

Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr Bridgend County Borough Council



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

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

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



Annwyl Cyngorydd,

PWYLLGOR DATBLYGIAD A RHEOLI

Cynhelir Cyfarfod Pwyllgor Datblygiad a Rheoli o bell trwy Timau Microsoft ar **Dydd Iau, 26 Mai 2022 am 14:00.**

AGENDA

1. Ymddiheuriadau am absenoldeb
Derbyn ymddiheuriadau am absenoldeb gan Aelodau.
2. Datganiadau o fuddiant
Derbyn datganiadau o ddiddordeb personol a rhagfarnol (os o gwbl) gan Aelodau / Swyddogion yn unol â darpariaethau'r Cod Ymddygiad Aelodau a fabwysiadwyd gan y Cyngor o 1 Medi 2008. Dylai aelodau cael rolau deuol o'r fath ddatgan buddiant personol mewn perthynas â'u haelodaeth o Gyngor Tref / Cymuned fath a rhagfarnllyd os ydynt wedi cymryd rhan yn yr ystyriaeth o eitem ar y Cyngor Tref / Cymuned a geir yn Adroddiadau y Swyddog isod.
3. Cymeradwyaeth Cofnodion 3 - 6
I dderbyn am gymeradwyaeth y Cofnodion cyfarfod y 28/04/22
4. Siaradwyr Cyhoeddus
I gynghori aelodau enwau'r siaradwyr cyhoeddus rhestredig i siarad yn y cyfarfod heddiw (os o gwbl).
5. Taflen Gwelliant
Bod y Cadeirydd yn derbyn taflen gwelliant pwyllgor rheoli datblygu fel eitem frys yn unol â rhan 4 (paragraff 4) Rheolau Gweithdrefn y Cyngor, er mwyn caniatáu i'r Pwyllgor ystyried addasiadau angenrheidiol i adroddiad y Pwyllgor, felly ynghylch hwyr yn ystyried sylwadau a diwygiadau sy'n ei gwneud yn ofynnol i gael eu lletya.
6. Canllawiau Pwyllgor Datblygiad a Rheoli 7 - 10

Ffôn/Tel: 01656 643643

Negeseuon SMS/ SMS Messaging: 07581 157014

Facs/Fax: 01656 668126

Twitter@bridgendCBC

Ebost/Email: talktous@bridgend.gov.uk

Gwefan/Website: www.bridgend.gov.uk

Cyfnwidi testun: Rhowch 18001 o flaen unrhyw un o'n rhifau ffon ar gyfer y gwasanaeth trosglwyddo testun

Text relay: Put 18001 before any of our phone numbers for the text relay service

Rydym yn croesawu gohebiaeth yn y Gymraeg. Rhowch wybod i ni os yw eich dewis iaith yw'r Gymraeg

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

7.	<u>P/21/988/FUL - Uned 1A and 2A Heol Ffaldau, Ystad Ddiwydiannol Bracla, Pen-y-bont ar Ogwr</u>	11 - 24
8.	<u>P/22/102/FUL - 7 Rhodfa Acacia, Porthcawl</u>	25 - 34
9.	<u>P/21/1111/OUT - 5 Teras Rheilffordd, De Corneli, Pen-y-bont ar Ogwr</u>	35 - 52
10.	<u>P/22/62/FUL - Hen Cilffordd Rheilffordd Cwmdu i'r Dwyrain o Caer Gymrig, Maesteg</u>	53 - 62
11.	<u>P/21/854/FUL - Gatiâu Gwyn, Lon Tyn Y Caeau, Llangrallo</u>	63 - 72
12.	<u>Apeliadau</u>	73 - 84
13.	<u>Rhestr Hyfforddiant</u>	85 - 86
14.	<u>Materion Brys</u> I ystyried unrhyw eitemau o fusnes y, oherwydd amgylchiadau arbennig y cadeirydd o'r farn y dylid eu hystyried yn y cyfarfod fel mater o frys yn unol â Rhan 4 (pharagraff 4) o'r Rheolau Trefn y Cyngor yn y Cyfansoddiad.	

Nodyn: Sylwch: Oherwydd rhesymau iechyd a diogelwch ni fydd y cyfarfod hwn yn cael ei gynnal yn ei leoliad arferol. Bydd hwn yn gyfarfod rhithwir a bydd Aelodau a Swyddogion yn mynychu o bell. Bydd y cyfarfod cael ei recordio i'w drosglwyddo drwy wefan y Cyngor. Os oes gennych unrhyw gwestiwn am hyn, cysylltwch â cabinet_committee@bridgend.gov.uk neu ffoniwch 01656 643147 / 643148.

Yn ddiffuant

K Watson

Prif Swyddog, Gwasanaethau Cyfreithiol a Rheoleiddio, AD a Pholisi Corfforaethol

Dosbarthiad:

Cynghowrwyr

S Aspey
A R Berrow
N Clarke
RJ Collins
C Davies
C L C Davies

Cynghorwyr

RM Granville
H Griffiths
S J Griffiths
D T Harrison
M L Hughes
D M Hughes

Cynghorwyr

M R John
MJ Kearn
W J Kendall
J E Pratt
MJ Williams
R Williams

PWYLLGOR DATBLYGIAD A RHEOLI - DYDD IAU, 28 EBRILL 2022

COFNODION CYFARFOD Y PWYLLGOR DATBLYGIAD A RHEOLI A GYNHALIWYD YN O BELL TRWY TIMAU MICROSOFT DYDD IAU, 28 EBRILL 2022, AM 14:00

Presennol

Y Cyngorydd G Thomas – Cadeirydd

JPD Blundell
RM Granville
MC Voisey

N Clarke
A Hussain
KJ Watts

SK Dendy
DRW Lewis
RE Young

DK Edwards
JC Spanswick

Ymddiheuriadau am Absenoldeb

RJ Collins, MJ Kearns, JC Radcliffe, RME Stirman a/ac CA Webster

Swyddogion:

Rhodri Davies	Rheolwr Datblygu a Rheoli Adeiladu
Craig Flower	Arweinydd Tim Cymorth Thechnegol
Mark Galvin	Rheolwr Gwasanaethau Democrataidd Dros dro
Rod Jones	Uwch Cyfreithiwr
Robert Morgan	Uwch Swyddog Rheoli Datblygu Trafnidiaeth
Jonathan Parsons	Rheolwr Grŵp Datblygu
Michael Pitman	Swyddog Gwasanaethau Democrataidd – Pwyllgorau

576. DATGANIADAU O FUDDIANT

Dim.

577. CYMERADWYO COFNODION

PENDERFYNWYD:

Bod cofnodion cyfarfod o'r Pwyllgor Rheoli Datblygu dyddiedig 3 Mawrth 2022 yn cael eu cymeradwyo fel cofnod cywir a chywir.

578. SIARADWYR CYHOEDDUS

Rhif Cais Cynllunio

P/21/907/FUL

Siaradwyr Cyhoeddus

Beth Payne (Gwrthwynebydd)
Rory Pitman (Ymgeisydd)

579. TAFLEN DDIWYGIO

Nid oedd Taflen Ddiwygio ar gyfer y cyfarfod heddiw.

580. CANLLAWIAU'R PWYLLGOR RHEOLI DATBLYGU

PENDERFYNWYD:

Y dylid nodi'r crynodeb o Ganllawiau'r Pwyllgor Rheoli Datblygu fel y nodir yn adroddiad y Cyfarwyddwr Corfforaethol - Cymunedau.

581. P/21/907/FUL - 106 NOLTON STREET, PEN-Y-BONT AR OGWR CF31 3BP

PENDERFYNWYD:

Bod y cais cynllunio uchod yn cael ei gymeradwyo, yn ddarostyngedig i'r Amodau a geir yn adroddiad y Cyfarwyddwr Corfforaethol – Cymunedau:-

Cynnig

Newid defnydd o salon trin gwallt i far caffi A3/bar gwin (dim bwyd poeth nac elfen tecawê)

Yn amodol ar ychwanegu'r Amod canlynol pellach at y caniatâd:-

6. Er gwaethaf y cynlluniau a gymeradwywyd, bydd manylion bin sigarêts wedi'i osod ar y wal (lleoliad a math) yn cael eu cyflwyno i'r Awdurdod Cynllunio Lleol a'u cymeradwyo'n ysgrifenedig. Bydd y cynllun cymeradwy yn cael ei weithredu cyn y defnydd buddiol cyntaf o'r bar caffi/bar gwin a bydd yn cael ei gadw am byth.

Rheswm: Sicrhau ffurf foddhaol ar ddatblygiad a diogelu amwynderau'r ardal.

582. P/21/732/FUL - TIR I'R GOGLEDD O HERONSTON HALL, HERONSTON LANE, PEN-Y-BONT AR OGWR CF31 3AX

PENDERFYNWYD: Bod y cais cynllunio uchod yn cael ei gymeradwyo, yn ddarostyngedig i'r Amodau a geir yn adroddiad y Cyfarwyddwr Corfforaethol – Cymunedau:-

Cynnig

Codi stablau pren marchogol (12) a gofod ategol cysylltiedig ar gyfer y lifrau.

583. P/21/521/FUL - TIR I'R GORLLEWIN O STABLE LANE, PANTYGOG, PONTCYMMER CF32 8DQ

PENDERFYNWYD: Bod y cais cynllunio uchod yn cael ei gymeradwyo, yn ddarostyngedig i'r Amodau a geir yn adroddiad y Cyfarwyddwr Corfforaethol – Cymunedau:-

Cynnig

Dymchwel y bloc garej presennol; adeiladu 4 lle parcio yn lle'r bloc garej wedi'i ddimchwel; adeiladu 1 tŷ annedd newydd ar dir nad yw'n cael ei ddefnyddio.

584. APELIADAU

PENDERFYNWYD:

- (1) Y dylid nodi'r ddwy Apêl a dderbyniwyd ers cyfarfod diwethaf y Pwyllgor fel y nodir yn adroddiad y Cyfarwyddwr Corfforaethol - Cymunedau.
- (2) Y dylid nodi bod yr Apêl ganlynol a benderfynwyd gan Arolygydd a benodwyd gan Weinidogion Cymru wedi ei gwrthod:-

Rhif Apêl

Pwnc Apêl

CAS-01518-M3N6L8 (1939) Cais Cynllunio Amlinellol i adeiladu Byngalo Dormer Sengl ar dir sy'n gyfagos i 7 Fairways, Gogledd Corneli.

585. LOG HYFFORDDI

PENDERFYNWYD:

Bod adroddiad y Cyfarwyddwr Corfforaethol – Cymunedau sy'n amlinellu'r Log Hyfforddiant i Aelodau ar gyfer y misoedd nesaf, yn cael ei nodi.

586. EITEMAU BRYS

Dim.

Daeth y cyfarfod i ben am 15:20

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

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

STANDARD CONDITIONS

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

Time-limits on full permission

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

Time-limits on outline permissions

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

Variation from standard time-limits

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

STANDARD NOTES

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

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

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

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

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

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

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

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

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

THE SITE INSPECTION PROTOCOL

The Site Inspection Protocol is as follows:-

Purpose

Fact Finding

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

Request for a Site Visit

Ward Member request for Site Visit

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

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

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

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

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

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

Inappropriate Site Visit

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

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

Format and Conduct at the Site Visit

Attendance

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

Officer Advice

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

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

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

Code of Conduct

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

Record Keeping

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

Site Visit Summary

In summary site visits are: -

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

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

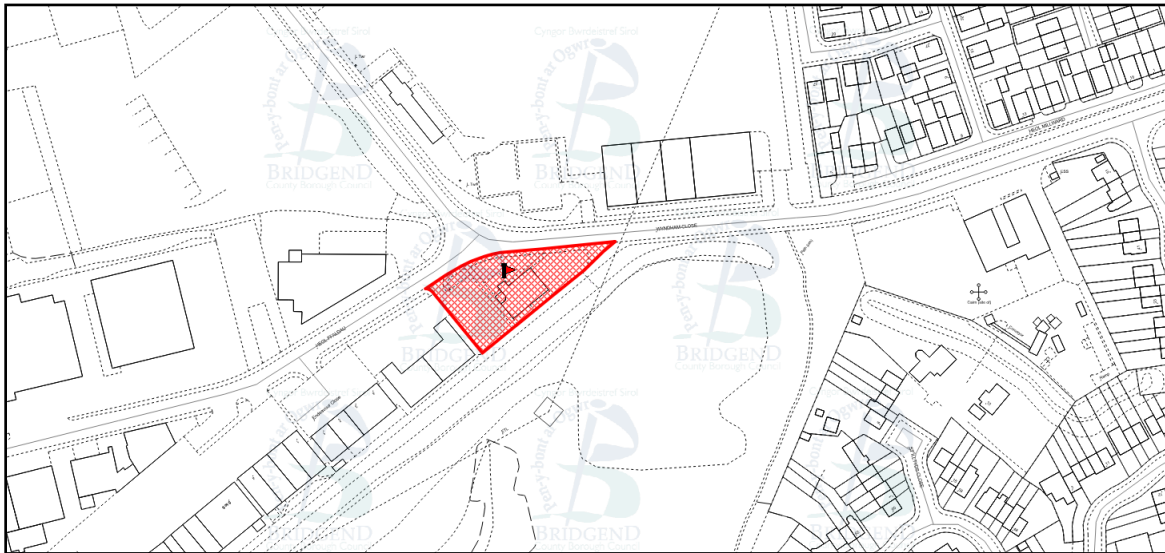
Frequently Used Planning Acronyms

AONB	Area Of Outstanding Natural Beauty	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/21/988/FUL
APPLICANT: Mr J Barber 2 Gregory Close, Pencoed CF35 6RF
LOCATION: Unit 1a & 2a, Heol Ffaldau,
Brackla Industrial Estate, Bridgend CF31 2AJ
PROPOSAL: Change of use from Use Class B1/B2 to Use Class D1 (Health Clinic)
RECEIVED: 27 October 2021
SITE INSPECTED: 18 November 2021

DESCRIPTION OF PROPOSED DEVELOPMENT & SITE DESCRIPTION

This application seeks full planning permission for the change of use of Units 1 and 2 Heol Ffaldau, Brackla Industrial Estate, Bridgend from Use Class B1/B2 (Business/General Industrial) to Use Class D1 (Non-residential Institutions), as defined by the Town and Country Planning (Use Classes) Order 1987.

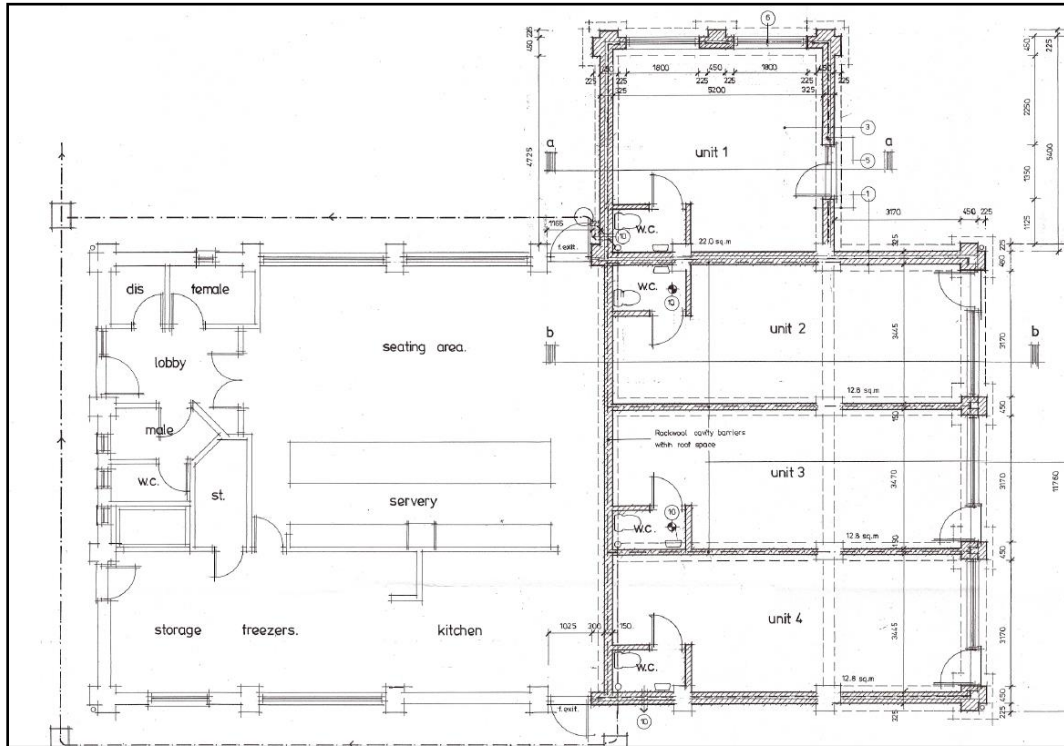


Application Site

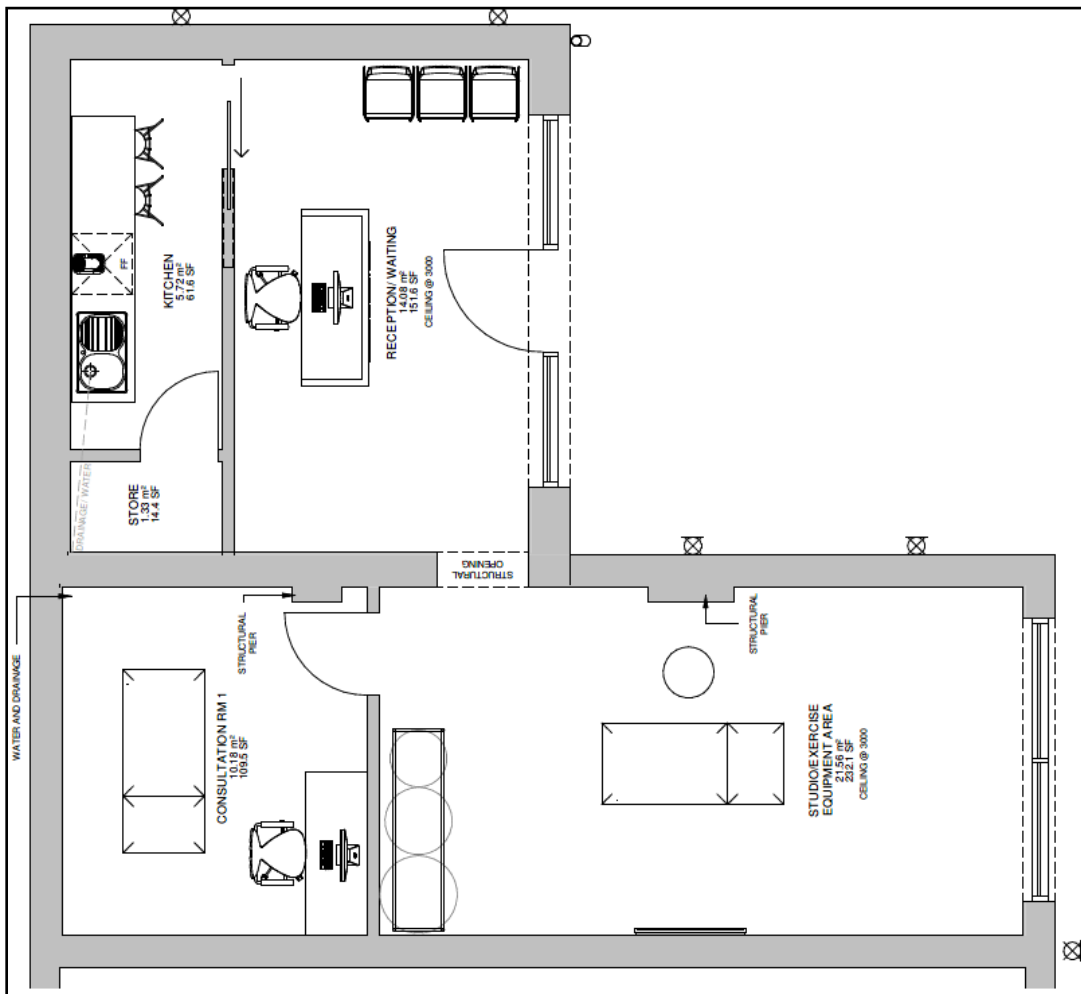
Planning permission for the redevelopment of the wider triangular-shaped site known locally as Caitlyn's Kitchen was granted on 6 November 2020 under Planning permission reference P/18/317/FUL. The consent comprised the following:

- An extension to the existing building to add B1 and B2 use starter units with parking area (two of which are the subject of this Planning application)
- The subdivision of the existing A3 use to form two A3 units
- The erection of two new starter units for B1, B2 and B8 use with parking provision
- The realignment of the highway adjacent to the northern boundary of the site for the introduction of traffic calming measures

The development now under consideration comprises the change of use of two of the B1/B2 starter units (approved under Planning permission reference P/18/317/FUL) located within an extension to the existing building in the north eastern area of the application site, as shown below:



Approved Floor Plan (P/18/317/FUL)



Proposed Floor Plan (Units 1 and 2)

The proposal comprises the change of use of Units 1 and 2 (approved under P/18/317/FUL) to a chiropractor's practice to operate between the hours of 7:30am and 7:30pm Monday to Friday. The practice will employ one practitioner and two part-time

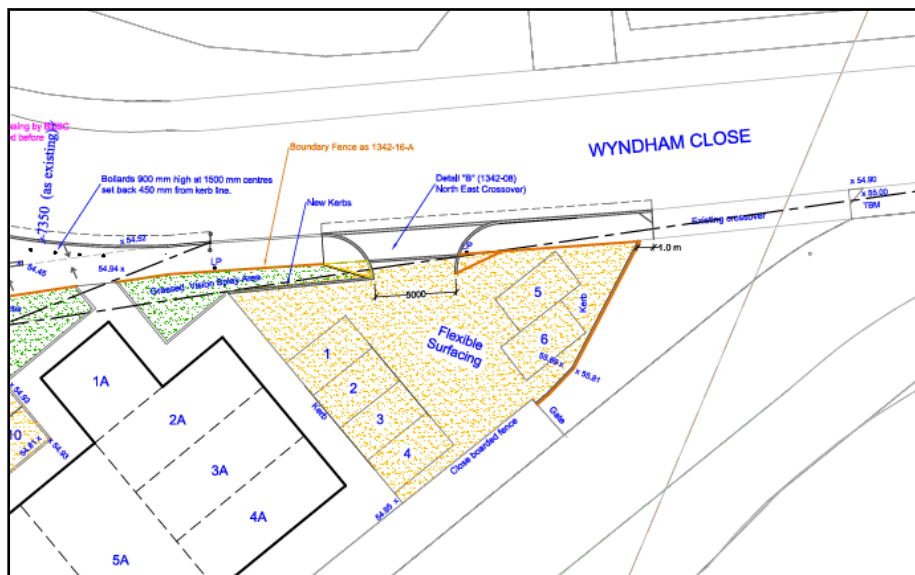
receptionists and will comprise a reception/waiting room, kitchen and storeroom, consultation room and studio/exercise area.

No external alterations are proposed as part of this Planning application.

SITE DESCRIPTION

The application site is located within the Primary Key Settlement of Bridgend, as defined by Bridgend County Borough Council’s adopted Local Development Plan (2013) and forms a part of a wider development side which occupies a triangular-shaped corner plot between Heol Ffaldau and Wyndham Close. The proposed change of use relates to two units in the north-eastern area of the application site.

The wider site is accessed principally from a vehicular access point on the north-western boundary adjacent to Heol Ffaldau. Units 1 and 2 which are the subject of this application are accessed via a secondary access point on the north-eastern boundary off Wyndham Close, from the car parking area to the north-east of the building where six off-street parking spaces and associated landscaping is to be provided, as shown below:



Approved Car Parking Area and Associated Landscaping (P/21/403/DOC refers)

The site is also situated within Brackla Industrial Estate which is allocated and protected for employment development falling within B1, B2 and B8 Use Classes by Policy REG1(18) of the adopted Local Development Plan (2013).

The area can be characterised as industrial with buildings of a mostly industrial-style finish of relatively large scale, operating within a mix of use classes predominantly B1, B2 and B8.

RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/08/432/FUL	Erect two new ducts, one for Chinese cooker, other for fish and chips	Unconditional Consent	20/06/2008
P/08/388/FUL	New entrance door, build disabled toilet and small room, change side door entrance	Conditional Consent	14/08/2008

P/17/327/FUL	Redevelopment at Caitlyn's Kitchen: Phase 1 = Alterations & extensions to existing building Phase 2 = 3 starter units	Withdrawn	18/08/2017
P/18/317/FUL	Extension to existing building to add B1 and B2 starter units; subdivision of existing A3 use to form 2 A3 units; new car parking; creation of new access point and realignment of highway for traffic calming	Conditional Consent	06/11/2020
P/20/740/FUL	Change of use from B1/B2 to D1 (health clinic)	Withdrawn	14/01/2021
P/20/984/DOC	Approval of details for condition 2 (materials), condition 5 (drainage), condition 6 (road alignment), condition 9 (parking scheme) and condition 13 (traffic and delivery plan) of P/18/317/FUL	Split Decision	17/03/2021
P/21/403/DOC	Approval of details for conditions 6, 9 and 13 of P/18/317/FUL	Agreed	03/09/2021

CONSULTATION RESPONSES

CONSULTEE

Highways Officer
9 March 2022

COMMENTS

Objection.

Shared Regulatory Services

Public Protection: Noise

11 February 2022

No objection to the introduction of a D1 Use Class in this location.

REPRESENTATIONS RECEIVED

The application has been advertised on site and five of the nearest industrial units have been directly notified. The period allowed for response to consultations/publicity expired on 18 February 2022.

Two objections have been received from the owner/occupiers of Spar Plas Windows, (Unit 28 Heol Ffaldau) and 57 Tyres Limited (Units 2 & 3 Heol Ffaldau). The concerns raised are referred to below:

There is inadequate parking at the application site to accommodate staff and visiting patients thereby forcing parking to the street to the detriment of neighbouring business and safety. The introduction of a business with high turn-over of patients will add to the congestion experienced in the area and be problematic for users of neighbouring businesses.

Cllr A Williams is supportive of the application and wrote in an initial consultation

response dated 11 November 2021 that she *welcomes investment into the Industrial Estate*.

COMMENTS ON REPRESENTATIONS RECEIVED

Factors to be taken into account in making Planning decisions must be Planning matters, that is, they must be relevant to the proposed development and use of land in the public interest. The matters raised which relate to highway safety are addressed in the appraisal section below.

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 PLA3	Regeneration and Mixed Use Development Schemes
Policy SP2	Design and Sustainable Place Making
Policy SP3	Strategic Transport Planning Principles
Policy PLA11	Parking Standards
Policy REG1	Employment Sites
Policy REG2	Protection of Identified Employment Sites
Supplementary Planning Guidance 17	Parking Standards
Supplementary Planning Guidance 21	Safeguarding Employment Sites

National Policies

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

Future Wales – the National Plan 2040	
Planning Policy Wales Edition 11	
Planning Policy Wales TAN 12	Design
Planning Policy Wales TAN 18	Transport
Planning Policy Wales TAN 23	Economic Development

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

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

The well-being goals identified in the act are:

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

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

THE SOCIO ECONOMIC DUTY

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

APPRAISAL

This application is referred to the Development Control Committee at the request of Councillor A Williams who is supportive of the scheme.

PRINCIPLE OF DEVELOPMENT

The proposed development seeks a change of use of Units 1 and 2 Heol Ffaldau (Caitlyn's Kitchen), Brackla Industrial Estate to a chiropractic clinic operating within a D1 Use Class (Non-residential Institutions), as defined by the Town and Country Planning (Use Classes) Order 1987.

The Planning system manages the development and use of land in the public interest contributing to improving the economic, social, environmental and cultural well-being of Wales as required by the Well-being of Future Generations (Wales) Act 2015 and as stated in paragraph 1.2 of Planning Policy Wales (Edition 11, February 2021) (PPW11).

The application site is located within Brackla Industrial Estate which is allocated and protected for employment development falling within B1, B2 and B8 Use Classes by Policy REG1(18) of the adopted Local Development Plan (2013). As the proposed development comprises the change of use to a chiropractic clinic operating within a D1 Use Class, the application is not deemed to be compliant with Policy REG1(18) of the Local Development Plan (2013).

The adopted Local Development Plan (2013) seeks to focus development in four strategic regeneration growth areas with the objective of delivering more sustainable patterns of development. In order to meet the varying requirements of business and to provide access to employment and training for all residents of the County Borough, a range and choice of vacant sites on 120 hectares of land are identified and protected for employment (B1, B2 and B8 uses) purposes. This is inclusive of Brackla Industrial Estate which is allocated and protected for employment development falling within B1, B2 and B8 Use Classes by Policy REG1(18) of the adopted Local Development Plan (2013). Development proposals which seek to change the use of existing employment building to uses within Class D1 are assessed against Policy REG2 of the Local Development Plan (2013).

Policy REG2 states that proposals which result in the loss of existing or proposed employment (B1, B2 and B8) land or buildings on sites identified in Policy REG1 will not be permitted. Exceptions will need to be justified on one of the following grounds:

1. In appropriate locations, a limited number of those uses regarded as complementary and/or ancillary to the main use of the land for industrial purposes; or
2. In appropriate locations, those sui generis employment uses which are suitably located on employment land.

Paragraph 3.3 of Supplementary Planning Guidance 21: Safeguarding Employment Sites (SPG21) states that there are a limited number of non B1, B2 and B8 uses which could be considered as acceptable on employment sites as they would provide a service to employees and their clients and contribute to the efficiency of the employment site.

Such acceptable uses are identified within SPG21 as being hotels with conference facilities, banks, post offices, public houses, cafes, newsagents, bakeries, gyms and crèches.

Notwithstanding the above, the provision of a chiropractor's clinic in this location is not considered to contribute to the efficiency of the Industrial Estate nor is it considered to be an exceptional form of development which will protect the site for employment uses falling within B1, B2 and B8 Use Classes.

Furthermore, Planning Policy Wales (Edition 11, February 2021) (PPW11) prescribes a 'town centre first' policy in relation to the location of new retail and other complementary uses. Paragraph 4.3.19 states that 'developers should demonstrate that all potential retail and commercial options, and then edge-of-centre options, have been thoroughly assessed using the sequential approach before out-of-centre sites are considered'.

Notwithstanding the strict controls generally applied to uses within the allocated employment sites, the Council is conscious that there is significant interest and pressure to allow D1 uses to operate within these areas.

In support of this application the Planning agent has provided a Planning Justification document which provides further explanation of the development proposal and reasoning for its acceptability. In support of this statement a total of eight letters of support from neighbouring units have also been submitted, the addresses of which are below:

- VMDUK Limited, Units 5 & 6 Heol Ffaldau, Brackla Industrial Estate
- Peyton Property, Main Avenue, Brackla Industrial Estate
- Peyton Travel Ltd, Main Avenue, Brackla Industrial Estate
- Templegate Electrical Supplies Limited, Unit 7 Coegnant Close, Brackla Industrial Estate
- Howel Richards Transport Ltd, Heol Ffaldau, Brackla Industrial Estate
- QE Paving Hard Landscaping Contractors, Heol Ffaldau, Brackla Industrial Estate
- JAB 23, Heol Ffaldau, Brackla Industrial Estate
- Centregreat Ltd. Units 11-12 Wyndham Close, Brackla Industrial Estate

The Planning Justification document states:

In terms of meeting the stated policy criteria set out in the LDP and SPG 21 it is contended that a chiropractor practice could just as much be viewed as providing a service to employees and their clients and contribute to the efficiency of the employment site as do the gyms and physiotherapy uses that BCBC have allowed on the same and other Industrial Estates.

For example, in the same way that we presume gyms/physios are allowed due to their health and wellbeing credentials and to ensure the fitness and wholeness of local communities – the same characteristics can be ascribed to a chiropractic.

Such a service would provide the following benefits to those working on the estate and in nearby growing residential areas, namely:

- *Less sick days lost due to effective treatment of common skeletal concerns like neck, back and leg issues involved in manual labour leading to greater efficiency and productivity; and*
- *Improved health and mental wellbeing leading to a more motivated and productive workforce benefiting local businesses on the Estates and in other locations of the town.*

The benefits of locating on the Estate are that it would be convenient for those working on the Estate or nearby to have early morning, lunch time or evening appointments.

The Planning agent argues that *a strong case can be made for the fact that the use of the two starter units would have no negative on the wider economic functioning of Brackla Industrial Estate than the B1/B2 units approved under Planning permission reference P/18/317/FUL. It is argued that it could not be sustainably argued that the change of use of 54.7 square metres of floorspace to a D1 Use would harm the economic potential or threaten/damage the thrust of the LDP policies in relation to regeneration and growth.*

In support of this argument a list of non-B uses currently operating within Brackla Industrial Estate and the wider Borough has been produced. The list references other non-B uses including a chiropractor in Bridgend Industrial Estate, a children's day nursery in Litchard Industrial Estate and a gym on Brackla Industrial Estate to name a few.

Exceptions to the traditional B1, B2 and B8 uses on the allocated industrial sites can be considered where they are complementary or ancillary to the main industrial uses or where a sui generis use is suitably located on employment land. The reference to other businesses within Brackla Industrial Estate and other allocated Employment Sites within the County Borough operating outside of the traditional B1, B2 and B8 uses is noted, however, public houses, cafes, gyms and crèches are uses which are identified within SPG21 as being uses which contribute to the efficiency of the employment site as a whole and are therefore considered to be acceptable additions.

The uses are considered acceptable as they provide a service to which employees/patrons of the employment area can use on a regular basis within linked trips to and from their place of work/business. A chiropractor practice is considered to be a niche use that is unlikely to offer a service to employees of the employment area on a regular basis when compared to a gym/creche. As such, a chiropractor practice in this instance is not regarded as complementary or ancillary to the main use of the land for industrial purposes.

In addition, each application is considered on its own merits and the provision of other D1 and D2 Use Classes within Brackla Industrial Estate or on other allocated sites does not set a precedent for the approval of this Planning application.

In addition, it is argued that the site has been vacant since works were completed and has been actively marketed since January 2020 with little to no take-up from B1/B2 Use Class operators. This statement is supported by an email from Watts and Morgan Estate & Letting Agents who state that *the property has been fully and proactively*

marketed since January 2020. Referring to the wider site (P/18/317/FUL refers) 4 out of the 8 units are under offer with 4 units still vacant after 2 years of operating. The email states the following:

We have carried out in excess of 30 viewings at the property and aside from the two A3 units that let very quickly, we have struggled to attract B1/B2 occupiers. The vast majority of enquiries have come from applicants looking at a range of uses including D1, D2 and A1 uses.

The information submitted which references the marketing of the site and vacancy rates within Employment Sites within the County Borough does not provide sufficient justification to allow for alternative non-B uses unless the proposal satisfies either Policy REG2 or REG3 of the LDP.

The Council therefore maintains that the introduction of a D1 Use in this location, more specifically a chiropractic practice, is not complementary nor ancillary to the use of the site as an Industrial Estate. Therefore, whilst the comments within the Planning Justification document and support from the local member are noted, the provision of a chiropractic practice is not considered to contribute to the efficiency of the Industrial Estate nor is it considered to be an exceptional form of development which will help to protect the site for employment uses within B1, B2 and B8 Use Classes and it is not considered to be acceptable to the Local Planning Authority.

As the proposed development comprises the change of use of a new build unit to a chiropractic clinic which operates within a D1 Use Class, the application is not compliant with Policy REG1(18) of the Local Development Plan (2013). In consideration of the proposal it is considered that on balance the proposed development does not comply with Policy REG2 of the Local Development Plan (2013) and is therefore contrary to the provisions and aims of the Plan. It is out of accord with the Local Development Plan (2013) and considered to be unacceptable from a policy perspective.

DESIGN/IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

The proposed change of use will not impact the character or appearance of the existing building or wider area as no external alterations are proposed as part of this development. As such, the design of the proposal is not considered to be relevant in this instance.

NEIGHBOURING/RESIDENTIAL AMENITY: NOISE

The proposal will not impact the existing levels of amenity afforded to the wider area given its location within Brackla Industrial Estate and therefore the proposal is considered to be acceptable from an amenity perspective.

HIGHWAY SAFETY AND PARKING PROVISION

Policy PLA11 of the Local Development Plan 2013 stipulates that all development will be required to provide appropriate levels of parking in accordance with the adopted parking standards.

Whilst dealing with the previous Planning application for the redevelopment of the whole site known as Caitlyn's Kitchen (P/18/317/FUL refers), the developer was required to enter into a Section 106 Agreement to fund a legal Traffic Order and complete physical works to introduce waiting restrictions at the modified junction due to concerns raised by the Highway Authority.

During the processing of the application the Highway Authority raised concern which related to the existing junction fronting the site between Heol Ffaldau and Wyndham Close as it is excessively wide and suffers from vehicles using excessive speeds. Given that the use of the existing site access was proposed to be intensified within close proximity to the junction, it was considered necessary to require a scheme for the junction to be realigned and modified to reduce the opportunity for vehicles to use excessive speeds and improve highway safety.

To ensure the junction realignment is undertaken to reduce excessive speeds at the junction, it was considered necessary to approve Planning permission reference P/18/317/FUL subject to the agreement made under Section 106 of the Town and Country Planning Act (as amended) which would ensure that the junction improvement works are undertaken.

In addition, the following highway conditions were imposed upon the consent:

Condition 6

Within three months of the date of consent, a scheme for the provision of a realignment of the Wyndham Close/Heol Ffaldau junction shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a Stage 2 Safety Audit. The approved scheme shall be implemented prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

Condition 7

The proposed widened means of access shall be laid out with 3.0 metre radius kerbing on both sides of the entrance constructed and retained in permanent materials with vision splays of 2.4m x 43m in both directions before the development is brought into beneficial use and retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

Condition 8

The proposed means of access to the northern parking area shall be laid out at 5m wide with 3.0 metre radius kerbing on both sides of the entrance constructed and retained in permanent materials with vision slays of 2.4m x 43m in both directions before the development is brought into beneficial use and retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

Condition 9

Within three months of the date of consent, a revised scheme for the north eastern parking area to provide 6 off-street parking spaces shall be submitted to and agreed in writing by the Local Planning Authority. The parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained for parking purposes in perpetuity.

Reason: In the interests of highway safety.

Condition 10

The south western parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the

approved layout prior to the development being brought into beneficial use and shall be retained for parking purposes in perpetuity.

Reason: In the interests of highway safety.

Condition 11

The delivery vehicle turning area shall be completed 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.

Condition 12

No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.

Reason: In the interests of highway safety.

Condition 13

Within three months of the date of consent, a Traffic & Delivery Plan shall be submitted to and agreed in writing by the Local Planning Authority. All servicing and delivery vehicle movements to the units shall be made in accordance with the approved Traffic & Delivery Plan once the development is brought into beneficial use and retained thereafter in perpetuity.

Reason: In the interests of highway safety.

To satisfy the conditions imposed upon P/18/317/FUL, two Discharge of Condition Applications have been submitted to the Authority. The schemes submitted for the provision of a realignment of the Wyndham Close/Heol Ffaldau junction, including a Stage 2 Safety Audit (Condition 6), and for the north-eastern parking area to provide six off-street car parking spaces (Condition 9) was approved on 3 September 2021 under Planning reference P/21/403/DOC. The Traffic and Delivery Plan required under Condition 13 was also approved under P/21/403/DOC on 3 September 2021.

Despite the schemes being considered acceptable to the Authority, it should be noted that the works that were required to be undertaken prior to the beneficial use of the have not been carried out. Therefore, and in the event that this application was to be determined favourably, such conditions would need to be re-imposed (potentially with amended wording to take account of details approved under the DOC applications) and the works would be required to be implemented prior to the beneficial occupation of the units proposed to operate as a chiropractic clinic.

In dealing with the previous planning application which proposed the redevelopment of the wider Caitlyn's Kitchen site (P/18/317/FUL refers), the Highway Authority considered that a total of six off-street car parking spaces would need to be provided for the north-eastern car parking area, to be completed in permanent materials with the individual spaces clearly demarcated. This is the car parking area which will mostly likely serve the proposed chiropractors.

The two units which are the subject of this application (Units 1 and 2) were considered to generate a parking requirement for 2 spaces as offices (B1/B2 Use Class) which was included within the overall parking provision for the wider site.

The site lies within Zone 5, as identified in Volume 2 of Supplementary Planning Guidance Note 17: Parking Standards (SPG17). The change of use to a health facility (D1 Use Class) such as this would generate a requirement of 1 space per practitioner (operational) and 1 space per 2 ancillary staff and 3 spaces per practitioner (non-operational). See table above:

Health Centres & Surgeries	1 space per practitioner (See Note 2)	1 space per 3 ancillary staff (1 space per 2 in Zones 5 & 6) & 3 spaces per practitioner
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Note 2 reads:

2. Practitioner to include doctor, dentist, nurse, health visitor etc.

Having reviewed the floor plans submitted, it is considered that the development proposed would generate a total requirement for five off-street car parking spaces. Being pragmatic, this could be reduced to 4 spaces (given a longer appointment time for such treatment) and the unlikely overlap in patients. This would require a condition limiting the use to a chiropractor in the event that the application was successful.

Unfortunately, the site is constrained and it is not possible to create an additional two spaces to support the proposal and prevent overspill parking onto the highway in close proximity to a bend and junction to the detriment of highway safety.

Accordingly, it is considered that the proposed development would generate on-street parking in close proximity to a bend and junction to the detriment of highway safety and an objection is raised by the Highway Authority.

CONCLUSION

Having regard to the above and in consideration of the objections raised (and the letters of support), it is considered that , on balance, the proposed development is not acceptable in land use planning terms and the application is recommended for refusal.

The Policies of the adopted Local Development Plan (2013) identify and protect land for employment use in order to meet the varying requirements of business and to provide access to employment for all residents. Exceptions to the traditional B1, B2 and B8 uses on the allocated industrial sites can, however, be considered where they are complementary or ancillary to the main industrial uses or where a sui generis use is suitably located on employment land.

In assessing this application against the aforementioned policies, it is considered that the chiropractic clinic operating within a D1 Use Class is neither complementary nor ancillary to the wider Industrial Estate. Furthermore, the proposal does not fully accord with the criteria of Policy REG2 as it will not contribute to the efficiency of the wider industrial estate and is best located within an existing town or local centre which is accessible by a range of transport modes. In consideration of the scheme, it is contrary to Policy and does not comply with the provisions of the Local Development Plan (2013).

In addition, an objection is raised by the Highway Authority as sufficient off-street car parking cannot be provided which will result in overspill on-street parking in close proximity to a bend and junction to the detriment of highway safety and contrary to the provisions of Policy PLA11 of the Local Development Plan (2013).

For the reasons outlined above the proposal is considered to conflict with Policies SP2, SP3, REG1, REG2 and PLA11 of the Local Development Plan (2013) and is therefore recommended for refusal.

RECOMMENDATION

(R30) That permission be REFUSED for the following reason(s):-

1. The use of Units 1 and 2 as a chiropractic clinic falling within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 conflicts with Policy REG1 (18) which allocates and protects the land for employment purposes (Classes B1, B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) in that the use is not considered to be complementary to nor ancillary to the industrial uses on Brackla Industrial Estate. Therefore, the proposal does not comply with Policies SP2 and REG2 of the Local Development Plan (2013), Supplementary Planning Guidance 21: Safeguarding Employment Sites and guidance contained within Planning Policy Wales (Edition 11, February 2021).
2. The proposed development fails to provide sufficient on-site parking to serve the D1 use and would generate on-street parking in close proximity to a bend and junction to the detriment of highway safety, out of accord with Policy PLA11 of the Local Development Plan (2013), guidance contained within Supplementary Planning Guidance 17: Parking Standards and guidance contained within Planning Policy Wales (Edition 11, February 2021).
3. The proposed use would also be sited within a relatively unsustainable location that is not accessible by a range of transport modes such as walking, cycling and public transport leading to an excessive reliance on the private car, out of accord with Policy SP2 of the Local Development Plan (2013) and guidance contained within Planning Policy Wales (Edition 11, February 2021).

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

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REFERENCE: P/22/102/FUL

APPLICANT: Mr J Phillips: 7 Acacia Avenue, Porthcawl CF36 5BJ

LOCATION: 7 Acacia Avenue, Porthcawl CF36 5BJ

PROPOSAL: Remove conservatory; construct two storey side extension; single storey rear extension

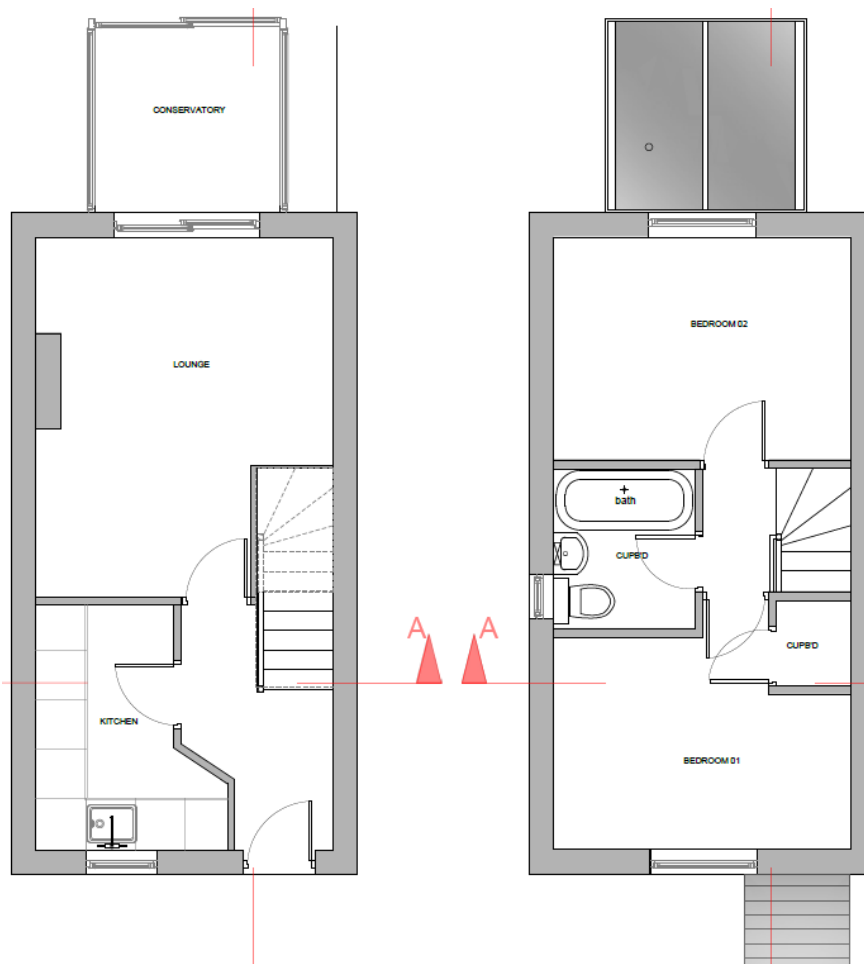
RECEIVED: 14 February 2022

DESCRIPTION OF PROPOSED DEVELOPMENT

The application seeks full planning permission for a two storey side extension and a single storey rear extension at 7 Acacia Avenue, Porthcawl.

An existing conservatory at the rear of the property is to be removed with a single storey lean-to extension to be constructed in its place. The rear extension will include glazed bi-fold doors on its side elevation, facing south-west, with a window to the rear elevation alongside three roof lights above.

The proposed lean-to extension measures 4m in width, projecting from the rear elevation of the property by 2.6m. It measures 2.3m in height to its eaves and 3.3m to its ridge.



Existing Floor Plans – Ground and First Floor

The side extension would provide a larger kitchen and dining area at ground floor level, alongside a walk-in-wardrobe and en-suite for each of the existing bedrooms at first floor level.



Proposed Floor Plans – Ground and First Floor

At both ground and first floor level new openings (windows/doors) are proposed facing the front and the rear of the side extension with none included in its side elevation. The rear-facing window at first floor level of the side extension is to be obscurely glazed.

The side extension proposed is set back by 1.4m from the front elevation of the property with its ridge height sitting approximately 1.1m below the ridge of the main roof of the house. It is proposed to measure 3.3m in width and 6.6m in length. The side extension is to have an asymmetrical roof with the eaves on the north-western end of the roof sitting 800mm below its eaves on the opposing elevation. A gable dormer is to sit within the roof on the rear elevation with its sills at main eaves level.

A car parking plan has been submitted which shows that, following development, two off-street car parking spaces will be retained at the site.

SITE DESCRIPTION

The application site lies within the Main Settlement of Porthcawl, as defined by Policy PLA1 of the adopted Local Development Plan (2013). The site comprises a two-storey end-of-terrace property situated on the northern side of Acacia Avenue from where access to the site is gained.

The dwelling is attached to 6 Acacia Avenue on its north-eastern boundary while the driveways of the application site and 8 Acacia Avenue separate the site from this neighbouring dwelling to the south.

The application site backs onto the rear gardens of Bryneglwys Gardens to the west which are situated at a lower level than the properties on Acacia Avenue.



Google Street View image of the site

The property is finished in a combination of brickwork and lightly coloured render with brown roof tiles and brown UPVC windows and doors. The site sits within a street where the properties are relatively uniform in terms of their scale and general appearance.

Off-street car parking for the site is available at the side of the house adjacent to the rear garden.

RELEVANT HISTORY

Application ref.	Description	Decision	Date
P/21/722/FUL	Remove existing conservatory, new two storey side and rear extensions with interlocking single storey extension	Refused	08/10/2021

PUBLICITY

Neighbours have been notified of the receipt of the application. The period allowed for response to the original consultations/publicity expired on 17th March 2022. Following the receipt of amended plans, neighbours were re-consulted on 8th April 2022.

CONSULTATION RESPONSES

Cllr Watts – This application is fundamentally the same as the previous application P/21/722/FUL which was refused in October 2021. I therefore object on the same grounds as given for the earlier application. *(N.B. Comments received prior to the submission of amended plans for the application).*

Land Drainage – No objection.

Porthcawl Town Council – No objection.

REPRESENTATIONS RECEIVED

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

- 41 Bryneglwys Gardens
- 42 Bryneglwys Gardens

- 43 Bryneglwys Gardens
- 5 Acacia Avenue
- 6 Acacia Avenue
- 8 Acacia Avenue

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

- Loss of light / overshadowing of neighbouring properties;
- Limited parking in the street;
- Not in-keeping with neighbouring properties;
- Overbearing impact on neighbours to the rear;
- Impact on privacy of neighbouring residents;
- Restricts access to neighbouring driveway / garage.

RESPONSE TO REPRESENTATIONS RECEIVED

The objections offered by neighbouring residents and summarised above are material in the consideration of the application and are addressed in the appraisal section of the report. This includes material Planning considerations relating to issues such as highways, the impact of the proposals on neighbouring amenity and the visual impact of the development.

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 PLA11	Parking Standards

Supplementary Planning Guidance 02	Householder Development
Supplementary Planning Guidance 17	Parking Standards

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) 12 - Design

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

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

The well-being goals identified in the act are:

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

- A globally responsible Wales

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

THE SOCIO ECONOMIC DUTY

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

APPRAISAL

This application is referred to Committee to consider the objections raised by 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 impact of the proposal on the character and appearance of the existing dwelling and street scene, the impact on residential amenity and highway safety.

DESIGN

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.*

Note 11 of SPG02 states that *'The form, materials, and details of extensions and alterations should match or harmonise with those of the existing house'*.



Photos of neighbouring properties

The design proposed is of a reasonable quality, reflecting some of the design features of the adjacent/nearby properties, specifically the small feature gables in the front and rear elevations. The submitted plans confirm that the extension would be finished using materials to match the existing property. The detailing showed on plan, including the position and design of the windows, as well as the facing brick plinths below them also reflect the details of the existing house and neighbouring properties. The extension reflects the character of its surroundings and would not look out of place in this location.



Note 12 of SPG02 stipulates that *an extension should be in scale with the existing dwelling*. The ridge height of the extension is set lower than the existing ridge height of the main roof while the extension is set back from the front elevation of the property. These design features help to break up the mass of the building and ensure that the two storey element of the extension remain subservient to the main house.

The footprint of the extension has been reduced so that it better relates to the plot and ensures that the property retains adequate garden space to the rear. The extension will be set off from the western boundary of the site by approximately 2.4m while being 1.75m from its southern boundary.

Whilst there is an increase in footprint compared to the existing conservatory, the lean-to extension proposed at the rear of the property raises no concerns in terms of its scale or its form and is considered to be an appropriate addition.

The proposal is considered to be acceptable in terms of its size, scale and prominence in accord with criterion (2) of Policy SP2 of the Local Development Plan (2013) and is therefore deemed to be acceptable from a visual amenity perspective.

NEIGHBOUR 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*.

Note 1 of SPG02 stipulates that *No extension should unreasonably dominate the outlook of an adjoining property*. SPG02 refers at Note 2 to overshadowing and states that *No extension should unreasonably overshadow adjoining property*.

The two storey side extension proposed will bring the corner of the house to within 2.4m of the western boundary of the application site at an eaves height of approximately 3.7m. The eaves of the extension will be 1.7m taller than the fence which forms the boundary of the site.



Photograph of the application site from 41 Bryneglwys Gardens

Revised plans have been submitted during the course of the application which have sought to reduce the impact of the extension on the neighbouring dwellings. The side extension has been reduced in scale, both in terms of its width and its height as compared to the original proposal. At the rear, both the eaves and the ridge of the side extension will sit below the respective heights of the eaves and ridge of the main roof. These alterations have effectively minimised the potential impact of the extension on the adjacent properties and retains private amenity space for the host property.



Photograph taken from 41 Bryneglwys Gardens

At its closest point, the side extension will be situated approximately 15m from the nearest

windows on the rear elevation of 42 Bryneglwys Gardens. Despite the difference in levels between the two properties, this distance is considered to be ample to ensure that the extension does not dominate the outlook from the neighbouring property.

Due to its proximity to the shared boundary between the application site and 42 Bryneglwys Gardens, the extension may result in some overshadowing of the neighbouring garden, however, due to the orientation of the two properties, this will be limited to the early morning. As such, the extension will not limit the function/usefulness of the neighbouring garden by restricting the sunlight received to it throughout the day. Its impact is considered to be acceptable in this regard.

The single storey lean-to extension proposed at the rear of the property measures 3.3m in height at its tallest point with its eaves measuring 2.3m in height. It will be built within close proximity to the boundary of the site with 6 Acacia Avenue. Given the scale and the form of the rear extension, its impact on the adjoining property will be limited. It will not overshadow the garden of the property to an extent that would warrant its refusal and will not impact the light received to the ground floor window at the rear of no. 6.

Note 6 of SPG02 states that *An extension should respect the privacy of neighbouring houses*. Paragraph 4.6.2 of the SPG goes on to advise that *the minimum distance between directly facing habitable room windows in adjacent properties should normally be 21 metres*.

Further to this, Paragraph 4.6.3 states that *Two-storey extensions to the rear of houses can affect privacy if first-floor habitable room windows overlook the backs of adjacent properties. To reduce the loss of privacy it is recommended that the minimum distance from the new habitable room window to the boundary should be 10.5 metres*. Reductions to these distances may be acceptable where either the overlooking window is permanently obscurely glazed and fixed.

The new rear-facing window at first floor level of the side extension will be situated approximately 4.5m from the boundary of the site with 41 Bryneglwys Gardens and 11.5m from no. 40 when measured in a straight line. In order to minimise the impact of the extension on the privacy of neighbouring residents, the window is to be obscurely glazed. A condition will be included on any permission ensuring that the window is both obscurely glazed and non-opening in perpetuity. Subject to this, the proposal is considered to be acceptable in terms of its impact on the privacy of neighbouring occupiers.

The development is therefore considered to be compliant with Notes 1, 2 and 6 of SPG02 and no concerns are raised in respect of neighbour amenity.

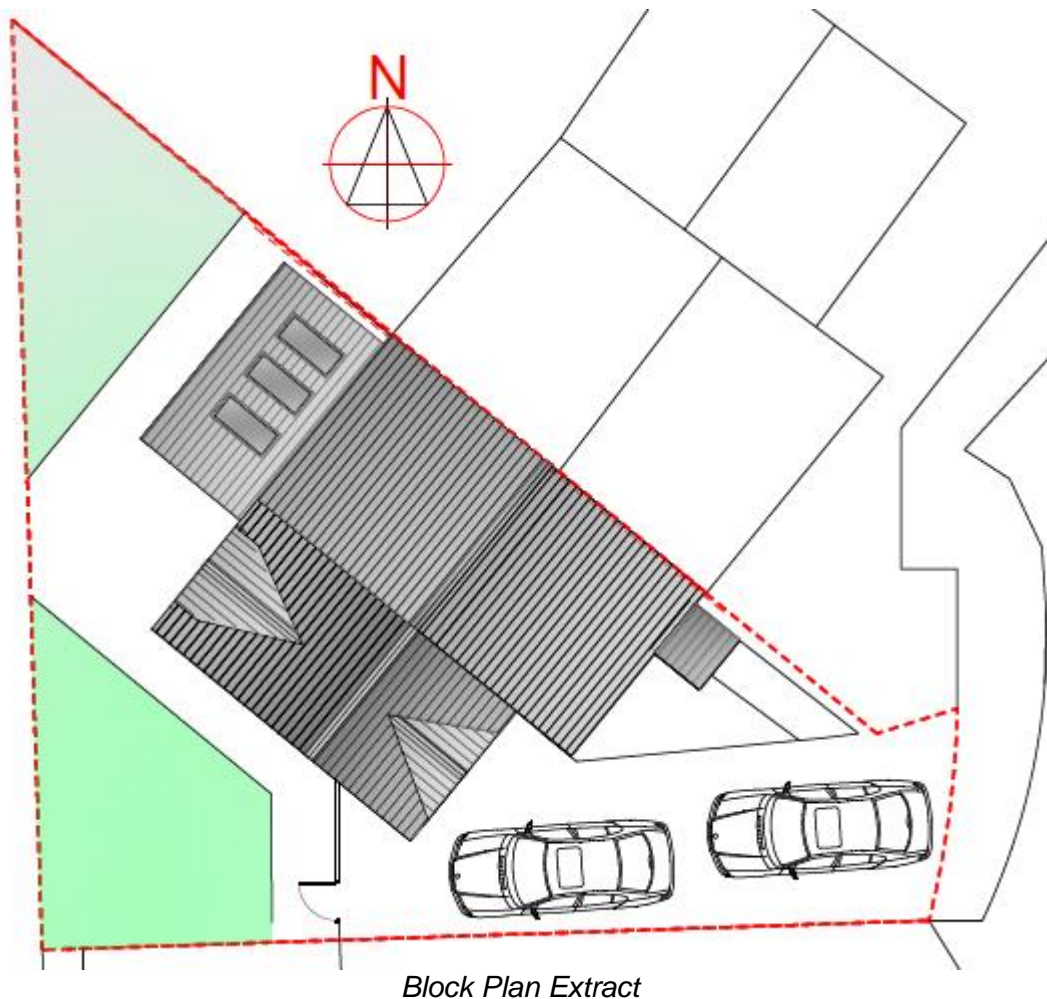
HIGHWAYS

Policy PLA11 of the adopted Local Development Plan (2013) stipulates that all development will be required to provide appropriate levels of parking in accordance with the adopted parking standards.

Note 9 of SPG02 states that *off-street parking should be available to meet the County Borough Council's guidelines for a dwelling of the size after extension* and stipulates that the parking requirement for houses equates to 1 space per bedroom up to a maximum of 3 spaces. Each space must be 4.8m x 2.6m to accommodate a car parking space unless it is within a garage. Supplementary Planning Guidance Note 17 Parking Standards (SPG17) stipulates that *garages may only be counted as parking spaces if they have clear internal dimensions, as suggested by Manual for Streets, for a single garage of 6m x 3m*.

The number of bedrooms within the property will not be impacted by the proposed

development, remaining at two. In order to satisfy the criteria outlined above a total of two off-street car parking spaces should be provided at the site.



The site plan submitted shows two off-street parking spaces which are to be retained on the existing driveway at the front of the property. The driveway is of an adequate size to accommodate the two parking spaces in line with the measurements required by the Council's Parking Standards. Despite concerns that the development would restrict the use of the adjacent driveway to the south, the block plan confirms that no encroachment onto neighbouring property will be required.

The proposed extension can be accommodated alongside adequate off-street parking provision and as such, the proposals are considered to be acceptable with regards to Highway Safety.

CONCLUSION

The proposed development is considered to be appropriate in terms of size, scale and prominence in accord with Policy SP2 of the Local Development Plan (2013). It does not impact the existing levels of privacy or amenity afforded to neighbouring properties and is acceptable from a highway safety perspective. The concerns of the neighbouring residents are acknowledged however, they do not outweigh the other material Planning consideration and the application 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 Plans and Elevations (received 12th May 2022).

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

2. The materials to be used in the construction of the external surfaces of the approved extension shall match those used in the existing building.

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

3. The rear-facing window serving the walk-in-wardrobe to Bedroom 02 as shown on drawing ref. 034-(99)100-B (received 12 May 2022) shall be fitted with fixed pane obscure glazing to a minimum of Level 5 on the Pilkington index of obscurity. The window shall be fitted prior to the beneficial use of the extension hereby approved commencing and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

REFERENCE: P/21/1111/OUT
APPLICANT: Mr D Nicholas
5 Railway Terrace, South Cornelly, Bridgend CF33 4RW
LOCATION: **5 Railway Terrace, South Cornelly, Bridgend CF33 4RW**
PROPOSAL: Construction of a new bungalow in garden (Outline application)
RECEIVED: 14 December 2021
SITE INSPECTED: 07 January 2022 and 13 May 2022

APPLICATION/SITE DESCRIPTION

Outline Planning permission is sought for the erection of a single detached residential dwelling on land at 5 Railway Terrace, South Cornelly (towards the rear of 3 - 6 Old Church Close).



Figure 1 – Site location plan

The application has been submitted in Outline with all matters reserved for future consideration although under the provisions of the Town and Country Planning (Development Management Procedure) Wales Order 2012 (as amended) the application includes indicative drawings and supporting information that illustrate the likely scale and siting of the building, means of access and amenity space provision. The details specify that the dimensions of the dwelling which would follow a dormer style bungalow design would be:

- 9 Metres in depth,
- 15 Metres in length,
- 7.5 Metres in height

It is indicated the dwelling would be set towards the south-eastern corner of the plot with a distance of approximately 9.9m to 10.5m from the rear boundaries of properties along Old Church Close to the west, a boundary that is defined by an existing significant and high hedge.

A bungalow style property with front dormers (facing west) is indicatively proposed at the site that would likely accommodate a maximum of three bedrooms. A private garden space

measuring approximately 21m by 12m would be created to the south of the dwelling building with further private amenity space to the front, west of the building. Off-street car parking space and an appropriate turning area would be created to the immediate north of the dwelling. Pedestrian and vehicle access to the plot would be from the northeast off Railway Terrace/Lamb Row; the access point effectively being shared with a further single residential unit that was granted Planning permission by the Development Control Committee on 23 July 2020 (P/19/464/FUL refers).



Figure 2 – Illustrative site layout



Figure 3 – Illustrative elevations and site sections of the outline proposal

The site comprises a largely vacant linear parcel of land that currently appears to be used as an extension to the applicant’s garden at 5 Railway Terrace and is used to accommodate a small number of chickens and ducks. The wider area has been developed on a slope that rises from west to east but the development site itself is a relatively flat grassed area.

The red line submission (application site) covers an area of approximately 0.15 hectares where there are a small number of wooden type structures, a storage container and a polytunnel visible on the site that would effectively be removed to facilitate the development. There is a significant level of planting and tree lines in and around the site

with a mature hedge (laurel) defining the western boundary of the site that significantly screens the site from the rear of properties along Old Church Close.

The site is located within the settlement boundary of South Cornelly as defined by Policy PLA1 of the Bridgend Local Development Plan 2013. The site is also located within a mineral safeguarding/buffer zone and therefore Policy ENV10 of the Bridgend Local Development Plan 2013 is of relevance. There are a number of protected trees located on the north-eastern boundary of the site and the site is surrounded by existing residential dwellings with Planning applications also being recently granted for other infill residential developments in close proximity to the application site.

The application is supported by a Preliminary Ecological Assessment and a Tree Survey/Constraints Plan.



Figure 4 – Photographs of the application Site (viewed from the North)

RELEVANT HISTORY

5 Railway Terrace, South Cornelly

P/21/780/OUT - New build of two dwellings in garden
Withdrawn 3 November 2021

P/06/564/Ful - Rear living room/utility room extension & conservatory
Granted 21 June 2006

Land north of 1 Railway Terrace, South Cornelly

P/21/457/OUT - Proposed new dwelling
Granted (with conditions) 23 August 2021

Former Three Horse Shoes Public House, Lamb Row, South Cornelly

P/19/464/FUL - Erection of one detached dwelling (land adjacent to)
Granted (with conditions) 23 July 2020.

P/10/699/FUL - Pair of semi-detached 2 bed houses & detached 2 bed bungalow (former Public House) – Granted (with conditions) 19 November 2010.

NEGOTIATION

The applicant was requested to provide more appropriate and accurate illustrative details of the development along with likely dimensions of the proposed dwelling. The applicant was also requested to serve Notice on the adjacent landowner where the proposed means of access would be created/shared to the site. It was also requested that a detached garage structure be removed from the scheme to reduce the impact of the scheme on

properties along Old Church Close (to the west) and improve highway circulation and vehicle movements at the site.

Members are also advised that the applicant submitted an earlier Outline Planning application to develop two properties at the site that was subsequently withdrawn (P/21/780/OUT refers). The scheme was considered to represent an inappropriate overdevelopment of the site and raised a number of material Planning concerns. The applicant has however revised the nature of the development to a single residential unit in this case.

PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 17 May 2022.

CONSULTATION RESPONSES

Cornelly Community Council - Consulted 10/01/2022 on the application, no comments received in respect of the development proposal.

Welsh Water Developer Services - No objection subject to condition/advisory notes.

Biodiversity Policy & Management Officer - No objection subject to conditions.

Highways Officer - No objection subject to conditions.

Drainage Officer - No objection subject to condition.

SRS - Shared Regulatory Services - No objection subject to conditions.
(Public Protection: Contaminated Land)

Glamorgan Gwent Archaeological Trust (GGAT) - At the time of writing this report no comments were received on the scheme although when commenting on the immediately adjacent development that would share the same point of access (P/19/464/FUL refers), GGAT recommended the need for archaeological mitigation due to the potential impact to medieval remains in particular.

REPRESENTATIONS RECEIVED

The Owners/occupiers of 3, 4 and 5 Old Church Close to the west of the development site raise objections against the proposal. The concerns and objections raised are summarised as follows:

- Loss of privacy and overlooking impact.
- The development site is higher and the property would face directly towards the garden spaces and rear elevations of properties along Old Church Close with privacy being invaded.
- The proposed house has dormer windows which appear to face the neighbouring properties - surely it would be better if they did not face the existing houses.
- The Laurel bushes and trees provide screening and privacy and should not be removed.
- Once a secluded and quiet position any application for a building on this site should be rejected.
- The development would block morning sunshine which is already significantly affected by the high hedge particularly during the early morning. The proposed dwelling would make this situation worse and exacerbate the feeling of living in a trench.

- Considerable amount of Japanese Knotweed exists on the site and needs to be appropriately managed.
- The plot has had significant recurring growths of Japanese Knotweed in the last 10 years – any build process could spread this invasive to neighbouring plots. If this happens a Community Protection Notice against any stakeholder for causing a nuisance would be undertaken and prosecution sought.
- How would the building affect the stone boundary wall that has already been weakened by the poor weather conditions and blasting from the quarry.
- The new plans have a garage being built close to the old stone boundary wall and any digging near this could cause disturbance.
- Already high risk and levels of dust pollution in the area and a building site would only create more dust pollution.
- The disruption and noise of having a building site just metres away from existing houses would have a hugely detrimental impact on home working and home businesses and would likely cause tremendous stress levels.
- As a minimum the house should be rotated and the dormers should face away from the properties along Old Church Close.
- Concerns are also raised about other development in the area overlooking and overshadowing the objectors' properties although this is not considered material to the determination of the new application under consideration.

COMMENTS ON REPRESENTATIONS RECEIVED

The likely impact of the scheme on the levels of privacy and residential amenity currently enjoyed in the locality are fully considered in the Appraisal Section of this report although subject to the retention and maintenance of the high boundary hedge on the western boundary of the site that currently and would continue to significantly screen the development site from the rear garden spaces and residential properties along Old Church Close, the scheme is considered to be acceptable in residential amenity and privacy terms.

A solid further boundary treatment or fence could also be sited in close proximity to the hedge to further screen the development which could be controlled under an appropriate boundary treatments condition should Planning permission be granted for the development.

Furthermore, approximately 10.5 metres would also be retained from the western boundary of the site and the likely siting of the first-floor dormers within the roof space of the property that is compliant with Council guidance and policy (Supplementary Planning Guidance 02 – Householder Development) and ensures an appropriate offset would be retained between the proposed west facing windows within the new dwelling and existing properties along Old Church Close. The plans submitted also illustrate 21m would be maintained between the new building and the main rear elevations of properties along Old Church Close. On this basis and when acknowledging the Outline nature of the development proposal which would be subject to a more detailed Reserved Matters application, it is considered a dwelling could be accommodated at the site in the general manner proposed without seriously overlooking or affecting the privacy of neighbouring plots.

The dwelling building would also have an appropriate offset, siting and level of screening, particularly compared to the existing situation at the site to raise no serious overbearing or overshadowing concerns. A detached garage structure proposed in much closer proximity to the rear boundaries of properties along Old Church Close, has also been completely removed from the scheme which is also likely to reduce the impact of the development on the boundary wall and existing boundary treatments to the west of the site.

The supporting Preliminary Ecological Assessment that supports the scheme highlights there is no Japanese Knotweed within the boundaries of the application site although it is present in very close proximity to the site and this needs to be carefully monitored to ensure the species does not spread, as Japanese Knotweed is noted as an invasive non-native species on the Wildlife and Countryside Act 1981 meaning that it is unlawful to allow the species to spread to the wider environment.

On this basis and in light of the residents' comments and concerns in this respect, as a precautionary measure, a condition is recommended to ensure the submission of an appropriate clearance methodology for the site.

It is acknowledged that construction disturbance and general disruption including noise and dust creation can be experienced as a result of any development works, however, for a development of the scale and nature being proposed this is not considered a valid or justified reason to warrant the refusal of the Planning application. This would be of a temporary nature and not pose such harmful impacts on the amenities of the nearby occupiers over the longer term.

PLANNING POLICIES

Local Policies

The Development Plan for the area comprises of the Bridgend Local Development Plan 2006-2021 (LDP) which was formally adopted by the Council in September 2013 and within which the following Policies and Supplementary Planning Guidance (SPG) are of relevance:

- Policy SP1 – Regeneration Led Development
- Policy SP2 – Design and Sustainable Place Making
- Policy SP3 – Strategic Transport Planning Principles
- Policy SP4 – Conservation and Enhancement of the Natural Environment
- Policy SP12 – Housing
- Policy SP14 - Infrastructure
- Policy COM3 – Residential Re-Use of a Building or Land
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy PLA10 – Safeguarding of Disused Railway Infrastructure
- Policy PLA11 – Parking Standards
- Policy ENV6 – Nature Conservation
- Policy ENV9 – Development in Mineral Safeguarding Areas
- Policy ENV10 – Development within Mineral Buffer Zones
- Policy ENV7 – Natural Resource Protection and Public Health
- Policy ENV15 – Waste Management in New Development
- SPG02: Householder Development
- SPG08: Residential Development
- SPG17: Parking Standards
- SPG19: Biodiversity and Development: A Green Infrastructure Approach

National Planning Policy

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

Paragraph 1.30 of PPW confirms that... *Development management is the positive and proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding planning applications.*

All development decisions...should seek to contribute towards the making of sustainable places and improved well-being. (Paragraph 2.2 of PPW refers)

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all. (Paragraph 2.3 of PPW refers)

Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people. (Paragraph 2.7 of PPW refers)

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

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes (TAN). The following are of relevance:

- Technical Advice Note 5 – Nature Conservation and Planning (2009).
- Technical Advice Note 12 - Design (2016)
- Technical Advice Note 18 – Transport (2007).

Well-being of Future Generations Act 2015

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

The well-being goals identified in the act are:

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

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

The Socio Economic Duty

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

APPRAISAL

This application is referred to the Development Control Committee to consider the objections received from local residents.

The application seeks Outline consent for the erection of one dwelling with all matters reserved on land at 5 Railway Terrace, South Cornelly.

The main issue to consider in the determination of this application is the principle of the development and, whilst acknowledging that this is an Outline application, the likely impact of the scheme on the character and appearance of the existing locality, the impact on neighbouring properties, highway safety, drainage and ecology are further considerations in this case.

Principle of the Development

The application site lies within the settlement boundary of South Cornelly as defined by Policy PLA1 of the Bridgend Local Development Plan, 2013 (LDP). Policy COM3 Residential Re-Use of a Building or Land states that residential developments within settlement boundaries defined in Policy PLA1 on windfall and small-scale sites for the conversion of existing buildings or the re-use of vacant or under-utilised land will be permitted where no other Policy protects the building or land for an existing or alternative use. The proposed site would be classed as a vacant/small site under Policy COM3, which makes an important contribution to the overall housing supply and introduces an important element of choice and flexibility into the housing market. The site is not allocated for a specific use and therefore residential development would be considered compatible with the locality and acceptable in principle.

The site is located within a Quarry Buffer Zone (ENV10) the purpose of which is to preserve mineral resources for future generations, prevent the mineral resource from being sterilised and ensure that proposed development is of a scale and type that will not be adversely affected by quarrying activity. The site lies close to Cornelly Quarry which is currently active but there would appear to be limited prospect of it being extended towards the settlement and associated residential properties of South Cornelly. In view of this, it is considered that the scale and nature of the proposed development would have no significant impact on the possible working of the resource.

Also, part of the application site comprises a former railway line and therefore Policy PLA10 of the LDP is of relevance. Whilst Policy PLA10 seeks to safeguard the use of the disused railway infrastructure, from a further assessment of the site, it was evident that the wider stretch of the former railway line along the eastern side of South Cornelly is no longer realistically available or suitable for any transport related development due to the location of the new road and other developments, both residential and employment, that have taken place in the vicinity since the closure of the railway line in the mid-1960s. In view of the above, the proposed dwelling is considered to comply with Policy PLA10

In conclusion, the principle of residential development at this site accords with Policies PLA1, COM3, ENV10 and PLA10 of the LDP and is therefore considered acceptable.

Impact on the character and appearance of the locality

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

The new development in itself, given the somewhat screened and secluded nature of the site and level of vegetation growth in and around the site, is unlikely to give rise to any

significant adverse visual impact. Whilst acknowledging the Outline nature of the proposal, in line with the indicative drawings and scaled parameters submitted for the Outline scheme, it is considered that a residential building could be appropriately designed on the site that would not significantly harm the visual amenities of the existing locality.

Notwithstanding the above, the specific layout, design and architectural detailing of the proposed dwelling building would be subject to careful consideration at any subsequent Reserved Matters application should Outline Planning permission be granted however, at this stage the proposal in visual terms is not likely to be so detrimental to the visual amenities of the area to warrant refusal of the application in this regard. It is also considered that the proposed site could accommodate a single dwelling of the scale and dimensions indicated without leading to the overdevelopment of the site whilst also accommodating appropriate parking and amenity space for the unit. The proposed plot is comparable in scale to other neighbouring residential plots that have been developed in the area (if not larger) and importantly the applicant has positively negotiated and liaised with the Local Planning Authority to find a suitable development proposal in this case with it being fully acknowledged a much more intensive scheme for four dwellings and two dwellings were originally considered by the applicant for this location.

It is highlighted that few trees would be removed to facilitate the development with the 'leafy' green feel of the site being retained and the building appropriately integrating with the current setting of the site. A small number of trees would be removed to facilitate the new access to the site although this would be a shared access with the recently approved adjacent development to the immediate north with the principle of this aspect of the development already being accepted through the granting of Planning application P/19/464/FUL. This previously approved scheme also agreed a level of re-planting to mitigate the loss of the trees to facilitate the new access to the site although it would be prudent to attach a condition to any approved consent to ensure the appropriate landscaping and maintenance of the green characteristics of the application site is also fully achieved in this case. A condition is also suggested to ensure that the materials used in the external surfaces of the proposed dwelling are suitable and in keeping with the locality.

Accordingly, it is considered that the proposed development accords with Policy SP2 of the LDP and in principle raises no serious visual amenity concerns.

Impact on neighbouring Residential Properties

In terms of the impact on residential amenity and whilst noting the Outline nature of the proposal, it is considered that the single detached dwelling would not on balance have a significant adverse impact on the residential amenities of the existing neighbouring properties. With due regard to the submitted indicative drawing and the existing site context, the dwelling would be sited with an acceptable offset and level of separation and screening from the rear elevations and associated garden spaces of nearby properties.

Whilst fully acknowledging and carefully considering the objections received from residents within Old Church Close to the west of the site, a distance of approximately 21m would be retained from the west facing elevation of the new dwelling unit and the existing main rear elevations of properties along Old Church Close that abut the west of the application site. Between 9.9 metres and 10.5 metres of garden space would also be retained between the new building and the western boundary of the site and importantly it is detailed that a high hedge would be retained along the western boundary of the site to fully screen the development from the nearest neighbouring properties. A further solid boundary could be introduced at the site inside the hedgerow to further aid the screening between the plots and recommended conditions would ensure these boundary treatments are retained in perpetuity at the site to ensure levels of privacy are adequately maintained. The

development proposal would also have an acceptable relationship to the existing and proposed residential units situated towards the east/southeast of the site along Railway Terrace and the new dwelling proposed to the immediate north of the site, which would utilise a shared access point. The scheme for a single residential unit on the site is also unlikely to raise any adverse overbearing or overshadowing concerns given the separation distances involved and the characteristics of the site.

Careful regard would however need to be given to the detailed design and position of the habitable room windows within the dwelling at the Reserved Matters stage to fully ensure the privacy levels enjoyed by neighbouring properties are appropriately safeguarded. Nevertheless, it is considered that it would be possible to design a satisfactory arrangement for the dwelling so that it would comply with Council guidance in terms of amenity protection (SPG 02) and therefore, in principle the proposed development could be compatible with neighbouring residential properties.

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

It is also considered the level of amenity space serving the proposed dwelling would be adequate for future occupiers of the development.

Highway safety

The Council's Transportation Officer has been consulted on the scheme and has carefully considered the transportation implications of the proposal with no objections being raised against the scheme.

It is noted that the application is in Outline with all matters reserved however the newly proposed access to this site via the adjoining landowner is considered a significant part of the acceptability of the proposal. A new access has been consented as part of an application for a single dwelling on the adjoining land (P/19/464/FUL refers) which is required to gain safe access to this proposal site. As such, a condition is requested that this dwelling cannot be beneficially occupied until the new access is constructed and in use. In respect of wider active travel access to the site and the improvement of footways leading to the site, these requirements can be considered at the Reserved Matters stage should Outline Planning permission be granted for the development. At this stage the development raises no in-principle concerns in terms of highway and pedestrian safety.

Accordingly, and subject to the imposition of appropriate conditions, the proposed development accords with Policy SP2 (6) and SP3 of the Bridgend Local Development Plan 2013.

Drainage

The Council's Drainage Officer and Welsh Water have raised no objection to the proposed development subject to the imposition of a condition requiring a comprehensive and integrated drainage scheme to be submitted and agreed by the Local Planning Authority prior to any works commencing on the site which accords with Policy SP2 (13) of the LDP. The applicant is also advised that SAB approval is required for the proposed development.

Biodiversity/Ecology

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must in exercising its function have regard so far as is consistent with the proper exercise of those functions to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems

duty” under Section 6 of the Environment (Wales) Act 2016 which came into force on 21 March 2016.

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

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

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

The Council's Biodiversity Policy and Management Officer has reviewed the Planning application and the supporting information that accompanies the submission including the submitted Preliminary Ecological Assessment. No principle objections are raised against the scheme although it is recommended the mitigation measures and recommendations of the Ecological Assessment in respect of on site inspections by a qualified ecologist prior to works commencing in particular and appropriate timing of the works are conditioned as part of any approved consent at the site. Conditions in respect of the landscaping of the site and the appropriate protection of retained trees are also recommended.

On this basis and given the nature and existing characteristics of the application site which comprises part of an extended residential curtilage of 5 Railway Terrace and the aim to largely retain and enhance where appropriate the existing green infrastructure in and around the site, it is considered that overall there will be no significant adverse residual impacts on biodiversity.

Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

Other Matters

Information in the Historic Environment Record curated by The Glamorgan-Gwent Archaeological Trust (GGAT) shows that a manorial chapel and burial ground are located in this area of South Cornelly. The application area is situated in close proximity to these remains and it is a possibility that medieval remains may be sited within the development area. It is considered that whilst the ground has previously been disturbed by the railway and previous dwellings, it is still likely that archaeological finds and features may exist within the proposed application site. Furthermore, GGAT has previously recommended

archaeological mitigation for other developments located within the immediate vicinity due to the potential impact in particular to medieval remains.

Accordingly, it is recommended that a condition is imposed upon any consent granted to require a written scheme of investigation for a programme of archaeological work to be submitted to the Local Planning Authority prior to the commencement of development.

The Council's Shared Regulatory Services/Public Protection (Contamination) Officer has highlighted that the application site has been identified as part of a former railway. Activities associated with this use may have caused the land to become contaminated and may give rise to potential risks to human health and the environment for the proposed end use. The inclusion of conditions requiring contamination assessment and any necessary remediation is therefore requested in this case.

Should there be any importation of soils to develop the garden/landscaped areas of the development or any site won recycled material or materials imported as part of the construction of the development, it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use. Shared Regulatory Services therefore requests the inclusion of a number of conditions and informative statements to ensure that the safety of future occupiers is not prejudiced in accordance with Policy ENV7 of the Bridgend County Borough Council Local Development Plan. On this basis, the scheme raises no serious land contamination concerns.

CONCLUSION

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

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

RECOMMENDATION

(R05) That Outline planning permission be GRANTED subject to the following conditions in addition to the standard conditions:-

1. The consent hereby granted shall be limited to the construction of one detached dwelling with a maximum ridge height of 7.5m and shall be carried out broadly in accordance with the following approved plans and documents:

Proposed Ground Floor Plan/Site Layout (Draw.No. PL03 Rev.B)

Proposed Roof Plan (Draw.No. PL04 Rev.B)

Proposed Site Sections Elevations (Draw.No. PL05 Rev.B)

The Results & Analysis Section (Required Mitigation Measures) of the Preliminary Ecological Assessment (PEA) (July 2021) prepared by Jen Pilkington Ecological Services.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development and in the interests of protecting the safety and free flow of traffic on the surrounding highway network.

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

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

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

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

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

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

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

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

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

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

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

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

8. The hedge to the western boundary of the application site, positioned adjacent to the rear of properties along Old Church Close, shall be retained in perpetuity as part of the

development proposal.

Reason: In the interests of visual amenities and safeguarding residential amenities.

9. No development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority for tree and root protection measures including barrier fencing for all existing trees and hedgerows (to be retained) on and adjacent to the site. The agreed scheme shall be implemented prior to and for the duration of the development of the site.

Reason: In the interests of biodiversity and to preserve the character and appearance of the application site.

10. No development shall take place until an invasive species management plan which includes full details of a scheme for its eradication and/or control has been submitted to and agreed by the Local Planning Authority. Works shall be carried out in accordance with the agreed details.

Reason: In the interests of controlling invasive species and safeguarding general amenities.

11. No development shall take place until the applicant or their agents or successors in title have prepared a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the Local Planning Authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works in order to mitigate the impact of the works on the archaeological resource.

12. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no buildings shall be erected other than those expressly authorised by this permission and shown on Drawing number PL03 Rev B – Proposed Ground Floor Plan/Site Layout.

Reason: To enable the Local Planning Authority future control over the scale of development, in the interests of the residential amenities of adjacent properties and to comply with Policy SP2 of the Bridgend Local Development Plan 2013.

13. 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.

14. 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.

15. The access drive and turning facility shall be completed in permanent materials in accordance with the submitted details prior to the development being brought into beneficial use and shall be retained and maintained in perpetuity thereafter.

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

16. The access into the site hereby approved shall be at a gradient not steeper than 5% (1 in 20) for the first 5 metres and thereafter not steeper than 8.3% (1 in 12).

Reason: In the interests of highway safety.

17. No structure, erection or planting exceeding 0.6 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.

Reason: In the interests of highway safety.

18. Any entrance gates on the access from the adjoining property into this site shall be set back not less than 5 metres from the boundary.

Reason: In the interests of highway safety.

19. No development shall commence until a scheme for permanently stopping up the existing access and reinstating the vehicular crossing as footway has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

- a. Having regard to the above and in view of the Outline nature of the application, the proposal is recommended for approval because the development complies with Council policy and guidelines. It is considered that the scheme would not have an unacceptable impact on the visual amenities of the locality, would not harm privacy or neighbours' amenities or highway safety and would not unduly compromise land drainage or ecology.

The issues raised by local residents have been taken into account during the

consideration of the application however, it is considered that on balance they do not outweigh the other material considerations in favour of the development with the Outline proposal representing an appropriate and compatible form of infill residential development within settlement limits.

- b. No surface water is allowed to discharge to the public highway.
- c. No land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.
- d. 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.
- e. The applicant may need to apply to Dwr Cymru Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). 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
- f. 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.
- g. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing within 2 days to the Public Protection Section, all associated works should stop and no further development should take place until a scheme to deal with the contamination found has been approved.
- h. 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.
- i. 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.

- j. 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.
- k. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
- Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to Section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None

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REFERENCE: P/22/62/FUL

APPLICANT: Mr D Williams, 13 Pit Street, Maesteg CF34 0NF

LOCATION: Former Cwmdu railway sidings to east of Caer Gymrig
Maesteg CF34 0JD

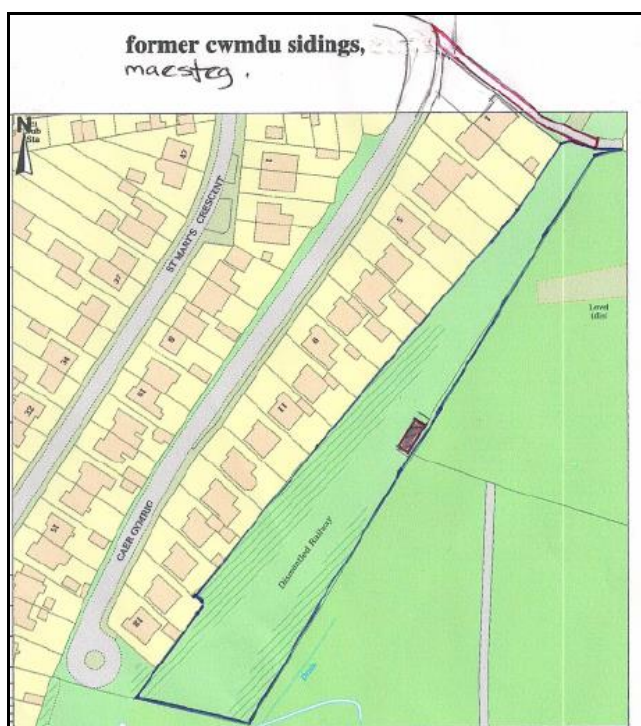
PROPOSAL: Stable block for 2 horses

RECEIVED: 26 January 2022

SITE INSPECTED: 4 April 2022

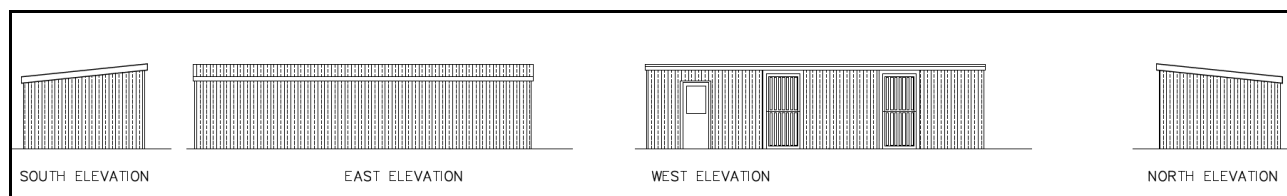
DESCRIPTION OF PROPOSED DEVELOPMENT & SITE DESCRIPTION

The application seeks full Planning permission for the erection of a stable block on land to the east of Caer Gymrig, Maesteg:



Site Location Plan

The stable block is proposed to be positioned on the eastern boundary of the application site, centrally located within the linear-shaped parcel of land. It will measure 10 metres in width, 3.6 metres in depth and 2.5 metres in maximum height and will comprise a lean-to structure as shown below:



Proposed Elevations

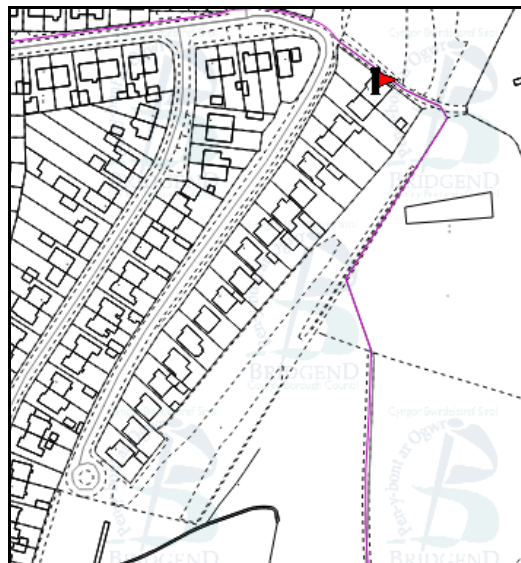
The stable block will principally face the west and will comprise two stables with one tack room/feed store. It will be finished in green plastic corrugated sheeting with timber doors.

SITE DESCRIPTION

The application site lies within the countryside as defined by Policy PLA1 of the Local Development Plan (2013) and lies adjacent to the Main Settlement boundary of Maesteg.

It comprises a linear-shaped parcel of land to the rear (east) of properties along Caer Gymrig and forms a plateau set above the properties with rising land to the east.

The site is accessed via a five-bar gate on its northern boundary, off a single width access lane which also forms Public Right of Way YMAE39 Maesteg. The Public Right of Way runs along the eastern side boundary, as shown in purple below:



Public Right of Way

The site can be characterised as semi-rural in nature, surrounded to the west by residential properties and to the north, east and south by open countryside. The land slopes relatively steeply eastwards forming a mountainside.

The properties which border the western boundary of the site are single storey dormer bungalows which face the west with amenity space to the rear, as shown below:



Google Street View Image of Caer Gymrig

RELEVANT HISTORY

No relevant Planning history.

CONSULTATION RESPONSES

CONSULTEE
Town Council
4 March 2022

COMMENTS
No concerns raised.

Transportation Officer (Highways) No objection subject to conditions
12 May 2022

Land Drainage Recommends the inclusion of a planning condition and
16 March 2022 informative notes.

Dwr Cymru/Welsh Water No objection.
25 February 2022

The Coal Authority No objection.
23 February 2022

REPRESENTATIONS RECEIVED

The application has been advertised on site and directly to seven of the nearest neighbouring properties. The period allowed for response to consultations/publicity expired on 10 March 2022.

A total of three objections have been received from the occupiers of the properties known as 8, 9 and 10 Caer Gymrig, Maesteg. The contents of the objections are outlined below.

Infestation of Rodents

Concerns are raised in respect of the increase in rodents caused by the grazing of horses on the land.

Nuisance

The residents have previously experienced instances of Anti-Social Behaviour on the land to the rear of Caer Gymrig from youths. Concern is raised that the horses and stable block will attract youths to the land and cause problems relating to Anti-Social Behaviour.

Drainage

The increase in person/s visiting the horses on the land together with the introduction of a new building raises concerns about drainage and water run-off from the mountainside.

Privacy

The introduction of a stable block and people using the land to see to the horses will result in overlooking into the rear of properties along Caer Gymrig. The position of the stable block is too close to the rear of the properties.

The trees and vegetation along the western site boundary have been removed resulting in an increase in visibility between the properties and the proposed stable block.

Visual Amenity

The stable block will introduce an unsightly feature which will damage the character of the area.

COMMENTS ON REPRESENTATIONS RECEIVED

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

The matters raised by residents which refer to the infestation of rodents is not a material consideration in the determination of this Planning application. The Planning system

should not be used to secure objectives which are more appropriately achieved under other legislation such as Prevention of Damage by Pests Act 1949 (as amended). The matters raised are not addressed further in the consideration of the proposed development.

In addition, it is noted that residents raised concerns about Anti-Social Behaviour previously experienced. The concerns are noted however, they cannot be considered as material to the determination of this Planning application. Any form of noise which emanates from the application site or wider mountainside is difficult to control/limit in Planning terms given that the applicant is not responsible for the behaviour of persons who use the Public Right of Way adjoining the site or mountainside further to the east. Whilst the impact of the development on residential amenity will be considered in the appraisal section of the report, the objections raised in respect of Anti-Social Behaviour will not be addressed further as they are not matters which can be controlled through the Planning process and should be raised with the Police.

The matters raised which relate to neighbour and visual amenity as well as drainage are addressed in the appraisal section of the report.

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 ENV1	Development in the Countryside
Policy ENV6	Nature Conservation
Policy ENV7	Natural Resource Protection and Public Health
Policy ENV9	Development in Mineral Safeguarding Areas

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

National Policies

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

Future Wales – the National Plan 2040

Planning Policy Wales Edition 11

Planning Policy Wales TAN 5	Nature Conservation and Planning
Planning Policy Wales TAN 6	Planning for Sustainable Rural Communities
Planning Policy Wales TAN 12	Design
Planning Policy Wales TAN 18	Transport

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

The Well-being of Future Generations Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act

in a manner which seeks to ensure that the needs of the present are met without 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.

The key considerations in the determination of this application are the impact of the development on the visual amenities of the area, the impact on neighbour amenity and highway and pedestrian safety.

PRINCIPLE OF DEVELOPMENT

The Planning system manages the development and use of land in the public interest contributing to improving the economic, social, environmental and cultural well-being of Wales, as required by the Well-being of Future Generations (Wales) Act 2015, and as stated in paragraph 1.2 of Planning Policy Wales (Edition 11, February 2021) (PPW11).

Planning Policy Wales Technical Advice Note 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”.

The application site is located within the countryside as designated by Policy PLA1 of Local Development Plan (2013) which defines the countryside as land outside of the designated settlement boundaries. It states at paragraph 4.1.9 of Local Development Plan (2013) 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)”. Therefore, development in the countryside “will be strictly controlled” and the Policy will not be set aside lightly in the interests of maintaining the integrity of the countryside.

Policy ENV1 states that development in the countryside should benefit the rural economy whilst maintaining or enhancing the environment. It stipulates that all development will be strictly controlled but 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.

The development is considered to be compliant with criterion (9) of Policy ENV1 as by its very nature it requires and would benefit from being located within a countryside location. The proposed development is therefore considered to be compliant with Policy ENV1 of the Local Development Plan (2013) and is acceptable in principle.

DESIGN/IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

Notwithstanding the above, the aim of Policy ENV1 is to protect the integrity of the open countryside and prevent inappropriate forms of development. In order to ensure the development does not damage the visual amenities of the area, the proposal is assessed against Policy SP2 of the Local Development Plan (2013) which stipulates that “all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment”.

According to criterion (3) of Policy SP2, design should be of the highest quality possible and should be appropriate in scale, size and prominence. The stable block is considered to be modest in terms of its size and scale and is of a typical design for a building of this nature in a countryside setting. It is positioned along the eastern boundary of the application site, centrally located along the linear-shaped parcel of land and will have a slight prominence in the wider landscape when viewed from the mountainside to the east and access lane to the north.

Its introduction is not considered to be so damaging to the visual amenities of the area to warrant a refusal of Planning permission on such grounds and on balance, the stable block is considered to be of an appropriate size, scale and prominence.

The building is proposed to be finished in green plastic corrugated sheeting with timber doors. The materials proposed are traditionally found within countryside locations and given the position of the stable block as proposed, they are not considered to be so detrimental to the character and appearance of the area to warrant a refusal on such grounds.

Given its overall height, size and position, the proposed stable block is considered to be an appropriate form of development in this location, in accordance with Policy SP2 of the Local Development Plan (2013). The design of the building and its intended finish is considered appropriate within the surrounding context of the countryside and as such, the proposal is considered to be acceptable from a visual amenity perspective.

NEIGHBOUR AMENITY

Notwithstanding the fact that the introduction of a stable block in this location is generally considered to be acceptable in visual amenity terms and will not cause a significant harm

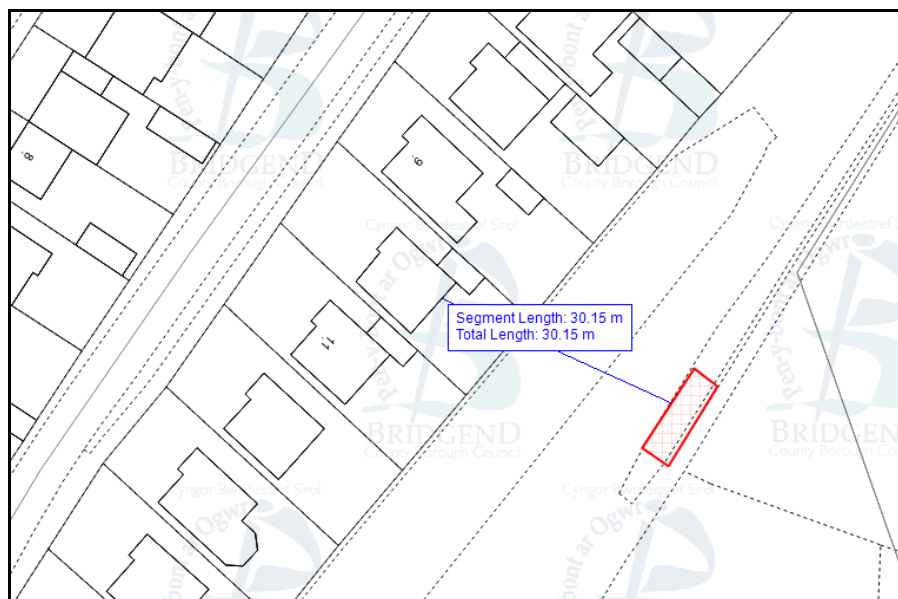
to the existing character or appearance of the area, regard must be given to residential amenity.

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.

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. Paragraph 4.6.1 of SPG02 states that “a sense of privacy within the house and a freedom from overlooking in at least part of the garden” should be aspects of residential amenity which should be protected when considering new forms of development.

The stable block is proposed to be located to the rear of the properties known as 9, 10 and 11 Caer Gymrig, Maesteg. Guidance contained within SPG02 stipulates that the minimum distance to be provided between directly facing habitable room windows should be 21 metres to protect the existing levels of amenity. In this case and whilst acknowledging that the proposal is for a stable block and not a residential dwelling, the distance provided between the properties is 30.15 metres at its closest point:



30.15 metres provided between proposed stable block and residential properties

Given the distance provided between the proposed stable block and the residential properties together with the topography of the land, it is considered that the existing levels of privacy experienced by occupiers of the nearest properties will not be detrimentally impacted to the extent that would warrant a refusal of the Planning application on such grounds.

Given the above, the development is considered to be acceptable in this regard and will not damage or cause harm to the existing levels of privacy or amenity afforded to the occupiers of neighbouring properties.

HIGHWAY SAFETY

Turning to the consideration of highway safety. Initially, the Highway Authority raised concerns that the proposal would increase vehicle movements along the substandard lane by keeping horses in the application site however, it was noted that the applicant could keep horses in the field without the benefit of Planning permission thereby generating traffic along the access lane in that instance.

The consideration of this application in highway safety terms is therefore whether the stables themselves would materially increase vehicle movements to the extent that would be harmful to highway and pedestrian safety. The Highway Authority considers that the stable block would not cause harm in this respect.

The applicant has also confirmed which properties have access along the private lane which is this site and the main farmhouse at the end of the track. Therefore, it is considered that the proposal will not materially intensify the vehicle movements along the track to the detriment of highway safety.

It is noted that the track is also a Public Right of Way and therefore to ensure that any vehicles linked to the proposal site move quickly off the private lane as well as access and egress in a forward gear it is requested that the gates are set back into the site.

In addition, the Highway Authority has requested the imposition of a condition which requires the removal of the stable block in the instance that the stabling of horses should cease to ensure that a further assessment can be made in the instance that a future occupier should use the approved structure on this site for anything other than the stabling of horses. Whilst this request is noted, it is not considered to be necessary or reasonable, as any future Planning application to alter the size or use of the stable block will be assessed at that time.

Subject to the imposition of a planning condition which requires the entrance gates into the site to be set back, the scheme is considered to be acceptable in highway and pedestrian safety terms.

DRAINAGE

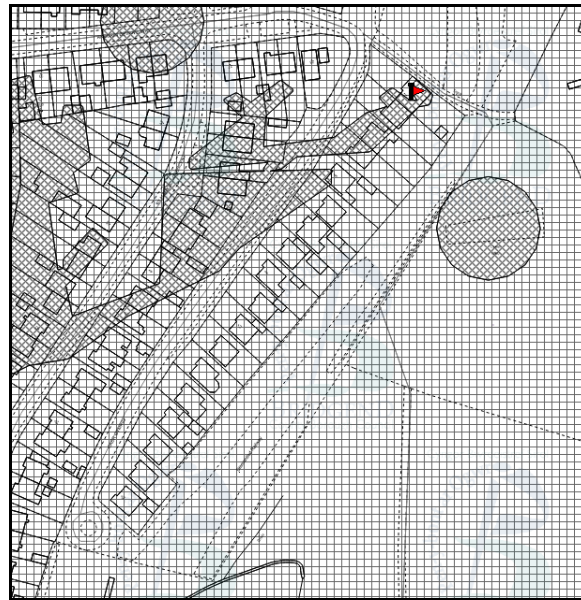
Criterion (13) of Policy SP2 of the Local Development Plan (2013) states that development should incorporate "appropriate arrangements for the disposal of foul sewage, waste and water".

Concerns have been raised by local residents about existing levels of water run-off which may be exacerbated by the proposed development.

The Land Drainage Officer has reviewed the proposed development and considers that subject to the imposition of a Planning condition which requires the submission of a scheme for the comprehensive and integrated drainage of the site, the proposed development is acceptable from a land drainage perspective in accord with criterion (13) of Policy SP2 of the Local Development Plan (2013).

THE COAL AUTHORITY

The Coal Authority records indicate that the Development High Risk Area, defined by The Coal Authority, marginally intersects the north-eastern site boundary, as shown below:



Development High Risk Area

Accordingly, as the developable area lies outside of the defined High Risk Area, the Coal Authority raised no objection to the proposed development. Subject to the inclusion of an informative note, the application is considered to be acceptable in this regard.

CONCLUSION

Having regard to the above and notwithstanding the objections raised in this case, it is considered that, on balance, the proposed introduction of a stable block on land to the east of Caer Gymrig is acceptable and the application is recommended for approval.

The stable block will not damage the visual amenities of the wider semi-rural area nor will it cause harm to the existing levels of privacy or amenity afforded to the occupiers of the neighbouring occupiers. In highway safety terms, the development is considered to be acceptable subject to the inclusion of the recommended planning condition and no concerns are raised in respect of water drainage.

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 received on 11 April 2022
 - Plans & Elevations as Proposed AB1/1/22 received on 26 January 2022

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

2. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how surface water will be dealt with, including future maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to beneficial use of the stable block hereby approved commencing.

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

3. The entrance gates into the site shall be set back not less than 10 metres from the nearside edge of carriageway.

Reason: To allow towing vehicles to move clear of the access lane when entering the site in the interests of highway and pedestrian safety.

4. * 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 introduction of a stable block on land to the east of Caer Gymrig is acceptable and the application is recommended for approval. The stable block will not damage the visual amenities of the wider semi-rural area nor will it cause harm to the existing levels of privacy or amenity afforded to the occupiers of the neighbouring occupiers. In highway safety terms, the development is considered to be acceptable subject to the inclusion of the recommended Planning condition and no concerns are raised in respect of water drainage.

In order to satisfy Condition 2, the following supplementary information is required:

- Provide a surface water drainage layout for the development
- 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.

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

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

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None

REFERENCE: P/21/854/FUL

APPLICANT: Joanne, Claudia & Jessica Hegarty
White Gates, Tyn y Caeau Lane, Coychurch, Bridgend CF35 6AD

LOCATION: **White Gates, Tyn y Caeau Lane, Coychurch, Bridgend CF35 6AD**

PROPOSAL: Retention of vehicular access

RECEIVED: 9 September 2021

APPLICATION/SITE DESCRIPTION

This application seeks consent for the retention of a new access and track that has been constructed to serve the property known as White Gates which lies in the countryside to the east of Brackla and to the northwest of the village of Coychurch.

Work on the access commenced in December 2020 and involved the removal of a 17m section of hedgerow and earth embankment on the eastern side of a section of 'old road' that runs alongside the B4281/Heol Simonston.

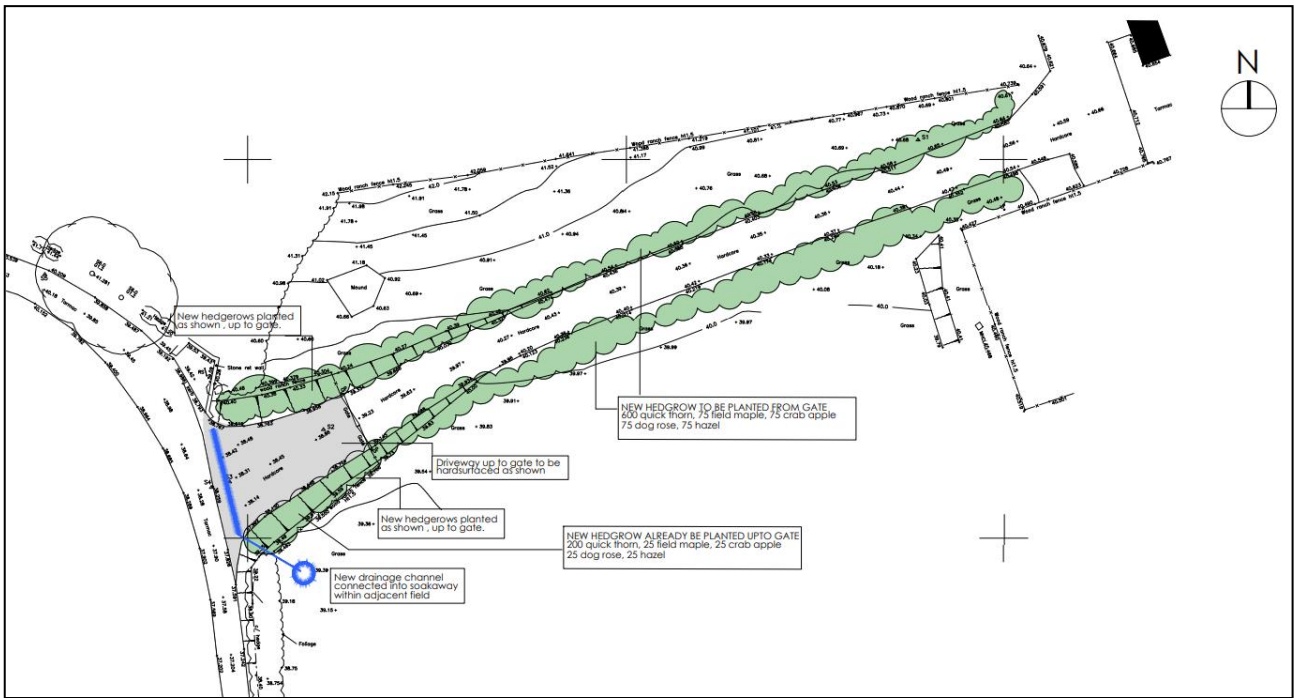
Subsequent excavation works formed the bell-mouth of the access and a 75m long track that connects a complex of farm and equestrian buildings to the new access.

The composition of the road is typical of internal modern farm trackways with quarried aggregate used for the sub-base and tarmac road plainings for the surface. The access track is gated, positioned some 13m back from the edge of carriageway. Ranch fencing has also been erected alongside the track

An aerial photo of the new track is reproduced below:



The latest plan submitted with the application (extract below) includes a new drainage channel at the mouth of the access to prevent run-off onto the highway and new hedge planting either side of the access and track. Some of the landscaping works have commenced.



Photographs of the access are reproduced below for Member's consideration:



RELEVANT HISTORY

Application Reference	Description	Decision	Date
70/005	Agricultural workers dwelling	Conditional Consent	9/2/71
P/98/756/RLX	Removal of conditions 1 & 2 relating to agricultural occupancy consent	Refused	3/11/98
P/98/945/LAE	Certificate of Lawfulness to remove agricultural condition from consent.	Approved	18/12/98

CONSULTATION RESPONSES

Cllr Elaine Venables – No comments received.
Local Member

Coychurch Lower Community Council

Having reviewed the Planning application documents the members of the Coychurch Lower Community Council do not support this application and are disappointed that in these times of ecological concern and regard for biodiversity that

hedgerow can be demolished without any regard to replanting.

Highways Officer No objection subject to conditions.

Biodiversity Policy and Management Officer No objection subject to conditions.

Land Drainage Section No objection.

REPRESENTATIONS RECEIVED

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity has expired.

Letters of objection have been received from the occupier of 9 Heol y Capel and the operator of Bryn Glamping Limited in Coed y Mwstwr. The following is a summary of the objections received:

- The hedgerow was removed in contravention of the Hedgerow Regulations
- Works were carried out during the breeding and nesting season – significant impact on the environment - this also contravenes the Wildlife and Countryside Act 1981 and could lead to criminal prosecution. This hedgerow also forms part of a wildlife corridor connected to Coed y Mwstwr woods SSSI where there is a bat roost; hedgerows are used extensively by bats for navigation.
- The Landscape Character Assessment for Bridgend County Borough Council recommends encouraging hedgerow planting along slopes using climate-hardy species of local provenance to enhance the water storage functions of the landscape and improve water quality (through reduced runoff and diffuse pollution). The removal of this section of hedgerow and the field being higher than the road will encourage run off of storm water onto the lane which in turn will flow down impacting on the B4181 and its junction with Coychurch Road.
- Access issues should have been considered before purchasing the property as it is possible to manage the land using conventional equipment which has not proved a problem for farms in the area.
- Concerns in relation to the sink hole are no excuse for not seeking Planning approval to facilitate access prior to the work being carried out.
- The access should be finished in a hard surface
- Is the available vision sufficient to serve this development?
- The Council should request a traffic management plan to detail the movements in and out of the premises

The occupier of Ty'n y Caeau neither supports nor objects to the application but has provided background information that is intended to inform the decision process:

- Property originally approved as an agricultural worker dwelling but the condition was

relaxed – the property has subsequently been enlarged.

- Land is enclosed which makes access by large machinery difficult
- The wide access may encourage future non-agricultural uses.

The applicant's agent has submitted a Planning statement in support of the application, the main points of which are summarised below:

- Current access to the land is via Tyn y Caeau lane which is a narrow single, non-HGV accessible lane with no passing points - in places it is barely measures 2.5m - 2.7m
- Access for 'modern' agricultural vehicles, emergency services and tankers to empty the septic tank is difficult.
- Access problems highlighted by need to fill in a 'sink hole' that appeared on land in 2020 – no access was available for large construction vehicles
- The 'old road' had been the subject of fly tipping over recent years – this has ceased since the formation of the new access

COMMENTS ON REPRESENTATIONS RECEIVED

The objections that are material to the consideration of this application will be considered in the appraisal section of the report.

PLANNING POLICIES

Local Policies

The Bridgend Local Development Plan 2006-2021 (LDP) was formally adopted by the Council in September 2013:

Policy SP2	Design and Sustainable Place Making
Policy PLA4	Climate Change and Peak Oil – all development will be required to make a positive contribution towards tackling the causes of climate change.
Policy SP3	Strategic Transport Planning Principles
Policy PLA8 (1)	Development Led Improvements to the Transportation Network - B4281/Heol Simonston Improvement
Policy SP4	Conservation and Enhancement of the Natural Environment
Policy ENV1	Development in the Countryside
Policy ENV5	Green Infrastructure
Policy ENV6	Nature Conservation
Policy ENV7	Natural Resource Protection and Public Health
Policy SP6	Minerals
Policy ENV9	Development in Mineral Safeguarding Areas
Policy SP14	Infrastructure

Supplementary Planning Guidance 19	Biodiversity and Development
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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

Planning Policy Wales TAN 6

Nature Conservation and Planning

Planning for Sustainable Rural

Communities

Tree Preservation Orders

Design

Transport

Planning Policy Wales TAN 10

Planning Policy Wales TAN 12

Planning Policy Wales TAN 18

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 because of the proposed development.

THE SOCIO-ECONOMIC DUTY

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

APPRAISAL

Based on the objection received from the Community Council and the two residents, this application has been referred to the Development Control Committee for determination.

Having considered the application plans and documents, the relevant national and local policy and the comments and observations received, the main issues to consider in the determination of this application are:

- The effect of the works on the character and appearance of the area
- The impact on any biodiversity interests
- The acceptability of the new access with reference to highway safety

The effect of the works on the character and appearance of the area

The site lies to the east of the B4281/Heol Simonston within the countryside to the north of Coychurch. In line with sustainable development and the national Planning principles and in contributing towards placemaking outcomes, the countryside must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural

resources. The need to conserve these attributes should be balanced against the economic, social and recreational needs of local communities.

Policy ENV1 of the Bridgend Local Development Plan 2013 represents the starting point for the assessment of all development proposals in 'the countryside' and confirms that all development will be strictly controlled. It does include an 'exception' list of developments that may be acceptable. Agriculture, appropriate rural enterprises where a countryside location is necessary, transportation and/or utilities infrastructure and outdoor recreational uses are referenced in the Policy. Based on the supporting statement, it is understood that the access is being used in connection with the existing agricultural and equine uses on site. It could therefore reasonably be argued that the principle of the development accords with Policy ENV1.

As to the details, it was necessary to remove a section of existing mature hedgerow to form the new access. Objectors have suggested that the works constituted a breach of the Hedgerow Regulations 1997. That is however is not certain - whilst it is clear that the hedgerow forms a boundary with agricultural land it may have been less than 20m in length. Furthermore, the Regulations indicate that permission may not be required under the Regulations if the hedgerow is removed to form an access. That is however subject to the new access replacing an existing one which should be replanted or where there is no other means of entry or such an access could only be formed at a disproportionate cost.

No evidence has been submitted to suggest that the works would be exceptions on this basis. Nevertheless, the application has been submitted under the Planning Act and will be considered on its Planning merits with reference to all relevant policies. Should the application be refused, the Council could consider using the Hedgerow Regulations (or other powers) to require the provision of a replacement hedge.

Two of the strategic objectives of Policy SP4 require the character of the countryside landscape and its biodiversity and habitats to be conserved and enhanced wherever possible. Furthermore, Policy ENV6 requires that trees and hedgerow should in the first instance be retained. Where it is demonstrated that it is not possible, suitable mitigation or compensatory measures will be required to secure biodiversity including future management programmes. Development proposals are also 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.

The application site lies within Landscape Character Area 10: Coity Rural Hinterland according to the Landscape Character Assessment for Bridgend County Borough produced by LUC in 2013. The area is described as a sparsely settled landscape providing a rural buffer between the settlements of Bridgend and Pencoed. The undulating lowland landscape is characterised by bands and blocks of broadleaved woodland linking to hedgerows (often grown out into tree lines) which produces a strong sense of enclosure and wooded character. Distinctive small-scale field pattern of improved and semi-improved pastures marked by a strong framework of mature hazel, holly and hawthorn hedges with frequent oak and ash standards are also prevalent.

The hedgerow that forms the western boundary of White Gates and runs alongside the section of old road contributes to the character of this landscape. Quantifying the impact of the loss of a section of hedge to form the access is however challenging. Managing the hedgerows to strengthen the landscape's character are stated objectives in the Council's Landscape Character Assessments. Any actions therefore to remove such features would be at odds with this guidance. The applicant has sought to justify the works on the basis that the existing access arrangements to serve the rural enterprise are deficient and make

land management difficult and costly. Whilst it is accepted that modern farm machinery and equine equipment may be larger, any improvements that constitute development must be considered in the balance of conserving the countryside's important attributes but also recognising the economic, social and recreational role it plays.

Whilst the supporting evidence may not in itself be sufficient to justify the loss of the hedgerow, part of this landscape feature has been removed. In the circumstances, the Council could refuse the application and require its reinstatement. Policy ENV6 does however suggest that where landscape features are not retained, suitable mitigation or compensatory measures will be required. Following negotiations, the applicant has submitted an amended plan that proposes the planting of two native hedgerows along the new southern and northern boundaries of the field that has been crossed by the new access track. Hedgerows approximately 80m in length will run from the access to the existing yard at the rear of White Gates. In time and with careful management, the hedgerows will strengthen the small-scale historic field patterns that are part of the landscape of this area. Furthermore, in length, the new hedgerows not only mitigate for the loss of the section of roadside hedge but could in time provide an enhancement to the local landscape and biodiversity interests.

The visual impact of the works must also be considered in the context of the relevant policies and there is an argument that an additional access with the associated permanent removal of frontage hedging has an urbanising impact. That view would be more convincing were the access on the main section of highway. For users of the B4281/Heol Simonston, the access is barely noticeable being located on the 'old road'. The visual impact of the works are not grounds to alone to justify a refusal of permission.

The impact on any biodiversity interests

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 Planning Policy Wales which confirms that Planning Authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity (Section 6 duty).

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 considering the interests of any adjacent nature conservation resources.

As indicated earlier in the report, a section of hedgerow has been removed to enable the formation of the new access. No information or evidence can be provided to confirm (or not) whether the hedgerow provided any habitats for protected species. Objectors suggest that clearance works were undertaken during the bird-nesting season. Such actions could have constituted a breach of The Wildlife and Countryside Act 1981 but would have been a matter for the Police to investigate. Whether this development caused a significant loss of habitat is unknown but to ensure the Council’s S6 duty is achieved, the development must provide a net benefit for biodiversity. The use of appropriate native species in the new hedgerows and the agreement of a management plan provides some mitigation for the loss of the original landscape feature. Given the extent of re-planting secured through the consent, it could in time provide a biodiversity enhancement. Therefore, subject to the inclusion of the recommended Planning conditions, this retrospective application is on balance acceptable, being compliant with Policy ENV6 of the Local Development Plan (2013) and criterion (10) of Policy SP2.

The acceptability of the new access with reference to highway safety

Policies SP2 and SP3 of the LDP promote safe, sustainable and healthy forms of transport through good design, enhanced walking and cycling provision and improved public transport provision. Improving road safety is one such objective of the policies.

As this is a retrospective application the vision available from the new access has been measured and is considered acceptable for an approach speed in the order of 30mph in both directions. The width of the access is quite substantial and whilst this may be required for access of large agricultural/equestrian vehicles, no swept path is provided to support this and demonstrate the extent of what is required. The access as laid out will need to be provided with permanent surfacing for the first 10m to prevent loose material being dragged out onto the highway. Furthermore, provision should be made to ensure that no surface water from the access discharges onto the highway.

Subject to the imposition of conditions, the access is acceptable in terms of highway safety and compliant with Policies SP2 and SP3 of the Bridgend Local Development Plan.

CONCLUSION

The formation of the access through the removal of a section of hedgerow that contributed to the character of this local landscape to the north of Coychurch does not fully accord with Policies of the Bridgend Local Development Plan that seek to protect the countryside.

Policies of the Plan do however confirm that where such features are lost, mitigation will be required. On the basis that the amended application is proposing extensive re-planting in the form of two new hedgerows which will create new landscape features and potential habitat, the application is on balance considered acceptable. In reaching this conclusion it is also noted that the access is acceptable in terms of highway safety.

RECOMMENDATION

(R64) That permission be GRANTED subject to the following condition(s): -

1. Within 3 months of the date of this permission, the access incorporating the hard

surfacing and drainage works shall be laid out in accordance with Drawing: COY – 660 – General Arrangement received on 11 May 2022. The development shall thereafter be retained and maintained in perpetuity.

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

2. Notwithstanding the details submitted on Drawing: COY – 660 – General Arrangement and within 1 month of the date of this permission, a detailed landscaping scheme (hedge planting) shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include planting plans including cultivation and other operations associated with new hedge establishment, schedules of plants noting species (native) plant sizes, proposed number/densities and an implementation and management plan.

The agreed landscaping scheme shall be carried out in the planting season November 2022 to March 2023.

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

3. If within a period of up to five years from the date of the implementation of the landscaping scheme, any new part of the new hedgerow is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another hedgerow plant(s) of the same species and size as that originally planted shall be planted at the same place.

Reason: For the avoidance of doubt as to the extent of the permission granted and to maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.

4. * THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION *
The formation of the access through the removal of a section of hedgerow that contributed to the character of this local landscape to the north of Coychurch does not fully accord with Policies of the Bridgend Local Development Plan that seek to protect the countryside. Policies of the Plan do however confirm that where such features are lost, mitigation will be required. On the basis that the amended application is proposing extensive re-planting in the form of two new hedgerows which will create new landscape features and potential habitat, the application is on balance considered acceptable. In reaching this conclusion it is also noted that the access is acceptable in terms of highway safety.

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

Background Papers
None

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APPEALS

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

APPEAL NO.	A/21/3283050 (1934)
APPLICATION NO.	P/21/85/FUL
APPELLANT	MR A WATKINS
SUBJECT OF APPEAL	CHANGE OF USE OF GROUND FLOOR TO RESIDENTIAL ACCOMMODATION TO BE USED WITH EXISTING FIRST FLOOR RESIDENTIAL ACCOMMODATION (BECOME ONE RESIDENTIAL UNIT): WHITE HART INN, BRIDGEND ROAD, MAESTEG
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reason:

1. Insufficient information in the form of appropriate marketing evidence, has been submitted with the planning application to justify the loss of the existing community facility. The planning application is therefore contrary to Policies SP13 & COM7 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 11, 2021).

APPEAL NO.	CAS-01667-X6V3G0 (1943)
APPLICATION NO.	P/21/772/FUL
APPELLANT	C SHILLIBIER
SUBJECT OF APPEAL	RETENTION OF NEW AGRICULTURAL TRACKWAY USING WIDENED ACCESS: TY ISAF FARM, SHWT
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. Inadequate justification has been provided to demonstrate the material need for the retention of the widened access and farm track and, as such, the proposal, by reason of its scale, form and location, represents an unjustified and undesirable intrusion into the open countryside that will adversely impact on and change the character of the surrounding area to the detriment of rural amenity. As such the proposal is contrary to Policies ENV1 and SP2 of Bridgend County Borough Council's adopted Local Development Plan (2013), Technical Advice Note 6: Planning for Sustainable Rural Communities (2010) and advice contained within Planning Policy Wales (Edition 11, February 2021) and Future Wales – the National Plan 2040 (Feb 2021).
2. The retention of the widened access and farm track, by reason of its design, scale and materials, represents an inappropriate and unjustified feature having a detrimental visual impact on the landscape character and rural appearance of this countryside and

rural location contrary to Policies ENV1 and SP2 of the Bridgend Local Development Plan (2013) and Supplementary Planning Guidance SPG02: Householder Development together with and advice contained within and Technical Advice Note 12: Design (2016), Planning Policy Wales (Edition 11, February 2021) and Future Wales – the National Plan 2040 (Feb 2021).

3. The access, by reason of its siting, location and form, lacks adequate visibility to serve the development which would create traffic hazards as well as generating extraneous traffic into what is a narrow country lane environment where there is no pedestrian footway leading to potential pedestrian/vehicular conflicts to the detriment of highway safety, contrary to Policy SP2 and SP3 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 11, February 2021) and Future Wales – the National Plan 2040 (Feb 2021).
4. Insufficient details have been submitted in respect of the potential ecological and drainage impacts of the development on the area and the implications of the proposal to be properly evaluated by the Local Planning Authority in terms of biodiversity and land drainage.

APPEAL NO.	CAS-01627-Y0D5V5 (1947)
APPLICATION NO.	P/21/493/FUL
APPELLANT	MR T SMITH
SUBJECT OF APPEAL	RETENTION OF RAISED PATIO ABOVE SHED AND RAISED PATIO WITH BALUSTRADE AND RELOCATED STEPS: 22 CHESTNUT DRIVE, PORTHCAWL
PROCEDURE	HOUSEHOLDER
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The raised patio area located above the existing shed, by reason of its siting, scale and design, represents an unneighbourly and unacceptable form of development which has a detrimental impact on the level of privacy and residential amenities enjoyed by the occupiers of the neighbouring property known as 20, Chestnut Drive. The proposal is therefore contrary to Policy SP2 of the Bridgend Local Development Plan (2013), Supplementary Planning Guidance 02: Householder Development (2008) and advice contained within Technical Advice Note 12 - Design (2016), Planning Policy Wales (Edition 11, February 2021) and Future Wales – the National Plan 2040 (Feb 2021).

APPEAL NO. CAS-01807-Z5P1R1 (1948)
APPLICATION NO. P/21/1087/FUL

APPELLANT MR T SMITH

SUBJECT OF APPEAL REMOVE GARAGE/UTILITY; TWO STOREY SIDE EXTENSION;
SINGLE STOREY PORCH/WC/PLAYROOM EXTENSION TO
FRONT; HARDSTANDING TO FRONT: 8 RHYD Y NANT, PENCOED

PROCEDURE HOUSEHOLDER

DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reason:

1. The proposed development, due to its design, scale and siting up to the boundary with the adjoining property, together the proposed forecourt parking, represents an unacceptable design that would be detrimental to the character and appearance of the host dwellinghouse and the wider street scene, 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).

APPEAL NO. CAS-01573-X1N9P0 (1949)
APPLICATION NO. P/21/523/FUL

APPELLANT A FRANCIS (DANCE)

SUBJECT OF APPEAL RETENTION OF FENCE: 8 WILLESDEN ROAD, BRIDGEND

PROCEDURE HOUSEHOLDER

DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reasons:

1. The boundary fencing, by reason of its size, design and siting in close proximity and in full view of users of the adjoining highway, is considered to have a significant detrimental impact on local visual amenities contrary to Policy SP2 of the Bridgend Local Development Plan and Supplementary Planning Guidance 02: Householder Development as well as Welsh Government Policy as set out in Planning Policy Wales (Edition 11, February 2021).
2. The erected boundary fence restricts and obstructs the vision splays for the off-street car parking space at the site, thereby creating a traffic hazard to the detriment of highway and pedestrian safety on the adjoining highway network contrary to Policy SP2 of the Bridgend Local Development Plan (2013), advice contained within Supplementary Planning Guidance 02: Householder Development and advice contained within Planning Policy Wales (Edition 11, February 2021).

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

APPEAL NO. CAS-01415-N2D3V6 (1935)
APPLICATION NO. P/21/328/FUL

APPELLANT MR M WALDRON

SUBJECT OF APPEAL CONVERSION OF AN EXISTING AGRICULTURAL BARN TO
CREATE A SINGLE DWELLING:
LAND OFF DYFFRYN MADOC, MAESTEG

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**

APPEAL NO. CAS-01530-Z7B4T0 (1940)
APPLICATION NO. P/21/740/FUL

APPELLANT WIGGINS HILL PROPERTIES LTD

SUBJECT OF APPEAL CONVERSION OF 3 STOREY SEMI-DETACHED DWELLING INTO
3 APARTMENTS: 47 SOUTH ROAD, PORTHCAWL

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 B**

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: 20.04.22

Appeal Decision

Site visit made on 16/03/22

by Nicola Gulley MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 20.04.22

Appeal Ref: CAS-01415-N2D3V6

Site address: Land off Dyffryn Madoc, Maesteg, Bridgend CF34 9RF

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Mark Waldron against the decision of Bridgend Borough County Council.
- The development proposed is the conversion of an existing agricultural barn to create a single dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission for the construction of an agricultural barn was granted, under application ref P/18/63/FUL, on 8 June 2018. The consent was granted subject to conditions that require, amongst other things, the removal of the approved building and associated infrastructure from the site within a period of six months, should the building permanently cease to be required for agricultural purposes.

Main Issues

3. The main issues are the impact the proposed development would have on: the character and appearance of the area; access and highway safety; and the biodiversity and ecological characteristics of the site

Reasons

Character and Appearance

4. The appeal site is located in the countryside outside the settlement of Maesteg. The site includes a modern agricultural barn and small compound which are used for the keeping of livestock and the storage of materials and equipment in association with the appellant's agricultural business. The steep topography of the site means that the appeal building has the appearance of being a partially two storey and partially single storey structure. Access

to the site is afforded via a narrow private drive which rises steeply up from the main access road to Helo Ty Gwyn Industrial Estate. The site is bounded a combination of the residential and industrial development on the fringe of Maesteg and to the north by open countryside.

5. The development proposes the conversion of the existing agricultural barn into a two storey dwelling with single storey side annex. The proposed conversion would require a number of alterations to the external appearance of the appeal building including: the insertion of large floor to ceiling windows in the existing stable door openings in the ground floor front elevations; the creation of 5 no. large and 2 no. small new window openings in the upper section of the front and northern side elevation of the main building; the creation of a new doorway in the front elevation; and the insertion of roof lights in both the roof of the main building and the annex. In addition, the development proposes the planting a small belt of native trees along the eastern boundary of the appeal site.
6. Policies SP2 and ENV1 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 is of an appropriate scale, size and prominence. In the case of the conversion of rural buildings, Policy ENV1 makes clear that development will be strictly controlled and that the suitable conversion of existing structurally sound rural buildings may be acceptable where the development is modest in scale.
7. Additional guidance is contained in Planning Policy Wales, Edition 11 (February 2021) (PPW) and Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010) (TAN 6) which make clear that new development in the countryside should be strictly controlled and, in the case of the re-use / adaption of the rural buildings, proposals should respect the landscape and local building styles and materials of the area.
8. The appellant explains that he wishes to convert the barn into a residential dwelling because his agricultural business has been adversely impacted by the global Covid-19 pandemic and that, in his view the proposal accords with the requirements of Policy ENV1 of the LDP and TAN 6. In respect of the proposed alteration to the exterior of the appeal building and its impact on the landscape, the appellant maintains that the proposal responds positively to the existing building and its setting in landscape character terms, whilst also achieving the highest quality of design possible.
9. I note the appellant's comments in relation to his business and the appearance and visual impact of the proposed development. However, I consider that the exterior alterations to the appeal building, which include the insertion of large new window openings in the upper section of the front and northern side elevation of the barn, together with the use of large glazing panels in the ground floor of the structure, would result in an overtly modern and urban form of development that would fail to respect the simple design of the existing structure or its rural location.
10. As such, I consider that the proposed development would be contrary to the objectives of Policy SP2 and ENV1 of the LDP, PPW and TAN6.

Access and Highway Safety

11. Policy SP2 and SP3 of the LDP seek, amongst other things, to ensure that all development proposals promote safe, sustainable and healthy forms of transport through good design, enhanced walking and cycling provision, improved public transport provision and road connections within and outside the site to ensure efficient access.

12. In support of the proposal the appellant has submitted a Transport Appeal Statement which looks specifically at highway safety and accessibility issues in relation to the site. The statement contends that: the proposed development would not result in an increase in the number of vehicular movements to and from the site; and that the site is within walking distance of a range of public transport, commercial and community facilities.
13. The Council contends that the proposed development would result in more vehicular movements to and from the site and lead to an increase in the potential for pedestrian/vehicular conflict at the existing access and egress point. Whilst I note these concerns, I am mindful that the proposed development would utilise an existing access/egress point on Helo Ty Gwyn Road, which offers a clear and unrestricted views of the highway, and that no substantive evidence has been presented which demonstrates that the proposal would result in an increase in the number of movements to the site or that these would lead to a reduction in pedestrian/vehicular safety.
14. With regard to accessibility, I agree that there are public transport, commercial and community facilities within walking distance of the appeal site. However, I consider that the steep topography of the area together with the remote nature of the main entrance, on the public highway close to Helo Ty Gwyn Industrial Estate, would deter future residents of the appeal building from accessing these facilities on foot or cycle and would instead promote the use of the private car.
15. In light of the above, I consider that the proposed development would be contrary to the objectives of Policy SP2 and SP3 of the LDP in so much as it would promote an unsustainable form of development.

Biodiversity

16. The appeal site is situated within the southern section of the designated Nant y Crynwydd Site of Important Nature Conservation (SINC). As such, the proposal is subject to the requirements of Policy ENV6 of the LDP which, where appropriate, seeks to safeguard and enhance biodiversity and green infrastructure.
17. In support of the proposal the appellant has submitted an assessment that considers the impact of the proposed development on the Nant y Crynwydd SINC. The findings of the assessment indicate that the appeal property lies in part of the designated site which has no SINC features or species and that the proposed conversion would have no adverse impact on the designation. Notwithstanding this the assessment recommends the implementation of a series of mitigation/compensatory measures including: the landscaping of the area around the barn including bulking up of the woodland corridor; a lighting scheme suitable for bats and other commuting species using the wooded riparian corridor; provision of bat bricks and Swallow, Swift and House Sparrow bird boxes on the building; and control of Invasive non-native species specifically Himalayan Balsam.
18. Whilst I note the findings of the SINC Impact Assessment, I share the Council's concerns that the proposed development fails to provide sufficient detail in respect of mitigation/compensatory measures, specifically relating to landscaping, lighting and the control of Himalayan Balsam, to allow an informed assessment to be made of the potential impact the proposal would have on the designated site. In the absence of such information, I consider that the proposed development is contrary to Policy EV6 of the LDP.

Conclusion

19. 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.
20. 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 result in an unsustainable form of development that would have an adverse impact on the character and appearance of the appeal dwelling and surrounding area and, potentially, the biodiversity and ecological characteristics of the site.
21. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Gulley

Inspector



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: 27/04/2022

Appeal Decision

Site visit made on 16/03/22

by Nicola Gulley MA MRTPI

an Inspector appointed by the Welsh
Ministers

Date: 27/04/2022

Appeal Ref: CAS-01530-Z7B4T0

Site address: 47 South Road, Porthcawl, Bridgend CF36 3DG

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Wiggins-Hill Properties Ltd against the decision of Bridgend Borough County Council.
 - The development proposed is the conversion of a 3 storey semi-detached dwelling into 3 apartments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission for the change of use of the appeal property from a Doctor's surgery and annex (Use Class D1) to residential use with parking (Use Class C3) was granted, under application ref P/20/894/FUL, in January 2021. A subsequent application for the conversion of the appeal building into 3 no. apartments, under application ref P/21/132/FUL, was refused in May 2021 because of objections to the provision of outdoor amenity space and off-street parking.

Main Issue

3. The Council raises no objection to the proposed development on the basis of its impact on the character and appearance of the area, the living conditions of the occupiers of neighbouring properties, by virtue of loss of privacy, or parking and highway safety. The main issue is therefore the impact of the proposed development on the living conditions of future occupiers of the development.

Reasons

4. The appeal site is located within the urban area of Porthcawl. The site comprises a substantial three storey semi-detached property which, in conjunction with the adjoining property and a two storey annex to the rear of the site, was formerly used as a doctor's surgery and clinic. The appeal building is set back from the public highway by a modest

front garden which is enclosed by a low wall and hedge. To the rear of the property is a generous sized garden which has been laid out to provide off-street parking and refuse storage. The area surrounding the appeal site is predominantly residential and characterised by a range of different housing types and styles.

5. Policy SP2 of the Adopted Bridgend Local Development Plan (LDP) (2013) seeks, amongst other things, to ensure that all new development contributes towards creating high quality, attractive, sustainable places which respects and enhances local character and distinctiveness.
6. The development proposes the conversion of the appeal building into three self-contained apartments with off-street parking and a service area to the rear. The apartments comprise two, one bedroom units on the first and second floors which would be served by balconies at the rear of the property. The balconies would measure some 8 square metres and be enclosed by 1.7 metre high obscured glazed panels. Whilst a two bedroom unit would be located on the ground floor which would be served by an area of private amenity space measuring some 16 square metres at the front of the appeal dwelling.
7. The Council acknowledges that the applicant has sought to address the reasons for refusal in respect of application ref P/21/132/FUL, through in part, the introduction of private amenity space for each unit, but contends that the space provided would be substandard. In support of this 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 a reasonable level of private outdoor space for the enjoyment of existing and future occupiers.
8. Conversely, the appellant points to the absence of any guidance in respect of amenity space and contends that: it is normal for modern residential apartments to provide private or semi-private balconies that offer outside space for occupants to sit within and enjoy fresh air; that the balconies proposed within the rear elevations of the first and second floors of the development and at ground floor level are of a generous size; and additional space could be provided for a small communal sitting out area within the rear car park area should future occupants of the development wish. In addition, the appellant explains that the appeal dwelling is located within a short walk of the Porthcawl Rugby Football Club Ground and its associated public open space (POS) provision, and less than a mile away from the seafront.
9. I am mindful that no detailed guidance has been provided by the Council in respect 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. Whilst I note the appellant's comments, I consider that the narrow width of the proposed first and second floor balconies, some 2.3 metres wide, when considered in conjunction with the height of the enclosure would result in a form of development that would feel cramped and oppressive. In respect of the ground floor apartment, although the scale of provision is greater than that of the other units, I am mindful that the location of the private amenity space, immediately adjacent to the public highway and the main entrance to the property, together with the low level of the enclosure would mean that the proposed space would be open to public view and, as such, fail to provide the level of privacy that can reasonably be expected by future occupants.

11. In light of the above, I consider that the proposed development would not provide a reasonable level of private amenity space for the future occupiers of the apartments and, as such, would be contrary to the objectives of Policy SP2 of the LDP and Householder SPG.

Conclusion

12. 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.

13. 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 future occupants of the proposed apartments.

14. 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 Development Control Committee Member training (provided by Planning Aid Wales)	24 May 2022
Amenity space – Building in gardens workshop	13 July 2022
Public Rights of Way / Bridleways	24 August 2022
Tree Policy - Green infrastructure	5 October 2022
Building in Conservation Areas	16 November 2022

Recommendation:

That the report of the Corporate Director Communities be noted.

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

BACKGROUND PAPERS

None

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