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Bridgend County Borough Council



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*Rydym yn croesawu gohebiaeth yn Gymraeg.
Rhowch wybod i ni os mai Cymraeg yw eich
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*We welcome correspondence in Welsh. Please
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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: Thursday 29 September 2022

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held remotely - via Microsoft Teams on **Thursday, 6 October 2022 at 10:00.**

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 25/08/2022
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/22/535/RLX - 39 Hunters Ridge, Brackla, Bridgend, CF31 2LH 11 - 22

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8.	<u>P/21/118/OUT - Land at Minffrwd Close, Pencoed, Bridgend, CF35 6SE</u>	23 - 38
9.	<u>P/22/335/FUL - 26 Pant Glas, Pencoed, Bridgend, CF35 6YL</u>	39 - 48
10.	<u>P/22/337/FUL - 28 Pant Glas, Pencoed, Bridgend, CF35 6YL</u>	49 - 58
11.	<u>Appeals</u>	59 - 64
12.	<u>Training Log</u>	65 - 66
13.	<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.	

Please note: Due to the current health and safety requirements 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 Kearns
W J Kendall
J E Pratt
MJ Williams
R Williams

Agenda Item 3

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 25 AUGUST 2022

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD REMOTELY - VIA MICROSOFT TEAMS ON THURSDAY, 25 AUGUST 2022 AT 10:00

Present

Councillor RM Granville – Chairperson

H T Bennett	A R Berrow	RJ Collins	C L C Davies
H Griffiths	S J Griffiths	D T Harrison	M L Hughes
M R John	MJ Kearns	W J Kendall	J E Pratt
MJ Williams	R Williams		

Apologies for Absence

N Clarke and D M Hughes

Officers:

Rhodri Davies
Gareth Denning
Michael Pitman
Jonathan Parsons
Rod Jones
Julie Jenkins
Rob Morgan

27. DECLARATIONS OF INTEREST

Councillor J Pratt declared an interest in Agenda item 8 as a member of Porthcawl Town Council, but who takes no part in planning matters. He added that the applicant had contacted him by email asking him if he would give his support to the application. As a member of the Development Control Committee however, he advised the applicant that he could not do this, as he had to look at all agenda items impartially.

28. APPROVAL OF MINUTES

RESOLVED: That the minutes of a meeting of the Development Control Committee dated 14 July 2022, be approved as a true and accurate record.

29. PUBLIC SPEAKERS

The following invitees exercised their right to speak on the undermentioned application:

<u>Application</u>	<u>Site</u>	<u>Public Speakers</u>
P/22/34/FUL	Former Blaenllynfi Infant School, Grosvenor Terrace, Maesteg	Councillor P Davies (Ward member & Objector) D Green (Asbri Planning (on behalf of the applicant))

30. 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.

31. DEVELOPMENT CONTROL COMMITTEE GUIDANCE

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

32. P/22/34/FUL - FORMER BLAENLLYNFI INFANT SCHOOL, GROSVENOR TERRACE, MAESTEG

RESOLVED: (1) That having regard to the report, the applicant enters into a Section 106 Agreement to:

- (i) Provide a minimum of 15% of the units as affordable housing with the type of units, location within the site and affordable tenure to be agreed by the Council.
- (ii) Provide a financial contribution of £37,198 towards Education provision.
- (iii) Provide a financial contribution of £11,380 towards Outdoor Sport provision in the vicinity of the application site.
- (iv) Provide that members of the public will be allowed to use the active travel link through to Library Road via the private road in perpetuity.

Proposal

Residential development of 20 affordable dwellings and associated works.

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

33. P/22/385/RLX - 2 SANDYMEERS, PORTHCAWL, CF36 5LP

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

Proposal

Remove Condition 2 (Use) of P/20/498/RLX

Condition 3 of the report, currently reads:

The building shall be used for holiday accommodation and for no other purpose (including any other purpose in Class C3 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 with or without modification). The holiday let shall be occupied for holiday accommodation only and shall not be occupied as a person's or persons' sole or main place of residence **and shall not be**

occupied by any person or persons for a period of more than 28 days in any 12 month period. An up to date register shall be kept at the holiday accommodation hereby permitted and shall be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

The applicant is concerned that the highlighted sentence implies that nobody can stay at the holiday accommodation and, for the avoidance of doubt and confusion, the relevant sentence can be changed to:

and shall not be occupied by the same person or persons for a period of more than 28 days in any 12 month period.

Condition 1 should also be removed from the recommendation for any avoidance of doubt.

34. APPEALS

RESOLVED: (1) That it be noted that the inspector appointed by the Welsh Ministers to determine this appeal directed that the appeal be allowed subject to conditions:

<u>Appeal Number</u>	<u>Subject of Appeal</u>
CAS-01413-L0P3D6 (1937)	Retention of the Stationing & Operation of an A3 Mobile Hot Food Retail Unit: Ward Jones, Horsefair Road, Waterton Industrial Estate, Bridgend

(2) That it be noted that the inspector appointed by the Welsh Ministers to determine this appeal directed that the appeal be allowed and the Enforcement Notice quashed:

CAS-01409-G4L2M2 (1938)	Alleged unauthorised Burger Van: Ward Jones, Horsefair Road, Waterton Industrial Estate, Bridgend
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35. SECTION 106 AGREEMENTS, PLANNING OBLIGATIONS AND CONTRIBUTIONS

The Strategic Planning Team Leader submitted a report, the purpose of which, was to provide Members with an update on existing Section 106 Planning Agreements and to outline the circumstances in which Planning obligations are sought.

The report provided some background information following which, in light of increasing pressures to ensure that the justification for seeking Planning Obligations was watertight, it is essential that the Authority has appropriate Local Development Plan (LDP) policies in place to provide the basis for entering into negotiations with applicants. Policy SP14 sets out the over-arching policy for securing Planning Obligations that address the infrastructural requirements of development, where these are deemed to be appropriate and have regard to development viability.

He confirmed that the policies in the LDP were further supported by various Supplementary Planning Guidance documents, including those detailed in paragraph 4.1 of the report.

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 25 AUGUST 2022

A schedule of current Section 106 Agreements was appended to the report and broken down into the following topic areas:-

- Education Facilities (Appendix 1 to the report),
- Affordable Housing (Appendix 2),
- Highways (Appendix 3) and
- Public Open Space (Appendix 4).

The Strategic Planning Team Leader concluded his submission, by confirming that such was the nature of the legislation governing Section 106 Agreements that the use of the various financial contributions needs to be defined at the point of negotiation with the developer. He added that, when such contributions are received, the relevant Service Areas are notified as they have ultimate responsibility for ensuring they are spent.

The Chairperson concluded debate on this item, by suggesting that if any Members have any observations to make on the report and in particular, its supporting information, then they contact the Strategic Planning Team Leader accordingly outside of the meeting.

RESOLVED: That the report be noted.

36. TRAINING LOG

RESOLVED: That the report of the Corporate Director – Communities outlining the Training Programme for Members in the coming months be noted. A Member requested that a further training session be convened at a future date on the subject of the Wellbeing of Future Generations (Wales) Act 2015 and the impact of this legislation upon the Development Control Committee and the wider planning system, which was agreed to be scheduled by Members.

37. URGENT ITEMS

None.

The meeting closed at 11:36

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/22/535/RLX

APPLICANT: Mr G Hooper: 39 Hunters Ridge, Brackla, Bridgend CF31 2LH

LOCATION: 39 Hunters Ridge, Brackla, Bridgend CF31 2LH

PROPOSAL: Variation of condition 1 of P/21/44/FUL to reflect existing changes and proposed alterations to single storey extension; erection of fence panels

RECEIVED: 2 August 2022

DESCRIPTION OF PROPOSED DEVELOPMENT

This application seeks to amend the plans as approved under the previous consent (P/21/44/FUL) to regularise the works that have been carried out and to agree changes to limit the impact of the development on the neighbouring occupiers at 37 (37 and 38 Hunters Ridge has been combined into one property) and the adjoining semi-detached property at 40 Hunters Ridge.

The new application and amendments were sought following an Enforcement complaint about the works not being carried out in accordance with the approved plans and after realising that the proposed plans did not match the situation on site in terms of site levels. The original approval related to a single storey side and rear extension and the approved plans were as follows:

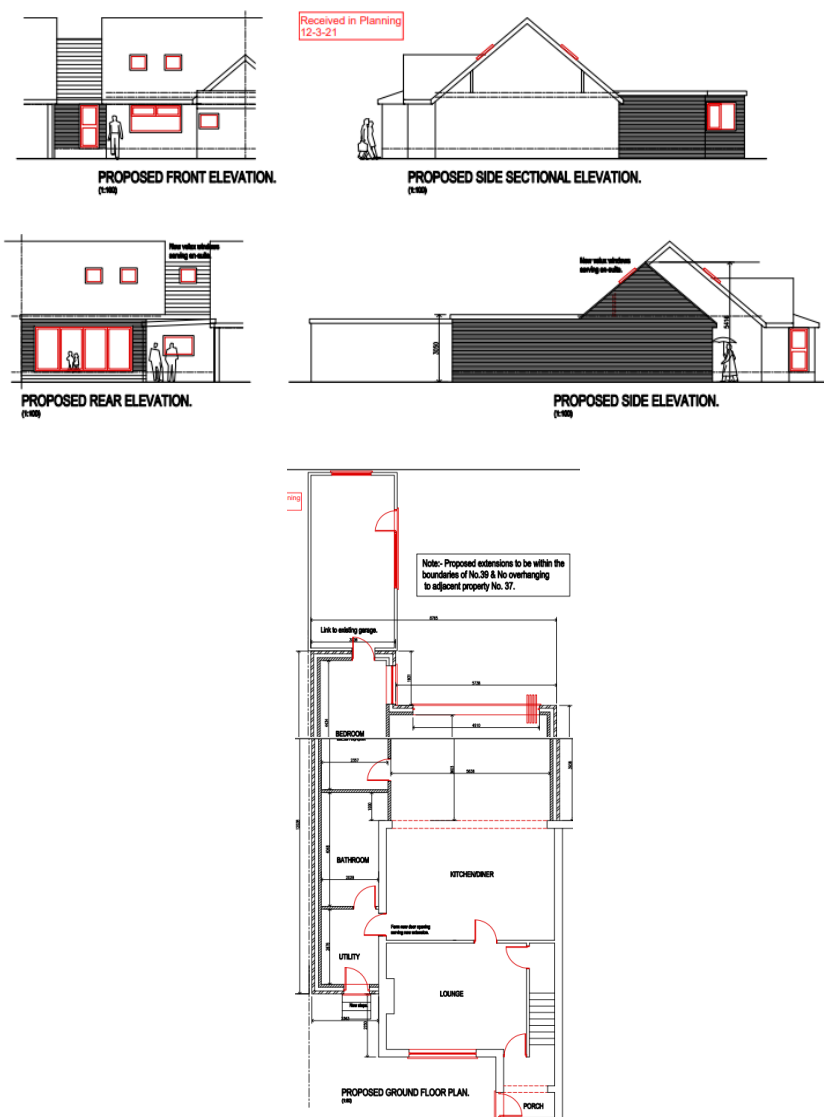


Fig. 1 – Scheme as Approved under P/21/44/FUL

The partially substantially completed and proposed plans are as follows:

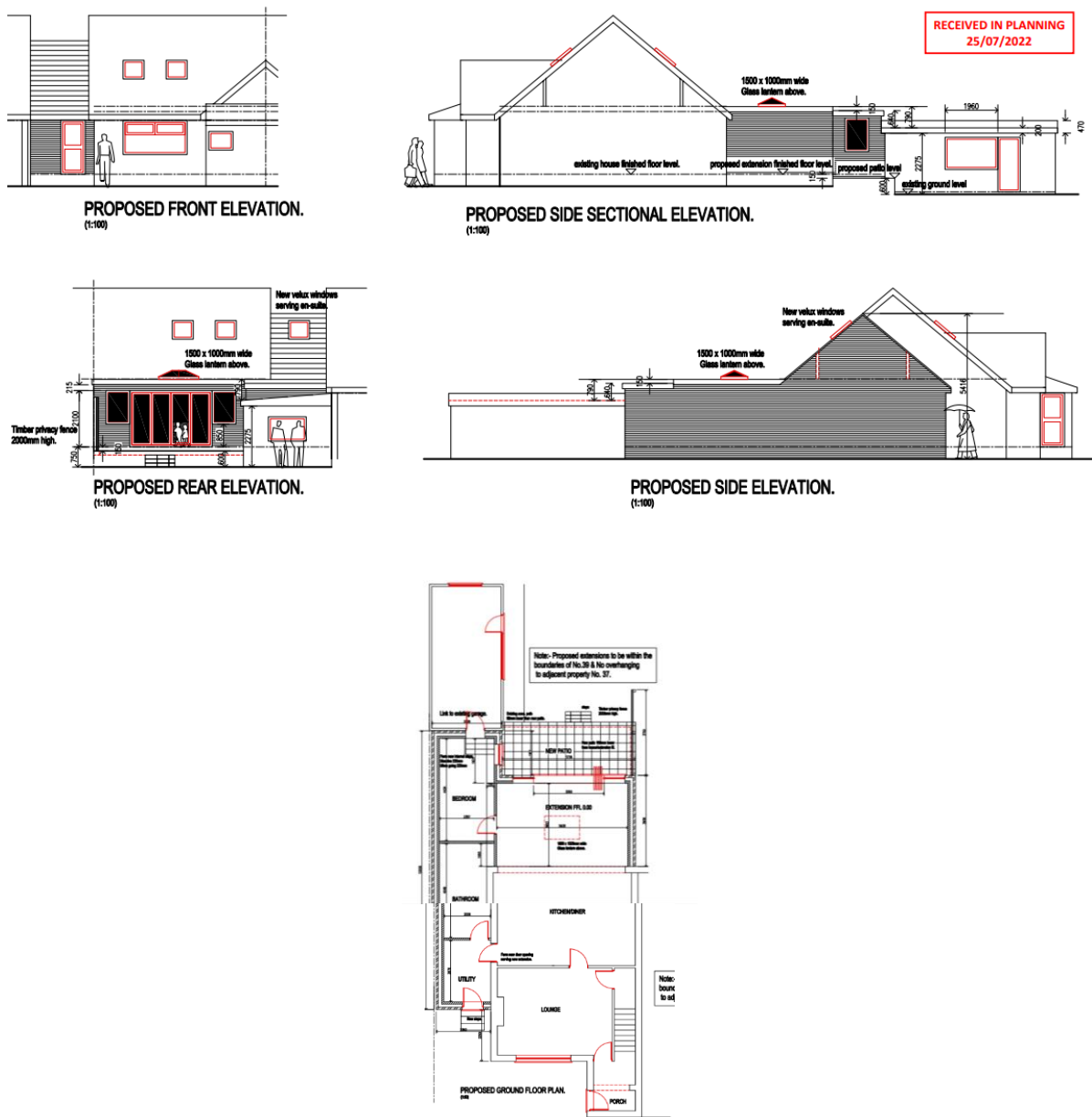


Fig. 2 – Scheme as Proposed

The side and rear extension will project from the northern (side) elevation and eastern (rear) of the existing dormer bungalow and will provide a larger kitchen/dining room, a relocated bathroom, a new utility room and a bedroom at ground floor level and a new ensuite bathroom in the roof space serving bedroom two.

The flat roof extension to the rear will incorporate two sections to step down to the level of the existing outbuilding. It will also incorporate a roof lantern and the rear bi-fold doors will step down to a proposed patio level. New internal steps will provide covered access between the new bedroom and the outbuilding. A new door will allow access from the front (west) of the property to the utility room and a rooflight will be incorporated into the rear (east) facing roofslope of the ensuite element.

In order to protect the privacy of the adjoining occupier's private garden area from being overlooked from the bi-fold doors and patio area (and the ground floor bedroom window opposite), it is proposed to erect a 2m high fence along the boundary with 40 Hunters Ridge to the south for a distance of 3.7m from the rear wall.

SITE DESCRIPTION

The application site lies within the Primary Key Settlement of Bridgend as defined by Policy PLA1 of the adopted Local Development Plan (2013). It comprises a semi-detached bungalow with three bedrooms in the roofspace. The property lies on the eastern side of Hunters Ridge, to the south of 37 Hunters Ridge and to the north of 40 Hunters Ridge.



Fig. 3 – Site Location Plan

The property is located within a residential area where properties are generally of the same character and appearance with some having been altered and extended over time, including Nos. 37 and 38 to the north of the site, as shown below:



Fig. 4 – Streetscene View from August 2009

RELEVANT HISTORY

P/21/44/FUL - Single storey side rear extension – Approved 29/3/21

Other relevant Planning History:

37 Hunters Ridge

P/06/1027/FUL - Renewal of existing retaining wall - Retrospective Application.
Approved 11/10/06

P/06/1263/FUL – Conservatory to rear.
Approved 05/12/06

P/07/995/FUL - Double two storey extension to rear & two storey extension to side.
Approved 05/11/07

P/08/344/FUL - Proposed extension and alterations.
Approved 09/06/08

PUBLICITY

This application has been advertised through direct neighbour notification.

Letters of objection were received from the occupiers of 25, 37, 40, 43, 61 and 72 Hunters Ridge.

The properties which object to the scheme are highlighted in the site location map above (Fig. 3). The two other objector's properties (25 and 72) are not close enough to be indicated on the map.

A summary of the objections is as follows:

- The structure is an over development of the site.
- The structure is over bearing and adversely affects light.
- It results in the appearance of terrace housing.
- It is not in keeping with the surrounding area.
- It reduces the amenity of the adjoining properties and neighbourhood in general.
- It is in breach of the Town and Country Planning Act (1990) and fails to comply with the Wellbeing of Future Generations Act (2015).
- The process of a Section 73 submission should be appropriately used to address needs and necessity in variation of conditions prior to the structure being built, or prior to changes or alterations being made. It is not designed to be used as a retrospective planning permission application.
- The size and volume of the development is disproportionate to the original size of the property.
- It fails to meet the objectives of SPG02 (Notes 1, 2, 3, 4, 6, 10, 11,12, 16, 19).
- The second door present on front of the property does not match the surrounding area both in terms of position or height as a result of the drive being built up by a level of 17cm.
- The presence of a separate entry, utility (kitchen) bathroom and bedroom lends itself to be used as a separate dwelling.
- It has been described by residents as an "Eyesore and "Awful" followed with the question of "Why would anyone want that!"
- The size and shape of the front elevation makes the structure highly prominent.
- The current proposal would result in an increase in ground floor space of approximately 126%, would incorporate over looking windows, and is not designed with consideration of its naturally elevated position.
- The lack of appreciation of the slope of the land means that it is imposed and clearly elevated from both the front and the rear.
- The North wall of the structure will sit on and over the line of boundary at both 37 and 40 Hunters Ridge resulting in the structure over shadowing habitable rooms.
- This is clearly a two storey development that should be stepped back from the side boundary by 50cm.
- There is no 9.8cm gap between the northern wall and 37 Hunters Ridge.
- The development results in oversailing both at 37 and 40 Hunters Ridge and would also limit the potential for extending the adjacent property.
- The design of the rear south section of the extension extends to approximately 3 inches from the boundary at 40 Hunters Ridge (and the current structure that is subject to the section 73) with no rainwater goods having yet been installed.
- It would overlook the rear garden of 40 Hunters Ridge.
- The placement of a proposed screening structure would result in overshadowing

of number 40.

- If permission is awarded for the development there is no obligation for 39 Hunters Ridge to actually install the privacy screen.
- The proposed bedroom window is only 5.6 meters from the boundary and sits in a raised position.
- The patio is some 600mm in height and will result in a very severe loss of privacy.
- The proposed development fails to address cavity wall sizes to ensure sufficient insulation and weather ingress.
- The development employs contrasting materials including the use of inappropriate porous materials on external wall.
- The second door for the utility room does not match the surrounding area and the presence and design of the additional steps does not match or blend in with the surroundings.
- The surface level of the drive is not evident on the drawings and has also been raised from the original height.
- As the structure sits on or over the boundary a certificate B should have been issued.
- The addition of a full hard stand was never indicated.
- The drawings and form were submitted in error but we believe they are a deliberate attempt to mislead the officers and officials of BCBC.
- The drawings show a structure described as a garage. This has been converted to a work space/habitable room and is incapable of storing a vehicle because it has no access to a highway and planning permission was not sought for the change of use.
- The original semi-detached dormer bungalows included shared water goods with the water goods at the front discharging to one position and the water goods to the rear discharging to the other. The rear roofslope rainwater goods discharges at 39 Hunters Ridge but the rain collected at 40 has nowhere to drain to.
- Damage to the roof and wall at 40 Hunters Ridge.
- The extension contravenes our human rights and has had a significant impact on wellbeing and peace has been shattered.
- Increased surface water run-off from raised driveway.
- The application should be referred to committee and a site visit undertaken.

In addition, a 26-name petition has been lodged against this development on the basis that “we the undersigned wish to object to the Bridgend County Borough Councils (sic.) ignorance and degradation of the appearance and amenity of Hunters Ridge, and Brackla, as exemplified by the proposed development at 39 Hunters Ridge. This is in direct violation of the SPG02 guidelines, the Town and Country Planning Act, and the local development plan. The council should act to prevent such action and maintain the amenity for future generations are required to do so in line with the Wellbeing of Future Generations Act 2015.”

The Ward Member, Cllr W Kendall has requested that “the matter be placed before the Development Control Committee.”

Councillor J Spanswick has advised that “due to the concerns from neighbours about works not being built as per planning approval and the intrusion into adjoining properties, this matter should be reported to the Development Control committee for a decision to be made and ideally a site visit by the committee taking place beforehand.”

RESPONSE TO 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.

Matters such as general disturbance caused during the construction works are not material in the determination of a Planning application.

The matters raised in the objections received are addressed below.

- The extension is in keeping with the height and scale of the existing house and the size of the individual plot which benefits from a large rear garden.
- The projecting rear extension whilst being constructed close to the boundary with the adjoining occupiers, is single storey in nature and does not impinge on the 45 degree daylight protection zone in elevation and the reduction in sky light by adjoining rear windows will not be significant. The fence on the southern boundary is intended to preserve the privacy of the neighbouring garden which lies to the south of the application site and will not suffer from any adverse overshadowing as a result of the development.
- The side extension is set back and down from the principal elevation and ridge line and as it is lower than the first-floor extension on the adjacent property to the north, the proposal will retain a degree of air space between the two properties and will not result in a terracing effect.
- The only element of the development that is visible from the public highway is the side extension which is recessed and subservient to the main dwelling with a matching roof slope and no windows of any kind in the front elevation.
- The visual impact of the side extension when viewed from the street will be limited.
- The scheme is of a suitable scale and type and does not breach any elements of the Town and Country Planning Act or the Wellbeing of Future Generations Act.
- The application has been submitted to regularise the development through the submission of revised plans and a Section 73 application (to remove or vary a condition) is the most suitable mechanism to utilise in this instance.
- The separate entry to the utility room is deemed to be a practical measure and the proposed layout of the property, with no internal interconnecting doors linking the ground floor bedroom to the family bathroom, does not equate to a separate unit of accommodation. The creation of a separate unit of accommodation will require separate planning consent.
- The extension is not considered as a two storey development rather it is the same as a bungalow with bedrooms in the roof space, which would be classed as a two storey dwelling.
- The Planning agent has previously clarified that all development to be undertaken has been done within the boundary and land owned by the applicant and the plans show that the proposed extension does not encroach the boundary with 37 or 40 Hunters Ridge. The development does not limit the potential for extending the next door property 40 Hunters Ridge (37 and 38 Hunters Ridge have already been extended up to the boundary and altered).
- Rainwater goods will be replaced as part of the proposal and as the rear extension is of a flat roof construction, the shared rainwater goods will be attached to the side and rear of the extension to dispose of the water on the application site side, as was the case previously.
- Due to the differences in levels and the continuation of the floor level through to the kitchen/diner and bedroom, the patio doors and bedroom window would overlook the private part of the rear garden at 40 Hunters Ridge and a fence is proposed to overcome that issue. As it is to the north of the garden it would not overshadow it.
- The scheme would have to be constructed in accordance with the approved plans

and a condition will be attached to the consent to ensure that the fence is retained in perpetuity.

- The patio is 600mm above existing ground level but is 150mm below the level of the kitchen and the fence will protect the privacy of the neighbouring garden.
- Cavity wall construction and sizes are assessed under different legislation.
- Whilst the materials do not match up entirely due to likely supply issues and the design of the scheme, the brickwork and tiles will eventually weather to match. The exposed concrete block will be treated in matching brickwork to ensure that it performs in accordance with the building regulations.
- The level of the drive can be raised 300mm without the need for Planning permission and this forms part of the revised parking provision for the site.
- The drawings originally assumed that the site was flat. This application attempts to resolve the anomalies.
- The outbuilding is classed a domestic structure within the curtilage of the dwelling. There is no requirement for a change of use application if it is used for domestic purposes.
- Any damage to private property is a civil matter between the two parties/owners.

In response to the comments made by the Local Ward Member and Cllr Spanswick, this agenda item will be the subject of a Panel Site Visit to be undertaken the day before the Committee meeting.

CONSULTATION RESPONSES

Brackla Community Council (received 28th August 2022).

We have given careful consideration to this application and this has involved revisiting the original planning application P/21/44/FUL submitted originally on 8 February 2021.

1. Our observations on the original Application were restricted due the ongoing issue with the BCBC Planning portal which often restricts access to the documents attached to particular planning applications and the timeline for response as was the case with P/21/44/FUL.
2. A number of past and present members of Brackla Community Council have engaged with the neighbours of this property following approaches for our involvement given their clear dissatisfaction with what has transpired in this case. Unfortunately, this information is not included in what to an observer may appear to be a basic relaxation request to an already approved planning application.
3. Whilst those currently involved remain open minded this is based ultimately upon our partial reliance of the technical expertise and knowledge of the Planning/Building Control Officers. This includes such matters as the interpretation and accuracy of detailed planning drawings and compliance with Building Regulations on Applications such as the above.
4. We understand that there is a live Enforcement case running alongside this application which we presumed would need to be concluded prior to a decision being made. It would appear that despite several breaches of planning and specifically Conditions 1&2 of the original Decision Notice BCBC have not deemed them to have an unacceptable effect on public amenity to warrant meeting the neighbours remedial requests.
5. We are becoming increasingly concerned that the credibility and confidence in the planning system at BCBC is seriously being eroded when planning Conditions seemingly are being flaunted with no serious repercussions of remedial

Enforcement action by BCBC. We would welcome an explanation on this given the significant impact that planning decisions often has on those impacted by such breaches.

6. We object to this Application on the basis that the existing extension is not in keeping with the character and appearance of other semi- detached properties in the area and to our mind does not conform with Policy SP2 of the Bridgend Local Development Plan and SPG02 Householder development as it now creates the appearance of terraced housing for properties 37-40 Hunters Ridge.
7. Condition 1 & 2 of the original Decision have been breached and the rear extension clearly has not been finished in the same materials (brick) as the adjoining property. An exposed electrical cable externally to the new extension is also of concern. The current application does not address the breach of Condition 2.

The comments made and the concerns raised by the Community Council are addressed in the appraisal section below.

RELEVANT POLICIES

The relevant policies and supplementary planning guidance are highlighted below:

Policy PLA1	Settlement Hierarchy and Urban Management
Policy SP2	Design and Sustainable Place Making
Policy PLA11	Parking Standards
Policy SP12	Housing
Supplementary Planning Guidance 02	Householder Development
Supplementary Planning Guidance 17	Parking Standards

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

Future Wales – The National Plan 2040

Planning Policy Wales Edition 11

Planning Policy Wales TAN 12 Design

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

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

The well-being goals identified in the act are:

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

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

The Socio-Economic Duty

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

APPRAISAL

This application is referred to Members of the Development Control Committee due to the number of objections received from neighbours and the Community Council and at the request of the Local Ward Member.

The application has been the subject of negotiations with the applicant/agent/solicitor acting on behalf of the applicant after it became apparent that the extension could not accord with the approved plans, mainly as a result of an inaccurate interpretation of the site's ground and floor levels.

In response to the comments made by Brackla Community Council, Officers visited the adjoining neighbours and the applicant and his builder on 8 April 2022 and made them aware of the anomalies with the build when compared to the approved plans.

On 14 April 2022 Officers wrote to the applicant to itemise the works that needed to be undertaken to mitigate the effects of the development on the residential amenities of the neighbouring properties through the submission of an amended application.

Despite agreeing an extension of time for the submission of the application the application did not materialise. After further correspondence with the applicant's solicitor and discussions on site with the applicant and his agent and architect, it was agreed that a new application should be submitted to address the changes to the scheme as built when compared to the approved plans and to sufficiently reduce the impact of the development on the adjoining neighbours to an acceptable level.

The amended scheme reduces the height of the end part of the extension whilst retaining sufficient headroom in the proposed ground floor bedroom. It includes for a lower patio level and it incorporates a privacy screen/fence to overcome any potential overlooking of the neighbouring rear garden area. The replacement rainwater goods and the use of brick slips to weatherproof the exposed blockwork on the side elevation fronting 40 Hunters Ridge will be completed to ensure compliance with the Building Regulations.



Fig. 5 – Relationship between the bedroom window and 40, Hunters Ridge

As was the case with the original application, the acceptability of the development as revised is assessed against Policy SP2 of the Local Development Plan (2013) which stipulates that “all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having

full regard to the natural, historic and built environment”. Design should be of the highest quality possible and should be appropriate in scale, size and prominence.

PPW11 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”.

It is acknowledged that the extension is of a significant depth and represents a relatively large addition to the original property however, its scale, siting and design retains the appearance of a semi-detached bungalow with accommodation in the roof space when viewed from the public highway especially as it is set back from the principal building line of the bungalow and is set down from the ridge line, ensuring a level of subservience to the original form.



Fig. 6 – Relationship between the extension and 37, Hunters Ridge part way through construction

The pitched roof element of the side extension (which includes the ensuite in the roof space) is in line with the pitched roof of the original bungalow and does not project beyond that existing bulk. The ground floor element utilises a flat roof design to limit its impact on the neighbours to both sides of the application site. Whilst they are constructed up to the shared boundaries, both elements comply with advice contained within Supplementary Planning Guidance Note 02 Householder Development (SPG02).

The extension is not considered to detract from the character or appearance of the host dwelling and does not have a harmful effect on the character and appearance of the surrounding area to warrant a refusal on such grounds. It is therefore considered to accord with Policy SP2 of the Local Development Plan (2013).

RESIDENTIAL AMENITY

Note 8 of SPG02 states that “any extension should leave adequate garden area for the private use around the house”. It is considered that the property will still benefit from a relatively large private garden area after the extension and lowered patio area is erected and as such, the proposal is considered to be compliant with Note 8.

NEIGHBOUR AMENITY

Note 6 of SPG02 states that any extension should “respect the privacy of neighbouring houses”. The extension has been designed to limit any form of overlooking by only introducing one window to the southern elevation.

Although the rear extension is single storey, the floor level results in the adjoining garden being overlooked by the bedroom window and patio doors. It is not possible to obscurely

glaze and fix the only window to the bedroom and it is considered that a 2m high fence for a distance of 3.7m would be sufficient to preserve the privacy of the adjoining occupier without resulting in any overshadowing. Therefore, the latest proposals as put forward by this application are considered to be acceptable in this regard.

HIGHWAYS

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

Note 9 of SPG02 states that “off-street parking should be available to meet the County Borough Council’s guidelines for a dwelling of the size after extension” and stipulates that the parking requirement for houses equates to 1 space per bedroom up to a maximum of 3 spaces. Each space must be 4.8m x 2.6m to accommodate a car parking space unless it is within a garage.

The Highway Authority did not object to the original scheme and the provision of three off-street parking spaces within the confines of the site and the plans indicate that this can be achieved (see Fig 3 above). The parking area has been implemented in accordance with the approved layout and the three spaces shall be retained in perpetuity to serve the extended dwelling.

The proposed scheme is therefore considered to be acceptable from a highway safety perspective in accordance with guidance contained within SPG17 and Policy PLA11 of the Local Development Plan (2013).

ENFORCEMENT ACTION

Brackla Community Council has raised concerns that there is a live enforcement case on the site and have indicated that this should be resolved prior to the determination of the application and that the neighbour’s remedial request has not been addressed.

One of the purposes of Planning enforcement action is to seek to address the breaches of Planning control through the application process and if the application is approved the enforcement action will be closed. Officers have been in dialogue with neighbours and their concerns have been outlined above. The determination of the application must be made on its merit and on sound material Planning considerations notwithstanding the current enforcement case

The Brackla Community Council’s comments about the credibility and confidence in the Planning system at Bridgend is not evidenced. The consideration of the Planning applications and enforcement case has been carried out within the bounds of the legislative Planning system taking all material considerations into account.

Compliance with the Building Regulations is governed by separate legislation and is not part of the determination of this Planning application.

CONCLUSION

Having regard to the above, the history of the development and the objections raised by neighbours and the Community Council, it is considered that, on balance, the revisions to the scheme are acceptable in planning terms and will sufficiently limit the impact of the extension on the occupiers on both sides of the development.

The development as currently carried and proposed through this application is considered to be appropriate in terms of its size, scale and prominence in accord with Policy SP2 of the Local Development Plan (2013) and does not detract from the character or

appearance of the wider residential area.

The development is acceptable in highway safety terms and having now addressed the potential unreasonable overlooking and overshadowing impact of the development on adjoining properties, the scheme is considered to comply with the relevant policies of the Local Development Plan (2013), and the advice contained with SPG02 – Householder Development.

It is not considered that there are sufficient material planning grounds to refuse consent.

The part retrospective application is therefore recommended for approval subject to the following planning conditions.

RECOMMENDATION

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

1. The development shall be carried out in accordance with the drawing numbers 20.116 05, 20.116 07A, 20.116 17 and 20.116 18 received on 25 July 2022.

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

2. The parking area for three off-street parking spaces shall be retained in perpetuity to serve the extended property.

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

3. Notwithstanding the plans as hereby approved, prior to its installation on site and within 1 month of the date of this consent, a detailed specification indicating the position, design, materials, type and appearance of the proposed boundary treatment with 40 Hunters Ridge shall be submitted to and agreed in writing by the Local Planning Authority. The fence shall be installed in accordance with the agreed scheme within 2 months of this consent and the boundary treatment shall be retained thereafter in perpetuity.

Reason: To ensure a satisfactory form of development and to ensure that the residential amenities of neighbouring occupiers are protected.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

Plots 2, 3 and 4 of the proposed development will have driveways and direct access onto Minffrwd Road whilst Plot 1 will have pedestrian access to the front but vehicular access to the rear off the unmade road that forms the Close. Proposed improvements and widening along Minffrwd Road are detailed on the layout plan as part of the access works and will include a 1.8m wide footway on the development side as well as limited works to the junction with Minffrwd Close (new junction radii with kerbing on the southern side and a permanent road surface for the first 10m). A small layby facility will serve Plot 1 to cater for calling vehicles. The application does not propose to upgrade Minffrwd Close apart from the junction but does retain the required highway widths and turning area.

Where scale is a Reserved Matter, the application must state the upper and lower limits for the height, width and length of the dwelling. The submitted plans indicate dwellings with a similar footprint and maximum dimensions of 10m x 8m with a side attached garage measuring 3m x 6m. Two storey houses are proposed with the height parameters ranging from 5m to 5.2m at eaves level and between 8.6m and 9.7m to the ridge.

The application details confirm that surface water will be disposed of through a sustainable drainage system although no details have been provided at this stage. Foul water will be disposed of to the main sewer.

A series of Transport Technical Notes, Active Travel Audits and plans proposing off-site highway works to improve pedestrian infrastructure on Minffrwd Road have also been submitted in support of the application.

An Ecology Walkover Report accompanied the original submission, confirming the site to be of low ecological value with there being no impact on arboriculture, bats, badgers and reptiles. The potential low impact on a small number of commoner birds could be negated through new planting, bird boxes etc.

RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/06/292/FUL	8 semi-detached two storey dwellings and associated highway works	Conditional Consent	26 January 2007
P/12/46/RLX	Relax standard condition of p/06/292/ful to permit the period of approval for further 5 years	Conditional Consent	18 July 2014
P/13/80/FUL	Erection of 4 detached houses	Conditional Consent	18 October 2013
P/17/512/RLX	Remove conditions 8 & 9 of P/13/80/FUL which both relate to Code for Sustainable Homes	Conditional Consent	14 July 2017
P/21/117/OUT	Outline application for the construction of 4 detached houses including external areas and parking.	Application Withdrawn.	21 February 2022

CONSULTATION RESPONSES

CONSULTEE

Cllr Alex Williams (Local Member)

COMMENTS

Requests that the application be referred to committee for determination, due to residents' ongoing concerns. The focus is on highway safety; traffic; parking; nature conservation; and the adoption/resurfacing of Minffrwd Close.

Opposition to the proposed developments include loss of privacy and that the new development would be in close proximity and

overlook existing properties

From a nature conservation perspective, there are concerns about the destruction of a habitat teeming with wildlife including small mammals, nesting birds, insects, flora and fauna. Residents believe that there is a moral obligation to protect these areas of biological diversity.

Residents believe that the conditions which were imposed on previous planning application (P/13/80/FUL) should be applied to any future planning application.

With regards to traffic and highway safety, residents suggest that the development will significantly increase traffic along a single-track road which is not designed for the amount of foot or vehicular traffic that already exists, especially since the development of Clos Penglyn that have this as their only access road. Residents contend that this will increase the level of danger for pedestrians as there are no pavements along this stretch of Minffrwd Road, and the road narrows to single track in several places.

Furthermore, the junction of Pentwyn Rd and Minffrwd Rd is notoriously dangerous already, and any increased traffic to the area will only increase this potential risk.

Parking within the area is already over capacity.

One resident is concerned that increased road traffic, particularly of heavy goods vehicles and plant for the construction of the dwellings, will have a negative effect on the structural integrity of their boundary wall and potentially result in structural damage to their house.

Other residents have referred to the potential increase in noise pollution and air pollution as a result of the construction of these dwellings.

Residents are concerned about the speed of vehicles along this stretch of road and would like to see a traffic survey undertaken to assess the speed and quantity of traffic.

Residents note that Minffrwd Close should be a better state of repair and that the current road would not cope with the extra traffic which any development would bring. Residents have asked whether Minffrwd Close will be adopted by BCBC and repaired as a result of this planning application.

Finally, residents would like an assessment of whether or not the drainage system in the area is fit for purpose to accommodate further dwellings.

Pencoed Town Council

Noted that this site has been the subject of previous consents which have never materialised.

Potential that the site is an over commitment and perhaps should benefit from a more sympathetic scheme.

Already received comments/objections from residents

Access to the proposed site is via a Private unadopted road i.e., Minffrwd Close

Access to the site via Minffrwd Road is very narrow allowing one way traffic

Potential increase in traffic over Penprysg Bridge

Will this application if granted be subject to 106 monies? If so, the Town Council would want some input.

Transportation Officer (Highways) No objection subject to conditions.

Land Drainage No objection subject to conditions.

Dwr Cymru/Welsh Water No objection subject to conditions.

Biodiversity Policy and Management Officer No objection subject to conditions.

Natural Resources Wales No comments received.

REPRESENTATIONS RECEIVED

The application has been advertised on site. Neighbours have been notified of the receipt of the application and the subsequent submission of amended plans. The period allowed for response to consultations/publicity has expired.

Letters of objection have been received from the following properties:

34, 36, 38, 40, Minffrwd Road
6, 7, 8, 10, 11 Minffrwd Close
4, 6A, 8, 10, 10A, 12, 14, 14A Pentwyn Road

The following is a summary of the objections received:

Principle of the development: loss of green space, no requirement for additional housing, lack of infrastructure to support development, (school places, capacity in doctors and dentists etc)

Highway Safety: Minffrwd Road is too narrow to facilitate access to new dwellings – two cars are unable to pass – road cannot cope with existing levels of traffic – development will increase conflict between vehicles and pedestrians, including children walking to school – there are no footways - the planned footpath is of not good enough – development will result in vehicles reversing onto a substandard road where traffic speeds exceed the limit - historically direct access onto it was Minffrwd Road was rejected - visibility is poor as you climb the hill on Minffrwd Road – there are blind spots. Development will exacerbate parking problems with visitors to the new housing parking on-street – could restrict access for emergency vehicles. Layout does not provide adequate parking. Site is poorly served by public transport (bus services have been reduced) and there is a lack of safe routes to facilities for cyclists and pedestrians. The scheme fails to deliver improvements to Minffrwd Close other than at the junction – Minffrwd Close will become the ‘back-street’ – new occupants will make back entrances onto close and will use substandard road – not surface.

Residents have also commented on the Technical Notes that have been submitted by the applicant’s Transport Consultant suggesting that the information is inaccurate. The report which suggests that the lack of footways does not deter pedestrians from using the road and encourages drivers to travel at lower speeds is not accepted. In the view of residents, vehicles travel too fast. The road dimensions in the Lime Transport report are also considered to be inaccurate.

Housing will detract from the character of the area and the living conditions of residents: the dwellings proposed are completely out of character with the surrounding - the land provides a buffer between existing housing – it provides privacy – new dwellings will overlook and overshadow existing properties – concern that affordable housing could result in an increase in crime rates – noise from additional traffic

Unacceptable impacts on biodiversity interests on site: loss of vegetation is a loss of habitat for birds, reptiles etc. – the is a haven for wildlife such as green and gold finches - survey work is inadequate

The acceptability of site drainage to serve the development - are the drainage systems (foul) able to cope with additional development

COMMENTS ON REPRESENTATIONS RECEIVED

Many of the objections offered by residents coincide with the main considerations in the assessment of the application and will accordingly be addressed in the appraisal section of the report.

A number of issues which are more minor and/or are not material to the determination of the application are considered below:

If the Council were minded to grant planning permission for this development, there would be a requirement for one of the units to be an affordable housing unit. The suggestion by some residents that the tenure of housing will affect rates of crime is unsubstantiated and is not material to the determination of this application

Avoiding or minimising noise pollution is a requirement of both local and national policy and some concerns have been expressed regarding noise associated with construction and traffic levels from the completed development. A condition will be imposed requiring the submission of a construction management plan to control the development in the interests of the living conditions of residents and highway safety. Whilst vehicle movements will increase as a consequence of the development, the impact from traffic noise given the scale of the development will be limited.

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 ENV5	Green Infrastructure
Policy ENV6	Nature Conservation
Policy ENV7	Natural Resource Protection and Public Health
Policy COM3	Residential Re-use of a Building or Land
Policy COM4	Residential Density – development will be built at a density of at least 35 dwellings per hectare
Policy COM5	Affordable Housing – on sites capable of accommodating 5 or more dwellings – sites will deliver 20% affordable housing
Policy COM11	Provision of Outdoor Recreation Facilities
Policy SP14	Infrastructure
Supplementary Planning Guidance 5	Outdoor Recreation Facilities and New Housing Development
Supplementary Planning Guidance 17	Parking Standards
Supplementary Planning Guidance 19	Biodiversity & Development

National Policies

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

Future Wales – the National Plan 2040

Planning Policy Wales Edition 11

Planning Policy Wales TAN 5

Nature Conservation and Planning

Planning Policy Wales TAN 12

Design

Planning Policy Wales TAN 18

Transport

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 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

The application is referred to the Development Control Committee for determination in response to the request from the Local Member and in view of the number of material objections received from residents and the Town Council.

The main considerations in the assessment of this application relate to the following:

- The principle of residential development in this location
- The design and layout of the development and the potential impact on the living conditions and future well-being of adjacent residents and the future occupiers of the proposed housing
- The potential implications of the development on the surrounding highway network, highway safety and whether sufficient parking facilities can/are being provided,
- The impact of the scheme on the natural environment
- The drainage of the site, and
- Whether contributions need to be secured through a Section 106 Legal Agreement to mitigate the impact of the development and to comply with policy.

The Principle of the Development in this location

The application site is located within the main settlement of Pencoed as defined by Policy PLA1 of the Bridgend Local Development Plan 2013 (LDP). Policy COM3 confirms that residential developments on 'small scale' sites such as this will be permitted where no other LDP Policy protects the building on land for an existing or alternative use.

The objectors claim about the loss of green space and there being no requirement for additional housing are not justified in this case. The site has no formal designation and is not regarded as protected green space. It forms a vacant parcel of land that has a history of planning consents for housing. The site is not allocated for a specific use and therefore, residential development would be acceptable in principle subject to other LDP Policies.

Concerns about a lack of infrastructure to support this development have been considered but given the scale (4 units) it does not pass the threshold requiring a contribution to education facilities. The availability of doctors and dentists to serve an increasing population is a cause for concern on many applications for new housing. The availability for health facilities goes beyond the scope and control of the Local Planning Authority and is a matter for Welsh Government and the Health Trusts. Given the scale of the development proposed, the impacts are unlikely to be significant.

The publication of Planning Policy Wales in February 2021 established the role of the planning system in promoting and supporting the delivery of the Active Travel Act, requiring such provision to be an essential component of development schemes. The lack of continuous footways serving the site (linking to public transport and wider services) has been the subject of discussions and negotiations with the applicants. An Active Travel Walking Route Assessment has been undertaken in accordance with the Walking Route Audit Toolkit outlined in the Active Travel Act Guidance (July 2021). The results of this survey along with proposal to improve the connections through new signage and the provision of designated pedestrianised zones on Pentwyn Road and Minffrwd Road has to some extent negated the initial concerns about Active Travel connections.

Based on the audit and highway improvements that can be secured through the consent, any policy objection to the principle of this site being developed for housing would be difficult to sustain at appeal. It should also be noted that the site is located within the settlement of Pencoed and has a history of consents for similar and larger developments.

The design and layout of the development and the potential impact on the living conditions and future well-being of adjacent residents and the future occupiers of the proposed housing

National policy confirms that new housing developments should be well integrated with and connected to the existing pattern of settlements. In determining applications for new housing, Local Planning Authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources and good design can overcome adverse effects but where high densities are proposed, the amenity of the scheme and surrounding property should be carefully considered. At a local level, Policy SP2 requires all development to respect and enhance local character whilst also protecting the amenities of existing residents.

Objectors have suggested that the development is completely out of character with its surroundings. This may indeed have been the case for the withdrawn application for 10 units which included a flatted complex and an earlier layout which proposed the dwellings perpendicular to Minffrwd Road and Close. The proposed layout follows the general pattern of development in the area with the scale of units (two storey) similar to those on Minffrwd Road. The area has a mix of house designs and scales and to suggest that the design is completely out of character is unjustified. It should be noted that this layout is almost identical to that approved under P/13/80/FUL.

Indicators of unacceptably high densities would be evident when privacy/daylighting/domination standards between the new dwellings and their relationship with the existing properties is compromised. The critical issue is whether the impacts are so significant as to be contrary to local policies and guidelines. Residents have suggested that the land forms a buffer between the existing houses that front Minffrwd Road and Minffrwd Close, providing high levels of privacy for the occupants. Based on the submitted layout it would however be possible to introduce the new units with their habitable room windows on the front and rear whilst retaining the privacy standard of 21m (14 Pentwyn Road is a detached property lying to the south of the development site). Previously, there was some concerns that the levels of privacy for the occupiers of this property would be compromised. Although the final design of the houses is not being agreed at this stage,

Plot 1 is likely to have habitable room windows on the front facing Minffrwd Road and to the rear facing Minffrwd Close. Careful examination of the plan and the site circumstances confirms that the windows do not in any way directly overlook the existing habitable room windows in the aforementioned property. The juxtaposition of the two creates a reasonably acute angle which should safeguard the neighbour's privacy.

The outlook from existing properties surrounding the site will change and will be affected by the new housing. View of course cannot be protected and the distance between existing and new should ensure that no overshadowing occurs. Again, the relationship with 14 Pentwyn Road and the unusual position of its windows must be considered. From the submitted drawings, the rear elevation of Plot 1 will be set back from the side elevation of single storey extension to 14 Pentwyn Road which accommodates a door and habitable room window. At its closest, the distance separating the new house from No.14 is just over 4m (measured at an angle). The space formed by the driveway and garage and the position of the new dwelling to the north of No.14 should ensure that any overshadowing will be limited and certainly not to the extent as to warrant a refusal of planning permission.

Consideration must also be given to the living conditions of the future residents. Although a full assessment cannot be made at this stage on the basis that the scale and appearance of the dwellings are unknown, the layout does give an indication as to the levels of amenity space that will be afforded to future occupiers. Rear gardens are between 8.5m and 9.0m in length which is less than the normal 10.5m but the length is compensated by the width which exceeds 12m in all cases. Overall, the garden spaces should be sufficient to provide reasonable living conditions for the future occupiers.

Overall, the development will have some impacts on the occupiers of the existing properties on Minffrwd Road and Minffrwd Close but not to the extent that would warrant a refusal of planning permission. The requirements of national and local policy will be addressed by the development.

The potential implications of the development on the surrounding highway network, highway safety and whether sufficient parking facilities can/are being provided

The adequacy of the highway network to accommodate the development on this site have been longstanding objections that have been considered in the assessment of previous applications. Deficiencies do exist with the footway links along Minffrwd Road being intermittent resulting in pedestrians having to share the carriageway with vehicular traffic in a number of locations. Opportunities to improve are limited with existing property boundaries in this older part of Pencoed being built up to the highway. Residents suggest that the speed of traffic and parked vehicles creates an unsafe situation which will only be exacerbated by the development. This is however an existing problem which will continue irrespective of this development. The application however offers an opportunity for improvements to be made as discussed above with the provision of designated pedestrianised zones on Pentwyn Road and Minffrwd Road. The proposed works will have wider benefits and will improve the existing highway safety situation. Members should also be mindful that the site development will result in a widening of Minffrwd Road and the provision of a footway along the site frontage which should assist the movement of pedestrians and cyclists.

Again, existing problems associated with on-street parking cannot be resolved through this application and the assessment must be on whether sufficient car parking can be provided to serve the quantum of development proposed. At this stage, the size of the dwellings and the parking requirements is in unknown. A condition will however be imposed requiring the submission of a scheme that will be tested against the requirement of the Council's Parking Standards. Based on the submitted layout, sufficient space should be available to provide the required car parking. The future development is likely to see vehicles reversing onto the highway, an arrangement that has been deemed acceptable in safety terms with adequate vision being available at the respective access points.

Despite the development being widely opposed by local residents over the years, one of the benefits of the previous consented schemes was the upgrading of a section of Minffrwd Close up to the junction with Minffrwd Road. Such works were entirely reasonable previously on the basis that eight dwellings were to access the Close. Although the ownership of the 'highway' was unknown, previous developers had indicated that the required works would be undertaken. The

layout submitted with this current application proposes three dwellings with vehicular access onto Minffrwd Road with only Plot 1 utilising the unmade highway. Consideration has been given to repeating the planning conditions requiring the upgrade of the 'Close' on this application. Welsh Government advice is however clear that developers will only be required to pay the cost of any highway improvements where the need is directly created by their development. They should not be required to pay for improvements to deal with existing deficiencies in the road system which would not be made worse by their proposal. On the basis that the greater part of the proposed development will affect Minffrwd Road and conditions can be imposed to prevent vehicular access to Plots 2, 3 and 4 from the 'Close', the level of improvements required under previous permissions cannot reasonably be sought again. That was accepted in the decision to grant application P/13/80/FUL.

The impact of the scheme on the natural environment

Criterion (10) of Policy SP2 of the Local Development Plan (2013) seeks to ensure that biodiversity and green infrastructure is safeguarded. This follows the approach identified in Planning Policy Wales which confirms that Planning Authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity (Section 6 duty).

Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and (e) the adaptability of ecosystems."

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

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

The Council's Ecologist has reviewed the submitted Preliminary Ecological Appraisal and concurs with its findings. The Section 6 Recommendations contained within the Preliminary Ecological Appraisal should be included in the conditions of any approval. More details will be required on the ecological enhancements proposed for the development, such as landscaping plans, species to be replanted (including size and numbers) and the provision of bird and bat boxes within the development but these could be secured through the planning consent. Incorporating biodiversity enhancements will help contribute to the environmental sustainability of the development. Such enhancements will demonstrate local authority compliance with Section 6 of the Environment (Wales) Act 2016 that places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions.

The site does contain Common montbretia, a species listed under Part II of Schedule 9 of the Wildlife & Countryside Act (1981). Given that the development may result in spoil material being moved from site, a condition will be imposed that requires the submission of an invasive species management methodology.

Subject to the inclusion of the recommended Planning conditions, this development will be compliant with Policy ENV6 of the Local Development Plan (2013) and criterion (10) of Policy SP2.

The drainage of the site

The provision of Sustainable Drainage Systems (SuDS) must be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating

proposals for new development. The application form states surface water will be disposed via SUDs but no surface water drainage layout has been provided to date. As the development exceeds the thresholds established by Welsh Government, the surface water drainage systems for this development will need to be designed and built-in accordance with standards for sustainable drainage. Such systems will need to be approved by this Council before construction work begins

Planning Policy Wales requires development proposals in sewered areas to connect foul drainage to the nearest main sewer. Dwr Cymru Welsh Water (DCWW) have confirmed that capacity exists within the public sewerage network in order to receive the domestic foul from the proposed development. Concerns expressed by residents in this regard would appear to be unjustified. DCWW have identified that part of the site is crossed by a public 3-inch water main (across the northern boundary of Plot 4). It may be possible to divert the public water main if the developer applies under Section 185 of the Water Industry Act.

A condition will be imposed requiring the agreement of a comprehensive drainage system for this site dealing with both surface water and foul drainage. Based on the information before the Council, there is a reasonable prospect that such a scheme can be designed and agreed by the relevant drainage bodies through the planning system.

Whether contributions need to be secured through a Section 106 Legal Agreement to mitigate the impact of the development and to comply with policy.

Policy SP14 of the Bridgend Local Development Plan requires applications for development to include material proposals to deal with the fair and reasonable infrastructural requirements of the development and to mitigate any negative impacts that may arise. The Council does acknowledge that development costs including the costs of implementing Planning Agreements may result in a scheme being unviable and in such circumstances, the Council may consider the benefits of the development may outweigh the benefits of seeking to secure all infrastructural requirements.

As indicated earlier in this report, a development of 4 dwellings does not trigger the threshold of SPG16: Educational Facilities & Residential Development and no contribution is required. Although the proposal is for less than 5 dwellings, the site exceeds 0.15ha and as such the application triggers Policy COM5 of the LDP regarding affordable housing. This location requires 20% of the dwellings to be provided as affordable housing. As such, 1 of the units should be provided as affordable housing of an appropriate tenure to be agreed between the applicant and the Council or alternatively a financial contribution, to an equivalent benefit, could be sought towards off-site provision.

Policy COM11 of the LDP requires the provision of satisfactory standards of open space from all residential developments which is defined as 2.4ha per 1,000 people. BCBC's Outdoor Sport & Children's Play Space Audit (2017) indicates a deficit in provision of all forms of Outdoor Recreation Facilities in the area. The proposed development does not include open space on-site and given the scale of the development and limitations of the site, more community benefit will be realised to securing a financial contribution to improve local facilities. This will be calculated at £470 per dwelling for children's play space and £569 per dwelling towards outdoor sport facilities.

Policy SP14 acknowledges that the provision of Planning Obligations can affect the viability of residential development but there has been no indication from the applicants that the level of obligations cannot be secured through the required legal agreement.

CONCLUSION

The primary objective of Planning Policy Wales is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. It is the role of the Planning Authority to exercise its judgement and consider many and often conflicting issues to decide whether a development scheme is acceptable. The process of 'weighing up' the relevant factors often described as the 'planning balance' is challenging in respect of this particular site due to the history of consents but also its specific characterisations. The policies of the adopted Bridgend Local Development Plan (LDP) (2013) are the starting point. The broad support for the development of underused sites for housing has been part of the plan strategy at a national and

local level. Such support is not however unqualified and Policy SP2 of the LDP demands a high quality of design for all development and represents the starting point for all planning applications. Overall, it remains the case that the principle of the site being developed for housing accords with all relevant policies. Although the active travel links connecting the site to nearby facilities and amenities are not complete, the scheme offers an opportunity for improvements to be made in the form of pedestrian zones (surfacing and signage) on the highway network serving the site. Such works should ensure that a choice of transport modes will be available to existing and future residents. A safer route should encourage walking and cycling to existing public transport and wider amenities and facilities.

The development of this site has been opposed by residents for many years with the key issues being around highway safety and the impact on living conditions. As set out in the report above, there will be impacts resulting from this development but none that would indicate a fundamental conflict with policy. Conditions will be required to control the development in the interests of safeguarding living conditions and highway safety.

Impacts on biodiversity interests and site drainage have also been fully considered and again there are no statutory designations or protected species that will be affected. Indeed, the development offer an opportunity to deliver biodiversity enhancements and again these will be secured by conditions.

Finally, contributions to affordable housing and off-site open space provision will be secured through the required Section 106 Legal Agreement to mitigate the impact of the development and to comply with policy.

RECOMMENDATION

(A) That the applicant enters into a Section 106 Agreement to:

- i. Provide a minimum of 20% of the units as affordable housing with the type of unit(s), location within the site and affordable tenure to be agreed by the Council or a financial contribution towards off-site provision of affordable dwellings to an equivalent value.
- ii. Provide a financial contribution of £4,156 on the commencement of development towards the provision/upgrading of children’s play space and outdoor sports facilities in the vicinity of the application site.

(B) The Corporate Director Communities be given delegated powers to issue a decision notice granting Outline consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement as follows:

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

1.	<p>The development hereby permitted shall be carried out in accordance with the following approved documents:</p> <p>Site Plan – Job Number: 1449-SK-4-01 Revision C</p> <p>Reason: For the avoidance of doubt as to the extent of the scale of development consented and to protect the amenities of both existing and future residents and in the interests of highway safety.</p>
2.	<p>No more than 4 dwellings shall be erected on the application site.</p> <p>Reason: To ensure that the final development is in accordance with the Outline submission to ensure that the impact on amenity and character of the area is acceptable and in the interests of highway safety.</p>

3.	<p>The mitigation measures set out in Chapter 6 – Recommendations of the Ecology Walkover Report by Sylvan Ecology dated 13th October 2020 shall be implemented as prescribed in the document.</p> <p>Reason: To avoid doubt and confusion as to the nature and extent of the approved development</p>
4.	<p>No development shall take place until details of the proposed floor levels of the buildings 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.</p> <p>Reason: To ensure that the development relates appropriately to the topography of the site and the surrounding area.</p>
5.	<p>Notwithstanding the submitted details and before the superstructure works commence, a scheme for biodiversity enhancement, such as the incorporation of permanent bat roosting feature(s), hedgehog homes and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.</p> <p>The scheme shall include, but not limited to, the following details:</p> <ul style="list-style-type: none"> i. Description, design or specification of the type of features or measures to be undertaken ii. Materials and construction to ensure long lifespan of the feature/measure iii. A drawing showing the location and where appropriate the elevation of the features or measures to be installed or undertaken. iv. When the features or measures will be installed within the construction and occupation, of the development. <p>Reason: For the avoidance of doubt as to the extent of the permission granted and to maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.</p>
6.	<p>No development shall commence until an invasive non-native species protocol has been submitted to and approved in writing by the Local Planning Authority detailing the containment, control and removal of Common Montbretia on site. The agreed measures shall be carried out strictly in accordance with the approved invasive non-native species protocol and throughout the development of the site.</p> <p>Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.</p>
7.	<p>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.</p> <p>Reason: To ensure that the general amenities of the area are protected.</p>
8.	<p>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.</p> <p>Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.</p>

9.	<p>No development shall commence on site until a suitable infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system, has been submitted to and approved in writing by the Local Planning Authority. The approved infiltration system shall be implemented prior to beneficial use.</p> <p>Reason: To ensure that effective satisfactory management and disposal of surface water is provided for the proposed development.</p>
10.	<p>No development shall take place, including site clearance, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> • Timing and routing of construction and delivery vehicles • Provision of a temporary compound for the storage of construction materials and plant • Parking for contractor's vehicles throughout the construction • Parking of vehicles for site operatives and visitors • Wheel washing to prevent mud and debris from the construction traffic being carried out onto the existing highway network • Details of the construction works, including timescales and hours of operation • Measures to control the emission of dust and dirt during construction • The provision of temporary traffic management along Minffrwd Road <p>Reason: In the interests of highway safety.</p>
11.	<p>Notwithstanding the submitted plans, no development shall commence until a revised scheme for the provision of carriageway surface treatment and pedestrian warning signage broadly in accordance with submitted Lime Transport drawings:</p> <ul style="list-style-type: none"> • 21107.OS.103.01 Improvements to pedestrian Infrastructure along Minffrwd Road (Sheet 1 of 3) • 21107.OS.103.02 Improvements to pedestrian Infrastructure along Minffrwd Road (Sheet 1 of 3) • 21107.OS.103.03 Improvements to pedestrian Infrastructure along Minffrwd Road (Sheet 3 of 3) <p>has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be supported by a Stage 2 Road Safety Audit. The agreed scheme should be implemented in permanent materials before the occupation of the first dwelling on the site.</p> <p>Reason: In the interest of highway safety.</p>
12.	<p>No development shall commence until a scheme for the provision of an amended layby and footway arrangement fronting Plot 1/Minffrwd Road has been submitted to and agreed in writing by the Local Planning Authority. The layby and footway shall be implemented in accordance with the agreed scheme and in permanent materials prior to the commencement of construction of any of the individual properties and shall be retained as such in perpetuity.</p> <p>Reason: In the interests of highway safety.</p>
13.	<p>No development shall commence until a scheme for the treatment of the existing stone boundary wall, the proposed boundary at the south-eastern corner of Plot 1 and the intermediate land has been submitted to and agreed in writing by the Local Planning Authority. The plot boundary and proposed scheme shall be implemented as agreed prior to the commencement of construction of any of the individual properties and the boundary wall</p>

	<p>shall be retained as such in perpetuity.</p> <p>Reason: In the interests of highway safety.</p>
14.	<p>The eastern site boundary fronting Minffrwd Road shall be set back and a widened carriageway and 1.8m footway provided along the site frontage in accordance with Kennedy James Griffiths drawing 1449-SK-4-01 Rev C. The works shall be completed in permanent materials and implemented before the commencement of construction of any of the individual properties and retained as such in perpetuity.</p> <p>Reason: In the interest of highway safety.</p>
15.	<p>The northern and western site boundaries fronting Minffrwd Close shall be set back and a 1.0m verge provided along the frontage as detailed on submitted drawing in accordance with Kennedy James Griffiths drawing 1449-SK-4-01 Rev C. The works shall be implemented before the commencement of construction of any of the individual properties and shall be retained as such in perpetuity.</p> <p>Reason: In the interest of highway safety</p>
16.	<p>The junction of Minffrwd Close with Minffrwd Road shall be laid out with a 7.5m radius kerbing on the southern side of the junction together with a vision splay of 2.4m x 43m before the commencement of construction of any of the individual properties and retained as such in perpetuity.</p> <p>Reason: In the interest of highway safety</p>
17.	<p>Minffrwd Close shall be completed in permanent materials for a distance of no less than 10m from its junction with Minffrwd Road prior to the commencement of construction of any of the individual properties.</p> <p>Reason: In the interest of highway safety</p>
18.	<p>No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.</p> <p>Reason: In the interest of highway safety</p>
19.	<p>No development shall commence until a scheme for the provision of off-street parking spaces on each plot has been submitted to and approved in writing by the Local Planning Authority. The parking shall be implemented in permanent materials with any driveways at a gradient no greater than 5% (1 in 20) for the first 5 metres and thereafter not steeper than 8.3% (1 in 12) before the development is brought into beneficial use and retained for parking purposes in perpetuity.</p> <p>Reason: In the interest of highway safety.</p>
20.	<p>The individual driveways for Plots 2, 3 & 4 shall be laid out with vision splays of 2.4m x 33m in both directions before the development is brought into beneficial use and retained as such thereafter in perpetuity.</p> <p>Reason: In the interests of highway safety</p>
21.	<p>The individual driveway for Plot 1 shall be laid out with a Northerly vision splay of 2.4m x site frontage before the development is brought into beneficial use and retained as such thereafter in perpetuity.</p> <p>Reason: In the interests of highway safety</p>

22.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 or the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no vehicular access shall be permitted on the eastern boundary of Plot 1 onto Minffrwd Road.</p> <p>Reason: In the interests of highway safety.</p>
23.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 or the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013(or any Order revoking and re-enacting that Order with or without modification) no vehicular or pedestrian accesses shall be permitted on the western boundaries of Plots 2 and 3 onto Minffrwd Close.</p> <p>Reason: In the interests of highway safety.</p>
24.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 or the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013(or any Order revoking and re-enacting that Order with or without modification) no vehicular or pedestrian access shall be permitted on the northern and western boundaries of Plot 4 onto Minffrwd Close.</p> <p>Reason: In the interests of highway safety.</p>
25.	<p>No development shall commence on site until there has been deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that any retaining wall to be constructed will be designed and constructed so as to prevent subsequent ground movement. Any retaining wall shall be constructed in accordance with the design and constructional details so certified and shall thereafter be retained and maintained as such in perpetuity.</p> <p>Reason: In the interests of highway safety.</p>
26.	<p>In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop and no further development shall take place until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.</p> <p>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.</p>
27.	<p>* THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION * To satisfy the conditions 8 and 9, the applicant must:</p> <ul style="list-style-type: none"> • Provide a foul and surface water drainage layout • Provide an agreement in principle from DCWW for foul disposal to the public sewer • Provide a construction management plan outlining how surface water runoff will be managed during the construction phase • Submit a sustainable drainage application form to the BCBC SAB

(SAB@bridgend.gov.uk).

- Provide a surface water drainage layout including the location of a soakaway
- Provide infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE 365
- Provide a plan showing locations of trial holes and at least 3 separate tests at each trial hole location
- Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system
- Provide a timetable for its implementation; and
- Provide a management and maintenance plan for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

REFERENCE: P/22/335/FUL
APPLICANT: Mr M Smart: 26 Pant Glas, Pencoed CF35 6YL
LOCATION: 26 Pant Glas, Pencoed CF35 6YL
PROPOSAL: Construction of store to rear garden and garage/store to side of property
RECEIVED: 10 May 2022

APPLICATION/SITE DESCRIPTION

This application seeks consent to erect a garage to the side of the dwelling and a domestic storage building to the rear garden. Following a consultation and neighbour notification process, amended plans were requested to reduce the height and footprint of the proposed storage building.

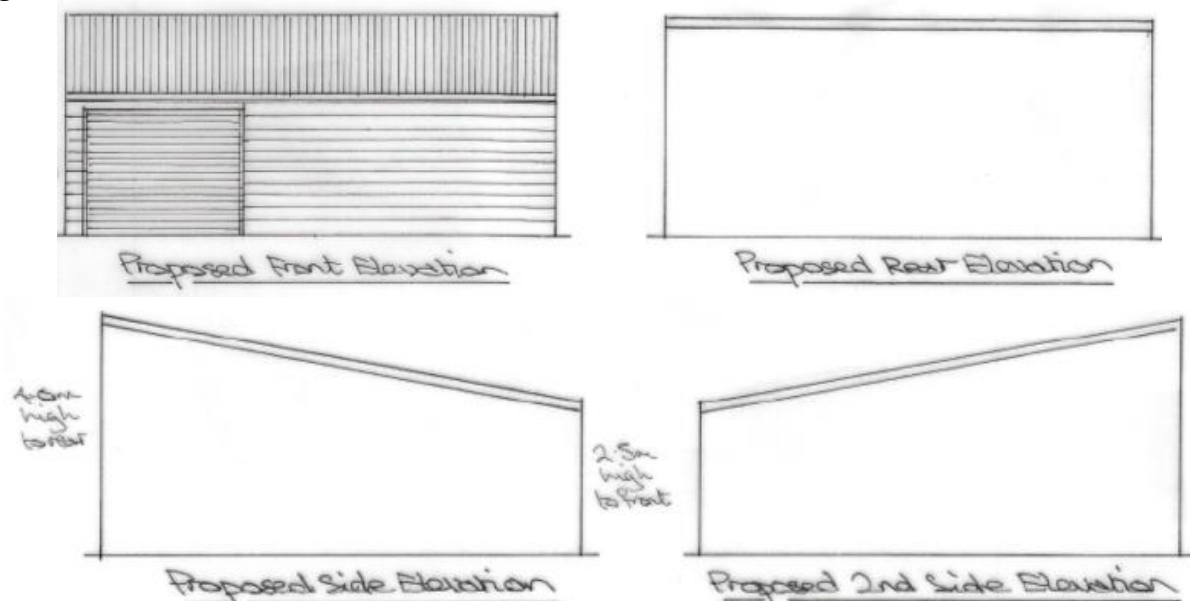
This application is submitted in conjunction with application P/22/337/FUL as both applications propose a rear storage building. The two storage buildings would be constructed as one but separated by an internal dividing wall.



Fig. 1 – Site Location Plan

These were subsequently received. The extracts below show the originally submitted plans and the amended plans for the storage building.

Fig. 2 - Originally submitted plans of proposed storage building



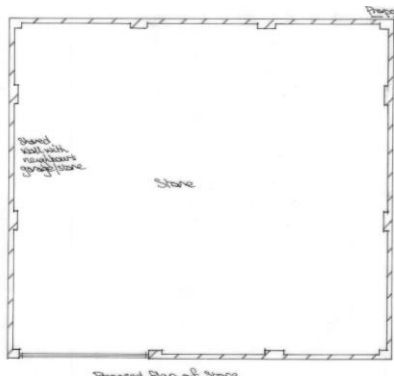


Fig. 3 - Amended plans of proposed storage building

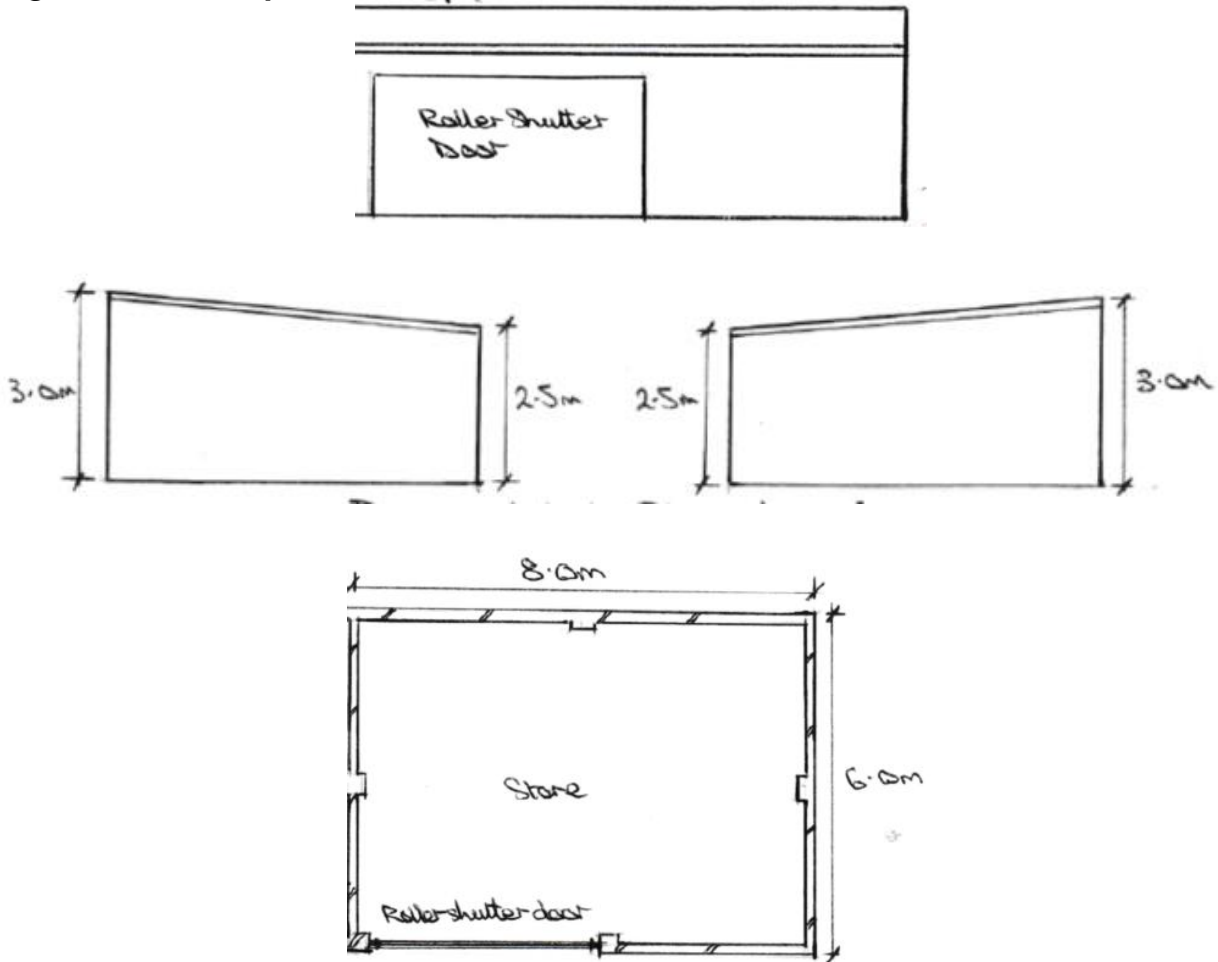


Fig. 4 - Proposed elevations of garage to side of dwelling



Pant Glas is predominantly characterised by semi-detached dwellings. The north-western side of Pant Glas which includes 26 Pant Glas, each have front garden areas but much larger rear garden areas ranging between 20m and 30m in length. The rear gardens of these dwellings back on to a small stream. The furthest side of the stream includes a band of protected trees.

RELEVANT HISTORY

None

PUBLICITY

Neighbours have been notified of the receipt of the application.

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

CONSULTATION RESPONSES

Councillor Alex Williams - Considers the application can be determined under officer delegated powers.

REPRESENTATIONS RECEIVED

The following neighbours **have** responded to the re-consultation on the amended plans.

The owner/occupier 2 Heol Las - Supports the revised proposal.

The owner/occupier 30 Pant Glas – Objects for the following reasons:

- Size of the proposed units for both properties, are for commercial use and not just household storage.
- Not in keeping with a residential storage area and/or garage.
- Removal of dividing wall to make a large unit.
- No road access to garage at 26 Pant Glas.
- Damage to roots of TPO trees.
- Potential flooding and lack of drainage information.
- Impact on privacy.

The owner/occupier 14 Pant Glas – Objects for the following reasons:

- This proposed development still resembles a size of an industrial unit that can be rented by BCBC on Bridgend Industrial Estate.
- Water run off causing flooding.
- Impact on protected trees.
- Lamppost in the immediate vicinity of the drive way.
- Commercial repair of vehicles.

The owner/occupier 18 Pant Glas – Objects for the following reasons:

- Noise and pollution from repairing of cars.
- Continuous fire and noise.
- Business use of the garage.
- Removal of protected TPO trees.

The following representator **has not** responded to the re-consultation and amended plans. However, the following is a summary of their comments lodged on the original scheme.

The owner/occupier 65 Glyn y Mel - Objects for the following reasons-

- Noise from the repairing of vehicles.
- Scale of the shed for commercial activity.
- Height of garage will engulf, encroach and infringe the view from the rear right-side of our garden/property.
- Loss of daylight due to height of garage.

- Devaluation of property.

COMMENTS ON REPRESENTATIONS RECEIVED

Devaluation of property

This is not a material planning consideration.

Drainage of the storage building

No plans have been provided regarding the drainage of the storage building and so a condition will be added requesting details of the proposed scheme for the treatment of surface water. The outbuildings do not include any toilet or kitchen facilities.

Existing noise and smoke issues

Any issues regarding noise from working on vehicles and smoke from burning of waste should be directed to Shared Regulatory Services (SRS). The application has been made on a householder application form and on the basis of a domestic use and conditions will be used to ensure that the outbuildings are not used on a commercial basis.

Use of property for commercial car repairs

During the site visit it was noted there were 3 cars parked on the front driveway of this property. The occupier of this property confirmed they were all owned either by themselves or by her son who resides at no.28. The occupier explained that the son often works on these cars but no commercial car repairs take place at the property. A separate planning enforcement case is currently being investigated regarding this matter and we are awaiting a log from the complainant. This Planning application has been submitted on the householder application form and there is nothing in the application documentation to suggest any commercial car repairs will take place in the proposed storage building.

Size of proposed rear storage building, dividing wall and access

The height of the storage building has been reduced from 4m at the rear to 3m, the width reduced from 9m to 8m and the depth reduced from 8m to 6m. During the site visit it was noted that other dwellings in the vicinity had garden buildings of varying sizes. It is considered the size of the proposed storage building serving this property is similar to the size of a double garage.

The application includes the dividing wall and the application is considered on this basis. Vehicular access to the storage building would be via the open ended car port at 28 Pant Glas although if the occupants do not wish to store a vehicle in the building they would access it from their own rear garden.

Roller shutter door being used on a domestic building

The applicant's agent has confirmed the roller shutter door would be electrically operated and so would not cause noise disturbance when opening/closing. This type of door is not an uncommon feature on domestic buildings.

Removal of TPO protected trees

There is an ongoing Planning enforcement investigation into this matter. This proposal does not involve removal of any trees.

Root damage to TPO trees

The proposed storage building would be approximately 4m from the nearest tree trunk. There is a small stream between the tree and the proposed building which has a depth of 1m. It is considered there would be no significant damage to the roots of the trees due to the depth of the roots and the shallow nature of the foundations for the proposed building, as illustrated on the submitted plans.

Lack of dropped kerbs to front and lamp post

During the site visit it was noted that a dropped kerb does exist and that any extension to this will not require Planning permission but will require the consent of the Highways Department. If the occupiers wish to remove or relocate the lamp post they will need to apply to the Highways Department.

Potential flooding

No drainage plans have been received and so a condition will be added requesting this detail.

Impact on privacy

As the storage building is not considered to be a habitable building it is not expected to infringe existing privacy standards. There are no side-facing windows proposed in the storage building and a gap of 1m is retained between the outbuilding and the boundaries with 24 and 30 Pant Glas.

Fig. 5 - Looking towards the rear of the garden –



Fig. 6 - Looking back towards the house

Fig. 7 Frontage of the property (rhs)



PLANNING POLICIES

The policy context for the proposal is set out below:

National Planning Policy and Guidance

Planning Policy Wales (Edition 11, Feb. 2021) is the principal statement of national planning policy.

The following Technical Advice Notes (TANs) are also of relevance in the consideration of these proposals:

TAN12 – Design (2016)

Future Wales – the National Plan 2040 is our national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. The documents set out the key challenges and opportunities, required outcomes and a spatial strategy for the four regions of Wales.

Local Development Plan Policies

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

Strategic Policy SP2 – Design and Sustainable Place Making
Policy PLA11 – Parking Standards

Supplementary Planning Guidance

SPG02 – Householder Development
SPG17 – Parking Standards

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act 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 wellbeing goals/objectives as a result of the proposed development.

The Socio-Economic Duty

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

the duty has been considered in the assessment of this application.

APPRAISAL

This application is referred to Development Control Committee for determination due to the number of objections received.

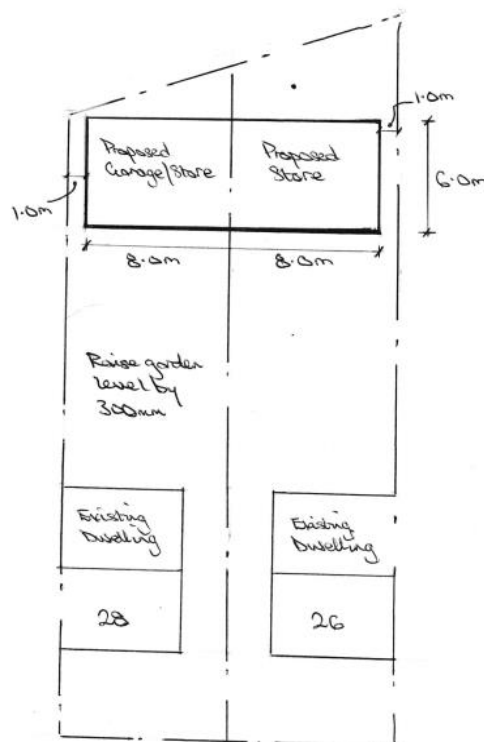
The proposed garage/store to the side of the dwelling would not protrude forward of the front wall of the dwelling and so would not extend beyond the building line. The plans do not provide details of the external finishes of the garage/store and so a condition will be added requiring the finishes to match those of the existing house which is dashed render. The frontage of the property has sufficient space available on which to park 3 vehicles.

The amended plans state the proposed rear storage building would be finished in brown upvc cladding with a brown box profile roof. The proposed height of 3m to the rear and 2.5m to the front is considered acceptable, a gap of 1m will be retained between the outbuilding and the boundaries with 24 and 30 Pant Glas respectively and it would not result in an overbearing impact on neighbouring property. It is considered this building would not have an adverse impact on the visual amenities of the vicinity.

The proposed rear storage building would be sited approximately 3m from the stream that denotes the rear boundary of the property and approximately 10m from the boundary with the property to the rear, 10 Iestyn Drive. This dwelling is sited a further 8m in from the boundary. Existing trees and hedges would provide some screening of the proposed storage building and the colour of the proposed finishes would ensure there is no adverse impact on visual amenities.

Natural Resources Wales has not been consulted on this application as the site does not fall with a flood zone as defined by TAN15.

Fig. 5 – Site Layout Plan (inc. the proposals for 28, Pant Glas)



Due to the concerns raised by neighbouring residents, a condition will be added requiring the use of the storage building to remain as ancillary to the main house and not used for any commercial activities.

CONCLUSION

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.

The concerns raised by the neighbours are acknowledged, however, on balance, it is considered that they do not outweigh the other material issues connected to the development as to warrant refusal on those grounds, particularly after the scheme was amended.

RECOMMENDATION

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

1. The development shall be carried out in accordance with the following approved plans:
 - For the attached garage/store: Sheet 1 of 1 received on 10 May 2022.
 - For the rear storage building: Amended plans and elevations received on 31 August 2022; Amended block plan received on 31 August 2022

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

2. The attached garage/store and storage building hereby approved shall only be used for purposes incidental and ancillary to the enjoyment of the dwellinghouse, known as 26 Pant Glas, Pencoed, as shown on the Site Location Plan received on 10 May 2022, and for no other purpose whatsoever including the carrying out of a trade or business.

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. Notwithstanding the approved plans, the materials to be used in the construction of the external surfaces of the attached garage/store shall match those used in the existing dwelling.

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

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

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

5. Notwithstanding the plans as hereby approved, the existing green metal outbuilding shall be removed from the site prior the beneficial use of the garage and store.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development and the retention of a sufficient amount of outdoor amenity space to serve the dwelling.

6. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *
- a. 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. The concerns raised by the neighbours are acknowledged however, in their 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.
 - b. Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. You should contact the Highway Maintenance Inspector for the area, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.
 - c. Should the lamp post require relocation you should contact the Highways Section of Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

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REFERENCE: P/22/337/FUL
APPLICANT: Mr M Smart: 28 Pant Glas, Pencoed CF35 6YL
LOCATION: 28 Pant Glas, Pencoed CF35 6YL
PROPOSAL: Construction of garage/store to rear garden; car port to side of dwelling and increase in levels to garden area
RECEIVED: 10 May 2022

APPLICATION/SITE DESCRIPTION

This application seeks consent to erect a car port to the side of the dwelling, construct a garage/store to the rear garden and increase the height of the rear garden by 30mm. Following a consultation and neighbour notification process, amended plans were requested to reduce the height and footprint of the proposed rear storage building.

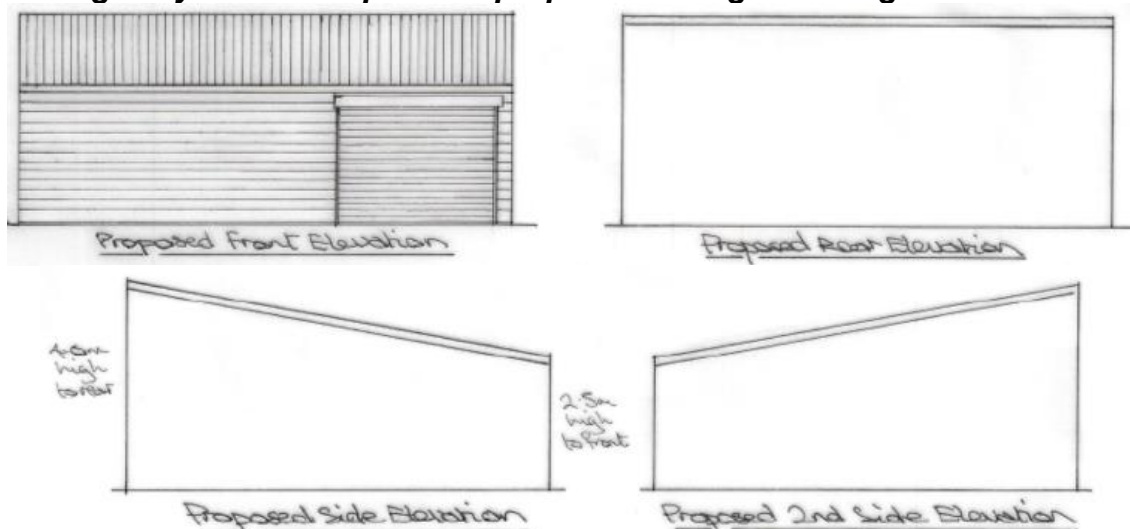
This application is submitted in conjunction with application P/22/335/FUL as both applications propose a rear storage building. The two storage buildings would be constructed as one but separated by an internal dividing wall.

Fig. 1 – Site Location Plan



These were subsequently received. The extracts below show the originally submitted plans and the amended plans for the storage building.

Fig. 2 - Originally submitted plans of proposed storage building



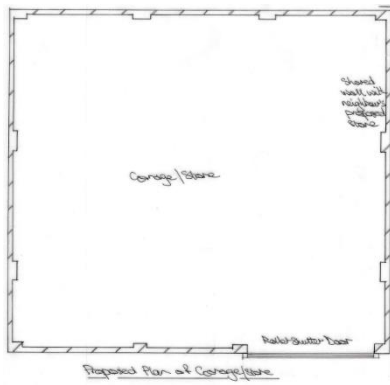


Fig. 3. - Amended plans of proposed storage building

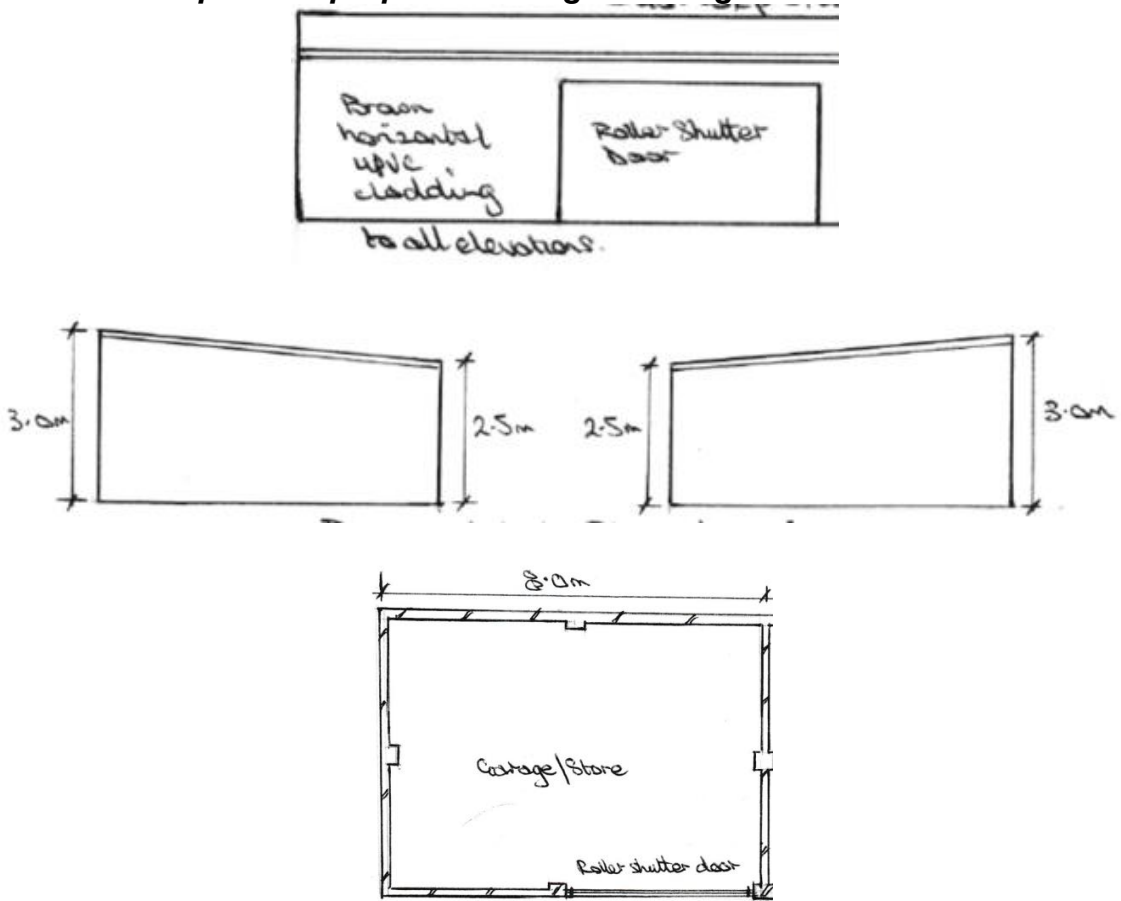


Fig. 4 – Proposed elevations of car port to side of dwelling



Pant Glas is predominantly characterised by semi-detached dwellings. The north-western side of Pant Glas, which includes 28 Pant Glas, each have front garden areas but much larger rear gardens ranging between 20m and 30m in length. The rear gardens of these dwellings back on to a small stream. The furthest side of the stream includes a band of protected trees.

RELEVANT HISTORY

T/99/27/TPO – Land to rear of 28 Pant Glas – Lopping & Felling of Trees In Area A1 Covered By Ogwr Tpo No 13 1988 – Approved 8/7/99

PUBLICITY

Neighbours have been notified of the receipt of the application.
The period allowed for response to consultations/publicity has expired.

CONSULTATION RESPONSES

Councillor Alex Williams – Considers the application can be determined under officer delegated powers.

REPRESENTATIONS RECEIVED

The following neighbours **have** responded to the re-consultation on the amended plans.

The owner/occupier 2 Heol Las – Supports the revised proposal.

The owner/occupier 30 Pant Glas – Objects for the following reasons:

- Size of the proposed units for both properties are for commercial use and not just household storage.
- Not in keeping with a residential storage area and/or garage.
- Potential future removal of the dividing wall to make a larger unit.
- No road access to garage at 26 Pant Glas.
- Damage to the roots of TPO trees.
- Increased height of garden, potential flooding and lack of drainage information.
- Impact on privacy.

The owner/occupier 14 Pant Glas – Objects for the following reasons:

- This proposed development still resembles an industrial sized unit that can be rented by BCBC on Bridgend Industrial Estate.
- Water run off causing flooding.
- Impact on protected trees.
- Lamppost in the immediate vicinity of the drive way.
- Commercial repair of vehicles.

The owner/occupier 18 Pant Glas – Objects for the following reasons:

- Noise and pollution from repairing of cars.
- Continuous fire and noise.
- Business use of the garage.
- Removal of protected TPO trees.

The following neighbours **have not** responded to the re-consultation and amended plans. However, the following is a summary of their comments lodged on the original scheme:

The owner/occupier 65 Glyn y Mel – Objects for the following reasons-

- Noise from the repairing of vehicles.
- Scale of the shed for commercial activity.
- Height of garage will engulf, encroach and infringe the view from the rear right-side of our garden/property.

- Loss of daylight due to height of garage.
- Devaluation of property.

The owner/occupier 16 Pant Glas – Objects for the following reasons-

- Use of building for commercial activity.
- Noise from repair works.
- Burning of waste.
- Visual impact of building.

COMMENTS ON REPRESENTATIONS RECEIVED

Devaluation of property

This is not a material planning consideration.

Drainage of the storage building

No plans have been provided regarding the drainage of the storage building and so a condition will be added requesting details of the proposed scheme for the treatment of surface water. The outbuildings do not include any toilet or kitchen facilities.

Existing noise and smoke issues

Any issues regarding noise from any future working on vehicles and smoke from the burning of waste should be directed to Shared Regulatory Services (SRS). The application has been made on a householder application form and on the basis of a domestic use and conditions will be used to ensure that the outbuildings are not used on a commercial basis.

Use of property for commercial car repairs

During the site visit it was noted that there were 3 cars parked on the front driveway of this property. The occupier of this property confirmed that they were all owned either by themselves or by her son who resides at 26 Pant Glas. The occupier explained that her son often works on the cars but no commercial car repairs take place at the property. A separate Planning enforcement case is currently being investigated regarding this matter and we are awaiting a log from the complainant. This Planning application has been submitted on householder application forms and there is nothing in the application documentation to suggest that any commercial car repairs will take place in the proposed storage building.

Size of proposed rear storage building, dividing wall and access

The height of the storage building has been reduced from 4m at the rear to 3m, the width has been reduced from 9m to 8m and the depth reduced from 8m to 6m. During the site visit it was noted that other dwellings in the vicinity had garden buildings of varying sizes. It is considered that the size of the proposed storage building serving this property is similar to the size of a double garage.

The application includes the dividing wall and the application is considered on this basis. Vehicular access to the storage building would be via the open ended car port at 28 Pant Glas although if the occupants do not wish to store a vehicle in the building they would access it from their own rear garden.

Roller shutter door being used on a domestic building

The applicant's agent has confirmed the roller shutter door would be electrically operated and so would not cause noise disturbance when opening/closing. This type of door is not an uncommon feature on domestic buildings.

Removal of TPO protected trees

There is an ongoing Planning enforcement investigation into this matter. This proposal

does not involve removal of any trees.

Root damage to TPO trees

The proposed storage building would be approximately 2m from the nearest tree trunk. There is a small stream between the tree and the proposed building which has a depth of 1m. It is considered there would be no significant damage to the roots of the trees due to the depth of the roots and the shallow nature of the foundations for the proposed building, as illustrated on the submitted plans.

Lack of dropped kerbs to front and lamp post

During the site visit it was noted that a dropped kerb does exist and that any extension to this will not require Planning permission but will require the consent of the Highways Department. If the occupiers wish to remove or relocate the lamp post they will need to apply to the Highways Department.

Increased height of land and potential flooding

During the site visit it was noted the driveway had been increased in height with what appeared to be a drainage pipe located to the side. The proposed plans state the increase in height of the existing garden will be 30mm. A condition will be added requiring existing and proposed levels to be agreed before any construction works take place. No drainage plans have been received and so a condition will be added requesting this detail.

Impact on privacy

As the storage building is not considered to be a habitable building it is not expected to infringe existing privacy standards. There are no side-facing windows proposed in the storage building and a gap of 1m is retained between the outbuilding and the boundaries with 24 and 30 Pant Glas.

Fig. 5 - Looking towards the rear of the garden –



Fig. 6 - Looking back towards the house



Fig. 7 – Front of property



PLANNING POLICIES

The policy context for the proposal is set out below:

National Planning Policy and Guidance

Planning Policy Wales (Edition 11, Feb. 2021) is the principal statement of national planning policy.

The following Technical Advice Notes (TANs) are also of relevance in the consideration of these proposals:

TAN12 – Design (2016)

Future Wales – the National Plan 2040 is our national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. The documents set out the key challenges and opportunities, required outcomes and a spatial strategy for the four regions of Wales.

Local Development Plan Policies

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

Strategic Policy SP2 – Design and Sustainable Place Making
Policy PLA11 – Parking Standards

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act 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 wellbeing goals/objectives as a result of the proposed development.

The Socio-Economic Duty

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

APPRAISAL

This application is referred to Development Control Committee for determination due to the number of objections received.

The proposed car port to the side of the dwelling would not protrude forward of the front wall of the dwelling and so would not extend beyond the building line.

The amended plans state that the proposed rear storage building would be finished in brown upvc cladding with a brown box profile roof. The proposed height of 3m to the rear and 2.5m to the front is considered acceptable, a gap of 1m will be retained between the outbuilding and the boundaries with 24 and 30 Pant Glas respectively and it would not result in an overbearing impact on neighbouring property. It is considered that this building would not have an adverse impact on the visual amenities of the area as it would not be prominent from public vantage points.

The proposed rear storage building would be sited approximately 1.5m from the stream that denotes the rear boundary of the property and approximately 8m from the boundary with the property to the rear, 10 Iestyn Drive. This dwelling is sited a further 8m in from the boundary. Existing trees and hedges would provide some screening of the proposed storage building and the colour of the proposed finishes would ensure there is no adverse impact on visual amenities.

Natural Resources Wales has not been consulted on this application as the site does not fall within a flood zone as defined by TAN15.

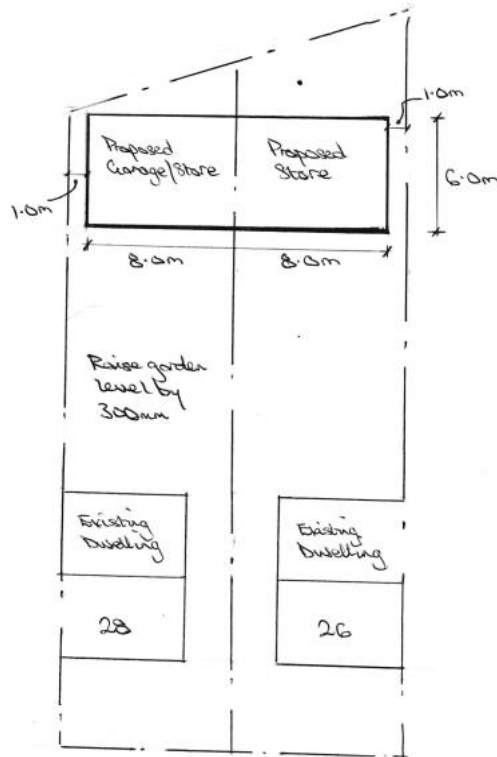


Fig. 5 – Site Layout Plan (inc. the proposals for 26, Pant Glas)

Due to the concerns raised by neighbouring residents a condition will be added requiring the use of the storage building to remain as ancillary to the main house and not used for any commercial activities.

CONCLUSION

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.

The concerns raised by the neighbours are acknowledged, however, on balance, it is considered that they do not outweigh the other material issues connected to the development as to warrant refusal on those grounds, particularly after the scheme was amended.

RECOMMENDATION

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

1. The development shall be carried out in accordance with the following approved plans:
 - For the attached car port: Sheet 1 of 1 received on 10 May 2022.
 - For the rear storage building: Amended plans and elevations received on 31 August 2022; Amended block plan received on 31 August 2022

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

2. The car port and storage building hereby approved shall only be used for purposes incidental and ancillary to the enjoyment of the dwellinghouse, known as 28 Pant Glas, Pencoed, as shown on the Site Location Plan received on 10 May 2022, and for no other purpose whatsoever including the carrying out of a trade or business.

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

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

4. No development shall take place until details of the proposed floor levels of the buildings 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. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *

- a. 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. The concerns raised by the neighbours are acknowledged however, in their 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.
- b. Should the lamp post require relocation you should contact the Highways Section of Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

**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-01997-N2P6M0 (1955)
APPLICATION NO.	P/22/143/FUL
APPELLANT	MR R DAVIES
SUBJECT OF APPEAL	CONSTRUCT GARDEN ROOM TO REAR GARDEN: 16 SHELLEY DRIVE BRIDGEND
PROCEDURE	HOUSEHOLDER
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The development, by reason of its scale, siting, design and elevated form, represents an incongruous and overly prominent addition to the property having a detrimental impact on local visual amenities, contrary to Policy SP2 of the Bridgend Local Development Plan (2013), Supplementary Planning Guidance Note 02: Householder Development (2008) and advice contained within Planning Policy Wales (Edition 11, 2021).
2. The development, by reason of its siting, scale and design, has an unreasonably dominant, overlooking and imposing impact on neighbouring residential properties, particularly No. 14 Shelley Drive, to the detriment of the residential amenities enjoyed by the occupiers of neighbouring properties. The proposal is therefore contrary to Policy SP2 of the Bridgend Local Development Plan (2013), the principles of Supplementary Planning Guidance 02: Householder Development (2008) and advice contained within Planning Policy Wales (Edition 11, 2021).

APPEAL NO.	CAS-02071-B9C1R9 (1960)
APPLICATION NO.	P/22/195/FUL
APPELLANT	MR G MORGAN
SUBJECT OF APPEAL	REMOVAL OF EXISTING ROOF; ROTATION OF ROOF PITCH; INCREASE OF ROOF PITCH; TWO NEW PITCHED ROOF DORMERS TO FRONT; FLAT ROOF DORMER EXTENSION TO REAR: 15 ANGLESEY WAY PORTHCAWL
PROCEDURE	HOUSEHOLDER
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reason:

1. The proposed extension, by reason of its design, scale and siting, results in an incongruous and highly prominent alteration to the appearance of the dwelling that is not in keeping with the character of the residential area to the detriment of the visual amenities of the street scene. The proposal is therefore contrary to Policy SP2 of the Bridgend Local Development Plan (2013) and advice contained within SPG02: Householder Development (Notes 11 and 14).

APPEAL NO.	CAS-02071-B9C1R9 (1970)
ENFORCEMENT NO.	ENF/186/20/ACK
APPELLANT	MR G MORGAN
SUBJECT OF APPEAL	UNTIDY LAND: FORMER PUMP HOUSE HEOL FAEN MAESTEG
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	ENFORCEMENT

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

APPEAL NO.	CAS-01667-X6V3G0 (1943)
APPLICATION NO.	P/21/772/FUL
APPELLANT	C SHILLIBIER
SUBJECT OF APPEAL	RETENTION OF NEW AGRICULTURAL TRACKWAY USING WIDENED ACCESS: TY ISAF FARM, SHWT
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED

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

RECOMMENDATION

That the report of the Corporate Director Communities be noted.

JANINE NIGHTINGALE - CORPORATE DIRECTOR COMMUNITIES

Background Papers (see application reference number)



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 07/07/22

gan C MacFarlane BSc(Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion
Cymru

Dyddiad: 23/09/2022

Appeal Decision

Site visit made on 07/07/22

by C MacFarlane BSc(Hons) MSc
MRTPI

an Inspector appointed by the Welsh
Ministers

Date: 23/09/2022

Appeal Ref: CAS-01667-X6V3G0

Site address: Ty Isaf Farm, Shwt, Bettws CF32 8UD

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 C Shillibier against the decision of Bridgend County Borough Council.
- The development proposed is new agricultural trackway using widened access.

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the address given in the appeal form as accurately and concisely describing the site location.
3. The access has been widened and the trackway laid out, with the exception of a grassed central strip indicated on the cross-section plan and the proposed translocation of a section of hedgerow. I have therefore considered the appeal as partly retrospective.

Main Issues

4. The main issues are:
 - i) Whether the proposal would be acceptable with regard to local planning policies restricting development in the countryside;
 - ii) The effect of the proposal on the character and appearance of the area;
 - iii) The effect of the proposal on highway safety; and
 - iv) The effect of the proposal on ecology.

Reasons

Development in the countryside

5. The appeal site forms part of a field in the countryside, as identified by the Bridgend Local Development Plan 2006-2021 (LDP). The proposal utilises an existing field access and the majority of the length of the track is positioned near to, and generally following, the field boundary that adjoins the highway. A cluster of properties is located to the east on the opposite side of the highway, with the land generally rising from the access point towards the farm complex at the northern end of the track. The surrounding area has a pleasant rural character, typified by agricultural land, hedgerows and trees, narrow highways and a scattered pattern of development.
6. In seeking to protect and maintain the integrity of the countryside, LDP Policy ENV1 restricts development in these areas to certain exceptions where it is necessary, including for agricultural purposes. The proposal is presented as being necessary for the efficient running of Ty Isaf Farm, by providing suitable access for larger, modern machinery and delivery vehicles. Reference is also made to the use of the access and track by other local farmers to access their land, and in facilitating wood deliveries to supply consented biomass boilers associated with the farm.
7. I observed during my site visit the constrained nature of the highway, due to its narrow width and geometry around the entrance to Ty Isaf Farm. Visibility is also restricted in places as a result of the road alignment and gradient. As such, I have little doubt that the proposal allows for easier manoeuvring of large vehicles and therefore represents a more convenient alternative for the appellant than the existing arrangements. However, the test in Policy ENV1 is whether the development is necessary.
8. Appendix 2 of the appellant's Grounds of Appeal outlines vehicle movements utilising the proposed track and access. However, it is unclear from the wording used whether this reflects movements that have already occurred or are anticipated to occur, or a combination of both. Also, the movements outlined as 'throughout year' have not been quantified, resulting in a lack of clarity around the exact number of vehicle movements. In any case, it is apparent that although the majority of vehicles listed have been identified as too large to use the existing highway and entrance, the function of most of these journeys has, to date, been carried out through the use of smaller vehicles making multiple trips, meaning most of the business requirements have been, or are, able to be fulfilled.
9. Whilst the appellant refers to economic efficiencies arising from the use of larger vehicles, and their importance in the future development of the farm and fuel security, there is a lack of detailed information provided to substantiate these comments. As such, it is not possible to ascertain the scale and importance of such matters in ensuring the ongoing running of the farm business. I note a letter has been provided by a feed supplier outlining the challenges in using the current highway and access but there is little to indicate that the current arrangement of delivering smaller loads could not continue in practice. I also note the letter from a neighbouring farmer who is using the access and track to gain entry to their land. Again, there is an absence of information to explain the necessity of such activity to the functioning of this other farm. Comments regarding difficulties faced by emergency services in using the existing highway are also general in nature, with a lack of evidence to indicate this is a realistic issue of concern.
10. Potential methods of improving the existing highway have been put forward by the Council, which the appellant considers are impractical or unachievable. Given the absence of detailed proposals and technical information, it is not possible to ascertain the

feasibility, or otherwise, of such suggestions. In any event, this would not address the lack of convincing argument presented to demonstrate that the use of the existing highway to access the farm, as has been occurring for a considerable length of time, could not realistically continue.

11. Overall, due to the lack of information before me, I consider that inadequate justification has been presented in support of the proposal, as required by Policy ENV1.

Character and appearance

12. Due to the considerable length of the track, its siting across rising ground and hard-surfaced design, along with the substantial increased width of the access, the proposal appears as a significant and highly visible addition to the landscape when viewed from the highway to the south. Although the inclusion of a grassed central area would break up the width of the track, the overall effect is the formalisation and urbanisation of the site, with the resultant erosion of its natural and undeveloped appearance that positively contributes to the attractive rural character of the area. Although the appellant states that such tracks are increasingly commonplace within the countryside, I have not been provided with any specific examples, nor did I note any of a similar design that influence the visual context of the appeal proposal, during my site visit.
13. In conclusion, the proposal results in significant harm to the character and appearance of the area, thereby failing to comply with LDP Policies SP2 and ENV1 which seek to ensure development respects and enhances local character and distinctiveness and landscape character, and, where located in the countryside, has an appropriate scale, form and detail for its context.

Highway safety

14. The access point is located on a bend, with the highway rising and curving to the north, resulting in very limited visibility for vehicles using the access. Although the removal of approximately 15 metres of hedgerow is proposed in order to improve visibility, the drawings submitted lack sufficient technical detail to be confident that this would provide adequate visibility splays. I acknowledge the information provided that points to the highway being lightly trafficked, and that the proposal would result in some vehicles being displaced from the section of highway beyond the access point. However, given its wider and formalised nature, and intended use by other farms in the area, the proposal would also result in a greater level of use of the access when compared to its previous nature as a standard field access that would typically accommodate a small number of vehicle movements. As such, the proposal would create an intensification of vehicle use within an area of constrained visibility, with a consequential risk of conflict between vehicles, pedestrians and other road users. I note that visibility for drivers of larger vehicles may be greater than for other types of vehicles due to their raised position. However, the use of the track and access would not be restricted solely to those larger vehicles, therefore this would not be a reliable or suitable means of ensuring adequate visibility.
15. I therefore conclude that the proposal would cause significant harm to highway safety and would not comply with LDP Policy SP3, which seeks to ensure all development promotes safe, sustainable and healthy forms of transport, and improves road safety. The Council also refers to Policy SP2, although the nature of this conflict is unspecified. In any case, this does not alter my finding that the proposal would conflict with the development plan due to its failure to accord with Policy SP3.

Ecology

16. The widened access has resulted in some loss of hedgerow, with further removal of approximately 15 metres required to achieve the necessary visibility splays. Whilst the Council did not request further information on ecological impacts due to its objections to the principle of the proposals, this concern has been articulated through its officer report and reasons for refusal.
17. Given the lack of detailed information on the methods and effect of the removal and proposed translocation of a substantial length of hedgerow, I consider a precautionary approach to be appropriate in this instance. I do not consider the use of a planning condition to secure these details to be appropriate, as to do so would prevent proper consideration of matters that could be determinative in the acceptability of the proposal.
18. I am therefore unable to conclude that the proposal would not cause significant harm in respect of ecology and would fail to comply with LDP Policy ENV6, which requires developments to retain, conserve, restore and enhance hedgerows wherever possible, and where not possible to provide suitable mitigation or compensatory measures.

Other Matters

19. The Council's final reason for refusal refers to surface water drainage. Schedule 3 of the Flood and Water Management Act 2010 makes the provision of Sustainable Drainage Systems (SuDS) a mandatory requirement for all new developments, with the majority of new developments requiring SuDS approval. SuDS Schemes must be approved by the SuDS Approval Body (SAB) before construction work begins. The appellant contends the proposal would not require SAB consent based on another development that has taken place. However, the limited details I have been provided with appear to indicate fundamental differences in the type of development considered. As such I am unable to conclude that this provides an example against which meaningful comparisons could be drawn. Therefore, from the evidence before me, it appears that the scheme would require SAB consent. As matters relating to providing a sustainable drainage system are controlled under other statutory provisions, it would not be appropriate for me to these duplicate controls, and I am satisfied that the matter can be addressed by these other provisions.
20. In reaching my decision, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

Conclusion

21. For the reasons given above, the appeal is dismissed.

Claire MacFarlane

INSPECTOR

TRAINING LOG

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

<u>Subject</u>	<u>Date</u>
Householder design guide / amenity space standards	5 October 2022
PEDW Briefing for Members	16 November 2022
Public Rights of Way / Bridleways	4 January 2023
Tree Policy - Green infrastructure	2023
Building in Conservation Areas	

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

Recommendation:

That the report of the Corporate Director Communities be noted.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

BACKGROUND PAPERS

None

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