/17/855/NMA) to substitute the approved plans for the development

and reconcile changes to the site layout, of both the two 'as built' dwellings on the site and design changes to the two additional dwellings previously approved.

## **SITE DESCRIPTION**

The site is located towards the north of Clos Iechyd (Healthy Close) and the south of All Saints Way, within the built up area of Penyfai. At the time of the site inspections (undertaken 19 January 2021 and 21 July 2021) two of the dwelling plots had been developed on the site with the remaining, southern aspect of the site being undeveloped. The site is generally sloping in nature, noticeably rising from south to north.

There is a playing field located directly to the east of the site with the area of land towards the west of the site currently being significantly developed for residential purposes (Morganstone Development). A Public Footpath No 29 Newcastle Higher linking All Saints way to the Cavendish Parc estate lies directly to the west of the application site. Immediately to the south of the site an access route to the playing fields (currently secured off and overgrown) offsets the boundaries of the site from the rear gardens and rear elevations of detached properties situated along Healthy Close.



***Fig. 5 – Photographs of the application site***

## **RELEVANT HISTORY**

P/17/855/NMA - Non material amendment to P/17/77/FUL - retaining wall height plus additional retaining wall section – Agreed 03 November 2017

P/17/541/DOC - Approval of details for conditions 2, 3, 4, 5, 6, 8, 10, 11, 15 & 16 of P/17/77/FUL - Agreed 26 September 2017

P/17/77/FUL - Residential development comprising 4no. detached dwellings – Granted 11 September 2017.

P/14/388/FUL – Residential Development Comprising 4 No. Detached Dwellings & Associated Services – Resolution to grant although signing of S106 never undertaken.

## **PUBLICITY**

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 14 July 2021 (second consultation period).

## **CONSULTATION RESPONSES**

Welsh Water Developer Services - No objection (advisory notes recommended).

Transportation Officer (Highways) - No objection.

Drainage Officer - No objection.

Newcastle Higher Community Council - No comments received on the application.

Rights of Way Team - No objection.

## **REPRESENTATIONS RECEIVED**

The owner/occupiers of properties within Cwrt Penyfai the development site itself (the applicant) supports the scheme.

The owners/occupiers of 2, 3, 4, 5 and 6 Clos Iechyd/Healthy Close have objected to the scheme. The objections raised are summarised as follows:

### **Condition of the ongoing build site**

Poor condition of site with no regard to health and safety - the building materials have been left to rot in the area when unused and the site has become not only a hazard to all living around them but unsightly and unkempt.

Broken fencing allows access to the building site.

Vermin/rats in the area as a result of the development.

### **Residential Amenity Impact**

Negative impact on houses below – the scheme will overlook the existing properties that will be left with no privacy (Healthy Close).

The buildings should not be built any higher.

The height of the proposed development will significantly impact on the day light into the existing neighbouring plots along Healthy Close.

The applicant intends to raise the ground levels for these properties to be built on.

Unreasonable development that is very imposing on existing properties along Healthy Close.

Health and safety implications should the structure become faulty due to the severity of the elevated position.

Ongoing concerns of the safety of the site as there is nothing stopping any vehicle tipping over the edge as the developer only has a temporary mesh there.

### **Visual Impact**

The height of the proposed development is not in keeping with all other developments on

the same hill as they are built at a gradient in the hill not built up on top of the land.

Clearly this proposed development has been badly designed on a hillside that should never have been built on at all, moreover it was never intended to be built on when it was sold to the applicant in 2008.

### **Drainage**

The land in neighbouring gardens is continually soaked/flooded due to the poor drainage the developer has used and this is causing damage to neighbouring properties. Everyone lives on a gradient in the area but nothing like the one proposed for the new development.

### **Other Matters**

#### **Loss of wildlife**

People viewing the plots cannot manoeuvre their vehicles.

When purchasing a neighbouring plot, it was advised the land was under covenant and would never be built on. This appears to be misleading which is so disappointing. The need for new housing is recognised but this should not be at the detriment to the existing houses in Healthy Close (Clos lechyd).

## **COMMENTS ON REPRESENTATIONS RECEIVED**

### **Condition of the ongoing build site**

The condition and status of the development site has been acknowledged and with any development site a degree of general disruption and noticeable workings is inevitable although this is not a material reason to refuse the planning application.

### **Residential Amenity Impact**

The impact of the scheme on the residential properties to the south of the site along Healthy Close does require careful consideration in this instance. However, with due regard to the planning history of the site whereby similar schemes have been previously granted at the site, the retained offset from the most southerly plots to the rear garden spaces and rear elevations of properties along Healthy Close, and the fact the new development is sited to the north of the objector's properties and would not seriously impact light levels currently being received by these existing properties, on balance, the revised proposal is considered acceptable in respect of the impact on residential amenity levels currently enjoyed in the area.

The revised scheme does mark the enlargement in width of plots 2 and 3 at the site (most southerly plots) although the ridge height of the properties as viewed from below has been reduced with the properties now better relating and integrating with the sloping topography of the site. The side elevation of the new plot 2 dwelling (the closest building to Healthy Close) would be in excess of 19.5 – 20m from the main rear elevations of the existing properties and is therefore unlikely to unreasonably dominate the outlook of the existing properties. There are a number of narrow side windows proposed within the south facing elevation of plot 2 but a recommended condition would ensure these are obscurely glazed to prevent any direct overlooking from the dwelling. Plot 3 would be sited in excess of 21m from the nearest neighbouring dwelling along Healthy Close and, therefore, is unlikely to dominate the outlook or adversely overlook this property, particularly when compared to the previously approved scheme at the site that would have a comparable relationship to the existing properties as the development now being proposed.

## **Visual Impact**

The design and appearance of the development is not considered so obtrusive or alien to the locality to warrant a recommendation to refuse the scheme in this respect. Large detached dwellings built on sloping sites are a characteristic feature of the area and the scheme is not so significantly different to the earlier approved development to have an adverse impact on the character and appearance of the area.

## **Drainage**

The Council's Drainage Officer has carefully assessed the proposal and raised no objection against the application advising the submitted information is satisfactory for the development.

## **Other Matters**

The applicant has erected two dwellings at the site and given the current characteristics of the development site the revised proposal raises no serious loss of wildlife concerns.

In terms of parking and highway safety, the Council's Highway Officer, has raised no objections against the application.

Restrictive covenants are a private matter outside of the planning process.

## **PLANNING 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 COM3 – Residential Re-Use of a Building or Land
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy PLA11 – Parking Standards
- Policy ENV6 – Nature Conservation
- Policy ENV7 – Natural Resource Protection and Public Health

### **Supplementary Planning Guidance**

- SPG02: Householder Development
- SPG08: Residential Development
- SPG17: Parking Standards
- SPG19: Biodiversity and Development: A Green Infrastructure Approach

### **National Planning Policy**

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 12 - Design (2016)

#### **Well-being of Future Generations 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

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

The current Section 73 application seeks to vary condition 1 of planning permission P/17/77/FUL to amend the previously approved permission in the form of design revisions to the development. The revisions primarily relate to the slight re-siting of the “as built” plots (Plots 1 and 4) and changes to the style and position of the two plots yet to be developed at the site (plots 2 and 3).

Whilst it is regrettable that the developers have not fully built the development (in part) strictly in accordance with the earlier approved plans, this has been done at their own risk with the planning system allowing the submission of retrospective applications to regularise unauthorised developments.

Section 73 of the Town and Country Planning Act 1990 in particular allows applications to be made for planning permission to develop land without complying with conditions previously imposed on a planning permission i.e. to vary or remove a condition. The current application now needs to be carefully considered with due regard to all the material planning considerations raised including the planning history of the site and the approved application to develop the site (P/17/77/FUL refers).

The application must also be assessed against all relevant policies and guidance. At a local level there has been no major changes in Planning Policy, but since the original decision the Welsh Government has published Planning Policy Wales – Edition 11 which generally requires the Planning system to adopt a placemaking approach to decision making. A plan led approach is still the most effective way to secure sustainable development through the Planning system. Legislation secures a presumption in favour of sustainable development in accordance with the adopted Development Plan which in this case remains the Bridgend Local Development Plan 2013, unless material considerations indicate otherwise.

The current Section 73 application seeks to vary condition 1 of planning permission P/17/77/FUL to amend the previously approved permission in the form of design revisions to the dwelling buildings. Section 73 of the Town and Country Planning Act 1990 provides for applications to be made for planning permission to develop land without complying with conditions previously imposed on a planning permission i.e. to vary or remove a condition.

The Circular on planning conditions (WGC 016/2014) confirms that the Local Planning Authority can grant such permission unconditionally or subject to conditions. The Council can also, however, refuse the application if they decide the original condition(s) should continue. In dealing with applications for the removal/variation of a condition under Section 73, a condition should not be retained unless there are sound and clear reasons for doing so. Where a Section 73 application is granted, it takes effect as a new planning permission.

Condition 1 of the approved consent relates to the list of approved plans for the development. The applicant is seeking to substitute the approved plans for the development with a new set of drawings to reflect the design changes undertaken to the new dwelling buildings.

As highlighted above, the key changes to the scheme now proposed, in comparison to the earlier approved scheme (P/17/77/FUL refers), include:

- The slight re-siting of the two plots built on site, including the repositioning of the side garages.
- The removal of the detached garages associated with plots 2 and 3 (yet to built on site).
- A lowering of the finished floor level of the more southerly plots to better integrate the new dwellings with the sloping topography of the site – resulting in a ridge height reduction as viewed on site by approximately 1.37m.
- The reorientation of plot 2 and the re-design of the house style.
- The enlargement of the plot 3 dwelling and the re-design of the house type to integrate with the sloping topography of the application site.

## **Principle of the Development**

Planning permission was granted in 2017 (P/17/77/FUL refers) for the erection of four dwellings at the site. This application was considered to comply with Council policy and guidelines and did not raise any in principle objections. Whilst careful regard has been given to the revised design of the development and also to the objector's comments, the scheme is still considered to represent an appropriate and compatible form of development that raises no serious 'in-principle' concerns.

The application site is located within the designated settlement boundary of Penyfai as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP). Policy COM3 of the LDP supports the re-use of land within the urban area for small-scale residential development where no other LDP Policy protects the building or land for an existing or alternative use. There is no specific or restrictive LDP policy associated with the application site. Residential properties largely surround the site, with the residential use of the site already being established given the planning history of the plot. The use of the site for residential purposes does represent a sustainable and compatible use, and therefore residential development is again supported in principle on the site

## **Visual impact of the scheme**

In terms of the visual impact of the development proposal, it is acknowledged that a number of external alterations are proposed/have been undertaken to the design and siting of the dwellings although the general visual impact of the scheme remains largely consistent with the earlier approved scheme with four, large detached dwellings still being proposed at the site.

The site is bounded by large detached properties to the north and south and therefore the scale of the proposed dwellings is considered to be in keeping with the character of the immediate area. It is also considered that the design of the dwellings largely reflects the design of the existing dwelling located to the north of the site known as Ashfield House and that the proposed development would not have a significant adverse impact on the street scene of All Saints Way and the surrounding area due to its lower level location. Arguably, the cul-de-sac style development would appear as a development in its own right and the changes between the earlier approved scheme and the current submission are not so material or visually harmful to warrant the refusal of the planning application in this respect.

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

## Impact on privacy and residential amenities

In terms of the impact on residential amenity and noting the objections received against the planning application as earlier detailed, when taking a balanced approach and noting the differences in the approved scheme to the current submission, which would arguably reduce the dominance and impact of the new dwellings on properties along Healthy Close to the south of the site, the proposal, on balance, is considered acceptable in this respect.

Plots 1 and 4 (towards the north of the site) have already been erected at the site and have no significant, adverse overbearing, overshadowing or direct overlooking impact on the neighbouring plots including Ashfield House to the North that is set on an elevated level compared to the application site.

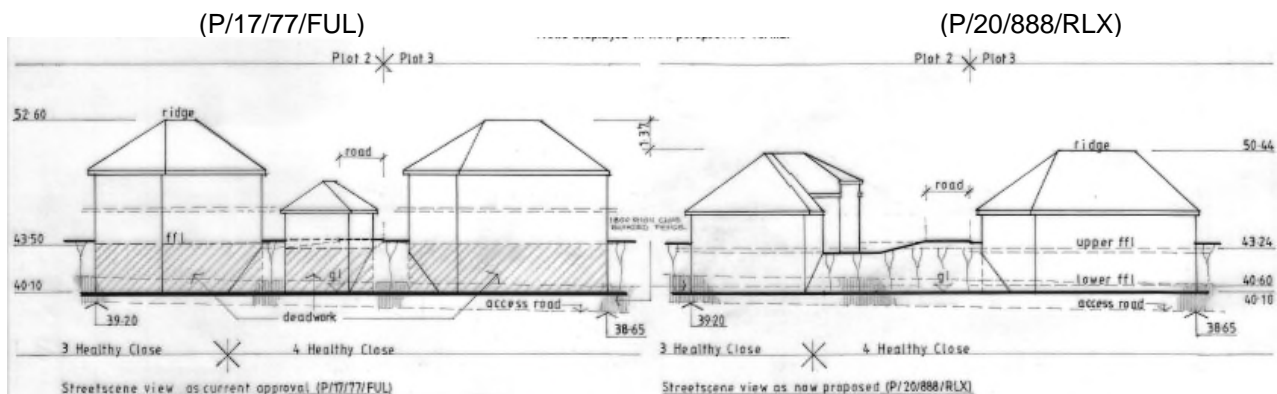
Careful regard has been given to the likely impact and relationship of the revised plots proposed to the south of the site (plots 2 & 3) on the neighbouring plots, particularly those situated at a lower level, along Healthy Close. A strip of land/playing field access approximately 6m wide offsets the development site from the rear gardens of properties situated along Healthy Close. Whilst several objections to the scheme have been raised by the occupiers of the properties along Healthy Close, and whilst it is accepted that the scheme would change the general outlook from the rear of these properties, given the separation distances involved, the already approved consent to develop this site, and the amendments undertaken to lower the finishing floor levels of the two unbuilt dwellings, on balance, the revised proposal is considered acceptable in this respect.

Plot 2 has been re-orientated at the site with the side elevation of this property now facing the rear elevation of properties along Healthy Close (primarily numbers 2 and 3 Healthy Close). The building would be situated approximately 19.5 - 20 metres from the rear elevation of properties along Healthy Close. Whilst a small number of narrow windows are proposed within the south facing side elevation of the new plot 2 building, these are largely secondary windows that a condition would ensure are obscurely glazed in nature to fully prevent any form of overlooking from plot 2 occurring.

The revised plot 3 dwelling would now be set at a lower within the site to reduce the dominance of the building when viewed from Healthy Close with the rear of this building sited in excess of 21 metres from the rear of properties along Healthy Close (numbers 4 and 5) - between 22 and 23 metres and over 10.5 metres from the rear boundaries of the existing properties. In view of this, it is considered that there are no habitable room windows that would directly overlook any neighbouring properties or directly face any habitable room windows in existing properties at a distance less than 21 metres.

Rear visualisation of development as approved

Rear visualisation of development as proposed



**Fig. 6 – Comparison of approved scheme to revised proposal as viewed from the South (from Healthy Close)**

Whilst mutual overlooking would arguably be possible between the rear gardens of the new dwellings and the existing properties on Healthy Close, the distances between the properties is considered acceptable and is of a similar layout to many other housing developments found within the County Borough that have been developed on sloping sites. A scheme of boundary treatments and landscaping could further screen and prevent any adverse overlooking occurring between the development site and the existing properties. Relevant conditions are therefore recommended (it is also noted that some properties along Healthy Close already benefit from a level of rear boundary treatments that would further screen the development site when viewed from the rear of these neighbouring plots).

Consequently, when considering the planning history of the site and the amendments undertaken, the proposed development is unlikely to have such a substantial negative impact on the current level of privacy and residential amenities enjoyed by neighbouring occupiers to warrant the refusal of the revised application. The submission is considered to accord with Policy SP2 (12) of the Bridgend Local Development Plan 2013 and Supplementary Planning Guidance (SPG) 02: Householder Development.

### **Highway Safety**

The Council's Highway Officer has assessed the submitted scheme and raises no objections against the proposal. It is noted that the application seeks to regularise the position of two dwellings and revise the position and design of the two dwellings yet to be constructed.

It is considered that the relocation of the dwellings has not affected the off-street parking for the site and access remains the same. Therefore, the proposal does not raise any concerns with regards to highway safety.

Notwithstanding the above, it is noted that the plans submitted as part of this application will supersede one of the previously consented plans which detailed the required vision splays from the newly created access into the site. To resolve this, the applicant has submitted an additional plan detailing the required vision splays and the relocation of the gate pillars for the adjoining property to the site which the applicant owns. A condition in this respect is therefore recommended to ensure the vision splays are retained in perpetuity. A further condition is required to ensure the first 10 metres of the highway are completed in permanent materials and the layout of the pedestrian crossing arrangement from All Saints Way to Footpath 29 Newcastle Higher shall be implemented before the whole development is brought into beneficial use and retained in perpetuity, as previously agreed.

### **Public Right of Way (PROW)**

Public Footpath 29 Newcastle Higher abuts the site and runs along the western boundary of the site which connects All Saints Way with the Cavendish Parc residential development. The footpath will also provide the main access to the proposed new playing field access which is identified on the submitted plans but does not form part of this application.

The Council's Public Rights of Way Officer has considered and commented on the Section 73 application and raised no objection against the scheme. It is advised that Footpath 29 Newcastle Higher, was dedicated by Cabinet at a meeting held on 25 March 2008. Unfortunately, since that date, the Definitive Map has not been updated and therefore the route is not currently shown on the Council's Definitive Map. The approximate alignment of the footpath is, however, indicated as being towards the western boundaries of the site. It is pleasing to note that the applicant is aware of the public footpath and has made reference to its existence in the different plans associated with the application. On closer inspection of the plans submitted with the application, it would seem that none of the works associated with the proposed development would adversely affect the public footpath.

It is however difficult to establish if the applicant is intending to erect scaffolding on the footpath whilst construction works are undertaken if permission is granted. An advisory note will therefore be used to advise the applicant that the erection of scaffolding on the footpath will only be possible if access is maintained along the footpath at all times for members of the public.

Having taken into account all the points outlined above, the Rights of Way Section does not object to application P/20/888/RLX provided that the applicant keeps the footpath clear of any scaffolding whilst works are being carried out unless access can be maintained.

### **Land Drainage**

The Council's Drainage Officer is satisfied with the revised scheme and the applicant has submitted appropriate information in respect of the drainage of the development.

### **Biodiversity/Ecology**

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

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

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

The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or

economic nature and beneficial consequences of primary importance for the environment".

2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

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

### **Section 106 Obligations**

The application proposes a site in excess of 0.15 hectares which triggers the affordable housing requirement as outlined in Policy COM5 of the LDP. The affordable housing target for the Bridgend market area is 20%. Given the low quantum of dwellings proposed, it is considered that a financial contribution in lieu of on-site affordable provision would be considered more appropriate which was indeed the case in the processing of the original application to develop the site. The previous application at the site, P/17/77/FUL refers, required a financial contribution of £73,428 for affordable housing and given these contributions have yet to be paid by the developer, it is again considered reasonable to ensure a Section 106 Agreement (or deed of variation) is imposed to the new consent to secure the unpaid sums in this instance. No contributions are required or were previously requested for Public Open Space as a previous land transfer providing new access to the adjacent playing field was considered to be of equal benefit in comparison to the provision of new Public Open Space (there is a large area of public open space to the east of the application site).

The existing Section 106 Agreement will therefore need to now relate to the new planning permission (S.73 application). On this basis, the existing S106 Agreement attached to consent P/17/77/FUL is recommended to be attached to the Section 73 consent by means of a deed of variation to confirm that the obligations secured under the original application are applied to the new Section 73 consent.

### **CONCLUSION**

Having regard to the above, whilst noting the objections lodged by neighbouring occupiers and assessing the changes undertaken to the scheme in comparison to application P/17/77/FUL, it is still considered that the revised proposal which is the subject of this S73 application, on balance, accords with the Council's Planning Policies and Guidance and would still achieve an acceptable form of development at the site.

The application is recommended for approval because the development would not adversely affect the character of the existing street scene or wider area, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities. The concerns raised by the neighbours are acknowledged, however, in this case and on balance, with due regard to the planning history of the site and the amendments undertaken that arguably aim to lessen the impact of the development on the nearest neighbouring residents, they are not considered to outweigh the other material issues connected to the development as to warrant refusal on those grounds.

## RECOMMENDATION

(A) The applicant enters into a Deed of Variation or supplemental S106 Planning Obligation to secure the obligations in the original Section 106 Agreement as part of this Section 73 consent.

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

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

PYF/PC/03 (detached garage detail) received 31 January 2017  
PYF/PC/09 REV.B (site plan) received 20th February 2017,  
PYF/PC/05 REV.A (cross sections) received 10 November 2020  
PYF/PC/02/Rev G (working drawings plots 1 & 4) received 23 June 2021  
PYF/PC/08 Rev B (as built drainage longitudinal sections) received 23 June 2021  
PYF/PC/2-3/12 (foul and surface water sewer longitudinal sections serving plots 2 and 3) received 23 June 2021  
PYF/PC/2 3/03 Rev A (re-design of house types on plots 2 & 3 - drainage details) received 23 June 2021  
PYF/PC/2-3/01 Rev K (revised house positions and existing drainage) received 23 June 2021  
PYF/PC/2-3/011 (working drawing plot 2) received 23 June 2021  
PYF/PCV/2-3/02 Rev E (working drawing plot 3) received 23 June 2021  
PYF/PC/10 Rev A (superimposed site plan) received 23 June 2021  
PYF/PC/2 3/09a (street scene views) received 23 June 2021  
PYF/PC/A (retention of vision splays) received 04 August 2021

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

2. Notwithstanding the requirements of condition 1, within 3 months of the date of this consent a scheme indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation shall be submitted in writing for the agreement of the Local Planning Authority. All boundary treatments shall be carried out in accordance with the agreed plan and timetable and shall thereafter be maintained in perpetuity.

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

3. Notwithstanding the requirements of condition no.1, within 3 months of the date of this consent a scheme indicating both hard and soft landscape works to be implemented and a time table for its implementation shall be submitted in writing for the agreement of the Local Planning Authority. These details shall include all proposed planting and landscaping such as the schedule of plants/trees, species and number/densities, hard surfacing materials and an implementation programme. All landscaping works shall be carried out in accordance with the agreed plan and timetable and maintained thereafter in perpetuity.

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

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of all the buildings or the completion of the development, whichever is the sooner; and any

trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

5. Prior to the construction of the plots 2 and 3, there shall be deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that any retaining wall/structure will be designed and constructed so as to prevent any subsequent ground movement. Any retaining wall/structure shall be constructed in accordance with the details so certified and retained thereafter in perpetuity.

Reason: In the interests of public safety.

6. Notwithstanding the requirements of condition 1, the materials to be used in the construction of the external surfaces of the dwellings at plots 2 and 3 hereby permitted, shall match the 'as built' dwellings at plots 1 and 4 on the site.

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

7. The drainage details for the development shall be undertaken and maintained in full accordance with the drainage layouts and management details received 08 January 2021 and plan PYF/PC/2-3/01 Rev K received 23 June 2021. The scheme must be implemented prior to the beneficial use of the plot 3 and 4 dwellings commencing.

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

8. The previously submitted and agreed scheme (details received 22 June 2017 and 22 September 2017) for the provision of the first 10 metres of the proposed access to be completed in permanent materials and the layout of the pedestrian crossing arrangement from All Saints Way to Footpath 29 Newcastle Higher shall be implemented before plots 2 and 3 are brought into beneficial use and shall thereafter be retained in perpetuity.

Reason: In the interests of highway and pedestrian safety.

9. No structure, erection or planting exceeding 0.6 metres in height above adjacent carriageway level shall be placed within the required vision splay areas, as detailed on drawing number PYF/PC/A submitted on the 4th August 2021, at any time.

Reason: In the interests of highway and pedestrian safety.

10. Notwithstanding the requirements of condition 1, the window openings positioned within the south facing, side elevation of the dwelling building known as plot 2 (facing Healthy Close) shall be fitted with obscure glazing to a minimum of level 5 on the Pilkington index of obscurity. The windows shall be fitted prior to the beneficial use of the dwelling hereby approved (plot 2) and shall thereafter be retained in perpetuity.

Reason: In the interests of privacy and neighbouring residential amenity.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted



Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out which comes within Parts 1 (Classes A, B and C) of Schedule 2 of this Order, without the prior permission of the Local Planning Authority.

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

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or enclosure required for a purpose incidental to the enjoyment of the dwelling-houses shall be constructed, erected, or placed within the curtilage.

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

13. THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a) The S73 application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect the character of the area or adversely affect the privacy or visual amenities nor so significantly harms neighbours' amenities and highway safety to warrant refusal.

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

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

d) The proposed development is crossed by a public sewer. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access their apparatus at all times. It may be possible for this sewer to be diverted although the developer must consult Dwr Cymru Welsh Water with respect of the development.

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

f) The Rights of Way Section does not object to the application (P/20/888/RLX)

provided that the applicant keeps the footpath clear of any scaffolding whilst works are being carried out unless access can be maintained if it is erected.

g) The Public Protection Section draws your attention to the possibility of gases (landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but not radon gas) being generated at the site or land adjoining thereto, and recommend investigation and monitoring of the area.

h) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing within 2 days to the Public Protection Section, all associated works should stop and no further development should take place until a scheme to deal with the contamination found has been approved.

i) 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.

j) 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.

k) 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.

l) The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive.

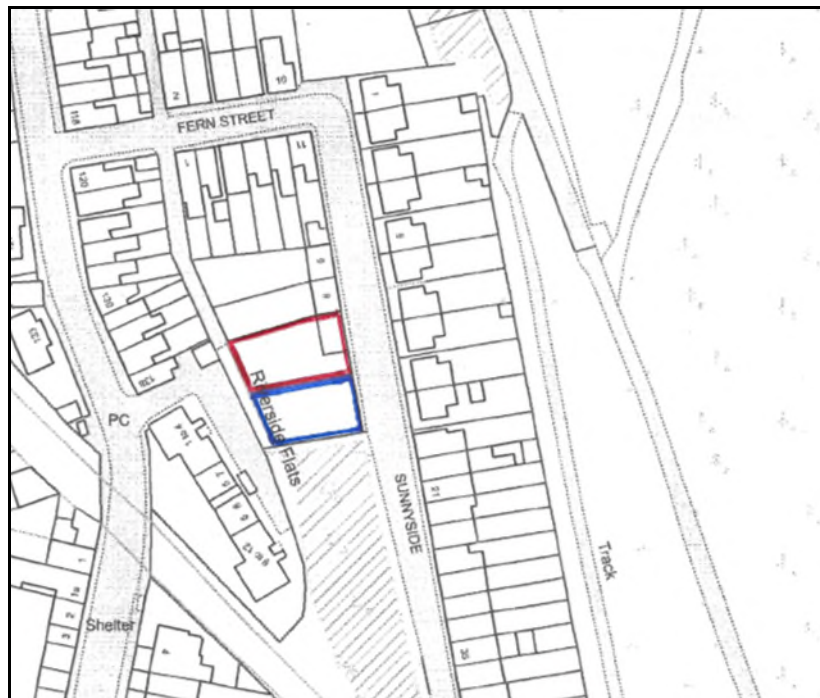
**Janine Nightingale**  
**CORPORATE DIRECTOR COMMUNITUES**

**Background Papers**  
None

**REFERENCE:** P/20/777/FUL  
**APPLICANT:** ACTL Ltd 5 Windsor Road, Barry, Vale of Glamorgan, CF62 7AW  
**LOCATION:** Land adjacent to 8 Sunnyside, Ogmores Vale CF32 7AW  
**PROPOSAL:** Proposed construction of a pair of semi-detached houses  
**RECEIVED:** 9 October 2020  
**SITE INSPECTED:** 21 May 2021

## DESCRIPTION OF PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of a pair of semi-detached dwellings on land adjacent to 8 Sunnyside, Ogmores Vale:



**Fig. 1 - OS Map Extract of Application Site**

The dwellings are principally orientated to face the east, and will each comprise a breakfast/family room, utility room and WC at basement level; a living/kitchen area with WC at ground floor level; two bedrooms and a bathroom at first floor level and a master suite at second floor level within the roof space.

The split-level properties will appear as two storey residential units when viewed from Sunnyside, with render blockwork and facing brick elevations and artificial slate roofs. The windows and doors will be white uPVC. The dwellings will each measure 5.2 metres in width and 8 metres in depth, reaching a height of 8 metres to the ridgeline when viewed from Sunnyside. At the rear, the maximum height of the dwellings will measure 11 metres, owing to the split-level nature of the design and topography of the application site. The proposed elevations are reproduced below:



**Fig. 2 - Proposed Front and Rear Elevations**

**SITE DESCRIPTION**

The application site lies within the Local Settlement of Ogmore Vale, as defined by Policy PLA1 of the adopted Local Development Plan (2013). It comprises a vacant, rectangular-shaped parcel of land located on the western side of Sunnyside on land which slopes significantly downwards towards the west. The site is proposed to be accessed off its eastern boundary, directly off Sunnyside. It is significantly overgrown with vegetation, as shown below:



**Fig. 3 - Application Site (looking southwards)**

The application site is surrounded by residential properties to the north, east and south which are predominantly a mix of semi-detached and terraced properties of traditional form and appearance, finished in rendered elevations with a mix of concrete tile and slate roofs.

Owing to the steep topography of the site and its surroundings, the properties on the western side of Sunnyside are split-level, whilst the properties on the eastern side are raised above the adjacent highway, as shown below:



**Fig. 4 - Streetscene (looking northwards)**

**RELEVANT HISTORY**

<b>Application Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
P/03/1489/OUT	2no Detached Dwellings with garage and drives	Conditional Consent	30/01/2004
P/05/582/FUL	Three detached dwellings	Refused	02/09/2005
P/06/247/FUL	Erect 4no 2 bedroom apartments	Conditional Consent	12/05/2006

**CONSULTATION RESPONSES**

<b>CONSULTEE</b>	<b>COMMENTS</b>
<b>Land Drainage</b> 23 November 2020	No objection subject to the inclusion of the recommended planning conditions and informative notes.
<b>Dwr Cymru/Welsh Water</b> 25 November 2020	No objection.
<b>Shared Regulatory Services</b> <b>Public Protection: Contaminated Land</b> 24 November 2020	Recommends the inclusion of conditions and informative notes.
<b>Transportation Officer (Highways)</b> 04 August 2021	No objection subject to the inclusion of the recommended planning condition.
<b>Shared Regulatory Services</b> <b>Public Protection: Contaminated Land</b> 24 November 2020	Recommends the inclusion of conditions and informative notes.

**The Coal Authority**  
21 July 2021

No further comments to raise in respect of this application.

## **REPRESENTATIONS RECEIVED**

The application has been advertised through direct notification to sixteen of the nearest properties, and through the erection of a site notice. The initial period for consultation expired on 8 December 2020.

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

- Additional traffic to Sunnyside which will cause more congestion and limit on-street car parking capacity;
- Loss of light and privacy to the property known as 11 Sunnyside;
- The land is steep and the development may result in subsidence;
- The dwellings proposed are too large and are not in keeping with the surrounding area;
- Disruption for residents during construction period;
- Not adequate room for construction vehicles;
- Negligible impact on housing need and therefore unjustified form of development.

A second consultation was undertaken after receipt of amended plans on 28 June 2021, and all properties initially consulted were sent a secondary letter requesting further views of the proposed changes. Two further letters of objection were received from neighbouring residents, objecting to the scheme on the same grounds referred to above.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

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

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 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 the report.

The concern raised which refers to the disturbance of residents during the construction phase of development can be addressed through the imposition of a planning condition which limits the time in which the developer can operate at the site.

Other matters, such as housing need, are not considered to be material to the determination of this planning application, and will not be addressed further.

## **RELEVANT POLICIES**

Local Policies

The Bridgend Local Development Plan 2006-2021 (LDP) was formally adopted by the Council in September 2013, within which the following policies and supplementary Planning guidance are relevant:

<b>Policy PLA1</b>	Settlement Hierarchy and Urban Management
<b>Policy SP2</b>	Design and Sustainable Place Making
<b>Policy SP3</b>	Strategic Transport Planning Principles
<b>Policy PLA11</b>	Parking Standards

<b>Policy SP4</b>	Conservation and Enhancement of the Natural Environment
<b>Policy ENV6</b>	Nature Conservation
<b>Policy ENV7</b>	Natural Resource Protection and Public Health
<b>Policy SP6</b>	Minerals
<b>Policy ENV9</b>	Development in Mineral Safeguarding Areas
<b>Policy COM3</b>	Residential Re-Use of a Building of Land

<b>Supplementary Planning Guidance 2</b>	House Extensions
<b>Supplementary Planning Guidance 8</b>	Residential Development
<b>Supplementary Planning Guidance 17</b>	Parking Standards
<b>Supplementary Planning Guidance 19</b>	Biodiversity & Development

#### National Policies

In the determination of a Planning application regard should also be given to the 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**

<b>Planning Policy Wales TAN 5</b>	Nature Conservation and Planning
<b>Planning Policy Wales TAN 11</b>	Noise
<b>Planning Policy Wales TAN 12</b>	Design
<b>Planning Policy Wales TAN 18</b>	Transport
<b>Planning Policy Wales TAN 23</b>	Economic Development

#### **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 received from local residents.

## **PRINCIPLE OF DEVELOPMENT**

The application site lies within the Local Settlement of Ogmores Vale, 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. However, 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.

## **DESIGN/IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA**

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 residential in nature, and is occupied by a mix of semi-detached and terraced two storey properties. Generally, the properties are finished in rendered elevations with a mix of concrete and slate tiled roofs, as demonstrated below:



***Fig. 5 - Sunnyside Streetscene (looking southwards)***



In general terms, the introduction of a pair of semi-detached dwellings on the western side of Sunnyside is considered to be an appropriate form of development in this location, owing to the nature of the surrounding area. In addition, the clearance of the significantly overgrown site will improve 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 a pair of semi-detached dwellings is appropriate within the sites 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.

In terms of size, whilst the dwellings will be readily visible from the streetscene and public vantage points, it is considered that their size is modest and of a scale which is proportionate and complimentary to the surrounding residential area. The proposed dwellings will not appear as overly prominent additions to the streetscene, and are not considered to be overly excessive in terms of size and scale.

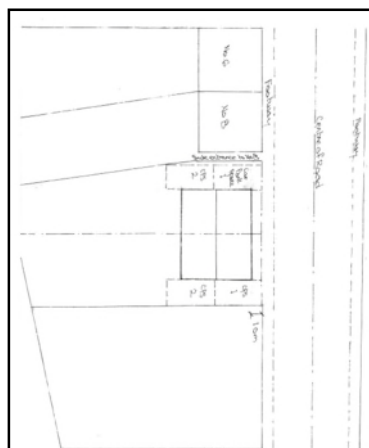
The dwellings are shown to have a mix of render blockwork and facing brick elevations with artificial slate roof, with white uPVC windows and doors. In reviewing the pallet of materials in the surrounding area, it is considered that the proposed materials match other residential properties within the immediate vicinity of the application site, and are therefore considered to be acceptable finishes.

Overall, the dwellings are considered to be additions which respect the character of the surrounding area and will not result in the addition of incongruous features within the streetscene. For this reason, the scheme is considered to be compliant with criterion (3) of Policy SP2 of the Local Development Plan (2013) and is therefore considered to be acceptable in this regard.

### **NEIGHBOURING/RESIDENTIAL 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 of the guidance note are applicable in this instance. Note 1 of SPG02 states that no development should “unreasonably dominate the outlook of an adjoining property”. The dwellings are proposed to be positioned close to the eastern site boundary, as shown below:



**Fig. 6 – Proposed Site Layout**

Each property will principally face the east with primary windows openings on the eastern (front) and western (rear) elevations.

In terms of light, whilst the dwellings will be located to the south of the existing dwellings known as 6 Sunnyside and 8 Sunnyside, Ogmores Vale, their position is such that the development will not result in overshadowing to the dwellings. The development will not result in substantial loss of sunlight to properties to the north, and is therefore not considered to adversely affect the levels of light currently afforded to the neighbouring properties 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 properties to the north as no window openings are proposed to be installed to the northern or southern elevations of each residential unit.

Given the above, the proposal is considered to be acceptable from an amenity perspective, 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.

### **HIGHWAY SAFETY AND PARKING PROVISION**

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* (SPG17) 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 that 1 off-street car parking space per bedroom should be provided (up to a maximum requirement of 3 spaces).

It is important to note that the guidance contained within SPG17 refer to maximum standards, and Note 10 of Table “a) Residential: New Build & Conversion” clearly states that “it should be noted that any decision to reduce the parking standards from those quoted in the main table will be at the discretion of the Local Authority and will be based upon the availability of any appropriate kerbside or other unallocated parking areas that are deemed fit for purpose without adversely affecting the safety and effectiveness of the adjacent highway”.

In this case, the Highway Authority place weight on a recent appeal decision for a similar scheme in an adjacent street, whereby the Inspector gave consideration to the sustainability criteria and suggested that a 1 space reduction per residential unit would be suitable in this case.

Therefore, in consideration of this scheme, and with regard to the Inspector’s decision, the Highway Authority consider that a reduction is also acceptable in this case, to two off-street car parking spaces per unit. In a consultation response dated 4 August 2021, the Highway Authority confirmed that the scheme is acceptable subject to the provision of two off-street parking spaces per property and accordingly, no objection is raised to the proposal. The scheme is considered to be acceptable in this regard.

### **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.

In assessing this planning application, the Land Drainage Section have recommended the inclusion of planning conditions which require the submission of a comprehensive and integrated drainage scheme together with the submission of suitable infiltration tests, for the agreement of the Authority prior to the commencement of development.

Dŵr Cymru Welsh Water have advised that capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

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).

## **MINING**

A partial area of the application site (eastern half) site lies within the Development High Risk Area as defined by The Coal Authority, and as shown hatched diagonally below:



**Fig. 7 - Development High Risk Area**

On initial review of the planning application, The Coal Authority raised an objection to the development proposal. The application site lies within an area containing coal outcrops which may have been subject to historic unrecorded coal workings at shallow depth. In accordance with the agreed risk-based approach to development management in the defined Development High Risk Areas, a Coal Mining Risk Assessment should support any planning application in such areas.

Whilst the Coal Authority acknowledged the submission of a Coal Mining Report written by The Coal Authority and dated 11 December 2003, it was considered that the information provided was a factual report, and no assessment of the potential risk posed to the development proposal by past coal mining activity was undertaken. Therefore, in order to address the objection raised, an up-to-date Coal Mining Risk Assessment was required.

In response to the objection raised, the applicant submitted a Coal Mining Risk Assessment, written by Earth Science Partnership and dated April 2021. The submitted report concludes that the risk associated with potential historic surface workings and unrecorded shallow underground mine workings cannot be discounted. Accordingly, it

goes on to recommend that intrusive ground investigations, comprising trial pits and boreholes, should be carried out in order to establish the risk posed by this possible coal mining legacy.

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. The intrusive investigations recommended should be designed by a competent person, to properly assess ground conditions and to establish the exact situation regarding mining legacy which could pose a risk to the proposed development. This requirement addresses the concerns raised by local residents which refers to the steep topography of the site, subsidence and ground instability.

As such, it is recommended that planning conditions and informative notes are included upon any consent granted, to ensure site investigations and remedial works are carried out and to ensure a suitably qualified person confirm that the site is, or has been made, safe and stable. Subject to the imposition of the recommended conditions and informative notes, the scheme is considered to be acceptable in this regard.

### **PUBLIC PROTECTION: CONTAMINATION**

Policy ENV7 of the Local Development Plan (2013) states “development proposals will only be permitted where it can be demonstrated that they would not cause a new, or exacerbate an existing, unacceptable risk of harm to health, biodiversity and/or local amenity. Criterion (4) refers to contamination (including invasive species).

The Public Protection Section conclude that the development is acceptable, subject to the imposition of the recommended conditions and informative notes. The proposal is therefore considered to be compliant with Policy ENV7 of the Local Development Plan (2013).

### **CONCLUSION**

Having regard to the above, and notwithstanding the objections raised, in this case and on balance, it is considered that the amended 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.

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 the following drawings:
  - Location Plan received on 9 October 2020;
  - Proposed Plan at Basement Level received on 9 October 2020;
  - Proposed Ground Floor Plan received on 9 October 2020;
  - Proposed First Floor Plan received on 9 October 2020;
  - Proposed Plan at Attic Level received on 9 October 2020;
  - Proposed Front Elevation received on 9 October 2020;
  - Proposed Rear Elevation received on 9 October 2020;
  - Proposed Side Elevation (north) received on 9 October 2020;

- Proposed Side Elevation (south) received on 9 October 2020;
- Section Drawing Sheet 3 of 3 received on 9 October 2020;
- Site Plan & Parking Arrangement received on 28 June 2021.

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

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

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

3. No development can commence until a scheme to address how ground movement is to be dealt with, including structural and design details of any retaining wall required as part of the development together with a Certificate from a Consulting Engineer certifying that the retaining wall to be constructed will be designed and constructed so as to prevent subsequent ground movement, has been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with approved details and shall thereafter be retained and maintained in perpetuity.

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

4. No development shall commence until a scheme for the provision of 2 off street parking spaces per property has been submitted to and approved in writing by the Local Planning Authority. The parking areas 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 must 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 must be implemented prior to the beneficial occupation of the dwellings.

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

7. No development shall take place until a site investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the local planning authority. The results of the site investigation shall be submitted to the local

planning authority before any development begins. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the local planning authority. Remedial measures shall be carried out prior to the first beneficial use of the development in accordance with the approved details and retained in perpetuity.

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

8. If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in condition 7, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures which shall be retained in perpetuity.

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

9. No development shall commence (excluding the demolition of existing structures) until;
  - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and
  - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: In the interests of land stability.

10. Prior to the occupation of the dwellings hereby approved, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In the interests of land stability.

11. Construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of residential amenities.

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

writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA 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.

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

Having regard to the above, and notwithstanding the objections raised, in this case, on balance, it is considered that 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. 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.

From 7 January 2019, new developments of 2 or more properties and over 100m<sup>2</sup> of construction area require sustainable drainage to manage on-site surface water. The surface water drainage systems must be designed and built in accordance with standards for sustainable drainage. These systems must be approved by the SuDS Approving Body (SAB) before construction work begins. The applicant shall submit a sustainable drainage application form to the Bridgend County Borough Council SAB. Further information in relation to the new legislation including the sustainable drainage application forms can be obtained from the following link:

<https://www.bridgend.gov.uk/residents/recycling-waste-and-environment/environment/flooding/sustainable-drainage-systems/>

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on 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 us 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.

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)

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.

**JANINE NIGHTINGALE**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background papers**  
None



**REFERENCE:** P/21/605/FUL

**APPLICANT:** Mr & Mrs N Heard c/o John Matthews, Anglesey House, 47 Anglesey Way, Porthcawl, CF36 3QP

**LOCATION:** 20 Shakespeare Avenue Cefn Glas CF31 4RY

**PROPOSAL:** Change of use from dwelling house (use class 3(a)) to the residential care of 1 child (use class C2)

**RECEIVED:** 25 June 2021

**SITE INSPECTED:** 27 July 2021

## **APPLICATION/SITE DESCRIPTION**

The application seeks full planning permission for the change of use from a dwelling house (use class 3(a)) to the residential care of 1 child (use class C2) at 20 Shakespeare Avenue, Cefn Glas.

This application is for the residential care of one child under 18 years of age and who is classed as vulnerable. The use will be subject to registration by the Care Inspectorate of Wales and the child will be in full-time care with a fully trained carer looking after him or her throughout the day and night with the exception of when he or she is in school. Each carer will work to 12-hour shifts with daily shift change-over times normally taking place at 07.00 and 19.00 hours respectively. The night-time carer will be a night shift worker and must stay awake and available should the child wake and require anything.

The child in care is classed as vulnerable as they come from a difficult background/home circumstances. Whilst some may have learning difficulties, they are victims of circumstances and are simply in need of proper care and attention.

No external alterations are proposed to the property as part of this application.

***Figure 1 - Photograph of Existing Property:***



The applicant's agent has confirmed that the existing dwelling is currently served by two off street parking spaces and a garage, i.e. three parking spaces in total.

The application site is located within the approved residential settlement boundary of Bridgend as defined by Policy PLA1 of the Bridgend Local Development Plan (2013). The application property comprises of a two storey, semi-detached property that is served by a front and rear garden with a side, ground floor porch, detached garage and side driveway which is set back off the main highway (known as Shakespeare Avenue) and is surrounded by similarly designed residential properties. The application site is located within a predominantly residential area.

**Figure 2 – Site Location Plan:**



## **RELEVANT HISTORY**

None.

## **PUBLICITY**

Neighbours have been notified of the receipt of the application. The period allowed for response to consultations/publicity expired on 3 August 2021.

## **CONSULTATION RESPONSES**

Laleston Community Council - would like to Object to this planning application due to the following reasons:

- The property in question has previously been utilised as care facility, with no preceding request for planning permission, and caused much disturbance to neighbouring properties due to anti-social behaviour.
- Due to aforementioned anti-social issues in previous years, there is a great concern regarding the possible noise and disturbance resulting from use, which is only exacerbated by the lack of supervisory or regulated arrangements including that of BCBC Social Services.
- Council are aware of the need to aid vulnerable children and due to the fact that there is no evidence that a child living at this property would create disturbances or cause an increase to antisocial behaviour, Council would like to recommend that if permission is granted for the change of use, it only be provided on a temporary

basis to enable the impact of the proposal to be fully assessed.

Transportation Officer (Highways) – No objection to the proposed development.

Shared Regulatory Services (Noise) – There is very little information on the planning portal regarding this development. However, having spoken to the agent, the care home is to be used for vulnerable children as opposed to children with severe behavioural problems. Therefore, on this basis, no objection is raised to the proposed development.

## **REPRESENTATIONS RECEIVED**

Cllr Charles Smith (Local Ward Member) – has raised an objection to the proposed development and has requested that it be reported to, and determined by, the Council's Planning Committee for the following reasons:

- Placing what is clearly a business enterprise in a residential area is inappropriate;
- The relationship between this business enterprise and BCBC social services is not clear, so the degree of professional supervision of circumstances at this location is uncertain;
- Neighbours provide evidence of serious issues arising when a similar arrangement was tried previously. They claim that the police and other agencies seemed powerless to prevent disturbance and threats to neighbours;
- Likelihood of nuisance to immediate and nearby neighbours;
- Lack of consultation with persons affected in the neighbourhood.
- Insufficient evidence of appraisal of alternative arrangements for the young client.

Three letters of objection have also been received from the neighbouring properties known as 18, 51 and 55 Shakespeare Avenue raising the following concerns:

- Concerns regarding the occupants of the property;
- Impact of noise and disruption of the proposed use;
- Limited parking on a busy street;
- Unacceptable previous experience of use of property for similar use;
- Property is unsuitable due to close proximity to neighbouring properties and concerned that previous circumstances will be re-visited.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

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

## **PLANNING POLICIES**

### **Local Policies**

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

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

**Supplementary Planning Guidance**  
SPG02 – Householder Development

### **National Planning Policy and Guidance**

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

### **Technical Advice Notes:**

Technical Advice Note 12: Design (2016):

Technical Advice Note 18: Transport (2007)

### **Other Relevant Policies:**

#### Biodiversity/Ecology

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

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

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

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

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

### **Well-being of Future Generations 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**

The application is referred to Committee to consider the representations made by the Local Ward Member, Laleston Community Council and local residents.

The application seeks full Planning permission for the change of use from a dwelling house (use class 3(a)) to the residential care of one child (use class C2).

The following main issues will be considered as part of this report:

- The principle of development – use class
- The impact on the amenities of neighbouring residents
- Parking and Highways Safety
- Residents' perception/fear of crime and antisocial behaviour
- Impact on visual amenities.

### **The Principle of development – Use Class**

The proposal seeks to change the use of the existing dwelling house (from use class C3(a)) to a small care home for the residential care of 1 child (use class C2).

The C2 use class encompasses a number of different uses, including other types of residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. The C2 use class is distinct from the C2a use class, which groups together secure residential institutions, such as prisons, young offenders' institutions and secure hospitals.

In some circumstances, residential dwelling houses can be converted into children's care homes without the need for Planning permission. Each proposal has to be assessed on its own merits taking account of various factors, such as level and operational aspects of care.

The C3 use class, which encompasses residential dwelling houses, is split into the following three categories:-

- A dwelling house lived in by a single person or family. This category would include foster families.

- Up to 6 people living as a single household and receiving care. This includes supported housing schemes, such as for people with mental health issues or learning disabilities.
- Up to 6 people living as a single household, which do not fall within a C4 use (small house in multiple occupation), such as religious communities.

A recent Court judgement concluded that although adult carers will be present at all times they would not be living permanently at the property as part of a 'household' and a group of young people containing individuals under eighteen could not reasonably be regarded as being capable of living together as a single household.

In addition, the level of daily activity at the site would be more intensive and constant than might reasonably be expected to be generated by even a large dwelling house and as such, the overall character of the use may differ materially from that of a dwelling house. In view of this, it was considered that such a proposal represents a material change of use and therefore, the use would fall within Use Class C2.

In this case, however, the property will accommodate 1 child and 2 adult carers in a residential area which would display many similar features associated with a family dwelling. The changeover of carers would occur every 12 hours at 7am and 7pm.

The application site is located within the settlement boundary of Bridgend, as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP) 2006-2021 and, as such, the conversion of this existing building into a small scale care home of the nature proposed is considered to accord with the criteria set out in Policy COM3 of the LDP and Planning Policy Wales (2018) which supports the use of suitable previously developed land for residential purposes as it can assist regeneration and at the same time relieve pressure for development on greenfield sites.

Furthermore, Strategic Policy SP1 seeks to encourage regeneration led development within the settlement hierarchy and it is considered that the proposed change of use of the existing building to another form of residential use in such a locality is compatible with surrounding land uses and is acceptable. It is considered that the proposed development is located within a sustainable location being located close to public transport links and local amenities which would be of benefit to potential future occupiers and staff at the premises.

In view of this, the proposed development is considered to accord with Strategic Policy SP1 and Policies PLA1, COM3 and SP10 of the Bridgend Local Development Plan (2006-2021) and can be supported in principle.

As detailed above, the semi-detached property is situated within the residential settlement boundary of Bridgend and it is considered that the conversion of an existing dwelling to a care home of the nature proposed, with no external or internal works proposed and with the visual character of the property being retained, would provide a valuable alternative type of living accommodation in the locality without harmfully or significantly eroding the character and appearance of the existing area.

The essential character of the area is derived from single households and the introduction of a small-scale care home of the nature proposed, which is appropriate in a residential setting, can be supported. Furthermore, the proposal is for a small one-person care home which is residential in nature and as such, it would not result in an undue concentration of incompatible uses in this location.

Notwithstanding the above, whilst the principle of a residential use, such as a care home, within a residential area is accepted and common place, it is necessary to consider the aspects of this proposed use which may have the potential to adversely affect the residential amenities of the area.

### **Impact on the amenities of neighbouring residents**

Planning applications must be determined in accordance with the adopted Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers).

Policy SP2 (Design and Sustainable Place Making) in particular states:

*All development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment by:*

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

Local residents have raised a number of concerns regarding the impact that the care home would have on the residential amenities of neighbouring properties. There are three main strands to these concerns:-

- the potential noise and disturbance caused by additional comings and goings, relating to the institutional use of the site;
- the potential disturbance, resulting from the child's behaviour; and,
- the age group of existing residents.

The supporting statement advises that the home would accommodate one child under the age of 18. The applicant has confirmed that the home would be registered with the Care Inspectorate of Wales if Planning permission is granted. It should be noted that

registration with the overseeing body is not a requirement to grant planning permission but is a separate regulatory process.

There will be a fully trained carer looking after the child throughout the day and night apart from when the child is at school. Each carer will work to 12-hour shifts with daily shift changeover times normally taking place at 07.00 and 19.00 hours respectively. The night-time carer will be a night shift worker and must stay awake and available should the child wake and require assistance. Parking will be provided for vehicles at the side of the property with a maximum of two cars at the property at handover time. On the basis, that the staff could all arrive and leave individually, that would result in a minimum of 4 staff movements to and from the property per day.

The handover times (7am and 7pm) are at the quieter times of the day, where comings and goings could be more noticeable and disruptive to nearby residents. However, the property is located on a main road with its own off-street parking and the hand over will take place at times when residents are likely to be leaving for or returning to work. These changeover hours are, therefore, considered to be reasonable.

In terms of the level of amenity, the plot benefits from an enclosed front and rear garden that would provide a form of external amenity area and waste/recycling bin storage areas to potential future residents of the premises. No details have been provided of any regular visitors to the property, however, it would not be reasonable or enforceable in Planning terms to restrict, by use of a Planning condition, who could visit the property and when, as well as the number of visitors present on the site at any one time.

Such a condition would go beyond the remit of the Planning system as it could potentially interfere with the operational functioning of the home, affecting how and when key visitors, such as social workers and health visitors could attend the property. It would also be impossible to monitor.

Whilst the maximum number of children placed at the home is limited to one (and this can be controlled by a Planning condition), the precise operational requirements of the use are not known and will ultimately be controlled by the requirements of the Care Inspectorate of Wales. Previously, temporary Planning permission has been granted to allow a "trial run" in order to assess the effect of the development on the area of such a proposed use, however, a recent appeal decision (Appeal Ref APP/F6915/A/121/3266841) for a similar type of development (subject to this application) against a condition for temporary planning permission was allowed stating that:

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.

Therefore, the Inspector found the temporary permission condition and a condition regarding the keeping of an up-to-date register for visitors to the property to be unreasonable and unnecessary. The Inspector also concluded that the removal of these conditions would not result in any harm to the general amenities of the area, amenity of neighbouring residents or result in any conflict with Policy SP2 of the BLDP(2013).



A full copy of the appeal decision has been attached as Appendix A to this report.

In view of the above and in terms of the likely impact on the residential amenities of the neighbouring properties, with particular reference to the immediate residents of Shakespeare Avenue, it is considered that the proposed use, by virtue of the low number of residents, would not unreasonably compromise the level of amenity that is currently enjoyed and can be reasonably expected in such a locality.

It is considered that the level of activity and other likely effects of the use would not significantly exceed what might be expected from the occupation of the existing house by a family. Given the relatively small-scale nature of the use, the level of movements to and from the property is not considered to intensify the use to the extent that it would be incompatible in this a residential area. Accordingly, there are no conditions, except for a cap on the maximum number of children, which could reasonably be imposed to ensure that the information submitted by the applicant is adhered to.

Taking into consideration the above, and the Inspector's recent appeal decision, it is considered that the proposed use as a children's care home for the care of one child under the age of 18 is acceptable and will not have a significant adverse impact on the existing amenities of the neighbouring properties which accords with Policy SP2(12) of the BLDP(2013) and the Council's Supplementary Planning Guidance SPG02: Householder Development.

#### **Residents' perception/fear of crime and antisocial behaviour**

The objectors raise concerns that the proposed use will result in antisocial behaviour from the children and from potential visitors to the property due their previous experience of the use of the property for the same use as proposed subject to this application. Whilst it is noted that there is no planning history regarding the previous use of the site as a children's care home, the applicant's agent has also advised that it was not registered or regulated by the Care Inspectorate of Wales, of which the use subject to this application will be fully registered and monitored by the relevant bodies.

The risk of crime and disorder and the perception of it arising from the proposed use is, in some instances, a material Planning consideration. In order to carry weight in the determination of a Planning proposal, fear of crime must be based on sound reasons and there needs to be reasonable evidential basis for that fear. No material planning evidence has been provided to demonstrate this.

Objectors' concerns and anxieties about the proposed use are acknowledged but there is no solid evidence to demonstrate that the change of use of the dwelling to a small children's care home would result in a spike in antisocial behaviour in the neighbourhood. Proposals for care homes are not an uncommon occurrence nationally and Planning appeal decisions relating to similar proposals have concluded that it cannot be assumed that children living in care would be more likely to behave antisocially or create levels of noise over and above children living in a 'traditional' family unit. In appeal decisions Planning Inspectors take note that in a care home children would be cared for by specialist supervising staff and care workers who are able to deal with any situations that might arise.

It is the case that in addition to holding the relevant planning permissions, residential children's homes which accommodate children under 18 years old must be registered with the Care Inspectorate for Wales and it is a criminal offence to run a children's home which is not registered with this body. As part of this registration process, the applicant must demonstrate that they meet certain legal requirements set out within The Care

Standards Act 2000 (Notification) (Wales) Regulations 2011, The Regulation and Inspection of Social Care (Wales) Act 2016 and The Children's Homes (Wales) (Amendment) Regulations 2017. The Care Inspectorate for Wales can take enforcement action where care homes have been shown to fall short of the legal requirements set out within the Acts and can remove a care home's licence. How the care home would function is a process that would need to be agreed as part of the registration process and as this is controlled by other legislation, it is not within the remit of the Planning system to seek to control the day to day functioning of the care home.

No evidence is available to demonstrate that the child living at this care home would create disturbances or cause an increase in other forms of antisocial behaviour. As such, whilst the fear and perception of crime is a material Planning consideration, there is no reasonable evidence base for the fear in this instance. A refusal cannot be justified on the grounds of residents' fear of crime in this case.

### **Parking and Highways safety**

Criterion (6) of Policy SP2 states that developments should have good walking, cycling, public transport and road connections to ensure efficient access to the site and this is supplemented by Supplementary Planning Guidance 17 which requires 1 space per resident staff, 1 space per non-resident staff and 1 visitor's space per 4 beds.

It is noted that the existing dwelling is a 2 bedroom property which would generate a parking requirement for 2 spaces. Currently there is a driveway which can provide two spaces albeit it is constrained by the side porch, however, there is evidence to show a car parked beyond it. The proposed use of a care home for a single child and two non-resident members of care staff would also generate a parking requirement for only 2 spaces (1 per 3 non-resident staff = 1 space + 1 visitor space per 4 beds). Accordingly, the proposed use is not considered to generate any greater movements or parking than the current use a residential dwelling therefore there are no highway capacity or safety concerns and is considered that the parking provision would comply with Policy SP2(6) of the BLDP(2013) and the standards for staff with visitor parking being accommodated on-street states within the Council's Supplementary Planning Guidance SPG17: Parking Standards.

### **Visual amenities**

No material alterations are proposed to the exterior of the building and therefore it is considered that there would be no material harm to the character and appearance of the area which accords with Policy SP2(2) and SP2(3) of the BLDP(2013).

### **CONCLUSION**

This application is recommended for approval because the development complies with Council policy as the proposed children's care home would be a residential type use in a residential area and there is no objection in principle to this use in this location. Also, given the relatively small-scale nature of the use and on the basis of the information provided by the applicant, the proposal is not considered to result in any comings and goings in excess of those which could reasonably be expected in a residential area.

There is no tangible evidence to demonstrate that the creation of a children's care home in this location would result in anti-social behaviour or crime. Whilst the perception and fear of crime can be a material Planning consideration it must be based on sound evidence rather than anecdotal evidence.

It is not within the remit of the Planning system to manage the operation of the care home, as this is covered by other legislation and managed by the Care Inspectorate of Wales.

The care home would have to be registered with the Care Inspectorate of Wales and comply with all the necessary legislation that ensures the care home is run to an appropriate standard.

The proposed parking arrangement would meet the standards set out within Supplementary Planning Guidance 17 and the Highway Authority has not raised any highway safety concerns.

A planning condition has been suggested, restricting the use to a children's care home only and limiting the number of children living in the home to a maximum of one at any one time.

Accordingly, it is considered that, on balance and having taken into consideration the concerns raised by the Local Ward Member, Community Council and local residents, in this case, they are not considered to outweigh the other material issues connected to the development as to warrant refusal on those grounds.

### **RECOMMENDATION**

(R02) 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 one child and two care providers 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.

**JANINE NIGHTINGALE**  
**CORPORATE DIRECTOR COMMUNITIES**

### **Background papers**

None

## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 19/03/21

gan P J Davies, BSc (Hons) MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 23/4/21

## Appeal Decision

Site visit made on 19/03/21

by P J Davies, BSc (Hons) MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 23<sup>rd</sup> April 2021

**Appeal Ref: APP/F6915/A/21/3266841**

**Site address: 10 Woodside Avenue, Litchard, Bridgend, CF31 1QF**

**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 under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr & Mrs Neil Heard against the decision of Bridgend County Borough Council.
- The application Ref: P/20/652/RLX dated 28 August 2020, was refused by notice dated 27 October 2020.
- The application sought planning permission for a change of use from dwelling house (use class C3(a)) to the residential care of 2 children (use class (C2)) without complying with conditions attached to planning permission Ref: P/20/299/FUL dated 23 July 2020.
- The conditions in dispute are Nos 1 and 3.
- Condition 1 states: *'The use hereby permitted shall be discontinued on or before 31 December 2022'*.
- Condition 3 states: *'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'*.
- The reason given for Condition 1 is: *'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'*.
- The reason given for Condition 3 is: *'To inform the Local Planning Authority of the use of the property at the end of the temporary period'*.

## Decision

1. The appeal is allowed and planning permission is granted for a change of use from dwelling house (use class C3(a)) to the residential care of 2 children (use class (C2)) at 10 Woodside Avenue, Litchard, Bridgend, CF31 1QF in accordance with the application Ref: P/20/652/RLX dated 28 August 2020, without compliance with condition numbers 1 and 3 previously imposed on planning permission Ref: P/20/299/FUL dated 23 July 2020 and subject to the following condition:
  - 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 Town & 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: In the interests of the general amenities of the area (LDP Policy SP2).*

### **Main Issue**

2. This is whether the disputed conditions are reasonable and necessary in the interests of the general amenities of the area.

### **Reasons**

3. The appeal property is a 2-storey semi-detached house situated at the head of a cul-de-sac in a built up predominantly residential environment. I observed some on-street parking which has the effect of narrowing the carriageway, but most dwellings have driveways and off-road parking facilities, and traffic speeds and flow are low. The development to which this appeal relates is a residential home providing 24-hour care for a maximum of 2 young people.
4. 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.
5. 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.
6. 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.
7. 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.

8. 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.
9. 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.
10. 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.
11. For the above reasons and having regard to all matters raised, the appeal is allowed.

*P J Davies*

INSPECTOR

**REFERENCE:** P/21/337/FUL

**APPLICANT:** Mr A Williams: 44 Coity Road, Bridgend, CF31 1LR

**LOCATION:** 76 Nolton Street, Bridgend CF31 3BP

**PROPOSAL:** Change of use from Use Class A1 to Use Class A3 (takeaway and delivery)

**RECEIVED:** 13 April 2021

**SITE INSPECTED:** 21 June 2021

## DESCRIPTION OF PROPOSED DEVELOPMENT

Full planning permission is sought for the change of use of the ground floor of 76 Nolton Street, Bridgend, from Class A1 (Shop) to Class A3 (Food and Drink), as defined by The Town and Country Planning (Use Classes) Order 1987.



*OS Map Extract of Application Site*

The property was formerly operated as a sweet shop known as Ella Riley's but is currently vacant. This proposal comprises the change of use to a pizza takeaway premises which is proposed to operate between the hours of 17:00 and 21:00, seven days a week. The pizza takeaway premises will employ two full-time and ten part-time members of staff, equivalent to a total of seven full-time staff members.

No external alterations are proposed as part of this development proposal.

## SITE DESCRIPTION

The application site is located within the Primary Key Settlement of Bridgend, as defined by Policy PLA1 of Bridgend County Borough Council's adopted Local Development Plan (2013) and is identified under Policy SP10 as being within the Sub Regional Centre of Bridgend.

It comprises a three storey end-of-terrace building which encompasses a corner plot between Nolton Street and Chapel Street. The building has stone elevations, partially painted in a cream/yellow colour, and principally faces the east, fronting Nolton Street. The ground floor has a traditional-style shop front, as shown below:



*Google Street View Image*

The property is accessed from the existing access point on its eastern elevation off Nolton Street and benefits from a secondary access point on its northern elevation, accessed from Chapel Street.

The properties within the immediate vicinity of the application site are similar in character and appearance, predominantly being two-three storey buildings with shopfronts facing Nolton Street. The area is commercial in nature.

#### **RELEVANT HISTORY**

<b>Application Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
A/04/40/ADV	Fascia and double sided projecting sign (internally illuminated) plus 5m x1m vertical banner (Crown Immunity No 18/84)	No objection	18/11/2004
P/00/705/FUL	Change of use of ground floor from retail to B1 office use	Unconditional Consent	04/10/2000

#### **CONSULTATION RESPONSES**

<b>CONSULTEE</b>	<b>COMMENTS</b>
<b>Town Council</b> 16 June 2021	Objects to the development on highway safety grounds.
<b>Transportation Officer (Highways)</b> 27 May 2021	The proposal will result in a nil detriment situation in traffic generation terms and no objection is raised.
<b>Town Centre Manager</b> 1 June 2021	This property is a long term empty unit which is located in a secondary retail area of the town centre. In line with a general over accommodation of A1 space in the town centre a change to A3 seems a sensible approach which brings a vacant unit back into beneficial use.
<b>Shared Regulatory Services</b> <b>Public Protection: Noise</b> 16 July 2021	No objection.



## REPRESENTATIONS RECEIVED

The application has been advertised through the erection of a site notice and direct neighbour notification to thirteen of the closest neighbouring properties. The time period provided for response to consultations/publicity expired on 16 June 2021.

No letters of objection have been received from third parties within the consultation period.

Cllr L Walters stated in a consultation response dated 27 May 2021 that no objection is raised.

Cllr M Voisey requested in a consultation response dated 27 May 2021 that the Planning application is determined by the Development Control Committee due to concerns relating to a high number of takeaway outlets within the immediate vicinity of the application site, additional traffic generated by the proposed takeaway outlet and an increase in potential nuisance for residential properties in the evenings.

## RELEVANT POLICIES

### Local Policies

The Bridgend Local Development Plan 2006-2021 (LDP) was formally adopted by the Council in September 2013 and within which the following policies and supplementary Planning guidance are relevant:

<b>Policy PLA1</b>	Settlement Hierarchy and Urban Management
<b>Policy SP2</b>	Design and Sustainable Place Making
<b>Policy SP3</b>	Strategic Transport Planning Principles
<b>Policy PLA11</b>	Parking Standards
<b>Policy SP10</b>	Retail and Commercial Hierarchy

<b>Supplementary Planning Guidance 3</b>	Shopfronts
<b>Supplementary Planning Guidance 14</b>	Hot Food Takeaway Establishments
<b>Supplementary Planning Guidance 17</b>	Parking Standards

### National Policies

In the determination of a Planning application regard should also be given to the 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

<b>Planning Policy Wales TAN 4</b>	Retail and Commercial Hierarchy
<b>Planning Policy Wales TAN 11</b>	Noise
<b>Planning Policy Wales TAN 12</b>	Design
<b>Planning Policy Wales TAN 18</b>	Transport
<b>Planning Policy Wales TAN 23</b>	Economic Development

## 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 at the request of the Local Ward Member (Cllr. M. Voisey) and to consider the objection raised by Bridgend Town Council.

### **PRINCIPLE OF DEVELOPMENT**

The application site lies within the Primary Key Settlement of Bridgend, as defined by Policy PLA1 of the Local Development Plan (2013). The site is allocated under Policy SP10 as being within the Sub Regional Centre of Bridgend within the retail and commercial hierarchy.

The Local Development Plan (2013) recognises that the town and district centres have been, and will continue to be, the focus for retailing, cultural and leisure activities within the County Borough. Bridgend occupies the position at the top of the County Borough retail hierarchy and is defined as a sub-regional town centre. It contains the largest number and widest range of shops of any commercial centre in the County Borough.

Policy SP10 stipulates that “all new development proposals within retailing and commercial centres should provide retail, community or commercial floorspace on the ground floor”. The proposal is considered to be compliant with Policy SP10 of the Local Development Plan (2013) as it contributes to and sustains the vitality of Bridgend Town Centre. No concerns are raised in respect of the principle of development in this town centre location.

The Local Ward Member has raised a concern that Nolton Street has a high number of takeaway premises which should be considered in the determination of this application.

Supplementary Planning Guidance Note 14 Hot Food Takeaway Establishments (SPG14) states at paragraph 5.1 that “each planning application for hot food takeaway establishments in the County Borough will continue to be treated on their own merits with primary consideration being given to the policies in the adopted Development Plan and the provisions of SPG14”. With reference to the clustering and over-concentration of hot food takeaways, Note 5 of SPG14 stipulates that in location category 3 areas such as this one, “the Local Planning Authority will seek to prevent developments that would result in new or exacerbate clusters of hot food takeaway establishments which would have an unacceptably adverse impact on local residential amenity”.

It should be noted that between the start of the one-way system of Nolton Street from the junction with Cowbridge Road (to the south of the application site) to the junction with Brackla Street (to the north of the application site), approximately 10 of the 65 units on either side of the road are hot food takeaway establishments which equates to around 16% of the units being takeaways along this section of the road.

The figure of 16% is not, on balance, considered to constitute a cluster or an over-concentration of similar uses in one particular area. An important consideration in this case is the effect of an empty commercial unit on the vitality and attractiveness of this part of the Sub Regional Centre of Bridgend, as required by Policy SP10.

As there are a number of other vacant ground floor units in this area, it is considered that the occupation of this shop unit will add to the level of interest and activity at street level throughout the evening in compliance with Policy SP2 of the LDP. Indeed, as stated in a consultation response from the Town Centre Manager, the property is a long-term empty unit which is located within the secondary retail area of the town centre and, given the over provision of units operating within an A1 Use Class, a change of use to an A3 Use Class which will occupy an empty unit and bring it back into beneficial use, is preferred to an empty unit.

In consideration of the application as a whole and given the context of the application site within a part of a designated sub-regional centre that has a relatively high vacancy rate when compared to the northern part of Nolton Street and given the overprovision of A1 Use Classes within the town centre, the re-use of a vacant empty ground floor unit is considered to contribute to, rather than detract from, the vitality and attractiveness of the centre without resulting in an over-concentration of similar uses in one area to the detriment of the amenities of the area. Therefore, on balance, the scheme is considered to be acceptable in principle and given the context of the site, is not considered to result in an over-concentration or cluster of A3 Uses.

### **IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA**

As no external alterations are proposed as part of this development, no further consideration is given to the impact of the development on the visual amenities of the area. Any alternative proposals for the alteration of the shopfront will be the subject of a separate Planning application.

### **NEIGHBOURING/RESIDENTIAL AMENITY**

Planning Policy Wales (Edition 11, February 2021) states at paragraph 2.7 that “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”.

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.

Supplementary Planning Guidance Note 14 Hot Food Takeaway Establishments (SPG14) refers specifically to takeaway establishments where the primary purpose of the business is the sale of hot food for consumption off the premises. It is considered to be relevant in this case as the application site is within the town centre and its impact on residential amenity must be assessed.

Bridgend Town Centre is considered to fall within location Category 3: a location within a generally commercial area with a mixture of commercial uses on the ground floor but residential flats above or residential premises in close proximity. According to SPG14,

within location Category 3 areas there will be some disturbance to residential premises late at night or early morning. Notwithstanding this, “residents should still have the expectancy that existing amenity should not be worsened unreasonably” and therefore any permission for a hot food takeaway will be conditioned so that it shall not open to customers later than 01:00.

As the applicant proposes to operate the business between the hours of 17:00 and 21:00, it is considered that the existing levels of amenity afforded to neighbouring occupiers will not be worsened as a result of the proposal. Notwithstanding the hours requested by the applicant, it would seem reasonable to include lunchtime trade as an option and therefore, subject to the imposition of a Planning condition which limits the hours of operation, the proposal is considered to be acceptable in this respect.

The Public Protection Section has raised no concerns with the proposal in respect of residential amenity and therefore the proposal is considered to be acceptable in this regard, compliant with the guidance contained within SPG14 and criterion (12) of Policy SP2.

### **HIGHWAY SAFETY**

Criterion (6) of Policy SP2 aims to assess the site’s sustainability in terms of walking, cycling, public transport and road connections to ensure efficient access to the proposed development. In addition, one of the main purposes of PPW11 is to seek to minimise the need to travel by car and maximise opportunities for people to make sustainable and healthy travel choices for their daily journeys. Paragraph 4.1.9 of PPW11 states “The Welsh Government is committed to reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Delivering this objective will make an important contribution to decarbonisation, improving air quality, increasing physical activity, improving the health of the nation and realising the goals of the Well-being of Future Generations Act”.

The development site is highly sustainable in terms of its pedestrian, cycling and public transport linkages owing to its location within the centre of Bridgend. It is readily accessible with regular buses and trains and benefits from having community facilities within walking distance. Users of the application site are also within close proximity to a number of private and public car parks, namely Rhiw Multi-storey Car Park, Simply Park Nolton Street Car Park, Brackla Street Car Park, Brackla Multi-storey Car Park and Asda Superstore.

The Highway Authority notes the concerns raised by the Local Ward Member and the objection by Bridgend Town Council which relate to traffic generation and the over intensification of the highway, together with lack of on-street parking provision however, in consideration of the scheme no objection is raised.

The proposed change of use is considered to be of nil detriment in traffic generation terms. There are adequate and enforceable parking restrictions within the parking laybys on Nolton Street, both during the daytime and night. This will ensure that any parking generated by the proposal does not result in a detrimental impact or highway safety concern. In addition, the property has previously operated within an A1 Use Class. Given this, it is considered that in traffic generation terms the retail shop would be comparable with a hot food takeaway facility during the daytime, as a hot food takeaway may form part of a linked trip to the town centre.

Given the above, it is considered that the proposed change of used is acceptable in terms of its impact on highway and pedestrian safety as it is located within a sustainable location and is of nil detriment in highway safety terms, in accordance with Policies SP2 and SP3

of the Local Development Plan (2013) and guidance contained within Planning Policy Wales (Edition 11, February 2021)(PPW11).

## **CONCLUSION**

Having regard to the above and notwithstanding the objections raised, in this case, on balance, it is considered that the proposed development is appropriate in terms of highway safety and amenity, in accordance with Policies SP2, SP3, SP10 and PLA11 of the adopted Local Development Plan (2013), Supplementary Planning Guidance Note 14 and guidance contained within Planning Policy Wales (Edition 11, February 2021).

The re-use of an empty ground floor unit as a commercial establishment in a part of the designated sub-regional centre that has a relatively high vacancy rate when compared to the northern part of Nolton Street, will increase footfall and preserve the amenities of the area and will contribute rather than detract from the vitality and attractiveness of the centre without resulting in an over-concentration of similar uses in one area.

Therefore, on balance, the application is recommended for approval subject to the imposition of conditions.

## **RECOMMENDATION**

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

1. The development shall be carried out in accordance with the following drawing and documents:
  - Site Location Plan received on 13 April 2021;
  - Gas Fired Pizza Oven Details received on 5 May 2021;
  - Pizza Oven Details received on 5 May 2021;

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

2. The use hereby permitted shall only be open to customers between 11:00 hours and 21:00 hours.

Reason: To retain effective control over the use of the site.

3. \* THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION \*  
Having regard to the above and notwithstanding the objections raised, in this case, on balance, it is considered that the proposed development is appropriate in terms of highway safety and amenity, in accordance with Policies SP2, SP3, SP10 and PLA11 of the adopted Local Development Plan (2013), Supplementary Planning Guidance Note 14 and guidance contained within Planning Policy Wales (Edition 11, February 2021).

The re-use of an empty ground floor unit as a commercial establishment in a part of the designated sub-regional centre that has a relatively high vacancy rate when compared to the northern part of Nolton Street, will preserve the amenities of the area and will contribute rather than detract from the vitality and attractiveness of the centre, without resulting in an over-concentration of similar uses in one area.

**JANINE NIGHTINGALE**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background papers**  
None

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**REFERENCE:** P/21/213/FUL

**APPLICANT:** Mr & Mrs Donald, 21 Springfield Avenue, Porthcawl, CF36 3LB

**LOCATION:** 21 Springfield Avenue, Porthcawl CF36 3LB

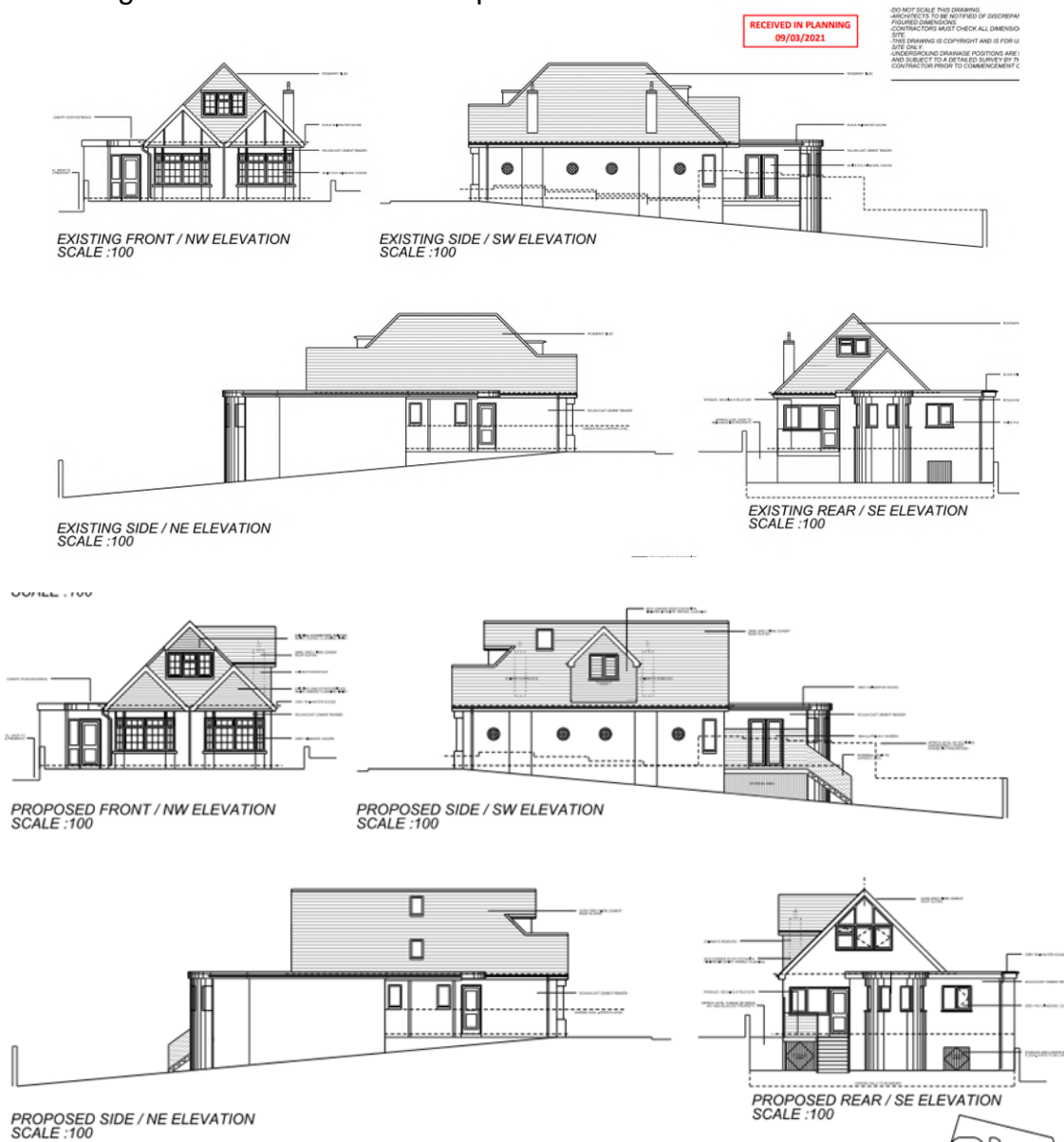
**PROPOSAL:** Proposed front, rear and side dormer extensions and replacement terraced/decking structure with access steps

**RECEIVED:** 9 March 2021

**SITE INSPECTED:** 19 May 2021

**APPLICATION/SITE DESCRIPTION**

The application proposes front, rear and side dormer extensions. The proposal also involves the removal of an existing terrace/decking structure to be replaced with a new terrace/decking structure with access steps.

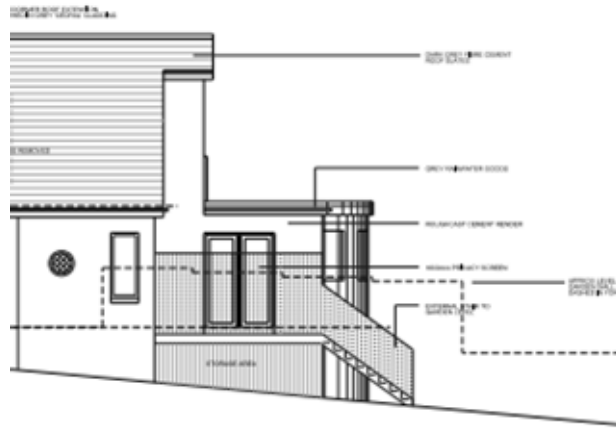


**Fig. 1 – Existing and Proposed Elevations**

The front dormer will project approximately 1.3metres from the original elevation and will have a height of 2 metres. The side dormer will project approximately 1.5 metres from the south western elevation and will have a width of approximately 3 metres. The dormer to

the rear will project approximately 3 metres from the rear elevation and will have a height of approximately 4 metres.

The proposed terrace/decking structure will be constructed on the same footprint as the original structure and will include an external stair which provides access to the rear garden. A 1.8 metre high privacy screen is proposed to the side of the structure.



**Fig. 2 – Side Elevation of Decking Area and Steps**

The application property comprises a detached dwelling which is situated towards the end of a cul-de-sac development within a residential side street of the built up area of Porthcawl. The plot benefits from an enclosed rear garden with off-street parking at the front and side. Properties within this cul-de-sac development have a similar and characteristic form, predominantly being hipped roof properties.

#### **RELEVANT HISTORY**

P/01/337/FUL      Granted (no conditions)      25 May 2001  
Extension To Existing Dwelling

#### **RELEVANT POLICIES**

Local Policies

The Bridgend Local Development Plan 2006-2021 (LDP) was formally adopted by the Council in September 2013, within which the following policies and supplementary Planning guidance are relevant:

**Policy SP2**      Design and Sustainable Place Making

**Policy PLA11**      Parking Standards

**Supplementary Planning Guidance 2**      House Extensions

**Supplementary Planning Guidance 17**      Parking Standards

National Policies

In the determination of a Planning application regard should also be given to the 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 12**

Design



## **Well-being of Future Generations 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.

## **PUBLICITY**

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 18 July 2021

## **CONSULTATION RESPONSES**

None

## **REPRESENTATIONS RECEIVED**

The occupier(s) of 17 Hutchwns Close has objected for the following reasons:-

- loss of privacy
- noise from access to first floor

The occupier(s) of 18 Hutchwns Close has objected for the following reasons:-

- loss of privacy
- loss of light
- noise pollution
- overdevelopment
- out of keeping

The occupier(s) of 19 Hutchwns Close has objected for the following reasons:-

- loss of privacy.

Comments were also raised as to whether this should be considered a second floor extension and not a first floor.



subservient to the main roof and utilise the same pitch. They are centrally located within the roof slope and are set down from the ridge line of the host dwelling and in from the sides of the roof. Their design is considered to be complimentary to the host dwelling and reflect its character. The addition of dormer extensions is not considered to be harmful to the character or appearance of the host dwelling and they are therefore considered to be appropriate additions in accord with Note 14 of SPG02.

The proposed decked area will replace an existing substandard decked area. As the decking is attached to the rear elevation of the property, it will not be readily visible from public vantage points and will not therefore adversely impact the visual amenities of the area or the street scene.

### **Impact on Neighbouring Residential Amenities**

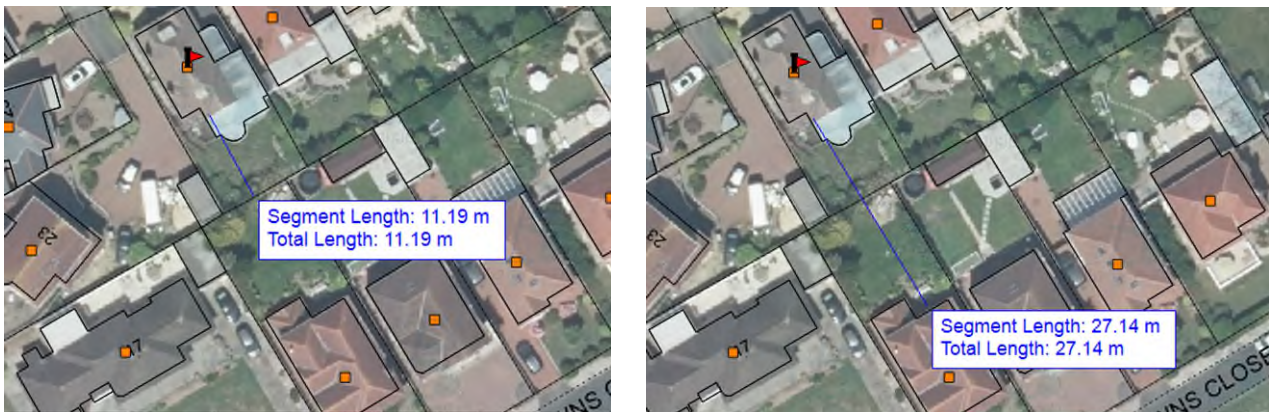
In assessing this application Supplementary Planning Guidance 02 – Householder Development is relevant and Note 6 of the guidance states:-

*An extension should respect the privacy of neighbouring houses. Paragraph 4.6.2 of this note advises 'The County Borough Council believes that the minimum distance between directly facing habitable room windows in adjacent properties should normally be 21 metres.' Reductions may be acceptable where:*

- (a) permanent screening can be provided between facing ground floor windows;*
- (b) the overlooking is between windows fronting on to a highway where established building lines are less than 21 metres apart;*
- (c) the overlooking is between windows fronting on to a public space where the buildings are used to define spatial enclosure;*
- (d) the angle of overlooking between windows is not direct, allowing the distance between windows to be reduced as the angle between them is increased;*
- (e) the overlooked window is a secondary window<sup>5</sup>;*
- (f) either the overlooked or overlooking window is high level<sup>6</sup>, or is permanently obscured glazed and fixed – usually appropriate only if there is a second clear glazed and opening window serving the same room.*

*And paragraph 4.6.5 advises While few rear gardens are entirely private some features can create a sense of unreasonable overlooking in neighbouring property. Balconies often cause the greatest difficulty, but sideways facing windows can also be undesirable. If a balcony is proposed it should be located or screened to prevent or minimise overlooking.*

In this instance, the properties to the rear of the application site along Hutchwns Close are set at a lower level than the application property and therefore the views from first floor rear windows of the property effectively look down on the gardens of properties to the rear. With regards to 18 & 19 Hutchwns Close, there is a distance of 11 metres from the new window in the rear elevation of the proposed first floor extension and the boundary with these properties and a distance of over 25 metres to the rear elevation (and habitable room windows) of these properties.



**Fig. 4 – Separation Distances**

With regards to 17 Hutchwns Close, this property is set off to the south west of the application property and therefore the views from the rear extension window are indirect and do not overlook the garden or the rear of this property.



**Fig. 5 – Orientation and Relationship with Surrounding Properties**

With regards to the proposed dormer on the side elevation of the property, this will overlook the driveway of 23 Springfield Avenue and the front garden and front elevation of 25 Springfield Avenue. However, this dormer will serve a bathroom and will be conditioned to ensure that it is obscurely glazed.

The proposed decking will replace an existing decked area. The submitted plans have indicated a 1.8 metre high screen will be erected on the side elevation for privacy purposes.

### **Parking**

The proposal involves the extension of two existing bedrooms. Therefore, as the overall number of bedrooms at the property will not increase the proposed development will not have an impact on the existing off-street parking arrangements the property currently benefits from.

### **CONCLUSION**

This application is recommended for approval because the development complies with Council policy and guidelines and would not adversely affect the character of the existing property, street scene or wider area, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities.

The concerns raised by the neighbours are acknowledged, however, in this specific case and on balance, they are not considered to outweigh the other material issues connected to the development as to warrant refusal on those grounds.

## **RECOMMENDATION**

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

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

Job No 21240 Drawing No. PL01 Rev 4 - received 7 July 2021

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

2. The window on the side dormer extension serving the bathroom shall be fitted with obscure glazing to a minimum of level 5 on the Pilkington index of obscurity. The window shall be fitted prior to the beneficial use of the extension hereby approved commencing and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

3. The 1.8 metre high privacy screen along the south wester elevation of the decked terrace shall be erected prior to the beneficial use of the decking commencing and be so maintained in perpetuity.

Reason: To safeguard the privacy of the adjoining property in the interests of residential amenity.

4. Notwithstanding condition 1, the materials to be used in the construction of the external surfaces of the approved development shall match those used in the existing building.

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

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

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

**JANINE NIGHTINGALE**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background papers**

None

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## APPEALS

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

<b>CODE NO.</b>	A/21/3271534 (1917)
<b>APPLICATION NO.</b>	P/20/601/FUL
<b>APPELLANT</b>	MRS N EVANS
<b>SUBJECT OF APPEAL</b>	TWO STOREY DWELLING ATTACHED TO EXISTING DWELLING 10 EUSTACE DRIVE, BRYNCETHIN
<b>PROCEDURE</b>	WRITTEN REPRESENTATION
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

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

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<b>CODE NO.</b>	D/21/3276567 (1923)
<b>APPLICATION NO.</b>	P/20/997/FUL
<b>APPELLANT</b>	MR CHRIS FRANCOMBE
<b>SUBJECT OF APPEAL</b>	SINGLE STOREY REAR EXTENSION AND DORMER ROOF EXTENSION: 20 HILLSBORO PLACE, PORTHCAWL
<b>PROCEDURE</b>	HOUSEHOLDER
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE A SPLIT DECISION (PART ALLOWED/PART DISMISSED).

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

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<b>CODE NO.</b>	D/21/3277143 (1924)
<b>APPLICATION NO.</b>	P/21/128/FUL
<b>APPELLANT</b>	MS G ROSSINI
<b>SUBJECT OF APPEAL</b>	RAISE ROOF TO CREATE FIRST FLOOR WITH 3 BEDROOMS, ENSUITE & BATHROOM; SINGLE STOREY REAR EXTENSION WITH BALCONY OVER; CANOPY OVER FRONT DOOR (SIDE): 64 WEST PARK DRIVE, PORTHCAWL
<b>PROCEDURE</b>	HOUSEHOLDER
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

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

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**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 21/06/21

gan R Duggan, BSc (Hons) DipTP  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 19/7/21

## Appeal Decision

Site visit made on 21/06/21

by R Duggan, BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 19/7/21

**Appeal Ref: APP/F6915/A/21/3271534**

**Site address: 10 Eustace Drive, Bryncethin, Bridgend, CF32 9PJ**

**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 Nicola Evans against the decision of Bridgend County Borough Council.
- The application Ref: P/20/601/FUL dated 2 October 2020, was refused by notice dated 11 March 2021.
- The development proposed is described as two-storey dwelling attached to existing dwelling.

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the development on the character and appearance of the street scene, the living conditions of neighbouring residents and on highway safety.

### Reasons

#### *Character and Appearance*

3. The site lies within the settlement boundary defined by Policy PLA1 of the adopted Bridgend County Borough Council Local Development Plan (LDP), 2013. The LDP supports the principle of development in such areas subject to compliance with other criteria based policies. 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 by having a design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character (criterion 2); and being of an appropriate scale, size and prominence (criterion 3).
4. The appeal property occupies a corner plot within a residential area containing mainly semi-detached and terraced dwellings which display uniformity in terms of architectural style and spacing. The separation distances and spaces between and to the side of properties are relatively constant and set a regular pattern of built

development which creates a strong uniform layout to the estate. The houses found in the area are characterised by being set back from the road with an established building line and have generally been little altered, thus creating a regular and coherent street scene. The appeal property contributes to that regularity and coherence.

5. The appeal proposal seeks to erect a new two-storey dwelling on land forming part of the side garden of No. 10 Eustace Drive. By building across the open corner plot the development would fill the gap that currently separates the appeal property and the neighbouring garden and carriageway and would erode the openness that is a key attribute of the character of this part of the street. Although the dwelling would be modest in scale, it would reduce the sense of space that exists between No 10 and No. 8 Eustace Drive and would disrupt the uniform qualities of this row of houses, to the detriment of the character and appearance of the street. The narrow width and configuration of the plot would result in the dwelling being situated in very close proximity to the side boundary and would appear squeezed into the space available. I consider that it would be a discordant and contrived feature in the street scene.
6. I saw that the houses in the area have been designed to incorporate hipped roofs and this is the case with the existing pair of semi-detached houses. The proposed gable roof design as well as the introduction of a large dormer window on the rear elevation would be seen as alien features in the area at odds with the prevailing character and design of the other houses in the locality, and would especially unbalance the symmetrical nature of the existing pair of semi-detached houses. Note 14 of Supplementary Planning Guidance Note 02 Householder Development (SPG02) states that "dormer extensions should be sympathetic to the existing house in their shape, position, scale and material". In this case, the proposed dormer is excessive in scale and would not be set down from the ridge or the side elevation of the dwelling and would be seen as a dominant feature in the street scene as a result.
7. It therefore follows that the proposed development would have a harmful impact on the character and appearance of the street scene contrary to Policy SP2 of the LDP and SPG02.

#### *Living Conditions*

8. The proposed dwelling would be located on the side garden/amenity area of the appeal property with the rear elevation being close to and overlooking the rear garden space of No.8 Eustace Drive. Note 6 of SPG02 states that development should respect the privacy of neighbouring houses, and to overcome this problem it is recommended that the minimum distance from the new habitable room window to the boundary should be 10.5 metres. However, in this case the distance between the rear elevation of the proposed dwelling and the boundary would be approximately 6.5metres, significantly below the recommended distance. I am of the view that the height of the proposed dwelling in close proximity to the boundary of the site would result in direct overlooking of the private amenity space of No.8 Eustace Drive. The occupiers of No. 8 would have a significant perception of being overlooked within their garden area and would experience a strong sense of intrusion resulting in an unacceptable increase in actual and perceived loss of privacy, especially from the rear dormer windows.
9. Therefore, the proposed development would have a detrimental impact on the living conditions of neighbouring residents at odds with Policy SP2 of the LDP and SPG02.

### *Highway Safety*

10. Note 9 of SPG02 states that off-street parking should be available to meet the County Borough Council's guidelines for a dwelling of the size after extension and stipulates that the parking requirement for houses equates to 1 space per bedroom, up to a maximum of 3 spaces. Each space must be 4.8m x 2.6m to accommodate a car parking space, unless it is within a garage. Supplementary Planning Guidance Note 17 Parking Standards (SPG17) stipulates that "garages may only be counted as parking spaces if they have clear internal dimensions, as suggested by Manual for Streets, for a single garage of 6m x 3m".
11. The Appellant has provided a layout plan for the site as part of the appeal showing off-street parking provision for 2 vehicles for the existing dwelling and 4 vehicles for the proposed dwelling. However, the parking spaces are not clearly demarcated and are laid out in a haphazard arrangement which would not provide sufficient space for the safe manoeuvring of vehicles in and out of the site and onto the highway. This would have a harmful impact on highway safety contrary to Policy PLA11 of the LDP and SPG02.
12. In addition, the frontage of both dwellings would be dominated by the parking spaces/driveways. I find this would be an incongruous layout that would be in contrast with the majority of other properties in the locality that have front gardens and forecourts enclosed predominantly by walling and hedgerows, and which provide an important sense of space around the dwellings and a visual break between the street and houses.

### *Other Matters*

13. I am conscious that developing this site within the urban area would reduce pressures to develop on greenfield sites, and that the site is located within a sustainable location close to local amenities with good access to public transport to enable access to employment, shopping, recreation and other facilities further afield.
14. The Appellant has also drawn my attention to other developments and argues that a precedent has been established. However, whilst I accept that these developments exist, I have been provided with limited information relating to their planning history. Nevertheless, whatever the background, their existence is not an appropriate justification for permitting the proposed development here. Equally I consider that examples of disharmonious development should not be used to justify further similar proposals. In any event, I have determined this appeal on its own merits having regard to the specific circumstances and context of the case.

### **Conclusions**

15. I conclude that the development would have a harmful impact on the character and appearance of the street scene, the living conditions of neighbouring residents and on highway safety. It would, therefore, conflict with Policies SP2 and PLA11 of the LDP as well as SPG02.
16. Having regard to the above and taken into account all matters raised by the Appellant in support of the proposal, 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. I consider that this decision is in accordance with the Act's sustainable development principle through its

contribution towards the Welsh Ministers' well-being objective of building healthier communities and better environments.

*R Duggan*

INSPECTOR



## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 13/07/21

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 28/7/21

## Appeal Decision

Site visit made on 13/07/21

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

an Inspector appointed by the Welsh Ministers

Date: 28/7/21

**Appeal Ref: APP/F6915/D/21/3276567**

**Site address: 20 Hillsboro Place, Porthcawl, CF36 3BH**

**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 Chris Francombe against the decision of Bridgend County Borough Council.
- The application Ref: P/20/997/FUL dated 12 December 2020, was refused by notice dated 31 March 2021.
- The development proposed is a single storey rear extension and dormer roof extension.

### Decision

1. The appeal is dismissed insofar as it relates to the dormer roof extension.
2. The appeal is allowed insofar as it relates to the remainder of the application, and planning permission is granted for the single storey rear extension in accordance with the terms of the application, Ref: P/20/997/FUL dated 12 December 2020 and the plans submitted with it (so far as relevant to that part of the development hereby permitted) subject to the following condition:

- (i) The development hereby permitted shall be carried out in accordance with the following approved plan: PL01 Rev 2 Existing and Proposed Plans and Elevations.

Reason: To ensure that the development is carried out in accordance with the approved plans and drawings submitted with the application.

### Procedural Matters

3. As I understand it, at the time of the Council's determination of the application, the development had already been constructed for the most part. However, it was evident from my external inspection of the property that its main roof and the dormer have been extensively fire damaged to the extent that tarpaulin has been secured to the roof structure and the charred remains of the dormer's cladding have been removed and placed on the ground.
4. Although the application relates to the single storey extension and rear dormer, it is only the dormer with which the Council takes issue. I see no reason to disagree.

## Main Issue

5. This is whether the dormer roof extension preserves or enhances the character or appearance of the Porthcawl Conservation Area ("the CA")<sup>1</sup>.

## Reasons

6. The appeal relates to a mid-terrace, two-storey dwelling on the eastern side of Hillsboro Place. The street is mainly residential in character with the terraced properties on one side of the highway facing the rear elevations of commercial properties on the other. Meanwhile, the rear elevation and rear roof plane of the appeal property upon which the development has been constructed faces onto a public car park with open greenspace and the seafront promenade beyond.
7. The site lies on the north eastern boundary of the CA. Other than providing an extract of a Plan showing the boundaries of the CA, the Council's delegated report provides little by way of an explanation of how its special character is affected by the development. Rather the Council refers only to other dormer extensions that have been built into roofs across the Conservation Area which are placed mid-height within the existing roof slope, are proportionate and modest in size and have created a feature rhythm along terraced properties in this area. I have not been provided with any further details of the location and proximity of the dormers to which the Council refers or the particular characteristics of this part of the CA.
8. Based on my observations at my site visit, the significance of this part of the CA lies predominantly in the group identity of the row of terraced dwellings, particularly when viewed from the front elevations with the retention of original features. The regular rhythm of the street is emphasised by the pattern of bay windows, fenestration, front gables and the chimneys. Whilst there have clearly been some unsympathetic alterations, the historic form and features of the front elevations are still legible which results in a degree of uniformity.
9. However, that is less so in terms of the rear elevations where there is a consistent loss of detail in the form of plastic replacement windows and doors as well as additions of varying scale and form, including a upvc roof lantern, a polycarbonate roof and raised terraces / balconies. Hence the rear elevations of this row of terraced properties have, over time, been degraded by loss of traditional detailing, unsympathetic extensions and alterations and the inappropriate use of modern materials. That being said, the main roofs of the terraced properties retain their modest original form for the most part, with interventions taking the form of rooflights and solar panels. Whilst I accept that there is an existing dormer on the rear roof plane of the end terraced property, it is of more modest proportions than that the subject of the appeal. Hence, I do not consider that it detracts from one's understanding of the more simple design of the roof scape overall.
10. The dormer occupies a significant proportion of the rear facing roof plane above an existing two storey flat roof wing. It extends outwards at a height almost equivalent to the ridgeline leaving little of the original roof visible above it. Given its position above the flat roof wing, it extends the boxy, bulky form vertically. Consequently, the rear roof plane is interrupted by a large, flat roof, box-like dormer, appearing neither sympathetic nor subsidiary to the more simple and modest appearance of the existing terraced roofs. The inappropriate use of upvc cladding only draws attention to the excessive size and incompatible nature of the dormer.

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<sup>1</sup> Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

11. It therefore follows that by reason of its size, design and external finishes, the dormer has a poor relationship with the host dwelling insofar as it appears as an intrusive and dominant addition. In this context, and regardless even of its location within a CA, it conflicts with the Council's advice in relation to dormer extensions as detailed in Note 14 of Supplementary Planning Guidance 02 'Householder Development' which states that '*Dormer extensions should be sympathetic to the existing house in their shape, position, scale and material*'. In this regard, it would also be at odds with Policy SP2 of the adopted Bridgend Local Development Plan (LDP) 2013 which states 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.
12. I do not dispute that the dormer is not visible from the front elevation or along Hillsboro Place within the CA. Nevertheless, it is seen within the wider locality, including from the public realm and public car park to the rear of the property which are clearly well-used. Although the north eastern boundary of the CA lies along the rear property boundaries of the terrace and does not extend into the public car park or seafront promenade, there is nonetheless a presumption in favour of the preservation or enhancement of the character or appearance of CAs or their settings<sup>2</sup> (my emphasis). In light of my findings above, I consider that the dormer fails to respond positively to the design and appearance of the roofscape of the terrace against which it is read thereby failing to preserve or enhance the character or appearance of the CA. In turn, it harms views out of the CA and thus its setting.
13. Consequently, it conflicts with LDP Policy SP5 which requires new development to conserve, preserve, or enhance the built and historic environment. It is also contrary to the intent of section 72(1) of the Planning (Listed Building & Conservation Areas) Act 1990 and Planning Policy Wales.

### Conditions

14. The Council has indicated in its questionnaire that conditions relating to the time limit for the commencement of development, compliance with the approved plans and the use of matching materials should be imposed in the event that planning permission is granted.
15. I have had regard to the conditions in the context of the tests outlined in Welsh Government Circular 016/2014 '*The Use of Conditions for Development Management*'. As the part of the development that is granted permission has already been constructed, it is not necessary to impose a condition relating to the time limit for commencement or requiring the use of matching materials. However, as I am uncertain whether the single storey extension has been substantially completed, I will attach a condition requiring the development to be carried out in accordance with the approved plans.

### Conclusion

16. The element of the scheme with which I take issue is severable from the remainder of the proposal. Therefore, for the reasons I have given, and having regard to all other matters raised, I conclude that the appeal should be dismissed in relation to the rear dormer. However, the appeal should succeed in relation to the single storey rear extension.

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<sup>2</sup> Paragraph 6.1.14 of PPW11.

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. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of making our cities, towns and villages even better places in which to live and work.

*Melissa Hall*

INSPECTOR



## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 21/07/21

gan **A L McCooey, BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 30/7/21

## Appeal Decision

Site visit made on 21/07/21

by **A L McCooey, BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 30/7/21

**Appeal Ref: APP/F6915/D/21/3277143**

**Site address: 64 West Park Drive, Porthcawl, CF36 3RL**

**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 Ms G Rossini against the decision of Bridgend County Borough Council.
- The application Ref: P/21/128/FUL dated 8 February 2021, was refused by notice dated 23 April 2021.
- The development proposed is: raise roof to create first floor with 3-bedrooms, ensuite and bathroom: single storey rear extension with balcony over: canopy over front door (side).

### Decision

1. The appeal is dismissed.

### Procedural matter

2. The description of development has been changed from that used on the application form (contrary to the information supplied on the appeal form). I consider the revised description to be more accurate and as it is used by both the Local Planning Authority and the appellant, I adopt the revised description in this decision.

### Reasons

3. Policy SP2 of Bridgend Local Development Plan (LDP) contains 15 sustainable placemaking criteria by which all proposals will be assessed. The most relevant to this proposal are that development should have a design of the highest quality possible, whilst respecting local character and that development should be of an appropriate size and scale, without adversely affecting the amenity of neighbouring uses. This approach generally accords with advice in Planning Policy Wales 11. The LDP is supported by supplementary planning guidance (SPG) for householder development.
4. The property is a detached bungalow in the middle of a row of 6 similar bungalows gable-on to the road. The main windows are to the front and rear elevations. The proposal would add a storey thereby significantly increasing the height of the building. A rear extension would contain an enclosed balcony and part of a bedroom at first floor level.

5. The wider area contains a variety of properties of differing designs and heights. The character of the area around the appeal site is defined by mostly bungalow or dormer bungalow dwellings. There are some houses but none in the vicinity of the appeal site. The appeal site itself is in the middle of a row of 6 similar bungalows. Whilst these bungalows are detached, their uniform design and appearance is an important element of the street scene. The increased scale and height of the proposal would be incongruous and out of keeping with the existing street scene. It would therefore have a detrimental effect on the character and appearance of the area that would be contrary to LDP Policy SP2 and relevant guidance in the Householder Development SPG.
6. There would be increased overlooking of property to the rear from the proposed enclosed balcony. However, the distance between the properties means that the impact on would not be so significant as to warrant the refusal of planning permission. The Council Officer's report carefully considers the objections to the planning application from adjoining residents. I have noted that there are no significant over-shadowing or dominance issues due to the absence of habitable room windows on the side elevations and the separation of the properties. I agree with the conclusion reached that the impacts on the living conditions of nearby residents would not constitute a reason for refusing planning permission. Aside from the matters already considered, the other points made in objections are not material planning considerations.

### **Conclusion**

7. I conclude that the proposal would be detrimental to the character and appearance of the area for the reasons given above. Having taken all relevant matters into account, I conclude that the proposal would be contrary to Policy SP2 of the LDP and the relevant provisions of the Householder Development SPG. The appeal is therefore dismissed.
8. 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 accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the Act. I consider that this decision is in accordance with the guidance on the Act in Planning Policy Wales regarding the principles of good design and placemaking.

*A L McCooey*

**Inspector**

## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO DEVELOPMENT CONTROL COMMITTEE

19 AUGUST 2021

#### REPORT OF THE CHIEF OFFICER LEGAL, HR AND REGULATORY SERVICES

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

##### 1. Purpose of report

- 1.1 The purpose of this report is for the Development Control Committee to nominate and appoint Members to the Rights of Way Sub-Committee.

##### 2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:
- **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
  - **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
  - **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

##### 3. Background

- 3.1 The remit of the Development Control Committee includes for the nomination and appointment of 6 of its Members to form the Rights of Way Sub-Committee, with the Chairperson and Vice-Chairperson of the Development Control Committee fulfilling the same role for the Rights of Way Sub-Committee.
- 3.2 The Annual Meeting of Council on 15 May 2021 approved changes to the membership of the Development Control Committee and, as a result of this, the nomination and appointment of Members to the Rights of Way Sub-Committee needs to be considered.

##### 4. Current situation/proposal

4.1 The Rights of Way Sub-Committee currently consists of six Members of the Development Control Committee and it is proposed that no change is made to the number of Members on the Sub-Committee.

4.2 The recommended composition of the Sub-Committee, based upon the number of Members it comprises of, is as follows:-

Labour - 2 Members – (to include the Chairperson and Vice-Chairperson of the Development Control Committee)

Independent/Alliance - 1 Member

Conservative - 1 Member

Llynfi Independents - 1 Member

Plaid Cymru - 1 Member

## **5. Effect upon policy framework and procedure rules**

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

## **6. Equality Act 2010 implications**

6.1 The protected characteristics identified within the Equality Act, Socio- economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

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

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

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

## **8. Financial implications**

8.1 There are no financial implications regarding this report.

## **9. Recommendation**

9.1 That the Development Control Committee nominate and appoint six (6) Members from this Committee to form the membership of the Rights of Way Sub-Committee, to include:

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

**K Watson**

**Chief Officer Legal, HR and Regulatory Services & Monitoring Officer**

**3 August 2021**

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**Background documents: None.**

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## **TRAINING LOG**

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

### **Subject**

### **Date**

Minerals Update

29 September 2021

### **Recommendation:**

That the report of the Corporate Director Communities be noted.

**JANINE NIGHTINGALE  
CORPORATE DIRECTOR COMMUNITIES**

### **BACKGROUND PAPERS**

None

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