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Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

Bridgend County Borough Council



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

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



Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate

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

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Friday, 22 April 2022

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held remotely - via Microsoft Teams on **Thursday, 28 April 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 - 8
To receive for approval the minutes of the 03/03/22
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 9 - 12
7. P/21/907/FUL - 106 Nolton Street, Bridgend CF31 3BP 13 - 22

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- 8. P/21/732/FUL - Land North of Heronston Hall, Heronston Lane, Bridgend CF31 3AX 23 - 38
- 9. P/21/521/FUL - Land to West of Stable Lane, Pantygog, Pontcymmer CF32 8DQ 39 - 56
- 10. Appeals 57 - 62
- 11. Training Log 63 - 64
- 12. Urgent Items
 To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.

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

Yours faithfully

K Watson

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

Councillors:

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

Councillors

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

Councillors

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

Agenda Item 3

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 3 MARCH 2022

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD REMOTELY - VIA MICROSOFT TEAMS ON THURSDAY, 3 MARCH 2022 AT 14:00

Present

Councillor G Thomas – Chairperson

JPD Blundell
RM Granville
MC Voisey

N Clarke
JC Radcliffe
KJ Watts

RJ Collins
JC Spanswick
RE Young

DK Edwards
RME Stirman

Apologies for Absence

A Hussain, MJ Kearn 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
Julie Jenkins	Team Leader Development Control
Hayley Kemp	Principal Planning Officer
Robert Morgan	Senior Development Control Officer
Jonathan Parsons	Group Manager Development
Michael Pitman	Democratic Services Officer - Committees
Philip Thomas	Principal Planning Officer
Leigh Tuck	Senior Development Control Officer

562. DECLARATIONS OF INTEREST

None.

563. APPROVAL OF MINUTES

RESOLVED: That the Minutes of a meeting of the Development Control Committee dated 27 January 2022, be approved as a true and accurate record.

564. PUBLIC SPEAKERS

There were no public speakers.

565. 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.

566. 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.

567. P/21/807/FUL - LAND ADJ TO TY GWYN, HEOL Y GRAIG, PORTHCAWL CF36 5PB

RESOLVED: (1) That having regard to the above application, 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.

Proposal

Erection of 3 detached dwellings and associated works

(2) The Corporate Director - Communities be given delegated powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, subject to the Conditions contained in her report.

568. P/21/551/OUT - LAND REAR OF 30-32 HIGH STREET, OGMORE VALE CF32 7AD

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

Proposal

Erection of a two bedroom dwelling.

That the following additional Condition be added to the report:

10. Any garage proposed shall only be used as a private garage and retained for the purpose of parking in perpetuity and at no time shall it be converted to a room or living accommodation.

Reason: To ensure that adequate parking facilities are provided within the curtilage of the site.

569. T/21/77/TPO - 10 CAER NEWYDD, BRACKLA CF31 2JZ

RESOLVED: That the above application be deferred, to allow for the submission of a tree survey and report to be undertaken by a suitably qualified arboriculturist advising of the current health of the trees and justifying the proposed works to them.

Proposal

Pollard 3 Hornbeam trees in rear garden.

570. **APPEALS**

RESOLVED:

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

Code No

Subject of Appeal

CAS-00516-Y9X4W2 (1932)

Two storey side/rear extension with Juliette balcony: 7 Bryntirion Hill, Bryntirion.

- (3) That the following Appeal determined by the Inspector appointed by Welsh Ministers, be part Allowed and part Dismissed:-

Code No

Subject of Appeal

CAS-01379-M4T9Y9 (1931)

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.]

571. **OUTDOOR RECREATION FACILITIES AND NEW HOUSING DEVELOPMENTS SUPPLEMENTARY PLANNING GUIDANCE**

Officers from the Planning and Development Department submitted a report on behalf of the Corporate Director – Communities, the purpose of which, was 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.

As well as this, the report sought to seek agreement for the proposed amendments to the draft document and to adopt it as SPG to the Bridgend Local Development Plan (LDP).

On 16 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.

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

- Statutory notices were placed in the *Glamorgan GEM* on the 27 February and the 5 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.

By the end of the consultation period nine representations were received on the draft SPG. These representations have been summarised in Appendix 1 to the report.

Appendix 1 also set out proposed changes to the SPG.

In summary, the main areas of change, were 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.

RESOLVED:

1. That Committee agreed 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.

2. Recommended to Council that:

- (a) SPG5 – Outdoor Recreation Facilities and New Housing Development (as amended by the changes in Appendix 1 to the report and highlighted in paragraph 4.3 of the report) be adopted as Supplementary Planning Guidance (SPG) to the adopted Bridgend Local Development Plan.
- (b) The SPG, in its adopted form, be published on the Council's website.

572. LISTED BUILDING CONSENT DELEGATION

The Team Leader Conservation and Design, together with colleagues, presented a report, the purpose of which was to advise Members of the intention to apply for Listed Building Consent Delegation and to outline the necessary procedures, commitments and benefits of acquiring such delegation.

She confirmed, that 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.

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.

Paragraph 4.3 of the report, confirmed in bullet point format, what Cadw required each local authority to do, on the basis of a minimum level of criteria.

It was therefore 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.

The Team Leader Conservation and Design concluded her report, by stating that the full requirements of the application process, were included at Appendix 1 to the report.

RESOLVED: That the Development Control Committee:-

- Noted the contents of the report;
- Supported an application for listed building consent delegation;
- Awaits a further report on the outcome of that application.

573. **BCBC LPA RESPONSE TO WELSH GOVERNMENT CONSULTATION ON AMENDMENTS TO THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995**

The Corporate Director – Communities submitted a report, in order to advise Members of the Local Planning Authority's (LPA) response to the Welsh Government's (WG) consultation on amendments to the General Permitted Development Order (GPDO) 1995. The consultation document was attached at Appendix 1 to the report and the completed response form was attached at Appendix 2.

The Development and Building Control Manager by way of background information stated that, 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).

Turning to the present position, he advised that 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.

He then expanded upon paragraphs 4.1 to 4.17 of the report, which outlined further information regarding the detail of the BCBC LPA response to amendments to the Order.

In conclusion, he added that as the deadline for the response to the Welsh Government consultation expired on 15 February, the response has been submitted and the

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 3 MARCH 2022

recommendation to Committee is therefore to note the content of the report. If Members have any questions about the proposed changes to the Permitted Development Rights in Wales, he urged them to contact him accordingly.

The Development and Building Control Manager in response to a Members question, confirmed that the costs associated with the conducting of site visits of planning application sites etc, was largely absorbed into the overall budget of the Planning Service and was part of the delegated powers on Listed Buildings section not the WG Consultation

RESOLVED:

That Committee noted the report and the LPA's response to the WG consultation as illustrated in Appendix 2 of the report.

574. **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.

575. **URGENT ITEMS**

None.

The meeting closed at 16:10

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

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

STANDARD CONDITIONS

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

Time-limits on full permission

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

Time-limits on outline permissions

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

Variation from standard time-limits

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

STANDARD NOTES

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

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

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

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

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

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

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

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

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

THE SITE INSPECTION PROTOCOL

The Site Inspection Protocol is as follows:-

Purpose

Fact Finding

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

Request for a Site Visit

Ward Member request for Site Visit

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

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

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

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

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

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

Inappropriate Site Visit

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

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

Format and Conduct at the Site Visit

Attendance

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

Officer Advice

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

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

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

Code of Conduct

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

Record Keeping

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

Site Visit Summary

In summary site visits are: -

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

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

Frequently Used Planning Acronyms

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

REFERENCE: P/21/907/FUL

APPLICANT: Poison Ivy
c/o Plan R Ltd, 39 Merthyr Mawr Road, Bridgend CF31 3NN

LOCATION: 106 Nolton Street, Bridgend CF31 3BP

PROPOSAL: Change of use from hairdressing salon to A3 cafe bar/wine bar (no hot food or takeaway element)

RECEIVED: 24 September 2021

SITE INSPECTED: 21 October 2021

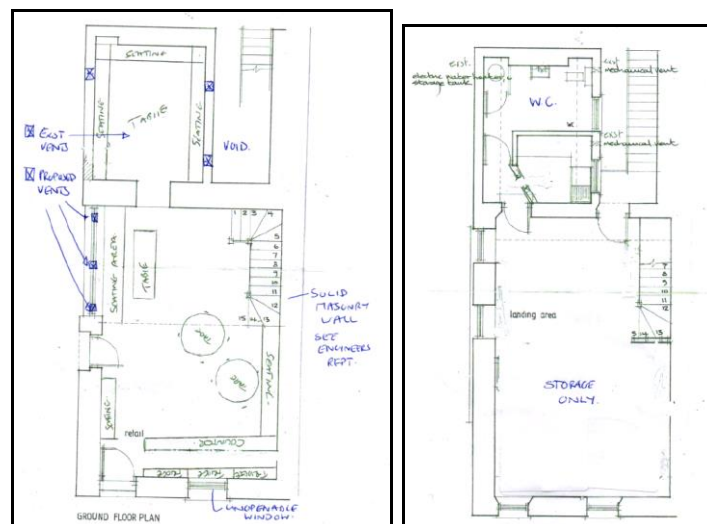
DESCRIPTION OF PROPOSED DEVELOPMENT

Full planning permission is sought for the change of use of the property known as 106 Nolton Street, Bridgend, from Class A1 (Shop) to Class A3 (Food and Drink), as defined by The Town and Country Planning (Use Classes) Order 1987.



OS Map Extract of Application Site

The premises was previously operated as a hairdressing salon but has been vacant since around March 2020. This proposal comprises the change of use of to a café bar/wine bar (no hot food or takeaway) which is proposed to operate between the hours of 16:00 and 23:00 Thursday to Saturday and 12:00 to 20:00 on Sundays with a maximum capacity of 35 people. The café bar will operate at ground floor only with customers only accessing the first floor for use of the toilets. The proposed floor plans are reproduced below:



Proposed Ground and First Floor Plans

No external alterations are proposed as part of this proposal.

SITE DESCRIPTION

The application site lies within the Primary Key Settlement of Bridgend, as defined by Policy PLA1 of the adopted Local Development Plan (2013) and is situated on Nolton Street at its junction with Langenau Strasse (A473) Primary Route. The site is accessible on foot from Nolton Street and benefits from having a secondary pedestrian access point on its southern boundary on Langenau Strasse.

The site itself comprises a two storey building which faces east. It is set on a corner plot between Nolton Street and Langenau Strasse, as shown below:



Application Site

The site is also identified as being within the Sub Regional Centre of Bridgend and is positioned around 30 metres to the north of the Local Service Centre of Five Bells Road, both identified under Policy SP10 of the adopted Local Development Plan (2013).

RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/04/1287/FUL	Installation of a ramp for disabled access	Withdrawn	17/10/2005
P/11/485/LAP	App for Lawful Development Certificate – domestic flat above shop premises	Granted	08/08/2011
P/12/36/ADV	Replacement signage	Withdrawn	22/11/2012
P/12/851/FUL	Alterations to shop front – change of colour, re-render side elevation and render to front door	Unconditional Consent	18/01/2013

PUBLICITY

This application has been advertised through direct neighbour notification and the erection of a site notice. In response to the consultation undertaken, an objection has been raised by the owner of 104 Nolton Street, the adjoining property to the north.

The property known as 104 Nolton Street is a residential property and whilst currently

vacant, is habitable. The objections relate to the following:

- Lack of off-street parking and facilities for deliveries of beer/wine etc;
- Proximity of other licensed premises to the application site;
- Size of the property is not conducive to operate as a café bar;
- The detrimental impact of the development on the amenity of future occupiers of the adjoining property and other properties within Nolton Street

Factors to be taken into account in making Planning decisions must be Planning matters; that is, they must be relevant to the proposed development and use of land in the public interest. The concerns raised which relate to property value are not considered to be material to the determination of this Planning application and are not addressed further in the appraisal section of this report.

No further third party representations have been received within the consultation period which expired on 18 February 2022.

CONSULTATION RESPONSES

CONSULTEE

COMMENTS

Cllr M Voisey

16 February 2022

Request that the application is presented to the Development Control Committee Meeting to discuss matters relating to the number of food establishments on Nolton Street, proposed opening hours and noise impact on nearby properties.

Cllr L Walters

16 February 2022

Request that the application is presented to the Development Control Committee Meeting to discuss the proposed opening hours and noise impact on nearby properties.

Town Council

8 November 2021

Bridgend Town Council raised no objection to the proposed development subject to the imposition of a Planning condition which limits the operating hours to 10pm at the latest to avoid disruption to nearby residential properties.

Highways Officer

7 February 2022

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

Shared Regulatory Services/ Public Protection: Noise

4 March 2022

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

RELEVANT POLICIES

Local Policies

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

Policy PLA1 Settlement Hierarchy and Urban Management

Policy SP2 Design and Sustainable Place Making

Policy SP3 Strategic Transport Planning Principles

Policy PLA11 Parking Standards

Policy SP10 Retail and Commercial Hierarchy

Supplementary Planning Guidance 14 Hot Food Takeaway Establishments

Supplementary Planning Guidance 17 Parking Standards

National Policies

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

requirements of National Planning Policy which are not duplicated in the Local Development Plan. The following Welsh Government Planning Policy is relevant to the determination of this Planning application:

Future Wales – the National Plan 2040

Planning Policy Wales Edition 11

Planning Policy Wales TAN 4

Retail and Commercial Development

Planning Policy Wales TAN 11

Noise

Planning Policy Wales TAN 12

Design

Planning Policy Wales TAN 18

Transport

Planning Policy Wales TAN 23

Economic Development

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

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

The well-being goals identified in the act are:

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

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

THE SOCIO ECONOMIC DUTY

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

APPRAISAL

This application is referred to the Development Control Committee at the request of the Local Ward Members, Cllr L Walters and Cllr M Voisey and to consider the objection from the adjoining neighbour.

PRINCIPLE OF DEVELOPMENT

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

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

Policy SP10 stipulates that *all new development proposals within retailing and commercial*

centres should provide retail, community or commercial floorspace on the ground floor. The proposal is considered to be compliant with Policy SP10 of the Local Development Plan (2013) as it will contribute to and sustain the vitality of Bridgend Town Centre. No concerns are raised in respect of the principle of development in this town centre location.

The Local Ward Member Cllr M Voisey has raised a concern that Nolton Street has a high number of food establishments and takeaways which should be considered in the determination of this application.

It should be noted from the outset that this application does not propose to operate as a takeaway facility and the guidance contained within Supplementary Planning Guidance Note 14 - Hot Food Takeaway Establishments (SPG14) is not relevant in assessing the concerns raised relating to the number of food establishments in this particular area.

As there are a number of other use classes operating within the immediate vicinity of the application site (A1, C3), it is considered that the occupation of this premises as an A3 unit will add to the level of interest and activity at street level throughout the day and evening in compliance with Policy SP2 of the LDP. The change of use to an A3 Use Class which will occupy an empty unit and bring it back into beneficial use is preferred to an empty unit.

In consideration of the application as a whole and given the context of the application site within a part of the designated sub-regional centre that has a relatively high vacancy rate when compared to the northern part of Nolton Street and given the overprovision of A1 Use Classes within the town centre, the re-use of a vacant empty ground floor unit is considered to contribute rather than detract from the vitality and attractiveness of the centre without resulting in an over-concentration of similar uses in one area.

Therefore, on balance the scheme is considered to be acceptable in principle and, given the proposed use as a café bar and the context of the site, is not considered to result in an over-concentration or cluster of hot food takeaway establishments in the immediate area.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

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

IMPACT ON NEIGHBOURING AND RESIDENTIAL AMENITY

The main consideration in the determination of this application is the impact of the development on residential amenity.

Planning Policy Wales (Edition 11, February 2021) states at paragraph 2.7 that *placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people.*

Criterion (12) of Policy SP2 of the Local Development Plan (2013) seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers is not adversely affected by development proposals.

Whilst the proposal does not relate to a takeaway, Supplementary Planning Guidance Note 14 Hot Food Takeaway Establishments (SPG14) designates Bridgend Town Centre as a Location Category 3 i.e. a location within a generally commercial area with a mixture of commercial uses on the ground floor but residential flats above or residential premises in close proximity.

Within Location Category 3 areas it is accepted that there will be some disturbance to residential premises late at night or in the early morning. Notwithstanding this, *residents should still have the expectancy that existing amenity should not be worsened unreasonably.*

The applicant originally proposed to operate until midnight, however, given that the adjoining property (104 Nolton Street) is a residential premises, further detail was sought from the applicant by Shared Regulatory Services in respect of noise. In support of the application, the applicant submitted a Noise Impact Assessment by Hunter Acoustics, dated February 2022.

The scope and methodology of the Noise Impact Assessment was originally agreed with Shared Regulatory Services on the basis that a sound insulation test could be carried out between 106 Nolton Street and the adjoining property (104 Nolton Street). However, access was not granted by the landlord of 104 Nolton Street and, as a result, a revised scope and methodology was agreed covering an acoustic design appraisal of the separating wall.

The Noise Impact Assessment has been carried out by assessing the existing structure's sound insulation performance and has determined the likely noise levels in the adjacent dwelling. A civil engineer has carried out a survey of the property to ascertain the separating wall construction which is confirmed as 580mm masonry/stone, plastered both sides.

The sound insulation performance of the wall shows a predicted overall performance of 64dB Rw. The café bar operating until 23:00 and with a maximum capacity of 35 people is proposed to have an overall predicted level of 23dB(A) which is below the guidance values quoted in BS 8233:2014 (35dB LAeq,T daytime and 30dB LAeq,T night-time). The noise impact of customers using the staircase to access the toilets at first floor level is also indicated to be insignificant.

The Noise Impact Assessment has been reviewed by Shared Regulatory Services Officers who offer the following comments:

The sound insulation performance of the wall has been assumed based upon an examination of the thickness of the wall and its construction. However, no access was granted by the owner of the adjacent property and no sound insulation test was undertaken as a result of this.

If the wall does perform to its assumed rating and provided that the premises only operates until 23:00 and the first floor is not used by customers, any impact will be minimised.

Given the above, Shared Regulatory Services Officers conclude that the proposed change of use is acceptable subject to the inclusion of recommended Planning conditions which limit the operating hours of the premises together with the use of the first floor (other than for use of the toilets) and limit the type of windows at ground floor level to be non-opening on the Nolton Street elevation of the property.

In addition, to ensure that the amenity of neighbouring residents is protected for as long as the use remains, it is recommended that a condition is imposed requiring the submission of a Noise Assessment to be undertaken in the instance that a complaint is received from an occupant of the adjoining property.

If a complaint is received, the Noise Assessment Report will require the operator of the business to employ an approved consultant to assess the level of noise emissions generated by the café bar from the complainant's property. Once the Noise Assessment Report has been received and it is established that the noise emissions exceed the noise limits set out in the Noise Impact Assessment (64dB Rw), the operator shall propose a scheme to mitigate the breach and to prevent its future recurrence. Any mitigation requirements shall be retained thereafter in the interests of residential amenity.

Given the recommendations of the submitted Noise Impact Assessment and the imposition of a condition which requires the submission of a further assessment report and subsequent mitigation works should the assumed levels of the Noise Impact Assessment be proven to have been breached, the development is, on balance, considered to be acceptable in this regard and complies with criterion (12) of Policy SP2 of the Local Development Plan (2013).

HIGHWAY SAFETY AND PARKING PROVISION

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

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

The Highways Officer notes the concerns raised by the owner of the adjoining property in respect of off-street car parking and deliveries however, in consideration of the scheme, no objection is raised.

The proposed change of use is considered to result in a nil detriment in traffic generation terms as the proposed use of the premises as an A3 unit would not give rise to any highway issues above and beyond that of the current A1 use. There are adequate and enforceable parking restrictions within the parking laybys on Nolton Street both during the daytime and night. This will ensure that any parking generated by the proposal does not result in a detrimental impact or highway safety concern. In addition, the property has previously operated within an A1 Use Class. Given this, it is considered that in traffic generation terms, the retail shop would be comparable with a café bar not operating as a takeaway facility.

Given the above, it is considered that the proposed change of use is acceptable in terms of its impact on highway and pedestrian safety as it is located within a sustainable location and results in a nil detriment in highway safety terms, in accordance with Policies SP2 and SP3 of the Local Development Plan (2013) and guidance contained within Planning Policy Wales (Edition 11, February 2021)(PPW11).

CONCLUSION

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

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

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

RECOMMENDATION

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

1. The development shall be carried out in accordance with the following drawings:
 - Location Plan received on 24 September 2021
 - Proposed Ground Floor Plan RP/02/A received on 4 February 2022
 - Proposed First Floor Plan RP/01/A received on 4 February 2022.

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

2. The development shall be implemented in accordance with the Noise Impact Assessment, written by Hunter Acoustics and dated 4 February 2022, to include for the provision of a soft floor finish on the staircase, and the measures shall be retained in perpetuity.

Reason: In the interests of neighbouring residential amenities.

3. Only the ground floor of the premises shall be used as a café bar/wine bar (no hot food), with the exception of the use of the customer toilets at first floor level, with no food or drink being sold for consumption off the premises and for no other purpose including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order. The café bar shall only be open between the following times:-
Monday to Saturday 16:00 and 23:00.
Sundays and Bank Holidays 12:00 and 20:00.

Reason: In the interests of residential amenities.

4. Notwithstanding Condition 1, any windows at ground floor level fronting Nolton Street (eastern elevation) shall be non-openable. Any ventilative openings required for the café bar are to be located on the southern elevation of the property fronting Langenau Strasse.

Reason: In the interests of neighbouring residential amenities.

5. Should the Local Planning Authority (LPA) receive a written complaint alleging noise disturbance from the café bar at a place of residence, the LPA will contact the operator of the business who shall instruct a noise consultant to assess the level of noise disturbance at the complainant's residential property as soon as reasonable (any written complaint to

the Local Planning Authority must set out the date, time and location that the complaint refers to).

The consultant's noise assessment report (including all noise measurements) shall be submitted to the LPA within one month of receiving the initial written contact from the LPA. If the noise limits set out in the noise report have been breached, the operator of the café bar shall agree with the LPA the steps to be taken to implement the measures in the report to mitigate the breach and to carry out the agreed measures as soon as reasonable or to report back to the Council within 3 months from the date of agreement of the measures to be taken if they cannot be implemented. The scheme as implemented shall be retained thereafter in perpetuity.

Reason: In the interests of neighbouring residential amenities.

6. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *

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

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

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

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

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REFERENCE: P/21/732/FUL

APPLICANT: Mr S Whiley: Ty Teulu, Pencoed CF35 6LT

LOCATION: Land north of Heronston Hall,
Heronston Lane, Bridgend CF31 3AX

PROPOSAL: Erection of equestrian timber stables (12) and associated ancillary space for livery

RECEIVED: 2 August 2021

DESCRIPTION OF PROPOSED DEVELOPMENT

The proposed development comprises the removal of the existing dilapidated equestrian training manege and timber stable block on land north of Heronston Hall, in order to use the site for a livery for Olympic trained dressage horses and their riders. The development proposal can be summarised as comprising of the following:

- Erection of a timber stable block (285 m² GIA) for up to 12 horses with tack room/feed store, wash bays and WCs;
- Installation of an Olympic-sized enclosed manege;
- Installation of two 16m diameter horse walkers/lunge pens;
- Grazing paddocks; and
- Ancillary works including site access, car parking, drainage etc.



Existing and proposed site plan

The proposed stable block is an 'American style' timber stable measuring approximately 40m in length and 11.5m in width. The stable will be 4.5m high to its ridge and 3m in height to its eaves with a shallow roof pitch including a number of roof lights.



Proposed western elevation

The horses to be kept at the site will consist of sporting, eventing and competition horses. The intention is for the site to be used to provide one-to-one lessons for horse-owners who keep their horses within the livery and, as such, the facility will not be open to the general public as a commercial riding centre.

The livery for the proposal is intended to be 'full' which means that the horses will be managed and maintained by the applicant and include feeding, cleaning of stables and the exercising of horses on a daily basis. It is only occasionally required for the horse owners to attend a one-to-one lesson. Horses will remain on site and will only be taken away for eventing days, changeovers or for emergencies etc.

Once fully established, one part time apprentice is likely to be recruited to work alongside the applicant at the site and assist with the care and welfare of the horses.

The site layout provides for six car parking spaces alongside bicycle storage racks and an area for the turning of large vehicles (horse-boxes).

SITE DESCRIPTION

The application site lies within the countryside as defined by Policy PLA1 of the adopted Local Development Plan (2013) being sited approximately 60 metres to the south of the defined boundary of the Primary Key Settlement of Bridgend. It comprises a relatively large parcel of land on the western side of Heronston Lane which currently includes a manege with a small stable block and paddock area.

The site is located within the Green Wedge of Bridgend and Ewenny as defined by Policy ENV2(11) of the Local Development Plan (2013) and is within an Archaeologically Sensitive Area known as Island Farm Bovium identified by Policy SP5(4) of the Local Development Plan (2013). The western and northern boundaries of the site sit adjacent to the Heronston House Meadow Site of Importance for Nature Conservation (SINC).

The land is accessed via an existing entrance gate in the south-eastern corner and slopes gradually upwards towards the north.

The application site is situated to the north/west of a number of residential properties which are accessed off Heronston Lane. The lane, which forms the eastern boundary of the site, links the public highway at Heronston Lane to the A48 highway to the north of the site, one of the main roads around Bridgend. The bollards at the northern end of the lane restrict vehicle access with the lane comprising a no-through-road.

The site and some of the surrounding fields are currently used for the grazing of horses and other animals. The stretch of Heronston Lane heading north toward the A48 also provides access to the fields to the north in which several stable buildings are situated and horses are kept. Further stables alongside another manege are situated in the fields to the

south of Heronston Lane.

PLANNING HISTORY

Application Reference	Description	Decision	Date
P/11/420/FUL	Erection of a block of 3 box stables in a field adjacent to the landowners dwelling and grounds	Conditional Consent	15/07/2011

PUBLICITY

The application has been advertised on site and neighbours have been notified of the receipt of the application. The period allowed for response to consultations/publicity expired on 15 September 2021. Following the submission of additional plans, a further consultation period expired on 30 March 2022.

CONSULTATION RESPONSES

Highways Officer – No objection subject to conditions.

Bridgend Town Council – No objection.

Land Drainage – No objection subject to conditions. The development appears to be greater than 100m², therefore a SAB application is required.

Natural Resources Wales – No objection. Advice provided to the applicant relating to making a foul drainage connection.

Countryside Management (Ecology) – Further to my observations concerning this application on 1 October 2021, I note the submission of the Preliminary Ecological Appraisal as requested. Having viewed this assessment, I recommend that Sections 6 (Recommendations) and 7 (Ecological Enhancement Opportunities) are included in the conditions of approval if this application is subject to planning approval.

Conditioning these sections of the assessment will help satisfy compliance with Section 6 of the Environment (Wales) Act 2016 that places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'.

REPRESENTATIONS RECEIVED

A number of objections were received from the tenants/owners of neighbouring properties, the addresses of which are listed below:

- Heronston Hall
- Heronston Barn Cottage
- Heronston Farm
- Heronston House
- The Old Malthouse

The material Planning objections raised in these consultation responses included the following:

- Inappropriate development for this Green Wedge location;
- Out of keeping with the area;
- Increased congestion on Heronston Lane including large vehicles which are unsuitable for the road;
- Unsuitable access to the site;

- Insufficient parking;
- Impact on residential amenity through noise, smell, lighting and traffic;
- Exacerbate the existing drainage issue causing flooding to the highway;
- Potential overlooking of neighbouring properties;
- Concerns regarding horse welfare (due to the number of horses compared to the size of the site).

Councillor Lyn Walters – “I have been advised by Mr David that this Planning application will be reviewed again in the next 4–6 weeks. Following my conversation with Mr David and having used Heronston Lane on many occasions, I fully agree with his concerns that the development will introduce an unacceptable volume/size of traffic. I am concerned that there will be road blockages and increased danger to all users when large lorries and cars are negotiating the access into the stables.

I therefore object to the application and request that it is reviewed in full by the Development Control Committee. I also request that:

- The committee have a site visit to the site so they can see the reality of the situation
- Mr David be permitted to raise his concerns in person to the Committee.”

RESPONSE TO REPRESENTATIONS RECEIVED

Many of the objections offered by neighbouring residents and summarised above are key in the consideration of the application and will be addressed in the appraisal section of the report. This includes material Planning considerations relating to issues including highways, the impact of the proposals on neighbouring amenity, the visual impact of the development, drainage/flood risk and the principle of the development in this countryside/Green Wedge location.

Besides these matters, concerns have also been raised regarding horse welfare with neighbouring residents suggesting that a stable of 12 horses would require a greater area of land than the proposed site to provide space for exercising the horses.

In response to these comments, the applicant has reiterated that this is not an ordinary livery yard as general turnout is not required. The proposal is different from that of the normal livery stable consisting of a specialised dressage training facility only. The horses kept on site are not grazed horses, they are sporting, eventing and competition horses hence the walking and training facilities within the proposal.

The applicant has advised of the various qualifications and experience they have in the management of horses and stables including Royal Horse Society Equine Qualifications (BHS 1,2&3) - UKCC Lvl2 (Dressage Specific) - BSc in Equine Management as well as being a fully qualified lecturer (PGCE - PECT) in Equine Studies. The Authority is satisfied that horse welfare will not be an issue at the site.

In response to the Local Ward Member’s comments, Officers can advise that, having sought advice from the Chief Officer Legal, there is no prospect for committee site visits in the short term. However, the Officer’s presentation will include sufficient detail to illustrate the context of the site. The proposal has been assessed by the Highways Officer and the interested third party will have an opportunity to present at the meeting in line with guidelines.

RELEVANT POLICIES

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

Policy PLA1	Settlement Hierarchy and Urban Management
Policy SP2	Design and Sustainable Place Making

Policy SP3	Strategic Transport Planning Principles
Policy PLA11	Parking Standards
Policy SP4	Conservation and Enhancement of the Natural Environment
Policy ENV1	Development in the Countryside
Policy ENV2	Development in Green Wedges
Policy ENV4	Local/Regional Nature Conservation Sites
Policy SP5	Conservation of the Built and Historic Environment
Supplementary Planning Guidance 17	Parking Standards
Supplementary Planning Guidance 19	Biodiversity and Development

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

Future Wales – The National Plan 2040

Planning Policy Wales Edition 11

Planning Policy Wales Technical Advice Note (TAN) 16 - Sport/Recreation/Open Space

Planning Policy Wales Technical Advice Note (TAN) 18 – Transport

Planning Policy Wales Edition 11

Planning Policy Wales TAN 5 Nature Conservation and Planning

Planning Policy Wales TAN 6 Planning for Sustainable Rural Communities

Planning Policy Wales TAN 12 Design

Planning Policy Wales TAN 18 Transport

Planning Policy Wales TAN 24 Economic Development

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

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

The well-being goals identified in the act are:

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

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

THE SOCIO ECONOMIC DUTY

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

APPRAISAL

This application is referred to Committee at the request of Councillor Lyn Walters and for Members to consider the objections from neighbouring properties. An appraisal of the proposals in the context of the relevant material considerations is provided below.

The main issues for consideration in the determination of this application are the principle of the development, its visual impact, its impact on residential amenity, highways, drainage, ecology and archaeology.

PRINCIPLE OF DEVELOPMENT

The application site is located within the countryside as demarcated by Policy PLA1 of the Local Development Plan (LDP) (2013). The countryside is defined as land situated outside of the designated settlement boundaries.

Planning Policy Wales Technical Advice Note (TAN) 6 (July 2010) entitled Planning for Sustainable Rural Communities advises that Local Planning Authorities must *protect and enhance the natural and historic environment and safeguard the countryside and open spaces*. According to paragraph 6.11.1 the definition of agriculture includes *the breeding and keeping of livestock and the use of land as grazing land*. Land can be used for the grazing of horses however, if horses are kept for any other purposes (such as exercise or recreation), the use of the land and extent of the exercise or recreation activity undertaken on the land are matters to be considered as part of a Planning application.

Paragraph 4.1.9 of the LDP states that *the countryside should be protected for its own sake (i.e. for its beauty, landscape quality, natural resources, and its agricultural, ecological, geological, physiographic, historical, archaeological and recreational value*. In order to protect the countryside development in such locations *will be strictly controlled*.

Policy ENV1 of the Local Development Plan (2013) states that development in the countryside may be acceptable where it is necessary for the following:

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

Policy ENV1 seeks to protect the integrity and openness of the countryside and prevent inappropriate forms of development. The proposal seeks the erection of equestrian timber stables (12) and associated ancillary space for livery and training. It is accepted that the use proposed is one that would typically require a countryside location. The proposal is considered acceptable in principle in line with criteria 3 and 9 of Policy ENV1. The applicant has provided a business plan which sufficiently justifies that the business has reasonable prospects of remaining financially viable.

The site also lies within an area designated as a Green Wedge by Policy ENV2 of the LDP. This Policy aims to prevent development which causes or contributes to the coalescence of settlements or reduces the openness of the land between the settlements. As indicated above, the proposed use is considered to be appropriate in this countryside location and given the rural character of the use, will not result in the urbanisation of the Green Wedge. The development of an equestrian facility in this location will not contribute to the coalescence of the settlements of Bridgend and Ewenny.

On balance, the proposed development is considered to be acceptable in principle, in line with Policies ENV1 and ENV2 of the Local Development Plan.

VISUAL IMPACT

Whilst the proposed use of the land for a livery may be acceptable in principle, regard must be given to the impact of the development on the visual amenities of the area. Policy SP2 of the Local Development Plan (2013) states that *all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment.* Design should be of the highest quality possible and should be appropriate in scale, size and prominence. Further to this, the proposed development should have particular regard to its countryside location.

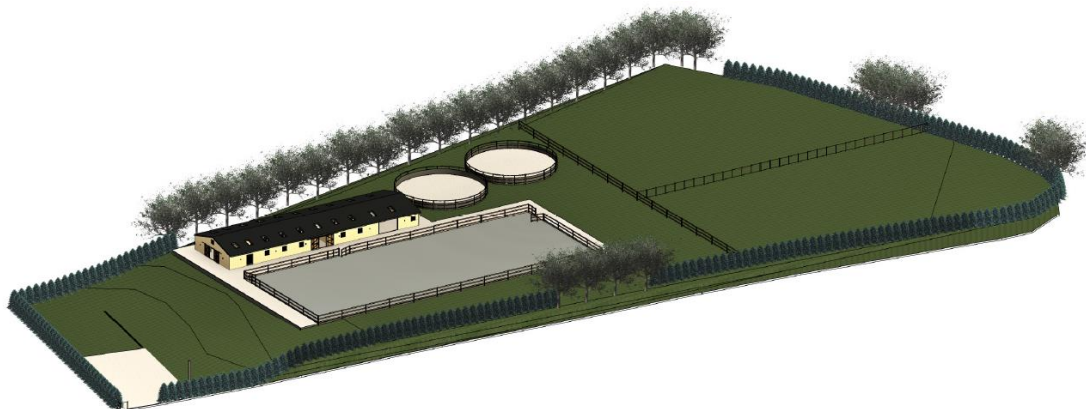
The site is relatively well-shielded from views for a combination of reasons including its location off a non-through road, the dense hedgerows and treelines which form its boundaries as well as the level difference between the site and the adjacent lane. Notwithstanding this, the development of the site will result in a substantial change to the existing character and appearance of the field. Where views of the site are available (such as at the site's entrance), consideration should be given to its visual impact.



Proposed Western Elevation

The submitted plans suggest that the stable block will measure 3 metres in height to the eaves with a ridge line of 4.5 metres in height. The building is to measure 40m in length by 11.5m in width providing stabling for up to 12 horses alongside a storage area, tack room and toilet facilities.

Whilst there are existing stable/manege facilities present in this location, the proposed development will significantly alter the appearance of the site by replacing the relatively informal and minor built form with a substantial professional facility. The proposed development will comprise the most significant equestrian facility in the area in terms of its scale. Despite this, the built form proposed will sit comfortably within what is a spacious site (approx. 1.3ha) with green space in the form of paddocks being retained to the south, east and north of the stable block and associated facilities.



Proposed 3D view of site

The Design and Access Statement submitted makes reference to other equine, agricultural buildings and facilities in the area which vary in terms of their scale, design and appearance. The buildings referenced include structures built from timber and corrugated sheeting with shallow pitched roofs. Closer to the site the cluster of residential dwellings and outbuildings to the south are finished in a combination of render and stonework.

The character of the development is undoubtedly one which is rural in nature with an 'American style' stable proposed which will be finished in tanalised timber. The finish colour of the stable is yet to be agreed although it is considered that a darker coloured timber would be more appropriate to this location to soften the visual impact of the building. The shallow pitched roof proposed reflects the form of the existing agricultural/equine buildings near to the site and at a height of 4.5m, it is considered to be of an appropriate scale which is suitable to this location.

Whilst representing a significant visual change from the current use of the site which appears as a more informal stabling/grazing facility, the proposed development will undoubtedly remain rural in character. It is not considered to be harmful to the visual amenity of this countryside location.

RESIDENTIAL AMENITY

Criterion (12) of Policy SP2 states that all development should *Ensure that the viability and amenity of neighbouring uses and their users / occupiers will not be adversely affected.*

Given the use proposed, concerns have been raised regarding the potential impact of the odour associated with the manure at the site on nearby residential properties. The applicant has clarified that the intention is for solid manure to be deposited in muck trailers which would be removed from the site when full. The muck trailer will sit alongside the stables in a slight "pit" (for ease of filling) and be emptied approximately once per week in Llandow where there are a number of facilities for receiving manure.

Given the rural nature of the site and its surroundings, some odour from manure is expected to a degree although efforts should be made to minimise the impact of the muck pit on neighbouring residents. The applicant has suggested that the muck trailer will be situated on the northern side of the stable block furthest from the residential properties to the south of the site. Subject to a plan being received to confirm the location of the muck trailer, this is considered to be an acceptable compromise which would not adversely affect the amenity of neighbouring residents.

Concerns were raised by neighbouring residents that the development of the site may include flood lights which would impact on residential amenity. There is no large-scale lighting proposed as part of this application with the applicant confirming that external lighting will be limited to security lighting. No concerns are raised in regard to any light pollution impacting on the amenity of neighbouring residents.

The application site is in close proximity to a cluster of residential developments with the closest properties to the site consisting of Heronston Hall and Heronston Barn Cottage which adjoin the site to the south-east and the south respectively. A visit to the site confirmed that whilst there is significant screening to its southern boundary, the hedgerow/treeline at the south-western corner of the site is less dense. As a result, there is less of a visual buffer between the application site and the residential property of Heronston Hall, as seen in the photograph below.

The eastern elevation of Heronston Hall, which faces toward the site, comprises the side elevation to the property. A range of windows are situated within this elevation at both

ground and first floor level. Whilst the issue of overlooking between the site and this property is an existing issue, the proposed development will result in the intensification of the use of the site which could exacerbate any overlooking of Heronston Hall to the detriment of its occupiers.



Photograph of Heronston Hall, taken from the sites entrance

This potential issue could be overcome by improving the screening at the south-western boundary of the site, creating a greater visual screen between the site and Heronston Hall through the use of planting (i.e. a mature hedgerow). A condition is to be included on any permission that requires details of a new boundary treatment at this location to be agreed and implemented prior to the beneficial use of site.

HIGHWAYS

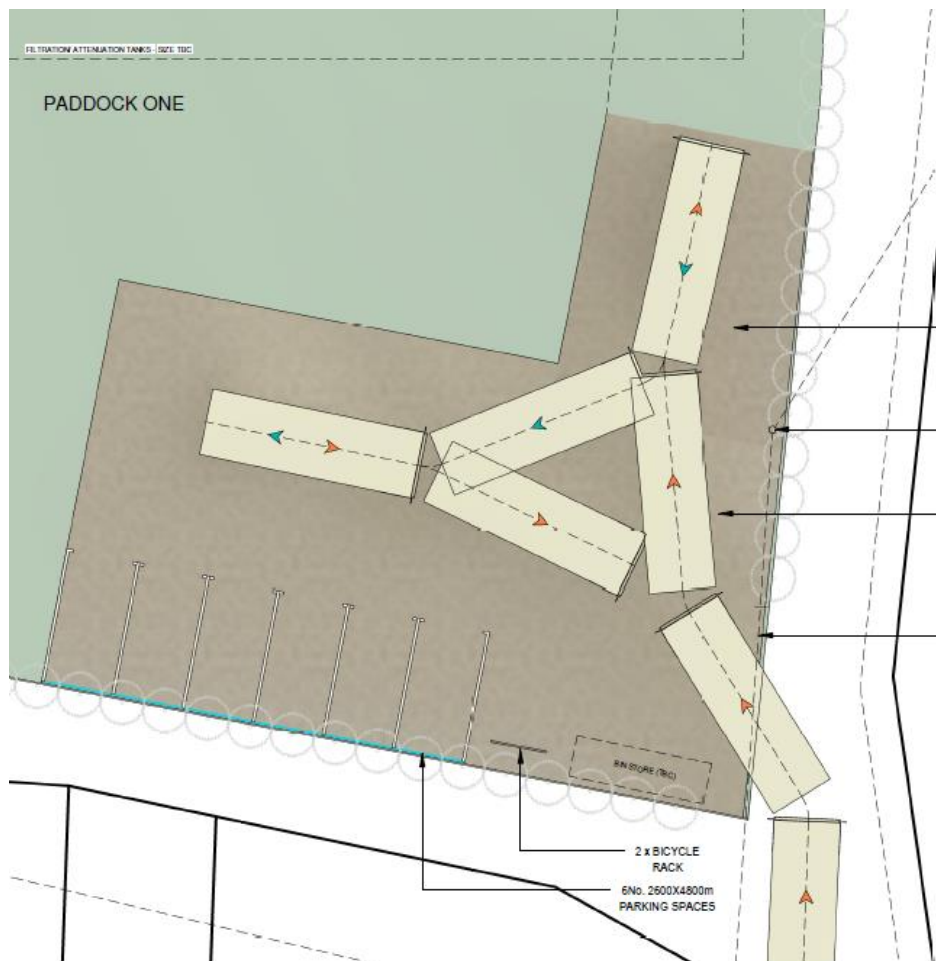
Policy SP2 of the LDP stipulates that development should provide *good walking, cycling, public transport and road connections within and outside the site to ensure efficient access.*

Whilst there is an existing stable and manege at the site, the proposed development will greatly increase the scale of the facilities providing a commercial equestrian business in the place of what was previously used on a private and recreational basis by a local resident. As a result of the increase in capacity it is considered that there would be an increase in movements to/from the site.

Within the Design and Access Statement the applicant has suggested that vehicular movements to/from the site will be kept to a minimum. The site is not to be publicly accessible as training is to be undertaken on a one-to-one basis with a single trainer and student using the site at any given time. The stables will provide full livery where the care, exercising etc. of the horses is carried out by the yard on behalf of the horse owners. One part-time apprentice is expected to assist the applicant with the day-to-day management of the stables.

Besides the vehicular movements associated with the staff and horse-owners, other traffic generated by the development will include feed deliveries as well as the occasional transportation of horses to competitions and events.

The applicant who currently manages stables of a similar size elsewhere, has suggested that deliveries of hay and bedding to the site will take place approximately once per week using a small trailer with a van delivering feed to the site approximately once a month. A vehicle tracking plan submitted confirms that vehicles up to and including a 7.5t horse box lorry could enter the site, turn and subsequently leave the site in a forward gear.



Swept path analysis plan

The use of Heronstone Lane by articulated HGVs has been of concern in the past with these having difficulty negotiating the entire length of the lane. In this regard it is understood that difficulties were experienced in the section of the road to the east of the site. As a result, signs were erected at either end of the lane advising drivers of such vehicles not to follow satellite navigation. It is noted that the applicant indicates that no vehicles larger than 7.5t horseboxes would be attracted to the site. Whilst these are technically classed as HGVs, their shorter length is not considered to generate the same concerns. It should however be noted that ultimately the drivers of such vehicles should have regard to the size of their vehicle and constraints of the lane.

Pedestrian movements to/from the site are catered for by the use of the lane to the north of the site access leading to the A48 where there are footways available. This lane is not used by vehicles with no vehicular access available from the north. Pedestrian crossing movements across the A48 can be undertaken at Ewenny roundabout to the west and Picton Court roundabout to the east. The proposed scheme also makes provision for cycle parking within the site.

The majority of the horses used for training will stay at the stables on site and as a result the functioning of the site and facilities will not be dependent on the regular movement of horse-boxes transporting horses to and from the site. The proposal is to incorporate a

secure tack room so the owners of the horses can leave saddles and riding gear on site thereby reducing the requirement for driving to the site as there is little requirement for bringing riding items with them.

Notwithstanding this, there are concerns related to an increase in conflicting vehicle movements when one-to-one lessons at the site start/end. In order to manage this, a condition requiring a Traffic Management Plan to be submitted will enable a degree of control over start/end times of lessons such that a time buffer can be incorporated into the schedule and reduce the potential for the conflict of vehicles on the lane.

DRAINAGE

The Design and Access Statement as well as the submitted plans indicate that a drainage strategy for the site has not yet been decided upon. While there is an existing sewer running adjacent to the eastern boundary of the site along Heronston Lane to which a connection could be made, the applicant has suggested that an on-site septic tank may be an alternative option for consideration.

In line with the guidance set out within Welsh Government Circular 008/2018, the applicant should initially seek to provide a system of foul drainage which discharges into a public sewer. Should the cost or practicality of this method prove to be unfeasible, other methods of disposing of foul drainage (such as using a septic tank) can be considered. The applicant would be required to demonstrate that it is not reasonable to make a connection to the public sewer before alternatives are considered.

Regarding surface water drainage, as the development exceeds 100m² a SAB application is required to be submitted in order to manage on-site surface water. The applicant should submit a sustainable drainage application to the Council's SAB prior to the commencement of any works on the site.

A condition is to be added to any permission which will require a comprehensive drainage scheme for the site to be submitted showing how foul, road and roof/yard water is to be dealt with.

Concerns have been raised regarding an existing issue of flooding off-site with portions of Heronston Lane liable to flooding during bad weather. The road comprises a country lane which is liable to flooding as it is low ground and situated adjacent to the Eweny River flood plain.

As is common to many such country lanes, there is little in the way of drainage systems in place in the highway. The fields adjacent to the river have waterways etc which the highway drains to however, when river levels are high, water is slow to drain away. The Highways and Land Drainage departments of the Local Authority aim to maintain the existing ditches adjacent to the highway and clear out the culverts across the road every year. By clearing the ditches/culverts flood risk is reduced however it is still likely during heavy weather and may continue to occur long term. This is of course an existing issue and one which will not be exacerbated by the development of the site.

ECOLOGY

The application site borders the Heronston House Meadow Site of Importance for Nature Conservation (SINC) to the west. SINC's are sites of local and regional ecological significance and subject to LDP Policy ENV4. This policy states that *Developments which would have an adverse impact on these sites will not be permitted unless the benefits associated with the development can be demonstrated to outweigh the harm and/or the harm can be reduced or removed by appropriate mitigation and/or compensation measures.*

A Preliminary Ecological Assessment (PEA) was submitted alongside the application which confirmed that the site is of a low ecological value with no further protected species assessments required to be carried out at. The report confirmed that the hedgerows forming the boundaries of the site were found to be of the highest ecological value. It is recommended that these boundaries are retained and protected during works.

The PEA recommended that works are undertaken to increase the site's suitability as an ecological habitat through a number of Ecological Enhancement Opportunities such as providing bat and bird boxes at the site as well as incorporating invert coils into the existing hedgerows to increase the carrying capacity of the site for invertebrates and small mammals.

These recommendations and Ecological Enhancement Opportunities are to be included in the conditions of any Planning approval.

Conditioning these sections of the assessment will help satisfy compliance with Section 6 of the Environment (Wales) Act 2016 that places a duty on public authorities to *seek to maintain and enhance biodiversity* so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to *promote the resilience of ecosystems*.

ARCHAEOLOGY

The site is located within an Archaeological Sensitive Area of 'Island Farm Bovium' as defined by Policy SP5(4) Sites or Areas of Archaeological Significance of the LDP. Policy SP5 states that *development should conserve, preserve, or enhance the built and historic environment of the County Borough and its setting. Development proposals will only be permitted where it can be demonstrated that they will not have a significant adverse impact.*

The proposed development does not require the creation of foundations or deep ground works with the timber stable building to consist of a 'temporary' structure with no fixed base.

The Glamorgan Gwent Archaeological Trust (the archaeological advisers to the Authority) has not commented on the submission nor recommended any requirement for mitigation and it is therefore considered that there will be no adverse impact on any heritage asset.

CONCLUSION

Having regard to the above, and notwithstanding the objections raised by neighbouring residents, it is considered that, on balance, the proposed development of this Countryside and Green Wedge site to provide stabling and an equestrian training facility is acceptable in principle given the rural character of the use proposed.

In terms of its design, the stable and associated facilities are considered to be appropriate in terms of their size, scale and prominence in accord with Policy SP2 of the Local Development Plan (2013).

Subject to the conditions listed below, the proposed development is also considered to be acceptable in terms of its impact on the local highway network as well as with regard to neighbouring amenity, drainage, ecology and heritage assets. The application is therefore recommended for approval.

RECOMMENDATION

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

1. The development shall be carried out in accordance with the following approved plans:
 - Proposed Site Plan (ref. A3.05);
 - Proposed Elevations (ref. A3.06);
 - Proposed Stable Block Plan (ref. A3.07).

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

2. 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 building hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

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

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

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

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

Reason: To ensure that surface water drainage is dealt with effectively.

5. The recommendations and ecological enhancement opportunities set out within Sections 6 and 7 of the Preliminary Ecological Appraisal received by the Local Planning Authority on 1 February 2022 shall be adopted and implemented at the site prior to the beneficial use of the development commencing.

Reason: In order to maintain and enhance biodiversity and to promote the resilience of the local ecosystem.

6. A tree protection scheme in accordance with British Standard BS5837: Trees in relation to design, demolition and construction – Recommendations shall be submitted to the Local Planning Authority for approval prior to works commencing. This scheme should detail how these trees could be affected by the development and include a method statement to ensure they are protected. The approved scheme shall be implemented and retained throughout the period of the works carried out to implement the development.

Reason: In order to maintain and enhance biodiversity and to promote the resilience of the local ecosystem.

7. No development shall commence until a Traffic & Delivery Management Plan has been submitted to and agreed in writing by the Local Planning Authority. All servicing and

facility user vehicle movements to the facility shall be made in accordance with approved Traffic & Delivery Plan once the development is brought into beneficial use and retained thereafter in perpetuity.

Reason: In the interests of highway safety.

8. The access shall be completed in permanent materials for a distance of no less than 10m prior to the development being brought into beneficial use. The access shall be maintained and retained in perpetuity thereafter.

Reason: In the interests of highway safety.

9. No development shall commence until a scheme for the provision of a bend warning signs and bilingual Slow carriageway markings on the approach to the site access lane has been submitted to and approved in writing by the Local Planning Authority. The signs and roadmarkings shall be implemented as agreed before the development is brought into beneficial use and shall be retained in perpetuity.

Reason: In the interests of highway safety.

10. Notwithstanding Condition 1, the parking area shall be laid out in accordance with drawing ref. A3.08 – Proposed Swept Path Analysis.

Reason: In the interest of highway safety.

11. The proposed horsebox turning area (drawing A3.08) shall be completed in permanent materials and clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained for vehicle turning purposes in perpetuity.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

13. The proposed development shall not be brought into beneficial use until a plan showing the location for waste storage is submitted to and approved by the Local Planning Authority. The development should subsequently be carried out in accordance with the agreed details in perpetuity.

Reason: In the interests of protecting neighbouring amenity.

14. No development shall commence at the site until details of a boundary treatment along its south-western boundary have been submitted to and approved by the Local Planning Authority, providing appropriate screening between the site and the adjacent residential property. The development shall subsequently be carried out in accordance with the agreed details and thereafter retained for screening purposes in perpetuity.

Reason: In the interests of protecting neighbouring amenity.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *

- a. The proposed development of this Countryside and Green Wedge site to provide stabling and an equestrian training facility is considered to be acceptable in principle given the rural character of the use proposed. In terms of its design, the stable and associated facilities are considered to be appropriate in terms of their size, scale and prominence in accord with Policy SP2 of the Local Development Plan (2013).

Subject to conditions, the proposed development is also considered to be acceptable in terms of its impact on the local highway network as well as with regard to neighbouring amenity, drainage, ecology and heritage assets.

- b. In order to satisfy Condition 2 the following supplementary information is required:
- Provide details of the surface water drainage including details of the maintaining body
 - Submit a sustainable drainage application form to the BCBC SAB (SAB@bridgend.gov.uk).
- c. In order to satisfy Condition 3 the following supplementary information is required:
- Provide a surface water drainage layout showing location of soakaways;
 - Provide infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE 365.
 - Provide a plan showing locations 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.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None

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REFERENCE: P/21/521/FUL

APPLICANT: Mr & Mrs Tilley 5 Stable Lane, Pantygog, Pontycymmer CF32 8DQ

LOCATION: Land to west of Stable Lane, Pantygog, Pontycymmer CF32 8DQ

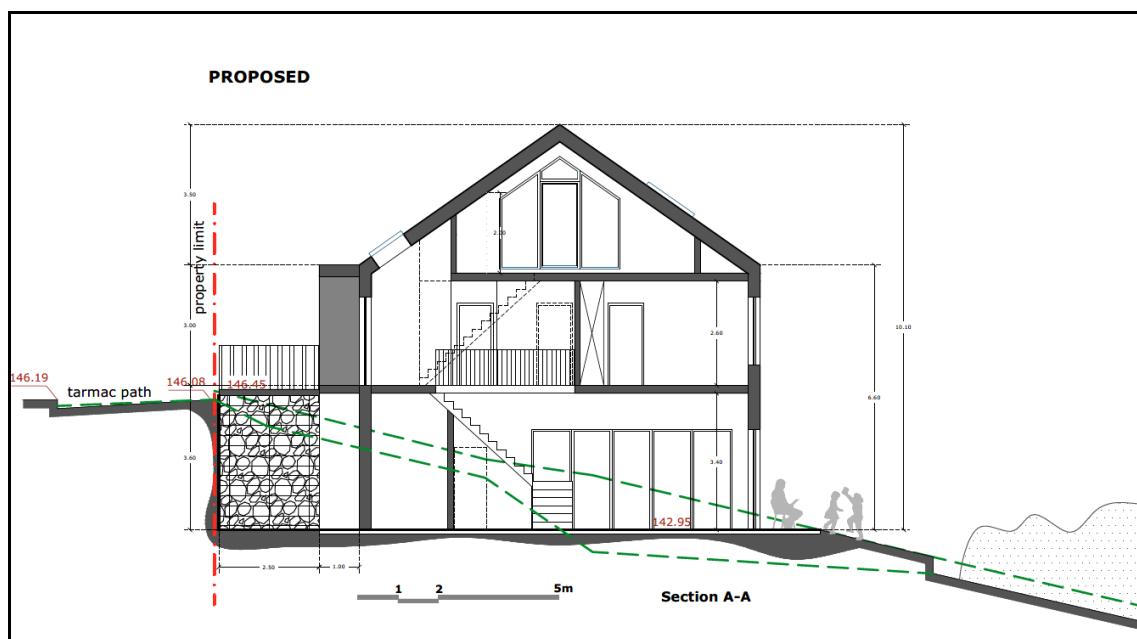
PROPOSAL: Demolition of existing garage block; construction of 4 parking spaces in place of demolished garage block; construction of 1 new dwelling house on unused land

RECEIVED: 2 June 2021

SITE INSPECTED: 26 July 2021

DESCRIPTION OF PROPOSED DEVELOPMENT & SITE DESCRIPTION

This application seeks full Planning consent for erection of one dwelling on land to the west of Stable Lane, Pantygog. The dwelling is proposed to lie to the west of the existing access road and will be set into the steeply sloping ground.

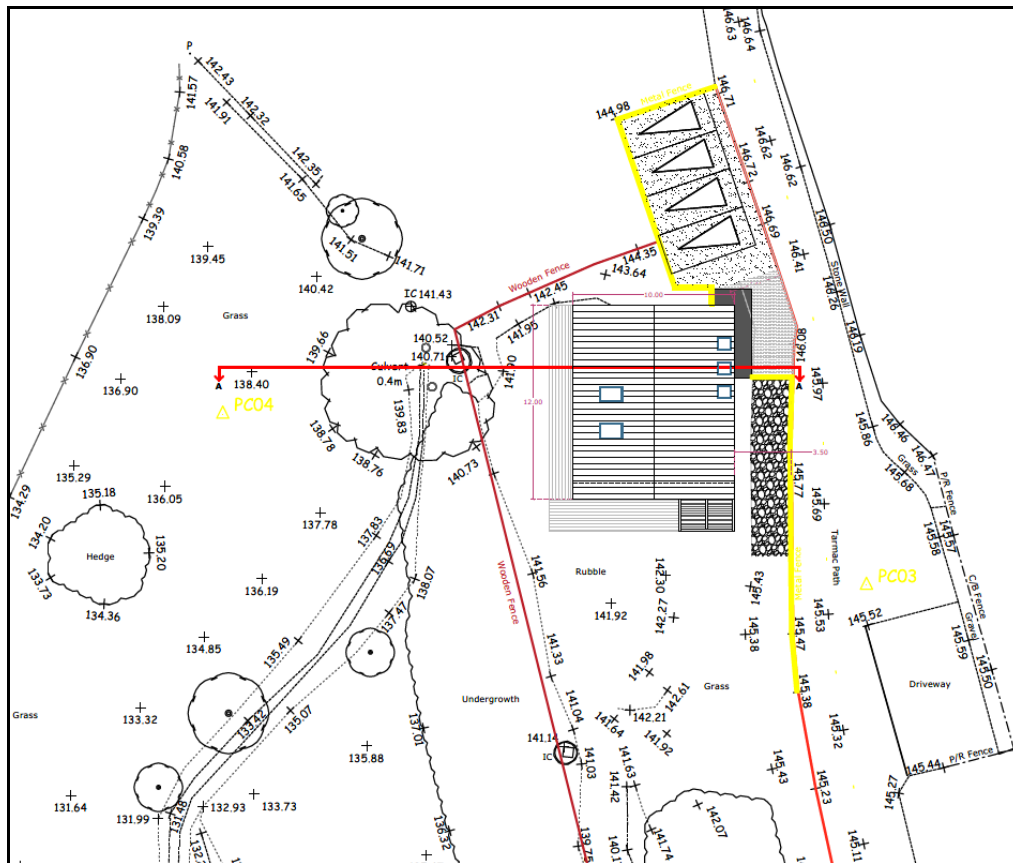


Proposed Cross Section (viewed from the north)

The dwelling will have a pitched roof set at approximately right angles to the properties on the eastern side of Stable Lane and will measure 12 metres in width, 10 metres in depth and 10.1 metres in maximum height (6.6 metres to eaves) measured from the plateau level on which the dwelling is to be established.

It will comprise a snug, playroom, utility room, WC, storage room and open-plan kitchen/dining/living area at ground floor level, a master bedroom with walk-in wardrobe and ensuite bathroom with two additional bedrooms and a family bathroom at first floor level and a storage room at second floor level.

Annotations on the drawing indicate that the first floor level of the dwelling will be set at 146.55, approximately 350mm above the level of the access road which will serve the dwelling.



Proposed Site Layout

The dwelling will principally face east with the eastern elevation providing the main access point to the dwelling via a lightweight overhang forming a porch-style structure. The dwelling will have a mixture of finishes to include stonework, timber cladding and slate coloured metal roofing. Windows and doors are proposed to be black aluminium. The southern and western elevations provide the most window openings taking advantage of orientation of the sun.

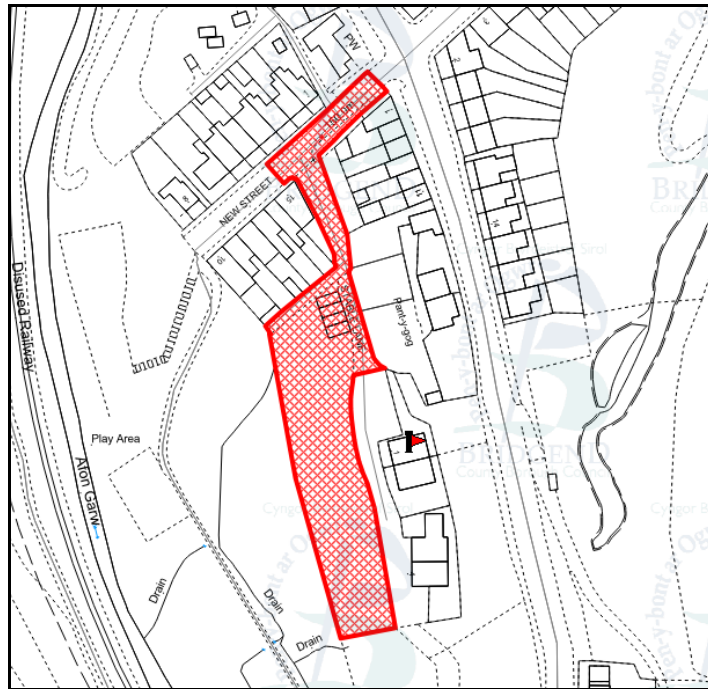
The private amenity space will be provided to the south and west of the dwelling at ground floor level, set at a level of 142.95.

In addition to the above, the submission comprises the demolition of the existing garage block to the north of the proposed dwelling and its replacement with car parking spaces on the retained base.

SITE DESCRIPTION

The application site lies within the Local Settlement of Pontycymmer and Blaengarw, as defined by Policy PLA1 of the adopted Local Development Plan (2013) and abuts the settlement boundary on its western and southern boundaries.

The site is set down from Cuckoo Street, the main A4064 route and is set approximately 10 metres above the River Garw in the valley bottom to the west. It lies to the south of 10-15 New Street and comprises a linear-shaped parcel of land, accessed from New Street and located on the western side of an existing access road which serves four other properties at Stable Lane, as shown below:



OS Map Extract of Application Site

The land in this area slopes steeply from east to west and the existing dwellings on the eastern side of the access road appear to have been constructed on a plateau created by cutting in to the slope. The dwellings are finished in a mix of materials which includes horizontal timber cladding, stone and slate:



Properties on eastern side of Stable Lane

The site itself is currently overgrown with vegetation and overgrowth.

RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/06/86/OUT	4 dwellings – Outline application	Conditional Consent	14/07/2006
P/07/1265/OUT	4 detached dwellings	Refused	11/12/2007

P/09/346/RLX	Extend the time to submit Reserved Matters by two years (consent P/06/86/OUT)	Conditional Consent	03/07/2009
P/10/48/RES	5 bed detached dwelling with double integrated garage and driveway with 4 parking spaces and garden and terraced patio	Conditional Consent	02/07/2010
P/10/486/RES	1 x 4 bedroom detached dwelling at Plot 1	Conditional Consent	16/08/2010
P/10/848/RES	2 dwellings (application for approval of Reserved Matters)	Conditional Consent	27/04/2011
P/11/910/RES	Reserved Matters application for 2 dwellings	Refused	31/01/2012
P/12/94/RES	Resubmission of Reserved Matters application (P/11/910/RES) for 2 dwellings	Conditional Consent	28/03/2012
P/14/597/FUL	3 bedroom two storey dwelling	Refused	06/11/2014
P/15/113/FUL	Proposed single storey extension	Unconditional Consent	17/04/2015
P/15/624/FUL	3 bedroom two storey dwelling (resubmission of P/14/597/FUL)	Conditional Consent	10/06/2016

CONSULTATION RESPONSES

CONSULTEE

COMMENTS

Highways Officer

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

Land Drainage

No objection subject to the imposition of the recommended Planning conditions and informative notes.

Dwr Cymru/Welsh Water

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

Structural Engineer

There should not be any issues to the proposed development from ground instability and the proposal is considered to be acceptable in this regard subject to the implementation of the recommendations of the Site Investigation Report.

Biodiversity Policy and Management Officer

No objection subject to the recommended conditions.

**Shared Regulatory Services
Public Protection:
Contaminated Land**

Recommends the inclusion of Planning conditions and informative notes.

The Coal Authority

The Coal Authority considers that the content and conclusions of the Geotechnical Mining Report are sufficient for the purposes of the Planning system in demonstrating that the application site is safe and stable for the proposed development.

Natural Resources Wales

No objection.

INITIAL REPRESENTATIONS RECEIVED

The application has been advertised through the erection of a site notice dated 7 July 2021 and direct notification to thirteen of the closest properties to the application site. The initial period for consultation expired on 28 July 2021.

When the application was initially submitted, residents of numbers 1-4 Stable Lane, Pantygog provided a joint response to the consultation, raising concerns about Planning conditions imposed upon a previous consent (P/15/624/FUL refers). The residents sought reassurance that the conditions relating to land stability and highway safety would be reimposed upon any consent to be granted to ensure that the development site does not undermine the access road to the properties on the eastern side of Stable Lane or the properties themselves. Concern is raised that any construction work *will exacerbate the instability of the road and the properties along the whole of Stable Lane.*

To emphasise the concerns raised in respect of ground instability a photograph taken in 2013 has been submitted to demonstrate the topography of the site underneath the existing vegetation:



Photograph (from west) taken in 2013

Concern is also raised about deliveries and vehicles preventing access/egress to properties along Stable Lane. This concern is noted and has been considered by the Highways Officer and this matter is addressed in the appraisal section of this report.

FURTHER REPRESENTATIONS RECEIVED

On receipt of amended plans and additional information by way of an Ecology Report, Tree Survey and a Site Investigation and Geotechnical Report, a second consultation was undertaken which was sent to thirteen of the nearest neighbouring properties.

A letter was received on 18 January 2022 from the occupiers of 2 Stable Lane, Pantygog again raising concern about land stability and the reimposition of Planning conditions associated with an earlier Planning consent (P/15/624/FUL refers).

The occupiers of number 4 Stable Lane also submitted a response on 25 January 2022 raising concern about structural stability and stating that *any further construction work could cause significant damage to the road and all four existing properties.*

Concerns have also been raised by the occupiers of 12 New Street, Pantygog in respect of the demolition of the existing garages to the north of the existing dwelling. The response states that the development will prevent the use of the garage for storage of a classic car through the demolition of the building which raises concern. Whilst this concern is noted, it cannot be considered as a material matter in the determination of this Planning application as it is understood that the garage block is within the ownership of the applicant.

Any form of informal arrangement which may cease as a result of Planning permission being granted cannot be considered as a material. Whilst it is appreciated that the occupiers of 12 New Street will no longer benefit from being able to use the garage to store a classic car, this is a private matter and will not be considered further in the determination of this Planning application.

RELEVANT POLICIES

Local Policies

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

Policy 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 SP6	Minerals
Policy ENV13	Unstable Land
Policy SP12	Housing
Policy COM3	Residential Re-Use of a Building of Land

Supplementary Planning Guidance 2	House Extensions
Supplementary Planning Guidance 7	Trees and Development
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

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

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

The well-being goals identified in the act are:

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

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

THE SOCIO ECONOMIC DUTY

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

APPRAISAL

This application is referred to the Development Control Committee to consider the objections received from local residents on Stable Lane, Pantygog.

The key considerations in the determination of this application are the impact of the development on the visual amenities of the area, biodiversity, drainage and land stability.

PRINCIPLE OF DEVELOPMENT

The application site lies within the Local Settlement of Pontycymmer and Blaengarw, as defined by Policy PLA1 of Bridgend County Borough Council's adopted Local Development Plan (2013) (LDP). Policy COM3 of the LDP (2013) states that "residential developments within settlement boundaries defined in Policy PLA1 on 'windfall' and 'small scale' sites for the conversion of existing buildings or the re-use of vacant or under-utilised land will be permitted where no other LDP policy protects the building or land for an existing or alternative use."

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

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

be given to Policy SP2 of the Local Development Plan (2013) as it incorporates the concept of placemaking and considers the development and its associated benefits as a whole rather than as a physical boundary.

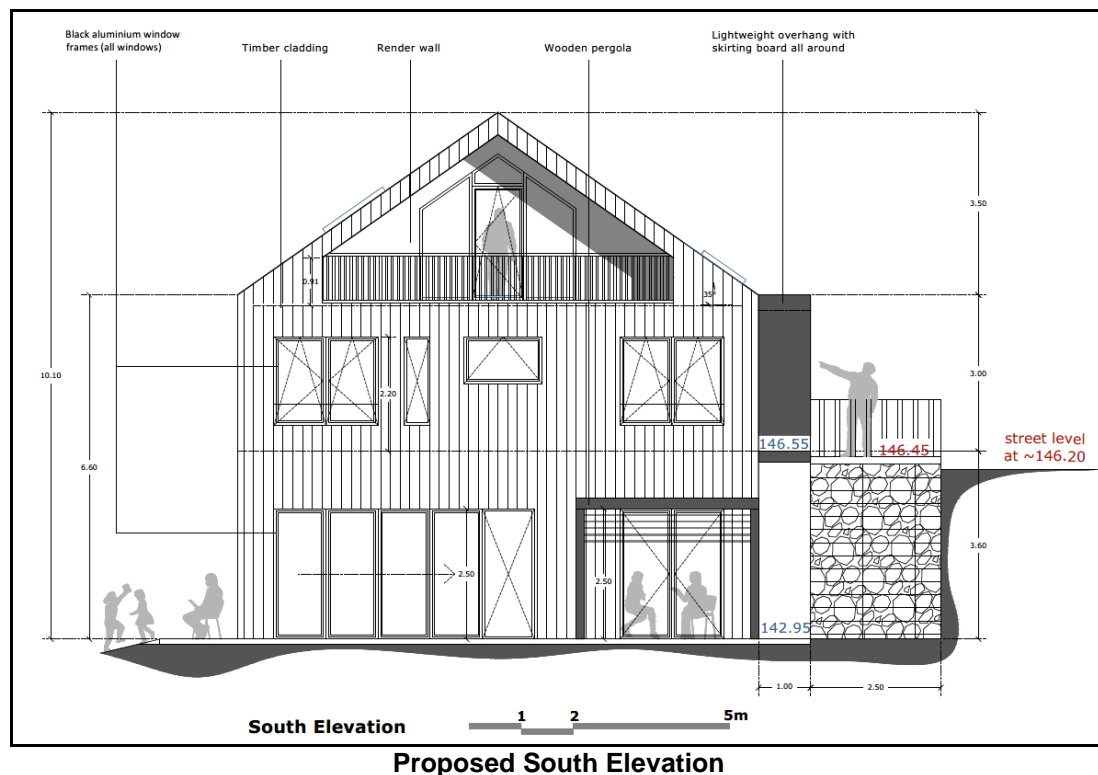
DESIGN/IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

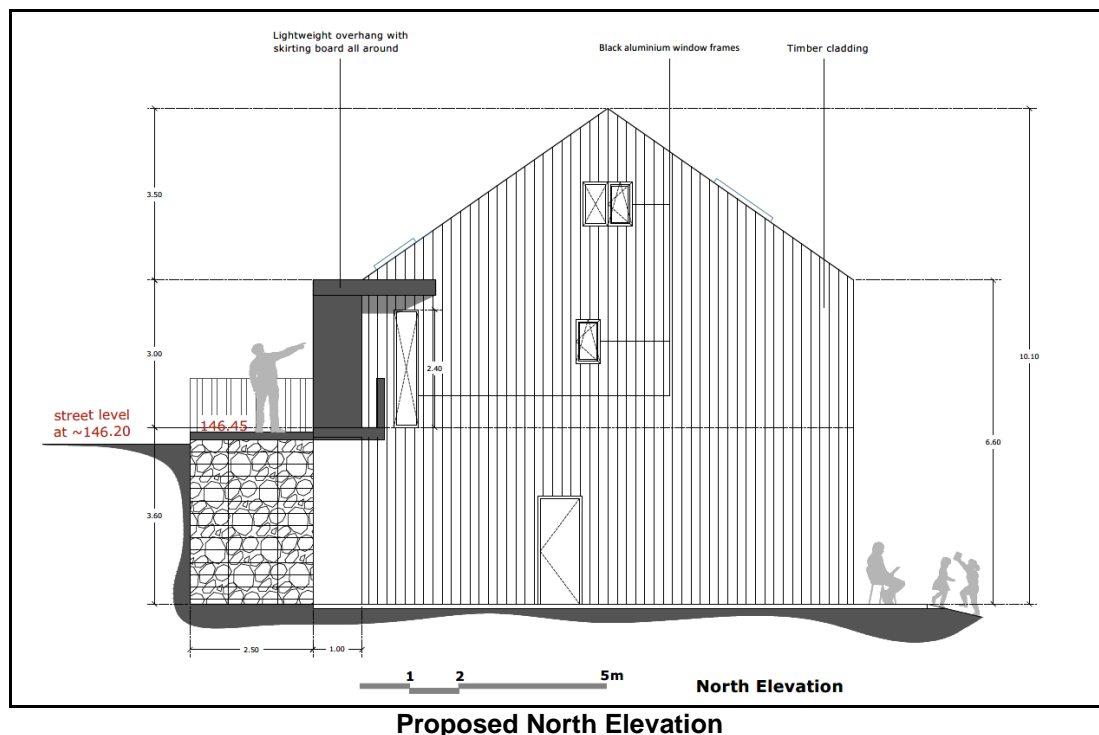
Having accepted that the land is capable of development in principle, the details of the scheme fall to be assessed against Policy SP2 of the Local Development Plan (2013) which stipulates that “all development should contribute to creating high quality, attractive, sustainable places which enhance the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

Planning Policy Wales (Edition 11, February 2021) states at paragraph 3.9 that “the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important Planning considerations”.

The existing site is vacant and overgrown with vegetation and sits on land which slopes steeply from east to west. It is set within an established residential area which is characterised by a mix of house types including semi-detached single storey dwellings, two storey terraced dwellings of traditional form and traditional detached cottage-style properties. In general terms, it is considered that the introduction of a residential dwelling in this location would be in keeping with the general character of the area and would not cause a significant harm to the visual amenities of the wider residential area.

The Site Layout Plan shows the dwelling to be positioned approximately 2 metres to the south of the existing garage block and around 3.5 metres to the west of the existing access road, beyond a set of gabion baskets which will support the existing slope of the land once excavation works have taken place to create the plateau, as shown in elevation form below:





The dwelling is proposed to reflect the existing properties along the eastern side of the access road and the materials proposed will be in keeping with those found within the vicinity of the application site.

The house design utilises the height difference of the land to have the main entrance straight into the first floor from the street. It will therefore appear, when viewed from public vantage points, as a single storey dwelling like those positioned on the other side of Stable Lane.

In consideration of the scheme as a whole and with regard to the context of the application site, the proposed dwelling is considered to be acceptable in design terms and will not detract from the character or appearance of the wider residential area to the extent that would warrant a refusal of Planning permission on such grounds. The proposed development is therefore considered to be compliant with Policy SP2 of the Local Development Plan (2013).

NEIGHBOURING/RESIDENTIAL AMENITY

Notwithstanding the fact that the introduction of a dwelling in this location is generally acceptable and will not cause a significant harm to the visual amenities of the area, regard must be given to residential amenity.

Planning Policy Wales (Edition 11, February 2021) states at paragraph 2.7 that “placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people”.

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

Whilst guidance contained within Supplementary Planning Guidance Note 02 Householder Development (SPG02) refers specifically to the design of extensions and alterations to detached, semi-detached or terraced houses and bungalows, its principles are considered

to be applicable in this case.

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

Paragraph 3.21 of PPW11 also refers to amenity, and states that “the Planning system must consider the impacts of new developments on existing communities and maximise health protection and well-being and safeguard amenity” and “where new development could have an adverse impact on health, amenity and well-being...development should be refused”.

The occupiers of the proposed property will be provided with a private amenity area at lower ground floor level to the south and west of the proposed dwelling. This is considered to be of a reasonable size and is therefore considered to be compliant with Note 8 of SPG02.

Whilst the southern elevation of the property is relatively heavily glazed, it is not considered to result in any direct overlooking into the properties on the eastern side of Stable Lane given their orientation and the orientation of the proposed dwelling. As such, the development is considered to be compliant with the guidance contained within SPG02 and is therefore considered to be acceptable in respect of its impact on amenity and its amenity provided for future occupiers.

HIGHWAY SAFETY AND PARKING PROVISION

The proposal seeks to construct a new dwelling served by a private drive off New Street, Pantygog. The site has previously had consent for a dwelling (P/15/624/FUL refers). The site abuts an earlier development of 4 dwellings which were subject to highway improvements on Cuckoo Street, New Street and along the access itself (known as Stable Lane).

It was acknowledged at the time of determining that earlier application that some of those highway works originally required under P/06/86/OUT (thereafter extended by several consents including P/09/346/RLX, P/12/94/RES (Plots 3 and 4), P/10/486/RES (Plot 1), P/10/848/RES (Plots 1 and 2), P/10/48/RES (Plot 2) had been completed.

A review of the latest situation reveals that further works have been completed in the meantime. More specifically, works have now been undertaken to provide the improvement to the junction of New Street/Cuckoo Street and the widening of New Street (under conditions 2 and 3 of P/06/86/OUT). Accordingly, such conditions are no longer required.

Notwithstanding the above, improvements to the access off New Street and the provision of a turning head are still required. It is noted that the red line boundary of this application will preclude the implementation of part of the scheme previously outlined. Accordingly, whilst some of the turning head will be outside the red line boundary of this plot it has already been laid out as a flat hard surface suitable for turning. With the provision of a set-back of part of the north-eastern boundary of this plot via a Planning condition the remainder can be provided and thus obviate the need for an objection from the Highways Officer.

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:

BIODIVERSITY

Criterion (10) of Policy SP2 of the Local Development Plan (2013) seeks to ensure that biodiversity and green infrastructure is safeguarded. This follows the approach identified in Section 40 of the Natural Environment and Rural Communities Act 2006 which states '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"

Criterion (3) of Policy ENV6 of the Local Development Plan (2013) states "proposals for development or redevelopment will be required to avoid or overcome harm to nature conservation assets and/or species of wildlife which may be either resident, in-situ or which can be demonstrated to have frequented habitats within the site on a migratory basis". Its aim is to achieve a balance between the location, design and layout of development or redevelopment and the need to conserve that site's biodiversity interest whilst also taking into account the interests of any adjacent nature conservation resources.

In support of the proposed development, the applicant provided a Preliminary Ecological Appraisal prepared by Acer Ecology, dated October 2021, which included a Preliminary Roost Assessment and an Eradication of Himalayan Balsam Method Statement. The applicant has also provided a Tree Survey Report prepared by RTAC, dated September 2021.

In reviewing the additional documentation submitted, the Biodiversity, Policy and Management Officer has concluded that if the application were to be granted, Section 4 *Recommendations and Conclusions* of the Preliminary Ecological Appraisal should be implemented and this should be secured by the use of an appropriately worded condition.

It is noted that the Preliminary Ecological Appraisal recommends treatment for the invasive species Montbretia through excavation of the plant and surrounding soils. It should be

noted that this species is subject to Section 34 of the 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) and by a licensed carrier. There are no such licensed sites within Bridgend County Borough. The document also mentions the loss of suitable foraging and commuting habitat for protected species such as bats and hedgehogs and that suitable landscaping will be required to compensate for this loss. It is therefore recommended that a landscape plan detailing the proposed mitigation and compensation measures should be submitted to the Local Planning Authority for approval.

The Tree Survey Report states no trees will be removed to facilitate this development and all retained trees should be unaffected during and as a result of the development. It is recommended that the recommendations of the report are conditioned should consent be given.

Therefore, subject to the inclusion of the recommended Planning conditions and informative notes, the proposal is considered to be acceptable from an ecology perspective and compliant with Policy ENV6 of the Local Development Plan (2013) and criterion (10) of Policy SP2.

DRAINAGE

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

The Land Drainage Section has recommended the inclusion of a Planning condition which requires the submission of a scheme for the comprehensive and integrated drainage of the site to include how foul, road and roof/yard water will be dealt with, prior to the commencement of development.

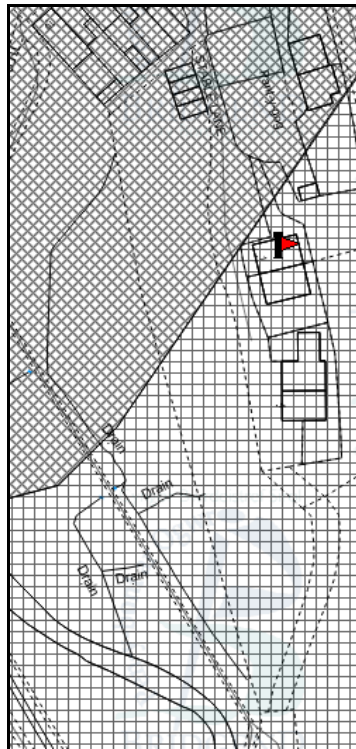
Dŵr Cymru Welsh Water has confirmed that capacity exists within the public sewerage network to receive domestic foul only flows from the proposed development site and has recommended the inclusion of informative notes.

In response to the consultation undertaken, residents of Stable Lane have raised concern about insufficient drainage and the potential impact of insufficient drainage on land stability. Given the response received from Dwr Cymru Welsh Water and the Land Drainage Section, it is considered that the imposition of the recommended Planning condition will satisfy the concerns raised by local residents.

Given the above and subject to the imposition of the recommended Planning conditions, the scheme is considered to be acceptable from a land drainage perspective and accords with criterion (13) of Policy SP2 of the Local Development Plan (2013).

MINING

The application site lies partially within the Development High Risk Area defined by The Coal Authority, as shown hatched diagonally below:



Development High Risk Area

The Coal Authority has stipulated in a consultation response that within the application site and surrounding area there are coal mining features and hazards which need to be considered. Records indicate that the site has been subject to both recorded and likely historic unrecorded underground coal mining at shallow depth.

In support of the scheme, the applicant has submitted a Geotechnical Mining Report dated February 2011 and written by Terra Firma (Wales) Limited which has been accompanied by up-to-date information for the development site obtained from The Coal Authority.

The Geotechnical Mining Report correctly identifies that the application site has been subject to past recorded mining at shallow depth and may also have been subject to historic unrecorded underground coal mining at shallow depth. Notwithstanding this, Section 4 of the Report confirms that site investigations were undertaken in the form of rotary drilling and that no evidence of coal workings was encountered. Accordingly, no additional investigation or mitigation is considered necessary and the Report concludes by confirming that there is an acceptable risk to the site from shallow coal mining.

The Coal Authority considers that the content and conclusions of the Geotechnical Mining Report are sufficient for the purposes of the Planning system in demonstrating that the application site is safe and stable for the proposed development. No objection is raised and the proposal is considered to be acceptable in this regard. The applicant is however reminded that further and more detailed considerations of ground conditions and foundation design may be required to obtain any subsequent Building Regulation Approval.

PUBLIC PROTECTION: LAND CONTAMINATION

Policy ENV7 of the Local Development Plan (2013) seeks to ensure that development proposals do not cause a new or exacerbate an existing unacceptable risk of harm to health, biodiversity and/or local amenity due to contamination (including invasive species), land instability and any other identified risk to public health or safety.

As such, Shared Regulatory Services were consulted to ascertain the acceptability of the scheme in the assessment of the ground conditions. The Geotechnical Mining Report

dated February 2011 and written by Terra Firma (Wales) Limited includes an assessment of the ground conditions on the opposite side of Stable Lane to the proposed development. The emphasis of the risk assessments included is on structural and drainage issues.

Shared Regulatory Services recommends that the applicant is required to undertake a site specific desk based geoenvironmental assessment of the site, in line with current guidance, to determine whether site based contamination and ground gas assessments and any necessary remediation are required. This can be achieved through the imposition of Planning conditions which in accordance with CIEH best practice will ensure that the safety of future occupiers is not prejudiced, in accordance with Policy ENV7 of the Local Development Plan (2013).

CONCLUSION

Having regard to the above and notwithstanding the objections raised which have been addressed in this report, it is considered that the proposed development is an acceptable form of development in this location and it is therefore recommended for approval.

RECOMMENDATION

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

1. The development shall be carried out in accordance with the following drawings:
 - Site Location Plan (amended) received on 19 January 2022
 - Demolition Plan received on 1 December 2021
 - Proposed Ground Floor Plan received on 1 December 2021
 - Proposed First Floor Plan received on 1 December 2021
 - Proposed Loft Plan received on 1 December 2021
 - Proposed Roof Plan received on 1 December 2021
 - Proposed North Elevation received on 1 December 2021
 - Proposed West Elevation received on 1 December 2021
 - Proposed South Elevation received on 1 December 2021
 - Proposed East Elevation received on 1 December 2021
 - Proposed Section received on 1 December 2021

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

2. Notwithstanding Condition 1, the development shall be undertaken in accordance with the following reports:
 - Preliminary Ecological Appraisal Report prepared by Acer Ecology, dated October 2021 and received on 8 October 2021
 - Tree Survey Report prepared by RTAC dated 21st September 2021 and received on 8 October 2021
 - Site Investigation and Geotechnical Report written by Rhondda Geotechnical Services, dated 21/09/2021, received on 8 October 2021
 - Geotechnical Mining Report dated February 2011 and written by Terra Firma (Wales) Limited, received on 18 June 2021

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

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

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

4. No development shall 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 commencing.

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

5. Notwithstanding the approved plans, no development shall commence until a scheme for the provision of a set back of the eastern site boundary of the application site and the provision of a surfaced area to complement and mirror the adjacent vehicle turning area has been submitted to and agreed in writing by the Local Planning Authority. The turning area shall be completed in permanent materials and clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained for vehicle turning purposes in perpetuity.

Reason: In the interests of highway safety and to ensure a satisfactory form of development.

6. Notwithstanding the approved plans, no development in respect of the construction of the dwelling hereby approved shall commence until the first 20m section of the access from New Street has been widened to 5.5m in width, reducing thereafter to no less than 3.65m wide as far as the plot entrance, in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details and shall be maintained and retained in perpetuity thereafter.

Reason: In the interests of highway safety and to ensure a satisfactory form of development.

7. No development shall commence until a scheme for the provision of 3 cycle parking stands has been submitted to and approved in writing by the Local Planning Authority. The stands shall be implemented before the development is brought into beneficial use and retained for cycle parking purposes in perpetuity thereafter.

Reason: In the interests of promoting sustainable means of travel to and from the site.

8. The approved parking spaces shall be provided in permanent materials in accordance with the agreed scheme prior to the development being brought into beneficial use and thereafter retained in perpetuity to serve the occupiers of the approved dwelling.

Reason: To ensure the provision of adequate off-street parking in the interests of highway safety.

9. Prior to the commencement of development, a scheme to investigate and monitor the site for the presence of gases being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval. Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of

gases into or from land surrounding the application site shall be submitted to and approved in writing by the Local Planning Authority. All required gas protection measures shall be installed and appropriately verified before the occupation of the dwelling and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

Reason: To ensure that the safety of future occupiers is not prejudiced.

10. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site whether or not it originates on the site.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

11. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation scheme approved must be fully undertaken in accordance with its terms prior to the occupation of any part of the dwelling. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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.

12. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *
Having regard to the above and notwithstanding the objections raised which have been addressed in this report, it is considered that the proposed development is an acceptable form of development in this location and it is therefore recommended for approval.

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

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

As of 7 January 2019, proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of

Sustainable Drainage Systems (SuDS) features in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Local Authority as the determining SuDS Approval Body (SAB) in relation to their proposals for SuDS features. Please note Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

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

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

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

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

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

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

The Developer is reminded that consent under the Town and Country Planning Act 1990 conveys no approval under the Highways Act 1980 for works to be undertaken affecting any part of the public highway including verges and footways and that before any such works are commenced the developer must:

- a. obtain the approval of Bridgend County Borough Council as Highway Authority to the details of any works to be undertaken affecting the public highway;
- b. indemnify the County Borough Council against any and all claims arising from such works;

- c. give not less than one calendar month's notice in writing of the date that the works are to be commenced to the Policy, Development and Transport Team Leader, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None

APPEALS

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

APPEAL NO.	C/21/3278601 (1933)
APPLICATION NO.	ENF/311/19/TAC
APPELLANT	M BARZEWICZ-DOWER
SUBJECT OF APPEAL	UNAUTHORISED FELLING OF TPO TREES 10 LLYS BRIALLEN, BRACKLA, BRIDGEND
PROCEDURE	ENFORCEMENT NOTICE
DECISION LEVEL	DELEGATED OFFICER

APPEAL NO.	A/21/3275105 (1946)
APPLICATION NO.	P/20/581/FUL
APPELLANT	M BARZEWICZ-DOWER
SUBJECT OF APPEAL	ERECTION OF RETAINING WALL AND STEPS, RAISED PATIO, GARDEN ROOM AND WIND TURBINE TO REAR GARDEN 10 LLYS BRIALLEN, BRACKLA, BRIDGEND
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed wind turbine, by reason of its siting, size, scale and prominence, represents an excessive, incongruous and overly prominent form of development that will have a detrimental impact on the appearance of the host dwellinghouse and the character of the wider residential area, contrary to Policy SP2 of the Local Development Plan (2013), Supplementary Planning Guidance Note 02 Householder Development, and advice contained within Planning Policy Wales (Edition 11, February 2021).
2. The retention of the raised ground level and introduction of a raised patio area, together with the installation of a 1.1 metre high balustrade and a 1.2 metre high timber fence, by reason of their siting, scale, prominence and proximity to neighbouring properties, are considered to be unneighbourly and harmful forms of development that would result in overly dominant and overbearing features along the eastern and western boundaries of the application site, having a detrimental impact on the privacy currently enjoyed in the locality and on the residential amenities of the occupier(s) of neighbouring properties, contrary to Notes 1, 3, 4 and 6 of Supplementary Planning Guidance Note 02 Householder Development, criterion (12) of Policy SP2 of the Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 11, February 2021).
3. Insufficient information has been submitted in respect of the retaining wall and the foundations of the turbine to enable the structural soundness of the proposal to be properly evaluated by the Local Planning Authority, contrary to Policy SP2 of the Council's Local Development Plan (2013) and guidance contained within Planning Policy Wales (Edition 11, February 2021).

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

APPEAL NO.	CAS-01518-M3N6L8 (1939)
APPLICATION NO.	P/21/263/OUT
APPELLANT	MR A PHILLIPS
SUBJECT OF APPEAL	OUTLINE PLANNING APPLICATION TO CONSTRUCT A DETACHED DORMER BUNGALOW LAND ADJACENT TO 7 FAIRWAYS, NORTH CORNELLY
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

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

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 16/03/22

gan Nicola Gulley MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 12/04/2022

Appeal Decision

Site visit made on 16/03/22

by Nicola Gulley MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 12/04/2022

Appeal Ref: CAS-01518-M3N6L8

Site address: 7 Fairways, North Cornelly, Bridgend CF33 4DH

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Antony Phillips against the decision of Bridgend Borough County Council.
- The development proposed is a detached dormer bungalow.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposal is for outline planning permission for a detached dormer bungalow. All matters are reserved.

Main Issues

3. The Council raises no objection to the proposed bungalow on the basis of its impact on the character and appearance of the area or on living conditions of the occupiers of the neighbouring properties. The main issues are therefore the impact the proposed development would have on the living conditions of the existing and future occupiers of No. 7 Fairways ('the host dwelling') and on the biodiversity characteristics of the area.

Reasons

4. The appeal site is located at the end of the residential properties on the southern side of Fairways and adjacent to a large landscaped verge which provides public access to the footbridge crossing the nearby M4 motorway. The site comprises the existing side garden area of No. 7 Fairways, a substantial family home, and includes a greenhouse and small detached garage. The area surrounding the site is characterised by a mixture of traditional semi-detached dwellings and dormer bungalows set in generous sized gardens, which in conjunction with the large verge, provide a sense of openness.

5. Policies SP2, SP4 and ENV6 of the Adopted Bridgend Local Development Plan (LDP) (2013) seek, amongst other things, to ensure that all new development contributes towards creating high quality, attractive, sustainable places, respects and enhances local character and distinctiveness and, where appropriate, safeguards and enhances biodiversity and green infrastructure.
6. The development proposes the demolition of the existing greenhouse and detached garage and construction of a detached dormer bungalow. The submitted scaled parameter plan and supporting information indicate that the proposed bungalow would be between 5.5 and 6 metres high, 5.6 metres wide, and 12 metres long and orientated to face the public highway. The boundary dividing the appeal site and the host dwelling would be set some 3 metres from the side elevation of No.7 Fairways and would allow for a side driveway, narrow front garden and a rear garden area, which I am advised measures some 54 square metres, to be retained at the host property.
7. The Council contends that the proposed subdivision of the garden area of No. 7 Fairways to create a building plot would mean that the host property would fail to retain an appropriate or adequate level of private outdoor amenity space for the occupiers of the existing property. In support of this assertion the Council has drawn my attention to the requirements of the adopted Householder Development Supplementary Planning Guidance (SPG) which seeks to ensure that new development provides reasonable private outdoor space for the enjoyment of existing and future occupiers. Furthermore, it is suggested that the mature trees close to the site provide suitable roosting and nesting opportunities for bats and, despite a request, no substantive evidence has been presented to determine if bats are present or the impact the proposal would have on the protected species.
8. The appellant points to the absence of any guidance in respect of amenity space and contends that the level of provision to be retained at the host dwelling would be acceptable and exceed that made for outdoor space in a number of recently constructed dwellings. In addition, the appellant acknowledges the concerns in relation to the presence of bats in the locality and has indicated a willingness to undertake an initial survey were this appeal to be allowed.
9. I note that no detailed guidance has been provided by the Council in of the quantum of amenity space required for new residential development. However, I consider that in this case the advice contained in the adopted Householder Development SPG, which addresses amenity space, is of direct relevance and provides an appropriate basis on which to assess the proposal. I will therefore afford weight to the SPG in the determination of this appeal.
10. In terms of the impact of the proposed development on the living conditions, I consider that the modest scale of the private amenity space that would be retained at the host dwelling, coupled with its awkward, roughly triangular shape would result in a cramped rear garden area that would fail to provide either the quantum or quality of space that would be reasonably required to meet the needs of future occupiers of the property. Moreover, the scale of the amenity space proposed, which would be less than half that afforded to the neighbouring dwellings, would be in stark contrast to the generous sized gardens of the properties in the surrounding area.
11. With regard to the recently constructed dwellings identified by the appellant, I am conscious that the circumstances of the developments cited, particularly in relation to matters such as the nature, scale and design of the properties and the density of the surrounding area differ to that of the host dwelling. I have in any case, determined the appeal on its own merits.

12. In relation to the provision of a bat survey, although I note the appellant's comments, I share the Council's concerns that insufficient evidence has been presented to determine if bats are present close to the site and to make an informed assessment of the potential impact the proposal would have on the protected species.
13. In light of the above, I consider that the proposed development would be contrary to the objectives of Policies SP2, SP4 and ENV6 of the LDP and Householder SPG.

Conclusion

14. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of making our cities, towns and villages even better places in which to live and work.
15. I have also had regard to all other matters raised in support of the scheme. However, none of these factors are sufficient to alter my overall conclusions that the proposal would have an adverse impact on the living conditions of the occupiers of the host dwelling and on the biodiversity characteristics of the area.
16. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Gulley

Inspector

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TRAINING LOG

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

<u>Subject</u>	<u>Date</u>
New DC Committee Member training (provided by Planning Aid Wales)	24 May 2022
Tree Policy - Green infrastructure	13 July 2022
Public Rights of Way / Bridleways	24 August 2022
Amenity space – Building in gardens workshop	5 October 2022
Building in Conservation Areas	16 November 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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