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Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

Bridgend County Borough Council



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

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



Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate

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

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Friday, 8 July 2022

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE

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

AGENDA

1. Apologies for Absence
To receive apologies for absence from Members.
2. Declarations of Interest
To receive declarations of personal and prejudicial interest (if any) from Members/Officers including those who are also Town and Community Councillors, in accordance with the provisions of the Members' Code of Conduct adopted by Council from 1 September 2008. Members having such dual roles should declare a personal interest in respect of their membership of such Town/Community Council and a prejudicial interest if they have taken part in the consideration of an item at that Town/Community Council contained in the Officer's Reports below.
3. Approval of Minutes 3 - 6
To receive for approval the minutes of the 26/05/22
4. Public Speakers
To advise Members of the names of the public speakers listed to speak at today's meeting (if any).
5. Amendment Sheet
That the Chairperson accepts the Development Control Committee Amendment Sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be accommodated.
6. Development Control Committee Guidance 7 - 10
7. P/22/171/FUL - 14 Cwrt Y Coed, Brackla 11 - 22

By receiving this Agenda Pack electronically you will save the Authority approx. £1.48 in printing costs

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|-----|--|---------|
| 8. | <u>P/21/1057/OUT - Land rear of 35 - 46 Salisbury Road, Maesteg</u> | 23 - 42 |
| 9. | <u>P/22/211/FUL - Bryant Centre, Commercial Street, Nantymoel</u> | 43 - 56 |
| 10. | <u>Appeals</u> | 57 - 64 |
| 11. | <u>Nomination and Appointment to Rights of Way Sub-Committee</u> | 65 - 68 |
| 12. | <u>Development Control Committee Site Visit Panel</u> | 69 - 72 |
| 13. | <u>Training Log</u> | 73 - 74 |
| 14. | <u>Urgent Items</u>
To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency. | |

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

Yours faithfully

K Watson

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

Councillors:

H T Bennett
 A R Berrow
 N Clarke
 RJ Collins
 C L C Davies
 RM Granville

Councillors

H Griffiths
 S J Griffiths
 D T Harrison
 M L Hughes
 D M Hughes
 M R John

Councillors

MJ Kearn
 W J Kendall
 J E Pratt
 MJ Williams
 R Williams
 Vacancy

Agenda Item 3

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 26 MAY 2022

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD
REMOТЕLY - VIA MICROSOFT TEAMS ON THURSDAY, 26 MAY 2022 AT 14:00

Present

Councillor RM Granville – Chairperson

A R Berrow	N Clarke	C Davies	H Griffiths
S J Griffiths	D T Harrison	M L Hughes	D M Hughes
M R John	MJ Kearn	W J Kendall	J E Pratt
MJ Williams	R Williams		

Apologies for Absence

RJ Collins and C L C Davies

Officers:

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

1. DECLARATIONS OF INTEREST

None.

2. APPROVAL OF MINUTES

RESOLVED: That the Minutes of the meeting of the Development Control Committee of 28 April 2022, were approved as a true and accurate record.

3. PUBLIC SPEAKERS

The following invitees at the meeting, exercised their right to speak as public speakers on the undermentioned applications:

Application	Site	Speaker
P/21/988/FUL	Unit 1a and 2a Heol Ffaldau, Brackla Industrial Estate, Bridgend CF31 2AJ	Councillor AJ Williams - Supporting the application
P/22/102/FUL	7 Acacia Avenue, Porthcawl CF36 5BJ	* Mr A White – Objector * Major A Plewa - Objector Mr Marcus Hadley, MAH Design - Applicant's Agent

* The Legal Officer read out the statements submitted by the objectors.

4. AMENDMENT SHEET

RESOLVED: That the Chairperson accepted the Development Control Committee Amendment Sheet as an urgent item, in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for the Committee to consider necessary modifications to the Committee report, so as to take account of late representations and revisions that are required to be accommodated.

5. DEVELOPMENT CONTROL COMMITTEE GUIDANCE

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

6. P/21/988/FUL - UNIT 1A AND 2A HEOL FFALDAU, BRACKLA INDUSTRIAL ESTATE, BRIDGEND

RESOLVED: That the application be refused for the reasons outlined in the report of the Corporate Director Communities.

Proposal

Change of use from Use Class B1/B2 to Use Class D1 (Health Clinic)

7. P/22/102/FUL - 7 ACACIA AVENUE, PORTHCRAWL

RESOLVED: That permission be granted subject to the conditions in the report of the Corporate Director Communities and subject to the rewording of Condition 3 to ensure that the side facing window serving the en-suite is obscurely glazed as follows:

3. The rear-facing window serving the walk-in-wardrobe to Bedroom 02 and the side1facing window serving the en-suite at first floor level 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 windows 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.

Proposal

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

8. P/21/1111/OUT - 5 RAILWAY TERRACE, SOUTH CORNELLY, BRIDGEND

RESOLVED: That Outline planning permission be GRANTED subject to the conditions outlined in the report of the Corporate Director Communities in addition to the standard conditions.

Proposal

Construction of a new bungalow in garden (Outline application)

9. P/22/62/FUL - FORMER CWMDU RAILWAY SIDINGS TO EAST OF CAER GYMRIG, MAESTEG

RESOLVED: That permission be GRANTED subject to the conditions contained in the report of the Corporate Director Communities.

Proposal

Stable block for 2 horses

10. P/21/854/FUL - WHITE GATES, TYN Y CAEAU LANE, COYCHURCH

RESOLVED: That permission be GRANTED subject to the conditions contained in the report of the Corporate Director Communities.

Proposal

Retention of vehicular access

11. APPEALS

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

Subject of Appeal

A/21/3283050 (1934) 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

CAS-01667-X6V3G0 (1943) Retention of New Agricultural Trackway using Widened Access: Ty Isaf Farm, Shwt

CAS-01627-Y0D5V5 (1947) Retention of Raised Patio above Shed and Raised Patio with Balustrade and Relocated Steps: 22 Chestnut Drive

CAS-01807-Z5P1R1 1948 Remove Garage/Utility; Two Storey Side Extension; Single Storey Porch/Wc/Playroom Extension to front; Hardstanding to front: 8 Rhyd y Nant, Pencoed

CAS-01573-X1N9P0 (1949) Retention of Fence: 8 Willesden Road Pencoed

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

Subject of Appeals

CAS-01415-N2D3V6 Conversion of an Existing Agricultural Barn to Create
(1935) a Single Dwelling: Land Off Dyffryn Madoc, Maesteg

CAS-01530-Z7B4T0 Conversion of 3 Storey Semi-Detached Dwelling Into
(1940) 3 Apartments: 47 South Road, Porthcawl

12. TRAINING LOG

The Group Manager Planning and Development Services reported on the updated Training Log. He also informed the Committee that should any members of the Committee be interested in championing future Supplementary Planning they should contact him.

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

13. URGENT ITEMS

There were no urgent items.

The meeting closed at 16:11

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/22/171/FUL
APPLICANT: Mrs C Roblin 14 Cwrt y Coed, Brackla, Bridgend, CF31 2ST
LOCATION: 14 Cwrt y Coed Brackla CF31 2ST
PROPOSAL: Retention of static caravan as annex to dwelling
RECEIVED: 8 March 2022
SITE INSPECTED: 5 May 2022

DESCRIPTION OF PROPOSED DEVELOPMENT & SITE DESCRIPTION

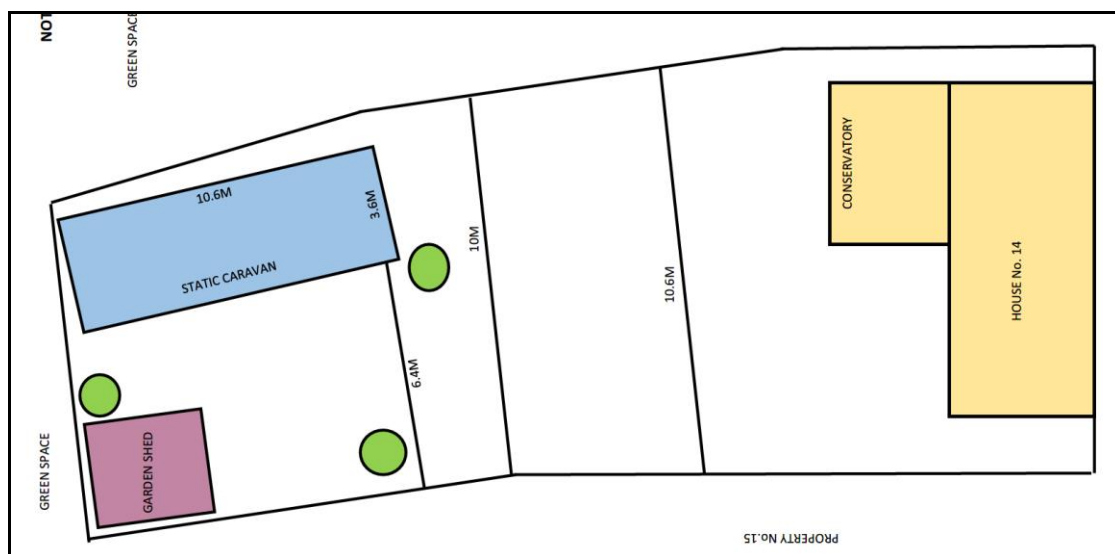
Full planning permission is sought for the retention of a static caravan positioned at the rear of the dwelling known as 14 Cwrt y Coed, Brackla.

The static caravan was sited in December 2021 and measures 10.6 metres in length, 3.6 metres in width and 3.4 metres in maximum height.



Photograph of static caravan

It comprises an open-plan kitchen/dining/living space with two bedrooms, one ensuite shower room and a bathroom. It is positioned in the north western corner of the application site as shown:

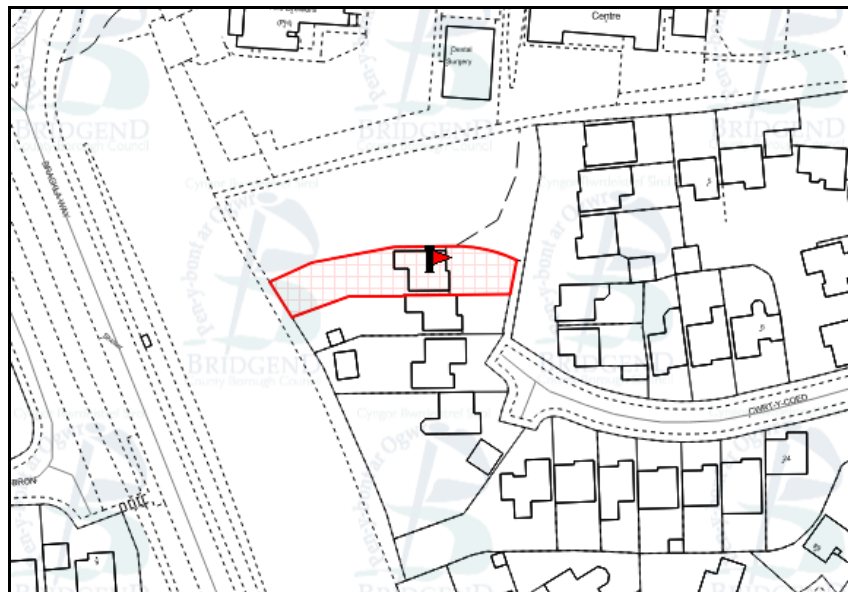


Application Site Layout

The caravan is proposed to be accessed via the existing side entrance to the property off the private driveway, through the rear garden. It is used as an annex to the main property and is occupied by the elderly parents of the homeowners, who require extra care due to them not being able to care for themselves. For example, hot meals are provided to the elderly parents by the occupiers of the main dwelling, and help is also provided for washing/bathing. The occupiers of the caravan are unable to live independently and are heavily reliant upon the occupiers of the main dwelling for their day-to-day needs such as the washing of clothes, changing beds and washing/bathing.

SITE DESCRIPTION

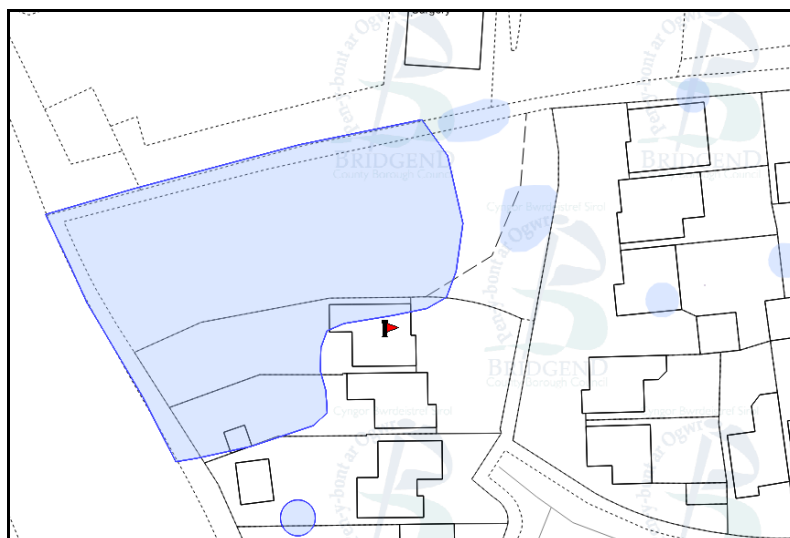
The application site is located within the Primary Key Settlement of Bridgend, as defined by Policy PLA1 of the adopted Local Development Plan (2013). It comprises a large residential plot accessed off a private driveway off Cwrt y Coed, as shown below:



OS Map Extract of Application Site

The dwelling is positioned relatively centrally within the residential plot and principally faces the east with off-street car parking provided to the front. The land to the rear of the property (west) provides private garden space which is generally flat in nature.

The rear of the dwelling is identified as an area within Ogwr Borough Council's (1985) Tree Preservation Order No 16, identified in blue below:



Extent of TPO

The property itself is two storeys and has a mix of facing brick and painted render elevations with a concrete tiled roof. It sits within a residential area where properties are predominantly two storey and detached and of a similar design and appearance, finished in the same materials.

RELEVANT HISTORY

Application Reference	Description	Decision	Date
T/99/29/TPO	Removal of deadwood 10 trees, crown lift 24 trees and felling 16 small trees	Unconditional Consent	05/08/1999
T/04/51/TPO	25% crown reduction/prune to remove storm damaged limbs	Conditional Consent	11/08/2004
T/06/53/TPO	Dismantle and cut to ground level 1 x Ash tree	Conditional Consent	30/11/2006
T/10/34/TPO	Various works to various trees	Unconditional Consent	27/09/2010
T/10/35/TPO	Various works to various trees	Conditional Consent	27/09/2010
T/10/54/TPO	6m crown reduction to Ash tree & 25% crown reduction to Oak tree.	Consent	16/11/2010
T/21/32/TPO	No 14-reduce canopy of 1 x ash tree by 25-30%, fell 4 x hawthorn trees and replace with different species; No 15-reduce canopy 1 x oak tree by 25-30%, reduce canopy 1 x ash tree by 25-20%, crown raise 2 x horse chestnut trees, reduce side branches, fell	Withdrawn	15/09/2021
T/21/45/TPO	No 14-reduce canopy of 1 x ash tree by 25-30%, fell 4 x hawthorn trees and replace with different species; No 15-reduce canopy 1 x oak and ash trees by 25-30%, crown raise 2 x horse chestnut trees, reduce side branches, fell 1 x hawthorn tree	Conditional Consent	22/09/2021

CONSULTATION RESPONSES

CONSULTEE

Brackla Community Council
25 April 2022

COMMENTS

Objects to the development.

Land Drainage
5 April 2022

No objection subject to the imposition of the recommended informative notes.

Dwr Cymru/Welsh Water
6 April 2022

No objection.

REPRESENTATIONS RECEIVED

Neighbours have been notified of the receipt of the application. The period allowed for response to consultations expired on 25 April 2022.

A total of six letters of support have been received from the following properties:

10 Cwrt y Coed, Brackla
12 Cwrt y Coed, Brackla
13 Cwrt y Coed, Brackla
15 Cwrt y Coed, Brackla
16 Cwrt y Coed, Brackla
11 Cwrt y Coed, Brackla
21 Cwrt y Coed, Brackla

One letter of support raises a query about the reinstatement of the boundary treatment along the northern boundary of the application site. This is addressed in the appraisal section of the report.

Two letters of objection have been received from the occupiers of numbers 6 and 7 Cwrt y Coed, Brackla, as well as from Brackla Community Council. The objections are reiterated below.

Communal Green Space

Concerns are raised that the communal green space to the north of the application site, known locally as 'Lavender Field', is being used by the applicant as part of their private garden space. Access to the static caravan is also gained from the green space, and not from the existing access point to the rear garden.

Brackla Community Council state in their consultation response that the removal of the boundary fence *gives the impression of being an extension of the Applicants property*. It is stated that the boundary fence will need to be *replaced in their original position once the future of the static caravan has been decided*. Concerns are also raised about access to the static caravan, as the users of the caravan are currently using the green space to access the caravan, rather than the access point from the property itself.

Visual Amenities

The caravan is not in keeping with the residential area and is unsightly.

Brackla Community Council state that the introduction of the caravan has *an adverse impact on the local character, distinctiveness, and landscape character especially as this caravan is also visible from Brackla Way*.

History of Application Site

Brackla Community Council raise concerns that the Conditions imposed upon consent reference T/21/45/TPO have not been complied with.

COMMENTS ON REPRESENTATIONS RECEIVED

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

Communal Green Space

Having undertaken a site visit, it is clear that the static caravan is sited entirely within the boundary of the property known as 14 Cwrt y Coed, and does not extend into the

communal green space to the north of the site. The objections raised regarding the use of the land to the north by the applicants as part of their private garden space are therefore not addressed further in the determination of this application.

The boundary fence was removed in order to site the caravan, and is yet to be replaced as the applicant is awaiting the outcome of the planning application. To address the concerns raised and if the application is recommended for approval, a condition will be imposed requiring the applicant to reinstate the boundary treatment within 2 months of the date of consent.

Access to the caravan is currently gained from the north of the application site, as the ground is flat and the existing access to the rear garden from the front driveway is a different level to the driveway. Firstly, the reinstatement of the boundary fence will prevent the occupiers of the caravan from entering the site from the north. And secondly, the applicant has confirmed that the existing side access to the property will be the only external access point to the caravan as if planning consent is granted, works will be undertaken to level the access point so that it is wheelchair accessible.

Visual Amenities

The matters raised which relate to visual amenity are addressed in the appraisal section of the report.

History of Application Site

Brackla Community Council have raised an objection to the development on grounds that Conditions imposed upon consent reference T/21/45/TPO have not been complied with. The proposal (T/21/45/TPO refers) comprised the undertaking of a variety of works within the gardens of two adjoining properties at 14 and 15 Cwrt y Coed, Brackla Bridgend. Works at number 14 included the following:

- Reduce the canopy of Ash tree by 25-30% to allow more light into the garden
- Repeat works carried out in application dated 2010 (T/10/34/TPO and T/10/35/TPO refer)
- Fell four Hawthorn trees.

The proposed works were consented on 22 September 2021 subject to the following condition:

Four replacement trees shall be planted at 14 Cwrt y Coed of such a species and in such a position as must first be agreed with the Local Planning Authority and the agreed planting scheme shall be undertaken within the next planting season following the felling of the existing Hawthorn trees. Should the replanted trees either die or fail to thrive within 5 years they are to be replaced with a tree similar to that originally planted.

Reason: In order to ensure the future amenity value of the tree in the landscape and to safeguard the character and appearance of the area.

To date, a scheme has yet to be submitted to the Local Planning Authority for assessment. However, the Condition does not stipulate a timeframe in which the scheme must be submitted to the Authority, only that it must be submitted and agreed prior to undertaking the replanting. The applicant is therefore not considered to be in breach of this condition, and the matter is considered to have been addressed. No further consideration of this matter will be undertaken within the appraisal section of this 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 ENV6	Nature Conservation
Policy ENV7	Natural Resource Protection and Public Health

Supplementary Planning Guidance 2	Householder Development
Supplementary Planning Guidance 7	Trees and Development
Supplementary Planning Guidance 17	Parking Standards
Supplementary Planning Guidance 19	Biodiversity & Development

National Policies

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

Future Wales – the National Plan 2040

Planning Policy Wales Edition 11

Planning Policy Wales TAN 5

Nature Conservation and Planning

Planning Policy Wales TAN 10

Tree Preservation Orders

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 two of the neighbouring properties as well as Brackla Community Council.

The key considerations in the determination of this application are the impact of the development on the visual amenities of the area, as well as the impact on residential amenity.

PRINCIPLE OF DEVELOPMENT

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

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

Placemaking considers the context, function and relationships between a development site and its wider surroundings. It adds social, economic, environmental and cultural value to development proposals resulting in benefits which go beyond a physical development boundary and embed wider resilience into planning decisions. Therefore, due regard must be given to Policy SP2 of the Local Development Plan (2013) as it incorporates the concept of placemaking and considers the development and its associated benefits as a whole, rather than as a physical boundary.

DESIGN/IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

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

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

The static caravan is located within the rear garden area of the property known as 14 Cwrt y Coed, Brackla. It lies to the south of a communal green space and is within an area of the rear garden which is heavily wooded with the presence of protected trees. The key consideration in the determination of the acceptability of the caravan's siting is its impact upon the character and appearance of the surrounding residential area.

In general terms, and in consideration of the aforementioned policies, the siting of the static caravan to the rear of the host dwelling is acceptable. When viewing the property from the front, the caravan is not visible, and when viewing from the communal green

space to the north, its presence is minimal, as shown below:



View of Caravan from Communal Green Space to North

Currently, the boundary treatment has been removed. With its reinstatement, the caravan will be less visible from public vantage points and on balance, is not considered to be so detrimental to the character and appearance of the wider area to warrant a refusal of planning permission on such grounds.

In consideration of the scheme as a whole, and with regard to the context of the application site, the proposed retention of the static caravan at the rear of the dwelling is considered to be acceptable in visual amenity terms, and subject to the imposition of a planning condition which requires the retention of the boundary fence, will not detract from the character or appearance of the wider residential area to the extent that would warrant a refusal of planning permission on such grounds. The proposed development is therefore considered to be compliant with Policy SP2 of the Local Development Plan (2013) and is compliant with the guidance contained within SPG02.

SEMI-INDEPENDENT ACCOMMODATION

Notwithstanding the above, regard must also be given to guidance contained within Supplementary Planning Guidance Note 02 *Householder Development* (SPG02), which 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, as Note 5 states that “an extension offering semi-independent accommodation should not form a separate dwelling unit and should be designed so that it can easily re-integrate into the original house”.

Paragraph 4.5.1 of SPG02 notes that a common reason for extensions and annex’ is the need to accommodate elderly relatives in need of care and states that the Authority will try to consider such proposals favourably, provided that the proposed development does not form a separate dwelling.

In this case, the internal layout of the static caravan comprises an open-plan kitchen/dining/living space with two bedrooms, one ensuite shower rooms and a bathroom. It could be lived in as a separate unit of accommodation, given that it provides ample provision for basic living such as cooking, washing and toilet facilities.

In this case, given the personal circumstances of the occupiers (that they cannot live independently of the main dwelling and are reliant upon the occupiers of the main dwelling

for basic day-to-day needs) it is considered that the static caravan is solely used in connection with and with reliance upon the main dwelling. In addition, the owner of the main property has confirmed that the caravan is sharing services such as water and gas with the main dwelling and with the reinstatement of the boundary treatment along the northern boundary of the application site, cannot be accessed separately.

To ensure that the Authority retain effective control over the application site, it is considered necessary to impose planning conditions which restrict the static caravan to being ancillary only. This is to ensure that if the personal circumstances of this case change, and the static caravan is occupied by person/s who are not reliant upon the main dwelling, the Authority must ensure the development does not cause harm to the visual and residential amenities, privacy of neighbouring occupiers and highway safety. It is also considered necessary to restrict the development to being temporary, to ensure that the static caravan does not become a separate unit of accommodation immune from any future enforcement action.

NEIGHBOURING/RESIDENTIAL AMENITY

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

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

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

In respect of the impact of the development on neighbouring properties to the south of the application site, the static caravan is positioned 6.4 metres away from the southern boundary, with a maximum height of 3.4 metres. Whilst there are windows in the side elevation of the caravan, it principally faces the east, towards the rear elevation of the main property. The existing boundary treatments combined with the distance provided between the static caravan and the rear elevations of the properties to the south, are considered, on balance, to protect the privacy of neighbouring occupiers. The retention of the static caravan is not considered to be so detrimental to the existing levels of amenity afforded to neighbouring occupiers to the extent that would warrant a refusal on such grounds and the proposal is considered to be acceptable in this respect.

Note 8 of SPG02 refers to residential amenity, and states at paragraph 5.1.1 that “while an individual may accept a window box as sufficient garden space, the County Borough Council believes that, generally, there should be a reasonable private outdoor area for enjoyment of the present and future households”. All types of development proposals “should leave an adequate garden area for private use around the house”. Whilst the static caravan is positioned in the rear garden area of the property known as 14 Cwrt y Coed, the property benefits from a relatively large amenity space, which is not considered to be compromised as a result of the siting of the caravan. The rear amenity space will be shared and the proposal is therefore considered to be compliant with Note 8 of SPG02.

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 to the extent that would warrant a refusal of planning

permission on such grounds. The scheme is therefore considered to be compliant with guidance contained within SPG02 and criterion (12) of Policy SP2 of the Local Development Plan (2013).

HIGHWAY SAFETY AND PARKING PROVISION

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”.



Front of Dwelling and Driveway

The property requires provision for three off-street car parking spaces, plus an additional space for the static caravan (annex). As shown in the photograph above, the front driveway provides sufficient space for the provision of three vehicles, together with the integrated garage. It is therefore considered that sufficient off-street car parking provision is provided at the application site, and the scheme is therefore compliant with Note 9 of SPG02 and Policy PLA11 of the Local Development Plan (2013).

CONCLUSION

Having regard to the above, and notwithstanding the objections raised, this application is recommended for approval because the development complies with Council policy and guidelines and would not adversely affect the character of the existing property, street scene or wider area, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities to warrant a refusal on such grounds.

The concerns raised by the neighbours and Brackla Community Council are acknowledged, however, in this case and on balance they are not considered to outweigh the other material issues connected to the development as to warrant refusal on those grounds, and the application is therefore recommended for approval.

On balance, it is considered reasonable to grant Planning consent in this instance subject to the imposition of a Planning condition which restricts the consent to being temporary and which requires the removal of the static caravan and associated paraphernalia by 31 December 2025.

RECOMMENDATION

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

1. The development shall be carried out in accordance with the following plans:
 - Site Location Plan received on 22 March 2022
 - Site Layout Plan received on 8 March 2022

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

2. The static caravan shall only be used for purposes incidental and ancillary to the enjoyment of the dwellinghouse, known as 14 Cwrt y Coed, Brackla, as shown on the Site Location Plan received on 22 March 2022, and for no other purpose whatsoever including the carrying out of a trade, business or holiday accommodation.

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

3. The static caravan shall only be occupied by Mrs Beryl Wynn Roblin and Mr Stephen William Roblin.

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

4. The caravan hereby permitted shall be removed from the site on or before 31st December 2025 and the land shall be restored to its original condition as part of the garden serving 14 Cwrt y Coed. If the static caravan ceases to be occupied prior to 31st December 2025, the caravan hereby permitted shall be removed from the site within one month of occupation ceasing and the land restored to its original condition.

Reason: For the avoidance of doubt as to the extent of the permission granted and to ensure that the Local Planning Authority retains effective control over the use of the land in the interests of protecting the residential amenities of the area.

5. Within 2 months of the date of consent, the boundary treatment along the northern boundary of the application site (2 metre high vertical timber fence) shall be reinstated and the boundary treatment shall thereafter be retained in perpetuity.

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

6. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *

Having regard to the above, and notwithstanding the objections raised, this application is recommended for approval because the development complies with Council policy and guidelines and would not adversely affect the character of the existing property, street scene or wider area, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities to warrant a refusal on such grounds.

The concerns raised by the neighbours and Brackla Community Council are acknowledged, however, in this case and on balance they are not considered to outweigh the other material issues connected to the development as to warrant refusal on those grounds, and the application is therefore recommended for approval.

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

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

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

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

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None

REFERENCE: P/21/1057/OUT
APPLICANT: First Rate Products Ltd 11 Salisbury Road, Maesteg, CF34 9EG
LOCATION: Land rear of 35 - 46 Salisbury Road Maesteg CF34 9EG
PROPOSAL: Outline application for 3 dwellings (all matters reserved except access)
RECEIVED: 22 November 2021
SITE INSPECTED: 22 February 2022

APPLICATION/SITE DESCRIPTION

The application seeks Outline planning permission for the residential development of three detached dwellings at land to the rear of 35 – 46 Salisbury Road, Maesteg.

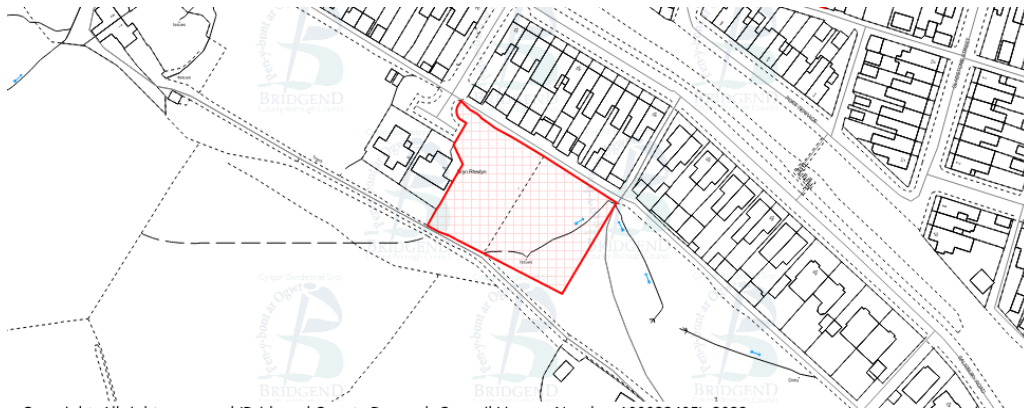


Fig. 1 – Site Location Plan

The application has been submitted in Outline with all matters reserved for future consideration with the exception of the means of access to the site.

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 buildings, parking spaces and amenity space provision.

The details also specify the likely dimensions of each dwelling which, following the submission of amended plans, would generally follow the form and style of the two existing properties that have been erected directly adjacent to the development site. The dimensions/scale parameters of each dwelling would be:

- Minimum/maximum height between 10.5m and 11.5m
- Minimum/maximum width between 10.5m and 11.5m
- Minimum/maximum depth between 10.5m and 11.5m.

The indicative drawings for the development, as revised, highlight the buildings would be incorporated into the sloping topography of the site with a split-level design (three-storey at the front and two-storey to the rear) and also incorporate integral garages and front balconies. The proposed dwellings would be sited in a linear fashion towards the eastern side of the two relatively modern dwellings previously erected adjacent to the development site, with comparable building lines and massing. An access road to the three units would be created via a new vehicle access off the turning head fronting the two existing properties (5 & 6 Bryn Rhedyn).

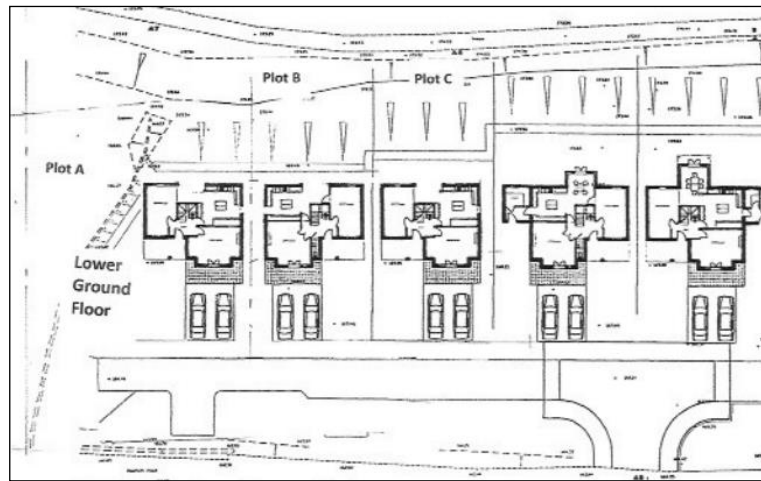


Fig. 2 – Illustrative Site Layout (also showing the two existing plots erected adjacent to the development site)



Fig. 3 – Illustrative front elevations of the proposed buildings

The application site comprises a vacant area of land towards the rear of Salisbury Road and to the eastern side of 5 & 6 Bryn Rhedyn, Maesteg. The site covers an area of approximately 0.24 hectares. The land steadily rises from the rear elevations of properties along Salisbury Road to the open countryside/hillside that flanks the rear of the largely vegetated/grassed site. There are no Tree Preservation Orders on the site. A rear access lane serves properties along Salisbury Road in this area with many of the terraced properties benefitting from rear garage style structures that add a degree of screening to the development site when viewed from the rear of properties along Salisbury Road.

Two modern detached houses, of similar form to the proposed units, sit alongside the development site (5 & 6 Bryn Rhedyn). Public Right of Way/Maesteg Footpath 56 (from Priory Terrace to Pen Yr Ysgol) is situated towards the rear (south) of the site and Public Right of Way/Maesteg Footpath 60 (from Pen Yr Ysgol to Salisbury Road Rear Lane) runs along the eastern side of the development site.

The site is located within the settlement boundary of Maesteg as defined by Policy PLA1 of the Bridgend Local Development Plan 2013. There is an extensive planning history to the site with numerous residential schemes previously being approved in and around the application site as detailed by the planning history section of this report.

The application is supported by a Preliminary Ecological Appraisal and a Coal Mining Risk Assessment. The applicants have also submitted a Design Statement and a Viability Appraisal for the scheme.



Fig. 4 – Photographs of the Application Site (including adjacent, existing plots)

RELEVANT HISTORY

P/97/1102/OUT – Land at Salisbury Road - Residential Development (Application in Outline) - Granted 14/07/1998

P/99/01/FUL - Land to rear of Salisbury Road, Maesteg - 7 Houses, Private Residential Use And Associated Highway And Lane Improvements - Granted 11/02/2000

P/04/1417/FUL - Land to rear of Salisbury Road, Maesteg - Alterations to Existing Access Road And Private Drive To Serve 5 Dwellings - Granted 05/01/2005

P/04/1418/FUL - Land to rear of Salisbury Road, Maesteg - Two Dwelling Houses (Plots 2 & 4) – Granted 05/01/2005

P/05/1707/FUL - Land to rear of Salisbury Road, Maesteg - Two No. four bedroomed dwellings with integral garage, hammerheads & associated road improvements - Granted 19/05/2006

P/06/978/RLX - Land rear of Salisbury Road, Maesteg - Variation of condition 10 of consent 05/1707 - Re: Wheel Washing Facilities - Granted 06/10/2006.

P/06/1609/FUL - Land rear of Salisbury Road, Maesteg - Minor amendments to approved consent P/05/1707/Ful - Granted 08/02/2007.

P/07/184/OUT - Land rear off 37 To 46 Salisbury Road, Maesteg - Three residential building plots with access from new private drive ~ Approved Under Consent P/05/1707/Ful – Granted 25/04/2007.

NEGOTIATION

The applicant was requested to revise the illustrative details of the development to better reflect the design, massing and general form of properties adjacent to the plot, and it was also requested that the proposal be reduced from four units to three units to further improve the design qualities of the development and improve highway safety. Negotiation was also undertaken with the Council's Ecologist and further information submitted in respect of the biodiversity mitigation/enhancements that would be undertaken at the site.

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 (second consultation exercise) expired on 23 June 2022.

CONSULTATION RESPONSES

Welsh Water Developer Services - No objection subject to condition regarding the drainage of the development.

Destination & Countryside Management - No objection subject to condition.

Waste & Recycling, Street Scene - Advise consideration needs to be given to waste collections in particular around collection vehicle access.

Maesteg Town Council - Concerns expressed in terms of the access to this site.

Drainage Officer - No objection, subject to conditions.

SRS - Shared Regulatory Services - No observations to make on the scheme. (Public Protection: Noise).

SRS - Shared Regulatory Services - No objection subject to standard condition. (Public Protection: Land Contamination).

The Coal Authority - No objection, following the submission of a Coal Mining Risk Assessment. The Coal Authority considers that the content and conclusions of the Mining Report are sufficient for the purposes of the Planning system in demonstrating that the application site is safe and stable for the proposed development.

Highways Officer – No objection, subject to conditions.

Councillor Ross Thomas - Comments raised about the likely drainage and ecology/biodiversity implications of the development. It is stated that given the topography of the location, there's quite a significant drop-off to the houses below at Salisbury Road. The location of the proposed development is currently thick vegetation which soaks up a significant amount of run-off water and therefore acts as a preventative measure for any flooding issues lower down. There have in the past been incidents - one in particular - where the highway in Salisbury Road was flooded with run-off water. Furthermore, given the thickness and variety of the vegetation and woodland in this area, I would suggest it may be a thriving ecosystem for a variety of species, not least bats.

INITIAL REPRESENTATIONS RECEIVED

The application has been advertised through the erection of a site notice dated 28 January 2022 and direct notification to twenty-nine of the closest properties to the application site.

The initial period for consultation expired on 18 February 2022. When the application was initially submitted, for the erection of four dwellings, residents of 34 and 42 Salisbury Road

and 5 Bryn Rhedyn provided individual letters of objection against the scheme and numbers 34, 36, 39, 42, 43, 44, 45 and 46 provided a joint response/petition to the consultation, raising concerns about the development proposal. The initial objections and concerns raised are summarised as follows:

- Loss of light to the adjacent plot including habitable rooms and a bedroom.
- Excessive 3 storey height would cause overshadowing of an already dark site (adjacent plot).
- Loss of privacy being overlooked at side elevation.
- Loss of light to properties along Salisbury Road.
- Over intensification of layout.
- Being sited within 6m of the existing property (5 Bryn Rhedyn) any excavation would de-stabilise the foundations with the Party Wall Act 1996 being relevant here.
- Drainage concerns with existing culverts in the area that would need to be upgraded to prevent flooding of nearby properties.
- Threat of excessive water run off and flooding if the natural water course is altered, also concerns with the existing culvert at the lane behind no. 46 Salisbury Road.
- Construction works causing excess water flow.
- Loss of a side pathway as a result of the development.
- Common use of access path over the site would now be lost, is this now classed as a Right of Way.
- New access created over site resulting in more footfall and properties experiencing more damage/anti social behaviour.
- Full Ecology Assessment required for the site.
- Old disused mine workings, resulting in possible subsidence.
- Previous refusal of nearby site to the rear of Salisbury Road by the Local Planning Authority.
- Consideration to compensation (S106) and whether the developer should upgrade the rear land access or provide rear street lighting.
- Construction nuisance and disturbance previously experienced when the adjacent plots were erected.
- Highway safety concerns.

FURTHER REPRESENTATIONS RECEIVED

On receipt of amended plans that reduced the proposed number of dwellings from four to three at the site, and changed the form and massing of the buildings, to better reflect the appearance and scale of the existing, adjacent plots (effectively improving the design of the development), a second consultation exercise was undertaken, with twenty-nine letters being sent to the nearest neighbouring properties. A Letter of objection was received from the occupiers of 5 Bryn Rhedyn.

The concerns raised again related to ground stability, drainage issues, loss of privacy and overshadowing, loss of a side access path, likely damage to the adjacent plot and construction disturbance. It is also stated that the issue of landscaping needs to be carefully considered in this case.

A letter was also received from the occupier of 6 Bryn Rhedyn, that states that whilst there are no overall objections to the development, observations and concerns are raised in respect of the removal of soil from the site, the likely length of time of the build process and in respect of the landscaping of the site. It is commented the build would require a lot of excavation works and generate traffic plus any damage to the existing road surfaces must be repaired in a timely manner.

COMMENTS ON REPRESENTATIONS RECEIVED

In terms of the amenity impact of the scheme, particularly on the privacy and outlook of the nearby existing properties, the fronts of the new dwellings would be sited in excess of 10.5m (approximately 21m) from the rear gardens and rear garages/boundary walls that define the rear boundaries of the plots along Salisbury Road and a further distance from the main rear elevations of these properties. As such, there should be no overbearing impact or serious overlooking of properties along Salisbury Road as a result of the development of the site in the general manner proposed.

The proposed plot situated within closest proximity to 5 Bryn Rhedyn, that flanks the site, would generally follow the building lines of the existing property and thereby have limited impact on the main front and rear window openings within this existing property. There are a number of smaller windows within the side elevation of this existing property, directly facing the development site, although these largely appear to be secondary habitable room windows (on the basis of the approved plans for this development), and although these side windows would arguably experience a level of light loss and outlook as a result of the proposal, this is not considered so significant or harmful to warrant the refusal of the scheme. An offset between the new detached building and the boundaries of the existing plot would be retained and consideration could be given to the positioning and nature of any side windows within the new development, at the Reserved Matters stage, to ensure no adverse overlooking of the adjacent plot occurs. Again, the adjacent plot would experience some overshadowing and loss of light to its side aspect in particular, however, this is not considered so adverse to warrant the refusal of the scheme in this respect.

In terms of the original submission representing an over intensification/overdevelopment of the site, the layout of the scheme has been revised and the overall number of units has been reduced from four to three dwellings to ensure a more appropriate and less intensive development of the site.

Concerns raised in respect of the impact of excavation works on neighbouring foundations and likely property damage, are acknowledged but not considered a material or justified reason to refuse this Outline planning application.

The characteristics of the site and its vegetated nature are acknowledged and the relevant consultation with the Council's Drainage Officer has been undertaken in this case. Following a site visit, the Council's Drainage Officer has raised no objections to the scheme subject to the imposition of a drainage condition that also requires the submission of a construction management plan outlining how surface water runoff will be managed during the construction phase for the development.

Comments raised in respect of a side walkway being lost at the site are also acknowledged and in light of such observations consultation on the scheme was undertaken with the Council's Rights of Way Section. The Rights of Way Officer has raised no objection against the scheme advising that two Footpaths, 56 and 60 Maesteg, appear to abut the red line application boundary for the development, although from a review and inspection of the submitted plans, none of the works associated with the proposed development would adversely affect the public footpaths. The applicant should however be advised (by means of an advisory note should planning permission be granted) that any storage of materials on the footpaths would not be permitted as access needs to be maintained along the footpaths at all times for use by members of the public. It is also noted that the applicant has also acknowledged and is aware of the Public Rights of Way as indicated within their Design Statement that accompanies the application.

On the basis of the comments of the Rights of Way Officer and given that no formal Public Right of Way would be lost or detrimentally impacted by the scheme (with the informal

path that crosses the private site, and being affected by the proposal, not being a protected Public Right of Way), no concerns in this regard are raised by the application proposal.

The application has been supported through the submission of an initial Ecological Appraisal of the site that, following dialogue and discussion with the Council's Ecologist, is considered satisfactory for the development.

The Coal Authority have reviewed the Coal Mining Risk Assessment that supports the application and raise no objection against the application.

Comments raised in respect of a nearby housing scheme to the rear of Salisbury Road previously being refused by the Local Planning Authority are acknowledged but the current planning application must be judged on its own planning merits and it is highlighted that the specific planning history of this site reveals that residential development has been previously supported on this plot.

Careful consideration has been given to the Section 106 requirements for the development as further discussed in the Appraisal Section of this report, although the scheme raises serious viability issues and any significant contributions would likely render the development unviable. When taking a balanced approach to the wider merits of the proposal in providing more housing stock and housing choice within this location, it is considered the proposal for three residential units can be supported without the need for any Section 106 Requirements in this case.

Construction nuisance and disturbance to some degree is inevitable with any build process within an existing, largely residential locality, although such disturbance would be of a temporary nature and is not a justified or material reason to warrant the refusal of the scheme in this respect.

The appropriate Landscaping of the plot would need to be carefully considered at the Reserved Matters stage, with a condition also being suggested to ensure that appropriate landscaping of the site is undertaken to mitigate the loss of existing planting at the site, enhance biodiversity and to improve the visual qualities of the development proposal.

In respect of highway safety and traffic movements at the site, the Council's Highway Officer has raised no objection against the proposal, subject to the imposition of conditions.

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 COM4 – Residential Density

- Policy COM5 – Affordable Housing
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy PLA9 – Development affecting Public Rights of Way
- Policy PLA11 – Parking Standards
- Policy ENV6 – Nature Conservation
- Policy ENV7 – Natural Resource Protection and Public Health
- Policy ENV13 – Unstable Land
- 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 three dwellings, with all matters except access being reserved, at land to the rear of 35 – 46 Salisbury Road.

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 and the potential impact on neighbouring properties, highway safety, drainage and ecology.

Principle of the Development

The application site lies within the settlement boundary of Maesteg 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, as illustrated by the planning history of the site, residential development has previously been approved on the site. Therefore, a residential scheme is considered to be compatible with the locality and acceptable in principle.

Impact on the character and appearance of the locality

Having accepted that the land is capable of development in principle, and whilst noting the Outline nature of the proposal, Policy SP2 of the Local Development Plan (2013) establishes the criteria for acceptable design and sustainable place making.

The policy stipulates that “all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment”. “Design should be of the highest quality possible and should be appropriate in scale, size and prominence”.

Planning Policy Wales (Edition 11, February 2021) states at paragraph 3.9 that “the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important Planning considerations”. This is supported by guidelines set out in Design Guide 1: Dwellings and Domestic Scale Buildings and Supplementary Planning Guidance 2: Householder Development.

The existing site is vacant and largely overgrown with vegetation and sits on land which slopes quite steeply. It is set behind established terraced properties along Salisbury Road and directly alongside two more modern, detached properties (5 & 6 Bryn Rhedyn) that are sited to the immediate west of the application site. The scheme would inevitably have a marked impact on the character of the existing site although, as detailed would aim to generally replicate and reflect the form and layout of the modern properties that have been developed immediately alongside the application site. Historically, as detailed, planning permission has previously been granted for similar residential schemes on the development site and in general terms it is considered that the introduction of a sympathetically designed, residential scheme in this location, would not be significantly harmful to the character of the area.

The house designs would utilise the height difference of the land with a split level design to ensure the buildings integrate with the sloping site and follow the overall dimensions and massing of the adjacent plots. Notwithstanding the above, the specific layout, design and architectural detailing of the proposed dwelling buildings, along with appropriate landscaping and use of finishing materials for the development, 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 three dwellings of the scale and dimensions indicated without leading to the overdevelopment of the site whilst also accommodating appropriate parking and a level of amenity space (including front balcony additions) for the units. The proposed plots are comparable in scale to the other neighbouring residential plots that have been developed in the area and importantly the applicant has positively negotiated and liaised with the Local Planning Authority to agree a more suitable development proposal in this case with it being fully acknowledged a much more intensive scheme for four dwellings was originally considered by the applicant for this location.

In summary, the proposed Outline application and the provision of three dwellings at the site, is considered to be broadly acceptable in design and visual terms and would not detract from the character or appearance of the wider residential area to the extent that would warrant a refusal of Planning permission on such grounds. The proposed development is therefore considered to be compliant with Policy SP2 of the Local Development Plan (2013).

Impact on neighbouring residential properties

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

Planning Policy Wales (Edition 11, February 2021) states at paragraph 2.7 that “placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people”. Criterion (12) of Policy SP2 of the Local Development Plan (2013) seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers is not adversely affected by development proposals.

Whilst noting the Outline nature of the proposal, it is considered that the development of three detached dwellings at the site would not, on balance, have a significant adverse impact on the residential amenities of the existing neighbouring properties. Full regard and careful consideration have been given to the comments and objections received from residents of properties along Salisbury Road. However, with due regard to the submitted indicative drawings and the existing site context, the dwellings would be sited with an acceptable offset and level of separation and screening from the rear elevations and associated garden spaces of nearby properties situated along Salisbury Road; the front elevations of the proposed dwellings being sited in excess of 21 metres from the rear elevations of properties along Salisbury Road that are situated on a lower ground level and offset from the development site by a traditional rear access lane.

Careful consideration has also been given to the impact of the scheme on the existing properties that flank the site, in particular 5 Bryn Rhedyn, that immediately abuts the western side of the site and has the potential to be mostly affected by the scheme. The owners of this property oppose the development proposal and highlight the scheme would adversely impact the levels of residential amenity currently enjoyed at this detached property. Nevertheless, having regard to the Outline nature of the scheme and the supporting information that accompanies the proposal, it is considered an acceptable level of amenity would be retained for the occupiers of this existing plot.

The proposed buildings would follow the building lines of the existing plots and have limited impact on the outlook of the principal front and rear windows of the adjacent building. A number of smaller side windows and a side amenity area would experience some limited overshadowing as a result of the development, but this is not considered so significant as to warrant the refusal of the application at this stage. The planning history of the site illustrates residential plots have previously been accepted and supported in this location and, in balancing out the wider merits of the scheme, the proposal can be supported in terms of its likely impact on existing residential properties in the area.

Careful regard would however need to be given to the detailed design and position of the habitable room windows within the new dwellings at the Reserved Matters stage to fully ensure the privacy levels enjoyed by neighbouring properties are appropriately safeguarded.

Overall, it is considered that, it would be possible to design a satisfactory arrangement for the dwellings so that they 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.

Highway safety

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

It is noted that the application is seeking Outline consent with all matters reserved except for the means of access to the site. It is also noted that this site previously benefitted from planning permission for three dwellings on the site and, therefore, the traffic generation and impact on the local highway has previously been appraised and agreed.

Initially, the applicant submitted plans for four dwellings, which the Highway Authority considered to be detrimental to highway safety as it would have resulted in a substandard turning area and would have had the potential for vehicles to park in the turning head. As a result (and to further improve the design of the scheme), the applicant has re-submitted revised plans which reduced the number of dwellings to three which is in line with the previous consent granted at the site. The revised plans also show a widened access from the existing turning head to allow two vehicles to pass, clear the turning head and not cause an obstruction to existing residents.

However, the submitted plans do not clearly show how future residents will link to the existing footway network, therefore, a condition is requested which would ensure this matter is addressed.

In addition, the Waste Recycling Department of the Council require an area for waste to be presented at the kerb side. As the proposed access will not be adopted, a scheme is requested to agree a location for waste to be presented adjacent to the highway.

It is unclear from the submitted drawings how the proposed access road will be constructed and retained and what its impact will be on the rear lane below the development site. As a result, the applicant will be required to submit structural engineering details of any retaining wall along the proposed access road, which could be secured via a suitably worded planning condition.

Finally, it is noted that the site is constrained by the topography of the land surrounding the proposed development. In addition, it is considered there will be a significant level of soil excavation to create the development plateau. In order to protect the existing residents and the local highway network, the Highways Officer has also requested a condition which would agree the number, route and timings of construction traffic vehicles movements to ensure there is no detriment to highway safety.

On the basis of the above, the scheme is considered acceptable in highway safety terms.

Drainage

The Council's Drainage Officer has undertaken a site walkover of the plot and, along with Welsh Water, has raised no objection to the proposed development subject to the imposition of conditions requiring a comprehensive and integrated drainage scheme to be submitted and agreed by the Local Planning Authority (including during the construction phase) prior to any works commencing on the site which accords with Policy SP2 (13) of the LDP. The applicant is also advised that separate 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 in principle objections are raised against the scheme although it is recommended that the mitigation measures and recommendations of the Ecological Assessment and information submitted in respect of the presence on site of a qualified ecologist prior to any clearance works commencing, and appropriate protection of the water courses, are conditioned as part of any approved consent at the site. Conditions in respect of the landscaping of the site and appropriate control/treatment of invasive species are also recommended.

On this basis and given the existing characteristics of the application site it is considered that, overall, there will be no significant adverse residual impacts on biodiversity.

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

Mining/Land Stability

The application site is situated within the Development High Risk Area as defined by The Coal Authority and therefore within the application site and surrounding area there could potentially be coal mining features and hazards which need to be considered in relation to the determination of this planning application. The application is supported by a Coal Mining Risk Assessment (12/01/2022) that has been carefully considered by The Coal

Authority who consider that the content and conclusions of the Coal Mining Risk Assessment are sufficient for the purposes of the planning system and meets the requirements of Planning Policy Wales in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

Other Matters

The Council's Shared Regulatory Services/Public Protection (Contamination) Officer has highlighted that contamination is not known at the site, however, the potential for this cannot be ruled out and the unforeseen contamination condition is therefore requested in this case.

As a site that exceeds 0.15 Ha, the application would ordinarily trigger Policy COM5 of the Local Development Plan (LDP) regarding the provision of affordable housing, with Policy SP14 of the LDP requiring applicants to provide planning obligations or contributions if they are deemed necessary to offset any negative consequence of development.

The supporting text of Policy SP14 does highlight that it is important that development costs, including the costs of implementing planning agreements, should not prejudice development that supports the Council's aspiration to see the regeneration and improvement of the Borough.

If such costs would result in a proposal being unviable, the Council may conclude that the benefits of the development outweigh the benefits of seeking to secure all the infrastructural requirements. It should also be noted that whilst the total site area is usually considered large enough to accommodate 5+ units, the particular constraints of the site have led the applicant to seek consent for 3 units as per the advice and discussions held with the Case Officer to improve the overall design and quality of the development proposal.

It should also be acknowledged that appropriate residential development within the settlement boundary in the Valley communities of the Borough is something which the Local Planning Authority are keen to encourage given the general lack of development activity and the challenging viability that routinely applies to schemes in such locations. The Policies of the existing LDP require a viability assessment to prove this to be the case if they are to be challenged. In that regard the applicant has held discussions with the Council's Section 106 Policy Officer and provided an assessment which is welcomed and, when compared to viability information held by the Strategic Planning Team for the locality, it is concluded that the viability appraisal is genuine.

That being the case, the Local Planning Authority would support the notion that the benefit of providing 3 family sized homes in this location outweighs the need to provide a contribution to affordable housing, given that the requirement to do so could render the scheme completely unviable. Given the above, there is no request for Section 106 requirements in this case.

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

1. The consent hereby granted shall be limited to the construction of three detached dwellings only and shall be carried out broadly in accordance with the following approved plans and documents:
 - Illustrative site layouts and house plans (as amended) of the development - Received 08 June 2022
 - The Conclusions and Recommendations for mitigation of the Preliminary Ecological Appraisal prepared by East Ecology and the supporting email received 08th June 2022 (in respect of further biodiversity mitigation measures).

Reason: To avoid doubt and confusion as to the nature and extent of the approved development and in the interests of protecting the amenities of the area and preventing the overdevelopment of the site.

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

Reason: To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the area and to 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 dwellings in relation to existing ground levels and the finished levels of the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

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

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

outlining how surface water runoff will be managed during the construction phase for the development has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented for the duration of the construction phase.

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

7. 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.

8. 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.

9. 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.

10. No development shall commence until there has been deposited with the Local Planning Authority a Certificate from a consulting engineer certifying that any retaining wall(s) will be designed and constructed so as to prevent any subsequent ground movement. Any retaining wall shall be constructed in accordance with the details so certified.

Reason: In the interests of public safety.

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

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

12. No development shall commence until a scheme detailing the vehicular and pedestrian access from the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The agreed access shall be implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway safety.

13. No development shall commence until a scheme for the provision of 3 (three) off street parking spaces per dwelling has been submitted to and approved in writing by the Local Planning Authority. The parking areas shall be implemented in permanent materials before the development is brought into beneficial use and retained for parking purposes in perpetuity.

Reason: In the interests of highway safety.

14. No development shall commence until a scheme for the provision of a dedicated recycling and waste area adjacent to the highway has been submitted to and approved in writing by the Local Planning Authority. The waste area shall be implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway and pedestrian safety.

15. No development shall take place, including any works of demolition/site clearance, until a Construction Traffic Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement and accompanying site plan shall provide for:

- i. The routeing and timing of HGV construction traffic to/from the site especially during the muck shift operations in order to avoid the network peak hours and school pick up / drop off times.
- ii. the parking of contractor vehicles, site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. the provision of temporary traffic and pedestrian management along the existing turning head and road leading to the site.

Reason: In the interests of highway and pedestrian safety.

16. No works shall commence on site until design details, duly certified by a professional engineer, including full engineering details and structural calculations of any retaining wall abutting or having an influence on the highway have been submitted to and approved in writing by the Local Planning Authority. The retaining structures shall be constructed in accordance with the approved design and construction details prior to the occupation of any of the units and maintained thereafter in perpetuity.

Reason: In the interests of highway safety.

17. * 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, ecology or land stability.

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. 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.

h. 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.

i. 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.

j. 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.

k. The applicant is advised that the nearby Right of Way(s) situated in close proximity to the boundaries of the site must be kept clear of any materials whilst works are being carried out.

l. The applicant is advised that given the proposed development approaches and would be built close to the boundary of the site due regard must be given to the provisions of the Party wall etc Act 1996. The Act puts in place a framework of notifications and agreements between neighbours to ensure that development can take place without detriment to adjoining owners.

m. The Highway Authority reserves the right to invoke the powers contained in Section 59 of the Highways Act 1980 and recover additional expenses incurred in maintaining any damage to certain lengths of adopted highway network as a result of this development.

n. The Developer is reminded that consent under the Town and Country Planning Act 1990 conveys no approval under the Highways Act 1980 for works to be undertaken affecting any part of the public highway including verges and footways.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None

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REFERENCE: P/22/211/FUL

APPLICANT: Bara Foods c/o Simply Planning, 214 Creative Quarter, 8a Morgan Arcade, Cardiff CF10 1AF

LOCATION: **Bryant Centre, Commercial Street, Nantymoel CF32 7RA**

PROPOSAL: Retrospective planning permission for the change of use of the building from a nursery (Use Class D1) to A3 use including the erection of a kitchen, siting of a food van and a seating area to the rear of the property.

RECEIVED: 24 March 2022

DESCRIPTION OF PROPOSED DEVELOPMENT

Simply Planning Limited have submitted this retrospective application on behalf of Bara Foods, seeking permission to change the use of the Bryant Centre, a community building on Commercial Street, Nantymoel, to an A3 use for the sale of food and drink for consumption on the premises with take-away facility.



Photos of Bryant Centre – April 2020

The use will operate from the main Bryant Centre building and an area of ground to the rear that was enclosed as part of a previous use. The submitted floor plans indicate that a kitchen, servery, WCs, seating and collection area will occupy the main building, from which an outdoor seating for 18 patrons will be accessed. The remaining external space is occupied by an outdoor kitchen area, BBQ and van from which pizzas will be prepared and sold. It should be noted that whilst the fixtures and fittings have already been installed for the intended use, it has not yet commenced.

- Opening hours, construction of a kitchen.

Community Council Councillors have requested that consideration is given to the fact that there is a hot food outlet less than 50yds away (Ruchi) and that the area does not become strewn with rubbish. Are there adequate waste disposal methods going to be in place and is there a waste disposal policy?

Transportation Officer (Highways) No objection.

Shared Regulatory Services Request that the following conditions are attached to any consent:

Public Protection: Noise

- No charcoal fuel cooking facilities to be used.
- The operating hours for the business will be from 12pm-10pm.
- The outside area would only be available to use from 12pm-8pm. The area will only be available for customers who wish to eat after the purchase of food from the Pizza Van. Table service will not be offered, and the area will not be operating as a café or take any bookings. The outdoor sitting area will be closed after 8pm. The takeaway and delivery service will be available until 9pm and the business will be closed by 10pm.
- The proposed mobile van in the application shall be powered by mains electric (so that no generator is in use).

Natural Resources Wales We have no objection to the proposed development as submitted but have provided advice on flood risk.

PUBLICITY

This application has been advertised through direct neighbour notification and the erection of a site notice. The applicant's agent amended the description of development to more accurately reflect the proposed use and letters of re-notification have been sent to residents and the Community Council. The period allowed for response to consultations/publicity expires on 11 July 2022. In response to the consultation undertaken letters of objection have been received thus far from the occupiers of the following properties:

- 1 Glanavon Terrace
- 11 Station Road

The following is a summary of the objections received:

- Question the validity of the application form and the accuracy of the information provided - Bara Foods did not supply any information about the proposed hours of opening of either the indoor A1 Use Class ice cream parlour and shops or the outdoor A3 Use Class Bara Pizza & BBQ. Bara Foods' website has advertised that the huge menu of hot food offered by Bara Pizza & BBQ in Nantymoel will be available until 11pm.
- There is no night-time economy in this part of Nantymoel and such a development would be better in the commercial district centre of the village. Bara Pizza & BBQ would undoubtedly be to the detriment of community safety because it may well create a focal point for anti-social behaviour.
- The lighting is light pollution in a peaceful semi-rural riverside area
- Potential noise that could be generated from the combination of sounds emanating

from the use affecting the living conditions of existing residents – loud music, customers congregating outside, vehicle noises etc. - the worst time for the inevitable noise nuisance will be during daylight hours when local people are able to enjoy the sounds of nature in their own gardens and in the local open public space.

- Concern about the nature of the use which will be A3 and not A1 – a huge range of food will be prepared and sold from the premises.
- There will be a significant intrusive odour from open air cooking for up to 11 hours a day hanging around an area of beautiful riverside public open space at the bottom of an extremely narrow valley. Wood smoke contains 16 kinds of particulate polycyclic aromatic hydrocarbons (PAHs) which have long been known to have carcinogenic effects.
- The concept of the Bryant Centre building would be converted to an “ice cream parlour” is a public relations exercise to make the change of use of the building more palatable to opponents of the development - the floor plan does not contain any reference to an ice cream parlour.
- The development will result in the loss of public open space and a public building which was dedicated to the community - the Bryant Centre should remain in D1 Community Use.
- No information regarding waste storage and collection - the lack of adequate storage space leads to the unsightly presence of wheeled bin containers permanently sited outside the premises and even on the highway - trade waste and recyclable materials should not be stored on the grass surrounding the Bryant Centre - this will both look unsightly and will over time damage the grass as the bins are wheeled over it to reach the road.
- To prepare Food and Keep premises Clean for Selling and Serving food there will be Hazardous Substances which should be used and Stored under Strict COSH regulations but again the Box is ticked for no. So how do they intend to keep to the Food Standard Agency regulations
- Proposed use will generate litter - a huge increase in the amount of litter dumped all around the open public space, on the riverbank and in the river itself – this will inevitably lead to potential increased rat infestation
- The change of use of The Bryant Centre to Bara Pizza & BBQ will contribute to a concentrated cluster of takeaway food outlets and in no way contributes to diversification of the small parade of shops in Commercial Street or to diversification in the village of Nantymoel as a whole.
- Ownership Certificate - Bridgend County Borough Council is the owner of all the land - has Bara Foods served Notice on Bridgend County Borough Council, appropriate Notice? The Planning Agent does not identify a named “owner” of the Bryant Centre but only identifies that they use the contact address.
- With reference to Bridgend County Borough Council’s Hot Food Premises Policy (SPG 14) - the proposed development at the Bryant Centre site appears to be both a take-away and a café. The SPG states that any new “hot food takeaway establishments” should be developed “in a Town or District Centre”. Outside defined town and district centres giving Planning permission for hot food takeaways therefore should be dependent on demonstrating that: “an unfulfilled local need exists for the development in the neighbourhood”. There are existing facilities. The SPG considers noise and disturbance, smells and discharge of fumes from cooking and heating equipment, storage and disposal of waste products and litter, parking, servicing and highway safety, light pollution and an increase in antisocial behaviour or crime. None of these issues have been satisfactorily addressed by the application.
- There is a lack of parking immediately outside this premises being one small ‘Lay-By’, which may accommodate 2 vehicles – this is deficient. Parking on the ‘Public Highway’ is permitted there but this is on an already congested road which is also a Busy Bus Route between a ‘Brow of a Hill and a Bend in the Road’ making it difficult and

dangerous to see any distance ahead let alone reverse a bus should the road become too congested.

A letter of support has been received from the occupiers of 9 Station Road, Nantymoel

The owners of Ruchi Tandoori Takeaway have no objections to the development.

Any additional comments that are received in respect of the re-consultation will be brought to Member's attention on the Amendment Sheet.

COMMENTS ON REPRESENTATIONS RECEIVED

Concerns made around compliance with Policy, impacts on amenity and highway safety will be considered in detail in the appraisal section of this report. The following comments are offered in response to the other issues raised:

- Inaccuracies in the original planning submission have been corrected and the description of development changed.
- The only lighting associated with the use would appear to be around the outside seating area. It appears to be low level and unlikely to be obtrusive.
- No details have been provided in respect of the storage and collection of waste. Such details could be the subject of a scheme to be submitted in response to a planning condition should the Council be minded to approve this application.
- Permitting this use would add to the existing small number of commercial uses within this part of Nantymoel. At this scale, it does not represent an unacceptable concentration of takeaway uses that would conflict with the retaining Policies of the development plan. Impacts on amenity will be considered later in the report.

RELEVANT POLICIES

Local Policies

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

Policy PLA1 Settlement Hierarchy and Urban Management
Policy SP2 Design and Sustainable Place Making Policy
Policy SP3 Strategic Transport Planning Principles
Policy PLA11 Parking Standards Policy
Policy ENV7 Natural Resource Protection and Public Health
Policy SP10 Retail and Commercial Hierarchy Supplementary
Policy SP13 Social and Community Facilities
Policy COM7 Protection of Social and Community Facilities
Policy SP14 Infrastructure

Supplementary Planning Guidance 14 Hot Food Takeaway Establishments
Supplementary Planning Guidance 17 Parking Standards

National Policies

In the determination of a planning application regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan.

The following Welsh Government Planning Policy is relevant to the determination of this Planning application:

Future Wales – the National Plan 2040
Planning Policy Wales Edition 11

Planning Policy Wales TAN 4 Retail and Commercial Development
Planning Policy Wales TAN 11 Noise
Planning Policy Wales TAN 12 Design
Planning Policy Wales TAN 18 Transport
Planning Policy Wales TAN 23 Economic Development

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

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

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

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

THE SOCIO-ECONOMIC DUTY

The Socio-Economic Duty (under Part 1, Section 1 of the Equality Act 2010) which came 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 comments received from the Local Member (at the time the application was submitted) and the objections received from 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:

1. Whether the principle of introducing an A3 use in this location (outside an established commercial centre) with the associated loss of a social and community facility is acceptable
2. Would the use have an unacceptable impact on the living conditions of residents through excessive noise, odours, and litter and could any impacts be minimised through appropriately worded planning conditions
3. Would the use have any impacts on the users of the public highway and highway safety

Whether the principle of introducing an A3 use in this location, (outside an established commercial centre) with the associated loss of a social and community facility is acceptable

The site is located within the local settlement of Nantymoel as defined by Policy PLA1 Settlement Hierarchy and Urban Management of the Bridgend Local Development Plan (LDP) adopted in 2013. Local service settlements have a narrower range of services than main settlements, but they act as focal points for the surrounding locality for retail and community facility provision. Historically, the area to the south of the application site was

defined as a commercial area but with the closure of many of the retail units over the last 20 years and their change to residential uses, such a designation does not currently exist in the current Development Plan. Nevertheless, Policy PLA1 does broadly support development of an appropriate scale that is commensurate with the role and function of the settlement. Development in the terms of the Policy would include both residential and commercial uses.

The application site lies entirely within Zone C2 of the Development Advice Maps (DAM) as contained in TAN15 and Flood Zone 3 Rivers as identified in the Flood Map for Planning. On the basis that the proposal is for the change of use to a less vulnerable development (Use Class A3) and that the scale and nature of the development is limited, Natural Resources Wales (NRW) has no objection to the application. It will however be necessary for the developer to made aware of the potential flood risks and advised to install flood-proofing measures as part of the development. On the basis that such works would be internal, notes could be attached to any permission granted advising of NRW's requirements.

As set out in the introduction to this report and planning history, the Bryant Centre was developed in the 1970s with its intended use as a nursery being to serve the local community. Whilst various uses may have occupied the building since, none have been the subject of a planning permission. On the evidence before the Local Planning Authority, the lawful use would therefore be a nursery which falls within Class D1 – Non-residential Institutions. Other uses within this Class include clinics, health centres, crèches, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court, non-residential education and training centres. It would appear that any of those uses could be introduced to the Bryant Centre without the need for planning permission. Almost all of the aforementioned uses would serve the wider community and are important to the health and well-being of the community. Policy SP13 of the LDP seeks to retain or enhance such facilities to ensure no section of the community is excluded from having access to basic services with the overall aim of creating sustainable and inclusive communities. Policy COM7 goes further and aims to protect all existing social and community facilities that provide a valuable role in their communities against development which would result in their loss and have an adverse impact on the community within which they are intended to serve. The Policy states:

Proposals which result in the loss of existing or proposed social and community facilities will not be permitted unless justified on one of the following grounds:

- 1. A suitable alternative location is available, and a facility of equivalent community benefit is provided by the developer on or off the site; or*
- 2. In the view of the local planning authority the existing facility is no longer required for the current use, or any other social and community uses, or there is already an excess of such provision in the area.*

The statement submitted in support of the application by the applicant's Planning Consultant considers the Policy and suggests that the most recent use of the property was as a nursery but this was ended when an alternative and more appropriate nursery site was identified at Isfryn Industrial Estate (a new Welsh Medium Childcare Facility has been consented on land adjacent to Isfryn Industrial Estate – P/20/307/BCB refers). It is suggested that the building in Nantymoel is no longer required for the use with the need being met by the alternative facility. It should be noted that whilst works have commenced on the development on Isfryn Industrial Estate, the new nursery building has not been completed. The consultant has also referenced the former use of the building as an OAP Centre but indicates that it was unable to sustain the use because of difficulties with

access and a lack of insulation.

Reference has also been made to the Ogmore Valley Strategy and Action Plan 2022-2027 (OVSAP) which considers the quality of community facilities within Ogmore Valley. The report appears to talk in general terms rather than anything specific to the application site. The report which was commissioned by Bridgend Reach in June 2020 to help develop a five-year strategy and 'SMART' Action Plan for Ogmore Valley Community Council describes the facilities as 'patchy' and often 'unfit for purpose and poorly equipped'. The consultant claims that the building is not designed for community use and would be considered as 'unfit for purpose and poorly equipped'. Reference to the survey work undertaken as part of the commission has been made and to the answers given to the questions as to how the public rate the services and facilities currently being provided for people and communities living in the Ogmore Valley area and how they could be improved? One respondent noted that there were too many small single-purpose facilities. Renovation and repairs to such facilities can be costly and unsustainable.

Based on the above, the applicant's agent has concluded that a facility of equivalent community benefit has already been provided (Isfryn Industrial Estate, Blackmill) and that the existing facility is no longer required for the current use or any other social and community uses due to its unsuitability for these purposes. The OVSAP report also indicates that there are already sufficient community facilities within Ogmore Valley and that larger and more fit for purpose buildings are instead what is required. As such, the loss of the community facility would not conflict with the relevant local policy.

The applicant's claim that an alternative 'nursery' facility has been provided in an alternative location is somewhat premature on the basis that the building has not been constructed. Consent has however been secured although there was no indication the planning submission that the Welsh Medium Childcare Facility in Blackmill that it was replacing the use in the Bryant Centre. It will nevertheless provide a community building that will be principally used for childcare, but potentially other community uses. Its location was also chosen due to its relatively central location in the Ogmore Valley.

Although no building surveys have been submitted with the application, the applicant's claim that the building is unfit for community use would appear to have some merit. From the photos and plans, the building has a temporary appearance albeit, it has occupied the site for nearly 50 years. Any insulation is unlikely to be up to the standards of a modern building such as that being erected in Blackmill. Whether it could still provide an acceptable level of accommodation for certain community uses must be questionable.

Objectors have rightly highlighted the loss of this community facility but have not provided any evidence to suggest that that demand for community uses is not already been met by existing buildings. Furthermore, it is understood that the building has been vacant for a number of years. Representation has been received around the issue of land ownership and whether the owner of the building has the right to pass on this community facility. It appears that the Bryant Centre may be managed by a Trust and on land that is owned by the Council. The correct Notices have accompanied the application and the issues of control are not material to any planning decision.

Based on the evidence provided by the applicants, it would appear that there is no longer a need for a nursery in this location and any need for such a building is already met by the existing and new facilities. On balance, it is considered that the existing community facility is no longer required for the current use and in principle, the development is considered acceptable.

Would the use have an unacceptable impact on the living conditions of residents

through excessive noise, odours, and litter and could any impacts be minimised through appropriately worded Planning conditions

Perhaps the key consideration in the determination of this application is the impact of the development on residential amenity. Planning Policy Wales (Edition 11, February 2021) states at paragraph 2.7 that placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level such as considering the amenity impact on neighbouring properties and people. National Policy recognises that activities associated with some retail and commercial uses are likely to be characterised by increased levels of noise, large gatherings of people, later operating hours and greater movements in traffic. Where new uses incorporating evening and night-time activities are located near to existing residential accommodation, applicants should include appropriate mitigation measures to counter potential impacts to amenity. Clean air and an appropriate soundscape contribute to a positive experience of place as well as being necessary for public health, amenity and well-being. The agent of change principle which is enshrined in Planning Policy Wales confirms that a business responsible for introducing a change is responsible for managing that change.

At a local policy level, 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 are not adversely affected by development proposals.

In response to the numerous applications that the Council historically received in respect of uses falling within Class A3 and specifically hot food takeaways, it published supplementary Planning guidance in 2007. Although produced in support of Policies in the Bridgend Unitary Development Plan (2005), its content is still relevant for the consideration of a current application. It recognises the contribution that such uses make to the vitality of a local centre but this must not be to the detriment of community safety and the living conditions of residents. In paragraph 3.2 it is noted that it was not uncommon for such applications to be submitted for uses in buildings outside of the defined town and district centres of the County Borough such as this. Such applications would have to be closely scrutinised to ensure that:

- an unfulfilled local need exists for the development in the neighbourhood; and
- residential amenity and community safety are not compromised.

SPG: 14 recognises that the primary concern of nearby residents in relation to Hot Food Takeaway Establishments is their effect on amenity of existing properties and community safety. This can be for a variety of reasons:

- Noise and disturbance from patrons of takeaways congregating outside establishments and noise from vehicles pulling-up outside premises with car doors opening and closing and car radios
- Smells and discharge of fumes from cooking and heating equipment
- Storage and disposal of waste products and litter
- Parking, servicing and highway safety
- Light pollution from inside premises and externally illuminated signage
- Increase of, or a perception of an increase in, antisocial behaviour or crime
- Delaying the emptying of town centres after pubs and clubs close

A number of those matters listed above have been offered as objections to this application.

As with all applications, they are judged on their merits having regard to the relevant Planning Policies and all other material considerations. Very often with this type of use their location is critical having regard to the proximity to residential properties. Commercial

Street is now predominantly residential in character (despite its name) with only a few commercial uses remaining including the public house, convenience shop and takeaway facility, all within some 100m of the application site. The nearest residential properties are on the elevated section of Station Road, some 30m from the Bryant Centre building.

The SPG considers specific locational scenarios where takeaway/restaurant uses may come forward. In an area which is completely residential in character, such uses would be unlikely to be acceptable on the basis the impact on the living conditions of residents would be too significant and in a manner that could not be controlled by conditions, (Category 1 Area). Objectors claim that the area is almost exclusively residential and have even suggested it has a semi-rural character in the sense that noise levels are relatively low however, as indicated above, some commercial uses do lie close to the application site and based on information online would appear to operate until late evening: Londis Store 22:00 hours all week apart from Sundays and Ruchi (Takeaway and Delivery Service) operating until 22:30 most nights apart from 23:00 hours on a Friday and Saturday night.

Although it is acknowledged that the number of commercial units is limited, they do exist along with the public house on Commercial Street. The context for this application is therefore more accurately described as a small retail area in an otherwise residential area, (Category 2 Area). Note 2 of the guidance suggests that any permission granted for a Hot Food Takeaway in this location should be conditioned such that it shall not be open to customers later than midnight.

Officers from the Neighbourhood Services Section of Shared Regulatory Services have visited site and noted its proximity to existing residential properties and have requested that any consent be conditioned such that the overall business will only operate between 12:00 hours and 22:00 hours with the outside seating area only to be used by persons purchasing food and only open between 12:00 hours and 20:00 hours. In addition, the takeaway and delivery service will only be able to operate until 21:00 hours.

These recommendations propose greater restrictions on the use than advised in the Supplementary Planning Guidance. It must therefore be questioned whether such limitations would be reasonable if challenged and enforceable from the Council's perspective. On the matter of reasonableness, there is a case to argue that such restrictions are justified given the close proximity of existing housing and particularly the potential for the outside seating area to create a degree of noise and disturbance where general background noise levels are relatively low. Importantly, the applicant through his agent has indicated a willingness to work within the limitations of the conditions. Enforceability is in many ways a matter for the Council and whilst any breaches would have to be evidenced by Officers, enforcement powers do exist to address such matters. Considering the living conditions of residents with regard to noise, it is considered that the controls over the use and hours of operations should offer sufficient safeguards.

Odours from the preparation and cooking of food and discarded waste and litter which are often the byproducts of such uses have also been highlighted by objectors but here again, controls can be introduced through the imposition of a condition that requires the agreement of an extraction scheme. Officers in Shared Regulatory Services were specific that no cooking with charcoal would be permitted on site. The applicants have agreed to omit the outside barbecue area. Married with the limitations on the hours of operation, these controls should ensure that air quality in the locale will not be significantly affected by the development. Members should be aware that other legislation outside of the Planning Act provides environmental protection.

No information has been provided as to how waste and litter will be managed as part of

the use. Refuse associated with the former and proposed use is likely to be stored within the yard at the rear and collected from the front of the building on Commercial Street. Whilst a takeaway use is likely to generate more waste, the arrangements for collection are unlikely to have any significant effect on the living conditions of residents. The propensity of takeaway uses to generate litter is a contentious planning objection and whilst it may be a material planning consideration, it is also controllable by other legislation. The nature of the proposed use (takeaways and deliveries) and the type of food that will be sold suggests that excessive litter should not be generated by the use however, litter coming from the outside seating area over the amenity areas adjacent to the Community Route cannot be discounted. A condition that requires the submission and agreement of a waste collection and litter management plan should address this specific aspect of amenity.

The visual impact of the works to the rear of the Bryant Centre must also be assessed with regard to the nearest residents and the general amenities of the area. Those properties in an elevated location to the east of the site will view parts of the extension and the van although the existing building provides a degree of screening as do the trees alongside the River Ogmore for properties to the west. The outside seating area, extension and van will however be seen by users of the community route but again the harm to the amenities of the users of this route would be minimal and would not represent a conflict with Policy.

Would the use have any impacts on the users of the public highway and highway safety

Criterion (6) of Policy SP2 aims to assess the site's sustainability in terms of walking, cycling, public transport and road connections to ensure efficient access to the proposed development. In addition, one of the main purposes of Planning Policy Wales is to seek to minimise the need to travel by car and maximise opportunities for people to make sustainable and healthy travel choices for their daily journeys.

In the supporting planning statement, the applicant has suggested that the application site is in a sustainable location in near proximity to residential areas and frequent bus services (approximately 2 an hour) can be accessed from a nearby bus stop. Attention has been drawn to the 12 parking spaces available on the nearby public car park located to the rear of 1C-2B Commercial Street which the applicant proposes would make adequate provision for the development.

The Principal Officer Highways Development Control has noted that the current consented use of the Bryant Centre is a Children's Day Nursery (D1 use). The proposal for a change of use to Class A3 (takeaway) is not considered to significantly change the peak traffic generation albeit it may take place during different times of the day. Given the layby fronting the site and the adjacent public car park, the proposal does not generate any highway concerns.

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

CONCLUSION

This application is being recommended for approval on the basis that the principle of introducing an A3 use of this type and scale outside the existing commercial areas would not adversely affect the vitality, viability and attractiveness of the Nantymoel Local Service Centre. Furthermore, given the buildings lack of use and other facilities being available, its loss to a commercial use should not be to the detriment of the wellbeing of the residents in

Nantymoel.

The potential for the use to impact on the living conditions is a possibility so in addition to the conditions that will control the use and hours of operation, it is proposed that a temporary consent is given for two years to allow the noise and odour impacts to be assessed. All other considerations material to the determination of this application such as highway safety and site drainage are satisfactorily addressed by the submission.

On balance, the application is recommended for approval subject to the imposition of the following conditions.

RECOMMENDATION

(R11) That temporary permission be GRANTED subject to the following condition(s):-

1. The permission and use hereby granted shall be for a period of two years from the date of this decision. The A3 use shall cease on or before the 15th July 2024 and the building shall be restored to its former condition. Any chattels or paraphernalia associated with the A3 use shall be removed from the land in their entirety and the land shall be restored to its former condition.

Reason: The development is only acceptable on a temporary basis to enable the Local Planning Authority to assess the impact of the use on the living conditions of residents and highway safety.

2. The development shall be carried out in accordance with the following drawings:
 - Site Location Plan Drawing Ref: 1101
 - Ground Floor Plan Drawing Ref: 1201
 - East and West Elevation Drawing Ref: 1301
 - North and South Elevation Drawing Ref: 1302

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

3. The premises shall be used as a takeaway with outside seating area and for the delivery of food only and for no other purpose including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: In the interests of residential amenities.

4. The use hereby permitted shall not be open to customers outside the following times - 12:00 hours to 22:00 hours seven days a week

The outside seating area shall not be open to customers outside the following times - 12:00 hours to 20:00 hours seven days a week

The delivery service will not be able to operate outside the following times - 12:00 hours to 21:00 hours seven days a week

Reason: In the interests of residential amenities

5. Prior to the beneficial use of the premises commencing, a scheme shall be submitted to and agreed in writing by the Local Planning Authority detailing the following:-

- the extraction system to be installed, including its siting, design, appearance, odour abatement and sound power/pressure levels generated by the external unit;
- a vertical section plan indicating the position and height of final openings;
- details of an odour management plan.

The equipment to control the emission of fumes, smell and noise from the premises shall be installed in accordance with the agreed scheme prior to the beneficial occupation of the premises and shall thereafter be operated and maintained in accordance with the agreed scheme for as long as the use continues.

Reason: In the interests of safeguarding the amenities of the area

6. Prior to the beneficial use of the premises commencing, a waste and litter management strategy shall be submitted to and agreed with the Local Planning Authority to demonstrate how waste and litter arising from the building will be managed and controlled. The waste management strategy will require that all waste shall be collected between the hours of 07.00 and 20.00 Monday to Friday and at no times on the weekend or Bank Holidays. The waste and litter management strategy shall be implemented in accordance with the submitted details and be retained and maintained in perpetuity.

Reason: In the interests of safeguarding the amenities of local residents.

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.	CAS-02006-Q7B8M6 (1953)
APPLICATION NO.	A/22/8/ADV
APPELLANT	WILDSTONE ESTATES LIMITED
SUBJECT OF APPEAL	FREESTANDING HOARDING SIGN (48 SHEET) 6M X 3M: LAND OPPOSITE 65 BETHANIA STREET (SOUTH OF SCOUT HALL), MAESTEG
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reason:

1. The proposed advertisement, by reason of its size, siting and design would constitute an unduly prominent and visually obtrusive feature that would contribute to unwanted visual clutter in the street scene to the detriment of the visual amenities of the locality, contrary to the aims of Planning Policy Wales (2021) and Policy SP2 of the Bridgend Local Development Plan (2013).

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

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
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE ALLOWED SUBJECT TO CONDITIONS.

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

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

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**

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

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 C**

Withdrawal of Enforcement Notice:

APPLICATION NO. ENF/186/20/ACK

APPELLANT MR DARREN JONES

SUBJECT OF APPEAL UNAUTHORISED USE FOR STORAGE/LAND REPROFILING
FORMER PUMP HOUSE, HEOL FAEN, MAESTEG

PROCEDURE ENFORCEMENT

DECISION LEVEL DELEGATED OFFICER

DECISION FURTHER INFORMATION HAS COME TO LIGHT AND THE
ENFORCEMENT NOTICE HAS BEEN WITHDRAWN WITH THE
APPEAL NOW BEING CLOSED WITH NO FURTHER ACTION

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 27/5/22

gan P J Davies BSc (Hons) MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 21/06/2022

Appeal Decision

Site visit made on 27/5/22

by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 21/06/2022

Appeal Ref: CAS-01627-Y0D5V5

Site address: 22 Chestnut Drive, Newton, Porthcawl CF36 5AD

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 Tony Smith against the decision of Bridgend County Borough Council.
- The development is raised patio above shed and raised patio with balustrade and relocated steps.

Decision

1. The appeal is allowed, and planning permission is granted for a raised patio above shed and raised patio with balustrade and relocated steps at 22 Chestnut Drive, Newton, Porthcawl CF36 5AD in accordance with the planning application, Ref P/21/493/FUL dated 23 May 2021, subject to the following condition:
 1. Within one month of the date of this permission, details of a 1.8 metre high obscurely glazed screen to be erected along the western boundary of the patio, and a 1.2 metre high obscurely glazed screen to be erected along the southern boundary of the patio, shall be submitted to and agreed in writing by the local planning authority. The screening shall be carried out in accordance with the approved details within two months of the date of the approval of the details by the local planning authority and shall thereafter be retained in perpetuity.

Procedural Matters

2. Notwithstanding the description given in the application form, I have adapted the description used in the Council's decision notice as it is more concise. The patio is largely complete, and I have therefore considered the appeal on the basis it seeks retrospective planning permission.

Main Issue

3. This is the effect of the development on the living conditions of the occupants of No 20 Chestnut Drive.

Reasons

4. The patio comprises two main elements: a lower section running along most of the rear width of the dwelling with steps into the lower garden, and a smaller section some 400mm higher which has steps leading up from the lower patio. This has been constructed above an existing shed which is subsequently retained into the void underneath the patio. The Council does not object to the lower patio or steps, and I do not disagree. Similarly, given the distances and intervening landscaping, there would be no adverse effects on the living conditions of the occupiers of No 2 Cedar Gardens which abuts the rear boundary of the appeal property. The main issue is concerned with the raised section above the shed and its impact on the occupiers of No 20 Chestnut Drive (No 20).
5. The raised section is sited on or very close to the common boundary and this allows for views across No 20's lower garden. However, the street has a dense built-up residential character with dwellings built close together and with short gardens that fall steeply away to the rear. This results in a significant degree of existing intervisibility across gardens, which are overlooked at close quarters by rear windows as well as other neighbouring raised patios. The existing standards of privacy within gardens are not therefore very high. In these circumstances, the minor additional height of the patio would not materially change the existing levels of overlooking across No 20's garden. When standing on the appeal patio, there are oblique views towards No 20's rear patio. Nonetheless, the appeal property has a garage alongside the boundary which projects beyond the rear elevation. This provides a partial block to the view, and the proposed boundary screen would provide further suitable mitigation. Given the lightweight semi-transparent nature of a glass screen, I do not consider that its height above the level of the neighbouring garden would result in any unneighbourly effects.
6. I conclude that the development would not harm the living conditions of the occupants of No. 20, and it would comply with Policy SP2 of the Bridgend Local Development Plan. It would also comply with the objectives of the Council's Supplementary Planning Guidance 02: Householder Development.

Conclusion

7. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.
8. For the above reasons and having regard to all matters raised, the appeal is allowed.

P J Davies

Inspector



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 27/5/22

gan P J Davies BSc (Hons) MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 28.06.2022

Appeal Decision

Site visit made on 27/5/22

by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 28.06.2022

Appeal Ref: CAS-01807-Z5P1R1

Site address: 8 Rhyd Y Nant, Pencoed, Bridgend CF35 6JD

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 Thomas Smith against the decision of Bridgend County Borough Council.
- The development proposed is remove garage / utility; two storey side extension; single storey porch / WC / playroom extension to front; hardstanding to front.

Decision

1. The appeal is dismissed.

Procedural Matter

2. Notwithstanding the description given in the application form, I have used the description in the Council's decision notice and appeal form as it is more accurate.

Main Issue

3. This is the effect of the proposal on the character and appearance of the area.

Reasons

4. The Council has no concerns with the front single storey lean to extension, and I do not disagree. The issue relates to the proposed two storey side extension and the hardstanding.
5. The appeal property is in an established built-up residential area containing dwellings of similar ages and design albeit in a mixed orientation of mostly detached and semi-detached arrangements. It is a detached house with a single storey side garage built up to the side boundary with the neighbouring property No. 6, a semi-detached house which also has a similar side garage built on the boundary. The two properties are therefore effectively joined at ground floor level. Along Rhyd Y Nant, most dwellings are set back with front gardens and driveways enclosed by low walls and / or hedges which create a

pleasant spacious impression. The housing layout is informal and the gaps between dwellings at first floor level provide visual relief that positively contribute to the context that I have described.

6. The proposed two storey extension would be constructed with a gable end wall projecting out to the side boundary and extending from the existing ridge height of the dwelling. Although its scale and design would be consistent with the existing dwelling and its surroundings, it would significantly erode the gap at first floor level, resulting in a close relationship with the adjacent dwelling.
7. The Council's Supplementary Planning Guidance 02: Householder Development (SPG02) says that no side extension should have a design that if repeated on the adjoining property, would create the appearance of terraced housing. This advice is particularly pertinent to the appeal site and its surroundings, given the importance of the spacing and arrangement of dwellings to the area's character. I note that there is planning permission for a two storey side extension at the neighbouring property No. 6. However, whilst the appellant refers to a gap between dwellings being necessary, any such gap would likely be very small. The siting of the two storey extension on or very close to the boundary therefore has the potential to result in a large visually unrelieved mass of built form with the appearance of a terrace, which would be out of character with the area's context. The minor individual differences in design between the proposed and approved extensions would do little to offset this harm.
8. I note that there is a two storey side extension at the property opposite (No 3), but this is unlike the appeal proposal insofar as it has a sloping lean to roof much lower in height, which allows for a greater visual gap. My attention is also drawn to other extensions in the area, but I have considered the proposal in its own context, and I saw none that would warrant the identified harm. The nondescript nature of the housing character also does not justify poor design.
9. The proposal would result in most of the front grassed area being removed to create a hard surface for parking. The Council indicate that three spaces would be required and that these could be accommodated within the area provided. Nonetheless, and although there is scope to retain some of the existing hedge, the property frontage would have a hard built-up appearance, especially when cars are parked there. This would have an adverse impact on the pleasant openness of the street's appearance. No scheme of landscaping or other viable measures to soften the appearance of the hardstanding is provided and I am not persuaded therefore that this is a matter that could be resolved with a planning condition.
10. I conclude that the proposed development would cause material harm to the character and appearance of the area contrary to Policy SP2 of the Bridgend Local Development Plan and SPG02.

Conclusion

11. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.
12. For the above reasons and having regard to all matters raised, the appeal is dismissed.

P J Davies

Inspector



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 27/5/22

gan P J Davies BSc (Hons) MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 21/06/2022

Appeal Decision

Site visit made on 27/5/22

by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 21/06/2022

Appeal Ref: CAS-01573-X1N9P0

Site address: 8 Willesden Road, Cefn Glas, Bridgend CF31 4RE

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 Amy Dance against the decision of Bridgend County Borough Council.
- The development is described as the retention of garden fence.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description given in the application form, I have used the description given on the appeal form as it is more concise. The fence has been erected and I have therefore considered the appeal on the basis it seeks retrospective planning permission.

Main Issues

3. These are the effects of the development on the character and appearance of the area, and highway safety.

Reasons

4. The fence consists of solid timber and occupies a prominent position close to a road junction. It is viewed primarily in the context of Willesden Road which has an open and spacious appearance derived from reasonably large front gardens and driveways which are mostly semi enclosed with low walls and fences. Higher forms of enclosure are in the minority, and include trees or hedgerows which have a soft verdant impact on the street scene.
5. The height of the fence is around 1.7 – 1.8 metres and has been constructed behind a low dwarf wall close to the back edge of the pavement along Willesden Road. It cuts back to a point approximately midway along the front elevation of the appeal property, and takes a

'dog leg' form around a parking space that is accessed from Willesden Road. The extent and scale of the fence is substantial, and together with its height and solidity, it results in a stark and visually dominant form of enclosure that significantly erodes the open and spacious impression of the street scene. Although photos of other forms of enclosure have been provided to me, in this particular location, the fence is demonstrably untypical of its individual context and is a visually harmful feature.

6. Turning to highway safety, the height of the fence and its position alongside the pavement and its return against the parking space, severely limits visibility to the south-east for drivers emerging from the space. Likewise, pedestrians and other road users approaching in this direction would have little visible warning of cars leaving the space. The absence of adequate visibility spays therefore results in an unacceptable risk of pedestrian and / or vehicular conflict.
7. I conclude that the development is harmful to the character and appearance of the area and highway safety, contrary to Policy SP2 of the Bridgend Local Development Plan and the objectives of the Council's Supplementary Planning Guidance 02: Householder Development.

Conclusion

8. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.
9. For the above reasons and having regard to all matters raised, the appeal is dismissed.

P J Davies

Inspector

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO DEVELOPMENT CONTROL COMMITTEE

14 JULY 2022

REPORT OF THE CHIEF OFFICER LEGAL, HR, REGULATORY SERVICES AND CORPORATE POLICY

NOMINATION AND APPOINTMENT TO THE RIGHTS OF WAY SUB-COMMITTEE

1. Purpose of report

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

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

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

3. Background

- 3.1 The remit of the Development Control Committee includes the nomination and appointment of 6 of its Members to form the Rights of Way Sub-Committee, with the Chairperson and Vice-Chairperson of the Development Control Committee fulfilling the same role for the Rights of Way Sub-Committee.
- 3.2 The Annual Meeting of Council on 18 May 2022 approved changes to the membership of the Development Control Committee and, as a result of this, the nomination and appointment of Members to the Rights of Way Sub-Committee needs to be considered.

4. Current situation/proposal

4.1 The Rights of Way Sub-Committee currently consists of six Members of the Development Control Committee and it is proposed that no change is made to the number of Members on the Sub-Committee, as outlined in the Council's Constitution.

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

Labour - 3 Members – (to include the Chairperson and Vice-Chairperson of the Development Control Committee
Bridgend County Independents – 2 Members
Democratic Alliance - 1 Member

5. Effect upon policy framework and procedure rules

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

6. Equality Act 2010 implications

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

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

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

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

8. Financial implications

8.1 There are no financial implications regarding this report.

9. Recommendation

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

- 3 Labour Members (to include the Chairperson and Vice-Chairperson of the Development Control Committee)
- 2 Bridgend County Independent Members
- 1 Democratic Alliance Member

K Watson

CHIEF OFFICER LEGAL, HR, REGULATORY SERVICES AND CORPORATE POLICY
July 2022

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Background documents: None

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO THE DEVELOPMENT CONTROL COMMITTEE

14 JULY 2022

REPORT OF THE CHIEF OFFICER – LEGAL, HR, REGULATORY SERVICES AND CORPORATE POLICY

DEVELOPMENT CONTROL COMMITTEE SITE VISIT PANEL

1. Purpose of report

- 1.1 The purpose of this report is for the Development Control Committee to consider nominating three Members to form the Committee's Site Visit Panel, which is to comprise of the Chairperson, Vice-Chairperson and a third Member and to also nominate a reserve Member to sit on the Panel, should any of the three nominated Panel Members be unavailable.

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

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

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

3. Background

- 3.1 At a meeting of the Development Control Committee on 9 June 2016, the Committee agreed to establish a Site Visit Panel. The Committee at that meeting appointed four of its Members to form the Panel, in order to undertake visits of planning application sites, with the composition of this Panel being the Committee Chairperson, and the Vice-Chairperson, together with the two other Members.

4. Current situation / proposal

- 4.1 The Annual Meeting of Council of 18 May 2022, approved the membership of the Development Control Committee and the Committee is now recommended to consider the membership of the Site Visit Panel moving forward.

4.2 Although Site Visit Panel meetings have not taken place since prior to March 2020 due to the Covid-19 pandemic and subsequent restrictions, it is likely that at some point in the future, Development Control Committee site visits will recommence as part of the consideration of the processing of planning applications.

4.3 At its meeting on 17th September 2020 the Committee agreed to amend the Planning Code of Practice on Site Visits as set out below(Minute 413):-

“During times of restriction and in order to comply with social distancing protocols, full Committee site visits will be suspended. Where site visits are deemed by the Chair to be essential they shall be in the form of a Panel or an Expanded Panel. The Expanded Panel will comprise of the normal Panel (Chair, Vice and third Member) as well as up to three additional members to be drawn from a pool of volunteers from the DC Committee. It is reiterated that an Expanded Panel visit should only be necessary in exceptional circumstances and where a Panel visit would not be sufficient however, the ability to undertake site visits may be overridden by any subsequent national or local restrictions imposed as the result of national emergency or public safety”.

4.4 Committee agreed to extend this arrangement for a further 12 months or until Covid restrictions are fully lifted at its meeting on October 28th 2021(Minute 538).

4.5 It is proposed that these temporary arrangements are continued on the same basis as agreed by Committee in October 2021.

5. Effect upon policy framework and procedure rules

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

6. Equality Act 2010 implications

6.1 The protected characteristics identified within the Equality Act 2010, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

7. Well-being of Future Generations (Wales) Act 2015 Implications

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

- Long-term - The approval of this report will assist in the long term planning of the business associated with one of the Council’s Regulatory Committees, in both the short term and in the long-term;
- Prevention - Having a Development Control Site Visit Panel, assists in promoting good governance;
- Integration - The report supports all the Council’s well-being objectives.
- Collaboration - The composition of a Development Control Committee Site Visit Panel will in due course, help assist the Committee in achieving increased effective decision making;

- Involvement - Establishing a Site Visit Panel allows Members to be fully apprised of planning applications to be considered by Committee, in the presence of key representatives, for example local Members, Town/Community representatives, objectors from the local community, applicants/their agents, together with representation from any other key statutory undertakers, where appropriate.

8. Financial implications

8.1 The cost implications relating to the report will be met within existing budgets allocated for Members allowances.

9. Recommendation

9.1 That the Development Control Committee nominate Members to sit as its Site Visit Panel to include:

- The Chairperson of the Development Control Committee;
- The Vice-Chairperson of the Development Control Committee;
- A third Member;
- A reserve Member (to sit on the Panel should any of the above be unavailable).
- To set up expanded site visit Panels where necessary and to authorise the Group Manager Planning and Development Services and the Development and Building Control Manager to make the necessary arrangements in conjunction with the Chairperson.

K Watson

**CHIEF OFFICER – LEGAL, HR, REGULATORY SERVICES AND CORPORATE POLICY
July 2022**

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Background documents:

None

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TRAINING LOG

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

<u>Subject</u>	<u>Date</u>
Local Development Plan (LDP) update	13 July 2022
Amenity space – Building in gardens workshop	24 August 2022
Public Rights of Way / Bridleways	5 October 2022
Tree Policy - Green infrastructure	16 November 2022
Building in Conservation Areas	28 December 2022

Recommendation:

That the report of the Corporate Director Communities be noted.

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

BACKGROUND PAPERS

None

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