

# Public Document Pack

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

### Bridgend County Borough Council



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

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

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



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

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

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

**Dyddiad/Date:** Friday, 25 February 2022

Dear Councillor,

#### **DEVELOPMENT CONTROL COMMITTEE**

A meeting of the Development Control Committee will be held remotely - via Microsoft Teams on **Thursday, 3 March 2022 at 14:00.**

#### **AGENDA**

1. Apologies for Absence  
To receive apologies for absence from Members.
2. Declarations of Interest  
To receive declarations of personal and prejudicial interest (if any) from Members/Officers including those who are also Town and Community Councillors, in accordance with the provisions of the Members' Code of Conduct adopted by Council from 1 September 2008. Members having such dual roles should declare a personal interest in respect of their membership of such Town/Community Council and a prejudicial interest if they have taken part in the consideration of an item at that Town/Community Council contained in the Officer's Reports below.
3. Approval of Minutes 3 - 6  
To receive for approval the minutes of the 27/01/22
4. Public Speakers  
To advise Members of the names of the public speakers listed to speak at today's meeting (if any).
5. Amendment Sheet  
That the Chairperson accepts the Development Control Committee Amendment Sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be accommodated.
6. Development Control Committee Guidance 7 - 10
7. P/21/807/FUL - Land Adj to Ty Gwyn, Heol y Graig, Porthcawl CF36 5PB 11 - 30

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|-----|--|-----------|
| 8.  | <u>P/21/551/OUT - Land rear of 30-32 High Street, Ogmore Vale CF32 7AD</u>   | 31 - 42   |
| 9.  | <u>T/21/77/TPO - 10 Caer Newydd, Brackla CF31 2JZ</u>  | 43 - 48   |
| 10. | <u>Appeals</u>   | 49 - 62   |
| 11. | <u>Outdoor Recreation Facilities and New Housing Developments Supplementary Planning Guidance</u>  | 63 - 84   |
| 12. | <u>Listed Building Consent Delegation</u>  | 85 - 94   |
| 13. | <u>BCBC LPA Response to Welsh Government Consultation on Amendments to the Town and Country Planning (General Permitted Development) Order 1995</u>  | 95 - 132  |
| 14. | <u>Training Log</u>  | 133 - 134 |
| 15. | <u>Urgent Items</u><br>To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency. |           |

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](mailto: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

## DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 27 JANUARY 2022

### MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD REMOTELY - VIA MICROSOFT TEAMS ON THURSDAY, 27 JANUARY 2022 AT 14:00

#### Present

Councillor G Thomas – Chairperson

JPD Blundell  
DK Edwards  
MC Voisey

N Clarke  
MJ Kearns  
KJ Watts

RJ Collins  
JC Spanswick  
RE Young

SK Dendy  
RME Stirman

#### Apologies for Absence

RM Granville, A Hussain and CA Webster

#### Officers:

Rhodri Davies	Development & Building Control Manager
Jane Dessent	Solicitor
Craig Flower	Planning Support Team Leader
Mark Galvin	Interim Democratic Services Manager
Hayley Kemp	Principal Planning Officer
Robert Morgan	Senior Development Control Officer
Jonathan Parsons	Group Manager Development
Andrew Rees	Democratic Services Officer - Committees
Leigh Tuck	Senior Development Control Officer

#### 553. DECLARATIONS OF INTEREST

Councillor N Clarke declared a prejudicial interest in Agenda item 7, in that she had objected to the application. Councillor Clarke left the meeting whilst this item was being considered.

#### 554. APPROVAL OF MINUTES

RESOLVED: That the Minutes of a meeting of the Development Control Committee dated 9 December 2021, be approved as a true and accurate record.

#### 555. PUBLIC SPEAKERS

The following Member/Invitee at the meeting, exercised their right to speak on the undermentioned application:-

Councillor N Clarke – Ward Member (and objector) - P/20/953/FUL  
Geraint John – Applicant's Agent - P/20/953/FUL

#### 556. 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.

557. 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.

558. P/20/953/FUL - BRODAWEL CAMPING & TOURING PARK MOOR LANE, PORTHCAWL CF36 3EJ

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

Proposal

Siting of 25 static caravans, associated infrastructure, ecological and landscaping enhancements, and the retention of 68 touring pitches (resulting in 93 total number of units - reduction of 57 touring pitches)

Subject to the following added Conditions 15 and 16:-

15. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Method Statement shall be adhered to throughout the site clearance and construction period. The Statement shall provide for: i. the routing of HGV construction traffic to/from the site in order to avoid the village of Nottage; ii. specify the type and number of vehicles used during construction; iii. the parking of vehicles of site operatives and visitors; iv. loading and unloading of plant and materials; v. storage of plant and materials used in constructing the development; vi. details of how and where the assembly of the wooden chalets will take place and the programming of such works; vii. wheel washing facilities; viii. measures to control the emission of dust and dirt during construction; ix. the provision of temporary traffic and pedestrian management along the agreed construction route.

**Reason:** In the interests of highway safety.

16. No development shall commence until a Traffic & Delivery Management Plan for the site has been submitted to and agreed in writing by the Local Planning Authority. All guest arrivals and departures and servicing and delivery vehicles movements to the site shall be made in accordance with the agreed Traffic & Delivery Plan once the development is brought into beneficial use.

**Reason:** In the interests of highway safety.

559. **APPEALS**

**RESOLVED:**

- (1) That the Appeals received since the last report of the Corporate Director – Communities to Committee as listed in the report, be noted.
- (2) That the following Appeals determined by the Inspector(s) appointed by Welsh Ministers, be Dismissed:-

**Appeal No's.**

**Subject of Appeals:**

A/21/3277328 (1925)

Demolish Existing Ground Floor Bathroom/Wc and Store; Construct Two Storey Side/Rear Extension; Single Storey Rear Extension With Balcony above; Single Storey Side Extension; Detached Garage Glandyrus, Caehelig, Bryncethin (The costs application was also dismissed)

A/21/3271534 (1927)

Retention of Lockable Steel Container Land at the Rear of 1 & 2 Jubilee Gardens and Adjacent to The Barn, Porthcawl

A/21/3278527 (1928)

Change of Use from Potato Store to Builders Yard and Workshop, Land at the Rear of 1 & 2 Jubilee Gardens and Adjacent to The Barn, Porthcawl

A/21/3281824 (1930)

Prior notification for Proposed 20.0m Phase 8 Monopole with Wraparound Cabinet at Base and Associated Ancillary Works, Land next to Farm Foods, Pentre Felin Retail Park, Tondu

A/21/3280373 (1926)

Variation of Condition 1 of Planning Permission Ref. P/14/65/RLX to Allow Deliveries to the Store between the Hours of 06:00 Hours – 22:00 hours Monday to Saturday and 07:00 hours – 20:00 hours on Sundays and Bank Holidays for a period of 6 Months, Aldi, Llynfi Road, Maesteg

- (3) The Inspector appointed by the Welsh Ministers to determine the following Appeal directed that the Appeal be Allowed subject to Conditions:-

D/21/3281863

Two Storey/Single Storey rear extensions 4 Bower Street, Kenfig Hill.

560. **TRAINING LOG**

**RESOLVED:**

That the training sessions as detailed in the report of the Corporate Director – Communities on various topics relating to Planning and Development over the coming months, be noted.

561. **URGENT ITEMS**

None.

The meeting closed at 14:44

## Development Control Committee Guidance

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

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

### STANDARD CONDITIONS

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

#### Time-limits on full permission

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

#### Time-limits on outline permissions

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

#### Variation from standard time-limits

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

### STANDARD NOTES

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

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

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

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

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

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

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



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

## **THE SITE INSPECTION PROTOCOL**

The Site Inspection Protocol is as follows:-

### **Purpose**

#### **Fact Finding**

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

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

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

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

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

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

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

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

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

### **Inappropriate Site Visit**

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

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

### **Format and Conduct at the Site Visit**

#### **Attendance**

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

### **Officer Advice**

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

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

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

### **Code of Conduct**

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

### **Record Keeping**

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

### **Site Visit Summary**

In summary site visits are: -

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

### **Frequently Used Planning Acronyms**

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

**REFERENCE:** P/21/807/FUL  
**APPLICANT:** A Rees & J Rees Naylor: Ty Mawr, Llangan CF35 5DW  
**LOCATION:** Land adjacent to Ty Gwyn, Heol y Graig, Porthcawl CF36 5PB  
**PROPOSAL:** Erection of 3 detached dwellings and associated works  
**RECEIVED:** 25 August 2021  
**SITE INSPECTED:** 23 September 2021

## APPLICATION/SITE DESCRIPTION

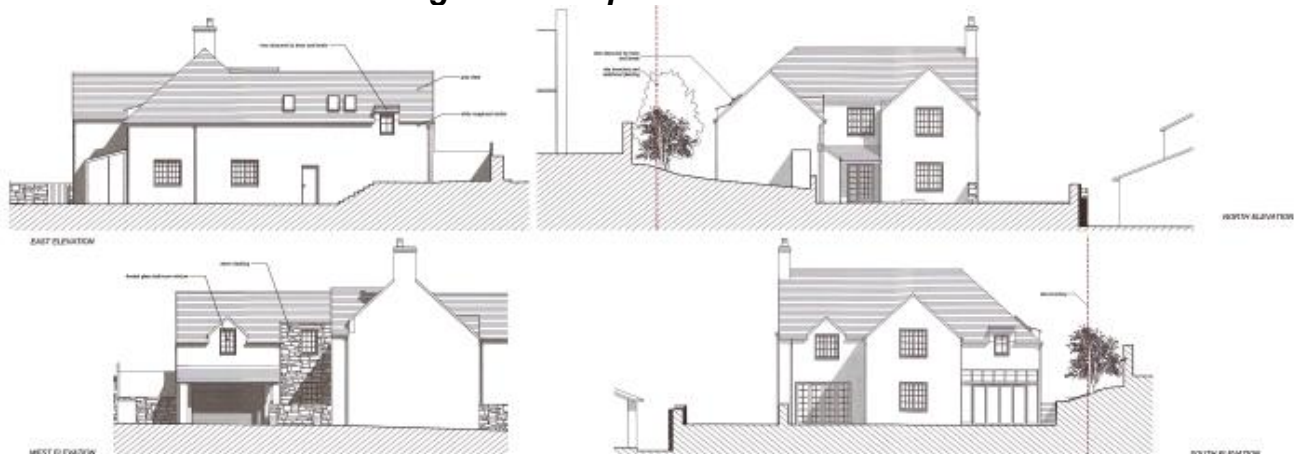
The application relates to the re-submission of a previous planning application reference P/18/618/FUL and seeks full Planning permission for the erection of 3 detached dwellings and associated works on land adjacent to Ty Gwyn, Heol y Graig, Porthcawl.

Planning application P/18/618/FUL for the erection of 3 detached dwellings and associated works at the above-mentioned site was approved (subject to a S106 Agreement) by the Council's Planning Committee on 11 October 2018. The S106 Agreement was not signed within a reasonable time period and despite numerous attempts with the applicant and their agent to engage with the Local Planning Authority in an effort to issue the decision, the Local Planning Authority decided to finally dispose of the application on the 12 April 2021. The applicant has now engaged with the Local Planning Authority to sign the S106 agreement and this application has been re-submitted with a proposed scheme that is wholly the same as the previously consented applications.

The application site is relatively level and measures approximately 2900 square metres in area. The site originally formed part of a farm and included a single dwelling known as Ty Gwyn.

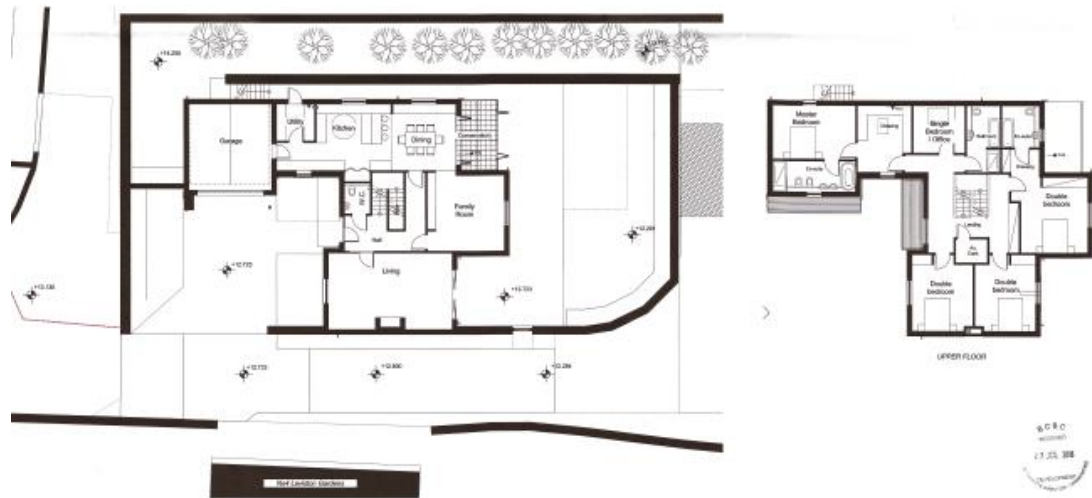
The application proposes the erection of three 5 bedroom detached dwellings all with associated landscaping and parking. The proposed dwellings will be L-shaped in form and two storeys high. Each dwelling is sited such that the front elevation will overlook the private drive and provides open hard surfaced entrance courtyards and amenity space to the side of the properties. Materials proposed are similar to the local vernacular with self-coloured render, high quality timber windows with slender mullions and small panes, stone faced lintels where appropriate and stone cills throughout, slate roof with dark clay ridge tiles, cast iron rainwater goods and some stone walls to bring up the elevations.

**Figure 1 - Proposed Elevations:**



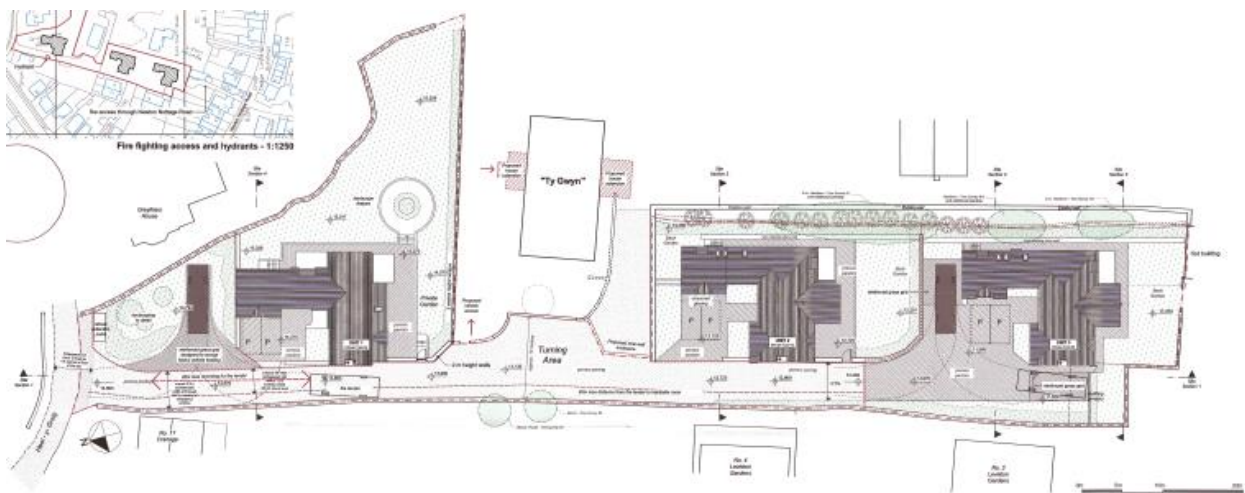
Each dwelling will comprise of a living room, kitchen/dining room, family room, utility, wc and garage at ground floor level and a master bedroom with en-suite and dressing room, 3 double bedrooms with en-suite, family bathroom and a single bedroom/office at first floor level.

**Fig 2 - Proposed Floor Plans:**



Access to the site is currently via a private drive from Heol y Graig. A right of access for pedestrians to Newton Nottage Road is retained by the applicant. The proposed dwellings will be arranged along an improved private drive and will be accessed via the existing access onto Heol y Graig.

**Fig 3: Proposed Site Layout:**



The application also proposes the removal of 6 trees on the site and the retention and pruning back of the existing hawthorn trees located along the eastern boundary of the site together with new planting to provide a habitat for wildlife and a barrier between the new dwellings and the concrete boundary wall of the adjacent property.

The application site lies within the approved residential settlement boundary of Porthcawl as defined by Policy PLA1 of the Bridgend Local Development Plan 2013. The site is located within the Newton Conservation Area and lies to the eastern side of the village. The site lies within a predominately residential area of Porthcawl and is surrounded by a variety of different designs and styles of residential properties including Eyre Court and Greyfriars Court.

The application has been accompanied by:

- Design and Access Statement prepared by Gillard Associates;
- Planning Statement prepared by Geraint John Planning
- Unilateral Undertaking – Planning Obligation by Deed of Agreement

## **RELEVANT HISTORY**

P/18/618/FUL - Erection of 3 detached dwellings and associated works

Approved subject to S106 Agreement 11/10/2018.

(The S106 Agreement was not signed so the Application was Finally Disposed Of on 12/04/2021).

P/17/439/FUL - Erection of 3 detached dwellings on vacant land

Refused and Appeal Dismissed 17/07/2018

P/13/907/FUL – Erection of 3 detached dwellings on vacant land

Refused 04/07/2014.

## **PUBLICITY**

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 6 October 2021.

## **PLANNING POLICIES**

### **Local Policies**

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

- Strategic Policy SP1 - Regeneration Led Development
- Strategic Policy SP2 – Design and Sustainable Place Making
- Strategic Policy SP3 – Strategic Transport Planning Principles
- Strategic Policy SP5 – Conservation of the Historic and Built Environment
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy PLA11 – Parking Standards
- Policy COM3 – Residential Re-Use of a Building or Land
- Policy COM5 – Affordable Housing
- Policy ENV6 – Nature Conservation

### **Supplementary Planning Guidance**

SPG02 – Householder Development

SPG08 – Residential Development

SPG13 – Affordable Housing

SPG19 – Biodiversity and Development

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

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

### **Technical Advice Notes:**

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are relevant in this instance:

Technical Advice Note 2 – Planning and Affordable Housing (2006)

Technical Advice Note 5 – Nature Conservation and Planning (2009)

### **Well-being of Future Generations Act 2015**

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

The well-being goals identified in the act are:

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

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

### **The Socio Economic Duty**

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

### **CONSULTATION RESPONSES**

**Cllr Kenneth Watts (Local Ward Member)** – No formal comments received to date.

**Porthcawl Town Council** – No formal comments received to date.

**Transportation Officer (Highways)** – No objection subject to conditions.

**Land Drainage Officer** – No objection subject to two conditions requesting a drainage scheme and infiltration tests prior to development commencing on site. SAB approval is also required for the proposed development.

**Welsh Water Developer Services** – advises that the site is crossed by a 4inch distribution watermain and the applicant must contact Dwr Cymru Welsh Water to discuss its possible diversion. A plan showing the location of the water main has also been submitted.

**Destination and Countryside Manager** – No objection subject to conditions requesting a clearance methodology, arboricultural impact assessment, tree protection plan, arboricultural method statement and watching brief which are crucial during the implementation of the scheme.

**Shared Regulatory Services (Contamination)** – No objection subject to standard advisory notes.

## REPRESENTATIONS RECEIVED

The occupier/owner of 10 Bridgend Road raises an objection to the proposed development regarding concerns relating to the site access and fear that damage will be done to the wall with the use of heavy equipment during construction work and then the constant use with the extra properties.

The occupier/owner of Flat 3, Greyfriars House objects to the development and states that the latest application remains over development on a site which is limited in both scale and access. Concerns regarding the size of unit one and its roof level would have a serious effect on both ground and first floor rooms of Greyfriars House. In terms of access, Heol y Graig is narrow in places and already has to cope with heavy traffic in school term time without the addition of large builders vehicles and possibility of half a dozen more residents cars.

The occupier/owner of 4 Cleviston Gardens objects to the proposed development stating that the proposed is similar to what was previously refused and the scale and size of the proposed houses are out of keeping with the beautiful 12<sup>th</sup> Century village. Also raises concerns regarding close proximity of proposed dwelling (Unit 2) to bedroom window resulting in loss of light and privacy. Concerns are also raised regarding the loss and impact on local wildlife and impact of noise on existing elderly residents.

The occupier/owner of 17 Newton Nottage Road objects to the proposed development raising the following concerns:

- Lack of detail concerning the treatment of both surface and foul water in the submission. This is particularly important due to localised flooding present during recent heavy weather from excess surface water. As regards foul any new discharge into existing would cause problems as the existing has caused blockages previously. Noted comments previously from Dwr Cymru and the Land Drainage Officer.
- Lack of detail regarding the landscaping proposals and reference to moribund trees which would appear to be healthy . Also some of the land referred to would appear to be outside the Applicants ownership in certain areas.
- The sections shown on the application make it difficult to ascertain the juxtaposition of the adjoining properties. Also it is not clear at what levels are the slabs to be constructed.
- Reference was made to there being access for Fire Appliances through to Newton Nottage Road— This is unclear as to which access and there is not sufficient width for a Fire Tender to get through.
- Following previous applications it would appear the Highways problems identified are still substantially present.
- Whilst understanding this is an infill site the three sizeable dwellings would seem to be an overdevelopment of a constrained site.
- I note no reference to the power cable running under the site and the need to either re-route same or at least cater for a way leave to maintain same.

## COMMENTS ON REPRESENTATIONS RECEIVED

The majority of the comments raised were addressed within the previous Planning application P/18/618/FUL and are addressed again in the appraisal section of this report.

The planning Inspector also addressed matters raised by the neighbouring properties within his appeal decision in relation to a previous application.

Inevitably, a development so close to existing properties is going to result in some noise and disturbance during construction. If the Council were minded to grant Planning permission, a Planning condition could be imposed to control the hours of work as part of a Construction Method Statement.

## APPRAISAL

The application is referred to the Development Control Committee in view of the objections received from neighbouring properties.

### Background

From assessing the Planning history, it is noted that a previous application (P/13/907/FUL refers) for the erection of 3 detached residential dwellings on this site was refused on the 4 July 2014 for the following reasons:

- 1. The development will result in the additional use of the substandard lane serving the site will result in an increase in traffic hazards to the detriment of highway safety and contrary to the objectives of criteria 3 and 6 of policy SP2 and criterion 6 of SP3 of the Bridgend Local Development Plan.*
- 2. In the absence of adequate common turning facilities within the site to cater for calling delivery/service vehicles and emergency service vehicles (ie. a fire appliance), the proposed development will generate vehicular reversing manoeuvres onto the highway to the detriment of highway safety and contrary to the objectives of criterion 6 of policies SP2 and SP3 of the Bridgend Local Development Plan.*
- 3. The proposal constitutes over-development as the site is too restricted to accommodate the proposed dwellings whilst safeguarding the privacy of future occupiers of plot 1 and the neighbouring dwelling by virtue of the position of a habitable room window in plot 2 and its impact on the amenities of 4 Cleviston Gardens. The development would be contrary to the objectives of criterion 12 of policies SP2 and note 6 of Supplementary Planning Guidance 02.*

Following this, a further planning application was submitted in May 2017 (P/17/439/FUL refers) proposing the erection of 3 detached residential dwellings but addressing the above mentioned reasons for refusal. On 9 January 2018, this application was refused for the following reason:

- 1. The proposed development, by reason of the number of units and their design, siting and scale, constitutes overdevelopment of the constrained site that fails to provide adequate levels of private outdoor amenity space for the future occupiers of the 5 bed dwellings, whilst having a significant detrimental impact on the privacy and residential amenities of the future occupiers of the proposed dwellings by way of overlooking. The proposed development is therefore contrary to Policy SP2 of the Bridgend Local Development Plan 2013, Supplementary Planning Guidance SPG02: Householder Development and advice contained in Planning Policy Wales (Edition 9, November 2016) and Technical Advice Note 12 – Design (2016).*



The applicant appealed the decision to the Planning Inspectorate. Whilst the Inspector considered the scheme to be acceptable, the appeal was dismissed on 17 July 2018 for the following reason:

*A suitable legal agreement under Section 106 of the above Act has not been submitted with the appeal proposal, however, and such contributions cannot be addressed through the use of planning conditions. It therefore follows that the agreement between the parties over such a matter, as referred within the Council's evidence, should not be attributed weight in the determination of the appeal. Without such contributions, the proposed development would be contrary to the general thrust of Policy SP14 and Policy COM5 of the adopted LDP and, for the same reasons, would also conflict with the ministerial priority of delivering affordable housing through the planning system as prescribed by Planning Policy Wales (Edition 9, 2016) (PPW) and Technical Advice Note 2: Planning and Affordable Housing (2006) (TAN2). Indeed, in light of the absence of any information to justify a deviation from such an established policy position, I find the lack of such an obligation to represent a compelling reason why planning permission should be withheld.*

Planning application P/18/618/FUL for the erection of 3 detached dwellings and associated works at the above-mentioned site was approved subject to a S106 Agreement by the Council's Planning Committee on 11 October 2018. The S106 Agreement was not signed within a reasonable time period and despite numerous attempts with the applicant and their agent to engage with the Local Planning Authority in an effort to issue the decision, the Local Planning Authority decided to Finally Dispose of the application on the 12 April 2021. The applicant has now engaged with the Local Planning Authority (LPA) to sign the S106 Agreement and therefore this application has been re-submitted with a proposed scheme that is wholly the same as the previously consented applications.

### **Assessment**

The main issues to consider in the determination of this application are the principle of the development, the impact on the character and appearance of the area and Newton Conservation Area, the potential impact on neighbouring amenities, drainage, trees and highway safety and the applicant's commitment to paying the financial contribution required to meet the affordable housing provision.

### **Principle of the Development**

The application site lies within the main settlement boundary for Porthcawl as recognised by Policy PLA1 Settlement Hierarchy and Urban Management of the Bridgend Local Development Plan (LDP) adopted 2013. It also lies within the Porthcawl Strategic Regeneration Growth Area as defined by Policy SP1 Regeneration-Led Development of the LDP.

Policy COM3 Residential Re-Use of a Building or Land of the LDP states *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 subject to detailed design considerations and where no other policy protects the building or land for an existing or alternative use.*

The proposed site would be classified as a small site under Policy COM3 which makes an important contribution to the overall housing supply and introduces an important element of choice and flexibility into the housing market. The site is not allocated for a specific use, therefore, residential development would be acceptable in principle subject to other LDP Policies and detailed design considerations.

Policy COM5 Affordable Housing states where a *local need is demonstrated, the Council will expect an appropriate element of affordable housing*. The proposal has triggered this Policy as the site exceeds 0.15 hectares in size and is discussed in more detail in the section below.

In conclusion, the principle of development accords with Policies SP1, PLA1 and COM3 of the LDP. In view of the above, it is considered that the principle of residential development is acceptable subject to compliance with Policies COM5 and SP2 of the LDP 2013.

### **Impact on the character and appearance of the area and the wider Newton Conservation Area**

The site is located within the Newton Conservation Area under Policy SP5(2) Conservation of the Built and Historic Environment of the LDP which states *future development should not destroy or devalue the character and appearance of the Conservation Area. It is important that the proposed development should conserve, preserve, or enhance the built and historic environment of the County Borough and its setting*. The Council's Conservation Officer states that the materials for the proposed buildings are similar to the local vernacular (white painted or self-coloured render, small paned timber windows, timber doors, stone sills, natural grey slate roofs, chimneys and cast iron rainwater goods), the L-shape is a traditional form and the gardens are set back behind stone boundary walls.

Accordingly, the proposed dwellings will not have a significantly adverse impact on the character and appearance of the Conservation Area as the proposed development is considered to be sympathetic in design, scale and materials, is well screened and seeks to preserve and enhance the character and appearance of the area thereby according with Policy SP5 (2) of the LDP.

### **Design, Siting, Scale and Materials**

Initially, the LPA raised concerns and subsequently refused the previous Planning application P/17/439/FUL with respect to the proposed size, scale and number of units and that this would result in the over-development of the site and a substandard level of amenity space in terms of provision and privacy to serve the future occupiers of the proposed dwellings.

The applicant appealed the LPA's decision to the Planning Inspectorate. The Inspector disagreed with the LPA's position and made the following observations regarding the LPA's concerns:

Paragraph 6 of the appeal decision letter states:

*In terms of the issue of living conditions, I am satisfied that the proposed scheme would, by virtue of its development to plot ratios, provide for a satisfactory quantum of outdoor amenity space at each of the proposed dwellings. I am also satisfied that, by virtue of the vast area of amenity space proposed at Plot No.1, and the angle of outlook from the neighbouring Greyfriars Court, a sufficient proportion of the outdoor space at that property could be utilised as a private amenity area. There is little doubt that the combination of the limited distance between Plot Nos. 2 and 3 and the proposed first floor window arrangements at Plot No.3 would lead to a lack of private outdoor space at Plot No.2. Indeed, the space to the south of the dwelling at Plot No.2 would be significantly overlooked by the first floor window located in the northernmost elevation of Plot No.3. Similarly, the first floor window separation distances between habitable room windows at Plot Nos. 2 and 3 would also fall short of the 21 metres prescribed by the Council's adopted Supplementary Planning Guidance SPG 02: Householder Development (SPG). However, as the imposition of a suitably worded planning condition requiring the window in the northernmost gable of Plot No.3 to be obscurely glazed would satisfactorily mitigate*

*such concerns, I do not consider that such matters merit the refusal of planning permission.*

Paragraph 8 goes on to state:

*I therefore find that, subject to the imposition of suitably worded planning conditions, the proposed development would provide for acceptable living conditions for future occupiers of the proposed dwellings. I also find that the concerns raised in relation to the effect of the proposed development upon the living conditions of the occupiers of neighbouring residential properties are largely unsubstantiated. The development would therefore be broadly compliant with Policy SP2 of the adopted Bridgend Local Development Plan (2013) (LDP) and the associated advice contained within the aforementioned SPG document.*

Accordingly, it is considered that, subject to the imposition of an appropriate Planning condition regarding the implementation of obscure glazing to the window in the northern most gable of Unit 3, the proposed development can be deemed to be acceptable and accords with Policy SP2 of the BLDP (2013) and the Council's Supplementary Planning Guidance SPG02: Householder Development.

### **Impact on neighbouring amenities**

2 and 4 Cleviston Gardens are semi-detached dormer bungalows to the west of the application site. Although the principal elevations of the development would overlook the access track and the gardens of the respective properties, side facing windows serving a kitchen, bathroom and bedroom at ground floor and bedroom windows (4 Cleviston Gardens) at first floor level face the development site. From the site inspection, it was noted that the above properties are located at a lower level than the proposed dwellings due to the topography of the site.

Previously and as mentioned above, the application was refused due to its impact on the privacy and amenities of 4 Cleviston Gardens however, the applicant has addressed this issue by removing the bedroom window and replacing it with an obscurely glazed window that now serves a bathroom on the western elevation of Unit 2. In view of this, whilst it is noted that there is only a distance of 8m between Unit 2 and 4 Cleviston Gardens, due to the separation by the access track and the fact that no windows directly overlook the property, it is considered that the proposed development will not have an adverse impact on the residential amenities currently enjoyed by the occupiers of 4 Cleviston Gardens.

With regard to the relationship between Unit 3 and 2 Cleviston Gardens, it is noted from the submitted plans that only one habitable room window (serving the master bedroom) will directly face the said property with a separation distance of 18m. Direct overlooking will not occur (based on the finished level Unit 3 relative to the neighbouring property) and therefore, the proposed development is not considered to have an adverse impact on the residential amenities currently enjoyed by the occupiers of 2 Cleviston Gardens.

Ty Gwyn is the existing detached dormer bungalow that is located within the development site, between the proposed dwellings at Units 1 and 2. It currently enjoys a relatively open outlook from its principal windows in the front and rear elevations. The property has also benefitted from Planning permission which has allowed a number of alterations to be undertaken to the property including front and rear extensions and additional accommodation in the roof space.

Consideration has been given to the relationship between the existing and potentially extended property to the proposed dwellings. It is also noted that the finished levels of the proposed dwellings (Units 1 and 2) will be below the floor level of Ty Gwyn. Again whilst the close proximity and relationship of this property and Unit 2 is noted, the applicant has

removed the bedroom from the northern elevation of the proposed dwelling to reduce the impact of overlooking of Ty Gwyn. Also, due to the elevated nature of Ty Gwyn and the position of an existing 2m high stone pillar and wooden panel fence around the property, it is considered that the proposed dwelling (Unit 2) will have no adverse impacts on the residential amenities currently enjoyed by the occupiers of Ty Gwyn.

Eyre Court House is a relatively modern, large detached property set within a very generous garden area that lies immediately to the east of the development site and shares its boundary with the rear of Units 2 and 3. Due to the topography of the site, Eyre Court House is positioned at a higher level than the proposed dwellings and is separated by a stone boundary wall.

There are a number of trees that run along this boundary which are to be retained and which will help to address any privacy/overlooking matters as a result of the development. Whilst views may be afforded from the proposed development into the upper floor of Eyre Court, it is considered that these views would be limited and the retention of the trees and vegetation along the shared boundary would help to obscure any views. Accordingly, it is considered that the development will not have an adverse impact on the residential amenities of this neighbouring property.

Cranage (17 Heol y Graig) is a detached bungalow sited alongside the entrance to the development site such that its rear garden shares its boundary with the western edge of the proposed access. The design and siting of Unit 1 will ensure that no direct overlooking between windows will occur. Cranage is situated at a lower level than Unit 1 and therefore the existing boundary wall offers a degree of privacy. The nearest living room window (which is a secondary opening) could however be fitted with obscure glazing if permission were to be granted for the development. The proposed hall and utility room windows in Unit 1 do not serve habitable rooms.

The Inspector agreed with the LPA's assessment regarding the impact on neighbouring properties and stated in paragraph 7 of his decision:

*The Council has not objected to the proposed development on the basis of its effect on the living conditions of the occupiers of existing residential properties, although a number of representations opposing the scheme have been received from interested parties. In response to those matters, I am satisfied that, by virtue of the siting and orientation of the proposed dwellings relative to the existing properties within the area, there would not be any significant overshadowing impacts or any material loss of light at any of the nearby residential properties. Moreover, by reason of the combination of the siting of the proposed dwellings, the specific location of the habitable rooms within each of the proposed dwellings and the potential requirement for obscured glazing to be utilised through planning conditions, I do not consider that the proposed development would result in a material loss of privacy at existing properties. Moreover, as there is no legal right to a view over land in separate ownership, I can only attribute limited weight to such matters.*

Overall, it is considered that the proposed development will not have a significant adverse impact on the amenities of the neighbouring properties subject to the imposition of appropriate Planning conditions regarding obscure glazing, boundary and landscape treatments in accordance with Policy SP2 (12) of the Bridgend Local Development Plan and the Council's Supplementary Planning Guidance SPG02: Householder Development.

### **Access and Parking**

The Highway Officer has considered the transportation implications of the proposal and has noted that this application is a resubmission of previously consented applications (P/17/439/FUL and P/18/618/FUL refers). It is also noted that this application is wholly the

same as the previously consented applications and therefore the previous conclusions of the Highway Authority remain valid.

The level of traffic generation from this proposal has been assessed against the traffic flows of the area for 2021. It is considered that the local highway network could accommodate a development of this scale and not materially increase traffic on Bridgend Road and therefore from a traffic generation point of view the development is acceptable

In considering the site layout a number of highway safety related concerns were raised with the LPA during the previous applications and as a result all changes which were agreed previously have been retained within this application. For example, the plans now include the ability for a fire engine to reach Unit 3 and turn to exit the site in a forward gear.

Improvements to the bellmouth of the access have been made to provide the required vision splays commensurate with the speed and volume of vehicles passing the site entrance. It should be noted that since the original consents there have been some changes with regards to how vision splays are measured and due to the width of Heol y Graig being a low-trafficked manual for streets environment, the vision splays can be measured 2.0m back from the access to the centre line of Heol y Graig as it is considered that vehicles drive in the centre of the road at this point. Therefore, the garden wall of the neighbouring property to the south is considered not to interfere with the vision splays, however, to ensure this situation remains in perpetuity a condition is recommended.

In addition to the above, the access road surface treatment has been amended to provide a surface type and colour which indicates a shared pedestrian and vehicular arrangement.

Notwithstanding the above, some concerns remain:-

- the refuse collection point location should be adjacent to the adopted highway to ensure refuse operatives do not have to enter private land to collect the household waste.
- the surface treatment of the emergency/delivery vehicle turning area adjacent to Unit 3 should be surfaced in the same material as the access road to ensure it remains clear for use at all times and should not form part of the garden of Unit 3.

It is considered that these concerns can be overcome by the imposition of suitable Planning conditions.

Accordingly, the proposed development is considered to accord with Policies SP2 (6), SP3 and PLA11 of the BLDP 2013 and the Council's Supplementary Planning Guidance SPG: 17 Parking Standards.

### **Drainage**

The Council's Drainage Officer has considered the submitted information and notes that the application form states surface water will be disposed via SUDs. No surface water drainage layout has been provided.

A review of the submitted plan (Dwg.No.C177/AL(0)6.Rev.P5) notes that a combination of porous paviers and reinforced grass grid will be used however, no further information has been supplied. An extract from the Design and Access Statement states under the Sustainability section in the surface water drainage note *Since the applicant prefers to install a tarmac drive rather than porous material it will be necessary to incorporate a SUDs drainage system and soakaway.* The applicant will need to confirm how roof water will be disposed of and provide extensive infiltration tests throughout the site to confirm infiltration is suitable at this location. Infiltration systems must not be situated within 5m of buildings or boundaries. Any proposed infiltration system must be designed in accordance with BRE-Digest 365 and a minimum of three infiltration tests undertaken for each trial hole must be provided.

Drawing Nos. C177/AL(0)11 Rev P1, C177/AL(0)12 Rev P1 and C177/AL(0)13 Rev P1, suggest that the FFL will be located at a lower level to the surrounding land. These issues may lead to groundwater and damp issues at the property and the applicant is advised to consider damp proofing measures within habitable rooms of the dwellings. Due to the site topography, the applicant will need to consider siting the infiltration systems and soakaways in a suitable location. The neighbouring properties are located on lower ground and therefore any infiltration system will need to be founded at a depth lower than the existing properties to ensure no surface water runoff into the neighbouring gardens.

The development is over 100m<sup>2</sup> and consists of more than 2 properties and therefore a SAB application is required. Maintenance of the sustainable drainage features serving 2 or more private residential properties will be provided by BCBC with commuted sums required to cover the maintenance activities of the SUDs features.

In view of the limited information available, it is recommended that two conditions be attached to any consent granted regarding infiltration tests and a drainage scheme to be submitted and agreed by the LPA prior to any works commencing on the site, to accords with Policy SP2 (13) of the LDP. A SAB application is also required to be submitted for the proposed development.

### **Biodiversity/Ecology**

The Council's Ecologist has assessed the application and has noted that the site is covered in scrub vegetation which provides feeding and nesting opportunities for a range of species including bats, birds and reptiles.

The SPG provides detailed advice in respect of protected species and the optimum timing of works so as to limit their effect on wildlife and to ensure works proceed within the law. In this respect, the bird nesting season is generally considered to be from the beginning of March until August. With specific reference to this proposal, Section B1: Biodiversity Design Guidance Sheet: Bats and Development, B2: Biodiversity Design Guidance Sheet: Birds and Development and B3: Biodiversity Design Guidance Sheet: Reptiles and Amphibians and Development are relevant as the developers may encounter nesting birds and/or reptiles when undertaking the scrub clearance however, bats will predominantly be using the scrub for foraging opportunities.

The scrub vegetation made it impossible to access the whole of the site to determine presence of non-native invasive species however, it was noted Montbretia was growing close to the existing property. Montbretia is listed under Part II of Schedule 9 Wildlife & Countryside Act 1981 which makes it an offence to deliberately cause them to grow in the wild. This species is also subject to Section 34 of Environmental Protection Act (1990) and is classed as 'Controlled Waste'. Consequently, it should be disposed of at a licensed landfill site under the EPA (Duty of Care) Regulations (1991). There are no such licensed sites within Bridgend County Borough.

Given the above, the applicant should submit a clearance methodology to the Local Planning Authority for approval prior to works commencing on the site.

The southern portion of the site is bounded by mature trees with the south eastern boundary containing trees that are protected under Tree Preservation Order (TPO) (1978) OBC No1. This TPO designation and mature planting will provide natural screening to neighbouring properties.

The submitted tree survey and the supporting documentation also seek to consider the impact of the development on neighbouring properties however, it is recommended that the tree survey be developed in line with British Standard recommendations BS5837:2012 and should include an arboricultural impact assessment, tree protection plan, arboricultural method statement and watching brief which are crucial during the implementation of the scheme. These documents should be submitted to the Local Planning Authority for approval prior to works commencing on site.

In view of the above, it is considered that the proposal complies with Policy ENV6 of the LDP, the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

### **S106 Contributions**

Policy SP14 of the LDP requires applicants to enter into Planning Obligations or alternatively provide contributions if they are deemed necessary to offset any negative consequence of development. The most relevant issue to be considered in this regard relates to affordable housing provision.

The proposal triggers Policy COM5 of the LDP which requires 30% of the dwellings to be affordable on sites that exceed 0.15 hectares in size in the Porthcawl and Rural area.

Given the low quantum of dwellings proposed, it is considered that a financial contribution in lieu of on-site provision is more appropriate on this occasion. As such, a commuted sum of £115,153.20 is sought towards affordable housing and this will be secured through a Section 106 Agreement. The applicant has confirmed that they are happy to enter into an agreement to secure the relevant contribution.

### **CONCLUSION**

This application is recommended for approval because the development complies with Council policy and guidelines and subject to conditions, will not have an adverse impact on the living conditions of the future occupiers of the dwellings, will be served by an adequate amount of amenity space and will not have a significantly detrimental impact on the privacy or visual amenities of the area nor so significantly harm neighbours' amenities or highway safety to warrant refusal of the application.

The concerns of the residents have been taken into account as part of the consideration of the application, however, it is considered that, on balance, the issues raised do not outweigh the merits of the scheme. In addition, and in response to the Inspector's previous decision, the applicant has agreed to enter into an obligation to secure the relevant contribution for affordable housing.

### **RECOMMENDATION**

- A) The applicant enters into a Section 106 Agreement to provide a financial contribution in the sum of £115,153.20 (index linked) towards the provision of affordable housing;
- B) The Corporate Director Communities be given delegated powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, as follows:
  - 1. The development shall be carried out in accordance with the following approved plans and documents:
    - Site Location Plan (received 25 August 2021)
    - Planning Statement prepared by Geraint John Planning (received 25 August 2021)

Design & Access Statement prepared by Gillard Associates (received 25 August 2021)  
Drawing No. C177/AL(0) 11 Revision P1 (received 25 August 2021)  
Drawing No. C177/AL(0) 12 Revision P1 (received 25 August 2021)  
Drawing No. C177/AL(0) 13 Revision P1 (received 25 August 2021)  
Drawing No. C177/AL(0) 14 Revision P1 (received 25 August 2021)  
Drawing No. C177/AL(0) 6 Revision P6 - Site Plan and Site Sections (received 24 January 2022)

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

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

Reason: To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the area and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

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

Reason: To ensure that the general amenities of the area are protected and to accord with Policy SP2 of the Bridgend Local Development Plan 2013

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

Reason: To ensure that effective drainage facilities are provided for the development and that flood risk is not increased and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

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

Reason: To ensure that effective satisfactory management and disposal of surface water is provided for the proposed development and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

6. Notwithstanding the submitted plans, no development shall commence until a scheme for the provision of an emergency vehicle turning area adjacent to Unit 3, with a surface treatment matching the access road and clearly identifiable as not part of Unit 3, has been submitted to and approved in writing by the Local Planning Authority. The turning



area shall be implemented in permanent materials before the development is brought into beneficial use and retained for turning purposes in perpetuity.

Reason: In the interests of highway safety and to accord with Policy SP2 of the Bridgend Local Development Plan 2013

7. No structure, erection or planting exceeding 0.6 metres in height above adjacent carriageway level shall be placed within the required vision splays of 2.4m x 15m to the east and 2.4m x 16m to the west measured to the centre line of the carriageway at any time.

Reason: In the interests of highway and pedestrian safety and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

8. Notwithstanding the submitted plans no entrance gates shall be installed on any plots at any time.

Reason: In the interests of highway safety to ensure adequate passing places and turning areas within the development and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

9. No development shall commence until a scheme for the provision of a refuse collection point which is adjacent to and accessible from the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The refuse collection point shall be implemented in accordance with the agreed scheme before the development is brought into beneficial use and retained as such thereafter in perpetuity.

Reason: In the interests of highway and refuse collection operatives' safety and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification) (as amended), no development shall be carried out which comes within Parts 1 (Classes A, B and C) of Schedule 2 of this Order.

Reason: To enable the Local Planning Authority future control over the scale of development in the interests of the residential amenities of adjacent properties and to protect the amenity space provided within the property and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification) (as amended), no building, structure or enclosure required for a purpose incidental to the enjoyment of any dwelling-house shall be constructed, erected or placed within the curtilage.

Reason: To enable the Local Planning Authority to control the scale of development and to comply with Policy SP2 of the Bridgend Local Development Plan 2013.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) or any Order revoking or re-enacting that Order (as amended), no windows other than as hereby approved shall be inserted into the dwellings hereby permitted.

Reason: To safeguard the privacy and residential amenities of adjoining neighbouring

occupiers and to comply with Policy SP2 of the Bridgend Local Development Plan 2013.

13. No development shall take place until full details of both hard and soft landscape works have been submitted and agreed in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include all proposed planting and landscaping such as schedule of plants/trees, species and number/densities, hard surfacing materials and implementation programme.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation and to comply with Policy SP2 and ENV6 of the Bridgend Local Development Plan 2013.

14. No development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority for tree and root protection measures including barrier fencing for all existing trees and hedgerows on and adjacent to the site, an arboricultural impact assessment, an arboricultural method statement and a watching brief. The agreed details shall be implemented prior to and for the duration of the development of the site.

Reason: In the interests of biodiversity and to comply with Policy SP2 and ENV6 of the Bridgend Local Development Plan 2013.

15. No development shall take place until a clearance methodology which includes full details of a how the works will eradicate the invasive species at the site and confirm that the site doesn't contain additional non-native invasive species has been submitted to and approved by the Local Planning Authority. Works shall be carried out in accordance with the agreed details.

Reason: In the interests of controlling invasive species and safeguarding general amenities and to comply with Policy SP2 and ENV6 of the Bridgend Local Development Plan 2013.

16. Notwithstanding the requirements of condition 1, the following windows shall be fitted with obscure glazing to a minimum of Level 5 on the Pilkington index of obscurity and non-opening:
- First floor window opening positioned within the northernmost gable of the northern elevation of Unit 3 (to serve master bedroom);
  - First floor window opening positioned in the western elevation of Unit 2 (to serve a bathroom);
  - Ground floor window opening positioned on the western elevation of Unit 1 (to serve living room)

The windows shall be fitted prior to the beneficial use of the respective dwelling hereby approved commencing and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities and to comply with Policy SP2 of the Bridgend Local Development Plan 2013.

17. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
  - ii. the loading and unloading of plant and materials
  - iii. the storage of plant and materials used in constructing the development
  - iv. the erection and maintenance of security hoarding

- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. hours of operation.

Reason: In the interests of highway and pedestrian safety and to ensure that the highway amenities of the area are not unduly affected and to comply with Policy SP2 of the Bridgend Local Development Plan 2013.

18. Prior to the construction of the dwellings on site, details of existing ground levels within and adjacent to the site and the proposed finished ground and floor levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to comply with Policy SP2 of the Bridgend Local Development Plan 2013.

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

- a. This application is recommended for approval because the development complies with Council policy and guidelines, will not have an adverse impact on the living conditions of the future occupiers of the dwellings, will be served by an adequate amount of amenity space and will not have a significantly detrimental impact on the privacy or visual amenities of the area nor so significantly harm neighbours' amenities or highway safety as to warrant refusal.
- b. 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.
- c. The proposed 'Private Drive' will not be adopted by the Highway Authority.
- d. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
- e. The applicant may need to apply to Dwr Cymru Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)
- f. The Planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact Dwr Cymru Welsh Water's new connections team on 0800 917 2652 for further information on water and sewerage connections. The applicant is also advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water's maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

- g. The proposed development is crossed by a 4 inch distribution watermain, the approximate position being shown on Dwr Cymru Welsh Water's plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.
- h. In order to satisfy Conditions 4 and 5 the following supplementary information is required:
- Provide drainage layout showing both foul and surface water sewers and Their discharge points.
  - Provide an agreement in principle from DCWW with regards to the Proposed foul water connection to the existing public sewer.
  - Provide infiltration tests to confirm acceptability of any proposed Infiltration system in accordance with BRE 365.
  - Provide a plan showing location of trial holes and at least 3 separate tests at each trial hole location.
  - Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system.
  - Provide a timetable for its implementation; and
  - Provide a management and maintenance plan for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.
  - Submit a Sustainable Drainage Application to the Bridgend SAB – [SAB@bridgend.gov.uk](mailto:SAB@bridgend.gov.uk) (the applicant is advised to contact the Bridgend SAB prior to the formal submission to discuss the application should they proceed.
- i. The Public Protection Section draws your attention to the following:-
- The possibility of gases (landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but not radon gas) being generated at the site or land adjoining thereto, and recommend investigation and monitoring of the area.
  - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing within 2 days to the Public Protection Section, all associated works should stop and no further development should take place until a scheme to deal with the contamination found has been approved.
  - Any topsoil [natural or manufactured] or subsoil, to be imported, should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.
  - Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.
  - The contamination assessments and the effects of unstable land are

considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use,

lies with the applicant/developer.

- Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site
  - Unprocessed/unsorted demolition wastes.
  - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
  - Japanese Knotweed stems, leaves and rhizome infested soils.
- In addition to Section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed.

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

**Background Papers**

None

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**REFERENCE:** P/21/551/OUT

**APPLICANT:** Mr P Simpkins: 59 Penlan Close, Cwmdonkin, Swansea SA2 0RL

**LOCATION:** Land rear of 30-32 High Street, Ogmores Vale, Bridgend CF32 7AD

**PROPOSAL:** Erection of a two bedroom dwelling

**RECEIVED:** 10 June 2021

## **APPLICATION/SITE DESCRIPTION**

This application proposes the re-development of land to the rear of 32 High Street, Ogmores Vale with a single detached dwelling. The application is in Outline with all matters of detail reserved for future consideration.

This steeply sloping site is located between the rear of a photographic studio on 32 High Street and the footway and carriageway that forms part of Glyn Street. Site sections submitted with the application indicate a 9m difference in levels between the eastern and western boundaries. The present state of the plot is rough ground that has become colonised by scrub vegetation. The site lies immediately to the north of a parking area that serves a development known as 'Filas Wessex'. This three storey development sits on the site of the former Hermon Chapel and accommodates five (3 bedroom) terraced units.

This is a re-submitted application following a previous refusal of permission on the site and the dismissal of the subsequent appeal. Consent had been refused for the following reasons:

*The proposed development, by reason of its siting and scale on this constrained and steep site, would result in an undesirable and cramped form of development, which would only afford an unacceptably poor standard of residential amenity to the future occupants, by virtue of a lack of car parking and useable garden space contrary to criteria 1, 2, 3 and 12 of Policy SP2 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (2018).*

*The proposed development, by reason of its siting and scale, would result in an unacceptable loss of privacy to the occupiers of 2 & 3 Glyn Street by way of overlooking windows and the occupiers of 1 Filas Wessex by way of overlooking from the elevated rear gardens. Such an arrangement would be contrary to criteria 1, 2, 3 and 12 of Policy SP2 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (2018).*

*The proposed development, by reason of its siting and scale, would constitute overdevelopment of the site as it has not been demonstrated that there would be sufficient on-site car parking provision for the future occupiers of the development. The development would result in on-street parking, a subsequent reduction in the trafficable carriageway width to a single lane and the use of the footway for the parking of vehicles which will be detrimental to highway and pedestrian safety and contrary to Policies SP2 and PLA11 of the Bridgend Local Development Plan and Supplementary Planning Guidance 17: Parking Guidelines.*

The Inspector appointed to consider the appeal identified the main issues as being the effect of the proposed development on residents' living conditions and highway safety but believed a scheme could be designed and laid out so as not to have an unacceptable effect on residential amenity and on the living condition of future and nearby residents.

On the matter of highway safety and noting the site circumstances, the provision of adequate off-road parking provision was acknowledged as an important material

consideration. There were however insufficient details submitted to demonstrate that the site was capable of providing off-road parking to the Council's standards. There was therefore a risk that the development could lead to on-street parking which would exacerbate the existing parking pressures and interrupt the free and safe flow of traffic and pedestrians. For this reason alone, the appeal was dismissed.

This revised application now proposes to limit the development to a two bedroom house with a single integral/attached garage. The regulations require, where layout is a Reserved Matter, the application must state the approximate location of buildings, routes and open spaces included in the development proposed. A 1:200 scale layout plan has been submitted indicating the position of the dwelling on the upper part of the site set back just over a metre from Glyn Street which fronts the plot and 8.5m from the rear site boundary with 32 High Street which crosses the steepest part of the site. The dwelling is equidistant from the side boundaries of the plot that adjoin a detached garage at the rear of 28 High Street and the parking bays and terraced gardens that serve Filas Wessex.

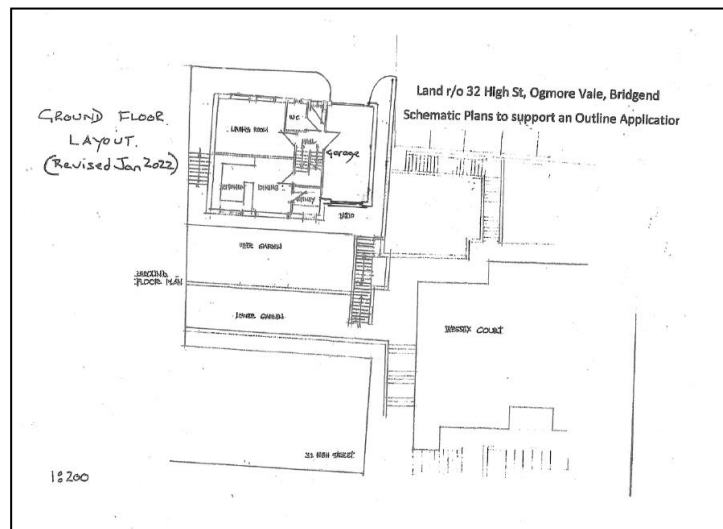


Figure 1 Site Layout Plan

Where scale is a Reserved Matter, the application must state the upper and lower limits for the height, width and length of the dwelling. The submitted plans indicate a dwelling with a square footprint measuring 8m x 8m with a side attached garage measuring 3m x 6m. An elevation drawing shows an eaves height of 4.5m and 5.7m measured at the front and rear elevation respectively. The maximum height measured from the ridge will be 7.4m from the new slab level.

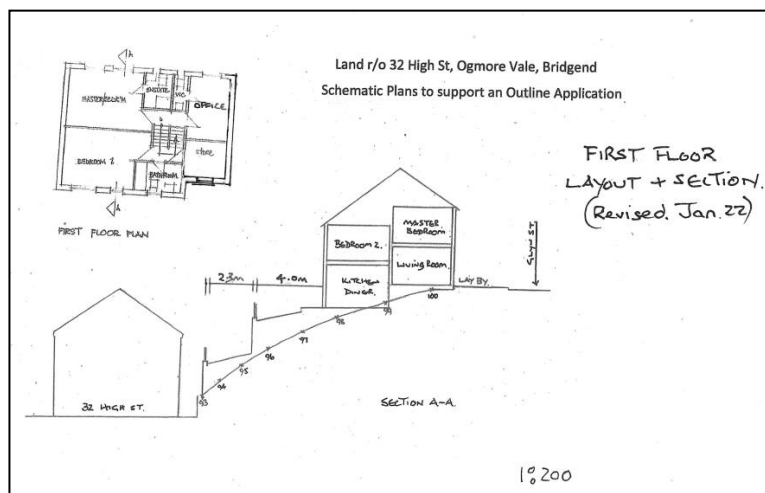


Figure 2 Elevations and Cross Sections



Where access is a Reserved Matter, the application must state the area or areas where access points to the development proposed will be situated. Access will be gained directly from Glyn Street and will serve a single garage and short forecourt area. Space for one vehicle is proposed.

#### RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/07/756/OUT	One Pair of Houses	Refused	13/08/2007
P/08/705/OUT	Single dwelling and associated external works	Conditional Consent	19/09/2008
P/19/328/OUT	Outline for one dwelling	Refused	13/12/2019
P/20/703/OUT	Erection of one dwelling	Refused	06/01/2021
1911	Appeal against the refusal of Planning permission P/20/703/OUT	Appeal Dismissed	27/04/2021

#### CONSULTATION RESPONSES

##### CONSULTEE

##### COMMENTS

**Ogmore Valley  
Community Council**

No comments received.

**Principal Officer  
Highways Development  
Control  
Biodiversity and Policy**

No objections subject to conditions.

**Land Drainage**

No objection subject to conditions.

**Dwr Cymru Welsh  
Water**

We would request that if you were minded to grant Planning Consent for the development that the recommended advisory notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

**Shared Regulatory  
Services – Environment  
Team – Land Quality**

No objection subject to conditions.

#### 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 has expired.

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

26 & 28 High Street and 1 Filas Wessex

The following is a summary of the representations received:

- Increased parking and traffic pressure - the street currently accommodates two or more vehicles per household, and the newly submitted plans only account for one parking space. Games room and office could be used as bedrooms in the future, increasing demand for car parking which will be on-street.
- Loss of light – elevated position of dwelling would block light to windows in neighbouring properties and garden areas
- Loss of privacy – window serving bedroom 2 will directly overlook the gardens of neighbouring properties – dwelling will generally overlook neighbouring properties
- Not sufficient space on land to provide garden and parking space without having an impact on the neighbouring properties.
- Safety concerns - construction work could damage existing retaining walls
- When scheme was originally granted, Filas Wessex had not been constructed – circumstances have changed
- No requirement for the development - priority should be to encourage for the regeneration of these empty buildings, prior to new builds being approved.

The occupier of 3 Filas Wessex supports the proposal.

### **COMMENTS ON REPRESENTATIONS RECEIVED**

The concerns raised by residents concerning the impact of the development on living conditions and highway safety are addressed in the appraisal section of the report. On other matters, the following comments are offered:

- Safety concerns and possible issues of trespass would be addressed under other legislation.
- The block accommodating Filas Wessex was built between 2003 and 2005 and the impact of this development on the adjoining land was considered as part of the 2008 consent and the more recent applications/appeal.
- Whether demand exists locally for the accommodation proposed is not a significant or material factor in the determination of this application.

### **PLANNING POLICIES**

#### **Local Policies**

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

Policy PLA1	Settlement Hierarchy and Urban Management
Policy SP2	Design and Sustainable Place Making
Policy SP3	Strategic Transport Planning Principles
Policy PLA11	Parking Standards
Policy SP4	Conservation and Enhancement of the Natural Environment
Policy ENV6	Nature Conservation
Policy ENV7	Natural Resource Protection and Public Health
Policy SP10	Retail and Commercial Hierarchy
Policy COM3	Residential Re-Use of a Building of Land

Supplementary Planning Guidance 8	Residential Development
Supplementary Planning Guidance 17	Parking Standards
Supplementary Planning Guidance 19	Biodiversity & Development

#### **National Policies**

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

determination of this planning application:

Future Wales – the National Plan 2040

Planning Policy Wales Edition 11

Planning Policy Wales TAN 5 Nature Conservation and Planning

Planning Policy Wales TAN 12 Design

Planning Policy Wales TAN 18 Transport

### **Well-being of Future Generations Act 2015**

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

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

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

### **The Socio-Economic Duty**

The Socio-Economic Duty (under Part 1, Section 1 of the Equality Act 2010) which came 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 seeks to agree the principle of developing land to the rear of 30/32 High Street for one dwelling. The main issues to consider in the determination of this application are the principle of the development, its impact on the character and appearance of the street scene and surrounding area, impact on neighbouring properties, drainage, and ecology and highway safety.

#### Principle of the Development

The application site lies within the district centre and residential settlement of Ogmere Vale as defined by Policies PLA1 and SP10 of the LDP 2013. Policy COM3 Residential Re-Use of a Building or Land states that residential developments within settlement boundaries defined in Policy PLA1 on windfall and small-scale sites for the conversion of existing buildings or the re-use of vacant or under-utilised land will be permitted where no other policy protects the building or land for an existing or alternative use. Policy SP10 does require all new development within the retailing and commercial centres to provide retail, community or commercial floorspace on the ground floor however, as this site occupies the elevated land at the rear of the frontage of retail units and faces Glyn Street, which is predominantly residential, the requirements of the Policy are not justified in this location. Retail or commercial development on this site would potentially have a greater impact on the living conditions of the nearest residents.

The site is classed as a vacant site under Policy COM3 and therefore residential development would be acceptable in principle, a view shared by the Inspector, however, it does not follow that all brownfield sites will be suitable for development. Policy SP2 requires all development to contribute to creating high quality attractive, sustainable places which enhance the community in which they are located. In particular, it seeks to ensure that the viability and amenity of neighbouring uses, and their users/ occupiers will not be adversely affected. Policy PLA11 also requires all development to provide appropriate levels of parking. These are material considerations that carry significant weight in the context of the development plan as a whole.

#### Impact on the character and appearance of the street scene and surrounding area

Glyn Street is characterised by traditional stone-faced properties, generally two storey in scale and elevated some 2m above the eastern side of the highway. Apart from a single dwelling at the southern end and random detached garages, parking areas and low boundary walls, the western side of Glyn Street is undeveloped and forms the rear boundary of the land and gardens associated with existing uses on High Street.

The dwelling will therefore be prominent and the first building of significant scale on the western side at the northern end of the road. The parameters of the building are relatively modest and although the indicative design does not follow the pattern of the existing housing, it should not be so out of keeping with the surroundings to warrant a refusal of permission on this basis. That position is supported when the wider views of the site are considered from the western side of the valley and from the southern and northern approaches. Existing buildings and landscape features obscure many views of the site but where the development will be visible from public places, the elevated properties on the eastern side of Glyn Street will frame the development and with a ridge height that will be below the nearest properties, the development should not appear incongruous. The proposed development is considered not to have an adverse impact on the existing street scene or wider area. Accordingly, it is considered that the proposed development accords with Policy SP2 (2) and SP2 (3) of the LDP.

#### Impact on neighbouring amenities and amenities of future occupiers

The plans that have accompanied the application indicate that the proposed dwelling will be sited approximately 1m behind the back edge of the pavement on the western side of Glyn Street. The properties opposite are elevated above road level and will be approximately 13m from the new dwelling, conflicting with the Council's privacy standard of 21m between habitable room windows. The supplementary Planning guidance for house extensions identifies circumstances where a reduction may be acceptable one of which is when the overlooking is between windows fronting on to a highway where established building lines are less than 21 metres apart. In this case the existing and proposed windows front a highway but the building line is only established on the eastern side of Glyn Street. It was the Council's view that the levels of privacy that would be afforded to the respective occupiers would not necessarily achieve the normal levels for new development. In the appeal decision, the Inspector acknowledged that the separating distance was below the standard set out in the supplementary Planning guidance but maintained that in most built up situations it is not generally possible to achieve high expectations of privacy from the highway frontage. The relationship between the application property and Glyn Terrace would not be an unusual one and the Inspector's considered the Council's concerns to be unfounded on this point.

The site is very steep with a difference of about 9 metres between the ground floor of the Photographic Studio in High Street and Glyn Street. The proposed dwelling would be set back about 1m from the eastern boundary and would extend 8.2m into the plot, approximately half the total site area will be covered. The distance between the elevated rear elevation of the new dwelling and the rear of 32 High Street measures 10m in the

horizontal on the cross-section drawing which again represents a significant reduction in the normal separation standards. From floor plans that accompanied a recent application for the photographic studio, there are however no habitable rooms in the rear of the building.

Loss of outlook and privacy are therefore not considerations as it relates to the properties that are directly in line with the rear elevation of the proposed dwelling. Representations have however been received on this application from the occupiers of 26 and 28 High Street which lie to the north of the development site with concerns being raised that windows in the new dwelling will overlook the rear elevations and gardens of these neighbouring properties.

As this application does not seek to agree the layout and design of the dwelling, the position of windows on the layout plan is merely indicative. Based on the plan, however, there would be no direct views into the neighbouring properties. This would be a matter of detail that would be carefully considered as part of any future application. A design could seek to position the habitable room windows away from the boundaries of the site to limit overlooking. Some loss of privacy is however inevitable but in the view of the Inspector, such an arrangement is typical of densely built-up residential environments.

Generally, development should not be positioned so close to the boundary with a neighbouring property such that it would unacceptably encroach upon the sense of openness and outlook from both the house and garden. The rear elevations of nos. 26 and 28 have been extended with the rear windows overlooking the elevated terraced gardens and detached garages on Glyn Street. The current outlook is somewhat oppressive but that is in part due to topography and previous building works undertaken. Although the proposed dwelling will be sited on elevated ground to the south of the objectors' properties, it will not directly align with any rear facing windows. Again, some impact on the outlook from the neighbouring gardens will occur but not to the extent as to warrant refusing this application. It should be noted that the Inspector made no reference to the relationship with these neighbouring properties.

The indicative plans and cross sections suggest that the rear garden of the proposed dwelling would have to accommodate a drop of about 6.5m over a distance of 9m to the rear yard of 32 High Street. The elevated terraced garden areas that would be formed to serve the future occupiers would overlook the windows and garden areas of the adjacent properties. This could have resulted in a loss of privacy and was one of the reasons why the previous application was refused permission. The Inspector noted that the application had been supported by two alternative illustrations of siting and layout, both of which involved tiered or terraced gardens and amenity spaces at the rear with the second alternative also including a garden to the side adjacent to the elevated garden platform to 1 Filas Wessex.

In the latter arrangement, the Inspector noted that there would be scope for some overlooking of the adjacent garden from the proposed development but was of the view that the existing garden was already overlooked by an elevated communal staircase leading from the shared parking bays. The properties did not enjoy any particularly high standards of privacy and the outlook towards the site was already restricted by a solid wall. In any event the first alternative layout indicates that the garden area to the development could be contained to the rear where any intervisibility would not be untypical of densely built-up residential environments such as this. The Council's concerns were noted but not upheld.

The terraced gardens, in the view of the Council, also provided an unacceptably poor standard of amenity space for the future occupiers. Both options presented by the

applicant had deficiencies both in terms of useable space and accessibility. In our decision, it was acknowledged that the Council did not have adopted policy/guidance that set out minimum outdoor amenity standards. In terms of useable garden space for the occupiers of the proposed dwelling, the Inspector noted that the gardens would be sloping but not significantly so and they would provide a pleasant sense of openness and space to the rear. Moreover, level terraces for sitting out and general domestic activity such as clothes drying were illustrated.

Taking all the above matters into consideration, the Inspector was of the view that a scheme could be designed and laid out on the site in a way that would not have an unacceptable effect on residential amenity and on the living condition of future and nearby residents and was content that the development was in accordance with Policy SP2. In the light of that decision, the Council must accept those findings and conclude that the development could meet the placemaking principles of national policy.

### Access and Parking

The application is made in Outline but differs from the previous refusal in that it now proposes a two bedroom dwelling. The parameters (length, breadth, height) of the dwelling are unchanged but the indicative plans now incorporate a single attached garage on the ground floor and office in lieu of the third bedroom on the first floor.

The site is served by Glyn Street which only has development on one side given the steep valley side. The developed side is comprised largely of terraced properties without off-street parking. Furthermore, some properties on High Street utilise Glyn Street for both off and on-street parking given the commercial and classified nature of High Street. Glyn Street consequently suffers from high levels of on-street parking. Parked cars have the effect of narrowing the carriageway, in this case, to single width. In these circumstances and given the limited capacity of the highway to accommodate further parking demand, the provision of adequate off-road parking provision is an important material consideration.

This part of Ogmores Vale lies within Zone 3 as defined in SPG 17: Parking Standards. New housing requires 1 space per bedroom to a maximum requirement of 3 spaces. The parking standards are however based upon a maximum criterion and the application of sustainability criteria would allow the parking requirement to be reduced to one space. On the basis that the submitted plans indicate that one off-street car parking space can be provided, the proposed development would meet the Council's current standards. The proposal therefore accords with Policies SP2 (6) and PLA11 of the LDP and Supplementary Planning Guidance SPG17: Parking Standards.

### Drainage

The Council's Drainage Officer has raised no objection to the proposed development subject to the imposition of a condition requiring a comprehensive and integrated drainage scheme to be submitted and agreed by the Local Planning Authority prior to any works commencing on the site which accords with Policy SP2 (13) of the LDP.

### Biodiversity/Ecology

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

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

ecosystems, so far as consistent with the proper exercise of those functions.” Section 6(2) goes on to state that “In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular

- (a) Diversity between and within ecosystems;
- (b) The connections between and within ecosystems;
- (c) The scale of ecosystems;
- (d) The condition of ecosystems (including their structure and functioning); and,
- (e) The adaptability of ecosystems.

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

The three tests that must be satisfied are:

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

The site has been colonised by scrub vegetation which provides feeding and nesting opportunities for a range of species including bats, birds, and reptiles. The development may encounter nesting birds and or reptiles when undertaking the scrub clearance. In addition, it is noted Japanese Knotweed along with Montbretia which has been dumped at the site. These species are listed under Part II of Schedule 9 Wildlife & Countryside Act 1981 which makes it an offence to deliberately cause (Invasive Species listed under Part II of Schedule 9 them to grow in the wild.

The applicant will be required to submit a clearance methodology prior to works commencing on site. This methodology should also include how the works will mitigate for the invasive species at the site, monitoring to ensure that the invasive species do not spread and recolonise at the site and what remedial works will be undertaken if these species are found to be spreading.

#### Location in a mining area

The Planning application site is located in a Low-Risk area when considered from a coal mining legacy perspective. In view of this, the proposed development is considered to comply with Policy ENV13 of the LDP.

#### **CONCLUSION**

In the light of the previous Planning appeal decisions, this application is recommended for approval on the basis that the principle of developing this site for a single two bed dwelling accords with both national and local Planning policies.

The submitted indicative plans suggest that a scheme could be designed and laid out in a way that would not have an unacceptable effect on residential amenity and on the living condition of future and nearby residents and the development is in accordance with Policy SP2.

The concerns that have been offered by residents have been considered but would not justify a further refusal of consent, particularly having regard to the Planning Inspector's

consideration of such matters. Reducing the size of the dwelling and providing a plan that indicates that car parking could be provided addresses the previous highway objection.

Members should be aware that any decision to refuse this application would be challenged again at appeal and there would be a substantive reason for costs to be awarded against the Council. Section 12 Annex to the Development Management Manual confirms that Local Planning Authorities are at risk of an award of costs being made against them if they behave unreasonably in refusing or objecting to particular elements of a scheme that the Welsh Ministers or Planning Inspector have previously indicated or determined to be acceptable.

## **RECOMMENDATION**

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

1. The consent hereby granted shall be limited to the construction of a single 2-bedroom dwelling.

Reason: For the avoidance of doubt as to the extent of the scale of development consented and to protect the amenities of both existing and future residents and in the interests of highway safety.

2. The plans and particulars submitted in accordance with the Reserved Matters shall include the following:
  - a scheme for the provision of 2 cycle parking spaces
  - a scheme for the provision of 1 off street parking space

The cycle and parking areas shall be implemented before the development is brought into beneficial use and retained for cycle and parking purposes in perpetuity.

Reason: To enable the Local Planning Authority to fully assess the impact of the future development on the occupiers of the adjoining properties and in the interests of promoting sustainable means of travel to / from the site.

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

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

4. The proposed means of access shall be laid out with vision splays of 2.4m x 17m in both directions before the development is brought into beneficial use and retained as such thereafter 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 at any time.

Reason: In the interests of highway safety.

6. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt with, including the future maintenance requirements, has been submitted to and



approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the beneficial use of the dwelling commencing.

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

7. No development shall commence until there has been submitted to and agreed in writing by the Local Planning Authority an Ecological Working Method Statement (EWMS) incorporating a methodology for the clearance of vegetation and the eradication of invasive species on site. The agreed Working Method Statement shall be followed throughout any clearance works on site.

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

8. No development shall commence on site until there has been deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that proper site investigations have been carried out at the site sufficient to establish what ground precautions are necessary in relation to the proposed development and what precautions should be adopted in the design and construction of the proposed buildings in order to minimise any impact which might arise as a result of the excavations on the neighbouring land. The Certificate shall include details of such precautions and these precautions shall be adopted in full in the carrying out of the development for which Planning permission is hereby granted.

Reason: In the interests of safety.

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

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

10. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS \*
  - a) In the light of the previous Planning appeal decisions, this application is recommended for approval on the basis that the principle of developing this site for a single two bed dwelling accords with both national and local Planning policies. The submitted indicative plans suggest that a scheme could be designed and laid out in a way that would not have an unacceptable effect on residential amenity and on the living condition of future and nearby residents and the development is in accordance with Policy SP2. The concerns that have been offered by residents have been considered but would not justify a further refusal of consent, particularly having regard to the Planning Inspector's consideration of such matters. Reducing the size of the dwelling and providing a plan that

indicates that car parking could be provided addresses the previous highway objection.

- b) The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts however, you are minded that the responsibility for
- (i) determining the extent and effects of such constraints
  - (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site
    - Unprocessed/unsorted demolition wastes.
    - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
    - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
  - (iii) the safe development and secure occupancy of the site rests with the developer.
- c) Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.
- d) The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.
- e) 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.

**JANINE NIGHTINGALE  
CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None

**REFERENCE:** T/21/77/TPO  
**APPLICANT:** Mrs G Kelly, 10 Caer Newydd, Brackla, Bridgend CF31 2JZ  
**LOCATION:** 10 Caer Newydd, Brackla, Bridgend CF31 2JZ  
**PROPOSAL:** Pollard 3 Hornbeam trees in rear garden  
**RECEIVED:** 4 November 2021  
**SITE INSPECTED:** 3 February 2022

## APPLICATION/SITE DESCRIPTION

The application seeks consent to undertake the pollarding of 3 Hornbeam trees at 10 Caer Newydd, Brackla, Bridgend. The trees are situated in the rear garden and are protected under Ogwr Borough Council Tree Preservation Order No.08 (1988).

Fig. 1 – Site Location



Fig. 2 – Tree Preservation Order



The application originally sought consent to reduce the three Hornbeam trees to 2 metre high stumps. The agent was asked to provide a Tree Report justifying the works. The application was subsequently amended to incorporate the lesser works of pollarding the three trees.

## RELEVANT HISTORY

None.

## PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to the consultations for the superseded works expired on 24 December 2021. As the application description was subsequently amended to pollarding, a reconsultation exercise was undertaken and the period allowed for responses to consultations expired on 2 February 2022.

## CONSULTATION RESPONSES

**Councillor J C Spanswick** – *I am surprised at the poor quality of the location plan. Has this really been accepted?*

*I would like further clarity as to the need to reduce the height of the trees to 2 metres above ground and the benefit this will bring to the trees.*

*Due to the reasons given for undertaking the works (i.e. to improve light to the garden) and some confusion with the plans submitted, I feel that this matter needs to be reported to the Development Control committee and not dealt with under officer delegated powers.*

*While I appreciate the applicant has modified the application from pollards to 2m, the plan provided is not great and it appears they are being pollards to different heights. The sole reason appears to be just to have more light in the garden and prior to changing my position on this I respectfully*

*suggest a formal response is received from an officer in the Countryside section at BCBC who is experienced to give a view from an arboriculture perspective.*

## **REPRESENTATIONS RECEIVED**

None.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

With regard to Councillor Spanswick's concerns, the agent initially submitted the address incorrectly on the original documentation for the application. The agent was asked to clarify the matter and subsequently confirmed the address was 10 Caer Newydd, Brackla. An amended location plan was also received which is deemed to be acceptable.

The application originally sought consent to reduce the three Hornbeam trees to 2 metre high stumps. The agent was asked to provide a Tree Report justifying the works and was queried how the reduction would benefit the trees. Subsequently, the agent amended the application to incorporate the lesser works of pollarding the three trees. A reconsultation exercise was undertaken incorporating the amended description of works.

The trees are proposed to be pollarded to different heights due to the variation in the overall height of the three trees. At the request of Councillor Spanswick, the Countryside and Tourism Section was consulted on the matter.

Whilst there is no 'right to light' from a Planning perspective, an individual's usable amenity space is a consideration in the determination of tree applications. The issue of justification for the works will be dealt with in the Appraisal Section.

## **APPRAISAL**

The application is referred to Committee at the request of Councillor Spanswick.

The application seeks consent to undertake the pollarding of 3 Hornbeam trees at 10 Caer Newydd, Brackla, Bridgend.

**Fig. 3 - Agent's photograph showing extent of pollarding marked red**



The agent has advised that the works are required in order to allow more light into the garden. It is important to note that the trees will not be felled.

A site visit was undertaken on 3 February 2022. The 3 Hornbeam trees were situated in the rear garden and appeared to form a small part of a line of protected trees running between Caer Newydd and Honeysuckle Way, Brackla.

It was noted that in addition to the Hornbeam trees, two larger, mature trees and one semi-mature tree were also present in the garden forming part of the same line. The Hornbeam trees were in very close proximity to each other and appeared to have a heavy lean towards the applicant's garden with the majority of branches growing over the garden area. On inspection, it appeared the trees had previously been pollarded a number of years ago.

**Fig. 4 - 3 Hornbeam trees far right**



The trees could be partially viewed from Caer Newydd in a small gap between the properties. Notwithstanding this, the large strip of woodland behind the trees between Honeysuckle Way and Heol Simonston appeared to be more visible from this vantage point forming a more dominant background. Having regard to this, the trees were not considered to be overly visible in the street scene from Caer Newydd.

**Fig. 5 - View of the trees from Caer Newydd between a gap in the properties**



The trees could be viewed from few vantage points along Honeysuckle Way and in this respect, were not considered to be overly dominant within the street scene. The Hornbeam trees formed part of a larger line of protected trees with more dominant species present. The trees were also set back from the road and could only be fully viewed from the highway next to 32 Honeysuckle Way.

**Fig. 6 - View from Honeysuckle Way – Hornbeam trees far right**



In considering an application, the Local Planning Authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified having regard to the reasons and additional information put forward in support of it.

In general terms, the higher the amenity value of the tree or woodland and the greater any negative impact of proposed works on amenity, the stronger the reasons needed before consent is granted however, if the amenity value is lower and the impact is likely to be negligible, it may be appropriate to grant consent even if the Authority believes there is no particular arboricultural need for the work.

In this case, the works to the trees (which have been undertaken previously) are likely to have a negligible impact on the amenity of the area and as such the pollarding of the trees to the same level as previously undertaken to allow for additional light into the garden to make it a usable private amenity space is considered to be justified and permission can be granted. It is also considered that reducing the weight of the trees will assist in their health and prolong their existence.

It is considered that the proposed works will not adversely impact on the public amenity value of the area and can be justified in the interests of good arboricultural practice.

## **CONCLUSION**

This application is recommended for approval because the development complies with Council policy and guidelines.

The tree works are considered to be justified in the interests of safety and good arboricultural practice and would not result in any unreasonable loss of public amenity as the trees will not be felled/removed.

## **RECOMMENDATION**

(R50) That permission be GRANTED.

### **\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS \***

- a. This application is recommended for approval because the development complies with Council policy and guidelines. The tree works are considered justified in the interests of safety and good arboricultural practice and would not result in any unreasonable loss of public amenity.
- b. All works shall be carried out in accordance with good arboricultural practice.
- c. The applicant is advised to contact the Authority's Ecology/Biodiversity Team on (01656) 643160/643196 if bats are encountered. All bats are protected by law, and where there is a likelihood that a bat roost may be present a survey should be carried out and evidence of bat occupation or their absence should be established. It is essential that before any work take place there should be a full investigation for bats by an appropriately qualified and licensed person to determine the site's significance. Suitably qualified ecological consultants can be found by in the first instance telephoning the National Resources Wales (0300) 0653000.
- d. The applicant is advised that all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended), whilst they are actively nesting or roosting. Protection should be given to all nesting birds during any works and to proceed with caution, especially during the bird nesting season (early March to late July). Section 1 of the Wildlife and Countryside Act 1981 (as amended) makes it an offence to kill, injure or take any wild bird, and to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built. It is also an offence to take or destroy any wild bird eggs.

- e. The applicant is advised that there are other protected trees within the site which are not subject of this application. These trees should remain protected at all times.
- f. The Arboriculturalist/Tree Surgeon is reminded that it is their responsibility to ensure the balance, stability and structural integrity of the trees is not compromised as a result of these works.

**JANINE NIGHTINGALE  
CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None

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## APPEALS

**The following appeal has been received since my last report to Committee:**

<b>APPEAL NO.</b>	CAS-01413-L0P3D6 (1937)
<b>APPLICATION NO.</b>	P/20/933/FUL
<b>APPELLANT</b>	MR MARK NEWBOLD
<b>SUBJECT OF APPEAL</b>	RETENTION OF THE STATIONING AND OPERATION OF AN A3 MOBILE HOT FOOD RETAIL UNIT: WARD JONES HORSEFAIR ROAD WATERTON INDUSTRIAL ESTATE BRIDGEND
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reasons:

1. The continued use of this land and operation of the mobile hot food retail unit will result in the loss of car parking facilities to serve the Ward Jones Bridgend Ltd office development, resulting in ad-hoc parking on the internal access and on-street parking on Horsefair Road to the detriment of highway safety, contrary to Policies SP3, PLA11 of the Bridgend Local Development Plan, the requirements of Supplementary Planning Guidance 17: Parking Standards and the objectives of Planning Policy Wales – Edition 11 – February 2021 which seeks the provision of appropriate levels of car parking.
2. The lack of car parking spaces to serve the continued use of this land and operation of the mobile hot food retail unit will result in ad-hoc parking on the internal access and on-street parking on Horsefair Road to the detriment of highway safety, contrary to Policies SP3, PLA11 of the Bridgend Local Development Plan (2013), the requirements of Supplementary Planning Guidance 17: Parking Standards and the objectives of Planning Policy Wales – Edition 11 – February 2021 which seeks the provision of appropriate levels of car parking
3. Insufficient information has been submitted with the application to enable an assessment of the impacts of the increased pedestrian and vehicular movements generated by the development onto the access road and through the existing controlled access onto Horsefair Road. Any increase in movement could lead to pedestrian and vehicle conflict to the detriment of highway safety, contrary to Policy SP3 of the Bridgend Local Development Plan (2013).

<b>APPEAL NO.</b>	CAS-01409-G4L2M2 (1938)
<b>APPLICATION NO.</b>	ENF/330/20/ACK
<b>APPELLANT</b>	MR MARK NEWBOLD
<b>SUBJECT OF APPEAL</b>	ALLEGED UNAUTHORISED BURGER VAN: WARD JONES HORSEFAIR ROAD WATERTON INDUSTRIAL ESTATE BRIDGEND
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	ENFORCEMENT NOTICE

**The following appeal has been decided since my last report to Committee:**

**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

**DECISION** THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

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

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**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

**DECISION** THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE PART ALLOWED AND PART DISMISSED

A copy of the appeal decision and costs decision are attached as **APPENDIX B**

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**RECOMMENDATION**

That the report of the Corporate Director Communities be noted.

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

**Background Papers** (see application reference number)



## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 14/12/2021

gan A L McCooey BA (Hons) MSc

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 24/01/2022

## Appeal Decision

Site visit made on 14/12/2021

by A L McCooey BA (Hons) MSc

an Inspector appointed by the Welsh Ministers

Date: 24/01/2022

Appeal Ref: APP/F6915/D/21/3283058

Site address: 7 Bryntirion Hill, Bryntirion, Bridgend, CF31 4BY

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of planning permission.
- The appeal is made by Mr Chris Charles against the decision of Bridgend County Borough Council (P/21/497/FUL).
- The development proposed is a double storey rear and side extension with Juliette balcony.

### Decision

1. The appeal is dismissed.

### Procedural matters

2. The appellant is one of the two original applicants for planning permission. The description of development on the application form has been changed by the addition of the words "with Juliette balcony". As both parties have adopted this description and it is not significantly different, I shall use it in this decision. The appellant refers to several possible amendments to the plans to resolve the issues raised by the Local Planning Authority. However, no revised plans or details have been provided. In any event, Regulation 7 of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2017 restricts amendments being made to schemes being submitted on appeal. I cannot therefore take any possible amendments into account in reaching my decision. If the appellants wish to amend or revise a proposal, this should be done by making a new planning application.

### Main Issues

3. I consider that the main issues are: the effect of the proposal on the living conditions of the occupiers of nearby dwellings as a result of loss of privacy to two properties and a dominant and overbearing effect on another; and the effect of the proposal on highway safety as a result of the loss of the existing parking provision for the dwelling.

## Reasons

4. The appeal property is a semi-detached dwelling on a side road running parallel to the A473. The proposed extension would be L-shaped running along the side of the house and around the back to join an existing single storey extension (to be retained). In general terms, the design of the proposal would be in keeping with the character and appearance of the dwelling and the streetscene. This aspect would accord with Supplementary Planning Guidance 02 Householder Development (the SPG) adopted by the Council.

### The effect on living conditions

5. I agree with the Local Planning Authority's assessment that the location and design of the proposal means that it would not have a significant impact on the attached dwelling (no. 5).
6. The proposal would be constructed on the boundary with the adjoining detached dwelling (no. 9). The SPG advises that extensions should be set back at least 0.5 to 1m from the boundary in order to avoid dominance and for ease of access for construction and maintenance. The proposal would not affect any habitable room windows on the side elevation of the dwelling. But it would create a 2 storey extension the full length of the existing dwelling and projecting around 3m further to the rear. The scale and massing of the extension so close to the boundary would be visually dominant and create a tunnel effect when viewed from the adjoining dwelling. Consequently it would have an overbearing impact on that dwelling.
7. The SPG when dealing with overlooking and privacy advises that there should be 10m between habitable room windows and the site boundary and 21m between habitable room windows in any other dwelling. The proposal would comply with the 10m distance. However, the distance from habitable windows of two properties to the rear would be less than the recommended 21m. The appellant points out that this is partly the result of both properties to the rear having been extended. Whilst this is noted, the large rear bedroom window (extending up into the gable) and balcony proposed at first floor level would overlook the windows of the properties to the rear. Its location, size and design would result in an unacceptable impact on the privacy of the occupiers of those dwellings. The appellant has offered to reduce the scale of the window and remove the balcony. For the reasons set out above, amendments cannot be accepted. In these circumstances the proposal would have a detrimental impact on the living conditions of the occupiers of the two dwellings to the rear as a result of loss of privacy.

### Highway safety and parking

8. Policy PLA 11 of the Bridgend Local Development Plan requires proper parking provision in line with the Council's standards. It is argued that 3 spaces would be required, especially as some of the existing parking provision would be lost as a result of the proposal. The proposed plans show a driveway that would accommodate one parking space. I consider that as two spaces are available on the existing drive and there is on-street parking available on this side road, then two off-street spaces should be provided. The appellant indicates that it would be possible to provide an additional space within the site at the front of the dwelling. No details of the proposed parking arrangements are provided. The Council is concerned that there is not sufficient depth available and that the front boundary wall (which is a positive feature of the area) would need to be demolished. It would not therefore be appropriate to address this issue by condition. In these circumstances I consider that the proposal would have a detrimental impact on highway safety as a result of the loss of the existing parking provision for the dwelling.

9. I conclude that the impact of the proposal on the living conditions of the occupiers of nearby dwellings as a result of loss of privacy to two properties and a dominant and overbearing effect on another would be unacceptable for the reasons given above and would be contrary to Policy SP2 of the Bridgend Local Development Plan and the advice in the SPG. I also conclude that the proposal would have a detrimental impact on highway safety due to increased demand for on-street parking as a result of the loss of the existing parking provision for the dwelling. The proposal would be contrary Policy PLA11 of the Bridgend Local Development Plan and the advice in the SPG for this reason. I recognise that this is a family home and have taken account of the benefits of the proposal for the appellants, but these private benefits do not outweigh the significant detrimental impacts of the proposal.

### **Conclusion**

10. Having taken all relevant matters into consideration, I conclude that the appeal should be dismissed for the reasons given above.
11. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

*A L McCooey*

Inspector



## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 17/01/22

gan R Duggan BSc (Hons) DipTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 17/02/2022

## Appeal Decision

Site visit made on 17/01/22

by R Duggan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 17/02/2022

Appeal Ref: CAS-01379-M4T9Y9

Site address: Trees on Land off Tondu Road (Rear of Pascoes Avenue), Bridgend CF31 4JL

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent to undertake work to trees protected by a Tree Preservation Order.
- The appeal is made by Mr P Evans against the decision of Bridgend County Borough Council.
- The work proposed is to fell 33 trees of varying species and provide replacement trees along the southern, western and northern site boundaries.
- The relevant Tree Preservation Order (TPO) is the County of Glamorgan Tree Preservation (Number 3) Order, 1954 which was confirmed on 1 November 1954.

### Decision

1. The appeal is dismissed insofar as it relates to 29No. trees.
2. The appeal is allowed insofar as it relates to four trees identified as T302; T308; T312 and T320 on Drawing No. CA/TR/005 'Tree Location plan' and planning permission is granted to fell these trees at Land off Tondu Road (Rear of Pascoes Avenue), Bridgend CF31 4JL in accordance with the terms of the application Ref: T/21/54/TPO, dated 9 July 2021, subject to the following condition:
  - 1) The removal of the trees shall be carried out not later than 2 years from the date of this decision.  
Reason: *To comply with Section 91 of the Town and Country Planning Act 1990.*

### Application for costs

3. An application for costs was made by Mr P Evans against Bridgend County Borough Council. This application is the subject of a separate Decision.

## **Main Issue**

4. The main issue is whether the Council's decision to refuse consent to fell the trees is justified, having regard to the contribution that they make to the character and appearance of the area and the justification put forward for felling.

## **Reasons**

### *Character and Appearance*

5. Although the appeal site is located within the urban area of Bridgend, as identified within the Adopted Bridgend County Borough Council's adopted Local Development Plan (LDP) (2013), it has the appearance of a densely populated woodland comprising trees of various species, age and quality. It is a broadly linear parcel of land located on the south western side of the A4063 dual carriageway (Tondu Road), and slopes steeply down towards the highway. The site also forms part of the Cefn Glas Wood (Graig-y-Casnewydd) Site of Importance for Nature Conservation (SINC) designated for its broadleaved woodland which dominates the site, and is also categorised as a restored Ancient Woodland Site (RAWS).
6. The amenity or aesthetic value of any protected trees will generally depend on their form, size, height, prominence from public vantage points and setting. I agree with the Council that the site forms a woodland area which contributes a significant green feature to the north of Bridgend town centre and provides a green buffer to the Cefn Glas and Bryntirion residential areas. The protected trees provide a green backdrop to the urban form that forms part of a wider dense, planted belt alongside the main A4063 and is highly visible from a number of public vantage points.
7. The trees can be readily seen from surrounding properties and commercial businesses when approaching along Tondu Road, and residents, pedestrians and drivers will have uninterrupted views of the trees. Although the trees to be felled are viewed as being part of a woodland area, they nevertheless, provide a verdant setting to this part of the urban area and contribute positively to the wider locality. In my opinion, the protected trees in the woodland play a significant part in softening public views of the built environment, and their removal would have a harmful effect on the locality and the character and appearance of the area.
8. It is in this context that I consider the potential impact of the trees on the Appellant and whether this justifies felling them.

### *Justification for Felling*

9. The Appellant states that the trees are to be felled for the prevention of danger and abatement of a nuisance, and has indicated that there are health and safety concerns due to disease and from trees failing. In support of the appeal, the Appellant has submitted a tree survey prepared by Rowan Tree Arboricultural Consultancy (RTAC). The tree survey provided by the Appellant is based on a site survey undertaken on 22 January 2020, but the project name clearly shows the report as being an updated report dated 19 July 2021. This update report recommends that all trees should be felled to ground level, however, no supporting statement or text from RTAC has been provided to support these recommendations.
10. In the context of this update report, the Appellant asserts that the appeal trees are specimens with significant height, some are diseased, and some have asymmetrical shape, covered in ivy and some have severe lean to the carriageway of the A4067 Tondu Road, and that these conditions would lead to a significant risk of structural failure and are indicators of tree instability.

11. However, I note from the Council's evidence that the tree report author, Liz Phillips of RTAC Consultancy, has contacted the Council by email (19 November 2021 and 23 November 2021). With reference to the update report submitted by the Appellant Liz Phillips states that *"The bulk of the report with site plans and explanatory text has been omitted...The treeworks recommendations for felling are all in the context of there being a proposed development on the site...and I have made no assertions in my report that all the trees are dangerous; at serious risk of instability or a hazard to the general public or should be felled in the interests of good forestry."* The Council has also submitted the original tree report dated 28 January 2020, and it is clear from this report that RTAC recommends that only trees identified as T302; T308; T312 and T320 (Category U trees) should be felled to ground level at that time and that no action should be taken on the remaining 29No. trees.
12. It is clear that only extracts of the original report have been submitted by the Appellant as part of this appeal as some of the pages, including those with photographs taken by RTAC are dated 3<sup>rd</sup> February 2020, and there are pages missing. Whilst I have taken into account the Appellant's assertions that the trees pose a health and safety risk to the users of the A4067 Tondu Road, I see no evidence of this within the tree survey. Given the inconsistencies within the evidence and the fact that the updated report from RTAC was provided within the context of a proposed residential development on the site, I have given the update report dated July 2021 only moderate weight in the determination of this appeal.
13. The RTAC arboricultural evidence does not state that there is a present danger or that there are significant health and safety issues with the trees, and as stated above the report author has confirmed this to be the case. Although I saw that there are a large number of tall trees within the site, exacerbated by the topography of the land and site elevation, and that some trees have asymmetrical crowns or are leaning towards Tondu Road, these factors do not justify felling these trees. I have no evidence to support the claim that these trees are immediately dangerous and hence need to be felled, and I have not been given any further evidence to support felling the trees within the woodland, other than those Category U trees identified as T302; T308; T312 and T320 on Drawing No. CA/TR/005 'Tree Location plan'. Having viewed these trees, I would agree with the RTAC recommendations and I shall allow these trees to be felled.
14. The Appellant has also referred to the trees being overbearing, lead to overshadowing and a nuisance to the adjoining neighbours and the site landowner. I have taken into account the Appellant's arguments in this respect including the photographs taken from Tondu Road and Pascoes Avenue. However, having seen the trees from various viewpoints myself, I consider that the trees do not have any overbearing impact on neighbouring residents or lead to significant levels of overshadowing and loss of light within neighbouring properties.

### **Other Matters**

15. The Council has also raised concerns regarding the impact of felling the trees on the biodiversity characteristics of the site and SINC. The Appellant has submitted a Preliminary Ecological Appraisal (prepared by edp Ltd, dated January 2020) which was prepared to inform a proposed residential development on the appeal site. This report provides an initial assessment of the site with respect to identifying key ecological constraints and opportunities to its proposed development.
16. Whilst I note that no protected species or other notable habitats were recorded at the time of the edp Ltd survey, the appraisal recognises that the site is dominated by semi-natural broadleaved woodland with an associated ground flora community, with only a wall



structure as a secondary habitat present within the site, and that “*such habitats have the potential to support protected/notable species including a breeding bird and bat assemblage, dormouse, badger and common reptiles*”. In respect of the protection afforded to these species/groups, and the potential impacts arising during the construction phase of a proposed development resulting in killing/injury and/or disturbance to protected/notable species, the Ecological Appraisal recommends a number of mitigating measures.

17. As such, the Appellant has prepared an Ecological Construction Method Statement (prepared by BE Ecological Ltd, dated June 2021) which puts forward a range of measures to be implemented prior to and during construction of a residential development in order to ensure no damage or harm to retained habitats and protected species. The purpose of the report is to provide an addendum to the original ecological appraisal undertaken by edp Limited, and sets out appropriate working practices and site safeguards to be adhered to throughout any construction phase of a development in order to protect retained habitats and protected species where identified.
18. Whilst these reports and appraisals have been prepared to inform proposed residential developments on the appeal site and not an application or appeal to fell the trees, it is clear to me that the site does have potential to provide good foraging and roosting opportunities for protected and notable species. The fact that the Appellant’s ecological advisers have put forward recommendations for mitigation measures to protect these species and habitats provides further evidence that the site is of ecological value and should be protected. These species and their resting places are protected by UK legislation under the Conservation of Habitats and Species Regulations, 2017 and the Wildlife and Countryside Act, 1981 as amended by the Countryside and Rights of Way Act, 2000.
19. From the evidence before me, I share the Council’s concerns that the removal of such a large number of trees within this valuable woodland area, irrespective of the proposal to undertake replacement planting along the boundaries of the site, would have a detrimental impact on biodiversity interests within the site and, therefore, would have a negative impact on the SINC contrary to Policies ENV4, ENV5 and ENV6 of the Local Development Plan and guidance contained within Supplementary Planning Guidance 19 (Biodiversity and Development).
20. The Appellant has raised the issue of compensation. However, it is not within my remit to make a determination on compensation in respect of the Council’s decision to refuse consent for the proposed works. This is an issue for the Appellant to address with the Council.

## **Conclusion**

21. With any application to fell protected trees a balancing exercise needs to be undertaken. The need for the works applied for must be weighed against the resultant loss to the amenity of the area. In this case insufficient justification has been put forward for the removal of the large amount of trees that make up this attractive woodland area.
22. Felling the trees at this time would diminish the quality of the public realm and such action would mean the removal of trees which otherwise would likely to continue to enhance the visual qualities of the area into the future. I consider that their removal would have a detrimental effect on the local environment and would be harmful to the visual amenity of the area and biodiversity interests within the site.
23. I have taken account of all other matters raised by the Appellant, but do not find anything which materially alters my view as to the merits of the proposal, based on the main

considerations as set out above. For the reasons given above, I conclude that based on the available evidence as presented there are insufficient grounds to justify felling the trees. None of the other matters raised by the Appellant are of sufficient weight, in my view, to alter the balance of considerations in this case, which I consider point conclusively towards the refusal of consent to fell the trees, other than those trees identified as T302; T308; T312 and T320.

24. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives of building a stronger, greener economy as we make maximum progress towards decarbonisation; Making our cities, towns and villages even better places in which to live and work; and embed our response to the climate and nature emergency in everything we do.

*R Duggan*

Inspector



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## **Penderfyniad ar gostau**

Ymweliad â safle a wnaed ar 17/01/22

gan **R Duggan BSc (Hons) DipTP MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 17/02/2022**

## **Costs Decision**

Site visit made on 17/01/22

by **R Duggan BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 17/02/2022**

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**Costs application in relation to Appeal Ref: CAS-01379-M4T9Y9**

**Site address: Trees on Land off Tondu Road (Rear of Pascoes Avenue), Bridgend CF31 4JL**

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

- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
  - The appeal is made by Mr P Evans for a full award of costs against Bridgend County Borough Council.
  - The appeal was against the refusal of planning permission to fell 33 trees of varying species and provide replacement trees along the southern, western and northern site boundaries.
- 

### **Decision**

1. The application for an award of costs is refused.

### **The Case for Mr P Evans**

2. The Local Authority did not allow the Appellant to properly respond to their concerns and objections, have acted unreasonably by making unqualified reasons for refusal, and lacking to properly consider the TPO 1954 in context to the application before it. The applicant also believes that the Local Authority has behaved unreasonably and caused costs to the Appellant as it did not seek appropriate professional advice on the submissions of the Appellant (such as a qualified Tree Officer), and did not review its list of current Tree Preservation Orders and keep its documents up-to-date following changes in the Local Development Plan and Supplementary Planning Guidance and policies within their control.

### **The Case for Bridgend County Borough Council.**

3. No response was made by the Council.

### **Reasons**

4. Section 12.3 of the Welsh Government's Development Management Manual and the associated Section 12 Annex 'Award of Costs' ('the Annex') advise that, irrespective of

the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably, thereby causing the party applying for costs to incur unnecessary or wasted expense in the appeal process. In terms of the advice as contained within the Annex, unreasonable behaviour can be procedural i.e. relating to the process, or substantive i.e. relating to issues of substance arising from the merits of an appeal or application; the Annex cites examples of such behaviour.

5. In relation to the Appellant's concerns regarding the Council making unqualified reasons for refusal, a decision notice should be framed and reasons should be complete, precise, specific and relevant to the application. Planning authorities will be expected to produce evidence at appeal stage to substantiate each reason for refusal with reference to the development plan and all other material considerations. If they cannot do so, costs may be awarded against them. It is evident from the main decision that I have agreed with the Council's reasons for refusing permission. The Officer Report and accompanying statement sets out an assessment of the indicated harm and how this would conflict with relevant adopted planning policies. I consider that the reasons for refusal are, therefore, precise and relate to the proposals, and sufficient evidence was presented for the Appellant to be clear on the Council's main concerns for the submission of the appeal.
6. Whilst the Council did not seek the advice of a qualified tree officer or specialist arboricultural officer during the determination of the application, the Council's professional planning officers would have experience in dealing with all types of planning applications and would have gained experience with dealing with a wide variety of issues. This would include assessing technical reports such as tree reports and making judgements on their content. The fact that the Council did not seek specific advice on the application from an independent tree specialist or in-house tree officer does not amount to unreasonable behaviour. I do not consider that the Council has acted unreasonably in advancing their case, as it is essentially a planning judgement.
7. It is unclear to me what the concerns of the Appellant are in terms of the Council "*not properly considering the TPO in context to the application before it*". However, the Appellant's appeal statement states that the Council has failed to properly consider the submissions of the Appellant, and in consequence erred under paragraphs 4 and 5 of the TPO.
8. However, from the evidence before me, the Council has clearly assessed the merits of the application to fell the trees against the impact on local amenity, the character and appearance of the area and on biodiversity. It has clearly taken into account and had specific regard to the Appellant's tree survey and other technical reports submitted to the Council as part of the planning application, and it has referred to these within the Officer Delegated Report. The Council has made an assessment of the content of these reports within the context of the TPO, the adopted development plan policies, Planning Policy Wales and other material planning considerations. I find that there has been no unreasonable behaviour by the Council in these circumstances.
9. The Appellant also raises concerns about the manner in which the Council dealt with the planning application and specifically that the Council not allow him to respond to its concerns. However, the manner in which the Council determined the application are not material considerations and are matters that are irrelevant to my determination of the appeal. Such matters do not represent unreasonable behaviour and it is unclear how such matters have resulted in the Appellant incurring unnecessary costs. There is also no requirement for a Council to review TPOs as part of the preparation of new development plans or the review of adopted plans.

10. The matters in dispute are thus ones of disagreement between the parties which could only have been resolved at appeal. As the appeal could not have been avoided no unnecessary or wasted expense has been incurred. The stance the Council took was not unreasonable in terms of costs referred to in the Annex.
11. Having regard to the reasons for refusal put forward by the Council in its decision notice and all other relevant considerations and the provisions of the Well Being and Future Generations Act, I conclude that the Council's decision to refuse permission did not amount to unreasonable behaviour. The application for an award of costs against the Council therefore does not succeed.

*R. Duggan*

Inspector

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO DEVELOPMENT CONTROL COMMITTEE

3 MARCH 2022

#### REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

#### OUTDOOR RECREATION FACILITIES AND NEW HOUSING DEVELOPMENT SUPPLEMENTARY PLANNING GUIDANCE

#### 1. Purpose of report

- 1.1 The purpose of this report is to inform Members of the outcome of the consultation exercise on the draft Outdoor Recreation Facilities and New Housing Development Supplementary Planning Guidance (SPG) document.
- 1.2 To seek agreement for the proposed amendments to the draft document and to adopt it as SPG to the Bridgend Local Development Plan (LDP).

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

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

#### 3. Background

- 3.1 On 16<sup>th</sup> January 2020 the Development Control Committee resolved to approve Draft SPG 5 – Outdoor Recreation Facilities and New Housing Development as the basis for public consultation; authorised officers to make appropriate arrangements for public consultation; and to await a further report on the outcome of the consultation process. Members can view the draft consultation version of the SPG by clicking on the link here:

3.2 A 6 week period of public consultation was held between 21<sup>st</sup> February and 3<sup>rd</sup> April 2020. The consultation was advertised in the following ways:

- Statutory notices were placed in the *Glamorgan GEM* on the 27<sup>th</sup> February and the 5<sup>th</sup> March
- The consultation documents were made available for inspection with representation forms at the reception desk of the Civic Offices, Angel Street
- Information on the consultation, including all the documentation, representation forms and how to make representations was placed on the Council's website.
- A copy of the draft SPG was sent to approximately 300 targeted consultees including Community Councils, planning consultants, house builders and housing associations taken from the LDP database.

#### 4. Current situation/proposal

4.1 By the end of the consultation period nine representations were received on the draft SPG. These representations have been summarised in **Appendix 1** to this report. Copies of the full representations are held by the Planning Department, and can be viewed by Members on request.

4.2 **Appendix 1** also sets out a reasoned response, a suggested decision and, where appropriate, proposed changes to the SPG for each representation received.

4.3 In summary, the main areas of change in the document arising from the public consultation responses are as follows:

- Amend the average household occupancy rates based on 2011 Census data and to keep the rates under review to inform future revisions of the SPG;
- Clarify the relationship between Outdoor Recreation Facilities and Sustainable Drainage Systems (SuDS) and emphasise the importance of pre-application discussions;
- Confirm that financial contributions in-lieu of on-site facilities should be of the equivalent value of providing the required facilities on-site; and
- Add sections on Section 106 Agreements, Negotiations with Developers and Viability to ensure consistency with the Education SPG and to provide greater clarity as to how the SPG will be implemented.

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

5.1 The SPG expands upon the existing land-use planning policy framework contained within the LDP giving the public and developers certainty in the Council's expectations in relation to achieving an appropriate level of Outdoor Recreation Facilities which will serve new residential development.

#### 6. Equality Act 2010 implications



6.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. The SPG is supplementary guidance to the existing LDP which was subject to an Equalities Impact Assessment. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

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

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of this report. Specifically, adoption of the SPG will provide a mechanism for the Council to secure appropriate levels of open space and recreation facilities in all new housing developments. This will increase opportunities for all individuals within the County Borough to lead active and healthy lives, supporting the principle of sustainability over the long term.

## **8. Financial implications**

8.1 The adoption of SPG 5 will not have any financial implications for the Council as financial contributions secured from developers will cover the costs of any required works associated with the provision of outdoor recreational facilities.

## **9. Recommendation(s)**

9.1 Committee is recommended to:

- approve the suggested reasoned responses and the consequential proposed changes to the draft Outdoor Recreation Facilities and New Housing Development Supplementary Planning Guidance contained in **Appendix 1**.

9.2 If Committee agrees the recommendations in paragraph 9.1, to recommend to Council that:

9.2.1 SPG5 – Outdoor Recreation Facilities and New Housing Development (as amended by the changes in **Appendix 1** and highlighted in paragraph 4.3 of this report) be adopted as Supplementary Planning Guidance (SPG) to the adopted Bridgend Local Development Plan.

9.2.2 The SPG, in its adopted form, be published on the Council's website.

**Janine Nightingale**  
**CORPORATE DIRECTOR COMMUNITIES**  
3<sup>rd</sup> March 2022

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## APPENDIX 1

## Outdoor Recreation Facilities and New Housing Development SPG Consultation Responses

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
Coal Authority			I have reviewed the Supplementary Planning Guidance documents, the subject of this consultation, and can confirm that the Coal Authority has no specific comments to make.	Comments noted.	No action required.
Natural Resources Wales			NRW generally endorse plans to promote recreational facilities, specifically 'accessible natural greenspace'. Opportunities to improve connectivity between green spaces and enhance biodiversity should be optimised.  The policies and outcomes in the draft National Development Framework should be taken into consideration when preparing the SPG.	The consultees comments are noted. The draft SPG will be amended to refer to the policy aims and outcomes of the National Development Framework - Future Wales 2040.	Add a reference to the <a href="#">National Development Framework - Future Wales: the National Plan 2040 (Feb 2021)</a> at Section 3.
Meryl Catherine Wilkins			This consultation document cannot predict the future of any planning as the pandemic Coronavirus has taken over and the outcome is unsure of any planning in Wales. As a very worried resident of Bridgend and Wales my declarations of interest has been made by me Meryl Catherine Wilkins in the land that your planning policies, put forward by the Bridgend County Borough Council and planning department are now being put forward to be developed and I do not agree. Policies are now out of date that Bridgend County Borough Council Planning Department and the Bridgend County Borough Council have put forward for consultation to me as a consultee of the SPG Draft Supplementary Planning Guidance and the consultation documents are fundamentally flawed because of the crisis we find ourselves in, we have no control of.	The consultees comments are noted. The draft SPG intends to provide additional guidance to the policies contained within the existing Local Development Plan (LDP). Until the SPG is adopted the Council is in a position where it is unable to seek the level of contributions required to help fund the cost of outdoor recreation facilities. Any deficit in funding will have to be found by the Council at a time when financial budgets are limited. The new SPG is vitally important to enable the County Borough to recover from the financial impact of the Coronavirus pandemic.	No action required.
Glamorgan Gwent Archaeological Trust			We are commenting as the advisors to your authority regarding the historic environment and archaeology. Within the draft SPG, we note the aspects of new housing development and recreation provision requirements. It is important to note that these aspects may also be significant for archaeological and historic environment reasons. It is also important to note that within your Authority's area, ten areas have been delineated as Archaeologically Sensitive Areas in an Archaeology and Archaeologically Sensitive Areas SPG	The consultee's comments are noted. The draft SPG encourages all prospective applicants to engage the Planning Department in pre-application discussions with regards to new housing developments. This will enable the Council to identify, at an early stage, development that may have an impact on the historic environment. In such cases, advice will be sought from the consultee as the Authority's Archaeological Advisors.	No action required.

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>which has been supplied to you in draft in 2015 and is awaiting approval.</p> <p>As for any type of development, the legislative framework and policy context that has relevance to the historic environment should be taken into consideration. Planning Policy Wales Edition 10, in Chapter Six; and TAN 24: The Historic Environment, refer to designated and non-designated assets and their management in development. The Welsh Government suite of best practice Guidance available via Cadw has information on managing change within differing aspects of the historic environment. The legislative framework in which the historic environment operates, and the management of the historic environment, should not be seen as any constraint to development, but viewed together with the Well-being of Future Generations (Wales) Act, contribute substantially to the well-being goals relating to culture and community, and by understanding and enhancement to the remaining goals.</p> <p>Residential developments, including provision for recreation and open space, of any size and nature, may have different impacts on the historic environment, both positive and negative impacts, and this should be noted as a consideration. The scale of impact that may require mitigation varies between developments and can be a high impact within a smaller site. Early-stage consultation will ensure that mitigation can be undertaken taking timescale into consideration. It is also important to be aware that early-stage consultation and identification of archaeological features allows the potential to design some areas as open space or low impact areas.</p> <p>Any development may have a physical impact on any buried archaeological resource, or on the setting of both designated and non-designated sites or areas, potentially with a need for historic environment or archaeological mitigation. Conversion of buildings to accommodation may also require mitigation by historic building recording, or archaeological fieldwork depending on the archaeological resource.</p> <p>Developments will require planning and or listed building permission, and consultation with ourselves at early stage, or for pre-application advice, as your Authority's archaeological advisors, is strongly advised; we can then supply any appropriate recommendations for mitigation. As noted, development sites of any size may require</p>		

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>archaeological mitigation work both pre and post determination to ensure that development complies with Planning Policy Wales Edition 10 December 2018, Chapter 6: Distinctive and Natural Places, and the TAN24: The Historic Environment.</p> <p>The impact on designated historic assets and their setting is dealt with by Cadw, who must be consulted if any development is proposed that may impact Scheduled Monuments, or Registered Historic Landscapes. These responses are necessary to enable the management of impacts on the archaeological resource and cultural heritage.</p> <p>If archaeological mitigation work proves necessary, it is our Policy to recommend that all archaeological work undertaken in relation to planning and development issues should be undertaken to the Standards and Guidance of the Chartered Institute for Archaeologists and it is our Policy to recommend that either a Registered Organisation with the ClfA or a member with MCIfA level membership should undertake the work (<a href="http://www.archaeologists.net/cifa">www.archaeologists.net/cifa</a> and <a href="http://www.archaeologists.net/ro">www.archaeologists.net/ro</a>).</p>		
Bridgend Town Council	4.8	8	<p>Allotments</p> <p>We believe last Borough wide review was around 2010 as to plots available as a percentage by population by ward.</p> <p>Has a recent survey been made to update where more provision is needed? Can this be made known?</p>	<p>The most recent 'Audit' of Allotment provision in the County Borough was carried out in 2017. The Audit compares the provision of Allotments with the benchmark standard of 0.2 hectares per 1,000 population as per the requirement of Policy COM11 in the LDP. The Audit was reported to members of the Development Control Committee and can be used to support planning decisions as a means of justifying the provision of new facilities and/or remedying local deficiencies in provision.</p> <p>The Allotment Audit is available to view on the Development Planning pages of the BCBC website.</p>	No action required
Bridgend Town Council	Appendix 2	24	<p>Reference planting, litter bins, notices.</p> <p>Do all existing play areas have the planting specification outlined in the document? If not, can this now be put in hand?</p> <p>All play areas – of whatever size – must have adequate litter bins.</p>	<p>The scope of the draft SPG covers the provision of <b>new</b> play areas on housing developments. As such the requirements specified in Appendix 2 represent general guidelines as to the level of facilities different types of Children's Play Space should provide.</p> <p>The draft SPG facilitates the negotiation of financial contributions in exceptional circumstances where the provision of facilities on-site is not required or is not possible due to site specific circumstances. In such</p>	No action required

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			Notices – Do all existing play areas have the designated signage as outlined in the document? This is essential at all sites and should be put in place without delay.	cases, the contributions secured could be used to upgrade existing facilities. This could include the provision of any of the items listed in the Appendices including planting, litter bins and enhanced signage.	
Boyer on behalf of Llanmoor Homes			<p>This draft SPG explains in detail the Council's approach to the provision of outdoor sport, children's play space, allotments and public open space (including natural green space) for all new housing developments and encourages links between the provision of open spaces and its contribution to green infrastructure in Bridgend.</p> <p>Llanmoor Homes are currently in the process or working up a master plan for the strategic site at the land at West Bridgend and have concerns that some of the express guidance in the draft SPG, in particular relating to the exclusion of SINCS and areas required for SUDS cannot in any way contribute to the provision of open space on site, is too rigid, and will work against the principles of placemaking. The statement that SUDS areas should be excluded from areas of public open space is in direct conflict with the Welsh Government statutory standards for SuDS in Wales, together with the Ciria SuDS guidance with regard to amenity benefits provided by SuDS features. This is dealt with in more detail below in response to paragraph 8.2 of the draft SPG.</p>	<p>The consultees comments are noted.</p> <p>The consultees specific comments in relation to paragraph 8.2 are addressed below.</p>	No action required
Boyer on behalf of Llanmoor Homes	4.10	8	Section 4.10 of the draft SPG recognizes the importance of "Accessible Green Space (including public open space)" and they are defined as "predominantly natural areas which contribute to the quality of life of urban areas and where these areas contain features such as woodland, shrubbery, heath and rough grassland."	Comments noted.	No action required.
Boyer on behalf of Llanmoor Homes	4.12	9	Paragraph 4.12 sets out the recommendations of the Countryside Council for Wales including the provision of at least 2 hectares per 1000 population and that no person should live more than 300 metres from their nearest area of natural green space. However, paragraph 4.13 states that the toolkit may not be appropriate in all urban contexts and that the standard is promoted as an aspirational target. Whilst it is accepted that for most urban sites the standard may not be appropriate there are opportunities for incorporating accessible natural green space into the master plan for	<p>Developers and prospective applicants are encouraged to engage with the Planning Department at pre-application stage to discuss such site-specific characteristics and open space provision as described in the Consultees response.</p> <p>The draft SPG acknowledges at paragraphs 7.7 – 7.10 that the Council will take a flexible approach to the level and type of open space provision on new housing developments. The exact form and type this will take will be determined by such factors as the nature and</p>	No action required.

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>the land at West Bridgend which will contribute to its placemaking credentials.</p> <p>As part of the current promotion of the site Llanmoor Homes have instructed EDP to carryout detailed surveys of the SINC areas to ascertain whether their designation is still fully justified and, if so, whether a designation of accessible natural greenspace would have an unacceptable adverse impact on their ecological value. It is not possible to undertake these surveys until May, but the results of the surveys will be made available to the Council as a part of further submissions on the LDP.</p> <p>It would appear that the SINC boundary areas have been widely drawn and that they contain areas of land which could be used as accessible open space. Whilst such areas would not be suitable for formal play provision to include LEAPS/LAPS or playing fields they can still function as areas of formal open space which not only contribute to green infrastructure of a site but also provide areas of natural green space. In these instances, public access will need to be managed carefully dependent on the sensitivity and nature of habitats/species but that does not mean that SINCS should be automatically excluded from open space provision. If such features are included in the red line of the planning application, they can be managed through legal agreements as part of the S106 Agreement which will ensure that their biodiversity interests are promoted thus delivering positive ecological benefits. At present areas of the SINC at West Bridgend are accessible to grazing sheep and the habitat features for which it is designated are subject to damage and the structurally and botanically diverse grassland communities have been suppressed. There are therefore potential opportunities for its enhancement to be delivered as part of the development ecology mitigation for the site overall whilst accommodating planning policy requirements.</p> <p>Consideration should also be given to the contribution to open space that can be made off site by the enhancement of the surrounding footpath network and improving connections to offsite sport and recreation facilities such as the football pitch and recreational ground at Bryntirion.</p> <p>We also propose a similar approach with any buffer zones adjacent to retained hedgerows which could have</p>	<p>size of the development, the particular characteristics of the site, the availability of facilities in the local area, the requirements of future occupiers and the need to provide other infrastructural improvements.</p> <p>Early engagement with the Planning Department at pre-application stage will enable these matters to be discussed during the developer's site evaluation exercise.</p>	

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>a dual function such as a trim trail /accessible green space and contribute to natural green space.</p> <p>There has to be a balanced and flexible approach in considering how to provide for public open space together with land set aside for buffer zones, tree protection areas, SINC designations and SUDS. The issue being that if the net development area is significantly reduced there will be insufficient value in the site to support the provision of the necessary infrastructure, highway improvements, drainage, and the provision of the primary school, education contributions and affordable housing. As drafted the SPG will introduce an inappropriate level of inflexibility which will be interpreted by development managers to prevent the balanced approach which we are seeking.</p>		
Boyer on behalf of Llanmoor Homes	7.4	13	<p>Llanmoor Homes have the following detailed comments on the draft SPG:</p> <p>Paragraph 7.4 provides a worked example and this illustrates the problem with the land take in providing the POS on site. The provision of 3,600 sq m of POS (0.9 acres) would equate to approximately 25% of the site area and in addition provision would have to be made for SUDS features.</p>	The intention of the worked example at Paragraph 7.4 is to demonstrate how the total requirement of outdoor play space should be calculated in relation to notional unit types and the FIT standards. Such a calculation provides a starting point for discussion between a developer and the Council and will be subject to the site-specific considerations as described in Paragraphs 7.7 to 7.10.	No action required
Boyer on behalf of Llanmoor Homes	7.10	14	Paragraph 7.10 is welcomed as it does introduce some element of flexibility. This is more likely to be the case with a large urban expansion such as is being proposed at West Bridgend and the text should acknowledge this.	Comments noted	No action required
Boyer on behalf of Llanmoor Homes	7.11	15	Paragraph 7.11 outlines the green infrastructure approach which is supported and the SPG should clarify that in certain circumstances it is appropriate to incorporate SINCS, SuDS and buffer zones into green infrastructure and would contribute to the overall requirement for public open space.	Paragraph 7.12 highlights the Council's commitment to creating a multi-functional network of natural and semi-natural features, green spaces, green corridors, rivers and lakes that intersperse and connect places. All developments must seek to maximise as far as practicable the amount of green infrastructure on the site, as well as the interconnectedness of green infrastructure within and around the site to the wider green infrastructure network. Outdoor recreation facilities, SINCS, SuDS and buffer zones are all green infrastructure assets that have primary functions but can also perform different functions simultaneously. However, in some cases, it may not be appropriate for an individual asset to be fully multifunctional, for example a wildlife site that is designated for its ground nesting birds should not necessarily be fully accessible as that is likely to be detrimental to its primary function.	No action required



Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
				<p>Much will depend on the individual characteristics of a development site. This is why the draft SPG encourages Developers and prospective applicants to engage with the Planning Department at pre-application stage to discuss such site-specific characteristics and how they may influence the planning and design of a development.</p> <p>The provision of green infrastructure is addressed in other LDP policies and SPG.</p>	
Boyer on behalf of Llanmoor Homes	8.2 & 9.2	16 & 19	<p>Llanmoor Homes strongly object to the statement in Paragraph 8.2 that balancing ponds/attenuation areas cannot be considered towards open space. The Welsh Government statutory standards for SuDS clearly states that the key aim for SuDS is to integrate the surface water function with open space, providing amenity and recreation opportunities where possible (paragraph G4.3). Paragraph G4.3 states that SuDS assets create amenity space accessibility and contribute to green space accessibility across a new development site. The SuDS standards promote a more holistic view as opposed to the draft SPG which treats SuDS and green spaces as separate entities. The purpose of Standard 4 is to maximise the amenity benefits that SuDS provide and one of the key paragraphs within the current SuDS standards is G4.6 which states the following:</p> <p><b>“Using land for SuDS that also has another purpose will usually deliver more cost effective and viable development outcomes. SuDS components can have a wide range of uses in addition to their water quantity and quality management functions eg playgrounds and sport pitches ,car parking and as part of roads space, public open space and highway verges.”</b></p> <p>The draft SPG is clearly in direct conflict with Welsh Government’s intention to enable SuDS features to form areas of open space and ignores the benefits that an integrated approach to achieving a good design and meeting placemaking principles. Rain gardens and swales etc. enhance the visual amenities across a site (as per Ciria SuDS manual) enhancing places to live/work and promoting carbon sequestration (as per the SuDS standards amenity guidance). Detention basins can also multiple benefits to a site when designed for an amenity purpose .With correct slope gradients,</p>	<p>The consultee’s comments are noted. It is recognised that Sustainable Drainage (SuDS) Statutory Guidance (2019) and Statutory Standards for Sustainable Drainage Systems (2018), both published by Welsh Government, are the relevant reference point for the mandatory use of SuDS on new developments and their approval and adoption by the Council as the SuDS Approving Body (SAB).</p> <p>The guidance states, in the first instance, that drainage systems should be considered at the earliest stages of site design to influence the layout of the roads, buildings and public open spaces. In this regard, the draft SPG encourages developers and prospective applicants to engage the Planning Department in pre-application discussions at the earliest opportunity.</p> <p>A key aim for sustainable drainage is to provide an improved local environment which integrates the surface water drainage function with open space, providing amenity and recreation opportunities where possible. It is acknowledged that SuDS components can have a wide range of uses in addition to their water quantity and quality management functions e.g., playgrounds and sports pitches, car parking, public open space and highway verges.</p> <p>The Statutory SuDS Standards also encourage good quality SuDS (such as wetlands, swales, ponds and vegetated SuDS) which can help enhance access to green spaces and provide an improved local environment which integrates the surface water drainage function with open space providing habitat opportunities where possible to maintain biodiversity. Any space outside the curtilage of an individual property unit may be suitable for SuDS as part of a residential development. For example, car parking and</p>	<p>Amend text at 8.2 to read:</p> <p><i>“Land that has protected status, for example, Scheduled Ancient Monuments, woodlands with a Tree Preservation Order or SINCS are also considered unsuitable for designation as <del>usable outdoor</del> <b>formal equipped</b> play space within a development if such a use would have demonstrable <b>harm upon its primary function</b>. In addition, areas that have a separate function, e.g., balancing ponds, attenuation areas or other engineered features, cannot be considered towards <del>open space or</del> <b>informal</b> play provision <b>unless its use as such can be reasonably guaranteed throughout the year.</b>”</i></p> <p>Amend text at 9.2 to read:</p> <p><i>“The local authority will not adopt under the heading of outdoor play space, apparatus or structures including their surface areas and standoff zones that have a primary function that is not open space. This includes incidental open space associated with underground installations and engineering features, storm water cells, balancing ponds and landform for storm water drainage. The Council will consider adopting Sustainable Drainage Systems (SUDS) as part of the drainage system, <b>in its role as the SuDS Approving Body (SAB) and in accordance with the provisions of the Flood and Water Management Act 2010.</b>”</i></p>

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			<p>level and strategic design these spaces can be accessible and usable for site residents. The Ciria SuDS Manual states that detention basins can be used to serve more than one purpose (such as also forming playgrounds or sports fields) and can be enhanced with footpaths or cyclepaths.</p> <p>When constructed for multiple purposes, the detention basin should be usable for the function other than surface water attenuation for the majority of the time and where the basin forms an integral part of the system, it is important that those living nearby or using the facility are aware of its functionality and value through information boards and signage. With careful design any detention basin can form a useable and accessible area of public open space. Smaller flows (such as the 2- or 5-year return period) could be conveyed through a basin in the form of a swale, or create a small pond /forebay within the basin to attenuate these flows leaving the rest of the basin to site play equipment, including stepping stones, bridges and other items of natural play. In this way placing LEAP's etc. into these features can be seen as more acceptable due to the management of waterlogged soils and gradients of side slopes. In the situation of larger rainfall events (30-year, 100-year), play areas are less likely to be used, and in this manner the basin is usable as a play area for the majority of the time, meeting the criteria of the SuDS Manual.</p> <p>Llanmoor Homes have experience of providing LEAPS and LAPS within attenuation features at the following locations – Hawtin Parc, Bedwellty School and Pandy Road in Caerphilly CBC, Tondy in Bridgend CBC and LLanharry in RCT.</p> <p>SuDS can also be used to provide biodiversity benefits and serve as a visual, amenity and habitat features, thereby delivering the requirement for Natural Green space.</p> <p>If they are well designed, they can contribute to the provision of green space within the development and make an important contribution to the requirements of placemaking. In most cases the attenuation features will only actually be flooded in very extreme events and the vast majority of time they will be dry and accessible by the public. People should not be using any POS during any extreme storm event. This restriction will have a significant impact on the amount of net developable</p>	<p>bike paths can be surfaced with permeable paving and may have a drainage channel, a play space may provide for excess water in flood conditions. However, areas of formal open space that include SuDS such as sports pitches and play areas should be available for use throughout the year and their recreational use should not be dictated by their primary SuDS function. The provision of SuDS must also not be used in lieu of contributions towards formal open space and recreational facilities.</p> <p>The Council recognises that opportunities for SuDS should be maximised through cooperative working between the various departments with responsibility for parks, recreation, green space, biodiversity and countryside. In this regard, developers are encouraged to collaborate with the Council to help facilitate the use of such space for SuDS. Prospective applicants are encouraged to engage with the Planning Department at pre-application stage so that these matters can be discussed during the developer's site evaluation exercise.</p> <p>The draft SPG text will be amended to provide greater clarity on the dual functionality of SuDS features, formal open space and recreation facilities as part of residential development.</p>	<p><i>However, they will not be considered to be usable public open space."</i></p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>area, reducing the capacity of the site with an adverse impact on the viability of the development.</p> <p>For the reasons outlined above Llanmoor Homes also object to Paragraph 9.2 which also refers to SuDS not being considered to be usable public open space.</p> <p>Appendix 3 contains financial contributions cost guidance for recreation provision and illustrate just how costly it is to provide outdoor recreation facilities. The Council should be aware that the cumulative effects of providing all the necessary infrastructure and other S106 obligations including affordable housing will have a significant impact on the viability of the scheme at West Bridgend. In our comments on the draft SPG on Educational Facilities we calculated that the contribution could be over £14,000 a plot which would include the affordable housing which will be transferred to the RSL at a significant discount to cost. The requirements of this SPG will add significantly to the cost per plot which is likely to run into many hundreds of thousands of pounds and that is before the requirement for SuDS features is taken into account.</p> <p>Whilst Llanmoor Homes fully respect that new development must contribute to mitigate the impacts it has on the surrounding locality there has to be a limit to what contributions/obligations a development can reasonably provide as there will come a point where all sites will become unviable and undeliverable. Moreover, these concerns arise before any consideration of what the level of affordable housing is likely to be which we know has become an increasing priority for Welsh Government.</p> <p>Llanmoor Homes therefore suggest that appropriate amendments are made to the draft SPG to overcome their concerns which have been outlined above and in particular to the statements that SINCS and SuDS area should be excluded from contributing to open space provision.</p>	<p>The draft SPG acknowledges at paragraphs 7.7 – 7.10 that the Council will take a flexible approach to the level and type of open space provision on new housing developments. The exact form and type this will take will be determined by such factors as the nature and size of the development, the particular characteristics of the site, the availability of facilities in the local area, the requirements of future occupiers and the need to provide other infrastructural improvements. Paragraph 7.10 in particular makes reference to circumstances where there will be a need to determine the relative priority of other planning obligations that may be deemed necessary to enable the development to go ahead. Further clarification on the impact this may have on the viability of a scheme, and how it will be assessed will be added to Section 10.</p> <p>Prospective applicants are encouraged to engage with the Planning Department at pre-application stage so that these matters can be discussed during the developer's site evaluation exercise.</p>	<p>Add paragraph on '<b>Viability</b>' to Section 10 to provide greater clarity on the impact of infrastructural requirements on development viability and how it will be assessed as part of the processing of a planning application.</p>
Savills	Section 4	8	<p>Rather than explicitly object to the documents, as we find that much of the SPG is non-contentious and can be supported, we have not ticked either box above but do wish to reiterate two points that we make.</p> <p>The first is a very general point and relates to Section 4 of the SPG. Much of the SPG relies upon the Fields in</p>	<p>Comments noted.</p> <p>The draft SPG acknowledges at paragraphs 7.7 – 7.10 that the Council will take a flexible approach to the</p>	<p>No action required.</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action																												
			Trust (FIT) Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard. The use of the FIT guidance is sensible given its standardised nature, but it is essential that these guidelines are applied with a degree of flexibility, recognising that for some sites it may be appropriate (or indeed only possible) to provide a different mix of public open space. This also needs to be seen in the context of the other competing forms of land take (such as SuDS, schools, and land to deliver a biodiversity net gain) that inform the masterplanning process.	level and type of open space provision on new housing developments. The exact form and type this will take will be determined by such factors as the nature and size of the development, the particular characteristics of the site, the availability of facilities in the local area, the requirements of future occupiers and the need to provide other infrastructural improvements. Prospective applicants are encouraged to engage with the Planning Department at pre-application stage so that these matters can be discussed during the developer's site evaluation exercise.																													
Savills	7.2	13	<p>The second is more specific. Under Paragraph 7.2 of the Outdoor Recreation Facilities and New Housing Development SPG is a table which contains the average occupancy rate per type of dwelling (which is tiered depending on the size and type of dwelling). It is not clear what evidence or research has informed the calculation of these proposed occupancy rates.</p> <p>Table DC4405EW from the 2011 Census shows the household size by number of bedrooms at a local authority level and hence provides an evidence-based position on household size as of 2011. The table below summarises the average number of residents for various property types based on Census information:</p> <p><b>Property Type / Average Occupancy:-</b>            1 Bedroom – 1.3            2 Bedroom – 1.8            3 Bedroom – 2.4            4 Bedroom – 3.0</p> <p>The above table obviously does not distinguish between flats and houses but nevertheless demonstrates that a significant over-estimation of household size proposed to be used is made the SPG when compared to 2011 Census data (particularly when compared with the figures proposed to be used for housing). As a result, the assumed population resulting from the development is inaccurately inflated, and thus new developments would be expected to provide a disproportionately high level of public open space.</p> <p>We ask that BCBC give further consideration to the average occupancy rates assumed in the SPG.</p>	<p>It is acknowledged that the occupancy rates included in the draft SPG have no reference to statistical data and are based on anecdotal evidence held within the Council. However, there is no data available from the 2011 Census that directly correlates to providing average occupancy rates per type and size of dwelling.</p> <p>It is further acknowledged that average household sizes have been decreasing since 2001 and this is projected to continue. To recognise this, the average occupancy rates in paragraph 7.2 will be adjusted to be more closely aligned with the available datasets from the 2011 Census. They will also be monitored and updated as more accurate data becomes available.</p>	<p>Delete table in Paragraph 7.2:</p> <table border="1"> <thead> <tr> <th>Household Type</th> <th>Average Occupancy</th> </tr> </thead> <tbody> <tr> <td>1 bed flat</td> <td>1.5 persons</td> </tr> <tr> <td>2 bed flat</td> <td>2 persons</td> </tr> <tr> <td>3 bed flat</td> <td>2.5 persons</td> </tr> <tr> <td>1 bed house</td> <td>1.5 persons</td> </tr> <tr> <td>2 bed house</td> <td>2 persons</td> </tr> <tr> <td>3 bed house</td> <td>3 persons</td> </tr> <tr> <td>4+ bed house</td> <td>4 persons</td> </tr> </tbody> </table> <p>Replace with following table:</p> <table border="1"> <thead> <tr> <th>Household Type</th> <th>Average Occupancy</th> </tr> </thead> <tbody> <tr> <td>1 bed house</td> <td>1.5 persons</td> </tr> <tr> <td>2 bed house</td> <td>2 persons</td> </tr> <tr> <td>3 bed house</td> <td>2.5 persons</td> </tr> <tr> <td>4 bed house</td> <td>3 persons</td> </tr> <tr> <td>5+ bed house</td> <td>4 persons</td> </tr> </tbody> </table>	Household Type	Average Occupancy	1 bed flat	1.5 persons	2 bed flat	2 persons	3 bed flat	2.5 persons	1 bed house	1.5 persons	2 bed house	2 persons	3 bed house	3 persons	4+ bed house	4 persons	Household Type	Average Occupancy	1 bed house	1.5 persons	2 bed house	2 persons	3 bed house	2.5 persons	4 bed house	3 persons	5+ bed house	4 persons
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Barratt & David Wilson Homes	6.6	11	<p>Assessment of Outdoor Play Space Provision</p> <p>Paragraph 6.6 – BDW suggest that additional wording is required here to take account of other developer contributions. If off-site contributions have already been taken from one development, then charging another developer for the same maintenance would seem unreasonable. BDW also consider the reference to 'current quality standards' is ambiguous and should be clarified accordingly.</p>	<p>Comments noted. All planning obligations secured through Section 106 of the Town and Country Planning Act (1990) need to meet the 3 policy tests. Furthermore, the Community Infrastructure Levy Regulations 2010 restrict the ability of the Council to pool contributions for the same type of infrastructure. Any off-site contributions the Council seeks to secure from developers will need to meet these tests and restrictions. Additional text will be added to Section 10 of the draft SPG to clarify this point.</p> <p>It is acknowledged that the reference to 'current quality standards' is ambiguous, but the paragraph applies to a wide range of different types of outdoor play space, children's play equipment and sports facilities. These may all have their own quality standards of provision. Any assessment of the quality and condition of existing outdoor recreation facilities will be done in close with liaison with a developer at the pre-application stage.</p>	Add paragraph on ' <a href="#">Section 106 Agreements</a> ' to Section 10 to provide greater clarity about the pooling of restrictions.
Barratt & David Wilson Homes	8.5	16	<p>Children's Play Space</p> <p>Paragraph 8.5 - BDW consider that the last sentence in this paragraph is a very sweeping statement and is not required. The provision of a play area, even a small area for young children, as suggested, will very much depend on the size and mix of house type on the development itself as well as wider viability issues, and therefore it should not be considered that it is 'normally possible' to include such provision on site.</p>	<p>Comments noted. In the first instance the council will always seek for children's play space to be provided on-site where possible within housing sites. The draft SPG clearly states in paragraphs 7.7 to 7.10 that this may not always be possible. The text of paragraph 8.5 will be amended to reflect this.</p>	Amend paragraph 8.5 to read:  <i>"In housing sites, it will <del>normally be possible</del> every effort should be made to provide a children's play space onsite, particularly for the needs of very young children."</i>
Barratt & David Wilson Homes	8.12/8.13	17	<p>Allotments</p> <p>Paragraph 8.12 / 8.13 describes the role and function of allotments but does not offer any particular guidance or requirements for their provision, therefore BDW is unsure of the relevance of this within the wider SPG.</p>	<p>The provision of allotments forms part of the outdoor recreation space standard of Policy COM11 of the LDP. In certain circumstances, they could be considered to fulfil part of the on-site provision within a development when other forms of outdoor recreation space are not required. This will depend on individual site characteristics, the nature and size of the development and the availability of facilities in the local area. The exact form and type of open space will be determined on a case-by-case basis as part of pre-application discussions.</p>	No action required
Barratt & David Wilson Homes	8.15	17	<p>Accessible Natural Greenspace</p> <p>Paragraph 8.15 – BDW object to the wording of this paragraph. There needs to be recognition that creating a</p>	<p>Paragraph 8.17 provides guidance on circumstances where the creation or upgrading of an access point is</p>	No action required.

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			point of access to natural greenspace could involve third party land, and such a requirement could create a ransom situation which could prejudice the development. This requirement would only be reasonable if the developer or the Council owned the land, and a suitable access could be delivered in a reasonable timescale. The paragraph should be re-worded accordingly.	not possible. Such circumstances could include non-deliverability due to third party land issues. In such cases, the Council will expect the creation of natural greenspace within the development proposal or an equivalent contribution towards the upgrading of an existing recreational facility to improve its naturalness. Issues such as this can be clarified as part of pre-application discussions.	
Barratt & David Wilson Homes	9.1	19	<p>Management and Maintenance Options</p> <p>BDW supports the willingness of the Council to adopt and maintain the public open space which they require developers to provide (Paragraph 9.1).</p> <p>However, BDW object to the seemingly contradictory statement at Paragraph 9.2 that the Council will not adopt 'apparatus or structures including their surface areas and standoff zones' (including incidental open space associated with underground installations and engineering features, storm water cells, balancing ponds and landform for storm water drainage. BDW consider that these areas should also be considered for adoption by the Council, otherwise it would create an unnecessary complication for developers and future residents of having some areas of open space adopted within a development and some privately managed, resulting in burdensome service charges.</p>	The reference in paragraph 9.2 to 'apparatus' is made in relation to structures whose primary purpose is not related to the provision of open space. It should not be confused with facilities and equipment that form part of a children's play area. These would clearly have a primary use for open space and would be adopted as such.	No action required
Barratt & David Wilson Homes	9.2	19	Also at Paragraph 9.2, the wording in relation to Sustainable Drainage Systems (SuDS) needs to be amended as the Council are required to adopt a SuDS scheme once they approve the scheme.	Comments are noted. It is recognised that under Schedule 3 of the Flood and Water Management Act 2010, local authorities as the SuDS Approving Body (the SAB) have a duty to approve SuDS which follow the national statutory Standards for SuDS. With the exception of single curtilage sites, the SAB also has a duty to adopt the system. The text will be amended to acknowledge this.	Amend text in Paragraph 9.2 to read:  <i>"The Council will consider adopting Sustainable Drainage Systems (SUDS) as part of the drainage system, in its role as the SuDS Approving Body (SAB) and in accordance with the provisions of the Flood and Water Management Act 2010."</i>
Barratt & David Wilson Homes	9.5	19	BDW object to the suggestion in Paragraph 9.5 that off-site payments should also attract a commuted sum to cover the cost of future maintenance. This is also likely to result in double counting as the area of open space for which the contribution is sought would already be maintained using existing funds.	In circumstances where an off-site contribution is deemed necessary, the value of the contribution should equate to the equivalent value of providing the facilities on-site. The wording of paragraph 9.5 will be amended to clarify this point.	Amend text in Paragraph 9.5 to read:  <i>"Where developers make a financial contribution in-lieu of onsite facilities, a commuted sum based on the equivalent cost of providing the required facility on-site will for future maintenance costs will also be sought."</i>
Barratt & David Wilson Homes	10.3	20	Financial Contributions		

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			<p>BDW object to the wording in Paragraph 10.3 that suggests the contribution in lieu of onsite provision for open space will be based on the standard costs for land, design, layout and equipment. It is widely accepted that developers can make contributions to the improvement of existing outdoor recreational facilities, usually owned by the Council, in lieu of on-site provision (as noted in Paragraph 10.2 of the SPG) in which case why are land costs included in the commuted sum payment calculation? The wording should be amended.</p> <p>Finally, BDW consider that the SPG should include a specific section on 'Negotiations with Developers' or 'Viability', as per Draft SPG 16, Educational Facilities and Residential Development, which is also being consulted on at present.</p>	<p>In circumstances where an off-site contribution is deemed necessary, the value of the contribution should equate to the equivalent value of providing the facilities on-site. The wording of paragraph 10.3 will be amended to clarify this point.</p> <p>Paragraph 10.3 also states that the exact level of financial contributions sought from developers may vary from the figures illustrated in the draft SPG to take account of individual site characteristics.</p> <p>The consultees comments in relation to the inclusion of a section on 'Negotiations with Developers' is noted and will be added to the draft SPG.</p>	<p>Amend text in Paragraph 10.3 to read:</p> <p><i>"The commuted payment calculations are based on the <del>standard costs for land, design, layout and equipment</del>, <b>equivalent cost of providing the required facility on-site</b>, which have been developed from current rates of tendered contracts by the Council."</i></p> <p>Add paragraph on '<b>Negotiations with Developers</b>' to Section 10 to ensure consistency with the adopted 'Education Facilities and Residential Development' SPG.</p>
HBF	6.6	12	HBF suggests additional wording is required as account should be taken of the potential for more than one developer contribution in the same area. If off site contributions have already been taken from one development, then charging another developer for maintenance of the same area would seem unreasonable.	Comments noted. All planning obligations secured through Section 106 of the Town and Country Planning Act (1990) need to meet the 3 policy tests. Furthermore, the Community Infrastructure Levy Regulations 2010 restrict the ability of the Council to pool contributions for the same type of infrastructure. Any off-site contributions the Council seeks to secure from developers will need to meet these tests and restrictions. Additional text will be added to Section 10 of the draft SPG to clarify this point.	Add paragraph on ' <b>Section 106 Agreements</b> ' to Section 10 to provide greater clarity about the pooling of restrictions.
HBF	8.5	16	The last sentence is a very general statement and is not considered necessary, alternatively it should be reworded as the provision of such a facility will, as already stated earlier in the document, be subject to the size and mix of property type on the development as well as wider viability issues.	Comments noted. In the first instance the council will always seek for children's play space to be provided on-site where possible within housing sites. The draft SPG clearly states in paragraphs 7.7 to 7.10 that this may not always be possible. The text of paragraph 8.5 will be amended to reflect this.	Amend paragraph 8.5 to read:
HBF	8.12	17	Gives no real guidance just describes what they are and what they can do. Is guidance to be provided elsewhere, some idea of size and specification would be required in order to cost the provision?	The provision of allotments forms part of the outdoor recreation space standard of Policy COM11 of the LDP. In certain circumstances, it could be considered to fulfil part of the on-site provision within a development when other forms of outdoor recreation space are not required. This will depend on individual site characteristics, the nature and size of the development and the availability of facilities in the local area. The exact form and type of open space will be determined on a case-by-case basis as part of pre-application discussions.	No action required.

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HBF	8.15	17	The wording should recognise that the land required could be subject to third party ownership, and as such a requirement could create a ransom situation which could result in the development not happening at all, or make it very difficult for the developer to deliver the requirement. As currently worded, it would only be acceptable if the developer or the Council owned the land, this should be made clear in the text.	Paragraph 8.17 provides guidance on circumstances where the creation or upgrading of an access point is not possible. Such circumstances could include non-deliverability due to third party land issues. In such cases, the Council will expect the creation of natural greenspace within the development proposal or an equivalent contribution towards the upgrading of an existing recreational facility to improve its naturalness. Issues such as this can be clarified as part of pre-application discussions.	No action required.
HBF	8.16	18	After the word 'but' on the first line should it say 'where the access'...	Comments noted and wording to be amended	Amend paragraph 8.16 to read:  <i>"Where a development is within 300 metres of a <del>development site</del> an area of accessible natural greenspace, but where the access is of an unacceptable standard, the Council will expect an appropriate contribution towards the upgrading of that access point."</i>
HBF	9.1	19	HBF supports the willingness of the Council to adopt and maintain the public open space which they require developers to provide.	Comments noted	No action required.
HBF	9.2	19	HBF strongly objects to the Council then contradicting para 9.1 by stating they will not adopt 'apparatus or structures including their surface areas and standoff zones' in HBF's view these clearly fall within the second criteria stated in para 9.1 and should be adopted by the Council.  The adoption of open spaces and roads is currently being considered by WG (a call for evidence is currently ongoing). The idea of an open space being part adopted and part privately managed (play equipment element) would seem to add an additional unnecessary complication. It will lead to confusion for residents as the public open space on a development will be maintained by the Council, yet they will be required to pay a maintenance charge for the play equipment element in the same area. The residents being asked to pay are not given the opportunity to decide if they want the charge or the play equipment to which it relates.  If the Council will not amend their position on this, then the SPG should provide clear guidance on what type of management arrangement the Council would wish to see put in place for the equipment. Although this should	The reference in paragraph 9.2 to 'apparatus' is made in relation to structures whose primary purpose is not to provide open space. It should not be confused with facilities and equipment that form part of a children's play area. This would clearly have a primary use for open space and would be adopted as such.	No action required.



Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>not be overly prescriptive as there are currently a number of management company options available to developers/residents.</p> <p>Further the wording relating to SuDS needs to be amended as the Council are required to adopt a SuDS scheme once they approve it. At this early stage of SuDS implementation, the HBF considers that the Council should take a more relaxed and flexible approach to adopting green areas which serve as SuDS features, as public open space. In practice it is the 'Council' who can adopt the open space and the SuDS all be it different departments.</p>	<p>It is recognised that under Schedule 3 of the Flood and Water Management Act 2010, local authorities as the SuDS Approving Body (the SAB) have a duty to approve SuDS which follow the national statutory Standards for SuDS. With the exception of single curtilage sites, the SAB also has a duty to adopt the system. The text will be amended to acknowledge this.</p>	<p>Amend text in Paragraph 9.2 to read:</p> <p><i>"The Council will consider adopting Sustainable Drainage Systems (SUDS) as part of the drainage system, in its role as the SuDS Approving Body (SAB) and in accordance with the provisions of the Flood and Water Management Act 2010."</i></p>
HBF	9.5	19	<p>HBF objects to the suggestion that off-site payments should also attract a commuted sum. Firstly, it would not be possible to calculate the commuted sum until it was known what the money was being spent on which is often not the case with off-site payments. The SPG offers no guidance on the time period in which the Council has to spend the off-site payment either. This is also likely to result in double counting as the area of open space where the money is to be spent will already be being maintained using existing funds / offsite contributions from another development.</p>	<p>In circumstances where an off-site contribution is deemed necessary, the value of the contribution should equate to the equivalent value of providing the facilities on-site. The wording of paragraph 9.5 will be amended to clarify this point.</p> <p>With regards to the time period for spending of off-site payments, this will be included within any Section 106 Agreement and in the first instance, discussed with the developer. Additional text will be added to Section 10 of the draft SPG to clarify this point.</p>	<p>Amend text in Paragraph 9.5 to read:</p> <p><i>"Where developers make a financial contribution in-lieu of onsite facilities, a commuted sum based on the equivalent cost of providing the required facility on-site will <del>for future maintenance costs will</del> also be sought."</i></p> <p>Add paragraph on 'Negotiations with Developers' to Section 10 to clarify how planning contributions will be sought.</p>

<p>HBF</p>	<p>10.3</p>	<p>20</p>	<p>It would be normal practise for an off-site contribution to be used to upgrade an existing facility owned by the Council, this being the case why would a commuted sum payment calculation need to include costs for land. This wording should be amended. Further any commuted sum should apply only to the upgraded element of the existing park and would not be able to use the full suggest commuted sum calculated provided in the SPG.</p> <p>Appendix 3 includes an example of installation costs followed by maintenance costs. However, the maintenance costs include costs for replacing vandalised equipment, annual safety check, annual risk assessment and repainting equipment and replacing safety surface. However, at para. 9.2 of the SPG the Council states that it will not adopt these features and that these should be managed by a separate maintenance agreement, so it would be unreasonable to then charge a commuted sum which includes them as currently suggested. These items and associated costs should be removed if the Council continue to state that they will not adopt as per para 9.2.</p> <p>The HBF also notes that although each example includes for two litter bins, the cost of emptying them increases in each example, why would the cost of emptying the same number of bins increase as a result of the play area being increased in size?</p> <p>Unlike the Education SPG also currently being consulted on there is no section on 'Negotiations with Developers' or 'Viability', this should be included in this SPG as well.</p>	<p>In circumstances where an off-site contribution is deemed necessary, the value of the contribution should equate to the equivalent value of providing the facilities on-site. The wording of paragraph 10.3 will be amended to clarify this point. Paragraph 10.3 also states that the exact level of financial contributions sought from developers may vary from the figures illustrated in the draft SPG to take account of individual site characteristics.</p> <p>The reference in paragraph 9.2 to 'apparatus' is made in relation to structures whose primary purpose is not to provide open space. It should not be confused with facilities and equipment that form part of a children's play area. This would clearly have a primary use for open space and would be adopted as such.</p> <p>The costs attributed to bin collection provision increases with the size of play areas due to larger facilities attracting an increased amount of service-users, with the associated bins seeing a heavier usage as a result. Therefore, a more frequent collection would be required to accommodate the increased use.</p> <p>The consultees comments in relation to the inclusion of a section on 'Negotiations with Developers' is noted and will be added to the draft SPG.</p>	<p>Amend text in Paragraph 10.3 to read:</p> <p><i>"The commuted payment calculations are based on the <del>standard costs for land, design, layout and equipment</del>, <b>equivalent cost of providing the required facility on-site</b>, which have been developed from current rates of tendered contracts by the Council."</i></p> <p>Add paragraph on '<b>Negotiations with Developers</b>' to Section 10 to ensure consistency with the adopted 'Education Facilities and Residential Development' SPG.</p>
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## Factual Updates

Organisation	Section No.	Page No.	Factual Update Required
BCBC	3.3	4	Update reference to PPW Edition 11 (February 2021)
BCBC	6	11	Update Section 6 to reflect findings of Outdoor Sports & Children's Playing Space Audit 2020

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO DEVELOPMENT CONTROL COMMITTEE

3 MARCH 2022

### REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

#### LISTED BUILDING CONSENT DELEGATION

#### 1. Purpose of report

- 1.1 The purpose of this report is to advise Members of the Development Control Committee of the intention to apply for Listed Building Consent Delegation and to outline the necessary procedures, commitments and benefits of acquiring such delegation.

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

- 2.1 This report assists in the achievement of the following corporate well-being objective under the **Well-being of Future Generations (Wales) Act 2015**:-

**Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

- 2.2 The Council has statutory duties in relation to the determination of Listed Building Consent applications as part of its Planning Service. The proposal supports the objective of Smarter Use of Resources.

#### 3. Background

- 3.1 Under Section 13 of the Planning (Listed Buildings and Conservation Areas) Act 1990 local planning authorities are required to notify Welsh Ministers (via Cadw) where they are minded to grant listed building consent (LBC). However, wherever possible, Welsh Ministers are keen for LBC decisions to be taken at a local level and they are able to amend the requirement to notify Cadw. For example Welsh Ministers are able to direct that certain categories of applications for LBC need not be notified to them by a local planning authority. There is currently a general direction in place removing the requirement to notify Cadw of an application for LBC for work affecting the interior only of a grade II (unstarred) listed building.

3.2 Certain local planning authorities have successfully applied to extend these arrangements to include all grade II listed buildings (with the exception of applications for total demolition) and one authority has been successful in extending these arrangements to include applications affecting grade II\* (star) listed buildings. CADW refer to these extended arrangements as *LBC delegation*.

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

4.1 On 9 December 2019 Cadw sent an invitation to all local planning authorities to apply to remove the requirement to notify Cadw of applications for LBC affecting grade II listed buildings (except total demolition). The removal of the requirement to notify Cadw takes out a time-consuming and resource intensive part of the LBC cycle for both Cadw and the local planning authority. It strengthens local decision-making, makes it timely and efficient, and improves the service available to the public. If successful, the notification process will continue to apply to any application which involves the demolition of a listed building or works to grade I or II\* listed buildings. In applying, local planning authorities will need to demonstrate that they have the right expertise and processes in place to make robust and sound decisions which protect and preserve the historic environment.

4.2 Listed Building Consent Delegation is given to local authorities that have a robust local policy framework supported by sound processes, practices and decision making informed by specialist conservation officer advice aimed towards the conservation and protection of the historic environment. Cadw maintains close working relationships with those local planning authorities that obtain delegation through an annual review process and can continue to provide advice and guidance at the request of the conservation officer.

4.3 As a minimum criteria, Cadw requires that each local planning authority should:

- Have a proven robust local policy framework in place, reflecting the principles set out in Planning Policy Wales and TAN24.
- Provide evidence that it is able to provide applicants with clear and informative advice on the management of listed buildings, including a pre-application advice service.
- Demonstrate that at least one of its officers involved in the decision-making process on all listed building consent applications has the necessary specialist expertise and experience to judge the merits of a full range of listed building consent cases (i.e. the named officer). Suitability might be demonstrated through a professional qualification, relevant experience, or a combination of both.
- Confirm that the written advice of this named person or persons will be taken into account in the decision-making process.
- Where the named officer or officers – for whatever reason – will not be able to offer advice on an application, the authority will agree to notify that application to Cadw if it is minded to grant consent. Similarly, the authority will also agree to

notify the application to Cadw if it is minded to grant consent against the advice of the named officer.

- Agree a monitoring schedule with Cadw.
- Indicate an ability and willingness to take enforcement action when necessary.
- Indicate an ability and willingness to address buildings at risk.
- Agree to inform Cadw of any changes in personnel or practices that may affect the handling of listed building consent applications.

4.4 It is intended that an application is made to Cadw in line with the guidance provided with the Senior Conservation and Design Officer within the Communities Directorate identified as the named Officer. Full requirements of the application process are included in **Appendix 1**.

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

5.1 If this Authority is successful in applying for Listed Building Consent Delegation amendments to the scheme of delegation will be required via full Council approval.

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

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

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

7.1 Listed Building Consent Delegation forms part of the Statutory Planning Service and will be progressed in line with the 7 Wellbeing goals and the 5 ways of working as identified in the Act.

## **8. Financial implications**

8.1 Funding is in place to support the Senior Conservation and Design Officer, the named officer, within the Communities Directorate until December 2023. If delegation is successful, external funding opportunities will be sought to maintain the dedicated staff arrangements beyond this date to deal with listing building consent applications, their subsequent monitoring of proposals on site and enforcement.

## 9. Recommendations

9.1 It is recommended that the Development Control Committee:-

- note the contents of this report
- support an application for listed building consent delegation
- receive a further report on the outcome of that application

**Janine Nightingale**  
**Corporate Director Communities**

3rd March 2022

**Contact officer:** Claire Hamm  
Team Leader Conservation and Design

**Telephone:** (01656) 643164

**Email:** [Claire.Hamm@bridgend.gov.uk](mailto:Claire.Hamm@bridgend.gov.uk)

**Postal address:** Conservation and Design  
Communities Directorate  
Civic Offices, Angel Street  
Bridgend  
CF31 4WB

**Background documents:**

None





Llywodraeth Cymru  
Welsh Government

Plas Carew, Uned 5/7 Cefn Coed  
Parc Nantgarw, Caerdydd. CF15 7QQ  
Ffôn 0300 025 6000  
ebost [cadw@llyw.cymru](mailto:cadw@llyw.cymru)  
[www.cadw.llyw.cymru](http://www.cadw.llyw.cymru)

Plas Carew, Unit 5/7 Cefn Coed  
Parc Nantgarw, Cardiff. CF15 7QQ  
Tel 0300 025 6000  
email [cadw@gov.wales](mailto:cadw@gov.wales)  
[www.cadw.gov.wales](http://www.cadw.gov.wales)

Chief Planning Officers

Eich cyfeirnod  
Your reference

Ein cyfeirnod  
Our reference

Dyddiad  
Date

9 December 2019

Llinell uniongyrchol  
Direct line

0300 025 6203

Ebost  
Email:

Dear Sir / Madam,

## INVITATION TO APPLY FOR LISTED BUILDING CONSENT DELEGATION

### 1. Background

1.1 Under Section 13 of the Planning (Listed Buildings and Conservation Areas) Act 1990 local planning authorities are required to notify the Welsh Ministers (in practice, Cadw) where they are minded to grant listed building consent (lbc).

### 2. Aim

2.1 However, wherever possible, the Welsh Ministers are keen for lbc decisions to be taken at a local level and they are able to amend the requirement to notify Cadw. For example, the Welsh Ministers are able to direct that certain categories of applications for lbc need not be notified to them by a local planning authority.

2.2 There is currently a general direction in place removing the requirement to notify Cadw of an application for lbc for work affecting the interior only of a grade II (unstarred) listed building. However, certain local planning authorities have successfully applied to extend these arrangements to include all grade II listed buildings (with the exception of applications for total demolition) and one authority has been successful in extending these arrangements to include applications affecting grade II\* (star) listed buildings. In shorthand, we call these extended arrangements *LBC delegation*.

### 3. Impact

3.1 The removal of the requirement to notify Cadw takes out a time-consuming and resource intensive part of the lbc cycle for both Cadw and the local planning authority. It strengthens local decision-making, makes it timely and efficient, and improves the service available to the public. Further detail is given in paragraphs 5.18 to 5.21 [Technical Advice Note 24: the Historic Environment](#),

#### **4. Formal Invitation**

4.1 We would therefore like to invite local planning authorities to apply to remove the requirement to notify Cadw of applications for lbc affecting grade II listed buildings (except total demolition). If you are successful, the notification process will continue to apply to any application which involves the demolition of a listed building or works to grade I or II\* listed building. In applying you will need to demonstrate that you have the right expertise and processes in place to make robust and sound decisions which protect and preserve the historic environment.

#### **5. Further Information**

5.1 Further details are set out in Annex A and applications should be sent to our Senior Heritage Planning and Designations Manager [matthew.coward@gov.wales](mailto:matthew.coward@gov.wales) However, before you apply please make contact with Matthew as he will be able to provide you with examples of previous successful applications which may help in preparing your own case.

Yours sincerely,



Gwilym Hughes  
Head of Cadw

## **Guidance on Listed Building Consent Delegation and Cadw's Role in the Consenting Process**

### **1. Background**

1.1 Listed Building Consent Delegation is given to local authorities that have a robust local policy framework supported by sound processes, practices and decision making informed by specialist conservation officer advice aimed towards the conservation and protection of the historic environment. Cadw maintains close working relationships with those local planning authorities that obtain delegation through an annual review process and can continue to provide advice and guidance at the request of the their conservation officer.

### **2. Criteria for Obtaining Listed Building Consent Delegation**

2.1 As a minimum, each local planning authority should:

- Have a proven robust local policy framework in place, reflecting the principles set out in Planning Policy Wales and TAN24.
- Provide evidence that it is able to provide applicants with clear and informative advice on the management of listed buildings, including a pre-application advice service.
- Demonstrate that at least one of its officers involved in the decision-making process on all listed building consent applications has the necessary specialist expertise and experience to judge the merits of a full range of listed building consent cases (i.e. the named officer). Suitability might be demonstrated through a professional qualification, relevant experience, or a combination of both.
- Confirm that the written advice of this named person or persons will be taken into account in the decision-making process.
- Where the named officer or officers – for whatever reason – will not be able to offer advice on an application, the authority will agree to notify that application to Cadw if it is minded to grant consent. Similarly, the authority will also agree to notify the application to Cadw if it is minded to grant consent against the advice of the named officer.
- Agree a monitoring schedule with Cadw.
- Indicate an ability and willingness to take enforcement action when necessary.
- Indicate an ability and willingness to address buildings at risk.
- Agree to inform Cadw of any changes in personnel or practices that may affect the handling of listed building consent applications.

### **3. Monitoring the Delegation Arrangements**

3.1 Cadw monitors delegation arrangements to assess their effectiveness and ensure that appropriate standards are being maintained. It is hoped that, once made, it will not be necessary to suspend any delegation, but the results of monitoring and the evaluation of the performance of the individual authority will inform whether or not to suspend the delegation or remove it altogether.

### **4. Reporting Requirements**

4.1 Each successful local planning authority is expected to submit an annual report (based on the financial year) which should include details of approved applications delegated for local determination and details of any enforcement action taken by the local authority during the reporting period (see below). Alongside the annual report, each authority is expected to agree a schedule of visits with Cadw's regional inspector to inspect and review a small sample of cases where consent has been granted.

4.2 The annual report should include the following information which is set out in the form of a checklist:

#### **Part 1 – Written Summary Report**

- summary of policy position and general update on service provision;
- brief overview of case-work, including overall numbers and outcomes, with information on pre-application discussion, consultation process, timescales and outcomes, including appeals;
- summary of other activities of conservation officer – including contribution to general planning advice, regeneration activity etc;
- summary of enforcement activity and actions to address buildings at risk.

#### **Part 2 – Casework**

- tabular summary of listed building consent applications, including summary of works, time taken and decision;
- tabular summary of enforcement cases including works, remedy, time taken and outcome;
- tabular summary of repairs notices, urgent works undertaken and building preservation notices issued.

### **5. Cadw's Role**

5.1 Irrespective of the delegation arrangements Cadw can:

- Provide advice on national strategy and policy, including the general policies and principles against which any proposals for change should be considered.
- Provide advice on local strategies and policies for the historic environment, for example in relation to local listing, traditional building skills, buildings at risk and heritage-led regeneration.
- Offer pre-application advice on specific cases. [Planning Policy Wales](#) (PPW) strongly recommends that pre-application discussions are undertaken between the applicants, the local planning authority, and where appropriate, Cadw, to clarify what works will require listed building consent, what level of information will be needed, and what other issues need to be resolved. [Managing Change to Listed Buildings in Wales](#) explains that Cadw should be involved in pre-application discussion where the proposed changes are likely to have a major impact on the significance of the building. Cadw is not able to discuss the merits of particular cases once an application has been submitted.
- Provide advice on call-in. Most local planning authorities need to notify Welsh Ministers (Cadw) before listed building consent is granted. The purpose of notification allows Cadw to consider whether the correct procedures and guidance have been followed, or whether the application raises issues of more than local interest which may warrant determination by the Welsh Ministers. In practice, listed building consent applications are very rarely called in.
- Provide advice to the Planning Inspectorate (PINS) on appeals. Applicants have a right of appeal where a local planning authority refuses consent for works to a listed building, issues consent subject to conditions, refuses an application to vary or discharge conditions attached to a listed building consent application, does not decide an application within the agreed period of time or issues an enforcement notice. In such cases, Cadw's views are sought on the merits of the building and the impact of the works.
- Help build capacity and resilience. Cadw will work with local planning authorities to build the capacity and resilience of their conservation services, through training and mentoring.
- Facilitate cross-departmental working, and bring in expertise from across Welsh Government and other home nations.
- Provide a forum to discuss general issues, and facilitate the exchange of experience and good practice from across Wales. Examples of this might include sharing advice relating to protected species or specialist conservation techniques. Cadw is able to facilitate this informally through discussions with its historic buildings inspectors who have a breadth of experience across local authority areas. It also convenes the Built Heritage Forum which provides a regular opportunity to share policy information and good practice.

## **6. Who to Contact**

6.1 If you would like to discuss any of this in more detail, please contact Matthew Coward (details as above) or Judith Alfrey, Head of Conservation and Regeneration at [judith.alfrey@gov.wales](mailto:judith.alfrey@gov.wales).

Cadw  
December 2019

## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO DEVELOPMENT CONTROL COMMITTEE

3 MARCH 2022

#### REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES

#### BCBC LPA RESPONSE TO WG CONSULTATION ON AMENDMENTS TO THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995

#### 1. Purpose of report

- 1.1 The purpose of this report is to advise Members of the Local Planning Authority's response to the Welsh Government's (WG) consultation on amendments to the General Permitted Development Order (GPDO) 1995. The consultation document is attached as Appendix 1 and the completed response form is attached as Appendix 2.

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

- 2.1 This report refers to the implementation of the statutory town and country planning system, which assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-

1. **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
2. **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.

#### 3. Background

- 3.1 Members will be aware that in order to support the reopening of businesses and efforts to create safe environments, enabling the public to feel confident to return to the high street, the Welsh Government temporarily relaxed planning control for specified development through amendments to the GPDO (the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (Wales) Order 2021).
- 3.2 Greater flexibility was provided for changes of use within town centres on a temporary basis (e.g. longer periods for temporary use of land, holding of markets, temporary changes of use within town centres and outdoor seating and awnings for hospitality uses).

- 3.3 The consultation seeks wider public and stakeholder views on these permitted development rights (PDRs) with a view to them becoming permanent additions to the GPDO in 2022.
- 3.4 New PDRs were also introduced for NHS bodies and local authorities as part of the Welsh Government's emergency response to the pandemic in 2020. Due to the emergency need for these Permitted Development Rights to assist with the response to COVID-19, at the time the Welsh Government did not undertake a consultation before the relevant Orders came into force. This is an opportunity to provide feedback on how these PDRs have been used in practice.
- 3.5 Permitted development rights normally associated with dwellings (e.g. extensions and alterations) are also reviewed insofar as they relate to Houses in Multiple Occupation (HMOs). Currently, for the purposes of the GPDO, an HMO is a dwellinghouse and therefore does benefit from the same rights. The scope for householders to hard surface their rear gardens is also reviewed.
- 3.6 In 2019, new permitted development rights were introduced to facilitate the rollout of electric vehicle charging infrastructure within both public and private spaces. Whilst these removed initial barriers to the rollout of charging infrastructure, there is now a need for greater flexibility to contribute towards the provision of a network of rapid/ultra-rapid charging and to work with partners on the provision of infrastructure in the community to address the needs of those that are unable to charge off street.
- 3.7 There is also a need for flexibility to deal with cases of Avian Influenza in terms of temporary shelters or to modify buildings without the need to obtain planning permission.
- 3.8 Finally, there is a requirement to speed up the process of making Article 4 Directions. Article 4 Directions are either directions with or without immediate effect and are used to withdraw permitted development rights in certain situations such as Conservation Areas.

#### **4. Current Situation/Proposals**

- 4.1 The Welsh Government want to understand the benefits of retaining the additional days for temporary uses to take place and gain a better understanding of the impacts.
- 4.2 In terms of markets, the WG want to know whether the current PDRs (14 days in any calendar year) provide sufficient flexibility for the provision of markets and consider it should be extended.
- 4.3 For temporary uses in town centres, in order to diversify retail and commercial centres so that they can adapt to future retail trends and continue to meet the needs of their local communities, it is proposed to make the temporary changes of use permanent. The six month trial period would be removed, allowing the changes of use to be retained in perpetuity. The requirement for the property to be within the town centre and the LPA notification process would remain. Proposed changes of use to the sale of hot food for consumption off the premises (takeaways) and uses within Class B1(c) of the Use Classes Order (industrial processes) would continue to be excluded.



- 4.4 For outdoor spaces outside hospitality uses, it is proposed to continue to allow the use of land adjacent to these uses for the purposes of selling or serving food or drink supplied from those premises or consuming food or drink supplied from those premises without the need for planning permission. Amenity considerations can be controlled through other legislation (Highways Act and Licensing) and all existing limitations/conditions imposed by Part 42 (Shops, Financial or Professional Services Establishments) would still apply.
- 4.5 Planning permission is not currently required for the installation of retractable awnings before 29 April 2022 but after this date permission will be required for any new awnings. It is proposed to grant planning permission for awnings on the frontage of hospitality/A3 uses and establishments subject to the existing limitations (full retraction between 10pm and 8 am and no means of support from the highway and no side or front panels).
- 4.6 With regard to temporary buildings and changes of use for Public Health Emergency purposes it is proposed to retain provisions for NHS bodies and Local Authorities to ensure that they have the powers available to them to continue to respond to the on-going COVID-19 pandemic, but also to act swiftly in the event of a future emergency.
- 4.7 In order to enable better management of HMOs, it is proposed that HMOs should no longer benefit from PDRs for alterations and extensions of a dwellinghouse. Development to a dwelling, where it involves extending the property, in use as a HMO should require planning permission to enable LPAs to fully consider the planning impacts, particularly where extensions could result in the intensification of the use.
- 4.8 The existing permeability caveat for hard surfaces is proposed to be applied to all areas of new or replacement hard surfacing within the curtilage of the dwellinghouse, not just forward of the principle elevation.
- 4.9 For electric vehicle charging apparatus, whilst the PDRs introduced in 2019 removed initial barriers to the rollout of charging infrastructure, there is now deemed to be a need for greater flexibility to contribute towards the provision of a network of rapid/ultra-rapid charging and to work with partners on the provision of infrastructure in the community to address the needs of those that are unable to charge off street.
- 4.10 It is proposed to support the delivery of the Electric Vehicle Charging Strategy by making changes to permitted development rights. These revolve around greater flexibility on the size of apparatus and works by third parties on behalf of, or in partnership with, the LA (as long as they are not used for advertising and do not impede active travel routes).
- 4.11 To respond quickly to outbreaks of Avian Influenza it is proposed to bring the pd rights back into effect each time controls are put in place (whether locally or nationally). The permitted development rights would last until the notification of the withdrawal of those controls and owners would then have 4 months to remove the temporary development.
- 4.12 For Article 4 Directions (the statutory process where normal PDRs may be removed), it is proposed to remove the need for approval of the Welsh Ministers for all

Directions made by LPAs (with a reserve power being retained by the Welsh Ministers to modify or cancel an Article 4 Direction made by a LPA) subject to certain exemptions, and retain the power for the Welsh Ministers to make their own Article 4 Directions.

- 4.13 This will help in cases when LPAs need to act quickly in order to deal with a threat to the amenity of an area and can be applied to withdraw permitted development rights for developments within the curtilage of a dwellinghouse, minor operations, changes of use, temporary buildings and uses, demolition of buildings and any works within the whole or part of a Conservation Area. The Direction with immediate effect will remain in force for six months and would expire unless confirmed by the LPA following a consultation exercise.
- 4.14 As the deadline for responses to the consultation expired on 15<sup>th</sup> February 2022, the Council's comments have been submitted.
- 4.15 Generally, Officers are in support of the proposed changes. As highlighted in the consultation response form (attached as Appendix 2), an extension to PDRs for temporary uses to take place up to 56 days (or 28 days for markets) is not supported and proposals to allow permitted changes of use within town centres could result in the LPA losing control on specific uses in town centres. However, it is suggested that some vacant units in the town centre could be utilised by pop up shops and office hubs for a trial period to see if there is a demand for such services before a formal application is required to regularise the use.
- 4.16 It is also considered that awnings on the front of premises should still be the subject of a planning application as designs and sizes can vary dramatically and they form a prominent part of a shopfront which would require planning permission if changed.
- 4.17 Finally, the only other point that Officers disagree with is the need to have a permeable surface to the rear of dwellings. It is not considered necessary as most patios etc. would naturally drain to a permeable surface such as a lawn in any case but would also be difficult to enforce or monitor.

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

- 5.1 The statutory Town & Country Planning system requires Local Planning Authorities must determine planning applications in accordance with the relevant regulations and policy.

## **6. Equality Impact Assessment**

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

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

- 7.1 This report is in response to a Welsh Government consultation, which has been

subject to a separate equalities impact assessment. The Well-being of Future Generations (Wales) Act 2015 Assessment based on the 5 ways of working has been considered in the Council's response and there are no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives. The statutory Town & Country Planning System is aligned in accordance with the seven Wellbeing goals and the five ways of working as identified in the Act.

## **8. Financial implications**

8.1 The cost of the conducting site visits is largely absorbed into the overall budget of the Planning Service.

## **9. Recommendation(s)**

9.1 That Members note the content of this report and the LPAs response to the WG consultation (Appendix 2).

**Jonathan Parsons**  
**Group Manager Planning & Development Services**  
3<sup>rd</sup> March, 2022

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**Background documents:** None



## Welsh Government Consultation Document

# Permitted Development

## Amendments to the Town and Country Planning (General Permitted Development) Order 1995

Date of issue: 16 November 2021

Action required: Responses by 15 February 2022

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.  
This document is also available in Welsh.

**Overview**

This consultation contains proposals to amend the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

**How to respond**

The consultation includes a set of specific questions to which the Welsh Government would welcome your response.

Responses are welcome in either English or Welsh and should be sent by email or post to arrive no later than **15 February 2022**.

You can reply in any of the following ways -

**Online:**

Please complete the online consultation response form on the following link:

<https://www.smartsurvey.co.uk/s/5RJZZK/>.

**Email:**

Please complete the consultation response form at the end of this document and email to [planconsultations-e@gov.wales](mailto:planconsultations-e@gov.wales).

(please include 'Permitted Development Consultation' in the subject line)

**Post:**

Please complete the consultation response form at the end of this document and post to:

Planning Directorate  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

**Further information and related documents**

**Large print, Braille and alternative language versions of this document are available on request.**

**Contact details**

For further information:

Post:

Planning Directorate  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

Email: [planconsultations-e@gov.wales](mailto:planconsultations-e@gov.wales)

**Also available in  
Welsh at:**

<https://llyw.cymru/diwygiadau-i-hawliau-datblygu-ganiateir>

## General Data Protection Regulation (GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

## Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:  
Welsh Government  
Cathays Park  
CARDIFF  
CF10 3NQ

e-mail:

[Data.ProtectionOfficer@gov.wales](mailto:Data.ProtectionOfficer@gov.wales)

The contact details for the Information Commissioner's Office are:

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 01625 545 745 or  
0303 123 1113

Website: <https://ico.org.uk/>

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## 1. Introduction

- 1.1 Permitted development is development which can be undertaken without the need to apply for planning permission, as permission has already been granted by the Town and Country Planning (General Permitted Development) Order 1995 (GPDO). The GPDO contains 43 parts which grant planning permission for a wide range of developments across many different sectors.
- 1.2 To support the reopening of businesses and efforts to create safe environments, enabling the public to feel confident to return to the high street, earlier this year the Welsh Government temporarily relaxed planning control for specified development through amendments to the GPDO (the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (Wales) Order 2021). Greater flexibility was provided for changes of use within town centres, on a temporary basis to, for example, encourage the reuse of vacant retail units. A targeted 14 day consultation was undertaken with Local Planning Authorities (LPAs) through the Planning Officers Society for Wales (POSW), the Country Land and Business Association (CLA) and Regional Town Centre Action Groups prior to the Order being made.
- 1.3 This consultation seeks wider public and stakeholder views on these permitted development rights (PDRs) with a view to them becoming permanent additions to the GPDO in 2022.
- 1.4 New permanent permitted development rights were also introduced for NHS bodies (Part 3A of the GDPO) and local authorities (Part 12A of the GDPO) as part of the Welsh Government's response to Coronavirus (COVID-19) in 2020. Due to the emergency need for these PDRs to assist with the response to COVID-19, at the time the Welsh Government did not undertake a consultation before the relevant Orders came into force. The views of stakeholders are therefore sought retrospectively as part of this consultation. This is an opportunity to provide feedback on how these PDRs have been used in practice.
- 1.5 The consultation also invites comments on proposals contained within a previous consultation published in 2018. The '[Subordinate Legislation Consolidation and Review](#)' consultation ("the 2018 consultation") sought views on proposals to consolidate and make selected amendments to the GPDO. An interim order (The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2019) was made providing for electric vehicle charging infrastructure, renewable energy and telecommunications proposals. The remaining proposals from the consultation have yet to be taken forward. The proposals to be retained and taken forward are included as part of this consultation.
- 1.6 The 2018 consultation included proposals to reform and consolidate the Town and Country Planning (Use Classes) Order 1987 (UCO).
- 1.7 Wholesale changes to the UCO, in particular to the A Class uses that would impact upon commercial centres, will be considered as part of a wider area of

work focusing on town centre regeneration post-COVID-19. Any proposals arising from this workstream will be subject to future consultation. Notwithstanding this, the proposed amendment to use Class A2 removing betting shops to become a unique use (Q2) and the technical amendments to the B Use Class (Q14) will be taken forward at the earliest opportunity. Both amendments received support from the majority of those who responded to the relevant questions in the 2018 consultation.

- 1.8 Finally, it is proposed to provide greater flexibility through PDRs for the installation of electric vehicle charging infrastructure, to contribute towards the delivery of the Welsh Government's Electric Vehicle Charging Strategy.

## **2. Recovery Permitted Development Rights**

### Additional temporary use of land

- 2.1 Class B of Part 4 of Schedule 2 of the GPDO provides for the temporary use of land (excluding buildings) for 28 days, subject to limitations and conditions. This is reduced to 14 days for specified uses, such as holding a market (see paragraph 2.9). These PDRs are used to provide a variety of uses including festivals, fairs, markets and leisure uses.
- 2.2 Class A (additional temporary use of land during the relevant period) in the new Part 4A of Schedule 2 (introduced by the 2021 amendment Order) permits an additional period of 28 days for a temporary use of land of which 14 days may be for the holding of a market or for the purposes of motor car and motorcycle racing (including trials of speed, and practising for these activities) during the period beginning 30 April 2021 and ending on 3 January 2022. The provision of moveable structures for the purpose of the use is also permitted. Development is not permitted to a building or in the curtilage of a building where there is also a scheduled monument. Some types of development are not permitted where the land is in the curtilage of a listed building, is within a site of special scientific interest or is within a National Park.
- 2.3 These permitted development rights have been used to provide a variety of uses including campsites, festivals, fairs, weddings, markets and other leisure uses.
- 2.4 Landowners are responsible for operating the temporary uses in ways that minimise disturbance to local residents with local authorities having powers to intervene where statutory nuisances occur.

### **Proposal**

- 2.5 Extending the time allowed for temporary uses of land has provided a valuable boost, supporting economic recovery in the hospitality, leisure and tourism sectors.
- 2.6 With restrictions upon foreign travel, the temporary permitted development rights have been particularly beneficial in enabling the provision of additional capacity for campsites and broaden the range of tourist provision available to cater for the increase in 'staycations'.
- 2.7 The Welsh Government are aware of instances where planning impacts have arisen as a result of some temporary uses. However, there is a fine balance between the potential adverse impacts arising from such uses, which are mitigated due to the temporary nature of the uses, and the wider economic benefits.
- 2.8 The Welsh Government want to understand the benefits of retaining the additional days for temporary uses to take place and gain a better understanding of the impacts. View are also sought on proposed mitigation if they were to be made permanent.

**Q.1** Should the additional days granted by Class A of Part 4A be retained permanently, permitting temporary uses to take place for up to 56 days (28 days for specified uses) in a calendar year?

**Q.2** Do you have any evidence as to any benefits and impacts as a result of introducing the additional number of days for temporary uses to take place since April? If yes, please specify.

**Q.3** Do you have views on whether there should be additional restrictions on the use of this PDR to mitigate against potential impacts of making this permanent? If yes, please specify.

### Holding of a market

- 2.9 Prior to the pandemic, Class B of Part 4 of Schedule 2 to the GPDO provided for the temporary use of land (excluding buildings) for use as a market for 14 days. Class A of Part 4A was introduced to temporarily provide an additional 14 days until 3 January 2022. These PDRs are used by the private sector, third sector and the wider public to host markets, including car boot sales, fetes and food festivals.
- 2.10 To assist local authorities in their efforts to support businesses following the relaxation of the COVID-19 restrictions, PDRs (Class B of Part 4A) have been introduced permitting the use of land (excluding within a site of special scientific interest) for an unlimited period by local authorities for the purpose of holding a market. The erection of temporary moveable structures, such as stalls or awnings, to facilitate the use are also permitted.
- 2.11 A 'sunset clause' applies which means the additional days provided for by Classes A and B of Part 4A end on 3 January 2022. After this period, local authorities will only be able to use Class B of Part 4 which permits the temporary use of land to provide a market for up to 14 days a year.

### **Proposal**

- 2.12 Temporary markets provide a low-cost opportunity for small traders and start-ups to sell their goods, fund raising potential for third sector and community groups and consequential economic/tourism benefits to the host location. These benefits may however be set against temporary planning impacts such as noise, traffic generation and disturbance of residential amenity.
- 2.13 Notwithstanding this, the Welsh Government would welcome your views on whether the current PDRs provide sufficient flexibility for the provision of markets. Your views are invited on whether the existing 14 day limitation under Class B of Part 4 should be extended.

**Q.4** Should the number of days for holding a market generally be extended? If Yes, what is an acceptable number of days for holding a market? What conditions should apply to manage the planning impacts?

**Q.5 Should any additional days over the permitted 14 days be provided for markets operated by or on behalf of a local authority?**

Temporary uses (Town Centres)

2.14 In light of the significant pressures to town centre uses, the Welsh Government introduced new permitted development rights for changes of use within town centres to give landlords and businesses a small amount of breathing space to trial changes of use to uses of similar planning impacts for a short time. The permitted changes are as follows:

Part 4A	Existing Use (within town centres only)	Permitted Change
Class C	Use class A1 (shops)	<ul style="list-style-type: none"> <li>• A2 (financial and professional services);</li> <li>• A3 (food and drink);</li> <li>• B1 (business);</li> <li>• D1 (non-residential institutions);</li> <li>• D2 (assembly and leisure).</li> </ul>
Class D	Use class A2 (financial and professional services)	<ul style="list-style-type: none"> <li>• A1 (shops);</li> <li>• A3 (food and drink);</li> <li>• B1 (business);</li> <li>• D1 (non-residential institutions);</li> <li>• D2 (assembly and leisure).</li> </ul>
Class E	Use class A3 (food and drink)	<ul style="list-style-type: none"> <li>• A1 (shops);</li> <li>• A2 (financial and professional services);</li> <li>• B1 (business);</li> <li>• D1 (non-residential institutions);</li> <li>• D2 (assembly and leisure).</li> </ul>

2.15 The permitted change of use only applies to buildings within a town centre as identified in a development plan, with the whole planning unit falling within the town centre boundary in order to be considered permitted development.

2.16 To protect residential amenity, for all the above permitted changes of use, development is not permitted if the proposed A3 use is the sale of hot food for consumption off the premises; or where the proposed use is Class B1(c) (i.e. for any industrial process). These uses could potentially result in planning impacts that require further consideration through the submission of a planning application. A notification procedure also applies to assist LPAs with monitoring.

2.17 Currently, changes of use are permitted for a six month period beginning with the date on which the development began and must end on or before 29 April 2022,

unless planning permission is granted for the retention of the use. The use of the building may revert to the original use at any time during the six month period.

## Proposal

- 2.18 Prior to the pandemic, there was a growing need to diversify retail and commercial centres so they can adapt to future retail trends and continue to meet the needs of their local communities. This will be even more important as we move forward due to the impact of COVID-19. Numerous vacant units cause demonstrable harm to the character and vibrancy of town centres and have a ripple effect, reducing commercial confidence in the area and its attractiveness to the public. Encouraging alternative commercially viable uses can bring social, economic and regeneration benefits.
- 2.19 The Welsh Government intends to undertake a wider regeneration led review of town centre policy, revisiting the use classes order, Technical Advice Note 4: Retail and Commercial Development and Planning Policy Wales to determine whether any steps can be taken to promote greater flexibility in retail/commercial centres to reflect the versatility necessary to maintain vibrant spaces post-COVID-19.
- 2.20 Prior to this, as an initial step, it is proposed to make the temporary changes of use introduced by Classes C, D and E of Part 4A permanent. The six month trial period would be removed, allowing the changes of use to be retained in perpetuity. The requirement for the property to be within the town centre and the LPA notification process would remain. Proposed changes of use to the sale of hot food for consumption off the premises and uses within Class B1(c) of Schedule 1 to the Use Classes Order would continue to be excluded.

Existing Use	Permitted Change	Not permitted	Conditions
Use class A1 (shops)	<ul style="list-style-type: none"> <li>• A2 (financial and professional services);</li> <li>• A3 (food and drink);</li> <li>• B1 (business);</li> <li>• D1 (non-residential institutions);</li> <li>• D2 (assembly and leisure).</li> </ul>	<ul style="list-style-type: none"> <li>• the whole of the building does not fall within a town centre;</li> <li>• the proposed A3 use is the sale of hot food for consumption off the premises;</li> <li>• the proposed use is Class B1(c) of Schedule 1 to the Use Classes Order.</li> </ul>	<ul style="list-style-type: none"> <li>• the developer must, as soon as reasonably practicable, notify the LPA of the development</li> </ul>
Use class A2 (financial and	<ul style="list-style-type: none"> <li>• A1 (shops);</li> <li>• A3 (food and drink);</li> <li>• B1 (business);</li> </ul>	<ul style="list-style-type: none"> <li>• the whole of the building does not fall within a town centre;</li> </ul>	<ul style="list-style-type: none"> <li>• the developer must, as soon as reasonably practicable,</li> </ul>

professional services)	<ul style="list-style-type: none"> <li>• D1 (non-residential institutions);</li> <li>• D2 (assembly and leisure).</li> </ul>	<ul style="list-style-type: none"> <li>• the proposed A3 use is the sale of hot food for consumption off the premises;</li> <li>• the proposed use is Class B1(c) of Schedule 1 to the Use Classes Order.</li> </ul>	notify the LPA of the development
Use class A3 (food and drink)	<ul style="list-style-type: none"> <li>• A1 (shops);</li> <li>• A2 (financial and professional services);</li> <li>• B1 (business);</li> <li>• D1 (non-residential institutions);</li> <li>• D2 (assembly and leisure).</li> </ul>	<ul style="list-style-type: none"> <li>• the whole of the building does not fall within a town centre;</li> <li>• the proposed use is Class B1(c) of Schedule 1 to the Use Classes Order.</li> </ul>	<ul style="list-style-type: none"> <li>• the developer must, as soon as reasonably practicable, notify the LPA of the development</li> </ul>

**Q.6 Do you agree the permitted changes of use within town centres should become permanent? If not, please provide your reasons for disagreeing.**

Hospitality uses – outdoor servery provision

- 2.21 To promote the use of outdoors and reduce the risk of patrons spreading COVID-19, whilst also enabling businesses to operate to their maximum permitted capacity with minimal administrative requirements, PDRs were introduced.
- 2.22 Class F of Part 4A permits the use of the highway adjacent to premises falling within Class A3 (food and drink) for the purposes of selling or serving food or drink supplied from those premises or consuming food or drink supplied from those premises. The placement of removable furniture to facilitate the use is also permitted. This includes tables, forms of seating, counters, stalls, umbrellas, barriers and heaters or other articles used in connection with the outdoor consumption of food or drink.
- 2.23 Prior to the pandemic there was duplication in the consenting process to operate businesses on the highway as the formal consent of the highway authority is also required. Consideration in both consenting processes was given to highway safety. Even though planning permission is currently granted by Class F, consent from the highway authority means active consideration is given to the highway safety implications of the development.
- 2.24 Use of the area by customers is also prohibited between 10 p.m. and 8 a.m. to protect the amenity of neighbouring residential properties.

2.25 Consent for permitted spaces ceases on 3 January 2022, after which the use must cease and the highway returned to its prior condition.

**Proposal**

2.26 The use of outdoor spaces for hospitality uses adds vibrancy to public spaces whilst providing improved ventilation and physical distancing for patrons. The separate consenting process under the Highways Act 1980 also ensures the primary matter of highway safety is considered before any development takes place. It is therefore proposed to remove the sunset clause, to continue to allow the use of land adjacent to hospitality uses for the purposes of selling or serving food or drink supplied from those premises or consuming food or drink supplied from those premises without the need for planning permission. Amenity considerations can be controlled through limitations/conditions. All existing limitations/conditions imposed by Class F, Part 42, would apply.

**Q.7 Do you agree the permitted development right for the use of the highway adjacent to a hospitality use for that purpose should be made permanent? If not, please provide your reasons for disagreeing.**

**Q.8 If you answered yes to Q7, are any additional conditions required to mitigate potential amenity impacts?**

Hospitality uses – Awnings

2.27 To facilitate outdoor trading space for hospitality uses in inclement weather, Class D of Part 42 was introduced which permits the erection of retractable awnings over the frontage of premises falling within Use Class A3 (food and drink) of the Schedule to the UCO.

2.28 Development is excluded on article 1(5) land, within a World Heritage Site, and on listed buildings due to the need for more detailed consideration of the planning impacts upon their special character.

2.29 Where an awning extends over a public highway, permission must have been obtained from the relevant highway authority under section 115E of the Highways Act 1980 for the installation of the awning and the use of the space under it. This ensures the highway safety implications of the development are fully considered by the relevant highway authority.

2.30 Conditions also seek to limit the visual impact by requiring awnings to be fully retractable (and fully retracted between 10 p.m. and 8 a.m.), with no means of support from the public highway and exclude any side or front panels extending towards the ground in the interest of highway safety.

2.31 At present, a planning application is not required for awnings installed before 29 April 2022. After this date planning permission will be needed for the installation of any new awnings.



## Proposal

2.32 It is proposed to remove the sunset clause, granting planning permission for awnings on the frontage of hospitality uses, subject to the existing limitations/conditions prescribed in Class D, Part 42.

**Q.9 Do you agree the permitted development right for the installation of awnings at hospitality uses should be made permanent? If not, please provide your reasons for disagreeing.**

### 3. COVID-19: Emergency Permitted Development Rights

#### Part 3A Temporary Building and Changes of Use for Public Health Emergency Purposes

- 3.1 The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2020 introduced PDRs to enable NHS bodies to undertake temporary development in response to COVID-19 and avoid the delay making and processing planning applications would inevitably involve, thereby enabling a quicker response to the emergency.
- 3.2 During a public health emergency, there is often a need for the NHS to respond rapidly to changing situations in the interests of preventing and mitigating a human health crisis. It is accepted that during such time the usual regulatory requirements may need to be relaxed, to ease pressure on the NHS and enable health service bodies to provide facilities to test, treat, and manage the recovery of an extremely high number of patients. With this in mind, the purpose of Part 3A is to permit certain development for the purposes of preventing, controlling or mitigating the effects of, or taking other action in connection with a public health emergency in the United Kingdom.
- 3.3 The development permitted is the change of use of a building or land to a use falling within Class C2 (Residential institutions) or Class D1 (Non-residential institutions) of Schedule 1 to the Use Classes Order, and the provision of buildings or other structures.
- 3.4 The PDRs have been used widely across Wales to provide facilities including field hospitals, testing stations, and vaccine centres as part of the response to the pandemic.
- 3.5 For the purpose of Part 3A, a public health emergency is an event or situation which causes or may cause loss of human life, serious human illness or injury; or serious disruption of services relating to health.
- 3.6 In the interests of public safety, development is not permitted under Part 3A if any part of the development is on land which is, or forms part of a military explosive storage area, a safety hazard area or a site of special scientific interest. Development is also not permitted if the land or building is, or contains, a scheduled monument. The PDR is also subject to conditions which are also set out in the new Part 3A at paragraph A.2. Those conditions are:
  - The development must be undertaken by or on behalf of an NHS body;
  - If the developer is not also the LPA that the developer notify the LPA of the development;
  - The developer must stop using the land for the emergency purpose on or before the expiry of a period of 12 months from when it started;
  - Any structures and plant etc. must be removed and the building and/or land must be restored to its previous condition (or to an agreed condition) on or before the expiry of a period of 12 months from when the development

started. Alternatively, planning permission would have to be sought for any continuing use.

### **Proposal**

- 3.7 Due to the urgent need for the PDRs to assist with the response to COVID-19, the Welsh Government was unable to undertake a consultation on Part 3A PDRs before they came into force.
- 3.8 These PDRs are considered necessary to ensure NHS bodies have the powers available to them to continue to respond to the on-going COVID-19 pandemic, but also to act swiftly in the event of a future emergency. We therefore are proposing to retain these provisions.

### **Q.10 Do you have any comments regarding Part 3A?**

#### Part 12A Emergency Development by Local Authorities

- 3.9 The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2020 introduced new permitted development rights to assist local authorities with their response to an emergency.
- 3.10 During an emergency, there is often a need for local government to respond rapidly to changing situations in the interests of preventing and mitigating a human health crisis. It is accepted that during such time usual regulatory requirements should be relaxed to aid considerable pressure on local authorities who have wide-ranging responsibilities relating to managing an emergency and need to take rapid actions.
- 3.11 Notwithstanding the urgency of emergency situations, it is the responsibility of local authorities to ensure their behaviour complies with the law. With this in mind, Part 12A grants local authorities permitted development rights to undertake any necessary temporary development on land owned, leased, occupied or maintained by it in response to an emergency. This includes the change of use of any building to any use and the erection of buildings or structures for purposes necessary as part of the local authorities' response to an emergency.
- 3.12 For the purpose of Part 12A, an emergency is an event or situation which threatens serious damage to human welfare in a place in the United Kingdom. An event or situation threatens damage to human welfare only if it involves, causes or may cause:
- a) loss of human life;
  - b) human illness or injury;
  - c) homelessness;
  - d) damage to property;
  - e) disruption of a supply of money, food, water, energy or fuel;
  - f) disruption of a system of communication;
  - g) disruption of facilities for transport; or
  - h) disruption of services relating to health.

3.13 The permitted development is subject to conditions set out in the new Part 12A. This includes a condition restricting the retention of development undertaken under this Part to a period of twelve months beginning with the date on which the development began. After this time the operational development must have been removed and temporary use ceased. The land must be restored to its previous condition before the development took place (or to such other state agreed with the local planning authority), or planning permission must be secured to retain the development.

### **Proposal**

3.14 Due to the urgent need for the PDRs to assist with the response to COVID-19, the Welsh Government was unable to undertake a consultation on Part 12A PDRs before they came into force.

3.15 These PDRs are considered necessary to ensure local authorities have the powers available to continue to respond to the on-going COVID-19 pandemic, but also to act swiftly in the event of a future emergency. We therefore are proposing to retain these provisions.

<b>Q.11</b> Do you have any comments regarding Part 12A?
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## 4. Houses of Multiple Occupation

- 4.1 There are circumstances where we consider the clarity of the law or changes to land use patterns, which require a review of the extent of the GPDO. The extension and alteration of houses in multiple occupation (HMOs) is one such development type requiring review.
- 4.2 Part 1 of Schedule 2 to the GPDO sets out PDRs for extensions and alterations to dwellinghouses. These PDRs do not apply where the building has been sub-divided into flats. This is because the huge variation in how dwellinghouses can be sub-divided makes it difficult at a national scale to anticipate how extensions or alterations may affect the amenity of adjoining occupiers.
- 4.3 Currently, for the purposes of the GPDO, an HMO is a dwellinghouse and therefore does benefit from PDRs. Therefore, an extension may affect the amenity of the occupiers of a HMO without there being scrutiny by the LPA. The need for such scrutiny is less for the occupiers of an HMO compared to the occupier of a flat on the basis that the single land ownership of HMO means the interests of future occupiers are likely to have been considered in a more holistic way compared to two adjoining flats. However, there remains public interest in intervening in the design of such developments on the basis of maintaining a minimum standard of living conditions for future tenants as a result of changes to the external configuration of the building.
- 4.4 The external effects of an HMO use provide additional reasons for seeking to apply additional restrictions on HMOs. The creation of a new use class for HMOs resulted from public concerns about the additional environmental impacts they cause compared to use of a dwelling by a family. The added potential for those environmental impacts to increase without being subject to scrutiny through a planning application is something we would like to avoid. The extension of a property used as an HMO may allow additional persons to live there. Due to the increased possibility of amenity and environmental impacts from such HMOs, it is considered LPAs should be able to manage these impacts through consideration of a planning application.

### Proposal

- 4.5 In order to enable better management of HMOs, it is proposed HMOs should no longer benefit from permitted development rights for alterations and extensions of a dwellinghouse granted by Part 1 of the GPDO. Development to a dwellinghouse, where it involves extending the property, in use as a HMO should require planning permission to enable LPAs to fully consider the planning impacts, particularly where extensions could result in the intensification of the use.

<b>Q.12</b>	<b>Do you agree that HMOs should not benefit from permitted development rights for alterations and extensions to a dwellinghouse granted by Part 1 of the GPDO? If not, please provide your reasons for disagreeing.</b>
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## 5. Hard Surfacing

- 5.1 Class F of Part 1 permits the provision of a hard surface within the curtilage of a dwellinghouse. On areas forward of the principle elevation and between the principal elevation and a highway, porous or permeable materials must be used, unless surface water is directed to a porous or permeable area within the curtilage of the dwellinghouse.
- 5.2 The frequency and severity of floods is increasing and is expected to further increase as a result of climate change. Flooding can place lives at risk, cause considerable personal trauma, result in extensive and expensive damage to property, impose pressures on emergency services and severely disrupt communications, business and commerce.
- 5.3 Heavy rain falling on impermeable surfaces can cause localised flooding almost anywhere. Heavy rain can also result in drainage systems and ordinary watercourses quickly becoming inundated, leading to localised flooding. As the climate changes, this type of flooding will become more commonplace and more severe. It is important that risks of flooding from surface water and ordinary watercourses are given full consideration by the planning system.

### Proposal

- 5.4 It is proposed the existing permeability condition for hard surfaces should apply to all areas of new or replacement hard surfacing within the curtilage of the dwellinghouse, not just forward of the principle elevation.

<b>Q.13</b>	<b>Do you agree with the proposed alterations to Class F? If not, please suggest alternative approaches, restrictions or thresholds that could be adopted.</b>
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## 6. Electric Vehicle Charging

- 6.1 In 2019, new permitted development rights were introduced to facilitate the rollout of electric vehicle charging infrastructure within both public and private spaces.
- 6.2 The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2019 introduced Classes D and E into Part 2 (minor operations) of the GPDO and made amendments to Part 12 (Development by Local Authorities) to provide clarification in respect of the scope of existing permitted development rights for local authorities.
- 6.3 In April 2021, the Welsh Government published the [Electric Vehicle Charging Strategy](#), setting out its plans for meeting the rapidly growing demand for charging cars and vans within Wales. The strategy established an ambitious Vision for charging in Wales:

*“By 2025, all users of electric cars and vans in Wales are confident that they can access electric vehicle charging infrastructure when and where they need it.”*

- 6.4 The strategy also identifies electric buses becoming increasingly commercialised over the next decade as battery technology improves. Electric buses are expected to represent 60% of the global municipal bus market by 2030 and 80% by 2040.
- 6.5 A key outcome needed to achieve the vision is an increase in the number of slow, fast and rapid/ultra-rapid chargers available in Wales. The Welsh Government recognises its enabling role in delivering this charging infrastructure and as such published a targeted [Action Plan](#) on 26 October detailing the steps needed to address the rapidly growing need.
- 6.6 The Action Plan identified the use of regulatory and planning levers, as well as land use planning guidance, use of public land and resources, funding, and targeted support programmes to contribute towards the delivery of the Strategy.
- 6.7 Whilst the permitted development rights introduced in 2019 removed initial barriers to the rollout of charging infrastructure, there is now a need for greater flexibility to contribute towards the provision of a network of rapid/ultra-rapid charging and to work with partners on the provision of infrastructure in the community to address the needs of those that are unable to charge off street.

### Proposal

- 6.8 To support the delivery of the Electric Vehicle Charging Strategy, the following changes to permitted development rights are proposed:

GPDO	Action	Effect
Part 2 (Minor Operations)	<p>Class D - Remove D1.(a) limitation on scale of outlet and its casing</p> <p>Class E - Increase the maximum permitted height of an upstand to 2.5m.</p> <p><u>New conditions:</u></p> <ul style="list-style-type: none"> <li>To protect amenity, a new condition restricting any advertisement to the provider and function of the infrastructure is proposed to prevent charging infrastructure being used as a means to install unrelated advertising without consent.</li> </ul>	Enable the installation of fast charging infrastructure on private and public land.
Part 12 (Development by Local Authorities)	<p>Development is permitted where it is undertaken by a third-party on behalf of (or in partnership with) a Local Authority.</p> <p><u>New conditions:</u></p> <ul style="list-style-type: none"> <li>To protect amenity, a new condition restricting any advertisement to the provider and function of the infrastructure is proposed to prevent charging infrastructure being used as a means to install unrelated advertising without consent.</li> <li>A new condition is proposed to ensure any infrastructure does not impede upon an active travel route.</li> </ul>	Clarity provided regarding where development is undertaken by a third party in conjunction with a Local Authority.
Part 13 (Development by Highway Authorities)	<p>Specify installation of electric vehicle charging infrastructure</p> <p><u>Conditions:</u></p> <ul style="list-style-type: none"> <li>As per LAs under Part 12</li> </ul>	Provides PDRs for the installation of electric vehicle charging infrastructure where the highway authority is not the local authority.
Part 17 (Development by Statutory Undertakers)	<p>Class H (Tramway or Road Transport Undertakings) – Specify installation of electric vehicle charging infrastructure</p> <p><u>New conditions:</u></p> <ul style="list-style-type: none"> <li>As per LAs under Part 12</li> </ul>	Clarity provided regarding the installation of electric charging infrastructure for buses within stations and depots



**Q.14** Do you agree greater flexibility should be provided through permitted development rights to accelerate the rollout of electric vehicle charging infrastructure? If not, please provide your reasons for disagreeing.

## **7. Avian Influenza**

- 7.1 Part 39 of Schedule 2 to the GPDO granted a temporary permitted development right until 21 March 2008 to allow the erection of temporary shelters for the housing of birds or to modify existing buildings without the need to obtain specific planning permission. It is subject to limitations such as for size and height and is also subject to conditions requiring notification to the LPA, and restricting the use of the structure to solely for the purpose of protecting birds against Avian Influenza.
- 7.2 Recent cases of Avian Influenza have led to consideration of the relevant planning controls for buildings to house poultry and other captive birds. If, during an Avian Influenza outbreak, bird owners are required by law to house birds, owners without suitable existing structures will either have to comply with the requirement and risk a planning enforcement notice or not comply with the requirement whilst awaiting planning permission and risk action being taken against them under Avian Influenza legislation.
- 7.3 Although carrying out development without planning permission is not a criminal offence and enforcement action is discretionary (it should only be taken if “expedient”), it is clearly not desirable for owners to be exposed to uncertainty and the risk of enforcement action when this could be avoided by reinstating the permitted development right.

### **Proposal**

- 7.4 It is proposed to bring Part 39 back into effect each time Avian Influenza controls are put in place (whether locally or nationally). Permitted development rights would last until the notification of the withdrawal of those controls and owners would then have 4 months to remove the temporary development.

<b>Q.15</b>	<b>Do you agree with reintroducing permitted development rights for the protection of poultry and other captive birds?</b>
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## 8. Article 4 Directions

- 8.1 Article 4 Directions are one of the tools available to LPAs which allow them to respond to the particular needs of their areas. They provide LPAs with the ability to withdraw 'permitted development' rights which would otherwise apply by virtue of the GPDO. An Article 4 Direction does not stop development. Instead it requires planning permission to be obtained from the LPA so the planning impacts of the development can be considered before a decision is taken on whether it can proceed.
- 8.2 LPAs should consider making Article 4 Directions only in exceptional circumstances where evidence suggests the exercise of permitted development rights would harm local amenity or the proper planning of the area. Article 4 Directions can also be made by the Welsh Ministers.
- 8.3 In Wales, the GPDO currently provides for two types of Article 4 Directions:
- **Article 4(1)** - Under Article 4(1) an LPA or the Welsh Ministers can restrict any permitted development rights in any Part, Class or paragraph in Schedule 2 of the GPDO (except Class B of Part 22 (mineral exploration) or Class B of Part 23 (removal of material from mineral-working deposits)). The Direction is not subject to public consultation. A Direction usually takes effect once approved by the Welsh Ministers, although such approval is not required for development approved under Parts 1 to 4 or Part 31.
  - **Article 4(2)** - Under Article 4(2) an LPA can make a Direction to restrict certain permitted development rights in Conservation Areas. Generally, Article 4(2) Directions only apply to dwellings and to external alterations to the elevations of properties fronting a highway, waterway or public open space. The Direction must be subject to at least 21 days consultation, but does not need approval from the Welsh Ministers. Unless confirmed by the LPA, a Direction under Article 4(2) expires at the end of 6 months from the date it was made.
- 8.4 The Welsh Government supports the use of Article 4 Directions as a means for LPAs to address local circumstances in response to changes to permitted development rights. Simplification of the Article 4 process may also lead to wider usage.
- 8.5 We want to support LPAs in controlling the exercise of permitted development rights where this would harm local amenity or the proper planning of the area. However, the use of Article 4 Directions is currently constrained by the need to secure the Welsh Ministers' approval (with the exception of specified types of development in conservation areas), which may be a deterrent for LPAs in using such powers.

## **Proposal**

- 8.6 It is proposed to remove the need for approval of the Welsh Ministers for all Article 4 Directions made by LPAs. However, we want to retain a reserve power for the Welsh Ministers to modify or cancel an Article 4 Direction made by a LPA, subject to certain exemptions, and retain the power for the Welsh Ministers to make their own Article 4 Directions.
- 8.7 It is proposed to make provision for two types of Article 4 Direction; Directions with immediate effect (“Immediate Directions”) and Directions without immediate effect (“Non-immediate Directions”).

### Directions with immediate effect

- 8.8 In cases when LPAs need to act quickly in order to deal with a threat to the amenity of an area, we want LPAs to have the power to make a direction removing permitted development rights immediately.
- 8.9 The policy intention is that Immediate Directions can only be used to withdraw a small number of permitted development rights. We want Directions which have immediate effect to only apply to the following classes of development in the GPDO:
- (i) Part 1 – Development within the curtilage of a dwellinghouse
  - (ii) Part 2 – Minor Operations
  - (iii) Part 3 – Changes of Use
  - (iv) Part 4 – Temporary Buildings and Uses
  - (v) Part 31 – Demolition of Buildings
  - (vi) Any Direction within the whole or part of any conservation area and the development as currently described in article 4(5) of the Town and Country Planning (General Permitted Development) Order 1995.
- 8.10 A Direction with immediate effect would last six months and would then expire unless confirmed by the LPA following consultation.
- 8.11 The general procedure is set out in Appendix A of this document.

### Directions without immediate effect

- 8.12 If LPAs wish to remove permitted development rights which do not fall within the classes of development identified above, other than Class B of Part 22 or Class B of Part 23 in the existing GPDO, a “Non-immediate Direction” will need to be issued.
- 8.13 The general procedure is set out in Appendix A of this document.

### Directions restricting certain minerals (permitted development)

8.14 Article 4(1) of the GPDO makes provision for Directions restricting permitted development under Class B of Part 22 or Class B of Part 23. This provision will remain unchanged.

### Exemptions

8.15 We want to replicate article 4(3) of the GPDO to ensure permitted development rights related to national concerns, safety, and maintenance work for existing facilities cannot be withdrawn.

### Statutory Undertakers

8.16 We want to replicate article 4(4) of the GPDO in order to ensure that if a Direction would affect certain statutory undertakers' permitted development rights, this is explicitly stated in the Direction.

### Role of the Welsh Ministers

8.17 It is proposed to remove the need for the Welsh Ministers to confirm the majority of Article 4 Directions. Instead we want LPAs to confirm all Article 4 Directions (except those made by the Welsh Ministers) in the light of local consultation.

8.18 However, we want the Welsh Ministers to retain certain reserve powers in relation to Article 4 Directions:

- The power to make, cancel or vary a Direction, subject to the same limitations and exemptions as LPAs.
- A power to make a Direction to cancel most Article 4 Directions made by LPAs at any time before or after confirmation, except Article 4 Directions within whole/part of a Conservation Area for development described in article 4(5) of the existing GPDO (these are currently article 4(2) Directions which do not require approval from the Welsh Ministers).

### Modification and cancellation of Article 4 Directions

8.19 As provided for by Article 8 of the GPDO, we want to provide LPAs and the Welsh Ministers with the ability, by making a subsequent Direction, to cancel or vary an Article 4 Direction made by them.

**Q.16 Do you agree with the proposals for amending Article 4 Directions?**

## 9. Welsh language considerations

**Q.17** We would like to know your views on the effects of the proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

## 10. General considerations

**Q.18** We have asked a number of specific consultation questions. If you have any related issues which we have not specifically addressed, please use the space below to raise them.

## Appendix A

### Article 4 with immediate effect - LPA process for making, varying or cancelling a Direction

#### Advertise by

- local advert, and
- site notice, and
- serving notice on owner and occupier

#### No need to notify owner/occupier if:

- Individual service on owner/occupier is impracticable
- Numbers of owners makes this impracticable
- NB this exception does not apply when owner/occupier is a statutory undertaker or the Crown

LPA must, as soon as practicable after direction confirmed:

- give notice of confirmation
- send copy of direction to the Welsh Ministers

[no need to send a copy of Directions which relate to whole/part of a conservation area for development currently described in article 4(5) of the existing GPDO]

Notice of confirmation by:

- local advert, and
- site notice, and
- serving notice on owner and occupier (no need to notify if impracticable but exception does not apply to statutory undertakers)

Content of notice:

- include a description of development & the area to which the direction relates or the site to which it relates, & a statement of the effect of the direction
- specify that the direction is made under article 4(1)
- name a place where a copy of direction, copy of map may be seen during normal working hours

#### Content of Notice:

- include a description of development & the area to which the direction relates or the site to which it relates, & a statement of the effect of the direction
- specify that the direction is made under article 4
- name a place where a copy of direction, copy of map may be seen during normal working hours
- specify a period of at least 21 days, stating the date on which that period begins within which any representations concerning the direction may be made to the LPA

LPA must notify Welsh Ministers on same day that notice of direction is given

#### Confirmation of Direction:

- LPA must take account of any representations received during advertisement stage.
- Confirmation cannot occur until either:
  - at least 28 days following the latest date on which any notice was served or published; or
  - any longer period which may be specified by the Welsh Ministers

#### Coming into force:

- on date on which notice is served on occupier or if no occupier, the owner or
- if no need to notify owner/occupier, the date on which notice is first published or displayed

Direction expires at end of 6 month period beginning with coming into force date unless confirmed by LPA before end of 6 month period

**Article 4 without immediate effect – LPA process for making, varying or cancelling a Direction**

**Advertise by:**

- local advert, and
- site notice, and
- serving notice on owner and occupier

*No need to notify owner/occupier if:*

- *Individual service on owner/occupier is impracticable*
- *Numbers of owners makes this impracticable*
- *NB this exception does not apply when owner/occupier is a statutory undertaker or the Crown*

**Content of Notice:**

- include a description of development & the area to which the direction relates or the site to which it relates, & a statement of the effect of the direction
- specify that the direction is made under article 4
- name a place where a copy of direction, copy of map may be seen during normal working hours
- specify a period of at least 21 days, stating the date on which that period begins within which any representations concerning the direction may be made to the LPA
- specify the date when the direction will come into force, the date must be at least 28 days but no longer than 2 years after the 21 day period

Send copy of direction, notice & map to the Welsh Ministers on same day that notice of direction is first published or displayed

LPA must, as soon as practicable after direction has been confirmed, (i) give notice of confirmation & date when it will come into force & (ii) send copy of direction to the Welsh Ministers

**Notice by:**

- local advert, and
- site notice, and
- serving notice on owner and occupier

*No need to notify owner/occupier if:*

- *Individual service on owner/occupier is impracticable*
- *Numbers of owners makes this impracticable*
- *NB this exception does not apply when owner/occupier is a statutory undertaker or crown*

**Content of Confirmation Notice:**

- include a description of development & the area to which the direction relates or the site to which it relates, & a statement of the effect of the direction
- specify that the direction is made under article 4
- name a place where a copy of direction, copy of map may be seen during normal working hours

**Confirmation of Direction:**

- LPA must take account of any representations received during advertisement stage.
- Confirmation cannot occur until either:
- at least 28 days following the latest date on which any notice was served or published; or
- any longer period which may be specified by the Welsh Ministers
- Once confirmed the Direction comes into force on the date specified in the “content of notice”



**Permitted Development  
Amendments to the Town and Country Planning (General Permitted  
Development) Order 1995**

**Consultation Response Form**

Respondents are encouraged to submit their responses online:  
<https://www.smartsurvey.co.uk/s/5RJZZK/>.

Alternatively, please complete the consultation response form and email to  
[planconsultations-e@gov.wales](mailto:planconsultations-e@gov.wales).

Your name: Rhodri Davies (Development and Building Control Manager)

Organisation (if applicable): Bridgend County Borough Council LPA

email / telephone number: [rhodri.davies@bridgend.gov.uk](mailto:rhodri.davies@bridgend.gov.uk) 01656 643 152

Your address: Bridgend County Borough Council, Civic Offices, Angel Street,  
Bridgend CF31 4WB

<b>Q.1</b>	<b>Should the additional days granted by Class A of Part 4A be retained permanently, permitting temporary uses to take place for up to 56 days (28 days for specified uses) in a calendar year?</b>		
	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Other <input type="checkbox"/>
	Comments:		

<b>Q.2</b>	<b>Do you have any evidence as to any benefits and impacts as a result of introducing the additional number of days for temporary uses to take place since April? If yes, please specify.</b>		
	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Other <input type="checkbox"/>
	Comments: No specific evidence either way although we have been involved with colleagues in Regeneration on numerous queries related to Covid Recovery Grant applications.		

<b>Q.3</b>	<b>Do you have views on whether there should be additional restrictions on the use of this PDR to mitigate against potential impacts of making this permanent? If yes, please specify.</b>		
	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Other <input type="checkbox"/>
	Comments:		
<b>Q.4</b>	<b>Should the number of days for holding a market generally be extended? If Yes, what is an acceptable number of days for holding a market? What conditions should apply to manage the planning impacts?</b>		

<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input checked="" type="checkbox"/>	<b>Other</b> <input type="checkbox"/>
<b>Comments:</b>		

<b>Q.5</b>	<b>Should any additional days over the permitted 14 days be provided for markets operated by or on behalf of a local authority?</b>		
	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input checked="" type="checkbox"/>	<b>Other</b> <input type="checkbox"/>
	<b>Comments:</b> Not many markets are operated by a local authority and it is not always easy to regulate markets operated on behalf of a local authority so it is suggested that, in order to be able to formally notify and consult businesses that could potentially be affected by an outdoor market, the permitted period should be retained at 14 days in any calendar year.		

<b>Q.6</b>	<b>Do you agree the permitted changes of use within town centres should become permanent? If not, please provide your reasons for disagreeing.</b>		
	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input checked="" type="checkbox"/>	<b>Other</b> <input type="checkbox"/>
	<b>Comments:</b> There are established reasons to control which uses are allowed in Town Centres especially if LPAs are required to protect the vitality and viability of town centres and encouraged to promote Town Centre living. There could be scope to identify vacant units within town centres which could be used for pop up shops, office hubs or for trial periods (such as the former Debenhams store in Carmarthen) but any permanent changes of use should be considered under the existing controls.		

<b>Q.7</b>	<b>Do you agree the permitted development right for the use of the highway adjacent to a hospitality use for that purpose should be made permanent? If not, please provide your reasons for disagreeing.</b>		
	<b>Yes</b> <input checked="" type="checkbox"/>	<b>No</b> <input type="checkbox"/>	<b>Other</b> <input type="checkbox"/>
	<b>Comments:</b> Any potential impacts can be controlled through licensing or the Highways Act 1980.		

<b>Q.8</b>	<b>If you answered yes to Q7, are any additional conditions required to mitigate potential amenity impacts?</b>		
	<b>Comments:</b> No. However, the hours of use (between 8am and 10pm) and the removable furniture clauses should be retained.		

<b>Q.9</b>	<b>Do you agree the permitted development right for the installation of awnings at hospitality uses should be made permanent? If not, please provide your reasons for disagreeing.</b>		
	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input checked="" type="checkbox"/>	<b>Other</b> <input type="checkbox"/>
	<b>Comments:</b> The design and appearance of awnings can vary dramatically and should be controlled through the planning process in the same way as a revised shopfront required planning permission. However, an awning to the rear of a property over an external seating area could be a form of permitted development.		

<b>Q.10</b>	<b>Do you have any comments regarding Part 3A?</b>		
	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Other <input type="checkbox"/>
	Comments:		

<b>Q.11</b>	<b>Do you have any comments regarding Part 12A?</b>		
	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Other <input type="checkbox"/>
	Comments:		

<b>Q.12</b>	<b>Do you agree that HMOs should not benefit from permitted development rights for alterations and extensions to a dwellinghouse granted by Part 1 of the GPDO? If not, please provide your reasons for disagreeing.</b>		
	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>
	Comments:		

<b>Q.13</b>	<b>Do you agree with the proposed alterations to Class F? If not, please suggest alternative approaches, restrictions or thresholds that could be adopted.</b>		
	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Other <input type="checkbox"/>
	Comments: Current controls/pd rights should be retained as there is no real benefit in seeking permeable surfacing to the rear of a dwellinghouse as, in the majority of cases, it would drain to "a porous or permeable area or surface," such as a lawn within the curtilage of the dwellinghouse, in any case.		

<b>Q.14</b>	<b>Do you agree greater flexibility should be provided through permitted development rights to accelerate the rollout of electric vehicle charging infrastructure? If not, please provide your reasons for disagreeing.</b>		
	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>
	Comments:		

<b>Q.15</b>	<b>Do you agree with reintroducing permitted development rights for the protection of poultry and other captive birds?</b>		
	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>
	Comments:		

<b>Q.16</b>	<b>Do you agree with the proposals for amending Article 4 Directions?</b>		
	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>
	Comments:		

**Q.17** We would like to know your views on the effects of the proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Comments: No effects.

**Q.18** We have asked a number of specific consultation questions. If you have any related issues which we have not specifically addressed, please use the space below to raise them.

Comments: N/A

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

## **TRAINING LOG**

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

<b><u>Subject</u></b>	<b><u>Date</u></b>
Listed Building Consent delegation from CADW	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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