

# Public Document Pack

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

### Bridgend County Borough Council



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

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

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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:** Friday, 1 September 2023

Dear Councillor,

#### **DEVELOPMENT CONTROL COMMITTEE**

A meeting of the Development Control Committee will be held as a Hybrid meeting in the Council Chamber - Civic Offices, Angel Street, Bridgend, CF31 4WB on **Thursday, 7 September 2023 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. Site Visits  
To confirm a date of Wednesday 18/10/2023 for proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.
4. Approval of Minutes 3 - 8  
To receive for approval the minutes of the 27/07/2023
5. Public Speakers  
To advise Members of the names of the public speakers listed to speak at today's meeting (if any).
6. 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

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accommodated.

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|-----|--|---------|
| 7.  | <u>Development Control Committee Guidance</u>  | 9 - 12  |
| 8.  | <u>P/22/455/RLX - Coed Parc, Park Street, Bridgend, CF31 4BA</u>   | 13 - 38 |
| 9.  | <u>P/23/220/FUL - 33 Heol-y-Nant, Cefn Glas, Bridgend, CF31 4HT</u>  | 39 - 52 |
| 10. | <u>P/23/227/FUL - 61 Park Street, Bridgend, CF31 4AX</u>   | 53 - 66 |
| 11. | <u>P/23/147/FUL - Rear of 82 Merthymawr Road, Bridgend, CF31 3NN</u>   | 67 - 82 |
| 12. | <u>Appeals</u>   | 83 - 92 |
| 13. | <u>P/23/218/FUL - Land at Brynmenyn and Bryncethin, Bridgend</u>   | 93 - 94 |
| 14. | <u>Training Log</u>  | 95 - 96 |
| 15. | <u>Urgent Items</u><br>To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency. |         |

Note: This will be a Hybrid meeting and Members and Officers will be attending in the Council Chamber, Civic Offices, Angel Street Bridgend / Remotely via Microsoft Teams. 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 643148 / 643694 / 643513 / .643696

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  
S Easterbrook

Councillors

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

Councillors

M R John  
MJ Kearns  
W J Kendall  
J E Pratt  
A Wathan  
R Williams

## DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 27 JULY 2023

### MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN HYBRID IN THE COUNCIL CHAMBER - CIVIC OFFICES, ANGEL STREET, BRIDGEND, CF31 4WB ON THURSDAY, 27 JULY 2023 AT 10:00

#### Present

Councillor S Griffiths – Chairperson

H T Bennett	A R Berrow	N Clarke	C L C Davies
S Easterbrook	H Griffiths	MJ Kearns	D T Harrison
M L Hughes	D M Hughes	M R John	
W J Kendall	J E Pratt	A Wathan	

#### Apologies for Absence

RJ Collins, RM Granville and R Williams

#### Officers:

Rhodri Davies	Development & Building Control Manager
Craig Flower	Planning Support Team Leader
Stephen Griffiths	Democratic Services Officer - Committees
Rod Jones	Senior Lawyer
Robert Morgan	Senior Development Control Officer
Janine Nightingale	Corporate Director - Communities
Jonathan Parsons	Group Manager Development
Michael Pitman	Technical Support Officer – Democratic Services
Philip Thomas	Principal Planning Officer

#### 122. APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Member:-

Councillor R Collins

#### 123. DECLARATIONS OF INTEREST

The following declarations of interest were made:-

Councillor H Griffiths – Personal interest in agenda item 12

Councillor A Wathan – Personal interest in agenda item 8 as a member of Bridgend Town Council

Councillor H Bennett – Prejudicial interest in agenda item 9, as a result of her responses on the pre-deposit stage of the Local Development Plan.

Councillor J Pratt – Personal interest in agenda item 10 as a member of Porthcawl Town Council who takes no part in planning matters.

Councillor S Easterbrook – Personal interest in agenda item 8 as a member of Bridgend Town Council who takes no part in planning matters

#### 124. SITE VISITS

**DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 27 JULY 2023**

**RESOLVED:** To confirm a date of Wednesday 06 September 2023, for proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.

125. **APPROVAL OF MINUTES**

**RESOLVED:** That the minutes of the meetings of the Development Control Committees which took place on the 4<sup>th</sup> May 2023 and on the 15 June 2023, be approved as a true and accurate record

126. **PUBLIC SPEAKERS**

The following public speakers/members exercised their right to speak on the undermentioned planning applications:-

P/22/756/FUL – Councillor F Bletsoe (local member), Councillor D Unwin, Bridgend Town Council, P Sulley (applicant's agent) and A Gibbs (Bridgend College)

P/22/484/FUL – Councillor H Bennett (local member)

T/22/41/TPO – The Legal Officer read out the representations of objector K Tanner-Williams (who was absent from the meeting), R Jones (applicant)

P/23/291/FUL – P Griffiths (objector)

127. **AMENDMENT SHEET**

**RESOLVED:** The Amendment Sheet was accepted by the Chairperson as an urgent item under Part 4, paragraph 4 of the Council Procedure Rules

128. **DEVELOPMENT CONTROL COMMITTEE GUIDANCE**

**RESOLVED:** That the outline Development Control Committee Guidance be noted.

129. **P/22/756/FUL - LAND AT BRIDGEND POLICE STATION & FORMER CHEAPSIDE MULTI- STOREY CAR PARK, BRIDGEND, CF31 1BZ**

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

**Proposal**

Demolition of existing buildings and construction of a further and higher education facility (Use Class D1), theatre (Use Class Sui Generis), café (Use Class A3) including sprinkler tank, refuse store, cycle store, roof plant and associated public realm, landscaping, highways and engineering works.

130. **P/22/484/FUL - LAND AT PRIMROSE STABLES, OLD COACHMAN'S LANE COURT COLMAN, BRIDGEND, CF31 4NG**

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

**Proposal**

Use of land as a travelling show persons accommodation yard for family members to include three mobile lodges/caravans, two communal day rooms and associated works.

Subject to Condition 20 of the report being amended to that as follows:-

20. No development shall commence until a Waste Management Plan for the control, management, storage and disposal of any waste material generated during the clearance, construction and the storage and disposal of domestic waste generated by the development once completed, has been submitted to the Local Planning Authority. All waste shall be treated in accordance with the agreed waste plan.

Reason: To ensure the appropriate disposal of any waste arising from the development in terms of protection of the environment and to ensure the sustainability principles are adopted during development and complies with Policy ENV15 of the Bridgend Local Development Plan.

131. **T/22/41/TPO - WESTERN BANK OF WILDERNESS LAKE, EAST OF GER Y LYN, PORTHCAWL, CF36 5ND**

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

**Proposal**

Selectively fell, coppice and crown reduce a line of failing trees on the western bank of the Wilderness lakes. The tree species comprise: Alder *Alnus glutinosa*, Italian Alder *Alnus cordata*, Ash *Fraxinus excelsior*, Sycamore *Acer pseudoplatanus* and Willow *Salix* sp.

132. **P/21/483/OUT - LAND ADJACENT TO TONDU IRONWORKS, TONDU, CF32 9TF**

**RESOLVED:** (1) That having regard to the above application, 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 £6,234 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.
- ii. Comply with the Design Brief and Phasing Plan to be agreed in respect of condition 2.
- iii. Agree a programme for the management of all retained trees and new tree and hedge planting on the development site and adjacent woodland area.

- (2) That 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, subject to the Conditions contained in her report, in addition to the standard Reserved Matters conditions: -

Proposal

Demolition of existing offices (former Resource Centre for Groundwork Trust) and proposed 6 detached houses in outline with all matters reserved.

133. P/22/597/FUL - LAND FORMERLY FFALDAU ARMS, VICTORIA STREET, PONTYCYMMER, CF32 8LL

RESOLVED:

- (1) That having regard to the above application, 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 in accordance with Policy COM5 and SPG13;
- (2) That 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, subject to the Conditions contained in her report.

Proposal

Construction of a two-storey frontage block accommodating 6 No. 2 bed. residential apartments, together with a rear detached 2/3 storey residential apartment block, accommodating 4 No. 2 bed and 2 No. 1 bed residential apartments with undercroft parking, associated works and landscaping

134. P/22/740/BCB - PORTHCAWL COMPREHENSIVE SCHOOL, PARK AVENUE, PORTHCAWL, CF36 3ES

RESOLVED:

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

Proposal

Proposed multi use games area (MUGA) flood lighting.

135. P/23/291/FUL - 8, LLYNFI COURT, MAESTEG, CF34 9NJ

RESOLVED:

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

Proposal

Change of use from dwellinghouse (Use Class C3) to residential care home (Use Class C2) for up to 4 children.

136. APPEALS

RESOLVED: That it be noted that the following appeal to Welsh Ministers, has been withdrawn:-

Appeal No. - CAS-02302-G5W2C0 (1977)

Subject of Appeal – Mr W R Morgan & Mrs A J Morgan - Alleged Unauthorised felling of trees, M4 Corridor between Mawdlam and South Cornelly.

137. TRAINING LOG

RESOLVED: That the report of the Corporate Director – Communities outlining up and coming training sessions on key topics relating to Planning and Development be noted.

138. URGENT ITEMS

None.

The meeting closed at 13:20

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

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

## **STANDARD CONDITIONS**

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

### Time-limits on full permission

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

### Time-limits on outline permissions

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

### Variation from standard time-limits

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

## **STANDARD NOTES**

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

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

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

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

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

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

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

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

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

## **THE SITE INSPECTION PROTOCOL**

The Site Inspection Protocol is as follows:-

### **Purpose**

#### **Fact Finding**

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

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

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

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

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

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

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

Site visits 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.

## **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/22/455/RLX

**APPLICANT:** Park Tree Homes Ltd c/o C2J Architects, Unit 1a Compass Business Park, Pacific Road, Cardiff, CF24 5HL

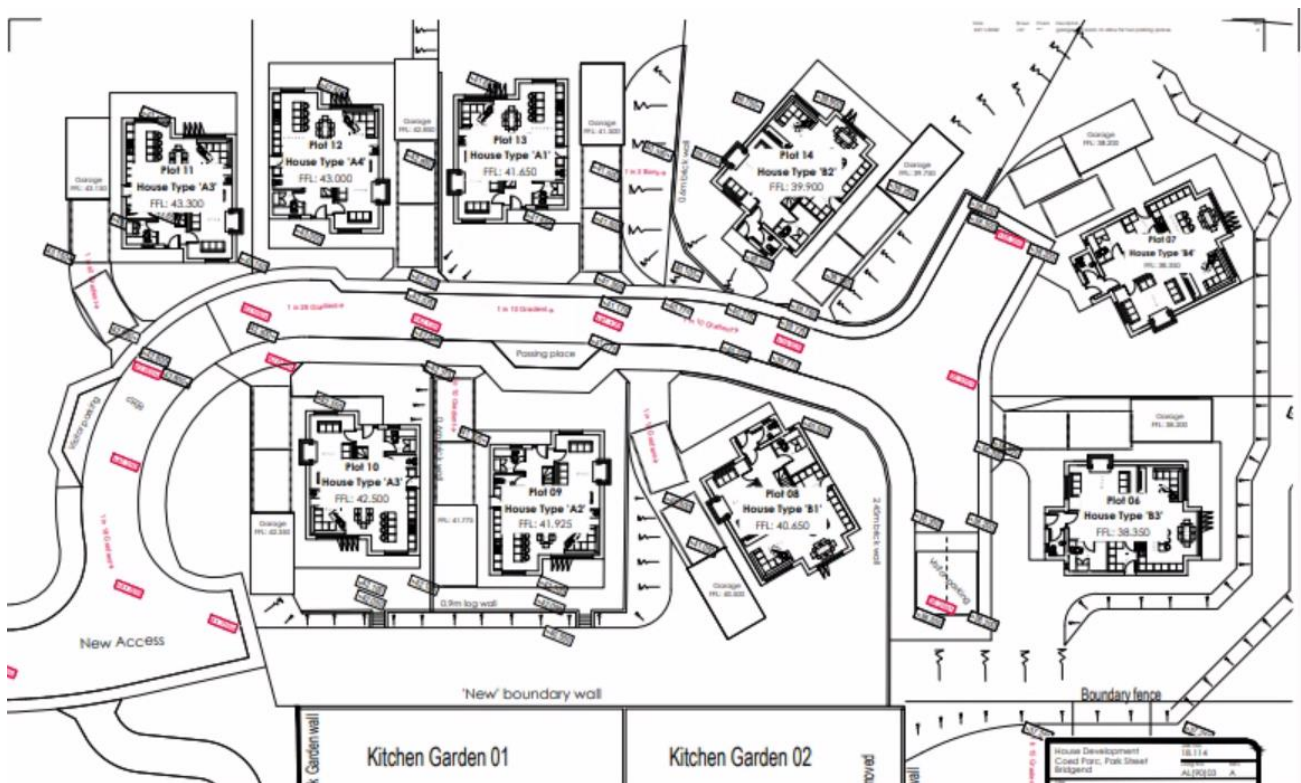
**LOCATION:** Coed Parc Park Street Bridgend CF31 4BA

**PROPOSAL:** Vary condition 1 of P/22/85/RLX to substitute plans and propose amended house designs for Phase 3 of the development

## APPLICATION/SITE DESCRIPTION

The Section 73 application seeks to vary Condition 1 of the latest consent for the wider development (PO/22/85/RLX) in order to amend plans and the design of the approved dwellings in Phase 3 of the residential development at Coed Parc, Park Street, Bridgend.

The application seeks to change the design of the nine dwellings in Phase 3 of the development to include extra bedrooms in the roof space.



**Fig. 1 – Site Layout Plan**

The nine dwellings that will form Phase 3 of the development are all detached dwellings and are a mix of housetypes (A1 - plot 13, A2 – plot 9, A3 – plots 10 and 11, A4 – plot 12, B1 – plot 8, B2 – plot 14, B3 – plot 6 and B4 – plot 7).

All of the plots benefit from three on-site parking spaces (including a detached garage) and front and rear amenity space. This part of the development will be accessed via Walters Road to the west although heavy construction traffic will utilise the access drive off Park Street to the south (as approved by Members in January under pp. No. P/22/85/RLX).

The original scheme that was allowed at appeal had the same number of dwellings in this part of the site (9) and in the same locations but with only two housetypes (A and B).



**Fig. 2 – Site Layout Plan Allowed under P/16/610/FUL**

The differences in the schemes/housetypes are illustrated below:



**Fig. 3 – Housetype A allowed at appeal**



**Fig. 4 – Housetype B allowed at appeal**



**Fig. 5 – Proposed Housetype A1 (plot 13)**



**Fig. 6 – Proposed Housetype A2 (plot 9)**



**Fig. 7 – Proposed Housetype A3 (plots 10 and 11)**



**Fig. 8 – Proposed Housetype A4 (plot 12)**





**Fig. 9 – Proposed Housetype B1 (plot 8)**



**Fig. 10 – Proposed Housetype B2 (plot 14)**



**Fig. 11 – Proposed Housetype B3 (plot 6)**



**Fig. 12 – Proposed Housetype B4 (plot 7)**

As well as there being more of a variety of finishes and designs, the “A” housetypes will incorporate first floor terrace areas accessed from the master bedroom. All housetypes will also incorporate two bedrooms in the roofspace (one with en-suite bathroom) with rooflights to the rear roofslopes and a flat roofed dormer addition to the front elevation overlooking the internal cul-de-sac.

The garages have been re-positioned to the rear of the driveways to allow at least 3 on-site parking spaces on each plot, in line with the original scheme which was allowed at appeal.

The application site is located approximately 1km to the west of the defined boundary of Bridgend town centre. The site is located in the Newcastle Hill Conservation Area and is currently accessed directly off Park Road (A473) to the south, which connects the town centre to the A48.

The site is located within an established residential area, with existing dwellings adjoining the site to the north, east and west on West Road, Coed Parc Court and Walters Road respectively. The site is bordered to the south by Park Street. The site is rectangular in shape and extends to an area of approximately 1.48 hectares and gradually slopes down from north to south. A large number of mature trees subject to a TPO are located across the site.

The site comprises a Grade II Listed building (Coed Parc), encompassing the main house, former coach house and adjacent single storey buildings which formerly accommodated the headquarters of the Bridgend Library and Information Services.

The building comprises a two-storey structure, constructed in masonry with a painted rendered finish. The roof structure has a pitched form with a natural slate finish. External doors and windows are painted timber single glazed units. To the west of the main building is the former coach house, a two-storey structure constructed in solid masonry with a painted render finish. The roof structure comprises a pitched form with a natural slate finish.

Plots 3, 4, 5 and 15 have been constructed and are occupied.

## **RELEVANT HISTORY**

P/16/610/FUL - Convert/renovate Coed Parc to 2 No. residential dwellings (inc. extension, alterations, part demolition) & construct 13no. new residential dwellings with new access, landscaping, parking & assoc. works – Refused – Allowed on Appeal – 15/12/2017

P/16/611/LIS - Listed Building application to convert/renovate Coed Parc to 2 residential dwellings (including extension, alterations, part demolition) in conjunction with the planning application to convert/renovate Coed Parc to 2 residential dwellings (including extension, alterations, part demolition) & construct 13 residential dwellings with new access, landscaping, parking & associated works – Approved (with conditions) – 14/08/2017

P/19/174/RLX - Vary condition 2 of appeal decision A/17/3181972 (P/16/610/FUL) to refer to amended plans – Approved (with conditions) – 28/06/2019

P/19/544/DOC - Approval of details for conditions 2, 3, 4, 5, 10, 11 & 15 of Appeal ref: A/17/3181972 & P/19/174/RLX – conditions discharged (split decision) - 02/04/2020

P/21/542/DOC - Approval of details for condition 5 (drainage) of P/19/174/RLX – condition discharged – 15/07/2021

P/21/953/DOC - Approval of details for conditions 2, 3 and 4 of P/16/611/LIS – conditions discharged – 11/04/2022

P/22/85/RLX - Remove condition 19 (Construction Method Statement) of P/19/174/RLX by the provision of details – Approved 05/01/2023

P/22/601/DOC - Approval of details for condition 5 of P/16/611/LIS – Application withdrawn

P/22/605/RLX - Variation of condition 1 of P/16/611/LIS to refer to amended plans for the Listed Building – Application withdrawn

P/22/620/RLX - Vary condition 1 of P/19/174/RLX to amend house design (House Type C) to include log burner and retention of access gate – Application withdrawn

P/23/424/DOC - Approval of details for conditions 9 (landscaping), 13 (vehicle turning area) and 15 (parking layout) of P/22/85/RLX – conditions discharged – 04/08/2023

## **PUBLICITY**

Neighbouring properties were notified of the application.

The consultation period for the amended plans expired on 18 July 2023.

## **CONSULTATION RESPONSES**

**Bridgend Town Council** - Bridgend Town Council objects to the proposals on the following grounds:

The Planning Committee note the increase in number of bedrooms and supporting information provided however local residents have continued to express concerns regarding the increase in traffic that this could cause. The Council supports the concerns of local residents and therefore re-iterates the previous objections made known to the Planning dept for this development and disagree with the relaxation as set out.

**Shared Regulatory Services (Air Quality)** – No objections subject to a condition to specify the type of log burner/fire to be used in the 9 dwellings to avoid a statutory nuisance aspect for nearby residents under the Environmental Protection Act 1990. Confident that log burners will not have a detrimental impact on the Park Street AQMA, where issues are caused by heavy traffic close to properties less than 1m from the road.

**Highways Officer (16/11/23)** – Initial comments on the original submission advised that additional details were required in order to provide comprehensive highway observations. It was also noted that the application seeks to increase the number of bedrooms from 4 to 6 although the applicant had not provided a transport statement to quantify the increase in vehicle movements which the increase in bedrooms may generate. The transport statement should include information from the TRICS database as evidence. Finally it is noted that the consented site layout from P/19/174/RLX shows the locations of the garages towards the back of the plot which allows for sufficient off-street parking in front of the garage, however, on the plans submitted with this application the garages have significantly moved to the front of the plots, which has removed off-street parking from each site. The applicant should return the garages to the location previously consented as the current garage location is not acceptable.

**Highways Officer (31/08/23)** – No objections, subject to a condition.

**Building Conservation and Design Officer** – No objections subject to approval of finishing materials.

## **REPRESENTATIONS RECEIVED**

The application was first submitted in June 2022 and amended plans were received in June 2023 following negotiations.

The Local Planning Authority received representations on both the original proposals and the revised plans. Letters of support were received from the occupiers of 3, 4 Coed Parc although they would appreciate a buffer zone of trees to ensure privacy for all dwellings already living at Coed Parc.

Letters of objection have been received from the occupiers of 4, 10, 11, 13, 15, 17, 19 Walters Road; 29, 31, 33, 35, 37 West Road; 6, 7 Coed Parc Court; 46 Park Street; 5 Coed Parc

The objections can be summarised as follows:

- inadequate parking on the site for 6 bedroom houses.
- inadequate provision for visitor parking.
- more vehicular and foot traffic generated by the larger properties through Walters Road.
- second floor windows will overlook the surrounding area to a greater degree than the first floor windows.
- rooflights not in keeping with the site and at odds with the style and character of the listed building.
- piece meal approach is devaluing the planning process.
- many trees have been removed compromising the landscape and setting of the listed building.
- new proposals feature additional windows at the rear and front of the buildings so privacy to the gardens and properties along West Road is a major concern.
- scale of the houses and the impact on the Listed building.
- no explanation for the changes and missing various relevant details.
- The proposal by P/22/455/RLX to increase the size of the Phase 3 houses from 4-bedrooms to 6-bedrooms runs counter to these aspirations. If this application were approved it would mean a 50% increase in bedrooms, a potential 50% increase in the Phase 3 population, a potential 50% increase in cars, and a potential 50% increase in household waste. This cannot have anything other than a negative effect on the environment of the Listed building and its extension, as well as Walters Road, West Road and Coed Parc Court
- the new housetypes are higher and wider/deeper than the old housetypes and are not being subservient to the Listed Building.
- the rear of the houses in plots 8, 9 and 10 are under 10.5m from the back walls of the Kitchen Gardens of the Listed building and its extension.
- the introduction of balconies compromises the privacy of adjoining gardens.
- the potential overall increase in cars will have implications for Road Safety and Trip rates along the sub-standard Walters Road/St. Leonards Road junction.
- the proposals could lead to on-road parking within Phase 3 or on Walters Road and likely conflicts between neighbours.
- if the chimneys are real they will emit greenhouse gases.
- there remains the possibility that a refuse storage facility will be placed at the entrance to phase 3.
- the application is destructive to the look and feel of the conservation area and environment.
- complete disregard for birds and other wildlife.
- service vehicles regularly being parked on both sides of lower St Leonard's Road causing cars to cross the centre line to the detriment of highway safety.
- the inclusion of large open fireplaces and chimneys for use by log burners or open fires will increase particulate air pollution in the Bridgend Air Quality Management Area.
- the size of the properties raises questions about their affordability as family homes and raises the prospect of the properties becoming HMOs or Air b&b's.
- the increased occupancy of the homes will mean less peace and privacy for those living in phase 2 of the development and surrounding streets with extra noise, traffic and overlooking into our properties.

- the increased length of time of construction and subsequent disruption.
- further delays in completing the library and landscaping to phases 1 & 2 of the site.
- permitted development rights should be removed.
- there is no legal access to the planned building site from West Road.
- this plan was originally refused by the council but yet again the council has changed their minds and are supporting it.
- there is no design statement and the tree report is out of date.
- the plans do not extend to the boundary for plots 11, 12, 13 and 14.
- the proposed velux windows will cause light pollution.

Comments were also received from local ward Members as follows:

**Cllr S. Bletsoe –**

09/09/22 - *“Further to planning application P/22/455/RLX and the consultation process. I have tried to educate myself as much as possible to this application and how it relates to the original approval, so that I can make a decision on whether I feel it should be passed under delegated authority or whether it should be decided by the Development Control Committee. In relation to the principle of increasing the properties from 4 bedroom to 6 bedroom, then I have no major objection to this matter other than the AQMA that has been declared on areas of Park Street and any increase in car journeys around this area and any reduction in mature trees on this site will have a detrimental effect on the effectiveness of the AQPA that is currently also out for consultation. Therefore any matters around this should be fully considered before being passed. I have more serious concerns around information that has been provided in objection to this proposal by residents who live on Walters Road and West Road which detail an increase in height of the properties, a slight moving of location of the properties and a proposed further removing of mature trees (that as mentioned will affect the local AQMA situation. I do not have enough evidence available to me, or experience in this long and drawn out process to give a full thought on the application as to whether I feel it should be approved or declined. However, on the basis of what I have written above, I do feel that there is enough material difference to the previously approved application to warrant a referral of this application to the Development Control Committee as I feel that the basis of the very in depth information provided by residents in their objections justifies such action. I believe that there is material changes to the approved application that would negate the ability to approve this under devolved authority. I have copied in my colleague @Cllr Timothy Wood into this email for his information. Given his position as Mayor of Bridgend Town and his civic responsibilities to the Town in the current national situation, he may be too busy to be able to write to you himself on this particular case.”*

14/07/23 – *“Firstly, I would like to request, as the local member, that this application is referred to Development Control Committee for consideration, due to the complexities of the variations proposed. This is barely a variation of conditions as much as a brand new planning application given how many variations are proposed. I believe that there are numerous documents submitted over an extended period of time which require a full report of the current permissions granted (some on appeal with the Wales Planning Inspector), the recently granted access plan and I believe that many local residents who will be affected by this development and the variations proposed are “lost” in the number of documents and what is approved Vs proposed Vs pending. In that respect I ask that a full report is made available for the democratically appointed Development Control Committee to consider, in full and with a site visit if necessary to consider such wide-ranging variations with details on what has been approved. After this request, I would like to make the following observations that I believe to be of a material nature and that I have noted from conversations with local residents, who I am elected to represent. The move from 4 – 6 bedrooms. I am concerned around this matter as there could be over intensification of a*

small area, not with properties but with numbers of people and vehicles expected to be using such a confined area. The original plans that were rejected by this authority made reference to the original numbers proposed as a concern, which was overturned on appeal, but I believe that increasing the number of bedrooms by a further 50% makes the matter worse. I have noted correspondence between a resident of West Road and the planning authority around restrictions that could be placed for control the short-term holiday let market (referred to as the Air BnB sector) by insisting that it is "residential only". Could I therefore ask if the proposed restrictions would be C3 or C4 usage as I do not believe that a residential property with a family living there who a room or rooms available that they make available for booking on an ad hoc basis through any online web portal is able to be restricted. On this basis I have concerns about additional traffic generated to a confined area. Fuel chimneys. I am told that there is a proposal to turn the decorative chimneys on each property, added for aesthetic design have now been varied to be chimneys for solid fuel burning. The Coed Parc development neighbours an official AQMA and has high reading of NO2 due to its location. I do not believe that any solid fuel burning facilities should be added to the properties whilst the authority is looking at ways to deal with the AQMA that is already in place and could be made worse by this variation application. Light pollution from sky lights. The proposals show drastic increases in glassed areas, including sky lights in the roof and this would drastically increase the light pollution for the area. I do not believe that this should be allowed for the existing neighbours or the natural habitat of the area. Loss of trees and failure to protect with existing. I have found it quite difficult to "keep up" with the proposals for tree landscaping on this development with numerous proposals and documents. I am not fully aware of what the proposals are for this "variation application" but I am led to believe by a local resident that the original plan that was accepted on the original document is not compatible with the plans that were approved under the appeal and that the current tree plan is currently "held up" as the original contractor has refused to alter their submissions when requested. Having looked at the plans I am able to access I can see that substantial trees, currently in place are shown as touching the houses of the new proposals and I have very serious concerns around this. I am no tree expert, but I am told by colleagues who have undertaken BCBC DCC training that roots mirror branches in many occurrences of trees and therefore I have concerns that if these various plans of variation are approved that these trees will simply be sacrificed for the houses that are being built. This cannot be allowed to happen, as previous reference has been made to the AQMA in place in the locality and the important role that existing mature trees do to combat the NO2 in our environment. Therefore, I ask that we look into the history of the original plans for tree landscaping not being compatible with the approved plans for the houses and raise further concerns in relation to this variation request. We simply cannot say "they are just trees and they can come down." Balconies too close to existing properties. As far as I can see, there are no approved plans for this development that include balconies on the middle floor. I have asked the question twice, but have received no reply. I do not believe that plans should be approved or varied that include any balconies for plots 11, 12 or 13 in the proposals due to their close proximity to existing properties on West Road. I have visited these existing properties, with copies of the proposals and seen that the distance from these balconies would be as little as 10.5m from the boundary line and looking directly into their gardens and houses. This I believe is contrary to planning guidance, based on my experience of another local property recently. As I have said previously in this email, it has been extremely difficult for me to formulate this response due to the amount of documents that are regularly submitted for this development as well as the number of residents in the surrounding areas and those who live in the houses already built on site in contravention of the original approval (discharging of conditions) about the ongoing situation, which I believe could have been completely avoidable. Residents are already concerned by what the next three years hold for them and the fact that we have another variation request, and no work has commenced on site to build what has already been approved, including landscaping for the houses that have already been built causes much reason for concern

for local residents. Trust has completely gone and concerns are high. The clock for completion of the builds being for self-build and selling of sites to other builders is already ticking and nothing has started, just further variation applications. I am very concerned about that has happened and what continues to happen. In the meantime, please accept my observations on the points raised above as part of the original consultation process and I reinforce my request that this variation application is passed to the Development Control Committee and not decided under delegated powers to officers.”

**Cllr. T. Wood –**

13/09/22 – “Further to the application P/22/455/RLX for change to of the approved planning application for Coed Parc. As the elected Councillor for Bridgend Central I wish to make the following submission. I request that this application is referred to the Development Control Committee, as I don’t believe that it is correct that it is dealt with under delegated authority given the material changes to the original plans.

It is evident that more bedrooms for these properties will lead to more car journeys, either immediately or in the near future. I have very severe concerns over the safety of residents on Walters Rd. St. Leonards Rd. and Park St. already and I am aware that measures are already in consultation around restricting traffic flow here to deal with the AQMA in the locality. I believe that any proposals to increase vehicle journeys, in contradiction to the proposals of the AQAP needs full and proper scrutiny from the Development Control Committee and not done under Delegated Authority.”

16/07/23 – “I would like to make my objections to the planning application P/22/455/RLX

I would firstly like this application to be referred to the Development Control Committee due to the complex nature of the application and the ongoing changes that keep happening.

1. I am very concerned at the loss of trees and existing trees, considering we were told many were being kept and had TPO’s on them.

2. The increase from 4 to 6-bedroom properties thus increasing traffic to and from the new houses and to the whole of the new estate.

3. The decorative chimneys being changed to “Fuel Chimneys” thus enabling owners to burn solid fuels and increasing CO2 levels in the area.

4. #1, #2 and #3 both will have a significant impact on the existing AQMA and the AQAP, this causes me grave concerns, as BCBC are struggling to lower the levels to accepted levels in this area.

5. Light pollution because of the installation of sky lights to the properties.

6. Lack and loss of privacy to existing properties due to the installation of sky lights, full height glazing, balconies, and terraces to the new properties.

Please accept these points raised as part of the original consultation and that this variation application be passed to the Development Control Committee and not decided under delegated powers to officers.”

**COMMENTS ON REPRESENTATIONS RECEIVED**

The vast majority of the concerns raised are addressed in the Appraisal section of this report.

The proposal has had to be made on the basis that all nine units could be 6 bed dwellings for a comprehensive highway impact assessment to be undertaken. However, it is likely that future occupiers will utilise the loft space for other domestic means such as a home working office, a walk-in wardrobe, storage space, playroom etc. It is also the case that separate planning permission would be required to convert any of these houses to a House in Multiple Occupation (HMO - Use Class C4) or to an Air BnB (Use Class C6).



Conditions have already been added to the consent to remove permitted development rights and a condition will be added to ensure that the detached garages can only be used for the parking of vehicles.

In terms of the protected trees that have and will be felled and the proposed landscaping of the site, these have been the subject of applications and consents most notably the application to discharge conditions 9 (landscaping), 13 (vehicle turning area) and 15 (parking layout) of P/22/85/RLX with updated tree reports and landscaping schemes.

The up to date landscaping plan is as follows and shows a number of trees to be retained as well as new trees to be planted throughout this part of the site:



**Fig. 13 – Approved Landscaping Scheme**

The reference to rooflights not being a form of permitted development in Conservation Areas is correct but that does not mean that developers cannot apply for them in Conservation Areas – it just means that planning permission is required.

It is also confirmed that the Council's domestic waste contractor will be able to enter and leave the site and cul-de-sac so there will not be a requirement for a refuse storage facility close to the access onto Walters Road.

The site does not provide any affordable homes and the market value of the units is not a material planning consideration.

There is no intention for a vehicular access from West Road and there are three visitor parking spaces in this part of the development (one close to the entrance into the site and two in the extended turning head opposite plot 6) which is in excess of the standard 1 visitor space per five dwellings.

Finally, it is not a case of supporting the scheme after originally refusing the development (which was then allowed at appeal) but a case of considering the material planning impacts of the revised designs. The quantum of units on this site will not increase as a result of this proposal.

## **RELEVANT POLICIES**

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

Policy PLA1	Settlement Hierarchy
Strategic Policy SP2	Design and Sustainable Place Making
Strategic Policy SP3	Strategic transport Planning Principles
Strategic Policy SP5	Conservation of the Built and Historic Environment
Strategic Policy SP14	Infrastructure
Policy ENV8	Heritage Assets and Regeneration
Policy PLA11	Parking Standards

Supplementary Planning Guidance 02	Householder Development
Supplementary Planning Guidance 08	Residential 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 5	Nature Conservation and Planning
Planning Policy Wales TAN 10	Tree Preservation Orders
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 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.

## **BACKGROUND**

It is worth noting that the Local Planning Authority (LPA) refused the original planning application for the residential redevelopment of this site (App. No. P/16/610/FUL) on 21 July 2017 for the following reasons:

- 1. The increased use of a sub-standard access will result in additional traffic hazards to the detriment of highway safety in and around the site, contrary to Policies SP2 (6) and SP3 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 9, November 2016) and Technical Advice Note 18 – Transport (2007).*
- 2. The proposed development, by reason of its layout, design and siting, will generate reversing movements to or from the public highway, creating traffic hazards to the detriment of highway safety contrary to Policies SP2 (6) and SP3 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 9, November 2016) and Technical Advice Note 18 – Transport (2007).*

The applicant at the time (Castell Homes as part of Wales and West Housing Association) lodged an appeal against the LPA's decision to refuse the application with the then Planning Inspectorate and the appeal was allowed on 15 December 2017 subject to compliance with a number of conditions.

## **APPRAISAL**

The application is reported to the Development Control Committee as a follow up to the determination of App. No. P/22/85/RLX (relating to the Construction Method Statement for this phase of development) and in acknowledgement of call-in requests by Local Ward Members, an objection by Bridgend Town Council and the number of objections received from neighbouring residential occupiers.

The proposal seeks to vary condition 1 of P/22/85/RLX to substitute plans and propose amended house designs for Phase 3 of the development at Coed Parc, Park Street.

The main issues to consider in this application are the impact of the scale and design of the proposed alterations to the nine dwellings in Phase 3 of the wider development (Plots 6-14 to the north of the site) on neighbouring residential amenities; the surrounding highway network; the setting of the Conservation Area and Grade II Listed Building and on the environment. The principle of the development has been established through the Inspector's appeal decision for this site.

### **Impact on Neighbouring Residential Amenities**

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

Although Supplementary Planning Guidance Note 02 Householder Development (SPG02) relates to household development, it is considered that the principles are applicable in this instance.

The application site and its relationship to residential dwellings bordering the site is shown in Fig. 13 above. The overall number of units in this part of the Coed Parc redevelopment is constant and their location are generally in keeping with the approved layout.

However, as noted above, there are changes to the design of the units/housetypes and these changes (additional 2 bedrooms in the roofspace, additional rooflights/dormer windows and introduction of 1<sup>st</sup> floor rear terraces on the “A” housetypes) could potentially have a detrimental impact on the residential amenities of neighbouring residential occupiers.

There are no dormer windows proposed in the outward looking rear elevations of these units. However, there are rooflights proposed for the rear roofslopes and these are designed to be a flush fitting, conservation type of rooflight and are minimal in terms of their size and number. It is considered that the rooflights, by their nature, will not allow unrestricted views into adjoining gardens and properties and as they serve the secondary accommodation in the roofspace it is unlikely that there will be extended daytime occupancy of these rooms.

Note 6 of SPG02 states that ‘An extension should respect the privacy of neighbouring houses’. Paragraph 4.6.1 of the SPG notes that a sense of privacy within the house and a freedom from overlooking in at least a part of the garden are aspects of residential amenity.

The minimum distance between directly facing habitable room windows in adjacent properties should normally be 21m. Reductions may be acceptable where the angle of overlooking between windows is not direct, allowing the distance between windows to be reduced as the angle between them is increased. To reduce the loss of privacy within gardens, the minimum distance from a new habitable room window to the boundary of the property should be 10.5m.

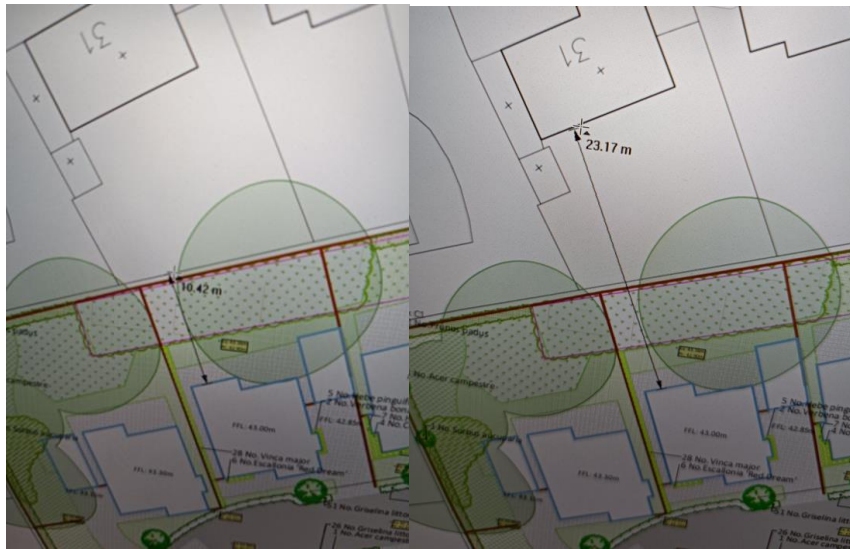
The guidance also refers to balconies and advises that while few rear gardens are entirely private some features can create a sense of unreasonable overlooking in neighbouring property. If a balcony is proposed it should be located or screened to prevent or minimise overlooking.

In this instance, the relationship between the new dwellings and existing dwellings is illustrated in Fig. 13 above.

The main areas of concern for adjoining residents relate to potential overlooking at the north-west corner of the site (plots 11, 12 and 13 backing on to 27, 29 and 31 West Road) and at the south-east corner of the phase (plot 6 backing on to Coed Parc Court). This concern is exacerbated by the inclusion of terraces at first floor level at the north-west corner of the site although there are no terraces in the “B” type units at the south-eastern corner of the site.

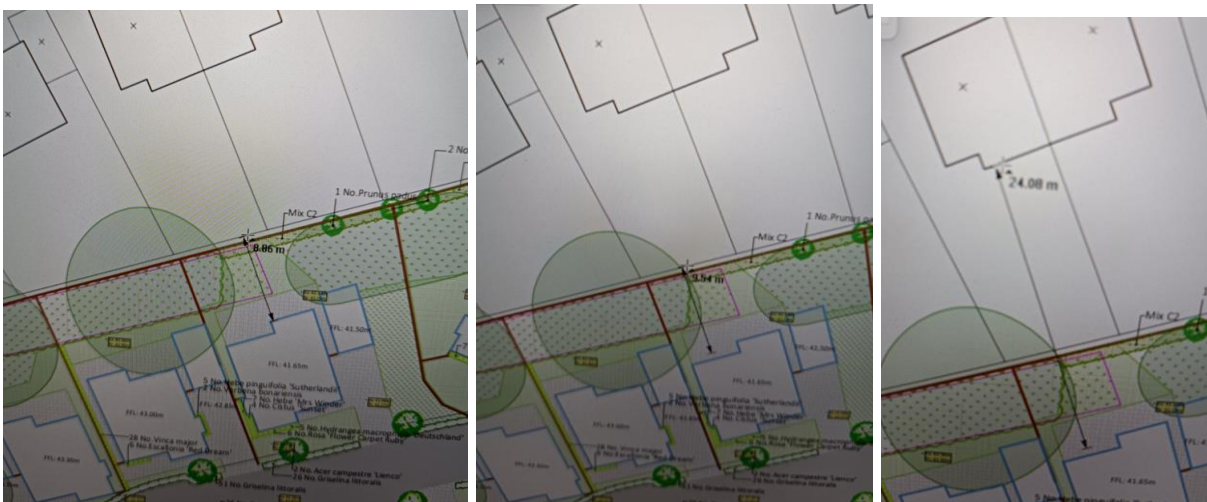
Having reviewed the scheme and the planning history of the site, it is apparent that the site is slightly lower than the properties along West Road, the sites are separated by established boundary planting (which will also be supplemented) and the terrace is relatively limited in scale and serves a bedroom rather than a first floor living room, where extended day-time occupancy would be expected.

In terms of the distance between the terrace and a rear bedroom window and the boundary with 31 West Road, Fig. 14 below illustrates that, at its nearest point, there is a distance of 10.42m between the rear elevation of plot 12 and the shared boundary and there is a distance of 23.17m between habitable room windows (and between the terrace and bedroom window of 31 West Road). This, together with the retention of trees along the boundary will comply with the recommended standards.



**Fig. 14 – Relationship with 31 West Road**

The shortest distances between plot 13 and 29 West Road equate to 8.86m from the rear elevation to the shared boundary but this extends to 9.54m between the terrace and the shared boundary and 24.08m between habitable room windows (see Fig. 15 below).



**Fig. 15 – Relationship with 29 West Road**

Whilst this is slightly below the suggested 10.5m distance to the boundary, the plot is positioned at a lower level than the properties along West Road and the limited usage of the north facing terrace attached to a bedroom together with the retention of established planting on both sides of the boundary, will sufficiently mitigate the feeling of being overlooked from the terrace. It should also be noted that the Inspector allowed these units in these positions and the terrace does not project beyond the line of the rear bedroom window.

Having regard to the design and layout of the new units, their orientation and relationship with the existing properties on West Road and the characteristics of the site and boundary treatments, it is considered that the privacy of the principal rear garden areas and habitable room windows of adjoining properties to the north will be preserved.

Turning to the potential impact of the development on properties in Court Parc Court to the east of the site (and properties at Coed Parc to the south of the site), it can be seen that there are no terrace elements to the rear of plot 6 and the rear 1<sup>st</sup> floor bedroom windows are separated from the adjoining properties by dense vegetation which will be retained as part of the development. The application site is also at an elevated level with bedroom windows overlooking the roofscapes beyond. There is still a distance of 10.18m between the rear elevation of plot 6 and the shared boundary and 18.69m between habitable room windows although they will not be directly in line.



**Fig. 16 – Relationship with Coed Parc Court**

Plot 6 is perpendicular to the properties at Coed Parc to the south and does not have any side facing habitable room windows so will not have any impact on the residential amenities of those occupiers.

Given the above, the proposal is considered to be acceptable in terms of its impact on neighbouring amenity. It is considered that the dwellings would not be so detrimental to the levels of privacy and amenity currently afforded to the properties to such an extent which would warrant a refusal of the Planning application on such grounds. Therefore, on balance the proposed development is considered to be acceptable, in accord with criterion (12) of Policy SP2 of the Local Development Plan (2013) and guidance contained within SPG02.

### **Impact on the Surrounding Highway Network**

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

Note 9 of SPG02 states that off-street parking should be available to meet the County Borough Council's guidelines for a dwelling of the size after extension and stipulates that the parking requirement for houses equates to 1 space per bedroom up to a maximum of 3 spaces.

Each space must be 4.8m x 2.6m to accommodate a car parking space unless it is within a garage. Supplementary Planning Guidance Note 17: Parking Standards (SPG17) stipulates that garages may only be counted as parking spaces if they have clear internal dimensions, as suggested by Manual for Streets, for a single garage of 6m x 3m.

The scheme retains three on-site parking spaces for each household and provides three visitor parking spaces within the cul-de-sac. It will be stipulated that the detached garages are retained for the parking of private vehicles only.

The Council's Highways Officer noted that the submitted application did not have any supporting information relating to the increase in bedrooms from 4 to 6. As a result, the applicant instructed a transport consultant to provide additional data and assessment of the proposed increase in bedrooms and the increase in traffic that would result. The applicant prepared a technical note to address the HA's concerns with the aim of estimating the likely volume of trips generated by the scheme for nine 6 bed houses.

The consented scheme for nine 4 bed houses (consisting of 36 bedrooms) could generate up to seven vehicular movements (two-way) in the morning peak period and up to six vehicular movements (two-way) in the afternoon peak with a total of 60 vehicle movements (two-way) across the whole day.

The proposed development of nine, 6-bedroom houses could generate up to 10 vehicle movements (two-way) in the AM peak period and up to nine vehicle movements (two-way) in the PM peak, with a total of 90 vehicle movements (two-way). Vehicles are likely to be the most popular mode of travel for trips to and from the site, representing 57% of all trips.

The proposed development consisting of nine, 6-bedroom dwellings is likely to generate up to 34 pedestrian movements (two-way) throughout the day. This is only 11 more pedestrian movements than what would be expected from nine, 4-bedroom dwellings.

Similarly, the proposed development is likely to generate only one more public transport user than what is expected from the consented scheme.

The technical note therefore concludes that the proposed development will have a minimal impact on the surrounding transport network, and it can be accommodated within the existing highway and public transport networks.

It is important to note that the trip/traffic database used by all transport consultants nationwide, known as the TRICS database, does not include trip data for 6 bedroom houses.

Therefore, it was agreed by the Highways Officer that an extremely robust methodology would be to interrogate the database for a trip rate for a 4 bedroomed house, divide that trip rate by 4 to get a 'per bedroom trip rate' then multiply that rate by 6 to get a trip rate for a 6 bedroom dwelling.

It should also be noted that this is considered to be a methodology which is likely to overestimate the trips generated by a 6 bedroom house for the following reasons:

- It is unlikely that a 6 bedroomed house would support a family with 2 parents and 5 children of driving age and unlikely that all 9 houses would support such a family unit.
- One of the bedroom sizes would be considered a box room and unlikely to support a non-dependant child of driving age.
- The Census for the area shows that 73% of households in the area have dependent children under driving age and therefore it is unlikely that the proposed 6 bedroom dwellings will be fully occupied by children of driving age.

Notwithstanding the above, further analysis of the data provided by the transport consultant shows that the trip rate for a 6 bedroom house is 10 trips in the peak AM hour 8-9am and 9 Trips in the peak PM hour 5-6pm. This is an increase from the consented trip rate of 7 trips in the AM peak and 6 trips in the PM peak. The analysis shows that the proposed increase in bedrooms for 9 dwellings could potentially result in a worst-case scenario of 3 additional vehicle trips per hour. Whilst it is understood this is an increase in traffic of 50% it should be noted that it's a 50% increase of a low number to start with.

Therefore, the predicted 10 trips in the peak hour of 8-9am results in one vehicle using the local highway network every 6 minutes in addition to the vehicles already in the network. It is considered by the Highways Officer that 1 vehicle every 6 minutes would not be detrimental to highway safety and, in such a town centre location, would be considered part of the normal daily fluctuations of traffic in the local area.

As a result of the supporting information provided and the robust methodology in calculating trips for a 6 bedroom house, the findings of the Transport Consultant's technical note are accepted.

It is noted that several local residents have raised concerns with the increased use of the Walters Road/St. Leonard's Road priority junction. Whilst it is acknowledged that the Highway Authority originally objected to the development on the grounds that the increased use of the Walters Road/St. Leonard's Road priority junction would result in Highway safety concerns, the Planning Inspector determined that the increased use of the junction did not raise any concerns and went further to conclude that "there would not be a significant detrimental effect on Highway Safety". The relevant section of the inspector's report is copied below:

*16. Consequently, I am satisfied that the increase in traffic and available visibility is such that there would not be a significant detrimental effect on highway safety as a result of the development. As such the development would offer efficient access to road connections and maintains road safety in accordance with LDP policies SP2 and SP3.*

Considering the planning inspector's decision, it would be inappropriate for the Highway Officer to contest the inspector's position on the matter of junction safety as the decision has already been made. Furthermore, in 17 days' time, legislation comes into force in Wales to reduce the default speed limit from 30 mph to 20mph. The effect of that imminent legislation on this planning application is that the vision splay requirements for the Walters Road/St. Leonard's Road priority junction will reduce and the speed limit reduction is expected to promote Highway safety on the local highway network.

In addition to the above and to increase the sustainability credentials of the proposed dwellings, it is important to ensure that, should future occupants want to store cycles, there is room to do so. As such the HA request a condition that the garage is retained for parking of private vehicles as well as cycle storage as per the requirements of the Active Travel Act to promote walking and cycling and reduce vehicular trips for short journeys.

In conclusion, the Highways Officer accepts that the increase from 4-6 bedrooms would not materially increase trips on the local highway network or materially increase highway safety concerns. In addition, the introduction of the 20mph speed limit legislation would mitigate any highway safety concerns over the increased use of the Walters Road Junction in the future.

Having regard to the above advice, the development is compliant with the guidance contained within SPG17 and is in accord with Policy PLA11 of the Local Development Plan (2013). The scheme is acceptable from a highway safety perspective subject to the imposition of a Planning condition which requires the retention of the garage to park private vehicles and to store private cycles.



## **Impact of the Development on the Setting of the Newcastle Hill Conservation Area and Grade II Listed Building**

Concerns had been previously expressed by BCBC Building Conservation Officers regarding the intensity of increasing the number of bedrooms in each proposed residential unit and the subsequent design which was detrimental to the setting of the listed building and the wider character of the conservation area.

Amended designs have been submitted for consideration. The amended designs show projecting dormers on the front of each dwelling which are a similar colour to the proposed roof. This helps them to be slightly recessive reducing their visual impact and is supported by the Building Conservation Officer.

It is recommended, that either a lead standing seam finish is used, or a matching hanging tile is used in this location to coordinate with a small- scale roof tile. Samples or specifications will be required to be submitted for approval prior to their installation on site.

The front elevation fenestration also features a projecting box frame feature set either in rendered or brick elevations. This represents a design of its time and is supported. The front elevations are acceptable in terms of their fenestration and simple palette of colours.

The use of brick, chimney stacks and rendering are reflections of earlier periods of construction. It is recommended that traditional plastering is implemented on this site. Permitted development rights will be removed to protect the character of the conservation area and the setting of the listed building. As such the proposal is not considered to have a detrimental impact on the setting of the listed building or the wider conservation area.

The proposed residences are set within modest front gardens with garages. The submitted amendments will result in a successful development and an improvement on the previously allowed scheme, that will contribute positively to the conservation area and the setting of Coed Parc House. Accordingly, the proposed development is considered to accord with Policy SP2(2), SP2(3) and SP(5) of the LDP 2013.

## **Other Matters and Conditions**

The proposal to change the design of the nine dwellings on this part of the wider site does not have any implications in terms of ecology, drainage or contaminated land.

Following discussions with the applicant and Air Quality Officer, it is evident that the exact type of log burner/fire to be installed in each dwelling has yet to be determined. However, whilst the originally approved scheme shows chimneys and fireplaces and the Air Quality Officer is confident that log burners would not have a detrimental impact on the Park Street Air Quality Management Area (as the issues there are caused by heavy traffic close to properties less than a metre from the road) there are some concerns regarding the statutory nuisance aspect and impact on neighbouring residents under the Environmental Protection Act 1990.

Therefore, it is important to be able to ascertain and approve the type of installation for the units. In view of this, it is considered necessary to attach an additional condition requesting further details to be submitted regarding the type of fire burning system to be used in the units.

## CONCLUSION

Having regard to the above, particularly the Inspector's decision on the original proposal (P/16/610/FUL refers) and notwithstanding the concerns raised by local residents, the Town Council and Ward Members, this application is recommended for approval. The principle of the development has already been established by way of the planning appeal decision and other consents.

Taking all material matters into consideration, on balance the amended design of the nine dwellings that form Phase 3 of the redevelopment of the wider Coed Parc site complies with Council policy and guidelines and will not adversely affect the residential amenities of neighbouring properties, the visual amenities and setting of the Conservation Area and Grade II Listed building or highway safety in and around the site.

## RECOMMENDATION

(R53) That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the following approved plans and documents:

Transport Note 2, AR060003, AR60004, AR61002, AR61003, AR062002, AR062003, AR062005, AR900008, Supplementary Note and Transport Note, Bat Survey, Ecological Assessment, Heritage Statement, Flood and Drainage Report, Archaeological Assessment and Highway Technical Report approved under appeal decision APP/F6915/A/17/3181972 (App. No. P/16/610/FUL); Amended plans AL(90) 01 Proposed Site Plan (insofar as it relates to Phases 1 and 2), PL (00)02 REV B – House Type D Plans, AL(00) 03 REV B – House Type D Elevations, AL(00)04 REV A – House Type C Garage received on the 10 June 2019 and Amended Plan AL (00)01 REV C – House Type C Plans and Elevations received on the 26 June 2019 under App. No. P/19/174/RLX; and, AL(90)03 Rev. A Proposed Phase 3 Site Plan, AL(01)01 Proposed GA Floor Plans (A1), AL(01)02 Proposed GA Elevations (A1), AL(01)04 Proposed GA Floor Plans (A2), AL(01)05 Proposed GA Elevations (A2), AL(01)07 Proposed GA Floor Plans (A3), AL(01)08 Proposed GA Elevations (A3), AL(01)10 Proposed GA Floor Plans (A4), AL(01)11 Proposed GA Elevations (A4), AL(01)13 Proposed GA Floor Plans (B1), AL(01)14 Proposed GA Elevations (B1), AL(01)16 Proposed GA Floor Plans (B2), AL(01)17 Proposed GA Elevations (B2), AL(01)19 Proposed GA Floor Plans (B3), AL(01)20 Proposed GA Elevations (B3), AL(01)22 Proposed GA Floor Plans (B4), AL(01)23 Proposed GA Elevations (B4) received on 22 June 2023 and Transport Technical Note by Lime Transport received on 6 December 2022 under App. No. P/22/455/RLX.

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

2. The development shall be carried out in accordance with the Construction Method Statement received on 21 November 2022 as approved under App. No. P/22/85/RLX on 5 January 2023.

Reason: To ensure a satisfactory form of development.

3. The development shall be carried out in accordance with the Phasing Plan as approved under App. No. P/19/544/DOC on 2 April 2020. The development within the site shall thereafter conform to the agreed Phasing Plan.

Reason: To ensure that the development is undertaken in an orderly and co-ordinated manner in the interests of visual and residential amenity and highway safety and to

preserve the setting of the Grade II Listed Building.

4. The extension and dwellings shall be carried out in accordance with the details of the materials to be used in the construction of the external surfaces as approved under App. No. P/19/544/DOC on 2 April 2020.

Reason: To ensure that the materials of construction enhance and protect the visual amenities of the area.

5. The extension and dwellings shall be carried out in accordance with the boundary treatment details as approved under App. No. P/19/544/DOC on 2 April 2020. The boundary treatment shall be completed as approved before the remaining dwellings are beneficially occupied.

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

6. The development shall be carried out in accordance with the surface water drainage scheme as approved under App. No. P/21/542/DOC on 15 July 2021.

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

7. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no development shall be carried out other than those expressly authorised by this permission.

Reason: To enable the Local Planning Authority future control over the scale of development as well as the installation of new windows or dormers or the extension of the properties to the rear, in the interests of the residential amenities of adjacent properties and to protect the amenity space provided within the property.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no building, structure, enclosure, fences, gates or walls shall be erected within the curtilage of any dwelling house hereby permitted.

Reason: To enable the Local Planning Authority future control over the scale of development in the interests of the residential amenities of adjacent properties and to protect the amenity space provided within the property.

9. Hard and soft landscape works shall be carried out in accordance with the details approved under App. No. P/23/424/DOC on 4 August 2023.

The development shall be implemented in accordance with the approved scheme prior to the beneficial occupation of the dwellings in Phase 3.

Reason: For the avoidance of doubt as to the extent of the approved scheme and to maintain and improve the appearance of the area in the interests of visual amenity whilst promoting nature conservation.

10. The landscaping works shall be carried out in accordance with the approved details during the first planting season as per the agreed implementation programme. The completed scheme shall be managed and maintained in accordance with an approved scheme of management and maintenance.

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

11. The development shall be carried out in accordance with the existing and finished ground levels approved under App. No. P/19/544/DOC on 2 April 2020.

Reason: To ensure a satisfactory form of development.

12. The development shall be carried out in accordance with the scheme for the protection of existing trees, as agreed under App. No. P/19/544/DOC on 2 April 2020 and under App. No. P/23/424/DOC on 4 August 2023, throughout the course of the development.

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

13. Within 3 months of the date of this consent, a scheme for the provision of a vehicle turning and visitor parking area on the private drive serving Plots 2, 3, 4, 5 and 15 shall be submitted to and approved in writing by the Local Planning Authority. The turning and visitor parking area shall be completed in materials in accordance with the approved layout prior to the occupation of plot 2 and shall be kept available for vehicle turning and parking in perpetuity.

Reason: In the interests of highway safety.

14. The parking spaces for Plots 3, 4 and 5 Coed Parc shall be kept available for vehicle parking in perpetuity.

Reason: In the interests of highway safety.

15. Prior to the beneficial occupation of the dwellings in Phases 2 and 3, details of all parking places and driveways shall be submitted to and approved by the Local Planning Authority. The parking places and driveways shall be completed in accordance with the approved details and shall be retained in perpetuity.

Reason: In the interests of highway safety.

16. The development shall be carried out in accordance with the footway widening scheme on Walters Road as approved under App. No. P/19/544/DOC on 2 April 2020. The approved scheme shall be implemented prior to any of the dwellings in Phase 3 being brought into beneficial use.

Reason: In the interests of pedestrian and highway safety.

17. The extended access road from the new turning head at the eastern end of Walters Road serving units 6-14 including the turning head, passing place and visitor parking, shall be laid out in permanent materials in accordance with the approved layout prior to the occupation of those units.

Reason: In the interests of highway safety.

18. The entrance gates shall be removed from the access road at the junction with Park Street before works on Phase 3 commence and any proposal for their reinstatement shall be the subject of a separate planning permission.

Reason: In the interests of highway safety.

19. Prior to the beneficial occupation of the dwellings in Phase 3, a scheme for the provision of a passing place sign and a sign confirming that the road serving units 6-14 is private shall be submitted to and approved in writing by the Local Planning Authority. The signs shall also be erected in accordance with the approved scheme prior to the occupation of the dwellings in Phase 3 and shall be retained in perpetuity thereafter.

Reason: In the interests of highway safety.

20. Prior to the commencement of works on Phase 3, the proposed access road shall be temporarily widened at the bend opposite the Listed Building to not less than 5.5 metres wide to serve the proposed development during the construction period.

Reason: In the interests of highway safety.

21. Notwithstanding the submitted and agreed Construction Method Statement, no further development on Phase 3 of the development shall commence until the provision of a 1m wide fully heras fenced pedestrian refuge is provided on the eastern edge of the existing access driveway. The pedestrian refuge will link the dwellings of plots 2,3 & 4 to the existing footway provision. The pedestrian refuge shall be implemented before any further development on Phase 3 and retained for pedestrian safety for the duration of the construction period.

Reason: In the interests of highway and pedestrian safety.

22. The detached garages hereby approved shall be used as a private garage only and at no time shall they be converted to a room or living accommodation.

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

23. Notwithstanding the plans hereby approved, and condition 4 above, prior to the construction of the 9 dwellings, detailed specifications or samples of the materials to be used in the construction of the external surfaces of the dwellings at Phase 3 shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to preserve and enhance the setting of the Conservation Area and Grade II Listed building.

24. Prior to the occupation of each dwelling in Phase 3 of the development, details or specifications of the type of fire installation shall be submitted to and approved by the local planning authority. The installation shall be completed as approved before the beneficial occupation of the dwelling and retained as such thereafter.

Reason: To ensure a satisfactory form of dwelling and to preserve the amenities of neighbouring residential occupiers.

**JANINE NIGHTINGALE  
CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**  
None

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**REFERENCE:** P/23/220/FUL

**APPLICANT:** Emmaus South Wales 6 Caroline Street, Bridgend, CF31 1DQ

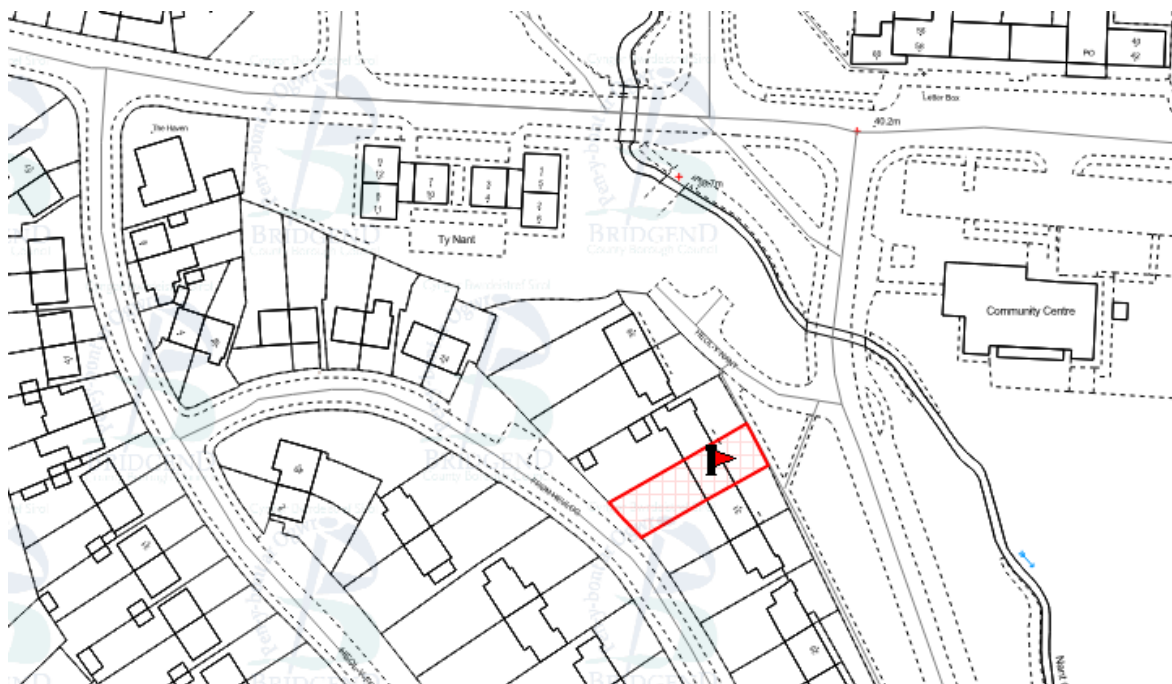
**LOCATION:** 33 Heol y Nant Cefn Glas Bridgend CF31 4HT

**PROPOSAL:** Retrospective change of use from a dwelling house (use class C3) to a House in Multiple Occupation (HMO) (use class C4) for a maximum of 4 persons

**RECEIVED:** 31 March 2023

## APPLICATION/SITE DESCRIPTION

The applicant 'Emmaus - South Wales' is seeking retrospective planning permission for the change of use of the property from Class C3 (dwelling house) to Class C4 (House in Multiple Occupation), as a four-bedroom unit with communal shared facilities at 33 Heol - Y- Nant, Cefn Glas, Bridgend.

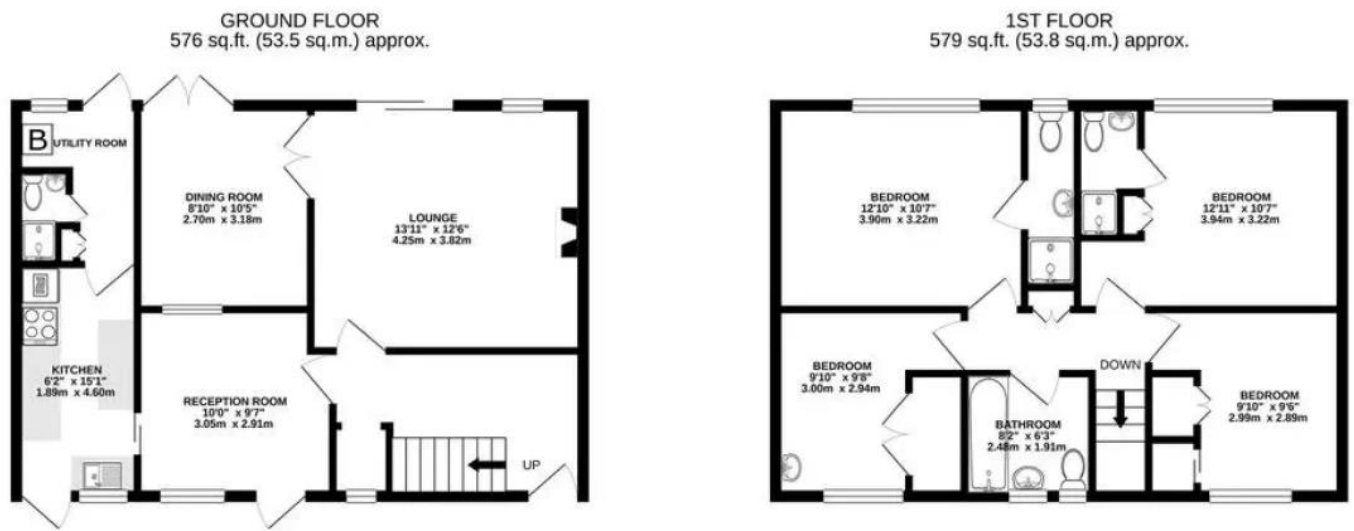


**Figure 1 – Site Location Plan**

In broad terms, class C4 covers shared houses or flats occupied by between three and six unrelated individuals who share basic amenities (*Houses in Multiple Occupation: Practice Guidance, March 2017*).

In this instance it is indicated that the four-bedroom dwelling has not been altered externally or internally to accommodate the change of use; the building remaining as a four-bedroom unit (four bedrooms within the first floor of the mid-link building) and shared communal facilities at ground floor level such as a kitchen, dining room and living room.

Shared amenity space/an enclosed garden area has been maintained to the rear of the building. The layout of the building is shown below (Figure 2) with the application seeking retrospective consent to provide accommodation for up to 4 unrelated individuals.



**Figure 2 – Existing/Proposed Layout of the Building**

The applicant has detailed that the new use began at the site on the 26<sup>th</sup> October 2022 with the application being retrospective in nature (an Enforcement Case was opened on the site in February 2023 and an application requested given planning permission is required for the change of use that has been undertaken).

The application site comprises a two-storey, mid-link residential property set within the built-up area of Cefn Glas, Bridgend. Positioned to the western side of Heol-Y-Nant, beyond a small green area, the building is set back from the highway and positioned within a row of similar properties that all benefit from small front garden areas. At the time of the site inspections there was a level of planting evident within the front garden space. The property has a rendered finish (painted pink) and tiled roof. There is an enclosed garden space to the rear of the building where an elevated hardstanding area provides off-street car parking provision. The rear garden has a generous scale measuring approximately 17m in length and covers an area of approximately 150 square metres. Fron Heulog immediately abuts the rear of the site. The general character of the area is defined by residential properties, although there is a large open green area directly opposite the application site with Westward Community Centre and a collection of shops (small retail/commercial hub – Local Service Centre) existing further to the north-east of the application site, along Llangewydd Road.







**Figure 3 – Photographs of the application site**

## **RELEVANT HISTORY**

None.

## **NEGOTIATION**

The applicant was requested to revise the description of development to refer to the retrospective nature of the scheme and to specify the maximum number of users of the property. Further information has also been sought from the applicant during the processing of the application to detail general management procedures at the property.

The supporting, further information submitted with the application highlights that the applicants have recently reviewed their management of the occupants of 33 Heol-Y-Nant and understand that the neighbours may have reservations about the scheme, although it is advised that Emmaus take every step possible to ensure that residents' occupation of the property is not detrimental to their neighbours or the wider local community.

The overall responsibility and management of the property rests with the Community Housing Manager and her staff of support workers who carry out the following routines: -

- Weekly Visual check
- Monthly Property Check
- Monthly Support Session followed by Health & Safety room checks
- Meeting every Monday morning to check in and discuss any issues, contractor visits etc.
- 9am check in at main house Mon - Fri
- Washing up rota
- Weekly cleaner
- All tenants have been with Emmaus for 6 months in the main accommodation before moving in. This helps identify any residents who may cause issues.
- 24/7 cover - main support staff Mon- Fri and out of hours on call.

It is further stated that a warning and evictions procedure for all residents is operating. The complaints procedure is through an e-mail service which is carefully monitored, and any complaints are dealt with usually within 24 hours by the community housing staff.

In addition, staff are based in the main supported accommodation which is three minutes walk away at Nant Lais off West House Road. Finally, it is commented by the applicant that there are enough waste storage facilities at the site and, through the weekly routines, residents are guided to ensure waste is correctly recycled and put out properly.

It is also advised there are currently no CCTV cameras at the site as this would be seen as an invasion of privacy, although it is detailed Emmaus South Wales will do its utmost to ensure that their companions become a valued part of the Local Community.

The applicants have also provided a copy of a letter issued to local residents, dated 31<sup>st</sup> May 2022, advising of their intentions for the property to provide a shared house for a maximum of 4 tenants. The letter also highlights how Emmaus has a full-time support team based in Nant Lais who will continue to provide support to all their companions regardless of which property they live in. The letter also indicated that Emmaus take their responsibilities as a landlord very seriously and provide good quality accommodation and housing management services for their companions, including a 24 hour on-call service to respond to any emergency situations (such as a fire or flood for example). Contact telephone and email addresses were also provided to local residents for any further discussions or if any issues were to arise.

## **CONSULTATION RESPONSES**

**Shared Regulatory Services (Public Protection)** – Advise HMO's should meet necessary fire safety regulations (with an advisory note being recommended accordingly).

It is also highlighted a HMO is different from the use of an ordinary domestic property as you have several independent adults living in the property, each with their own visitors etc with no-one responsible for anyone else as opposed to a family living as one entity in the same premises. Furthermore, due to the nature of this type of HMO there is likely to be a more frequent turnaround of occupants and where there are complaints of noise it will be more difficult to determine who in that HMO is responsible for the noise. There have already been complaints of noise and allegations of anti-social behaviour at the site, although these have been dealt with by the applicant/charity.

Therefore, at the very least it is requested that if planning permission is being recommended for approval, then a condition should be attached to ensure that the management of the property is undertaken in accordance with the information submitted by the applicant to ensure that the premises is sufficiently and effectively managed. If the supporting information is not suitable for being worded as a condition, it should be ensured that the applicant provides a formal noise management and waste management plan containing all the relevant information to demonstrate how there will be no adverse impact. The management plans should be submitted to and approved by the Local Planning Authority and thereafter shall be implemented as agreed.

**Highways Officer** – No objection, subject to conditions.

**Bridgend Town Council** – Object to the scheme on the grounds of over intensification and concerns over poor access, adequate parking and the need to conserve this area. Further correspondence submitted during the processing of the application highlights matters need to be carefully investigated in this case before a decision is made, with concerns being raised about the retrospective nature of the scheme and police disorder at the site since November 2022. It is also requested that the application be subject to determination at full Development Control Committee and Bridgend Town Council be afforded the opportunity to speak on the application.

## **PUBLICITY**

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 27 July 2023 (second consultation exercise following revision to the description of development (retrospective)).

## **REPRESENTATIONS RECEIVED**

The owners/occupiers of 15 and 27 Heol-Y- Nant, object to the planning application.

A further letter of objection has been received from a former resident of Heol-Y-Nant

although no specific address has been provided and an anonymous letter of objection has been received against the planning application.

The objections raised are summarised below:

- Increase in anti-social behaviour in the area, including drinking of alcohol on nearby benches by residents and use of foul language, with police being called on various occasions for violent behaviour and drug use.
- Since November 2022, when four people moved into the HMO, residents have experienced an array of anti-social behaviour, including unreasonable noise, substance misuse, rowdy behaviour and audible foul language from both inside and outside the property. All of this has resulted in a feeling of being unsafe within and around neighbouring homes and has had a huge impact on quality of life as well as impacting residents health.
- Worry for family safety;
- The use should be placed away from families and long-term residents.
- The neighbour directly attached to the property has had to leave due to concerns for her safety and that of her family.
- Unreasonable noise disturbance between properties, including noise from TV's and radios, doors slamming, howling and general conversations.
- Poor sound insulation between properties.
- Loss of amenity because of the HMO.
- Objections regarding access and parking.
- Driving of vehicles on the grass verges, ripping them up.
- Everybody smokes at the property, and there is a real concern about potential fire hazards in this property.
- The organisation who have requested the permission already have a building at the end of the street (Nant Lais) and this is a retrospective application.
- The organisation has no regard for the safety of the families on the street (who include young children) and persist in their attempts to purchase properties in amongst residents in this area. The controls they have put in place previously have been ineffective and will continue to be so, if clients are placed in this unmanaged and unsupervised environment closely located to 3 schools and a community facility housing a playgroup.
- There are serious concerns for the safety of the residents on this street and young children, as well as the other children on the street and those attending the playgroups and schools in the area.
- It is not understood why the organisation are insistent on pushing their operations into a densely populated area at the risk of the current residents (some of whom have been here for many years) and schoolchildren. There are many HMOs already in and around Bridgend Town Centre and the organisation should not be allowed to put the safety of people already living here at risk when there are already alternative locations available.
- Distrust and issues with the applicants Emmaus.

### **COMMENTS ON REPRESENTATIONS RECEIVED**

The material planning issues raised by the local residents have been addressed within the appraisal section of this report and it is fully acknowledged that a HMO use, particularly clusters of such uses in small geographical areas, can potentially detract from the character of an area and actively contribute towards a number of perceived problems, as highlighted by the local residents. Nevertheless, a scheme of the scale and nature detailed for this locality is unlikely to harmfully disrupt or adversely impact the levels of amenity enjoyed in the area to warrant the refusal of this planning application. Such a use is considered to be a form of residential use that is considered compatible with neighbouring

residential properties and is unlikely to fundamentally change the existing community balance in the area. HMO uses provide an important source of housing provision and play an important role in the delivery of a varied housing stock within the Borough, providing homes to a number of residents, including those who are often unable to purchase their own properties. A balanced approach must be taken to the consideration of the scheme, and in this case, it is considered the merits of the planning application outweigh any identified harm of the scheme, particularly in respect of anti-social behaviour and the perception and fear of such behaviour. Anti-social behaviour and fear of it can be a material consideration but in this instance, it is not considered the application for such a small scale HMO use, generates such adverse concerns in this respect to warrant the refusal of the scheme.

The application, which is for a form of residential use, is unlikely to result in such serious levels of anti-social behaviour, as to warrant or justify the refusal of the planning application with there being no compelling evidence that a HMO use of the scale being considered would result in increased levels of crime or fear of crime within the locality of the application site. The causes of anti-social behaviour and criminal activity are recognised to be diverse and cannot be attributed to any housing type alone, and it is not considered an appropriately managed, small scale HMO use, for a maximum of four people, would cause such anti-social behaviour or perception of anti-social behaviour to recommend refusal of the planning application in this case.

The intensity of the use is acknowledged, and the noise issues raised by residents fully noted in this case, and it is accepted people who live within a HMO are likely to be less connected than a usual dwelling house, which may result in a greater number of movements and disturbance to the nearby residents. However, the long established use of the building is a large dwelling house with four bedrooms within the property. The building could be occupied by a large family which could generate similar ongoings, noise levels, and general levels of movements of a comparable scale and nature to such a HMO use. The building is considered to adequately lend itself to a small house in multiple occupation for no more than 4 occupiers, as detailed within the description of development, which could be further controlled by means of a planning condition. Effective sound insulation between properties is always an important matter although such an issue would be more appropriately addressed under other legislation (such as Building Regulations), and on balance, the scheme does not generate such serious noise or over intensification concerns to warrant a recommendation to refuse the scheme in this regard.

In terms of highway safety, the property benefits from a rear off street, car parking space with on-street car parking taking place within the vicinity of the application site, which is considered adequate for such a development, particularly when compared to the parking requirement generated for the established use of the existing four-bedroom dwelling. The Council's Highway Officer has raised no objections against the scheme.

Any HMO facility would need to comply with relevant fire safety legislation (as detailed by the Housing Act 2004 and the Regulatory Reform (Fire Safety) Order 2005 (FSO) for example), and as advised by the Council's Shared Regulatory Services Officer (Public Protection) suitable Automatic Fire Detection (AFD) must be provided within HMO's.

The planning system does permit the submission of retrospective planning applications, with Section 73A of the Town and Country Planning Act providing, among other things, for retrospective planning applications to be made in respect of development which has been carried out without permission. Nevertheless, any retrospective application must be considered on its own planning merits with due regard to the requirements of the adopted Bridgend Local Development Plan, 2013 and relevant national policy and guidance, with due regard to all the material planning considerations raised by the scheme.

In response to the Council's Shared Regulatory Services - Public Protection Officers comments that recommend the imposition of conditions to control the management of waste and noise at the site, it is considered reasonable and fair to ensure that adequate provision at the site is made for waste and recycling storage facilities (with a condition being suggested accordingly). However, imposing a planning condition on such a residential type of use to control and manage noise at the site, particularly given the sites existing characteristics and established use as a four-bedroom property which has very similar characteristics to the proposed use, is not considered reasonable or appropriate in this case. Noise emissions at the site should not be unduly or materially different to manage in comparison to a large family living and operating within the property, with such a condition not considered reasonable or necessary in this case. A noise management plan for example, for such a residential use, would also be difficult to enforce and it is argued that the planning process should not involve such detailed controls to how residents of such a conversion might conduct themselves. In land use planning terms the use of the site as a small scale HMO, on balance, is considered appropriate and compatible with the established, predominantly residential nature of the locality.

## **PLANNING POLICIES**

### **Local Policies**

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

- Strategic Policy SP1 – Regeneration-Led Development
- Strategic Policy SP2 – Design and Sustainable Place Making
- Strategic Policy SP3 – Strategic Transport Planning Principles
- Strategic Policy SP4 – Conservation and Enhancement of the Natural Environment
- Policy SP12 – Housing
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy PLA11 – Parking Standards
- Policy COM3 – Residential Re-Use of a Building or Land
- Policy ENV6 – Nature Conservation
- Policy ENV15 – Waste Management in New Development

### **Supplementary Planning Guidance**

SPG02 – Householder Development

SPG17 – Parking Standards

SPG19 – Biodiversity and Development

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

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

### **Technical Advice Notes**

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. Technical Advice Note 12 – Design (2016) and Technical Advice Note 18: Transport (2007) are of relevance.

### **Other Relevant Policies and Guidance**

Houses in Multiple Occupation – Practice Guidance: March 2017 (Welsh Government)

### **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 in to force on 31 March 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and whilst this is not a strategic decision, the duty has been considered in the assessment of this application.

### **APPRAISAL**

This application is referred to the Development Control Committee for determination due to the number of objections received (4 in total) and the objections received from Bridgend Town Council.

The application seeks retrospective planning permission for the change of use of a dwelling building to a house in multiple occupation (HMO - C4 use), to provide a four-bed unit with communal/shared facilities including a kitchen, dining room, bathroom and a communal lounge.

The main issues to consider in this application are the principle of the development, the impact on neighbouring residential amenity, the impact on the character and appearance of the street scene and area, and the highway safety implications of the scheme. Biodiversity matters are also a further consideration in this case.

### **Principle of the Development**

The application site is located within the Primary Key Settlement of Bridgend (Cefn Glas) within an established, largely residential area, as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP) 2013. Policy PLA1 states that development in the County Borough will be permitted where it provides the maximum benefits to regeneration at a scale that reflects the role and function of the settlement.

Policy COM3 Residential Re-use of a Building or Land states that residential developments within settlement boundaries defined in Policy PLA1 on windfall and small sites for the conversion of existing buildings or the re-use of vacant or under-utilised land will be permitted where no other policy protects the building or land for an existing or alternative use. The proposed site would classify as a small site under Policy COM3 which makes an important contribution to the overall housing supply and introduces an important element of choice and flexibility into the housing market. Policy COM3 of the LDP and Planning Policy Wales (2021) effectively supports the use of suitable, previously developed land for housing development as it can assist regeneration and at the same time relieve pressure for development on greenfield sites.

Furthermore, Strategic Policy SP1 seeks to encourage regeneration led development within the settlement hierarchy and it is considered that the change of use of the building to another form of residential use in a predominantly residential locality is compatible with surrounding land uses and is acceptable; providing a valuable alternative type of living accommodation to the locality. The small-scale HMO use is not considered an overly intensive or incompatible use within its setting and it is also considered that the application site is located within a sustainable location being located relatively close to public transport links and local amenities, with good pedestrian and cycle linkages.

In view of this, the development is considered to accord with Strategic Policy SP1 and Policies PLA1 and COM3 of the Bridgend Local Development Plan (2013) and can be supported in principle.

Notwithstanding the above, whilst the principle of such a residential use is accepted in land use planning terms, it is necessary to consider the aspects of this proposed use which may have the potential to adversely affect the amenities of the area.

#### **Impact on the amenities of neighbouring residents (including occupiers of the HMO)**

Planning applications must be determined in accordance with the adopted Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers).

In terms of the level of amenity and standard of accommodation being created for occupiers of the HMO, each bedroom facility would have a satisfactory outlook with appropriate habitable room space and kitchen/bathroom facilities being proposed to support the use. The plot benefits from a small front garden and a larger enclosed rear garden (measuring approximately 150 square metres) that would provide a form of external amenity area and waste/recycling bin storage areas to potential future residents of the premise. It is further acknowledged that effective sound insulation is important between HMOs and adjoining properties although this matter would be more appropriately addressed under other legislation.

It is noted that the Council's Shared Regulatory Services, Public Protection Officer recommends the imposition of conditions to control the management of waste and noise at the site. It is considered reasonable and necessary to ensure that adequate provision at the site is made for waste and recycling facilities (for the storage and management of waste), in line with the requirements of Policy ENV15 of the Local Development Plan, 2013, that highlights the need for appropriate waste management in new development; ultimately the residents would likely store and manage waste within the rear garden space and present this on the relevant collection dates alike when the premises was utilised as a dwelling house. However, imposing a planning condition to control and manage noise at the site given the sites existing characteristics and established use as a four-bedroom property which has very similar characteristics to the proposed use is not considered reasonable or appropriate in this case. Noise emissions at the site should not be unduly or

materially different to manage in comparison to a large family living and operating within the property, with such a condition not considered reasonable or necessary in this case. A noise management plan for example, for such a residential use would be difficult to enforce and it is argued that the planning process should not involve such detailed investigations or controls to how residents of such a conversion might conduct themselves. The landlord or operator of the premises, Emmaus in this case, would ultimately be responsible for who occupies the premises and take a level of responsibility for the appropriate management of the site. Information submitted with the application and as earlier detailed highlights Emmaus do have a duty of care to the occupiers of the HMO and are ensuring that the use of the property is being appropriately managed.

Whilst it is fully acknowledged that there must be careful consideration given to the impact of the scheme on the residential amenities of the neighbouring properties, with particular reference to the immediate residents of Heol-Y-Nant, and noting the objections raised against the application, on balance, it is considered that the use does not unreasonably compromise the level of amenity that is enjoyed and can be reasonably expected in such a locality. It is considered that a four-bedroom HMO is not excessively intensive for the locality and that the level of activity and other likely impacts of the use would not significantly exceed what might be expected from its occupation as a family dwelling. Given the small-scale nature of the use, the level of movement to and from the property may not intensify to such an extent that it would be incompatible in this residential area.

The objections raised by residents make significant reference to anti-social behaviour problems relating to the site and raise concerns that approving this application would continue to worsen this situation. Nevertheless, and whilst noting anti-social behaviour and fear of it can be a material consideration, in this instance, the application for such a small scale HMO use which is effectively a residential use, on balance, is unlikely to result in such anti-social behaviour, as to warrant or justify the refusal of the planning application.

In addition, and as specifically advised within the Welsh Government's Practice Guidance Note on Houses in Multiple Occupation (March 2017), anti-social behaviour is a broad term and responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the Police, local authorities and social landlords.

There are a raft of regulations and several pieces of legislation (The Anti-social Behaviour, Crime and Policing Act 2014, Part III Environmental Protection Act 1990, Noise Act 1996, Section 80ZA of the Environmental Protection Act 1990, Community Protection Notices and The Clean Neighbourhoods and Environment Act 2005 etc.) to deal with anti-social behaviour in relation to HMOs and these are dealt with separately from the planning system.

Again, it is important to reiterate that responsibility would also fall with the applicant to effectively manage the property and its occupiers, although in land use planning terms the proposed small-scale HMO use within this location is not considered so adverse or harmful in general amenity terms to warrant the refusal of the planning application.

As previously detailed, the scheme does not include any changes to the facades or fenestration arrangements of the building. As such, the scheme raises no loss of privacy concerns.

Accordingly, it is considered that the planning application is acceptable in terms of the impact on neighbouring amenity levels and therefore accords with Policy SP2 (12) of the LDP and the Council's Supplementary Planning Guidance SPG02: Householder Development. The use of the premises as a small HMO does not unreasonably compromise the level of amenity that is enjoyed and can be reasonably expected in such a



locality, with the level of activity and other likely effects of the use not significantly exceeding what was previously experienced when the building was used as a dwelling or could be expected if a large family occupied the four-bedroom property.

### **Impact on the character of the existing property, street scene and wider area.**

The application building is a two-storey, mid link property situated within a largely residential area whilst also in close proximity to local amenities. Heol-Y-Nant and the surrounding streets comprise a mixture of house types and it is considered that the conversion of this dwelling to a small HMO (with no external works being proposed or undertaken as part of the scheme) would provide a valuable and additional/alternative type of living accommodation to the locality whilst not harmfully or significantly eroding the character and appearance of the existing area as a whole.

The essential residential character of the area and the amenities of the locality have not been so adversely impacted so as to warrant a recommendation to refuse the Planning application in this regard given that the application is for a relatively small, single HMO which does not result in an undue concentration of incompatible uses in this location. The proximity of the application site to the nearby Nant Lais community home which provides supported accommodation for a number of adults (18 bedrooms) is fully acknowledged in this case – which is also operated by the applicants, Emmaus – South Wales. However, this building is situated over 200m to the south of the site with numerous residential properties situated in-between the two sites.

The scheme has not resulted in (nor proposes) any external changes to the facade of the building and therefore, the visual appearance of the property will not alter as a result of the application. As such, it is considered that the application respects the character of the existing building and local character of the area and accords with the general requirements of Policy SP2 (2) of the Bridgend Local Development Plan (2013).

### **Highway Safety**

The site is currently accessed by foot and vehicle from Heol-Y-Nant (front of the site) and benefits from a rear off street car parking space that is accessed via the highway of Fron Heulog that abuts the rear garden area of the property. As mentioned above, the site is located within a relatively sustainable location with positive links to wider amenities and public transport links. The Council's Highway Officer has considered the transportation implications of the proposal and confirmed such a scheme raises no serious or adverse highway safety implications.

It is commented that the established four-bedroom property generates a requirement for 3 off-street parking spaces but only benefits from a single space to the rear, served off Fron Heulog. It is considered however that the change of use to a HMO (for a maximum of 4 persons) will not generate a significant parking demand which would require further provision. However, in order to protect the existing space and maintain the status quo a condition is requested to ensure the parking space is retained in perpetuity and a further condition suggested to secure cycle parking at the site to ensure residents can fully utilise sustainable travel.

Accordingly, and subject to the suggested conditions, it is considered that the development accords with Strategic Policy SP3, Policy PLA11 and Policy SP2 (6) of the Bridgend Local Development Plan 2006-2021 and the Council's Supplementary Planning Guidance (SPG17) – Parking Standards.

### **Biodiversity and other matters**

Policy SP4 of the Bridgend Local Development Plan, 2013 (LDP) highlights that development which will conserve, and wherever possible enhance the natural environment

of the County Borough will be favoured. Policy ENV6 Nature Conservation of the LDP further emphasises development proposals must retain, conserve, restore and enhance wherever possible existing natural features and habitats. Future Wales and Planning Policy Wales (Edition 11, February 2021) requires all development to maintain and enhance biodiversity.

Whilst acknowledging this is a small scale, change of use application, to fully ensure the development meets the requirements of local and national planning policy that *states all development should maintain and enhance biodiversity*, a condition is recommended to ensure an appropriate bird box is introduced at the site in this case.

On the basis that the recommended condition is imposed to any approved consent, the scheme is considered to comply with local and national planning policy as well as the requirements of the Habitats Regulations 1994 (as amended) and Section 6 of the Environment (Wales) Act 2016.

It is also considered such a change of use application of the nature detailed raises no serious land drainage implications.

## **CONCLUSION**

This retrospective application requires careful consideration of each of the material planning matters raised by the case, and on balance it is concluded the scheme can be recommended for approval and is considered acceptable in planning terms.

The development, subject to the imposition of conditions, complies with Council policy and guidelines and does not adversely affect the character of the area, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities, particularly with regard to the fear of anti-social behaviour or crime emanating from the occupiers of the HMO, as to warrant refusal on those grounds. The scheme also raises no adverse biodiversity or land drainage concerns.

The concerns raised by residents and the Town Council are fully acknowledged in this case, however, and on balance, they are not considered to outweigh the other material issues connected to the development as to warrant refusal of the planning application. The intensity of the use and the provision of a small scale HMO, accommodating a maximum of four occupiers, within a previously established, family sized dwelling comprising four bedrooms, is not considered so incompatible or harmful to the character or amenity of the area to recommend the refusal of the planning application. HMO uses provide an important source of housing accommodation within the Borough and it is considered a 'residential type' use in an established residential unit and area, and there is no objection in principle to this use in this location. A condition is suggested restricting the maximum number of occupants to four at any one time and accordingly, it is considered that the development is of a nature that can be supported in this case.

## **RECOMMENDATION**

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

1. The development shall be carried out in accordance with the following approved plans:

Location Plan - Received 31/03/2023

Floor Plan - Received 31/03/2023

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

2. The premises shall be used for a house in multiple occupation (Class C4 of the Town and Country Planning (Use Classes Order) (As Amended)) accommodating a maximum of four persons.

Reason: For the avoidance of doubt as to the extent of the permission granted and to enable the Local Planning Authority to retain effective control over the intensity of the residential use.

3. Within one month from the date of this decision, a scheme showing the location and design of a waste and recyclables storage enclosure(s) at the site shall be submitted in writing for the agreement of the Local Planning Authority. The approved scheme shall be provided within 2 months of the date of agreement and shall be retained as such thereafter for the purposes of waste and recyclables storage and management.

Reason: In the interests of safeguarding general amenities and to ensure the sustainability principles are adopted and ensure compliance with Policy ENV15 of the Bridgend Local Development Plan, 2013.

4. Within one month from the date of this decision, a scheme showing the location and provision of secure cycle storage for 4 cycles shall be submitted in writing for the agreement of the Local Planning Authority. The approved scheme shall be provided within 2 months of the date of agreement and shall be retained as such thereafter for the purposes of cycle storage.

Reason: In the interests of promoting sustainable means of travel to / from the property and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

5. The existing parking space served off Fron Heulog (to the rear of the property) shall be retained in permanent materials for the purpose of parking in perpetuity.

Reason: To ensure that adequate parking is retained within the curtilage of the site in accordance with policies SP2 and SP3 of the Bridgend Local Development Plan (2013), and advice contained within Supplementary Planning Guidance SPG17: Parking Standards.

6. Within 3 months of the date of this consent, an artificial nesting site for birds shall be erected at the site to one of the following specifications and retained as such thereafter;

Nest Box Specifications for House Sparrow Terrace:

- Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs to be placed under the eaves of buildings.
- Entrance holes: 32mm diameter
- Dimensions: H310 x W370 x D185mm

or

Swift Nest Box Specification:

- Wide box with small slit shaped entrance hole placed under or close to roofs.
- Dimensions: H150 x W340 x D150mm

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales, Planning Policy Wales (Edition 11, February 2021) and Policies SP4 and ENV6 of the Bridgend Local Development Plan 2013.

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

a. The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Bridgend Local Development Plan (2013).

It is further considered that the decision complies with the Council's well-being objectives and the sustainable development principles in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

b. HMO's are subject to additional requirements concerning fire safety. The information can be found in the following guide  
<https://www.cieh.org/media/1244/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf>

Furthermore, Automatic Fire Detection (AFD) - HMO's must be provided with suitable AFD system. The system must be designed, installed and maintained in accordance with BS 5839: Part 6.

c. The applicant is advised that the development must comply with the necessary and relevant Building and Fire Safety Regulations. The applicant is also advised that in addition to Planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to the development.

**JANINE NIGHINGALE  
CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None

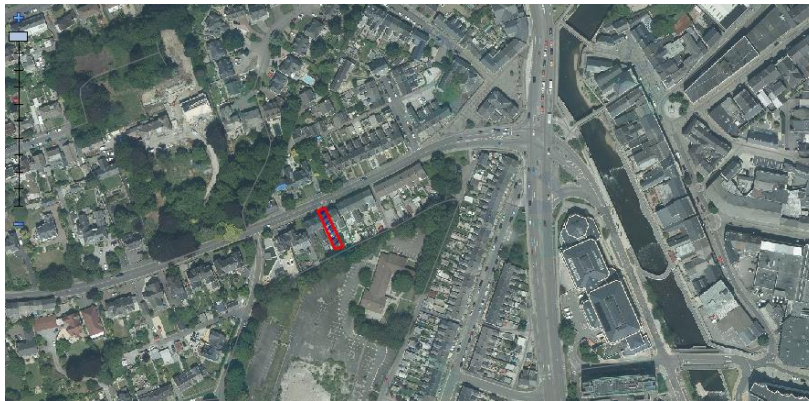
**REFERENCE:** P/23/227/FUL  
**APPLICANT:** D2 Propco Ltd 8 Melyn Mair, Wentloog Avenue, Cardiff, CF3 2EX  
**LOCATION:** 61 Park Street Bridgend CF31 4AX  
**PROPOSAL:** Change of use from dwelling to House in Multiple Occupation (HMO) maximum 6 persons  
**RECEIVED:** 3 April 2023

## SITE AND CONTEXT

The application site relates to a three storey mid terrace property located at 61 Park street in Bridgend. The building is Victorian in style and is mainly constructed of stone, slate roofs and timber sliding sash windows, with stepped accesses to the front and rear of the building. The site has a pedestrian access of Park Street and vehicle parking via a lane to the rear. The majority of properties within this stretch of road have parking to the rear off this lane. The building is located within a predominantly residential area.

The proposal is located within the residential settlement boundary of Bridgend as defined by Policy PLA1 of the Bridgend Local Development Plan (2013). It is located just outside of Bridgend Town Centre. It is in a highly sustainable location and within easy walking distance of the main bus and train stations located within Bridgend town centre. Figure 1 below shows the application site.

***Fig. 1: Aerial Plan showing location***



## DESCRIPTION OF DEVELOPMENT

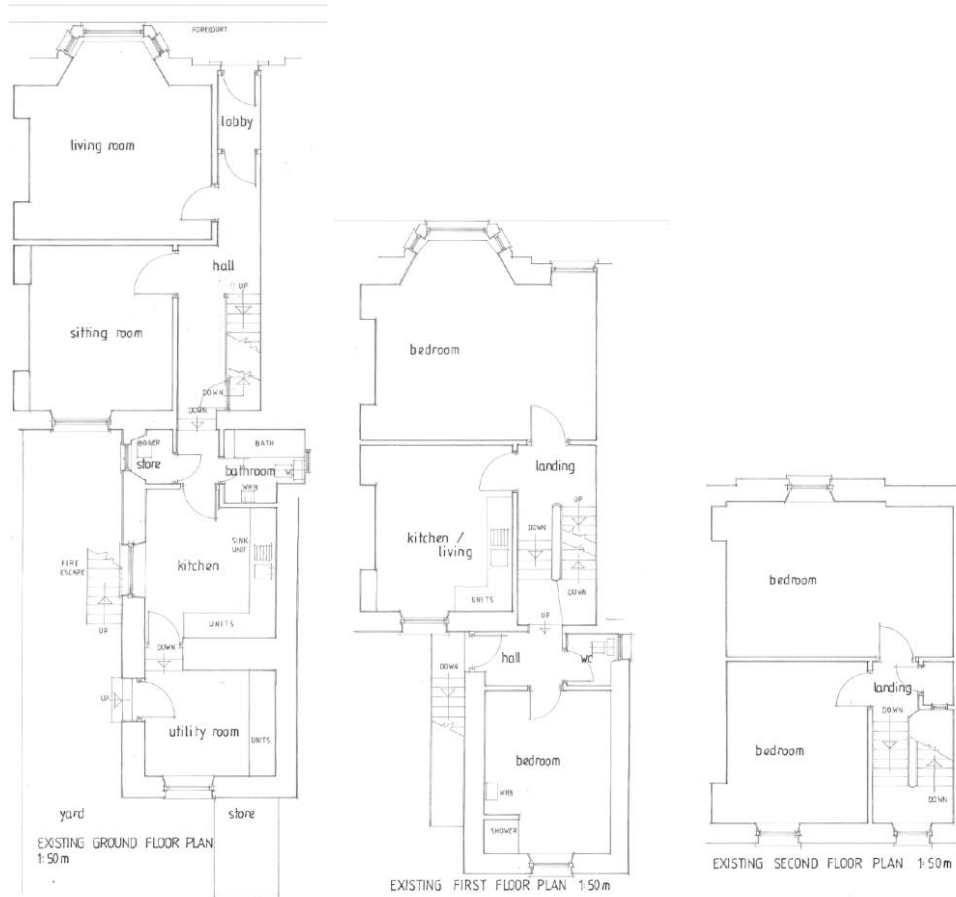
The applicants, D2 Propco Ltd., are seeking planning permission for the change of use of the property from Class C3 (dwelling house) to Class C4 (House in Multiple Occupation) maximum 6 persons at 61 park Street. Figure 2 below shows a photo of the front elevation of the application site.

***Fig. 2: Photo showing Front elevation of 61 Park Street***



The proposal is to convert the 4-bed house into a 6 bed HMO. The conversion works are limited which consists of changing the ground floor living room located to the front into a bedroom and the sub-division of the first-floor bedroom into two bedrooms. The remainder of the house layout will stay the same which has two kitchen areas, a utility room a bathroom and a separate WC. These changes can be seen below in figures 3 and 4. No external alterations are proposed as part of the scheme.

**Fig. 3: Existing floor plans**



**Fig. 4: Proposed floor plans**

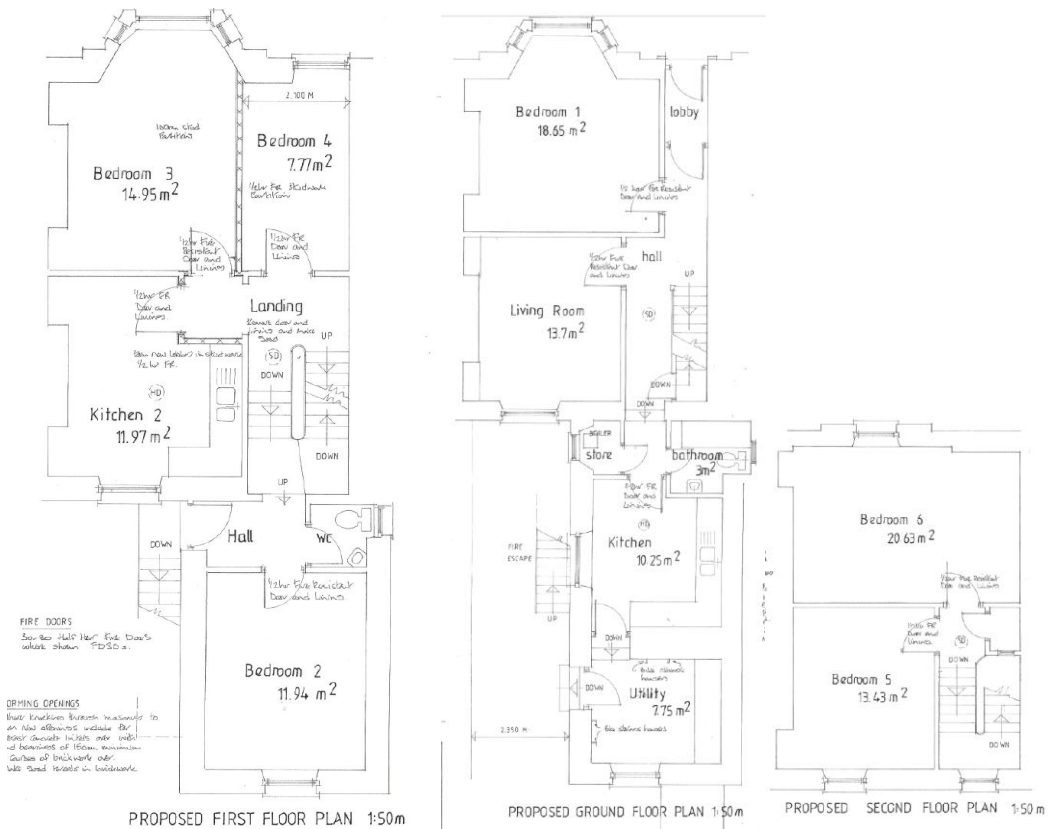
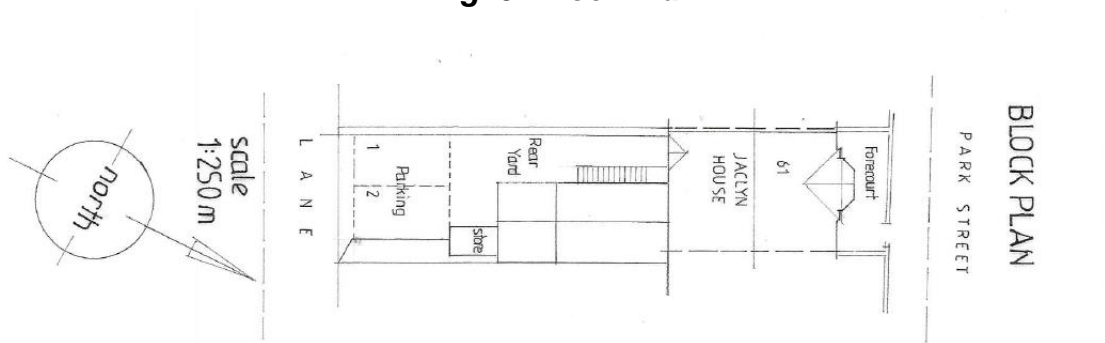


Figure 5 below illustrates that it is proposed to increase the on-site parking provision from one space to two parking spaces accessed via the rear lane. The remainder of the space to the rear will be utilised as a yard by future residents.

**Fig. 5: Block Plan**



**PLANNING HISTORY**

None

**CONSULTATIONS**

**Bridgend Town Council:** No Objection in principle. BTC have noted that there is no on Street Parking, and the planning application does not specify any parking requirements at all. BTC requests that BCBC revisit the application concerning parking.

**Shared Regulatory Services:** No comments were received.

**Highways Officer:** No objection

## **PUBLICITY**

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 12 May 2023.

## **REPRESENTATIONS RECEIVED**

7 letters of objection have been received from residents of Parkfield Road and Park Street, who have made the following observations:

### Highway and pedestrian safety issues

- a) The plan identifies two parking spaces with proposal for 6 residents at the property. The rear of the property with the two spaces is accessed via Park Street Rear Lane which is a narrow, restricted lane with no parking facility or space in the lane to park either long time or short time and the front of the property is governed by double yellow lines parking restrictions.
- b) there is also no mention of parking provision for any residents who may require a disabled parking space - this is insufficient if the building is to offer an inclusive living environment for all.
- c) The Renting Homes (Wales) Act prohibits “unfair terms” from being added to an occupation contract by either Private or Social Landlords. Any occupation contract restricting vehicle ownership is an “unfair term” and would not be allowed under RH(W)A.
- d) The area can only cope with all these additional pressures with significant improvements to the infrastructure and junctions that serve the area.
- e) The area proposed is already highly populated and has an ongoing site being developed with 59 new houses and Wellness Village. 61 park street only has one existing entrances/exits with unique problems that will all suffer and struggle with further increased population and visitors.
- f) There is no evidence provided that the “nature of the residents” is non-car owners either at the point that they take occupation of the property or during their occupancy.
- g) I have serious concerns about the developer’s and contractor’s lorry type access to the rear of the property during its change in use in the use of Park Street Rear Lane which is used by local residents and neighbours on a daily basis notwithstanding parking restrictions as mentioned previous with double yellow lines at the front of the property.

### Air Quality Issues

- a) The immediate area is already subject to the Air Quality Management Area (AQMA) on Park Street. There has been no material mitigation to the issue of pollution levels in this area and high pollution levels are known to cause serious health conditions and even death. Any increased traffic due to the number of residents will add to the current air quality issues on Park St.

### Residential Amenity issues

- a) 63 park street is a private dwelling and is overlooked at the rear by 61 Park Street.

### Other issues

- a) Police are frequently in the area and attending the existing HMO’s due to a rise in crime, drug use and anti social behaviour caused by persons living or frequenting the existing HMO’s in the street. Adding another HMO will add to this.
- b) The planning documents make no mention of the nature of the residents that will occupy 61 Park Street
- c) There was no consultation between the developer and 63 park street



- d) The area already has many existing or proposed well being and vulnerable people facilities including The Wallich on Park Street, the development proposed for Sunnyside House and the large Wellness Village which will back onto Park Street Rear Lane.
- e) The area is already oversubscribed with HMO's as there are already several HMO in the street, a mental health rehabilitation HMO and homeless shelters HMO.
- f) This is a conservation area and this type of development would devalue family houses within the area.
- g) How will BCBC police the number of people allowed will inspections be carried out?
- h) The developer states there are no trees on the site of 61 Park Street, in fact there are trees in the rear of the property area.
- i) The Halo Life Centre is growing in popularity, and the Linc Cymru Wellness Centre will see the convergence of three existing Doctor Surgeries into one destination, with 59 new houses to be completed under planning approval P/18/983/FUL.
- j) Positive planning only occurs where a detailed knowledge of how places 'work' is available and provides a valuable decision-making resource. Therefore, I request Bridgend County Borough Council (BCBC), and the Applicant) to engage with people in the local community to facilitate a collective, participatory process that focuses on achieving sustainable places. This requires an engagement that goes beyond the statutory minimum for consultation in planning legislation and per the involvement, the principles set out in the Well-being of Future Generations Act.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

### Highway and pedestrian safety issues

- a) The property is currently a 4-bed house with 1 parking space, the proposed HMO will increase the parking provision by 1. Most of the properties on this stretch of park street have parking off this lane currently. It is considered that the 1 extra space being provided would not substantially increase vehicle movements along the lane.
- b) The 5% requirement of accessible (disabled) parking as detailed in SPG17 relates to destination sites such as supermarkets, public car parks etc. That requirement is not relevant to private residential homes, and it would be for the resident requiring any disability adaptations or permissions to park on the highway due to a disability to contact the highway authority to arrange.
- c) This is not a planning or Highway Authority matter and we do not set the terms of any rented homes.
- d) The existing 4 bedroomed residential dwelling could accommodate a large family comprising 3 adult children all of driving age who own a car. Therefore, it is considered that the change to a HMO for 6 people will generate a similar level of traffic using the local highway network if indeed all residents of the HMO owned a car which is highly unlikely. As a result, any increase in traffic would not be material and it is considered this proposal would not add additional pressures to the highway network above and beyond what is considered background fluctuations in traffic in a town centre location.
- e) As detailed previously the proposal is considered to generate similar if not lower levels of traffic than what a large family could generate using the property as a family home.
- f) It is widely reported on other developments in Bridgend by responsible social landlords (RSLs) such as Valleys to Coast, that car ownership for social housing is considerably lower. Furthermore, car ownership is extremely low for residents living in houses in multiple occupation. Further evidence is also provided in the census.
- g) The internal alterations to the property are very minor and as such do not warrant a construction traffic management plan (CTMP) as a planning condition.

### Air Quality Issues

- a) In terms of the Air Quality management area, it is considered that a House of Multiple occupation for 6 residents would not generate traffic over and above what a typical 4 bed residential property would generate. Furthermore, this application is in a very sustainable location in close proximity to Bridgend town centre where there are abundant facilities and a bus and rail service. As such future residents would be within easy walking distance to all these facilities and would not need to rely on car travel.

### Residential Amenity issues

- a) The proposal involves no external alterations as such the relationship between windows and habitable rooms would not change. As such the proposal would not have any unacceptable issues relating to overlooking over and above what already exists.

### Other issues

- a) Issues in respect of anti-social behaviour are ultimately matters for the police and the proposal, which is a residential use, is unlikely to result in such serious levels of anti-social behaviour as to warrant or justify the refusal of the planning application. There is no compelling evidence to suggest that a small HMO use of the scale being considered would result in increased levels of crime or fear of crime within the locality of the application site. The causes of anti-social behaviour and criminal activity are recognised to be diverse and cannot be attributed to any housing type alone, and it is considered an appropriately managed, small scale HMO use, for a maximum of six people, would not cause such anti-social behaviour or perception of anti-social behaviour to recommend refusal of the planning application in this case.
- b) The future occupant of a proposal is not a material planning consideration.
- c) The fact that there has been no consultation between the applicant and the neighbours prior to the submission of an application is not a material planning consideration, This application has been advertised in accordance with the Town and Country Planning Development Management Procedure Order 2012 (as amended) and the general public have had the ability to view plans and make comments on the scheme.
- d) The proposal is in close proximity to a town centre and, as such, it would be expected that the area would be well served by a number of facilities. Having such facilities is not considered to be detrimental to the area, nevertheless each application is determined on its own individual merits.
- e) Each application is determined on its own individual merits and assessed against national and Local planning policy. There is no evidence to suggest the area is oversubscribed with HMOs.
- f) The proposal is outside of the conservation area, However, the application does not propose to make any external alterations and would not impact upon the adjacent conservation area. In terms of devaluing a home this is not a material planning consideration.
- g) Carrying out inspections is not a planning matter and would be undertaken by other sections of BCBC. In terms of numbers, a condition would be imposed to ensure the maximum number of people staying at the property would be 6.
- h) This applicant has not indicated that they propose to fell any trees, furthermore there are no protected trees on the site as such planning permission would not be required to fell any trees. As such this is not relevant and an error on the form.
- i) This is not a material planning consideration, this would be a matter for the Local Health Board, however this is a small scale development and unlikely to have any unacceptable impacts

- j) The applicant has submitted a valid planning application. It is a statutory requirement of BCBC to determine the application that has been submitted having regard to national guidance (in the form of the National Planning Policy Framework) and the local planning policies set out within the Local Development Plan. Furthermore, the application has been advertised in accordance with the Town and Country Planning Development Management Procedure Order 2012 and the general public have had the ability to view plans and make comments on the scheme, which have been considered as part of the application process.

## **PLANNING POLICIES**

### **National Planning Policy:**

**Planning Policy Wales** (Edition 11) was revised and restructured in February 2021 to coincide with publication of, and take into account the policies, themes and approaches set out in, **Future Wales - the National Plan 2040** and to deliver the vision for Wales that is set out therein.

Future Wales now forms part of the Development Plan for all parts of Wales, comprising 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. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.

The primary objective of PPW 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 and the Well-being of Future Generations (Wales) Act 2015.

PPW11 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision making process.

PPW is supported by a series of more detailed Technical Advice Notes (TANs), of which the following are of relevance: -

**Technical Advice Notes**, the Welsh Government has provided additional guidance in the form of Technical Advice Notes.

- Technical Advice Note (TAN) 12 Design

**The Well-being of Future Generations Act (Wales) 2015** places a duty on the Council to take reasonable steps in exercising its functions to meet the seven sustainable development (or wellbeing) goals/objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle" as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

**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.

### **Other Relevant Policies and Guidance**

Houses in Multiple Occupation – Practice Guidance: March 2017 (Welsh Government)

### **Local Policies**

The Development Plan for the area comprises the Bridgend Local Development Plan 2006-2021, and within which the following policies are of relevance:

#### *Strategic Policies*

- **Policy SP1:** Regeneration Led Development
- **Policy SP2:** Design and Sustainable Place Making
- **Policy SP3:** Strategic Transport Planning Principles
- **Policy SP4:** Conservation and Enhancement of the Natural Environment
- **Policy SP12:** Housing

#### *Topic based policies*

- **Policy PLA1:** Settlement Boundary and Urban Management
- **Policy PLA11:** Parking Standards
- **Policy ENV6:** Nature conservation
- **Policy ENV7:** Natural resource Protection and Public Health
- **Policy COM3:** Residential re use of a building or Land

### **Supplementary Planning Guidance**

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance the following are of relevance

- SPG02 – Householder Development
- SPG17 – Parking Standards
- SPG19 – Biodiversity and Development

### **APPRAISAL**

This application is to be determined at planning committee as there have been 7 letters of objection which have contained numerous concerns over the change of use of this dwelling.

### **Issues**

Having regard to the above, the main issues to consider in this application relate to the principle of development, together with the impact on the visual amenity of the area, the amenities of neighbouring residents, biodiversity and highway safety.

### **Principle of Development**

The site is located within the main settlement of Bridgend within an established, residential area on the edge of the town centre as defined by **Policy PLA1** Settlement Hierarchy and Urban Management of the Bridgend Local Development Plan (LDP) adopted in 2013. Policy PLA1 states that development in the County Borough will be permitted where it provides the maximum benefits to regeneration at a scale that reflects the role and function of the settlement.

**Policy COM3** Residential Re-use of a Building or Land states that residential

developments within settlement boundaries defined in Policy PLA1 on windfall and small sites for the conversion of existing buildings or the re-use of vacant or under-utilised land will be permitted where no other policy protects the building or land for an existing or alternative use. The proposed site would classify as a small site under Policy COM3 which makes an important contribution to the overall housing supply and introduces an important element of choice and flexibility into the housing market. Policy COM3 of the LDP and Planning Policy Wales (2021) effectively supports the use of suitable, previously developed land for housing development as it can assist regeneration and at the same time relieve pressure for development on greenfield sites.

**Policy SP1** Regeneration-Led Development, states *“that development will be permitted where it provides the maximum benefits to regeneration at a scale that reflects the role and function of settlements as set out in the settlement hierarchy”*. It is considered that the change of use of the building to another form of residential use in a predominantly residential locality is compatible with surrounding land uses and is acceptable, providing a valuable alternative type of living accommodation to the locality. The 6 bed HMO use is not considered an overly intensive or incompatible use within its setting and it is also considered that the application site is located within a very sustainable location, being located close to public transport, pedestrian and cycle links and Bridgend Town centre.

**Policy SP2** Design and Sustainable Place Making of the LDP states that all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment.

On balance, it is considered that, in principle, the development is considered to accord with Strategic Policy SP1 and Policies PLA1 and COM3 of the Bridgend Local Development Plan (2013) and subject to satisfying the requirements of Policy SP2, the proposed development is acceptable in land use planning terms and accords with the Bridgend Local Development Plan (2013).

#### **Impact on Visual Amenity and Character**

Strategic Policy SP2 *Design and Sustainable Place Making* seeks to conserve and enhance the built environment states *“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.”*

Local Planning Authorities should ensure that the proposed developments should not have an unacceptable impact upon the character and amenity of an area. In this case the proposal does not incorporate any external alterations. As such it is considered the change of use would have no unacceptable impacts upon the character of the building or the surrounding area over and above what already exists.

Accordingly, the proposed development is considered acceptable and accords with Policy SP2 of the Bridgend Talbot Local Development Plan (2013)

#### **Residential Amenity**

Policy SP2 of the LDP criterion (12) states *“that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected; which have been addressed as follows:*

#### **Overbearing and overshadowing impact**

The proposal involves no external alterations. As such there are considered to be no issues in terms of overlooking and overbearing over and above what already exists on site.

### Overlooking/loss of privacy

In terms of overlooking and loss of privacy, the proposal involves no external alterations as such the relationship between windows and habitable rooms would not change. As such the proposal would not have any unacceptable issues relating to overlooking over and above what already exists.

### Noise

Policy SP2 Criterion (8) also states "Development should Avoid or minimise noise, air, soil and water pollution".

In terms of the likely impacts on neighbouring residential amenity it is considered that the proposed use of the premises as a small HMO would not unreasonably compromise the level of amenity that is currently enjoyed and can be reasonably expected in such a locality. It is also considered that the level of activity and other likely effects of the use would not significantly exceed what was previously experienced when the building was used as a dwelling.

Any issues relating to noise from future residents of the property would be a matter for SRS public protection to investigate under their noise nuisance legislation.

### Amenity of future occupiers

In terms of the level of amenity and standard of accommodation being created for occupiers of the HMO, each bedroom facility would have a satisfactory outlook with appropriate habitable room space and kitchen/bathroom facilities being proposed to support the use.

With regard to outdoor amenity space, the proposed layout provides an outdoor space to the rear that future occupiers could use. This space is also well overlooked providing a safe environment for occupiers which will benefit their health and wellbeing.

### Bin storage and cycle storage

No details of Bin storage areas or cycle storage for residents have been provided however a condition can be imposed to ensure suitable bin/recycling storage area is provided and also provide details of the cycle storage.

On balance it is considered that the proposed change of use is acceptable and will not have any significant adverse impacts on existing neighbouring properties or amenities. As such there are no justifiable grounds to refuse planning permission on residential amenity grounds, having particular regard to the fact that if any such issues arise in the future, these can be addressed by the Environmental Health Section under their statutory nuisance powers. The development, therefore accords with Policy SP2 and ENV7 of the Bridgend Local development Plan (2013)

### **Highway Safety**

Policy SP2 states All development should have good walking, cycling, public transport and road connections within and outside the site to ensure efficient access. Policy PL11 further states all development will be required to provide appropriate levels of parking. This should be in accordance with the adopted parking standards.

The application site is in a very sustainable location close to the town centre where there an abundance of facilities and the main train and bus station for Bridgend. The property currently has 1 off street parking space at the rear. This is where most of the houses within this stretch of road have off street parking. The main road (Park Street) has traffic orders preventing parking. This can be seen in figure 6 below.

**Fig. 6: Photograph showing traffic orders on road**



The Highway Officer has assessed the proposal and it is noted that the site is currently used as a private 4 bedroomed dwelling and the change of use to a house in multiple occupation is considered acceptable at this location in highway traffic generation terms. The parking provision at the property will increase by one, to two off-street parking spaces to the rear of the site, which is considered adequate to support the development.

The site is located very close to the town centre, train station and bus station and as such the requirement for off-street parking would be reduced. Furthermore, it is understood that levels of car ownership are generally lower for residents of House in Multiple occupation and therefore two spaces is acceptable. A condition can be imposed to ensure the parking is increased prior to the first beneficial use of the property as a HMO and retained as such thereafter.

In order to further improve the sustainability credentials of the site, the Highways Officer has requested a scheme for an external cycle stand to encourage shorter journeys by bicycle. This can be imposed via a suitably worded condition. As such the highways officer has no objection to the proposal subject to the above condition

On balance it is considered that the change of use would not have any unacceptable impact upon highway and pedestrian safety. Therefore, the proposed development is considered to accord with Policy SP2 and PLA1 of the Bridgend Local Development Plan (2013)

### **Biodiversity**

In assessing a planning application, the Local Planning Authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions, under the Environment (Wales) Act 2016.

Planning Policy Wales 11 (PPW11) states in Section 6.4.4: *“It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals.”* it further goes on to state that *“All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission.”*

Technical Advice Note 5: Nature Conservation and Planning states that: *“Biodiversity, conservation and enhancement is an integral part of planning for sustainable development. The planning system has an important part to play in nature conservation. The use and development of land can pose threats to the conservation of natural features and wildlife.”*

Whilst acknowledging this is a small scale, change of use application, to fully ensure the development meets the requirements of local and national planning policy that *states all development should maintain and enhance biodiversity*, a condition is recommended to ensure an appropriate bird box is introduced at the site. As such the proposal is acceptable in terms of Biodiversity.

### **CONCLUSION**

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Bridgend Local Development Plan (2013)

On balance, and having due regard to the objections and concerns raised, the proposed development, subject to the imposition of conditions, complies with Council policy and guidelines and does not adversely affect the character of the area, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities, particularly with regard to the fear of anti-social behaviour or crime emanating from the occupiers of the HMO, as to warrant refusal on those grounds. The scheme also raises no adverse biodiversity concerns. Any issues relating to the poor management of HMOs are resolved through the separate licensing regime and legislation and not through the planning system.

It is further considered that the decision complies with Future Wales - the National Plan 2040, and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

### **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:
  - Drawing 2931C Change of use from dwelling to C4 maximum 6 persons

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

2. The premises shall be used for a house in multiple occupation (Class C4 of the Town and Country Planning (Use Classes Order) (As Amended)) accommodating a



maximum of six persons and for no other use.

Reason: For the avoidance of doubt as to the extent of the permission granted and to enable the Local Planning Authority to retain effective control over the intensity of the residential use.

3. Notwithstanding the submitted plans, no development shall commence until a scheme for the provision of two cycle parking stands has been submitted to and approved in writing by the Local Planning Authority. The stands shall be installed before the development is brought into beneficial use and retained as such thereafter in perpetuity.

Reason: In the interests of promoting sustainable means of travel to / from the site and to accord with policies SP2 and SP3 of the Bridgend Local Development Plan (2013), and advice contained within Supplementary Planning Guidance SPG17: Parking Standards.

4. Prior to the first beneficial use of the development, the 2 parking spaces as shown on drawing number 2931C shall be constructed in permanent materials. The two parking spaces shall be retained for the purposes of parking in perpetuity and shall be maintained.

Reason: To ensure that adequate parking is retained within the curtilage of the site in accordance with policies SP2 and SP3 of the Bridgend Local Development Plan (2013), and advice contained within Supplementary Planning Guidance SPG17: Parking Standards.

5. Notwithstanding the submitted plans, prior to the commencement of development, a scheme showing the location and design of a waste and recyclables storage enclosure(s) at the site shall be submitted in writing for the agreement of the Local Planning Authority. The approved scheme shall be provided prior to the first beneficial use of the development and retained as such thereafter for the purposes of waste and recyclables storage and management.

Reason: In the interests of safeguarding general amenities and to ensure the sustainability principles are adopted and ensure compliance with Policy ENV15 of the Bridgend Local Development Plan, 2013.

6. Notwithstanding the submitted plans and prior to the first beneficial use of the development, an artificial nesting site for birds shall be erected at the site to one of the following specifications and retained as such thereafter;

Nest Box Specifications for House Sparrow Terrace:

- Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs to be placed under the eaves of buildings.
- Entrance holes: 32mm diameter
- Dimensions: H310 x W370 x D185mm

or

Swift Nest Box Specification:

- Wide box with small slit shaped entrance hole placed under or close to roofs.
- Dimensions: H150 x W340 x D150mm

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales, Planning Policy Wales (Edition 11, February 2021) and Policies SP4 and ENV6 of the Bridgend Local Development Plan 2013.

7. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a. The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Bridgend Local Development Plan (2013)

On balance and having regard to the objections and concerns raised the proposed development, The development, subject to the imposition of conditions, complies with Council policy and guidelines and does not adversely affect the character of the area, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities, particularly with regard to the fear of anti-social behaviour or crime emanating from the occupiers of the HMO, as to warrant refusal on those grounds. The scheme also raises no adverse biodiversity concerns.

It is further considered that the decision complies with Future Wales - the National Plan 2040, and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

b. HMO's are subject to additional requirements concerning fire safety. The information can be found in the following guide  
<https://www.cieh.org/media/1244/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf>

Furthermore, Automatic Fire Detection (AFD) - HMO's must be provided with suitable AFD system. The system must be designed, installed and maintained in accordance with BS 5839: Part 6.

c. The applicant is advised that the development must comply with the necessary and relevant Building and Fire Safety Regulations. The applicant is also advised that in addition to Planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to the development.

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

**Background Papers**

None

**REFERENCE:** P/23/147/FUL

**APPLICANT:** T, D, C & N Allen c/o C2J Architects & Town Planners, Unit 1A Compass Business Park, Pacific Road, Ocean Park, Cardiff, CF24 5HL

**LOCATION:** Rear of 82 Merthyr Mawr Road Bridgend CF31 3NS

**PROPOSAL:** Detached dwelling with garage and on site parking

**RECEIVED:** 1 March 2023

## DESCRIPTION OF PROPOSED DEVELOPMENT

This application seeks full Planning permission for the erection of a detached dwelling alongside ancillary works on land to the rear of 82 Merthyr Mawr Road, Bridgend.

The proposed layout comprises a detached dwelling with an area of garden space and a driveway to its front, which will be accessed from Glanogwr Road. The proposed dwelling will also benefit from garden space to its rear.



**Fig. 1: Proposed Site Layout Plan**

The dwelling is principally orientated to face the north-west, toward Glanogwr Road. It will be set slightly further back than the building line of the adjacent property at no. 1 Glanogwr Road, which itself is set back from the next dwelling to the west, 1 Bowham Avenue.

The property is proposed to measure a maximum of 11.2m in depth and 11.9m in maximum width, inclusive of the garage which adjoins the dwelling on its south-western side. The house is to have a pitched roof which measures 10.1m in height to its ridge and 5.25m to its eaves. It will comprise a hallway, lounge and kitchen, utility room, family room and WC at ground floor level with four bedrooms and a family bathroom at first floor level. An additional bedroom is proposed within the loft of the property, alongside an en-suite and changing room.

The dwelling will be finished using lightly coloured render and red facing-brick to its elevations with a grey slate roof and grey powder coated aluminium windows and doors. Fenestration and openings are mainly situated on the front and rear elevations of the property, with some smaller / secondary windows situated on the side elevations at first and second floor level,

serving bathrooms and staircases. The existing garden of 82 Merthyr Mawr Road is to be divided between the two properties.

## SITE DESCRIPTION

The application site is situated within the Primary Key Settlement of Bridgend, as defined by Policy PLA1 of the Local Development Plan (2013). It forms part of the rear garden of 82 Merthyr Mawr Road, with the northern boundary of the site formed by Glanogwr Road.



**Fig. 2: Street View image of the application site**

The site consists of an area of residential curtilage associated with 82 Merthyr Mawr Road, with the host property sitting to the south-east of the proposed development site. 1 Glanogwr Road sits to the west of the site, with the rear garden of no. 80 Merthyr Mawr Road sitting to the east.

The application site is situated within a residential area made up of largely detached and semi-detached houses of varying sizes. The houses in the area are typically finished in a combination of render and brickwork, with dark roof tiles and white UPVC windows, doors and rainwater goods.

The proposed development site benefits from an existing gated access from Glanogwr Road, which provided vehicular access to the site, where an existing detached garage is located. Several trees situated near to the northern boundary of the application site are protected by Tree Preservation Orders.

## RELEVANT HISTORY

<b>Application ref.</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
P/04/871/OUT	Outline application for one dwelling renewal of permission P/04/0044 and extension of reserved matters 01/203	Conditional Consent	14/09/2004
P/07/1099/OUT	Outline application for one dwelling house	Conditional Consent	18/10/2007
P/10/710/RLX	Renewal of Outline consent P/07/1099/OUT for one dwelling house	Conditional Consent	14/02/2011
P/14/84/RLX	Renewal of Outline consent P/07/1099/OUT for one dwelling house	Conditional Consent	01/04/2014

P/17/147/RLX	Renewal of Outline consent P/07/1099/OUT for one dwelling house	Conditional Consent	19/04/2017
P/20/260/RLX	Vary the standard time condition on P/17/147/RLX (New dwelling) to extend the Outline consent for a further 3 years (Renewal of Outline consent P/07/1099/OUT for one dwelling house)	Conditional Consent	13/07/2020
P/23/449/RLX	Vary the standard time condition on P/20/260/RLX (New dwelling) to extend the outline consent for a further 3 years (Renewal of outline consent P/07/1099/OUT for one dwelling house)	Pending	n/a

## PUBLICITY

Neighbours have been notified of the receipt of the application. The period allowed for response to the original consultations/publicity expired on 11<sup>th</sup> April 2023. Following the submission of amended plans, a further consultation period took place on 10<sup>th</sup> August 2023.

## CONSULTATION RESPONSES

***Dwr Cymru Welsh Water*** – No objection subject to the inclusion of suitably worded conditions and advisory notes on any consent granted.

***Shared Regulatory Services: Environment Team*** – No objection subject to the inclusion of suitably worded conditions and advisory notes on any consent granted.

***Land Drainage*** – No objection subject to the inclusion of suitably worded conditions and advisory notes on any consent granted.

***Bridgend Town Council*** – No objection.

***Highways Officer*** – No objection subject to the inclusion of suitably worded conditions on any consent granted.

***Ecology*** – No objection subject to the inclusion of suitably worded conditions on any consent granted.

## REPRESENTATIONS RECEIVED

One letter of support was received from 82 Merthyr Mawr Road. A number of objections were received from the tenants/owners of neighbouring properties in response to the initial consultation, the addresses of which are listed below:

- 1 Glanogwr Road
- 4 Glanogwr Road
- 10 Glanogwr Road
- 14 Glanogwr Road
- 16 Glanogwr Road
- 80 Merthyr Mawr Road
- 84 Merthyr Mawr Road

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

- Inappropriate access;
- Impact of construction phase, including construction traffic;
- Overdevelopment of the plot;

- Loss of privacy of neighbouring residents;
- Overbearing and dominating impact;
- Scale and design out of keeping with its surroundings;
- Environmental impact through loss of trees / green space;
- Impact of the development on surface water drainage;
- Lack of information regarding foul water drainage.

A response from Cllr Ian Williams was also received following the original consultation which stated:

*I would like to Object strongly to this application as I feel it would completely overshadow the neighbouring property, 1 Glanogwr Road , Bridgend.*

*In my opinion it will completely dominate the Eastern aspect of 1 Glanogwr Road and I also have serious concerns regarding access to the highway on quite a nasty bend.*

*Please include this objection in the comments section of the application.*

Following the receipt of amended plans, a further period of consultation was undertaken on 10<sup>th</sup> August 2023. One letter of support was received from 82 Merthyr Mawr Road. Letters of objection were received from the occupants of 80 and 84 Merthyr Mawr Road; 1, 14, 18 and 32 Glanogwr Road; as well as 1 Bowham Avenue. The reasons for objection do not differ from those listed above, which were raised as part of the initial consultation.

### **COMMENTS ON REPRESENTATIONS RECEIVED**

The following observations are provided in response to the comments / objections raised by local residents:-

Factors to be taken into account in making Planning decisions must be Planning matters, that is they must be relevant to the proposed development and the use of land in the public interest. The matters raised which are considered to be material to the determination of this application are addressed in the appraisal section of this report.

Other matters such as land ownership, and the impact of construction works on the local area are not material Planning considerations and will not be addressed further.

The concerns relating to the visual impact of the development; its impact on neighbouring amenity; trees / bats on site; the access, increased traffic and on-road parking as a result of the development; and the impact of the development on the sewage system are addressed in further detail within the appraisal section below.

### **RELEVANT POLICIES**

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

<b>Policy PLA1</b>	Settlement Hierarchy and Urban Management
<b>Policy SP2</b>	Design and Sustainable Place Making
<b>Policy PLA11</b>	Parking Standards
<b>Policy SP4</b>	Conservation and Enhancement of the Natural Environment
<b>Policy ENV6</b>	Nature Conservation
<b>Policy SP12</b>	Housing
<b>Policy COM3</b>	Residential Re-Use of a Building or Land

**Supplementary Planning Guidance 02**  
**Supplementary Planning Guidance 07**

Householder Development  
Trees and Development

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

**Future Wales – The National Plan 2040**

**Planning Policy Wales Edition 11**

**Planning Policy Wales TAN 5**

**Planning Policy Wales TAN 10**

**Planning Policy Wales TAN 12**

Nature Conservation and Planning

Tree Preservation Orders

Design

**WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015**

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

The well-being goals identified in the act are:

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

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

**THE SOCIO ECONOMIC DUTY**

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

**APPRAISAL**

This application is referred to the Development Control Committee to consider the objections raised by local residents.

An appraisal of the proposals in the context of the relevant material considerations is provided below.

The main issues for consideration in the determination of this application are the principle of development; the impact of the proposal on the character and appearance of the street scene; its impact on residential amenity; ecology; drainage; highway safety; and contaminated land.

**PRINCIPLE OF DEVELOPMENT**

The application site lies within the Primary Key Settlement of Bridgend, as defined by Policy PLA1 of Bridgend County Borough Council's adopted Local Development Plan (2013). Policy

COM3 of the Local Development Plan (2013) states that “residential developments within settlement boundaries defined in Policy PLA1 on ‘windfall’ and ‘small scale’ sites for the conversion of existing buildings, or the re-use of vacant or under-utilised land will be permitted where no other LDP policy protects the building or land for an existing or alternative use.”

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

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

The site has also been the subject of applications and consents for a new dwelling in this location so the principle has been established.

Therefore, due regard must be given to Policy SP2 of the Local Development Plan (2013) as it incorporates the concept of placemaking.

### **SITE LAYOUT & DESIGN**

The acceptability of the proposed development 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”.

The streetscene is largely made up of detached and semi-detached properties which vary in terms of their design and character. The majority of the existing houses within the street and the surrounding area sit within relatively spacious plots with a substantial private amenity area to the rear and front garden/driveway space, typically set behind low boundary walls.

In general terms, the surrounding area is residential in nature and the introduction of an additional dwelling on land to the east of 1 Glanogwr Road is considered to be an appropriate form of development. The proposed development plot allows ample space for the construction of a dwelling which will be set in from the site’s boundaries and includes amenity space to the front and rear, alongside a driveway / parking area. The proposed dwelling will be set back from the building line of the majority of the dwellings to the west, although a setback exists between 1 Glanogwr Road and 1 Bowham Avenue and the new dwelling will continue this trend. It is considered that the proposal will not result in the overdevelopment of the existing plot and the positioning of the dwelling is considered to be acceptable.

In terms of its scale, the proposed dwelling has a smaller footprint than the neighbouring property at 1 Glanogwr Road, with a footprint which is more comparable with some of the other dwellings on Glanogwr Road and Bowham Avenue. The house measures approximately 10m in height, which will be approximately 1-1.5m taller than the majority of the neighbouring properties within the immediate vicinity of the site, and will include living space within its loft.



The proposed dwelling is of an individual design, which doesn't aim to match the design characteristics of the surrounding properties, the vast majority of which are hipped roof semi-detached dwellings. Similar examples of individually designed dwellings include 1 Glanogwr Road, sitting immediately to the west of the site, as well as 18 Glanogwr Road, which sits immediately opposite the site, to the north-west.



*Images of 1 Glanogwr Road and 18 Glanogwr Road*

Given its position at the end of the row of properties which make up Bowham Avenue, as well as its individual design and set-back position, the proposed dwelling will be read separately from the standard pattern of development elsewhere within the street. The design of the dwelling is considered to be of a reasonable quality which, given the presence of other independently designed dwellings in close proximity, would not detract from the characteristics of the streetscene.

In terms of its size, whilst the dwelling will be readily visible from the streetscene and public vantage points, it is considered that its size is appropriate and of a scale which is proportionate and complimentary to the surrounding residential area. The proposed dwelling will not appear as an overly prominent addition to the streetscene and is not considered to be overly excessive in terms of its size.

It is proposed to be finished with lightly painted render alongside red facing-brick to its elevations, with grey slate to the roof. The fascia/barge boards and soffits will be black uPVC. The materials proposed are considered to sufficiently reflect and compliment those of the other dwellings within the vicinity of the site.

Overall, the dwelling is considered to be an addition which respects the character of the surrounding area and will not result in the addition of an incongruous feature within the streetscene. It is compliant with criterion (3) of Policy SP2 of the Local Development Plan (2013) and is therefore considered to be an appropriate addition.

### **NEIGHBOUR AMENITY**

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

Although Supplementary Planning Guidance Note 02 Householder Development (SPG02) relates to household development, it is considered that the principles are applicable in this instance. Note 1 of SPG02 states that no development should “unreasonably dominate the

outlook of an adjoining property". Note 2 of the SPG states that "No extension should unreasonably overshadow adjoining property".

The application site and its relationship to residential dwellings bordering the site is shown below:



**Fig. 3: Site Location Plan**

In terms of its position within the site, the proposed dwelling is set back from the defined building line along Bowham Avenue, as well as being set behind 1 Glanogwr Road, both of which are located to the west of the application site. As a result, the new dwelling will project beyond the rear elevation of no. 1 Glanogwr Road, as shown in the site plan extract below:



**Fig. 4: Proposed Site Layout Plan**

The single-storey element of the proposed dwelling, which comprises its garage, is to be situated in the south-west of the site, sitting 1m from the boundary with no. 1 Glanogwr Road. The garage of the dwelling will project by approximately 4.5m further to the south-east than the rear elevation of 1 Glanogwr Road. The garage will have a pitched roof, measuring 6m in height to its ridge and 2.5m in height to its eaves. Due to the positioning of the garage in this area of the site, the main body of the building will be set away from the neighbouring dwelling.

The layout of the site has been designed so as to limit the impact of the development on the neighbouring property in terms of appearing dominating and overbearing. The proposal will not dominate the outlook from the rear-facing windows of the neighbouring property and the set back of the main bulk of the proposal from the site's western boundary is considered to be

sufficient to ensure that the rear garden of 1 Glanogwr Road is not dominated by the new dwelling. Whilst the bulk of the dwelling will be situated in close proximity to the eastern boundary of the site, shared with the garden of 80 Merthyr Mawr Road, it is set well away from the dwelling itself, as well as the area of usable amenity space (including a patio, lawn etc.) immediately to the rear of the house.

Due to its orientation to the east of 1 Glanogwr Road, any loss of sunlight for the neighbouring property as a result of the development will be limited to the early morning. The layout of the development site ensures that the neighbouring property and its garden will not be overshadowed to an extent that it would significantly impact the residential amenities of its occupiers.

The introduction of a new dwelling in this position will not result in substantial loss of sunlight to neighbouring properties and is therefore considered not to adversely affect the levels of light currently afforded to the dwellings at 1 Glanogwr Road and 80 Merthyr Mawr Road, in accordance with Note 1 of SPG02.

Note 6 of SPG02 states that *'An extension should respect the privacy of neighbouring houses'*. Paragraph 4.6.1 of the SPG notes that a sense of privacy within the house and a freedom from overlooking in at least a part of the garden are aspects of residential amenity. The Council believes that the minimum distance between directly facing habitable room windows in adjacent properties should normally be 21m. To reduce the loss of privacy within gardens, the minimum distance from a new habitable room window to the boundary of the property should be 10.5m.

The rear elevation of the proposed dwelling is to be situated 12.5m from the site's rear boundary, which will be a new boundary formed to delineate the gardens of the application site and the host dwelling. The rear facing windows will be situated over 30m from the opposing rear-facing windows of 82 Merthyr Mawr Road.

Naturally, the introduction of a new dwelling will result in some level of overlooking of the gardens of adjoining properties, which is to be expected to an extent in the majority of residential developments. In this instance the proposed dwelling does not include any side-facing windows serving habitable rooms, which would directly overlook neighbouring properties. The rear-facing windows are set a sufficient distance from the neighbouring dwellings to the south and south-east of the site to ensure that there is no direct overlooking of windows. Any overlooking of the gardens of neighbouring properties will be limited and would not warrant the refusal of the application.

Given the above, the proposal is considered to be acceptable in terms of its impact on neighbouring amenity. It is considered that the dwelling would not be so detrimental to the levels of privacy and amenity currently afforded to the properties to such an extent which would warrant a refusal of the Planning application on such grounds. Therefore, on balance the proposed development is considered to be acceptable, in accord with criterion (12) of Policy SP2 of the Local Development Plan (2013) and guidance contained within SPG02.

## **RESIDENTIAL AMENITY**

Note 8 of SPG02 refers to amenity. It states at paragraph 5.1.1 that "whilst an individual may accept a window box as sufficient garden space, the County Borough Council believes that, generally, there should be a reasonable private outdoor area for enjoyment of the present and future households".

The host dwelling benefits from a very large garden to its rear, which is proposed to be subdivided with the application site. Due to the scale of the existing garden of the host property, sufficient amenity space is to be provided for the new dwelling, whilst retaining a large area of

garden space for 82 Merthyr Mawr Road. The proposed development is therefore considered to be compliant with Note 8 of SPG02 and is 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. Supplementary Planning Guidance Note 17 Parking Standards (SPG17) stipulates that *garages may only be counted as parking spaces if they have clear internal dimensions, as suggested by Manual for Streets, for a single garage of 6m x 3m.*

A vehicular access, driveway and garage already exist at this location and as such there is a fallback position of vehicle movements in / out of the plot. Notwithstanding this, it is considered that appropriate vision exists for vehicles approaching at 20mph which is considered reasonable given the constraints of the highway at this location and having regard to the impending implementation of 20mph speed restrictions in areas such as this. These vision splays exist purely in the highway limits and, other than improving pedestrian vision, the access is deemed appropriate to serve the proposed dwelling.

The proposed garage is considered suitable for storage of bicycles and the driveway arrangement, which includes provision for 3 off-street parking spaces, is also acceptable.

Given this, the development is considered to be compliant with the guidance contained within SPG17 and is in accord with Policy PLA11 of the Local Development Plan (2013). The scheme is considered to be acceptable from a highway safety perspective subject to the imposition of a Planning condition which requires the driveway and off-street spaces for the proposed dwelling to be implemented before the development is brought into beneficial use, as well as for pedestrian and vehicle vision splays to be provided and retained thereafter in perpetuity.

## **LAND DRAINAGE**

Criterion (13) of Policy SP2 of the Local Development Plan (2013) seeks to ensure that development proposals incorporate appropriate arrangements for the disposal of foul sewage, waste and water.

In assessing this Planning application, the Land Drainage Section has recommended the inclusion of Planning conditions which require the submission of a comprehensive and integrated drainage scheme for the agreement of the Authority prior to the commencement of development.

Dŵr Cymru Welsh Water has advised that a full drainage scheme will be required to be submitted for approval, which includes an assessment exploring the potential to dispose of surface water by sustainable means, rather than discharging to the mains sewer.

Subject to the inclusion of the recommended Planning conditions, the proposed development is considered to be acceptable in respect of drainage in compliance with criterion (13) of Policy SP2 of the Local Development Plan (2013). The applicant is reminded that the development requires approval of Sustainable Drainage Systems (SuDS) features by the SuDS Approval Body (SAB).

## ECOLOGY

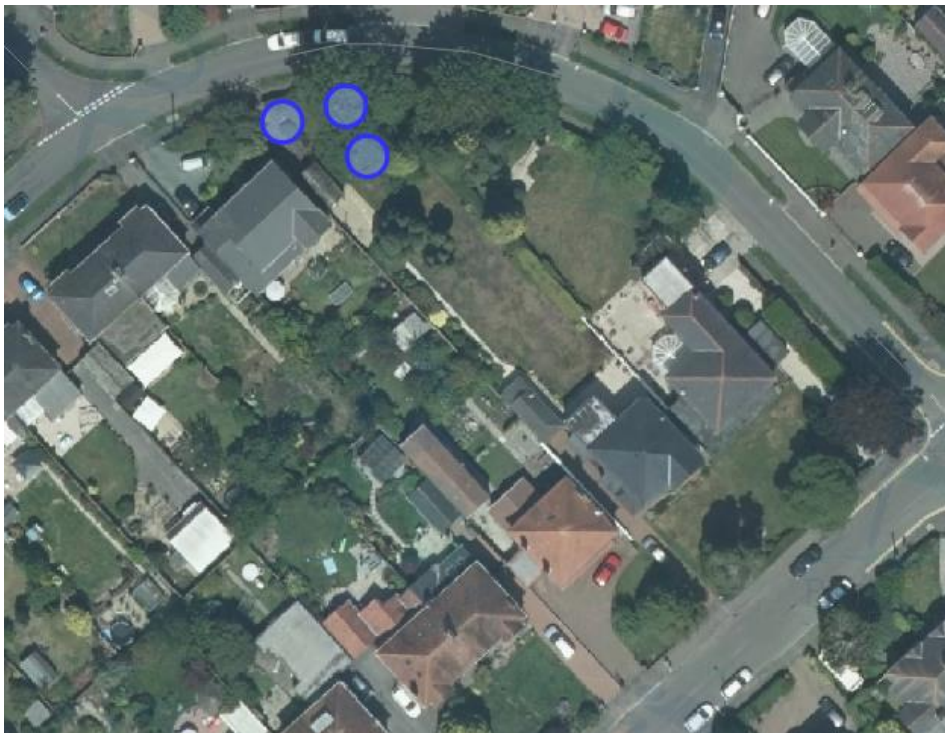
Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity"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

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

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

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

The site forms an area of garden space which includes a number of trees, several of which are covered by a Tree Preservation Order, as shown on the extract below:



**Fig. 5: Extent of TPO shown on aerial image**

Any works which will impact the protected trees, including any felling, crown reduction or removal of overhanging branches, require the formal consent of the Council.

The proposal seeks to remove four trees, including three protected trees, in order to accommodate the development of the proposed dwelling and associated works. An Arboricultural report has been submitted alongside the application which identifies the four trees are being of a low quality (Category C), with signs of Ash dieback also found on the dominant Ash tree. Due to their condition, the removal of the trees would not present a major constraint to the development of the site.

Despite the low quality of the trees, the removal of the group will impact on the visual amenity of the area, and it is recommended that suitable compensatory planting is provided to mitigate for this loss, in line with the recommendations of the report. A re-planting scheme will be required by condition on any consent granted for the development of the site. The scheme should include details on the number, species and size of trees which are proposed to be planted.

As the application proposes the removal of mature specimens of trees, including a Sycamore tree which included features suitable for bat roosting, a survey of the tree has been submitted. Whilst no evidence of bats was found, the tree remains suitable for roosting bats and could be used in the future, therefore, a precautionary approach to tree felling is required. Considering the ease of access to closely inspect the potential roosting features, it is recommended that the tree is surveyed immediately prior to felling to check the continued absence of bats. The requirement for this can be secured by planning condition.

It is also recommended that two replacement bat roosting features are provided on site, this could comprise two integral bat roosting features on the new building or two bat boxes to be located in retained trees on site (or one of each). The detail and requirement for this can be secured by planning condition.

Subject to the imposition of the recommended Planning conditions, the development is considered to be acceptable from a biodiversity perspective, in accord with criterion (10) of Policy SP2 of the Local Development Plan (2013).

#### **PUBLIC PROTECTION: CONTAMINATED LAND**

The Public Protection Section has raised no objection subject to the inclusion of the recommended conditions and informative notes. The proposal is considered to be acceptable from a contaminated land perspective.

#### **CONCLUSION**

Having regard to the above and after weighing up the merits of the scheme against the objections and concerns of neighbouring occupiers, it is considered that, on balance, the scheme is acceptable from a highway safety perspective, represents an appropriate form of development in this residential location and is designed to ensure that the dwelling will not have a detrimental impact on the residential amenities of neighbouring occupiers.

Therefore, the application is recommended for approval as it complies with Council policy and guidelines, will improve the visual amenities of the residential area and will not have a significantly detrimental impact on the privacy of neighbours' amenities to warrant a refusal on such grounds.

## 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 and documents:
  - Proposed Site Plan (ref. AL(90)10 rev. A);
  - Proposed Floor Plans (ref. AL(0)10 rev. A);
  - Proposed Floor Plans (ref. AL(0)11 rev. E).

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

2. 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 in writing to the Local Planning Authority for approval. The approved remediation scheme must be implemented and following the completion of the 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 LPA within 2 weeks of the discovery of any unsuspected contamination.

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

3. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

4. The proposed means of access shall be laid out with pedestrian vision splays of 1m x 1m in both directions before the development is brought into beneficial use and retained as such in perpetuity.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

6. The proposed parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout

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

Reason: In the interests of highway safety.

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

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

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

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

9. No development shall commence until a scheme of ecological enhancements has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the beneficial use of the development.

Reason: In order to protect and enhance the ecological value of the site.

10. No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been agreed in writing by the local planning authority. All tree planting shall subsequently be carried out in accordance with the agreed details.

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

11. The garage hereby approved shall only be used as a private garage and at no time shall it be converted to a room or living accommodation without the prior written agreement of the Local Planning Authority.

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

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

(a) This application is recommended for approval because the development complies with Council's policy and guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

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

(i) determining the extent and effects of such constraints;

(ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and



recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

- Unprocessed / unsorted demolition wastes.
  - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
  - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

- (c) In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.
- (d) The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)
- (e) The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- (f) To satisfy Condition 7, the applicant must:
- Provide a foul and surface water drainage layout;
  - Provide an agreement in principle from DCWW for foul disposal to the public sewer;
  - Provide hydraulic calculations to confirm the site does not flood during a 1 in 100 year + 30% CC event;

- Submit a sustainable drainage application form to the BCBC SAB ([SAB@bridgend.gov.uk](mailto:SAB@bridgend.gov.uk)).

(g) In order to satisfy the Condition 8 the following supplementary information is required:

- Provide a geotechnical report confirming limestone cavities will not be formed through surface water disposal through infiltration;
- Provide surface water drainage layout (including location of proposed soakaway, if required).
- 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.

(h) The trees on site, including their potential roosting features, should be surveyed by a suitably qualified ecologist immediately prior to felling to check for the continued absence of bats, in line with the recommendations of the *ethos Environmental Planning* bat survey.

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

**Background Papers**

None

## APPEALS

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

<b>APPEAL NO.</b>	CAS-02534-G8P7S6 (1984)
<b>APPLICATION NO.</b>	P/22/698/FUL
<b>APPELLANT</b>	MRS S WILLIAMS
<b>SUBJECT OF APPEAL</b>	SINGLE STOREY SIDE EXTENSION: 79 WOODSTOCK GARDENS PENCOED
<b>PROCEDURE</b>	HOUSEHOLDER
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reason:

1. The proposed development, by reason of its location, scale and form, represents an unacceptable design that would be detrimental to the character and appearance of the host dwellinghouse and the established building line of the wider street scene contrary to Policy SP2 of the Local Development Plan (2013), Supplementary Planning Guidance Note 02 Householder Development and advice contained within Planning Policy Wales (Edition 11, February 2021).

<b>APPEAL NO.</b>	CAS-02584-S0R7H6 (1988)
<b>APPLICATION NO.</b>	P/22/719/FUL
<b>APPELLANT</b>	MR C ABRAHAM
<b>SUBJECT OF APPEAL</b>	RETENTION OF DETACHED OUTBUILDING (USED AS A HOME OFFICE AND MEETING PLACE FOR EMPLOYEES): SANDBANKS, 32 THE GREEN AVENUE PORTHCAWL
<b>PROCEDURE</b>	HOUSEHOLDER
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reason:

1. The proposal is to permanently retain a non-conforming commercial use in a predominantly residential area, which by reason of its scale and nature, would cause a significant source of nuisance and disturbance to the detriment of the amenities of neighbouring residential properties, contrary to Policies SP2 and ENV7 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 11, 2021).

<b>APPEAL NO.</b>	CAS-02582-D3Q8D0 (1989)
<b>APPLICATION NO.</b>	ENF/175/22/ACK
<b>APPELLANT</b>	MR C ABRAHAM
<b>SUBJECT OF APPEAL</b>	ALLEGED UNAUTHORISED BUSINESS USE OF GARAGE: SANDBANKS, 32 THE GREEN AVENUE PORTHCAWL
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	ENFORCEMENT NOTICE

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

<b>APPEAL NO.</b>	CAS-02289-T3Y1C3 (1973)
<b>APPLICATION NO.</b>	P/21/968/OUT
<b>APPELLANT</b>	MR P EVANS
<b>SUBJECT OF APPEAL</b>	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR 15 DWELLINGS WITH APPROVAL FOR ACCESS: LAND ADJACENT TO TONDU ROAD NORTH OF PASCOES AVENUE BRIDGEND
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

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

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**RECOMMENDATION**

That the report of the Corporate Director Communities be noted.

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

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



## Appeal Decision

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by Melissa Hall BA(Hons), BTP, MSc, MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 02/08/2023

Appeal reference: CAS-02289-T3Y1C3

Site address: Land North of 5 Pascoes Avenue and land adjacent to Tondu Road, Bridgend CF31 4JL

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- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr P Evans against the decision of Bridgend County Borough Council.
  - The application Ref P/21/968/OUT, dated 7 December 2021, was refused by notice dated 27 April 2022.
  - The development proposed is described as 'Outline planning application for residential development for 15 dwellings with approval for access'.
  - A site visit was made on 31 May 2023.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters and Background

2. The application was made in outline form with access to be agreed. All other matters are reserved for subsequent consideration. I have therefore treated the submitted site layout plan together with the site sections and elevations drawing as indicative.
3. Despite an indication on the appeal form, the appellant's submissions include no specific or substantiated case to support an application for costs. I do not, therefore, consider such an application to have been made.
4. The scale parameters stated in the application with regard to the height of the proposed buildings is between 8.5 and 9.5 metres. In his appeal submissions, the appellant has stated that he would be willing to amend the eaves height to 7.2 metres to bring it in line with the eaves height of the development permitted at the adjacent Woodland Boarding and Training Kennels. However, this would be altering the substance of the appeal application and, therefore, contrary to Article 26C(3)(b) of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012. I must determine the appeal on the basis on which the Council considered the application.
5. There is a detailed planning history associated with this site. An outline application for up to 24 dwellings was dismissed at appeal in 2019 on the grounds of the effect on the character and appearance of the area and highway safety together with the impact on trees and features of importance for local ecology. (Ref APP/F6915/A/19/3237153). A later proposal for up to 9 dwellings was also dismissed on appeal for similar reasons (Ref APP/F6915/A/20/3249034). An appeal against a refusal to fell 33 trees protected by a

Tree Preservation Order (TPO) and the planting of replacement trees along the southern, western and northern site boundaries was dismissed in February 2022 insofar as it related to 29no. trees but allowed insofar as it related to 4no. trees (Appeal ref CAS-01379-M4T9Y9).

### **Main Issues**

6. Against this background, the main issues are:

- The effect of the proposed development on the character and appearance of the area;
- The effect of the proposed development on the living conditions of future occupants;
- Whether the development would result in the unacceptable loss of trees and features of importance for local ecology; and
- The effect of the proposed development upon highway and pedestrian safety.

### *Character and appearance*

7. The appeal site is a linear parcel of land located on the south-western side of the A4063 Tondu Road. It has a relatively steep gradient and comprises a largely wooded area incorporating a number of mature trees.
8. Although the appellant incorrectly states that the site is 'allocated' for development, it nonetheless lies within the Primary Key Settlement of Bridgend, as defined by the adopted Bridgend Local Development Plan (LDP) 2013. The Council does not, therefore, take issue with the principle of development.
9. The appellant states that the scale parameters have been amended to a minimum and maximum height of 8.5 metres and 9.5 metres respectively, in order to address the 2020 Inspector's concerns that the 9.5 – 10.5 metre height in views from the road would be '*... more prominent and of a scale that would conflict with the local context*'. The appellant also states that the development would be split into two blocks in order to provide a satisfactory form of development that would not be as prominent and would be of a scale more appropriate to the local context.
10. Nonetheless, I consider that two separate blocks of the height specified, combined with their proposed width and depth, would read as bulky and monolithic. The indicative elevations submitted do little to allay my concerns. Although I accept that there would be a centrally located gap in the site frontage, I do not consider that it provides sufficient visual relief for two separate blocks of the scale proposed. Rather, the built form would occupy much of the site frontage in what is otherwise a predominantly verdant, wooded setting.
11. Furthermore, I observed that the surrounding area is, for the most part, characterised by two storey dwellings with the exception of the three storey apartment block at the entrance to Millfield which is set at a lower ground level than the application site. Although there are also a number of commercial buildings of a larger scale opposite the site, they are set back from the A4063, utilitarian in character and appearance and likely to be very different to the residential development proposed here. Hence, the proposed development would be at odds with the more modest dwellings in the surrounding built form to which they would most closely relate. I therefore remain of the opinion that the proposed development, albeit amended from that the subject of the previous applications, would represent a prominent form of development that would fail to have proper regard to the local context.

12. I note the appellant's assertion that three levels of accommodation is widely acceptable in residential developments such as this and that rooms in the roofspace are commonplace, not least to make best use of land. I do not dispute that Planning Policy Wales (PPW) supports innovative design, albeit it also requires new development to respond to local context. In particular, at paragraph 3.9 it states 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*". For the reasons I have given, I do not consider that the proposal would be consistent with the placemaking aims of PPW.
13. I therefore find that the development would cause harm to the character and appearance of the area and conflict with the aims of Policy SP2 of the adopted LDP which, *inter alia*, states that development should contribute to creating high quality, attractive and sustainable places. It would also be at odds with the advice in Planning Policy Wales in this regard.

#### *Living Conditions*

14. The Council also takes issue with the layout shown on the Indicative Site Layout Plan insofar as it considers that the tapering nature of the site towards its southern end would result in the provision of a limited amount of private amenity space, which would be further compromised by the topography of the land on the western side (i.e. to the rear) of the proposed dwellings. Conversely, the appellant states that the Council has not indicated what it considers would be '*... generally accepted standards of space*' and that some 760m<sup>2</sup> of communal amenity space would be provided within the application site in total. Whilst the appellant is critical of the Council's position, he goes on to suggest that '*approximately 50sq.m of space per unit generally exceeds acceptable standards of space*' without qualifying the basis on which this conclusion has been reached.
15. To my mind, access to outdoor space for purposes such as sitting out, hanging washing or storing refuse is a basic requirement that would need to be of a sufficient size and quality to cater for the day-to-day needs of the future occupants of the dwellings. Whilst I agree that a degree of flexibility may be applied to the actual amount of space provided, it would also depend upon quality as to whether it is likely to have a reasonable amount of use in practical terms. Be that as it may, the indicative layout does not show the configuration of the dwellings in each block nor the amount of amenity space that could be provided to serve each dwelling. Hence, I am not satisfied from the limited details before me that there would be sufficient space of a reasonable quality provided for each dwelling that would meet the day-to-day needs of the future occupants. It would thus conflict with PPW, which makes clear that good design is fundamental to creating sustainable places where people want to live, work and socialise and includes consideration of the design of a development and its impacts upon everyday lives.

#### *Trees & Ecology*

16. The Council's SINC Review plan shows the appeal site lying within the boundaries of the Cefn Glas Wood (Graig-y-Casnewydd) Site of Importance for Nature Conservation (SINC). The SINC is designated for its semi-natural woodland with an assemblage of indicator species and containing disused quarries with shaded rock exposures and scrub. It also forms part of a Restored Ancient Woodland Site (RAWS) and is covered by Tree Preservation Order (No 3) 1954 (TPO), specified as Woodland W20.
17. Whilst the appellant disputes the inclusion of the appeal site, this appeal is not concerned with the designation or otherwise of the area of land included in the SINC. It is clear from the SINC Review plan that the appeal site lies within its boundaries. Further, there is no substantive evidence before me that its characteristics, including the appeal site, have

changed since designation. I have therefore had regard to the effect of the proposal on the SINC, in addition to the RAWs and the TPO in coming to my decision.

18. The appellant asserts that there are a significant number of trees in poor condition on the site, many of which are dead, dying and diseased. Whilst it is claimed that permission was given for the felling of a number of TPO'd trees under appeal ref: CAS-01379-M4T9Y9, it is my understanding that the appeal was allowed only insofar as it related to the felling of 4 trees with the Inspector finding that the tree survey produced at the time did not identify a danger or that there were significant health and safety issues.
19. The appellant's Tree Survey in support of this appeal identifies 16no. trees as Category U and recommends they be removed. The associated Tree Constraints Plan shows that these trees are mainly located close to the site's boundaries with the largest group of trees to be removed located in the northern part of the site. A further Arboricultural Assessment identifies 11no. trees, mainly along the site frontage, as presenting features which increase their likelihood of failure. The Assessment clarifies that remedial works for the aforementioned trees are necessary in order to safeguard users of the A4063 and that such works are specified only in relation to trees which are dead, dying and dangerous.
20. Even with the removal of a number of trees on account of their condition, I consider those that would remain would contribute to the green backdrop to the urban form that forms part of a wider dense, planted belt alongside the A4063 and is highly visible from a number of public vantage points. They provide a verdant setting to this part of the urban area and contribute positively to the wider locality, playing a significant part in softening public views of the built environment. In any event, the removal of a number of the trees does not, of itself, justify allowing additional built form that would further alter and negatively impact on the character and appearance of the area.
21. Furthermore, whilst the appeal site forms only part of the SINC, I agree with the Council that it is nonetheless an integral part of a wider woodland which contributes a significant green feature to the north of Bridgend town centre and provides a green buffer to the Cefn Glas and Bryntirion residential areas.
22. Natural Resources Wales' (NRW) pre-application correspondence confirms the broadleaved woodland on site comprises habitat suitable for dormice and that the presence of this species should be assumed. This adds weight to the Council's contention that the area is likely to provide good foraging and potential roosting opportunities for protected and notable species such as bats and dormouse together with a valuable habitat for birds and invertebrates.
23. I have taken into account the Preliminary Ecological Appraisal, dated January 2020, prepared to inform the previous outline application for 9no. dwellings. This was accompanied by an Ecological Construction Method Statement, dated June 2021, which has been updated to reflect the appeal proposal and is intended to provide an addendum to the Preliminary Ecological Appraisal.
24. However, I am mindful of the Inspector's observations in the previous appeal that whilst no protected species or other notable habitats were recorded at the time of the survey, it was undertaken in January 2020 and outside the optimum period for undertaking survey work. However, the appraisal recognised that the site had '*... the potential to support protected/notable species including a breeding bird and bat assemblage, dormouse, badger and common reptiles*' and went on to recommend a number of mitigating measures and that further survey work should be undertaken. In addition, NRW's pre-application correspondence stated that a dormouse survey should be undertaken and the survey results submitted in support of any planning application.



25. Whilst the appellant claims the Ecological Construction Method Statement provides an addendum to the original ecological appraisal, I cannot be certain of the nature or extent of any additional survey work undertaken. Consequently, I have little confidence in the conclusion that *'Pursuant to the site visit by BE Ecological Ltd dated June 2021, no further additional species were encountered other than those identified in the EDP Limited preliminary ecological assessment dated January 2020'*. It therefore follows that I know not of the extent to which the presence or otherwise of protected species, and the ability of on-site habitat to support such species, has been reassessed.
26. Technical Advice Note 5: Nature Conservation and Planning (TAN 5) advises that planning permission should not be granted without the determining authority having satisfied itself that the proposed development either would not impact adversely on any protected species on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied. Given the absence of survey work in relation to dormice, I cannot conclude that the proposal would not have an adverse impact on a protected species. It is also difficult to understand how the measures outlined in paragraph 4.6 of the Ecological Appraisal in terms of compensatory planting, creation of glades, wildlife meadows, etc. could be accommodated within this site given the nature and scale of the proposed development.
27. Both these reports appear to argue that because the site is relatively small then the loss of the woodland habitats and the potential impact on protected species, would not be significant. However, the site is within a SINC and is an area of RAWs subject to a TPO. LDP Policies ENV4 and ENV6 presume against development that would adversely affect designated sites. This accords with guidance in Planning Policy Wales and TAN 5 Nature Conservation.
28. I find that the proposal would result in the loss of trees and habitats that are important features of the SINC, and I cannot conclude on the basis of the submitted evidence that the proposal would not have an adverse impact on a protected species. The proposed development would therefore adversely affect the character and appearance of the area and biodiversity characteristics of the site, contrary to the provisions of Policies ENV4, ENV5 and ENV6 of the Local Development Plan (2013) and guidance contained within Supplementary Planning Guidance 19 (Biodiversity and Development), and conflict with the relevant provisions of Planning Policy Wales and TAN 5.
29. The appellant draws my attention to other development permitted in the vicinity of the SINC, suggesting that its integrity has been compromised as a result. I do not know the full details of the cases referred to, albeit the Council states that the various developments along Tondu Road are, in the main, historically established dwellings which have been modernised. With regard to the Woodland Boarding and Training Kennels, I understand from the Council that the footprint of the existing dwellinghouse remained the same and the extension of the dwelling to form a second storey was considered not to affect the SINC. This site also lies outside the restored ancient woodland designation and an initial bat scoping survey was submitted. Consequently, I consider that there are clear differences between the examples cited and the proposal before me. In any event, each proposal must be considered on its individual merits.

#### *Highway safety*

30. Unlike the previous applications and appeals, approval of access is sought as part of the outline application. Access is proposed from the A4063, which is subject to a speed limit of 50 mph. The appellant's claim that the speed limit is 30mph at the site frontage is not borne out by my observations. Nor is it for me to determine whether by displaying 50 mph speed limit signs the Council is in breach of its powers. At my site visit, the traffic

appeared to be travelling at or around this speed limit, as was also witnessed by the previous Inspectors on their respective site visits.

31. I understand that the Council has a general presumption against the introduction of additional access points to principal inter-urban roads due to the creation of significant hazards to the detriment of the safety and free flow of traffic. In this particular case, the Council advises that vision splays appropriate to the 50mph speed limit would need to be provided with suitable control over these areas being demonstrated.
32. The appellant's Access Appraisal and Transport Statement, together with the drawings submitted in support of the proposal, show that visibility splays appropriate to the existing speed limit along the site frontage can be delivered with minor modifications to the road alignment.
33. The Council considers that a southerly vision splay of appropriate dimension could be accommodated within highway limits, provided that it is measures to hatch markings and not the physical edge of carriageway. However, given its concerns in respect of vehicles straddling and driving through hatched markings, it contends that there is a need to include kerbed buildout which should form part of the submitted proposal in order to accept the vision splay as drawn.
34. The appellant has submitted the results of a traffic survey carried out on 1 October 2022. The survey shows the average speeds along the A4063 were 42.9mph northbound and 37.2mph southbound and there were 8 U-turns on the southern arm throughout the day. Nevertheless, I share the Council's concerns that no information has been provided of the actual location of the speed survey or the full survey results. Also, it would appear that the data was collected for only one day. Consequently, I consider that this limited data cannot be relied on as an accurate picture of typical traffic volume, speed and manoeuvres. I therefore see no reason to find the Council's requirement for details showing the full extent of the scheme to be unreasonable.
35. The proposed corner radii to the proposed access are designed to replicate the design of other access points along the A4063. However, the Council argues, and I agree, that the design of a new access should follow current design guidance and standards rather than replicating existing accesses which, *inter alia*, may have been designed to superseded highway standards.
36. The Council is further concerned that because the proposed access would be onto a dual carriageway the proposal would lead to hazardous U-turn manoeuvres by drivers approaching and leaving the site. Given the distance that southbound and northbound traffic would have to travel to turn around on entering or leaving the site, I consider that the Council has made a reasonable assumption that U-turn movements would arise.
37. Indeed, the appellant's Transport Statement recognises that the proposed development would result in an increase in U-turn movements at a junction north of the proposed site access, albeit argues that such manoeuvres are allowed and currently occur at this junction. It therefore concludes that the development would not result in any adverse impact in terms of the free flow of traffic and road safety. That being said, the appellant expresses a willingness to contribute towards a Traffic Regulation Order and associated signage to prevent the U-turning of vehicles.
38. In my opinion, and irrespective of whether a limited number of such manoeuvres may be already occurring, the development has the potential to give rise to a significant increase in the number and frequency of U-turns due to the existing highway conditions that have already been described. Whilst the appellant proposes mitigation in the way of a contribution towards a Traffic Regulation Order and associated signage to prevent the U-turning of vehicles, no such details are before me. Thus, I am not convinced that the

highway safety concerns associated with this aspect of the proposed development could be overcome.

39. Based on the foregoing, I conclude that the proposed development fails to demonstrate that a satisfactory means of access to serve the traffic generated can be achieved and it is likely to generate vehicular U-turn movements to or from the public highway thereby creating further traffic hazards to the detriment of highway safety along the adjoining A4063. It would therefore conflict with the requirements of Policies SP2, SP3 and PLA5 of the Bridgend Local Development Plan and national planning policy advice in PPW.
40. The site is currently not directly served by pedestrian footways, the nearest footway being some 65 metres to the south of the application site, adjacent to the junction of Mill Lane with the A4063. The proposal includes a pedestrian footway on the western side of the A4063. The Council considers the proposed scheme to be inadequate as it is not fully detailed in terms of crossing details and drainage and its width does not provide for a margin of at least 500mm as dictated by DE101 – Footway within Appendix G of the Active Travel Design Guidance, dated July 2021, which is necessary alongside a road with a speed limit of 40mph or above. Additionally, it is not supported by a safety audit.
41. Even if appropriately designed pedestrian footway links could be achieved, the proposal does not incorporate any cycle friendly infrastructure to link with existing facilities in the area. In order to access the existing route, any residents/visitors wishing to cycle to or from the site would need to cross the A4063. There is no crossing facility within the vicinity of the site and therefore it is not considered possible to access the site safely by bicycle.
42. To my mind such an arrangement in relation to a new residential development is not consistent with the spirit of PPW which states at paragraphs 4.1.31-4.1.34 that Active Travel must be supported by “ensuring new development is fully accessible by walking and cycling” and “in accordance with the sustainable transport hierarchy, start with identifying the shortest, most attractive walking and cycling connections, then addressing the other transport needs”.
43. I acknowledge that there are bus stops in reasonably close proximity to the site; one adjacent to the junction of Mill Lane with Tondu Road and the other on the southbound carriageway of Tondu Road adjacent to its junction with Lewis Avenue. However, in the absence of proposals for footways and safe crossing points to enable pedestrians and cyclists to negotiate a dual carriageway, I consider that the proposal would be detrimental to highway and pedestrian safety.
44. In light of the above, I am of the opinion that the site’s location is such that that is not fully accessible by a range of different transport modes and will rely on the use of the private motor vehicle. As such, it would not minimise the need to travel by reliance on the car or maximise opportunities for people to make sustainable and healthy travel choices for their daily journeys, and it would not accord with the aims of PPW in this regard.

### **Other Matters**

45. I acknowledge the contribution the proposed development would make to meeting the housing supply shortage in Bridgend and the other economic and social benefits such as the provision of affordable housing in accordance with the LDP. I also accept that the development may have some sustainability credentials. However, these matters do not outweigh the considerable harms that I identify above.
46. I note that, despite the Council’s delegated report outlining the need for planning obligations relating to affordable housing, education provision, outdoor recreation and highway infrastructure, no legal agreement or unilateral undertaking has been submitted

to discharge such obligations. I have also not seen anything to indicate that such obligations are not necessary. Rather, the appellant has indicated that he would consider entering into a section 106 obligation upon the grant of outline planning permission. It is not for me to invite the submission of a Section 106 agreement and without one, there is no mechanism before me to secure the measure or contributions necessary to make the proposal acceptable with regard to these matters.

### **Conclusion**

47. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.
48. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective to make our cities, towns and villages even better places in which to live and work.

*Melissa Hall*

INSPECTOR

**REFERENCE:** P/23/218/FUL

**APPLICANT:** Marubeni Europower 95 Gresham Street, London, EC2V 7AB

**LOCATION:** Land at Brynmenyn and Bryncethin, Bridgend

**PROPOSAL:** Development of a green hydrogen production facility with electrolysers, hydrogen storage, hydrogen refuelling station, admin building, substation, back-up generator and hydrogen pipeline 'off-take'; with access, circulation, parking, lighting, security fencing, hard and soft landscaping and drainage infrastructure (land at Brynmenyn), installation of a solar photovoltaic electricity generating station (solar farm), comprising ground-mounted solar panels, inverters, transformer units, control and storage building, switch gear and a substation; with access, circulation, parking, lighting, security fencing, hard and soft landscaping, drainage infrastructure and temporary construction compound (land at Bryncethin). Sites to be connected via an underground electrical wire.

**REPORT**

The Local Planning Authority are currently processing the above application and although, at this stage, there is no set date for when the application will be presented to the Development Control Committee, the scale of the development and the level of public objection would justify Members considering the proposal at a Special Meeting of the Development Control Committee in line with the adopted Code of Practice. As such Members must agree to the Special Meeting in advance.

The draft format for the day of the Special Committee has been discussed with the Chair and is proposed as follows:

<b>Times</b>	<b>Actions</b>
09:15am	Mandatory briefing for all DCC members in the Council Chamber
10:00am	Depart Civic Offices in transport (to be arranged)
10:30am	Site visit at Bryncethin (Hydrogen Plant Site)
11:30am	Site visit at Brynmenyn (Solar Farm Site)
12:30pm	Return to Civic Offices
14:00pm	Meeting of Special Development Control Committee in the Council Chamber

All timings are approximate at this stage and may be subject to change depending on site conditions and transport arrangements etc.

The Chair of the Development Control Committee has recommended that all DCC members attend the briefing in person and do not travel to the site independently.

It is also appropriate when considering major application or proposals where there is more than normal public interest to extend the time for public speakers to address the Committee. This in order to allow adequate time to cover more complex matters. In this case a time of 10 minutes is proposed. This could comprise of a single or a number of different speakers. Correspondingly, the applicant or agent will also be allowed 10 minutes to respond.

Members of the committee will be given advanced notice of the date of the Special Meeting of the Development Control Committee.

**RECOMMENDATION:** Committee is recommended to agree the following:-

- (1) That a Special Meeting of the Development Control Committee should be held to

consider Application P/23/218/FUL.

- (2) That the format for the day of the Special Committee should be as generally described in the report but subject to any changes which the Chair agrees with the Director of Communities.
- (3) That speaking rights for Objectors be extended to 10 minutes which may be shared by more than 1 objector and that the time for the Applicant to respond shall also be extended to 10 minutes.
- (4) That the Chair shall notify committee of the date for the Special Meeting once a suitable date has been identified.

**JANINE NIGHTINGALE  
CORPORATE DIRECTOR COMMUNITIES**

**BACKGROUND PAPERS**

None

## **TRAINING LOG**

*All training sessions will be held in the Council Chamber but can also be accessed remotely via Microsoft Teams.*

<b><u>Subject</u></b>	<b><u>Date</u></b>
Joint LDP update & '20 min neighbourhood' training session for DCC Members	6 September 2023
Development in Conservation Areas	2023/4
PEDW Briefing for Members	
Public Rights of Way / Bridleways	
Tree Policy - Green infrastructure	
Wellbeing and Future Generations Act Commissioner	

(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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