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Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

Bridgend County Borough Council



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*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, 3 December 2021

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held remotely - via Microsoft Teams on **Thursday, 9 December 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 - 8
To receive for approval the minutes of the 28/10/21
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 9 - 12
7. P/21/669/FUL - Bridgend Tennis Club, Church Road, off Merthyr Mawr Road, 13 - 24

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Bridgend CF31 3AZ

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| 8. | <u>P/21/926/RLX - 45 South Road, Porthcawl CF36 3DG</u> | 25 - 34 |
| 9. | <u>P/21/814/FUL - 45A South Road, Porthcawl CF36 3DG</u> | 35 - 48 |
| 10. | <u>Appeals</u> | 49 - 50 |
| 11. | <u>Training Log</u> | 51 - 52 |
| 12. | <u>Urgent Items</u>
To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency. | |

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

Yours faithfully

K Watson

Chief Officer, Legal and Regulatory Services, HR and Corporate Policy

Councillors:

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

Councillors

A Hussain
MJ Kearns
DRW Lewis
JC Radcliffe
JC Spanswick
RME Stirman

Councillors

G Thomas
SR Vidal
MC Voisey
KJ Watts
CA Webster
RE Young

Agenda Item 3

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 28 OCTOBER 2021

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN REMOTELY - VIA MICROSOFT TEAMS ON THURSDAY, 28 OCTOBER 2021 AT 14:00

Present

Councillor G Thomas – Chairperson

JPD Blundell	N Clarke	DK Edwards	A Hussain
DRW Lewis	JC Radcliffe	RME Stirman	MC Voisey
KJ Watts	RE Young		

Apologies for Absence

RJ Collins, SK Dendy, RM Granville, MJ Kearn, JC Spanswick and CA Webster

Officers:

Gareth Denning	Policy Team Leader
Mark Galvin	Interim Democratic Services Manager
Brett Holdsworth	Strategic Planning Officer
Rod Jones	Senior Lawyer
Louis Pannell	Senior Strategic Planning Policy Officer
Jonathan Parsons	Group Manager Development
Adam Provoost	Senior Development Planning Officer
Andrew Rees	Democratic Services Officer – Committees

531. COUNCILLOR P J WHITE

The Chairperson referred with sadness to the recent death of Councillor PJ White, the Committee's condolences would be given to Councillor White's family. The Chairperson asked all those present to observe a two minutes' silence and for a period of quiet reflection.

All present observed a two minutes' silence as a mark of respect.

532. DECLARATIONS OF INTEREST

None.

533. APPROVAL OF MINUTES

RESOLVED: That the minutes of the Development Control Committee of 30 September 2021 be approved as a true and accurate record.

534. PUBLIC SPEAKERS

There were no public speakers.

535. 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.

536. **DEVELOPMENT CONTROL COMMITTEE GUIDANCE**

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

537. **P/20/953/FUL - BRODAWEL CAMPING AND TOURING PARK, MOOR LANE, PORTHCAWL, CF36 3EJ**

RESOLVED: That consideration of the application be deferred pending a request for further information from the applicant, the application will be reported to a future meeting.

538. **AMENDMENTS TO DEVELOPMENT CONTROL COMMITTEE PROTOCOLS**

The Group Manager Planning and Development Services (“the Group Manager”) reported on proposed changes to the procedures relating to the Development Control Committee which had been the subject of discussion at the workshop held on 29 September 2021. He informed the Committee that the current Planning Code of Practice was adopted by the Development Control Committee in April 2017, which included arrangements for the site inspection protocol, public speaking and the current scheme of delegation.

He reported on a proposal to retain the number of objectors required before reporting a householder/minor application to committee at more than 2 i.e. 3 or more objectors, but to increase the required number of objectors on any other form of application to more than 4 i.e. 5 or more. It was also proposed to treat repeated objections from different members of the same family as one neighbour objection. He stated that petitions will be considered on the strength/value/merits of the objections raised and the weight of objection to a particular scheme, especially in the social media age.

The Group Manager also reported on a proposal to increase the speaking time for public speaking for objectors / Members / Town or Community Councillors / applicants / agents from the existing 3 minutes to 5 minutes. He outlined a proposal to allow two objectors to speak for 2½ minutes each in case they had different points to raise. If two objectors were to agree to split the 5-minute speaking time between them applicants / agents would still have the same time overall (5 minutes) in which to respond to the objectors’ comments. In addition, the Workshop had considered that it should be possible if a member of Committee wished to do so to ask technical / fact finding questions of the agent/applicant. The agent/applicant would then be able to clarify points raised by Committee but this process would not be an opportunity to make further representations to committee. Any such questions could only be put to the agent/applicant with the agreement of the Chair of Committee (“the Chair”). In the same way, Members would also be able to question objectors, with the agreement of the Chair, on any points arising from their address to committee to clarify any points of a technical/fact finding nature.

The Group Manager stated that at the Workshop it was agreed that where an application was deferred after public speaking had taken place, public speakers should not be heard on the second occasion the application came before Committee unless the deferral resulted in a new consultation process or a requirement for an amended scheme. However, at the discretion of the Chair in consultation with the Group Manager and the Development and Building Control Manager public speakers might be allowed to address Committee on an item deferred from an earlier meeting.

The Group Manager reported on the current process for late representations, whereby representations received by 4pm on the day before Committee are reported on the Amendment Sheet circulated to the Committee prior to the start of the meeting. He stated that Members under the Code of Practice should not attempt to introduce documentation at the Committee meeting where the Planning Officer has not had an opportunity to consider the contents, to ensure Members receive properly considered and correct advice. He informed the Committee that late representations would not be accepted beyond the close of play on the Tuesday before the committee meeting. It was acknowledged that later representations may include valid material planning points that should be considered and included within the amendment sheet and in order to avoid unnecessary delays through deferrals where the planning officer is able to give Members considered advice on those representations they can be put to Members at the discretion of the Group Manager. Members should not give any significant weight to late submissions put directly to them instead of the Local Planning Authority, where they contain nothing new or assert a point without any clear evidence. He stated that any representations sent directly to members of the Committee the evening or morning before the scheduled meeting should be passed on to Officers to add to the file.

The Group Manager reported on the basis for the calling of site visits, which are fact-finding exercises and which are called where there is a material planning objection. He stated that a request for a site visit must be made by the local ward member following consultation on the proposed development, in writing or electronically within 21 days of notification of the application, clearly indicating the material planning reasons for the visit. The Chair will be the arbiter where it may not be possible to arrange a site visit in terms of necessity, safety and expediency. He informed the Committee that officers will continue to undertake site visits where safe to do so. He stated that it was the view at the recent workshop that there was no longer a need for Panel site visits. Site visits would take place from 9.30am on the day before the Committee. Given current restrictions, it would be extremely difficult for full site visits to be undertaken and officers would be better placed to advise on the resumption of physical full committee site visits and any individual risk assessments. He stated that anyone participating in a full site visit must do an individual risk assessment and, if they score highly, the mitigation will be that they remain at home. He reminded the Committee of the decision it made on 17 September 2020 to temporarily suspend full site visits in lieu of virtual site visits, or expanded Panels, deemed by the Chair to be essential. Site visits should be conducted under the amended protocol which should be extended until the resumption of physical site visits is allowed.

RESOLVED:

1. That the proposed changes to the Code of Practice, Scheme of Delegation, the Site Inspection Protocol and Public Speaking Arrangements at Committee be agreed.
2. That the necessary changes to the scheme of delegation are made.
3. That the protocol and changes be reviewed periodically.
4. That the temporary changes for site visits stay in place for a period not exceeding 12 months from the date of decision or when Covid 19 restrictions are fully lifted, whichever is the soonest.

539. **2021 ANNUAL MONITORING REPORT (AMR) FOR THE BRIDGEND LOCAL DEVELOPMENT PLAN (LDP) 2006 - 2021**

The Principal Strategic Planning Policy Officer reported on the findings of the 2021 Annual Monitoring Report (AMR), in that notably, housing delivery was failing to keep pace with the housing requirement and new, deliverable housing allocations are urgently needed to relieve growing housing supply pressure. He stated that it was imperative that the Local Planning Authority continued to progress with the statutory review of the LDP, to prevent ad-hoc development coming forward outside the development plan system.

He reported that the 2021 AMR must be submitted to the Welsh Government prior to 31 October 2021 and that its aim is to assess the extent to which the LDP Strategy and Policies are being achieved. He stated that the AMR has two primary roles; firstly to consider whether the policies identified in the monitoring process are being implemented successfully; and secondly to consider the Plan as a whole against all of the information gathered to determine whether a complete or partial review of the Plan was necessary.

He reported that the key findings of the AMR are an annual shortfall in housing delivery, where completions were 300 dwellings per annum below that anticipated. There was a 2,920 dwelling shortfall in housing delivery in respect of the cumulative average annual housing requirement, whilst, 111 affordable housing units were delivered and 1.46 hectares of vacant land developed in the year. He outlined the vacancy rates of commercial properties in Bridgend, Porthcawl and Maesteg town centres. He informed the Committee that a draft Gypsy and Traveller Accommodation Assessment was approved by Cabinet on 15 December 2020, and since its approval, a remaining need for 6 pitches had been identified. He stated that any unmet need for sites would be met through the Replacement LDP.

He also reported that the LDP Review Report (2018) had already recognised an urgent need to address the shortfall in the housing land supply through the identification of additional housing sites. The shortfall in housing delivery was now even more acute and was failing to keep pace with the housing requirement. He stated that it was fundamental to include sufficient, deliverable sites within the Replacement LDP to relieve growing housing supply pressure, otherwise, the gap between housing delivery and the housing requirement will continue to widen and extra housing sites will be needed to ensure the County Borough's housing requirements can be delivered. He informed the Committee that failure to act could also result in 'planning by appeal' and ad-hoc development coming forward out of accord with the Plan's strategy.

He concluded that the findings of the AMR provide an important opportunity for the Council to assess the effectiveness of the adopted LDP and to determine whether it needs to be reviewed. He stated that the Local Planning Authority is progressing with the statutory review of the LDP which will address the shortfall in the housing delivery and facilitate the identification/allocation of additional housing land. He informed the Committee that over 1,200 responses had been received to the draft LDP and these were being reviewed by officers. He stated that further investment into the local economy was required and the Replacement LDP will stimulate take up of new employment land, mixed-use sites and regeneration opportunities (including sites in the Council's ownership). This would bring forward new schemes, masterplans and development briefs to enable development. He stated that there was a pressing need to progress the Replacement LDP towards adoption to ensure the County Borough's housing requirements can be delivered and to prevent the gap between housing delivery and the housing requirement from widening further.

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 28 OCTOBER 2021

RESOLVED: That the Committee noted the content of the Annual Monitoring Report.

540. **TRAINING LOG**

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

541. **URGENT ITEMS**

There were no urgent items.

The meeting closed at 14:30

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Development Control Committee Guidance

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

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

STANDARD CONDITIONS

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

Time-limits on full permission

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

Time-limits on outline permissions

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

Variation from standard time-limits

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

STANDARD NOTES

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

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

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

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

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

To determine whether your building work requires Building Regulation approval, or for other services provided by the Council's Building Control Section, you should contact that Section on 01656 643408 or at:- <http://www.bridgend.gov.uk/buildingcontrol>

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

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

THE SITE INSPECTION PROTOCOL

The Site Inspection Protocol is as follows:-

Purpose

Fact Finding

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

Request for a Site Visit

Ward Member request for Site Visit

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

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

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

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

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

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

Inappropriate Site Visit

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

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

Format and Conduct at the Site Visit

Attendance

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

Officer Advice

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

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

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

Code of Conduct

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

Record Keeping

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

Site Visit Summary

In summary site visits are: -

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

Frequently Used Planning Acronyms

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

REFERENCE: P/21/669/FUL

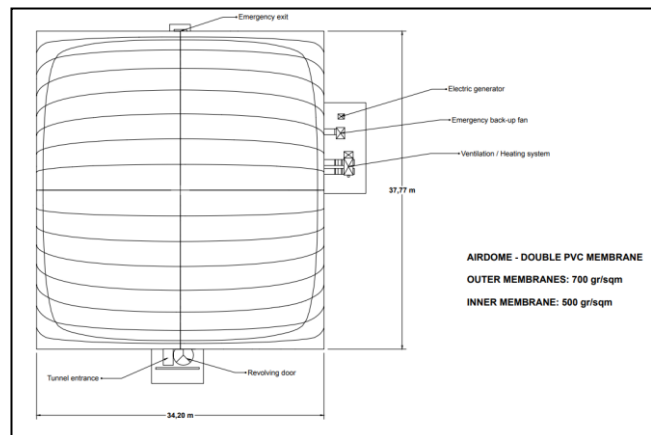
APPLICANT: Bridgend Tennis Club
Church Road, off Merthyr Mawr Road, Bridgend, CF31 3AZ

LOCATION: **Bridgend Tennis Club, Church Road, off Merthyr Mawr Road, Bridgend CF31 3AZ**

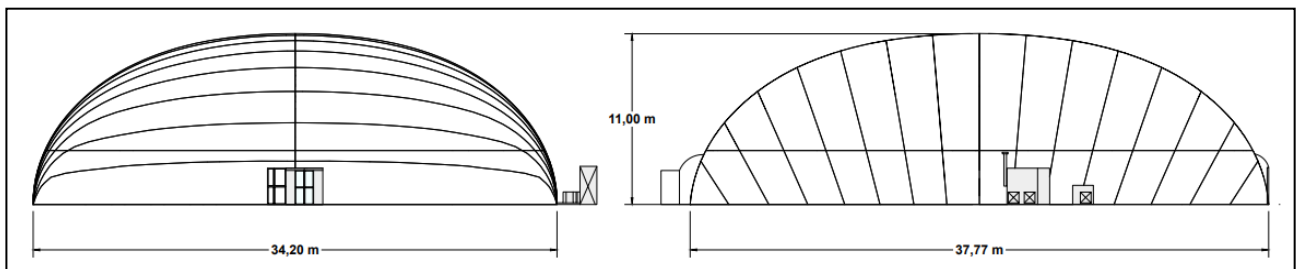
PROPOSAL: New inflatable airdome to cover existing tennis courts from 1st October to 1st April to enable ongoing coaching programme

DESCRIPTION OF DEVELOPMENT

Permission is sought for the erection of an inflatable Air Dome which is to be installed over two existing tennis courts in the grounds of Bridgend Tennis Club.



The Air Dome will measure 34.2 metres by 37.4 metres and reaches 11 metres in height at the top of the dome. It is made of a white PVC membrane which will be kept inflated by plant that will be installed on the western side of the dome. The plant also provides heating in cooler months. There will be a main entrance with revolving glass doors at the northern end of the Air Dome and emergency exit doors at the opposite end.



The dome will be erected for a period of six months commencing on 1st October to 1st April.

SITE DESCRIPTION

The tennis club is located on the eastern edge of Newbridge Fields and lies almost adjacent to the River Ogmore, separated only by an existing track and earth bund. The courts over which the dome will be installed are in the southern corner of the site, surrounded by a wooded embankment on the southern and eastern sides. The land rises from the playing areas some 10-12m until it reaches the rear gardens and properties on Merthyr Mawr Road and Glanogwr Road. The area to the north of the proposed dome is the tennis club and enclosed courts beyond which are the detached properties on Church

Road. The nearest dwelling (4 Glanogwr Court) is some 100m from the development, albeit again in an elevated position with view partially obscured by the existing trees on the eastern part of the site. To the west are further tennis courts and beyond the site boundary is part of Newbridge Fields.

Vehicle access to the tennis club is via a surfaced lane, Church Road. It joins Merthyr Mawr Road almost adjacent to that road's junction with the Bridgend Inner By-Pass (A473). The lane is some 3.7m wide and lacks footways for approximately 50m where it runs parallel with the inner by-pass. The lane then turns sharply through a 90-degree bend where there is an access to a detached dwelling, The Dell. Beyond this bend the lane continues parallel to the river Ogmore on its north-west side, first on a down gradient, where its width narrows from some 3.1m to 2.8m to then serve four detached properties on the south eastern side. A footpath also leads from the lane to Newbridge Fields. An elevated footpath which is surfaced in part, lies between Church Road and the river which is crossed by two footbridges, one close to the tennis club and the other near the 90-degree bend. The Halo Recreation Centre, swimming pool and adjacent car park are located nearby on the other side of the river.

RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/17/856/FUL	Provision of all-weather tennis courts to replace existing grass courts with new lighting. Additional lighting to existing hard surfaced courts	Conditional Consent	20 June 2019
P/17/857/OUT	Construction of new indoor tennis courts & extensions to existing clubhouse building	Application Withdrawn	20 June 2019
P/19/906/DOC	Approval of details for conditions 2, 5, 6, 7, 8 and 9 of P/17/856/FUL	Details agreed.	20 November 2020

CONSULTATION RESPONSES

CONSULTEE	COMMENTS
Bridgend Town Council	No objections.

Cllr Lyn Walters (Local Member)	My only concern with this application is regarding light pollution. Since the new lights were installed at the tennis club following a previous application, light pollution has been evident during the autumn/early spring period to late in the night. If this proposal goes ahead, will there be any time restrictions as I anticipate the outside court lights will need to be on for safety of site users accessing the facilities?
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Transportation Officer (Highways)	No objection subject to conditions.
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Shared Regulatory Services - Public Protection: Noise	No objections subject to conditions.
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Natural Resources Wales	We have no objection to the proposed development. Advice has been provided on the issue of flood risk and the developer being made aware of the potential flood risks and
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advised to install flood proofing measures as part of the development. The applicant should take measures to ensure that the proposed airdome cannot be dislodged should a flood event occur at this location. In areas at risk of flooding, we recommend that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor and locating electrical sockets/components at a higher level above possible flood levels.

REPRESENTATIONS RECEIVED

The application has been advertised on site.

Neighbours have been notified of the receipt of the application. A secondary consultation was undertaken on 10 November to clarify that the proposed inflatable airdome is to be erected for a period commencing on 1st October to 1st April. The period allowed for response to consultations/publicity has expired.

Letters of objection have been received from the owners/occupiers of 2, 3 and 4 Glanogwr Court whilst comments and concerns have been received from the owners/occupiers of 8 and 26 Glanogwr Road

The following is a summary of the representations received:

Scale and appearance and visual impact: height of dome - it will be substantially taller than their existing floodlights - the bubble will be visible from neighbouring gardens - the inflatable structure would be overpowering and out of character with what is primarily a rural setting. Light may affect neighbours - during the winter months many of the adjoining trees have shed their leaves which allows for the dome to be seen even more clearly.

Noise: Concerns that additional activities within the dome could generate noise and disturbance to nearby residents. The 24/7 operation of the inflation and heating equipment – the 'humming' in the background will have an adverse impact on the living conditions and amenities of residents. The site is in a 'bowl' and noise from the club already reverberates and becomes very audible in neighbouring gardens.

Highway safety: use for other recreational and social uses could attract additional users and more traffic along the substandard access road.

Tennis club have already caused damage to the existing access road – would have expected the Council to control the load of vehicles on the lane

Daytime traffic will increase because of the development – this will affect access to existing properties.

The barrier and the limited space on the access road results in vehicles turning into the drives of existing properties. Planning should not be given to something if it relies on the usage of third-party land usage for its traffic management plans. These reversing movements will happen more in the winter when people don't want to park in the Halo car park and decide to come down the lane to drop off

People queue in the lane awaiting the barrier to open at 10am in the morning - more than

6 cars queuing preventing access and egress to the neighbours

Highway signage should be improved.

Biodiversity interest - If heat and light is given off from the dome and its associated apparatus then this has the potential to interfere with the wildlife (bats population) in the adjacent trees

Air Pollution: The plans indicate that a gas or oil-burning heater including chimney is incorporated. We seek assurances of minimal impact from flue gases. Furthermore, we ask whether there are alternatives to burning fossil fuels which could be implemented.

Devaluation of Property: it will be in direct line of sight from our living areas.

Changes are being made that conflict with the land deeds for the tennis club

Club has failed to consult with residents - disappointed that the club has not shared with the neighbours any details of this proposed application. It's only by being members of the club and having attended the AGM that we are even aware of the development.

COMMENTS ON REPRESENTATIONS RECEIVED

The concerns/objections raised by residents in respect of visual impact, noise/air pollution and highway safety will be considered in the appraisal section. The remaining concerns are considered below:

Residents have referred to damage being caused to the lane by the tennis club in undertaking recent works. The road is not publicly maintained and is not an issue that can be resolved by the Council. The ownership of the lane is unknown although both the club and the residential properties have a right of access.

Whilst current Planning policies encourage development proposals to make a positive contribution towards tackling the causes of Climate Change through various measures, it does not suggest that applications, certainly at this scale, that would add to the demand for energy (inflating and lighting the dome) should be resisted.

No evidence has been provided to suggest that the dome would devalue property but, in any case, this would not be material to the determination of this application.

Any changes that have been made to the tennis club, either with or without Planning permission, that conflict with any legal deeds would be matters to be considered outside the Planning application process and not by the Local Planning Authority.

The tennis club's failure to consult the residents prior to the submission of the application is disappointing but not material to the determination of the application. The scale of the development did not trigger a requirement to engage in a formal pre-application consultation.

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:

Policy SP2	Design and Sustainable Place Making
Policy PLA4	Climate Change and Peak Oil

Policy SP3	Strategic Transport Planning Principles
Policy PLA11	Parking Standards
Policy SP4	Conservation and Enhancement of the Natural Environment
Policy ENV5	Green Infrastructure
Policy ENV6	Nature Conservation
Policy ENV7	Natural Resource Protection and Public Health
Policy SP13	Social and Community Facilities
Policy COM 7	Protection of Social and Community Facilities
Policy SP14	Infrastructure

Supplementary Planning Guidance

SPG 17 – Parking Standards

SPG19 – Biodiversity and 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

Planning Policy Wales TAN 5	Nature Conservation and Planning
Planning Policy Wales TAN 11	Noise
Planning Policy Wales TAN 12	Design
Planning Policy Wales TAN 16	Sport, Recreation and Open space
Planning Policy Wales TAN 18	Transport

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 into 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 Committee in view of the objections received from local

residents.

In very general terms, applications to improve existing recreational facilities in the borough are broadly welcomed. By improving playing opportunities at the site, the proposal would contribute to facilitating social interaction and creating healthy, inclusive communities. As a newly formed Community Interest Company (CIC) it is a stated aim of the club to engage positively with the community to improve the standard and availability of the facilities to support healthy living activities, in keeping with the Council's Health and Well-Being Strategy.

The tennis club site has no specific allocation in the adopted Bridgend Local Development Plan 2013 (BLDP) but it is located within the Primary Key Settlement of Bridgend which is the focus of employment, retail and services. The principle of the development is therefore acceptable. Having regard to the Planning policy framework and the representations received from local residents and consultees, the key issues to consider in the determination of this application are:

- Whether the operation of the dome and the associated inflation and heating equipment would affect the living conditions of the adjacent residents and to what extent that could be mitigated by conditions
- Whether the proposed inflatable airdome would by virtue of its scale and appearance, detract from the visual amenities of the area and those enjoyed by existing residents to an unacceptable degree
- Whether the use of the dome would generate additional traffic along the substandard access lane and the level to which the agreed traffic management measures (access-controlled barrier, restricted parking etc.) are sufficient to minimise any impacts from this development and
- Whether the dome and the associated lighting would have any adverse impact on protected species

Whether the operation of the dome and the associated inflation and heating equipment would affect the living conditions of the adjacent residents and to what extent that could be mitigated by conditions

Residents have expressed concerns regarding activities within the dome and the constant operation of the inflation and heating equipment generating noise and disturbance and affecting their living conditions. National policy establishes that appropriate soundscape contributes to a positive experience of place as well as being necessary for public health, amenity and well-being. To achieve a high-quality development it is necessary to ensure that the amenities of neighbours are not adversely affected (Policy SP2 refers).

As described earlier in the report the dome will cover two courts in the southern corner of the site. Measured from an Ordnance Survey map, the nearest properties on Glanogwr Road and Merthyr Mawr Road will be 42m and 55m from the dome. Those measurements take no account of the difference in levels between the tennis club and the properties to the south and east. The nearest property to the north of the site on Church Road is 4 Glanogwr Court. This is again elevated above the level of the courts and approximately 97m from the nearest part of the dome. Accounting for the difference in site levels and the height of the dome, it will be reasonably close to existing properties.

Noise is currently generated by activities on the existing courts as part of the lawful use of the site and this could be considered the baseline levels. The question is whether the dome which has the potential to facilitate greater use of the courts will have an adverse impact on residents. Residents have voiced concerns that the dome could be used for other recreational activities and social events. Whilst the club have acknowledged such potential in the development, the application seeks the use of the courts and dome for the

playing and coaching of tennis. Conditions could be imposed to control the future use to prevent other activities and uses. Furthermore, through any permission granted, the dome would only be operational between the following hours: Monday to Friday: 09.00 – 21.30; Saturday: 09.00 – 20:00 and Sunday and Bank Holiday: 10.00 - 20:00. This would accord with the conditions controlling the new lighting on the existing tennis courts. Outside of these times, the dome would be in darkness and not useable.

To inflate and heat the dome, compressor/heater units sited on the western side of the dome will be in constant use (24/7). From information supplied by the applicant's agent, the service units will be 59m and 89m from the nearest properties on Glanogwr Road and Merthyr Mawr Road respectively. Whilst a noise assessment has not accompanied the application, details of the noise levels including sound pressure levels of the generator and ventilation units have been provided. Officers in Shared Regulatory Services (SRS) – Neighbourhood Services have reviewed the data and have predicted that the noise levels at the nearest properties would be 33-34 dB which includes an additional 6dB for the tonality of the fans. In their opinion, noise from the service units will not have a significant impact on the amenities of residents even accounting for their 24-hour operation.

Based on the responses received from consultees and the opportunity to control activities within the dome and its hours of operation, the use is unlikely to have an unacceptable impact in terms of noise on the living conditions of residents. The relevant national and local policies are not compromised in this respect.

Whether the proposed inflatable airdome would by virtue of its scale and appearance, detract from the visual amenities of the area and those enjoyed by existing residents to an unacceptable degree

To achieve high standards in development, Policy SP2 requires design to be appropriate in scale, size and prominence whilst respecting local character. The living conditions of neighbours must also not be adversely affected.

The proposed dome will be in the southern corner of the tennis club, enclosed by a wooded embankment on its southern and eastern flanks. Covering two existing courts, the dome will reach a maximum height of 11.5m which is considerably taller than any other structures including fencing and floodlights within the tennis complex.

In the previous section of the report, the distances from the nearest properties on Glanogwr Road and Merthyr Mawr Road were set out (42m and 55m respectively from the dome). As the tennis club occupies an area of land some 10-12m below the boundaries of these properties, the dome is only likely to be visible from rear and side facing first floor windows. The glow of the lighting above the dome will however be more generally visible but it is unlikely to be obtrusive. The use of the dome and lighting will be controlled by conditions and will not be operational after 21:30 hours on weekdays and 20:00 hours on the weekend and bank holidays. Furthermore, the lighting (including within the dome) should only be illuminated when the courts directly lit by the floodlights are in use for training or the playing of tennis.

The nearest property to the north of the site on Church Road is a detached dwelling, 4 Glanogwr Court which is elevated above the level of the existing courts and approximately 97m from the nearest part of the dome. Direct views of the dome will be from existing side facing habitable room windows and the private garden area. Trees on the embankment on the eastern side of the tennis club obscure clear views of the site in the late Spring and Summer months but with the dome being erected from October to April, it will be more visible. However, given the separating distance and the height of the dome relative to the level of 4 Glanogwr Court, it would be difficult to argue that the development would be overbearing to the extent that it would significantly affect the outlook to warrant an

objection on these grounds.

Other residents on Church Road although slightly further from the proposed dome, are at a lower level and have expressed concerns about its visual impact when viewed from the gardens of the properties. From the front gardens and driveways of 2 and 3 Glanogwr Court, the dome will be clearly visible being only obscured by the relatively low boundary walls and hedging. There are however no side facing windows directly overlooking the dome which will be over 130m from the side elevation of the nearest property at the lower level. As considered above, this degree of separation is unlikely to result in any significant loss of outlook. It should be noted that the properties are orientated such that view of the dome from the more private and generous rear gardens will generally be obscured by the woodland on the embankment.

For those residents in Church Road who have a view of the tennis courts and the associated buildings, the dome is initially going to appear somewhat alien, having enjoyed views of the rising ground and the woodland on the embankments. Such views are not protected and any resultant harm caused by the introduction of the dome for the limited time within the year does not represent a significant conflict with Planning policy.

Despite the scale and form of the development, the dome should not have any adverse overbearing effect that results in an unduly oppressive living environment for the nearest residents given the separating distances and in this regard the development does not conflict with policy.

The visual impact of the development beyond those experienced by the nearest residents would be on the users of the footways and playing areas on Newbridge Fields to the west of the site, those approaching the tennis club along Church Road and pedestrians passing and returning along the footway extension into the large open spaces of Newbridge Fields to the south. Over the months the application has been processed, the mature trees either side of the River Ogmore and on the southern and western boundaries of the site have limited the wider views of the development site. That will however change in the Autumn and Winter months when the dome will be erected. When viewing the site from almost all the immediate public approaches, the dome will be seen against the backdrop of the rising ground, part of which will be obscured by the width and height of the dome. The prominence of the structure by day will be continued into the evening as the glow of the lighting across the dome will define its scale against the dark backdrop of the embankment. Similar views of the development will be available from the west but over a much greater distance. Whilst the initial impact of the dome will change the character of the view (obscuring the wooded embankment) from the users of the footways and playing areas, those views are transient or one of a sequence of views when closest to the site. The impact on visual amenity is not considered sufficient grounds to resist this development.

Whether the use of the dome would generate additional traffic along the substandard access lane and if so, the extent to which the agreed traffic management measures, (access-controlled barrier, restricted parking etc.) are sufficient to minimise any impacts from this development.

The Council recognises that the existing vehicle/pedestrian access to the tennis club and the dwellings on Church Road is constrained. Accordingly, as part of the consent to replace four of the grass courts with an all-weather surface and new lighting (P/17/856/FUL refers) conditions were imposed that required the agreement of a parking and delivery management plan and access barrier. Schemes have subsequently been approved and implemented with the overall objective being to restrict (not prevent) movements as far as practicably possible along the lane to the tennis club.

Residents suggest that, thus far, the barrier and parking management plan has resulted in vehicles either queuing in the lane or making turning movements into the driveways of the neighbouring properties. Whilst there was always likely to be some initial problems in the implementation of the controls with members and visitors having to become accustomed to the new arrangements, the plan was also required to be a live document which would allow the Council to review with the tennis club should there be any issues arising.

The concerns offered by the residents will be discussed with the tennis club and under the terms of the previous Planning permission. Members should, however, be aware that the previous consent did not intend to stop all vehicle movements to the club but rather mitigate the impacts of any additional trips that would be generated by the introduction of the all-weather tennis courts. Residents suggest that the new dome will result in additional vehicle movements along the lane above those generated by the existing court configuration. When the previously consented scheme is reviewed it is noted that it included a total of 10 tennis courts (a mix of grass and artificial surfaces). The submitted plan however indicates a total of 8 courts in operation, two of which will be covered by the dome. It appears that in re-surfacing two of the grass courts, their position in the complex was moved such that space is no longer available to form the other two courts in a manner that would accord with the original court arrangements and the plan approved under P/17/856/FUL. Accordingly, it is considered that there would be a net reduction in the overall movements to/from the club and therefore any objection on the basis that the dome will generate additional movements is not sustainable. Any future development of the site would need to be the subject of further applications and accordingly the access arrangements and management plans would be reviewed again at that time.

Whether the dome and the associated lighting would have any adverse impact on protected species

Policies SP2, SP4, ENV5 and ENV6 provide the local policy framework for assessing the impact of the development on biodiversity interests. The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty) on Welsh public authorities in the exercise of their functions. The presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is also a material consideration when a Planning Authority is considering a development proposal which if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained. Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires Local Planning Authorities to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The tests 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 proposed works do not have any direct impact on protected habitat and species but as identified by the Council's Ecologist, the lighting has the potential to impact on the roosts and feeding patterns of protected bats. The applicants have commissioned an assessment of impact and some initial meetings have taken place with the Council's ecologist. It appears that the lighting will be specifically designed to limit any 'spillage', particularly towards the trees and the riverbank. In the circumstances, a pre-commencement condition

that requires the agreement of a wildlife friendly lighting strategy will be sufficient to safeguard local biodiversity interests. Again, it should be noted that all the lighting on site including within the new dome will be extinguished after 21:30 hours. Furthermore, given that the dome will be erected during the Autumn and Winter months when the bat population are less active, the amount of time that the lighting could potentially impact upon wildlife would be limited.

Overall, the development does not conflict with Policies SP2, SP4 and ENV6 of the Local Development Plan and is unlikely to result in disturbance or harm to the protected species and their habitat.

CONCLUSION

The application is recommended for approval on the basis that the principle of upgrading this existing recreational facility is broadly in line with Policy SP13 of the Bridgend Local Development Plan 2013 which seeks the enhancement of outdoor recreation facilities and one of the well-being goals of creating a healthier Wales (Well-being and Future Generations Act).

The constraints to the development, namely the access and parking arrangements, the close proximity of residential properties and the existing biodiversity interests, have been duly considered against the policy framework and it is considered that, subject to the imposition of conditions controlling the use of the dome (for tennis and coaching only), the time that it will be erected and controls on the design and use of lighting, the development will not result in any material increase in vehicular movements to the site, or significantly affect the living conditions of residents or the character and appearance of the area to warrant a refusal of this application. Furthermore, the development is unlikely to result in disturbance or harm to species or their habitat.

On balance therefore and notwithstanding the concerns raised by the nearby residents the development is considered to be acceptable.

RECOMMENDATION

That permission be GRANTED subject to the following conditions: -

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

Site Location Plan – received on 14 July 2021

Proposed Block Plan – received on 14 July 2021

CIS2000 – Layout Drawing No: 001 – received on 14 July 2021

CIS2000 – Doors Drawing No: 004 – received on 14 July 2021

CIS2000 – Lighting Report – received on 14 July 2021

Blowtherm – Details of Warm Air Heaters for Air Inflated Structures

Blowtherm Instructions Manual for Warm Air Heaters for Pressostatic air inflated and Tensiostatic structures (Sport Installation) received on 9 September 2021

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

2. The Airdome shall only be erected for a period of six months commencing on 1st October in any given year to the 1st April in the following year. On or before the 1st April, the Airdome and all the associated equipment shall be removed from the site.

Reason: To enable the Local Planning Authority to control the development in the interests of visual amenities.

3. The tennis courts within the Airdome shall only be used for the playing and coaching of tennis and for no other purpose including any other purpose in Class D2 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: For the avoidance of doubt and to ensure a satisfactory form of development.

4. The Airdome shall only be used for the playing and coaching of tennis between the following times:

Monday to Friday: 09.00 – 21.30

Saturday: 09.00 – 20:00

Sunday and Bank Holiday: 10.00 - 20:00

Reason: To enable the Local Planning Authority to control the development in the interests of visual amenities and highway safety.

5. Notwithstanding the submitted plans and lighting report, no development shall commence on site until a detailed scheme for the proposed lighting within the Airdome has been submitted to and agreed in writing by the Local Planning Authority. The lighting scheme shall demonstrate that no spillage of light will affect the dark corridors and areas around the wooded embankment and riverside. The lighting shall be installed and maintained in accordance with the agreed scheme.

Reason: To ensure that the lighting does not have an adverse impact on any protected species or their habitat.

6. The lighting within the Dome as agreed in connection with condition 5 shall not operate (be switched on providing artificial light) outside the hours of:

Monday to Friday: 09.00 – 21.30

Saturday: 09.00 – 20:00

Sunday and Bank Holiday: 10.00 - 20:00

Reason: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.

7. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *

- i. The application is recommended for approval on the basis that the principle of upgrading this existing recreational facility is broadly in line with Policy SP13 of the Bridgend Local Development Plan 2013 which seeks the enhancement of outdoor recreation facilities and one of the well-being goals of creating a healthier Wales (Well-being and Future Generations Act). The constraints to the development, namely the access and parking arrangements, the close proximity of residential properties and the existing biodiversity interests, have been duly considered against the policy framework and it is considered that subject to the imposition of conditions that will control the use of the dome (for tennis and coaching only), the time that it will be erected and controls on the design and use of lighting, the development should not result in any increase in vehicle movements to the site, should not significantly affect the living conditions of residents or the character and appearance of the area to warrant a refusal of this application. Furthermore, the development is unlikely to result in disturbance or harm to species or their habitat.

- ii. Natural Resources Wales (NRW) has confirmed that the application site lies almost entirely within Zone C1 of the Development Advice Maps (DAM) as contained in TAN15. Given the scale nature of the proposed development and in the absence of a Flood Consequences Assessment the proposals could be acceptable subject to the developer being made aware of the potential flood risks and advised to install flood proofing measures as part of the development.

The applicant should take measures to ensure that the proposed airdome cannot be dislodged should a flood event occur at this location. In areas at risk of flooding, NRW recommends that consideration be given to the incorporation of flood resistance/ resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor and locating electrical sockets/components at a higher level above possible flood levels.

The developer is referred to NRW's website for further advice and guidance available.

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

Background papers

None

REFERENCE: P/21/926/RLX

APPLICANT: Mr G Marchesi-James: 45 South Road, Porthcawl CF36 3DG

LOCATION: 45 South Road, Porthcawl CF36 3DG

PROPOSAL: Variation of conditions 6, 7 & 8 of P/20/894/FUL to allow submission and agreement of details prior to beneficial occupation

RECEIVED: 1 October 2021

SITE INSPECTED: 21 October 2021

DESCRIPTION OF PROPOSED DEVELOPMENT & SITE DESCRIPTION

This application seeks to vary Conditions 6, 7 and 8 of P/20/894/FUL for the property known as 45 South Road, Porthcawl.

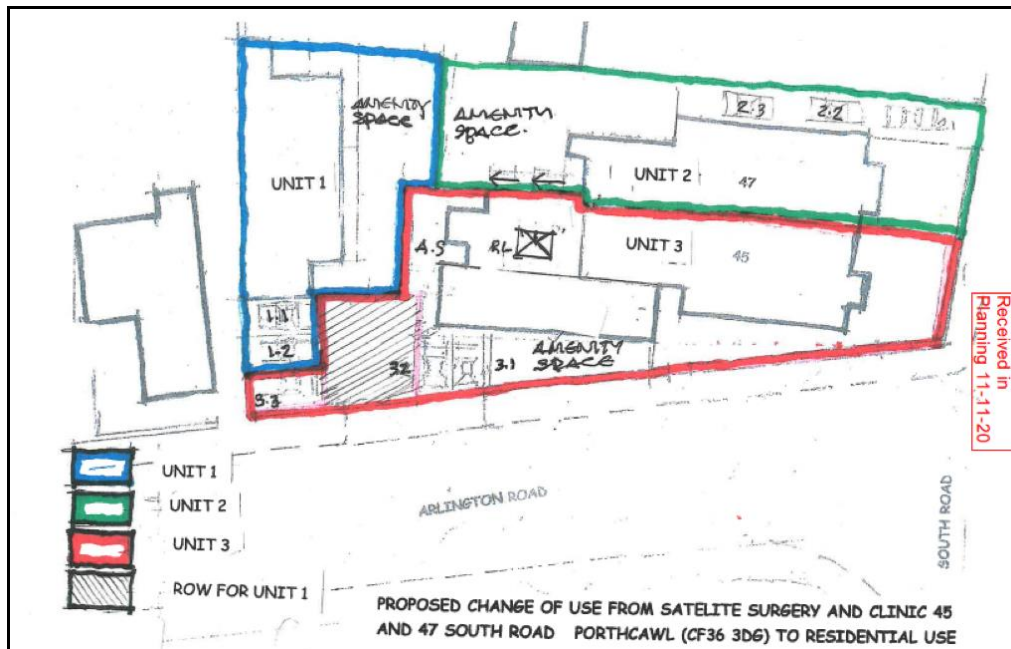
The application site is located within the Main Settlement of Porthcawl as defined by Policy PLA1 of Bridgend County Borough Council's adopted Local Development Plan (2013). It forms part of a pair of three storey semi-detached dwellings which were previously converted and used as a doctor's surgery (together with a two storey outbuilding/annex previously used as a Mother and Baby Clinic positioned to the rear of the properties (west)).

The principal elevation of the property which faces the east has a traditional appearance with stone elevations and a slate roof, as shown below. The rear of the property has painted render elevations.



Existing Front Elevation (South Road)

The application site has recently been the subject of a Planning application for the change the use of the existing doctor's surgery together with its detached Mother and Baby Clinic (Use Class D1) to three independent residential units (Use Class C3) under Planning application reference P/20/894/FUL. Planning permission was granted on 6 January 2021 and the subdivision of the application site as approved is demonstrated below:



Site Layout Plan Approved under P/20/894/FUL

Since Planning permission was granted, each individual unit identified above has been sold separately and is now under the control of three different land owners.

The application now under consideration refers to the property known as 45 South Road (Unit 3 in the drawing extract above). The Planning permission allowed for the conversion of the property to residential use which comprised a lounge, dining room and kitchen/living room at ground floor level with two bedrooms, an office area and a bathroom at first floor level and two rooms of unspecified use at second floor level. The rooms of unspecified use at second floor level are presumed to serve as additional bedrooms.

The single storey extension at the rear of number 45 was proposed to comprise a porch, study, lounge, kitchen/dining room, bathroom and bedroom at ground floor level with access externally via existing access points on the eastern and western elevations of the extension. It is now understood that the intention of the land owner is to demolish the single storey extension to provide a larger private amenity space to the rear of the property.

The property known as number 45 is accessed from an existing vehicular access point on the southern boundary of the application site adjacent to Arlington Road and has a separate pedestrian access point off South Road to the front of the property.

The site is within an established residential area where properties are predominantly two to three storeys and semi-detached of varying design and finishes, as shown below:



Google Street View Image

Works to implement Planning permission reference P/20/894/FUL on 45 South Road have begun on site and the Authority considers that the works are unauthorised, as they have been undertaken in contravention of the pre-commencement conditions imposed upon the original Planning Consent.

This application therefore seeks to vary Conditions 6, 7 and 8 of P/20/894/FUL through the submission of the relevant details to regularise the development which is the subject of this application.

RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/97/1063/FUL	Construction of reception porch and porch to mother and child unit (outbuilding)	Unconditional Consent	27/01/1998
P/19/43/FUL	Change of Use of doctor's surgery into 8 self-contained flats and conversion of the existing pre-natal clinic to garage at ground floor and 1 self-contained flat at first floor	Withdrawn	25/06/2019
P/20/272/FUL	Change of use from doctor's surgery and annex (Use Class D1) to 5 residential units with parking (Use Class C3)	Withdrawn	21/07/2020
P/20/894/FUL	Change use from doctors surgery and annex (Use Class D1) to residential use with parking (Use Class C3)	Conditional Consent	06/01/2021

CONSULTATION RESPONSES

CONSULTEE	COMMENTS
Town Council 17 November 2021	No objections.

Transportation Officer (Highways) 5 November 2021	No objection subject to the implementation of the recommended conditions.
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REPRESENTATIONS RECEIVED

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 17 November 2021.

A total of three objections have been received from the occupiers of the neighbouring properties known as 53 South Road, 3 Arlington Road and 4 Arlington Road, Porthcawl. The grounds of objection are summarised below:

- Parking Arrangements
Concerns relate to the off-street parking provision and the demolition of the boundary wall along the southern boundary of the site adjacent to Arlington Road. A request is put forward for the boundary wall to be rebuilt to protect pedestrians and to stop the occupiers of the dwelling from parking across the pavement.

- Retrospective Consent
Objectors raise concern that the applicant has sought to regularise the unauthorised development retrospectively and has not been penalised for undertaking works without consent.
- Ecology/Biodiversity
It is claimed that the applicants have removed hedge and shrubbery from around the property which has destroyed habitat for wildlife
- Caravan
Concern is raised that the owners of 45 South Road are residing within the caravan which is currently parked at the property, pending completion of the conversion of the property and there is no consent to occupy a caravan from the site.

COMMENTS ON REPRESENTATIONS RECEIVED

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

- Parking Arrangements
The matters raised which relate to off-street parking are addressed in the appraisal section of the report.
- Retrospective Consent
Whilst it is acknowledged works have commenced on site without first discharging the pre-commencement Planning conditions, this cannot be considered as a reason for the refusal of this application. The Planning system is intended to remedy the effects of the breach of Planning control if possible and any enforcement action should be commensurate with the breach of Planning control to which it relates. The intention of the applicant in this case is to remedy the breach of Planning control and this is considered to be the correct approach so the Authority will consider the proposal against the relevant Policies and supplementary Planning guidance and the acceptability of the overall scheme will be assessed on its own merits. This matter will not be addressed further in the appraisal section of the report.
- Ecology/Biodiversity
This is not relevant to the determination of this application and will not be considered further.
- Caravan
The use of the caravan is permitted by virtue of Class A, Part 4 of The Town and Country Planning (General Permitted Development) 1995 on a temporary basis in connection with and for the duration of operations being carried out on, in, under or over that land or land adjoining that land. Given this, the objections raised which relate to the occupation of a caravan are not considered further in the determination of this application.

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:

Policy PLA1 Settlement Hierarchy and Urban Management

Policy SP2	Design and Sustainable Place Making
Policy SP3	Strategic Transport Planning Principles
Policy PLA11	Parking Standards
Policy ENV6	Nature Conservation
Policy SP12	Housing
Policy COM3	Residential Re-Use of a Building or Land

Supplementary Planning Guidance 02	Householder Development
Supplementary Planning Guidance 08	Residential Development
Supplementary Planning Guidance 17	Parking Standards
Supplementary Planning Guidance 19	Biodiversity and 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

Planning Policy Wales TAN 12

Design

Planning Policy Wales TAN 18

Transport

Planning Policy Wales TAN 23

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 compromising the ability of future generations to meet their own needs (Section 5).

The well-being goals identified in the act are:

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

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of 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 neighbouring properties.

The key considerations in the determination of this application are whether the details submitted in support of Conditions 6, 7 and 8 of P/20/894/FUL are acceptable to be formally discharged.

Condition 6

Condition 6 of P/20/894/FUL refers to boundary treatments and states the following:

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

Reason: In the interests of privacy and residential amenities.

In support of this application, drawing number 2128-P02 received on 1 October 2021 shows that the existing facing brick wall with stone coping along the eastern boundary and the facing brick wall with concrete coping along the southern boundary will be retained. The feather edge fencing which denotes the property boundary along the northern and western site boundaries is also proposed to be retained at a height of 1.8 metres, as shown in the photographs below:



Existing Feather Edge Fencing Installed along property boundary

The wall along the southern boundary of the site along Arlington Road adjacent to the proposed car parking space in the south western-most corner of the application site is also proposed to be removed.

The retention of the existing facing brick boundary treatments is welcomed and will retain the appearance of the site when viewed from South Road and the corner between South Road and Arlington Road.

The installation of 1.8 metre high feather edge fencing which denotes the northern and western site boundaries is not considered to detract from the character of the area given that this is a typical boundary feature found within residential areas. Whilst the feather edge fencing is visible from public vantage points, it is not considered to be so detrimental to the character and appearance of the area to warrant a refusal of the application on such grounds and is therefore considered to be acceptable.

The information submitted is considered sufficient to vary the Planning condition to ensure the boundary treatments are retained in accordance with the detail provided. The condition will therefore be reworded.

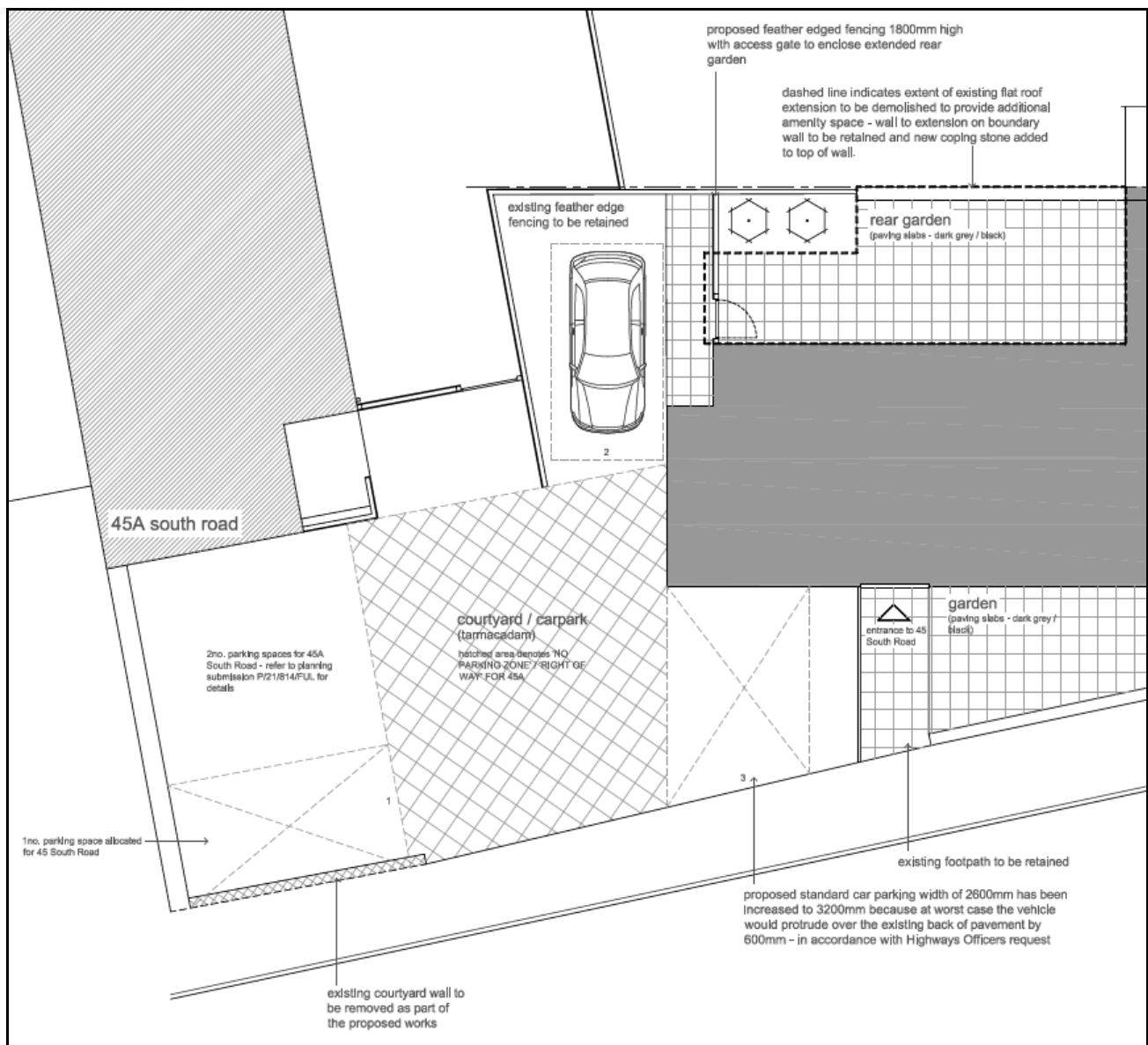
Condition 7

This condition relates to off-street car parking provision and requires the submission of a scheme for the provision of 8 off-street parking spaces (for the whole site) prior to the commencement of development. The condition reads as follows:

No development shall commence until a scheme for the provision of 8 off-street parking spaces has been submitted to and approved in writing by the Local Planning Authority. The parking areas as agreed 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.

The condition was imposed to ensure sufficient off-street car parking provision was provided. In consideration of the scheme under Planning application reference P/20/894/FUL, the conversion of Unit 3 (45 South Road) required three off-street car parking spaces to accord with the guidance contained within Supplementary Planning Guidance note 17 Parking Standards (SPG17). In support of this application a total of three off-street car parking spaces are provided for the property known as 45 South Road, Porthcawl, as shown below:



Extract of Site Plan submitted under P/21/926/RLX

The Transportation Officer considers that the parking scheme submitted for the property known as 45 South Road is sufficient and is acceptable in highway safety terms. The condition is capable of being reworded provided that it is reimposed for the properties referred to under Planning permission reference P/20/894/FUL as Unit 1 and Unit 2.

Condition 8

Condition 8 also refers to highway safety and requires the submission of a scheme detailing the boundary treatment along Arlington Road and South Road to ensure the vision splays are sufficient. As noted above, the facing brick wall with concrete coping along the southern boundary will be retained and the existing courtyard wall in the adjacent to the proposed car parking space in the south western-most corner of the application site is to be removed.

The Transportation Officer considers this arrangement to be acceptable and as such the condition is considered to be capable rewording provided that it is reimposed for the properties referred to under Planning permission reference P/20/894/FUL as Unit 2.

CONCLUSION

Having regard to the above and notwithstanding the comments received from the neighbours, on balance, the proposed variation of Conditions 6, 7 and 8 of Planning permission reference P/20/894/FUL is considered to be acceptable and the application is therefore recommended for approval. All other conditions are to be re-applied to this consent.

RECOMMENDATION

(R53) That permission is GRANTED subject to the following changes:

Condition 1

The development shall be carried out in accordance with the following drawings:

- Site Location Plan received on 11 November 2020;
- Site Layout Plan 4547:03:02 received on 11 November 2020;
- GF Plan of Nos 45/47 South Road 4547:03:05 received on 11 November 2020;
- FF&SF Plans of Nos 45/47 South Road 4547:03:07 Rev A received on 18 December 2020;
- Plans and Elevations of Annexe as Proposed 4547:03:09 Rev B received on 18 December 2020;
- Site Plan Proposed (45 South Road) 218-P02 Rev A received on 18 October 2021.

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

Condition 2

Notwithstanding Condition 1, a scheme for the provision of a 1.8 metre high privacy screen along the northern and western elevations of the balcony hereby approved at first floor level and serving the property known as 47 South Road, Porthcawl, shall be submitted to and agreed in writing by the Local Planning Authority. The balcony shall be installed in accordance with the details agreed prior to the occupation of the balcony and retained in perpetuity.

Reason: In the interests of residential amenities.

Condition 3

Notwithstanding the development hereby approved, the annex which serves Unit 3 (45 South Road, Porthcawl) as shown on drawing number 4547:03:05 received on 11

November 2020 shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 45 South Road, Porthcawl.

Reason: For the avoidance of doubt as to the extent of the permission granted and to ensure that the Local Planning Authority retain effective control over the use of the property.

Condition 4

The annex which serves Unit 3 (45 South Road, Porthcawl) as shown on drawing number 4547:03:05 received on 11 November 2020 shall be used only for purposes incidental to the enjoyment of the dwellinghouse and for no other purpose whatsoever including the carrying out of trade or business.

Reason: To safeguard the character and amenity of the area.

Condition 5

The external fire escape, platform and staircase at first and second floor levels serving Unit 2 (47 South Road, Porthcawl) shall be used solely for the purpose of an emergency fire escape and at no time shall be used for general amenity purposes.

Reason: In the interest of residential amenities.

Condition 6

Prior to beneficial occupation, a plan indicating the positions, design, materials and type of boundary treatment to be erected to serve Unit 1 (45a South Road) and Unit 2 (47 South Road) and a timetable for its implementation shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed plan and timetable and retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

Condition 7

Prior to beneficial occupation, a scheme for the provision of 6 off-street car parking spaces to serve Unit 1 (45a South Road) and Unit 2 (47 South Road) shall be submitted to and approved in writing by the Local Planning Authority. The parking areas as agreed 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.

Condition 8

The parking area to serve Unit 3 (45 South Road), as shown on drawing number 218-PO2 Rev A, received on 18 October 2021, shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and thereafter retained for the purpose of parking in perpetuity.

Reason: In the interests of highway safety.

Condition 9

The boundary treatment for Unit 3 (45 South Road), as shown on drawing number 218-PO2 Rev A, received on 18 October 2021, shall be implemented prior to the development being brought into beneficial use and thereafter retained in perpetuity.

Reason: In the interests of highway safety.

Condition 10

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

Reason: In the interests of highway and pedestrian safety.

Condition 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.

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

Background papers

None

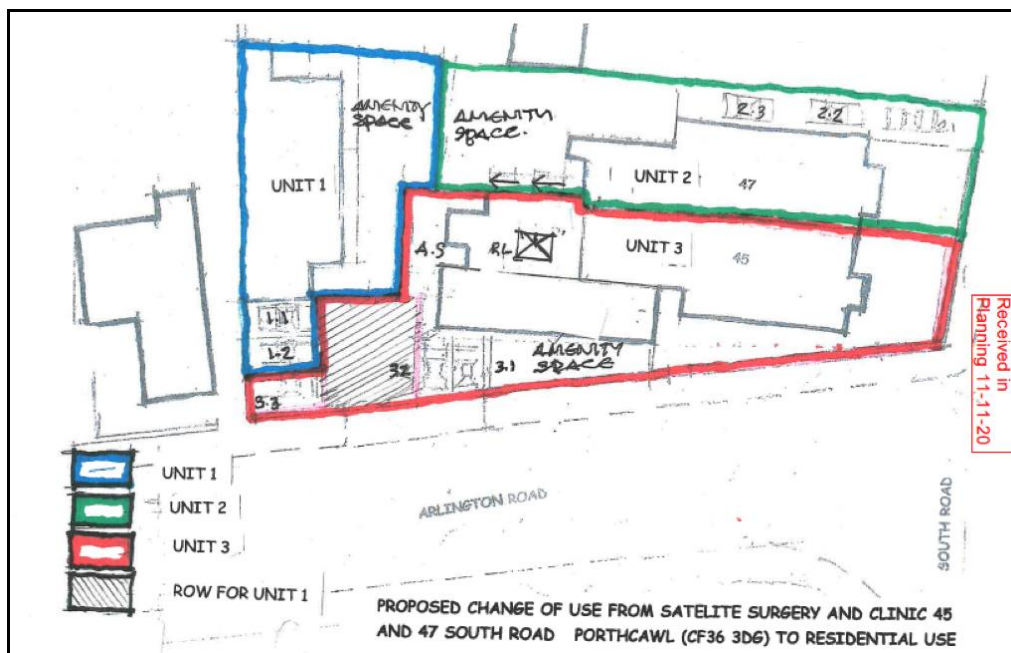
REFERENCE: P/21/814/FUL
APPLICANT: Ms N Evans: The Tythe Barn, Eglwys Nunydd, Margam SA13 2PS
LOCATION: 45a South Road, Porthcawl CF36 3DG
PROPOSAL: Retention of residential unit as built (amendment to P/20/894/FUL)
RECEIVED: 10 September 2021
SITE INSPECTED: 21 October 2021

DESCRIPTION OF PROPOSED DEVELOPMENT & SITE DESCRIPTION

This application seeks the retention of the residential unit as built at 45a South Road, Porthcawl.

The application site is located within the Main Settlement of Porthcawl as defined by Policy PLA1 of Bridgend County Borough Council’s adopted Local Development Plan (2013). It forms a two storey outbuilding/annex which was previously used as a Mother and Baby Clinic and is positioned to the rear (west) of a pair of three storey semi-detached dwellings which were previously used as a doctor’s surgery.

The application site has recently been the subject of a Planning application for the change the use of the existing doctor’s surgery together with its detached Mother and Baby Clinic (Use Class D1) to three independent residential units (Use Class C3) under Planning application reference P/20/894/FUL. Planning permission was granted on 6 January 2021 and the subdivision of the application site as approved is demonstrated below:

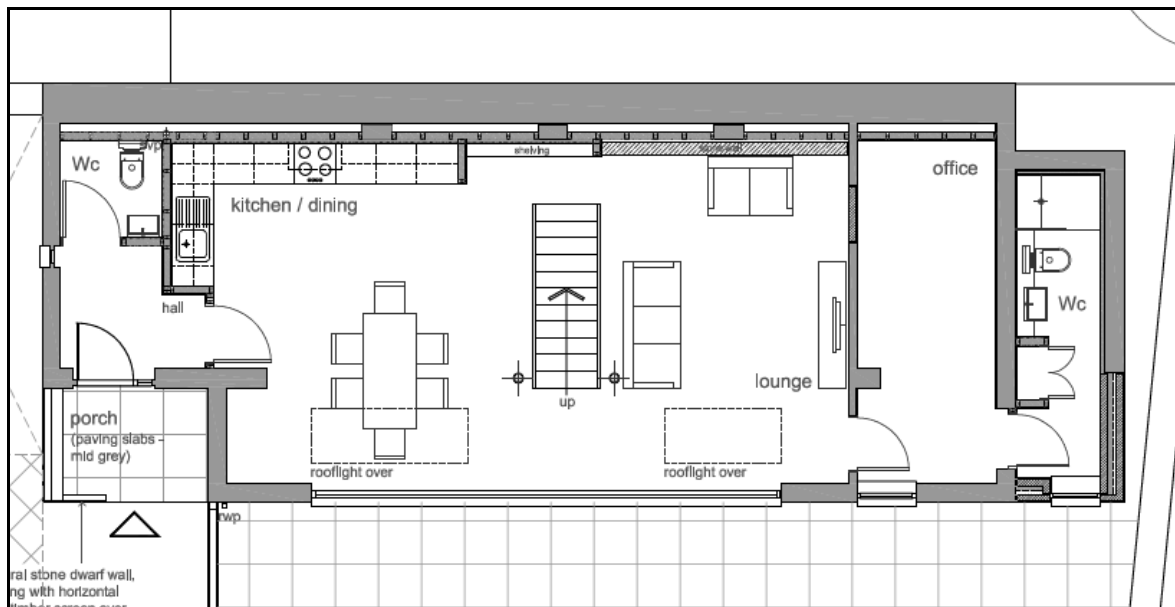


Site Layout Plan Approved under P/20/894/FUL

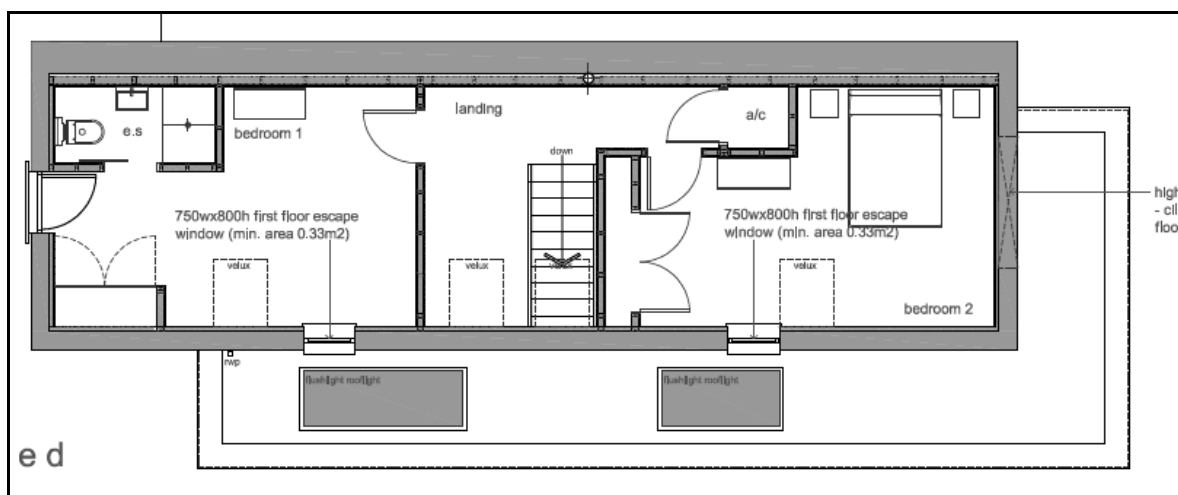
Since Planning permission was granted, each unit identified above has been sold separately and is now under the control of three separate land owners.

The application now under consideration refers to the property now known as 45a South Road, referred to as Unit 1 in the drawing extract above. The Planning permission granted (P/20/984/FUL refers) allowed for the conversion of the outbuilding/annex to residential use which comprised a living area, dining room, kitchen and bathroom at ground floor level with two bedrooms, two bathrooms and a dressing room at first floor level.

The internal arrangement of the property has been altered since the commencement of work and now comprises a porch, hallway, WC, kitchen/dining/lounge and office at ground floor level with two bedrooms and one ensuite bathroom at first floor level, as shown below:



Proposed Ground Floor Plan



Proposed First Floor Plan

In addition to the internal changes, the following alterations have been undertaken externally:

- Demolition of the existing single storey lean-to extension and erection of a single storey flat roof extension;
- Installation of high-level window in the northern elevation of the building;
- Installation of a flue in the western roof slope;
- Raising height of the roof.

Works to implement Planning permission reference P/20/894/FUL on 45a South Road have begun on site and the Authority considers that the works are unauthorised, as they have been undertaken in contravention of the pre-commencement Planning conditions imposed upon the original Planning Consent. This application therefore seeks full Planning permission retrospectively for the retention of the building as built-in order to regularise the unauthorised works.

The site is located within an established residential area where properties are

predominantly two to three storeys in height and semi-detached in nature of varying designs and finishes, as shown below:



Google Street View Image

RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/97/1063/FUL	Construction of reception porch and porch to mother and child unit (outbuilding)	Unconditional Consent	27/01/1998
P/19/43/FUL	Change of use of doctor's surgery into 8 self-contained flats and conversion of the existing pre-natal clinic to garage at ground floor and 1 self-contained flat at first floor	Withdrawn	25/06/2019
P/20/272/FUL	Change of use from doctor's surgery and annex (Use Class D1) to 5 residential units with parking (Use Class C3)	Withdrawn	21/07/2020
P/20/894/FUL	Change use from doctors surgery and annex (Use Class D1) to residential use with parking (Use Class C3)	Conditional Consent	06/01/2021

CONSULTATION RESPONSES

CONSULTEE	COMMENTS
Transportation Officer (Highways) 27 October 2021	No objection subject to the inclusion of the recommended planning condition.

REPRESENTATIONS RECEIVED

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 15 October 2021.

A total of four objections have been received from the occupiers of 2 Arlington Road, 3

Arlington Road, 53 South Road and 49 South Road, Porthcawl. The grounds of objection are summarised below:

- Retrospective Consent
Objectors raise significant concerns that the applicant has sought to regularise the unauthorised development retrospectively and has not been penalised for undertaking works without consent. Concern is raised in respect of the works continuing on site despite the applicant being informed that they are unauthorised.
- Party Wall Act
Concern is raised by the occupiers of 2 Arlington Road and 53 South Road about the impact of the development on the shared boundary walls.
- Compliance with Building Regulations
Concern is raised in respect of the developer complying with Building Regulations and undertaking more work than approved under Planning permission reference P/20/894/FUL in order to satisfy the Building Regulations. A query is specifically raised about this being a matter which should have been considered during the processing of the Planning application.
- Overshadowing
The increase in the ridge height of the building has caused overshadowing into neighbouring properties.
- Overlooking
Concerns are raised in respect of the replacement single storey lean-to extension with a flat roof and the use of the flat roof as an outdoor amenity area for future occupiers. This concern also refers to the high-level window installed in the northern elevation of the building.
- Overdevelopment of the Site
There are concerns raised that the conversion of three properties from an unused doctor's surgery and outbuilding is overdevelopment with the intention of inadequately developing the site in order to turn it over for a quick sale.
- Impact on Streetscene
The objections refer to the increase in height of the roof of the building and state that the increased ridge line is oppressive, impacts the view afforded to the existing properties and is out of character with the original building and wider residential area.
- Parking Arrangements
Concerns relate to the off-street parking provision and the demolition of the boundary wall along the southern boundary of the site adjacent to Arlington Road.

COMMENTS ON REPRESENTATIONS RECEIVED

Factors to be taken into account in making Planning decisions must be Planning matters; that is, they must be relevant to the proposed development and use of land in the public interest. The following observations are provided in response to the objections raised by local residents:-

- Retrospective Consent
Whilst it is acknowledged works have commenced on site without first discharging the pre-commencement Planning conditions and additional works have been

undertaken both internally and externally, this cannot be considered as a reason for the refusal of this application. The Planning system is intended to remedy the effects of the breach of Planning control if possible and any enforcement action should be commensurate with the breach of Planning control to which it relates. The intention of the applicant in this case is to remedy the breach of Planning control and this is considered to be the correct approach. The Authority will consider the proposal against the relevant Policies and supplementary Planning guidance and the acceptability of the overall scheme will be assessed on its own merits. This matter will not be addressed further in the appraisal section of the report.

- Party Wall Act

Although the objections received express concern about the impact of the development on the shared boundary between the application site and properties known as 2 Arlington Road and 49 South Road, this is considered to be a private matter. Whilst the concerns of local residents are noted, the Planning system should not be used to secure objectives which are more appropriately achieved under other legislation, such as The Party Wall Act 1996. It is therefore considered that the Local Planning Authority has addressed the concerns raised from a Planning perspective and any subsequent need to obtain consent that may be necessary is the responsibility of the developer and/or land owner. An informative note will be imposed to remind the developer and/or landowner of their responsibility to ensure development is safe and secure.

- Compliance with Building Regulations

The matters raised which relate to Building Regulation compliance are not considered to be material to the determination of this Planning application and will not be addressed further in the appraisal section of the report. It is the responsibility of the applicant/developer to ensure Building Regulation Approval.

- Overshadowing

This matter is addressed in the appraisal section of the report.

- Overlooking

This matter is addressed in the appraisal section of the report.

- Overdevelopment of the Site

The intentions of the land owners are not material to the determination of this application and will not be addressed further.

- Impact on Streetscene

The impact of the development on the streetscene and character and appearance of the area is addressed in the appraisal section of the report.

- Parking Arrangements

The matters raised which relate to off-street parking are addressed in the appraisal section of the report. Notwithstanding this, the boundary wall which lies adjacent to Arlington Road is not within the ownership of the applicant and does not form part of the application site for 45a South Road. This matter is therefore not addressed further in the determination of the application,

RELEVANT POLICIES

Local Policies

The Bridgend Local Development Plan 2006-2021 (LDP) was formally adopted by the

Council in September 2013 and the following Policies and supplementary Planning guidance are relevant:

Policy PLA1	Settlement Hierarchy and Urban Management
Policy SP2	Design and Sustainable Place Making
Policy SP3	Strategic Transport Planning Principles
Policy PLA11	Parking Standards
Policy ENV6	Nature Conservation
Policy SP12	Housing
Policy COM3	Residential Re-Use of a Building or Land

Supplementary Planning Guidance 02	Householder Development
Supplementary Planning Guidance 08	Residential Development
Supplementary Planning Guidance 17	Parking Standards
Supplementary Planning Guidance 19	Biodiversity and 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

Planning Policy Wales TAN 12

Design

Planning Policy Wales TAN 18

Transport

Planning Policy Wales TAN 23

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 compromising the ability of future generations to meet their own needs (Section 5).

The well-being goals identified in the act are:

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

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of 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 occupiers of the neighbouring properties.

The key considerations in the determination of this application are whether the changes undertaken since Planning permission was previously granted under Planning reference P/20/894/FUL are acceptable.

PRINCIPLE OF DEVELOPMENT

The application site is located within the Main Settlement of Porthcawl as defined by Policy PLA1 of the Local Development Plan (2013) (LDP). Policy PLA1 states that development will be permitted within settlement boundaries at a scale commensurate with the role and function of that settlement.

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 Policy is intended to support the re-use of buildings and land to maximise housing opportunities within the identified settlements and re-use underutilised land in urban areas to reduce the need to develop greenfield sites.

As Planning permission has been granted for the conversion of the vacant doctor’s surgery (D1 Use Class) to residential use (C3 Use Class) under Planning permission reference P/20/894/FUL, the principle of development is considered to be acceptable in this case given the fallback position. As such, the development is considered to be acceptable from a Policy perspective and is compliant with Policies COM3 and PLA1 of the Local Development Plan (2013).

DESIGN/IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

The main considerations in the determination of this application are the acceptability of the changes made to the building since Planning permission was previously granted early in 2021. As noted above, the external changes comprise the raising of the height of the roof, the installation of a flue in the western roof slope, the installation of a high-level window in the northern elevation of the building and the demolition and replacement of a single storey lean-to extension with a flat roof extension.

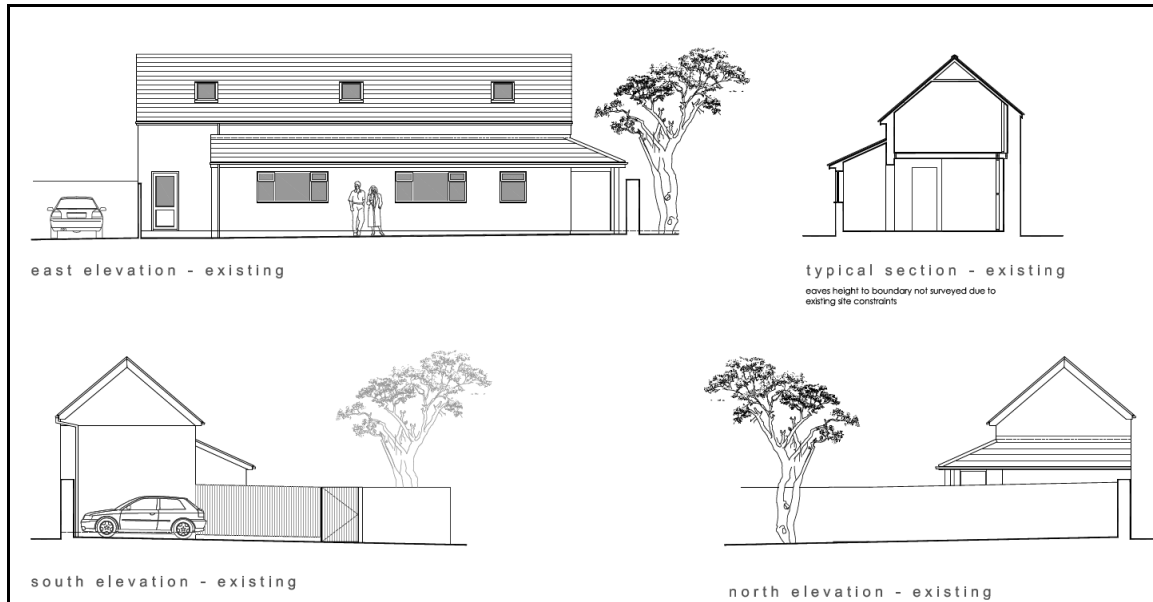
Placemaking considers the context, function and relationships between a development site and its wider surroundings. It adds social, economic, environmental and cultural value to development proposals resulting in benefits which go beyond a physical development boundary and embed wider resilience into Planning decisions.

Planning Policy Wales (Edition 11, February 2021) 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 details of the scheme fall to be 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”. Guidance contained within Supplementary Planning Guidance Note 02 Householder Development (SPG02) is also considered as it refers specifically to the design of extensions and alterations to detached, semi-detached or terraced houses and bungalows and sets out objectives that define what is considered to be acceptable in design terms.

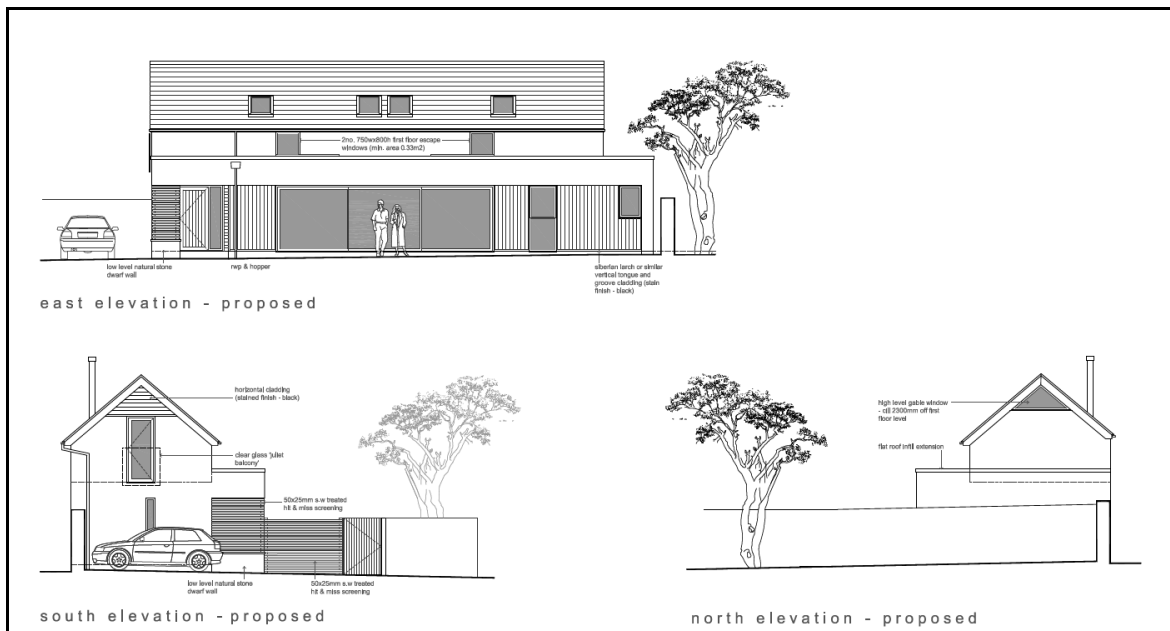
Firstly, consideration is given to the raising of the ridge line of the building. This matter is a source of contention and objection by local residents as being unacceptable in visual amenity terms. Whilst it is acknowledged that the height of the roof has increased without the benefit of Planning permission, this application seeks to regularise the changes and therefore the increase in overall ridge height will be assessed against the aforementioned Policies and on its own merits.

The ridge height of the outbuilding/annex approved under Planning permission reference P/20/894/FUL measured 6 metres, as shown below:



Existing Elevations

The ridge line has increased by 300mm to a maximum height of 6.3 metres, as shown below:



Proposed Elevations

Criterion (3) of Policy SP2 of the Local Development Plan (2013) states that development should be “of an appropriate scale, size and prominence”. The increase in overall height of the building is not considered to be so harmful to the character or appearance of the building or wider streetscene when viewed from public vantage points to the extent that would warrant a refusal of Planning permission on such grounds. The building, despite

being increased by 300mm, is still set below the ridge line of the adjoining properties and does not extend beyond the established height of the buildings within the immediate vicinity of the application site. It will therefore not be an incongruous addition to the streetscene and will not distract from its character.

On balance, the scale of the increase of the building by 300mm in height is not considered to be so detrimental to the character and appearance of the streetscene to warrant a refusal of Planning permission on such grounds and, therefore, this element of the proposal is considered to be an acceptable form of development which accords with Policy SP2 of the Local Development Plan (2013).

Secondly, the installation of a flue in the western roof slope is also a cause for concern for neighbouring residential properties. The flue sits relatively centrally within the roof slope and extends 2 metres above the roof plane, 60mm above the ridge height of the roof. Again, whilst the flue sits slightly above the ridge line of the building, its prominence within the streetscene is not so harmful to as to warrant a refusal of Planning permission on such grounds. The building is set back from the southern boundary adjoining Arlington Road by 7.75 metres and the flue will be set back a further 8 metres, so that it will be positioned 15.75 metres away from the adjoining pedestrian footway. Given this, it is not considered that its introduction would be harmful to the character or appearance of the area owing to its prominence and on balance, it is considered to be acceptable.

The occupiers of neighbouring properties have raised concern that the fumes emanating from the flue are dangerous and the position and height of the flue are *against all regulations*. Whilst the comments are acknowledged, the Planning system should not be used to secure objectives which are more appropriately achieved under other legislation, which in this case would be dealt with by Shared Regulatory Services Pollution Section.

In addition to the above, since granting Planning permission, the applicant has demolished the existing single storey lean-to extension and replaced it with a flat roof single storey extension, as shown below:



Single Storey Extension to be Retained

Whilst larger than the previous addition, the extension is considered to be of an appropriate scale as it remains as an addition which is subordinate to the main building. Given that it is positioned on the eastern elevation of the existing building and is set back from the building line, it is considered to be of an appropriate prominence within the streetscene and does not detract from the character or appearance of the residential area.

The proposed retention of the development as built is considered to be of an appropriate

size, scale and prominence, has an appropriate finish and does not detract from the character and appearance of the existing building or wider streetscene. It is therefore considered to be acceptable from a design perspective in accordance with Policy SP2 of the Local Development Plan (2013).

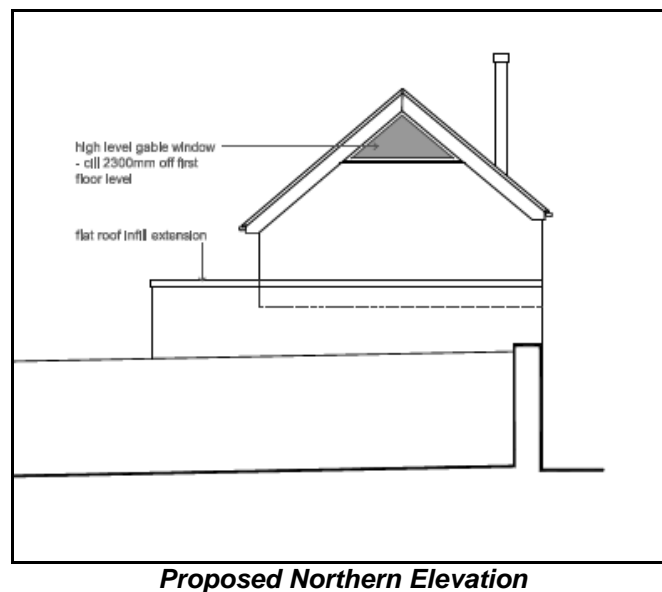
NEIGHBOURING/RESIDENTIAL AMENITY

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 and in addition, seeks to ensure that an appropriate level of amenity is afforded to future occupiers of a development.

As the internal arrangement has been altered since consent was granted under Planning permission reference P/20/894/FUL, consideration must be given to Notes 1, 2 and 6 of SPG02 which refer to overlooking, overshadowing and privacy.

Paragraph 4.6.1 of SPG02 states that “a sense of privacy within the house and a freedom from overlooking in at least part of the garden are aspects of residential amenity” which should be protected. The previous consent allowed for the installation of a window in the northern elevation of the building which was proposed to serve a staircase however, the as built arrangement shows the installation of a high level gable window on the northern elevation which will serve a bedroom, as shown below:



Concern has been raised by local residents that the installation of the gable window will result in overlooking into the garden areas of the properties to the north of the site on South Road. The window is set 2300mm (7.5ft) above the first floor level of the building and is therefore highly unlikely to cause overlooking. Photographs of the window are provided below:



Internal Window Opening as built

The Authority does not consider that the introduction of a window in the gable of the building will result in overlooking into the properties to the north of the application site and therefore the installation of the window is considered to be acceptable.

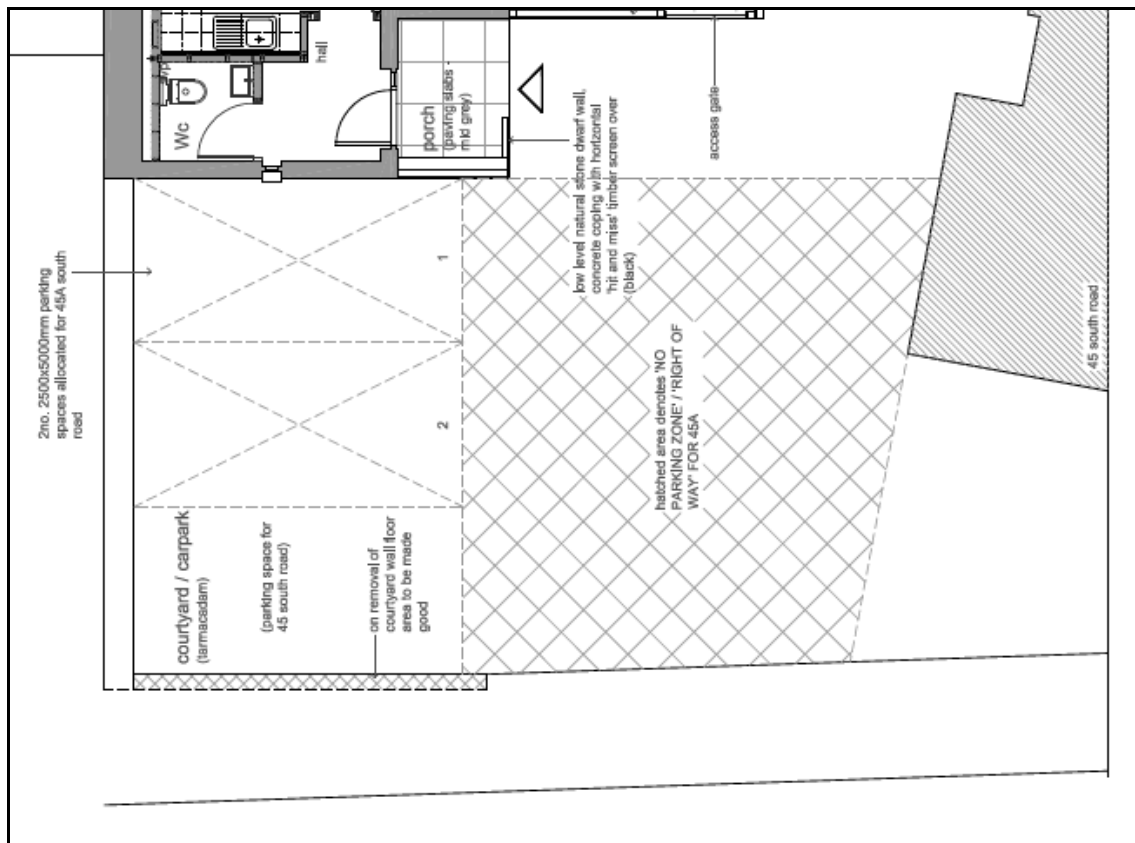
In order to satisfy Building Regulations, the applicant has been required to install escape windows in the first floor level of the building. Each window will measure 750mm in width and 800mm in height. As the windows are located on the eastern elevation and have the potential to cause overlooking into the properties known as 45 and 47 South Road, Porthcawl, it is considered necessary to impose a condition which ensures the windows are obscurely glazed. One of the letters of objection received referenced the flat roof of the extension being used as amenity space and in order to address this concern, a condition will be imposed to prevent the use of the flat roof for such a purpose.

Subject to the imposition of appropriately worded Planning conditions, it is considered that the proposed scheme will not have a significant adverse impact on the amenities of the existing neighbouring properties or the future occupiers of the residential units and the scheme therefore accords with criterion (12) of Policy SP2 of the Local Development Plan (2013) and SPG02.

HIGHWAY SAFETY AND PARKING PROVISION

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. By extension this is taken to include the availability of parking facilities and servicing/delivery arrangements required to ensure appropriate road connections. In this location future occupiers of the proposed development will enjoy good linkages in terms of walking and public transport to the town centre and public transport hubs. The site is therefore considered to be sustainably located and will result in instances of on-street parking being reduced, satisfying the guidance contained within Policy SP2 of the Local Development Plan (2013).

In general terms Supplementary Planning Guidance note 17 Parking Standards (SPG17) suggests that for residential development, provision of one parking space per bedroom is appropriate to a maximum of three spaces per dwelling. As per the Planning consent granted under Planning permission reference P/20/894/FUL, the annex/outbuilding comprises two bedrooms and generates a requirement for two off-street car parking spaces. The submitted proposal indicates the provision of two spaces to the front/south of the residential unit, accessed off Arlington Road, as shown below:



Proposed Off-Street Car Parking Provision

In order to ensure the car parking spaces are retained in perpetuity, the Transportation Officer has requested the imposition of a Planning condition which requires the parking area to be completed in permanent materials with the individual spaces clearly demarcated prior to the development being brought into beneficial use. Therefore, subject to the imposition of the recommended Planning conditions, the scheme is considered to be acceptable from a highway and pedestrian safety perspective and is compliant with the guidance contained within SPG17 and Policies PLA11 and SP3 of the Local Development Plan (2013).

LAND DRAINAGE

Criterion (13) of Policy SP2 of the Local Development Plan (2013) states that developments should incorporate “appropriate arrangements for the disposal of foul sewage, waste and water”.

In this case, there is minimal increase in the footprint of the development and it is therefore assumed that the proposal will not require additional connections to the public sewerage system. No objection was raised by Dwr Cymru Welsh Water or the Land Drainage Section previously and therefore, this proposal is considered to be acceptable from a drainage perspective in accord with criterion (13) of Policy SP2 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 changes made to the building since Planning permission was granted under P/20/894/FUL are appropriate in terms of their size, scale and prominence and do not detract from the character and appearance of the building or residential area to warrant a refusal on such grounds. In terms of residential amenity, it is considered that the development as built will not result in any form of overlooking or overbearing impact and, subject to the imposition of the recommended Planning conditions, is compliant with criterion (12) of Policy SP2 of the Local Development Plan

(2013) and SPG02. The scheme is considered to be acceptable from a highway and pedestrian safety perspective and is compliant with the guidance contained within SPG17 and Policies PLA11 and SP3 of the Local Development Plan (2013) and no concerns are raised in respect of drainage. On balance, the development is considered to be acceptable and is recommended for approval.

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:
 - Site Location Plan 2118-P05 received on 10 September 2021;
 - Elevations Proposed 2111-P04 received on 10 September 2021;
 - Ground and First Floor Plans Proposed 2118-P03 Rev B received on 25 October 2021.

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

2. Notwithstanding Condition 1, the external fire escape windows and flat roof serving the single storey extension, as shown on drawing numbers 2111-P04 received on 10 September 2021 and 2118-P03 Rev B received on 25 October 2021, shall be used solely for the purpose of an emergency fire escape. The roof area of the extension shall not be used as a storage area, balcony, roof garden or similar amenity area

Reason: In the interests of neighbouring residential amenities and to ensure a satisfactory form of development.

3. The external fire escape windows, as shown on drawing numbers 2111-P04 received on 10 September 2021 and 2118-P03 Rev B received on 25 October 2021, shall be fitted with obscure glazing prior to the beneficial occupation of the approved extension and retained as obscure glazed in perpetuity.

Reason: To protect the privacy and residential amenities of the neighbouring properties known as 45 and 47 South Road, Porthcawl.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway and pedestrian safety.

6. 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.

7. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *

Having regard to the above and notwithstanding the objections raised, in this case and on balance, it is considered that the changes made to the building since Planning permission was granted under P/20/894/FUL are appropriate in terms of their size, scale and prominence and do not detract from the character and appearance of the building or residential area to warrant a refusal on such grounds. In terms of residential amenity, it is not considered that the development as built results in any form of overlooking or overbearing and subject to the imposition of the recommended Planning conditions, is compliant with criterion (12) of Policy SP2 of the Local Development Plan (2013) and SPG02. The scheme is considered to be acceptable from a highway and pedestrian safety perspective and is compliant with the guidance contained within SPG17 and Policies PLA11 and SP3 of the Local Development Plan (2013) and no concerns are raised in respect of drainage. On balance, the development is considered to be acceptable and is recommended for approval.

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.

The applicant is advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water's maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. The applicant may contact Dwr Cymru Welsh Water on 0800 917 2652 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.

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

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

The applicant should be advised that any building materials delivered to the development site shall not be deposited or stored on the highway, without the express PRIOR consent of Bridgend County Borough Council as the Highway Authority.

The developer should make every effort to ensure surface water from any permanent surface drains onto adjacent porous surfaces, thereby reducing the demand on the drainage system. Alternatively, the developer may wish to explore the use of permeable materials although compacted chippings would not be considered acceptable as they are likely to be dragged onto the highway to the detriment of highway and pedestrian safety. As a result of the above, impermeable surfacing such as concrete or tarmacadam should not be considered as a first option.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background papers

None

APPEALS

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

CODE NO.	CAS-01379-M4T9Y9 (1931)
APPLICATION NO.	T/21/54/TPO
APPELLANT	MR PAUL EVANS
SUBJECT OF APPEAL	FELL 33 TREES OF VARYING SPECIES AND PROVIDE REPLACEMENT TREES ALONG THE SOUTHERN, WESTERN AND NORTHERN SITE BOUNDARIES [AMENDED TREE REPORT RECEIVED 3-8-21 AMENDING THE NUMBER OF TREES TO FELL FROM 30 TO 33]
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. Insufficient justification has been provided for the felling of all 33 trees, which would adversely affect the biodiversity characteristics of the site and the identified Site of Importance for Nature Conservation (SINC) known as Cefn Glass Wood (Graig-y-Casnewydd), as well as the visual amenities of the wider area, contrary to the provisions of Policies ENV4, ENV5 and ENV6 of the Local Development Plan (2013) and guidance contained within Supplementary Planning Guidance 19 (Biodiversity and Development).
2. The removal of the trees will result in the loss of a visually important green backdrop in a highly visible location that makes a significant contribution to visual amenity in the area, which cannot be mitigated by the replanting scheme proposed. As such the proposal is contrary to Policy SP2 of the Local Development Plan (2013).

CODE NO.	CAS-00516-Y9X4W2 (1932)
APPLICATION NO.	P/21/497/FUL
APPELLANT	MR & MRS C CHARLES
SUBJECT OF APPEAL	TWO STOREY SIDE/REAR EXTENSION WITH JULIETTE BALCONY: 7 BRYNTIRION HILL BRYNTIRION
PROCEDURE	HOUSEHOLDER
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed rear extension, by reason of its siting, scale and design, represents an unneighbourly and unacceptable form of development which has a detrimental impact on the residential amenities enjoyed by the occupiers of the neighbouring properties known as 9 & 10 Woodland Rise by way of loss of privacy. The proposal is therefore contrary to Policy SP2 of the Bridgend Local Development Plan (2013), Supplementary

Planning Guidance 02: Householder Development (2008) and advice contained within Technical Advice Note 12 - Design (2016), Planning Policy Wales (Edition 11, February 2021) and Future Wales – the National Plan 2040 (Feb 2021).

2. The proposed side extension, by reason of its siting, scale and proximity to the boundary with 9 Bryntirion Hill, would have an unreasonably overbearing impact on occupiers of the adjoining property, to the detriment of the residential amenities enjoyed by the occupiers of that property, particularly when using their private rear garden. The proposal is therefore contrary to Policy SP2 of the Bridgend Local Development Plan (2013) and advice contained within Supplementary Planning Guidance 02: Householder Development (2008).
3. The proposed development, by reason of its size and siting, will result in an unacceptable loss of on-site parking provision that will generate additional demand for on-street parking to the detriment of highway and pedestrian safety, contrary to Policy SP2 of the adopted Bridgend Local Development Plan (2013) and advice contained within Note 9 of Supplementary Planning Guidance 2: Householder Development and Supplementary Planning Guidance 17 Parking Standards (2013)

RECOMMENDATION

That the report of the Corporate Director Communities be noted.

Janine Nightingale

CORPORATE DIRECTOR COMMUNITIES

Background Papers (see application reference number)

TRAINING LOG

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

<u>Subject</u>	<u>Date</u>
Updated Planning Policy – Flooding and Coastal Erosion (TAN15 update)	8 December 2021
Listed Building Consent delegation from CADW	19 January 2022
Minerals update	2 March 2022
Tree Policy - Green infrastructure	13 April 2022
Public Rights of Way / Bridleways	25 May 2022
Amenity space – Building in gardens workshop	6 July 2022
Building in Conservation Areas	17 August 2022

(Members are reminded that the Planning Code of Practice, at paragraph 3.4, advises that you should attend a minimum of 75% of the training arranged).

Recommendation:

That the report of the Corporate Director Communities be noted.

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

BACKGROUND PAPERS

None

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