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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, 24 November 2023

Dear Councillor,

**DEVELOPMENT CONTROL COMMITTEE**

A meeting of the Development Control Committee will be held Hybrid in the Council Chamber - Civic Offices, Angel Street, Bridgend, CF31 4WB on **Thursday, 30 November 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 10/01/2024 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 19/10/2023
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 accommodated.

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7.	<u>Development Control Committee Guidance</u>	9 - 12
8.	<u>P/23/557/FUL - 57 Walters Road, Ogmore Vale, CF32 7DL</u>	13 - 22
9.	<u>P/22/563/OUT - Land rear of Arwenydd, Porthcawl Road, South Cornelly, CF33 4RG</u>	23 - 42
10.	<u>P/23/134/FUL - Plot adjacent to 8 Swn yr Adar, Penyfai, CF31 4GE</u>	43 - 60
11.	<u>Appeals</u>	61 - 80
12.	<u>Training Log</u>	81 - 82
13.	<u>Urgent Items</u> To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.	

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

# Agenda Item 4

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 19 OCTOBER 2023

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD  
REMOТЕLY - VIA MICROSOFT TEAMS ON THURSDAY, 19 OCTOBER 2023 AT 10:00

## Present

Councillor RM Granville – Chairperson

A R Berrow	S Easterbrook	H Griffiths	S J Griffiths
M L Hughes	D M Hughes	M R John	J Llewellyn-Hopkins
J E Pratt	A Wathan	R Williams	

## Officers:

Rhodri Davies	Development & Building Control Manager
Craig Flower	Planning Support Team Leader
Stephen Griffiths	Democratic Services Officer - Committees
Laura Griffiths	Principal Solicitor
Robert Morgan	Senior Development Control Officer
Jonathan Parsons	Group Manager Development
Michael Pitman	Technical Support Officer – Democratic Services
Euan Sexton	Senior Planning Officer
Philip Thomas	Principal Planning Officer
Leigh Tuck	Senior Development Control Officer

## 154. APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members:-

Councillor R Collins  
Councillor M Kearn  
Councillor N Clarke  
Councillor C Davies  
Councillor W Kendall

## 155. DECLARATIONS OF INTEREST

The following four Members declared personal declarations of interest as follows:-

Councillor Jonathan Pratt – Agenda Item 11 as local member.  
Councillor Alan Wathan – Agenda Items 8, 9 and 12, as a member of Bridgend Town Council  
Councillor Steven Easterbrook - Agenda Items 8, 9 and 12 as a member of Bridgend Town Council.  
Councillor Richard Williams – Agenda Item 10 as a member of Pencoed Town Council.

In addition, Councillor Della Hughes – Agenda Item 9, declared a personal and prejudicial interest as the objector is a relative and due to the fact that she previously was employed by another objector (to the planning application).

Councillor Hughes left the meeting whilst this item was being considered.

The Development Control Team Leader East declared a prejudicial interest in Agenda Item 8, as an objector to the application was a close friend.

He left the meeting whilst this item was being considered.

**DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 19 OCTOBER 2023**

156. SITE VISITS

RESOLVED: That a date for any site visits agreed by the Committee or identified in advance of the next meeting by the Chairperson, be convened for 29 November 2023.

157. APPROVAL OF MINUTES

RESOLVED: That the Minutes of a meeting of the Development Control Committee dated 7 September 2023, be approved as a true and accurate record.

158. PUBLIC SPEAKERS

There were public speakers (who spoke remotely) on Planning Application P/22/455/RLX, as follows:-

S Morse (Objector to the application)  
R Chichester (Applicant's Agent)

159. 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.

160. DEVELOPMENT CONTROL COMMITTEE GUIDANCE

RESOLVED: That the report of the Corporate Director – Communities, outlining the Development Control Committee Guidance be noted.

161. P/23/147/FUL - REAR OF 82 MERTHYR MAWR ROAD, BRIDGEND, CF31 3NS

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

**Proposal:**

Detached dwelling with garage and on-site parking.

Subject to the following Conditions 12 and 13 being added outlining details of external finishes and a construction method statement.

12. No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

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

13. No development shall take place, including any site clearance, until a Construction Traffic Method Statement has been submitted to, and approved in writing by, the Local

**DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 19 OCTOBER 2023**

Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the routing and timing of ALL construction traffic to/from the site in order to avoid the periods of half hour either side of the times school commencing and ending at Brynteg Comprehensive School and Oldcastle Primary School.
- ii. the parking of vehicles of site operatives and visitors.
- iii. loading and unloading of plant and materials.
- iv. storage of plant and materials used in constructing the development.
- v. wheel washing facilities.
- vi. measures to control the emission of dust and dirt during construction.
- vii. the provision of temporary traffic and pedestrian management along Glanogwr Road.

Reason: In the interests of highway safety

162. P/22/455/RLX - COED PARC STREET, BRIDGEND, CF31 4BA

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

**Proposal:**

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

163. P/22/716/FUL - LAND TO THE SOUTH OF FELINDRE ROAD, PENCOED, CF35 5HU

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

**Proposal:**

Tactics facility building & external tactics equipment with access, landscaping, engineering and infrastructure works.

Subject to Condition 1 of the report now reading as follows:-

1. The development shall be carried out in accordance with the following approved plans and documents:
  - Proposed Site Plan (ref. ZZ 00 90 100 rev. P12);
  - Proposed Ground Floor Plan (ref. JFU-PDA-ZZ-00-DR-A-(05)200 rev. P05);
  - Proposed First Floor Plan (ref. JFU-PDA-ZZ-01-DR-A-(05)201 rev. P06);
  - Proposed Elevations 01 (ref. JFU-PDA-ZZ-ZZ-DR-A-(05)202 rev. P07);
  - Proposed Elevations 02 (ref. JFU-PDA-ZZ-ZZ-DR-A-(05)203 rev. P07).

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

Subject also to Condition 11 of the report being amended to read:

11. The acoustic barriers and bunds shall be erected at the locations and heights as shown in Figure 8.2 of the noise impact assessment by MACH Group (document

reference: JFU-MAC-ZZ-XX-RP-Y-1001\_Noise Impact Assessment\_P04) and as shown on the amended site plan entitled JFU\_PDA\_ZZ-00-DR\_A\_90100-Proposed Site Plan (including the additional new proposed barrier at the Bus Location shown in Figure 1.1 of the technical note JFU-MAC-ZZ-XX-RP-Y-1007\_Acoustic Response to Pre-Committee Comments). The acoustic barriers and bunds shall have a minimum mass density of at least 12kg/m<sup>2</sup> mass per unit area and be a solid construction, with no gaps between the floor and the acoustic screen, must be non-permeable, rot-proof and have no gaps within the acoustic barrier itself. Prior to construction of the barriers/bunds, the design details shall be submitted to the Local Planning Authority for prior approval and shall be agreed in writing. The details shall include a location plan showing the position of the barriers, construction details and details confirming that the barrier/bunding has a minimum mass density of at least 12kg/m<sup>2</sup>. The design shall be implemented as agreed and the barrier shall be maintained in good condition and be retained in perpetuity. Should any part of the barrier become seriously damaged such that the effectiveness of its attenuation is reduced, it shall be repaired in good time with like-for-like materials, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of protecting the amenity of neighbouring uses.

164. P/23/92/FUL - LAND SOUTH OF FORMER ST. JOHNS SCHOOL, (NORTH OF 22 BRYNEGLWYS GARDENS,) NEWTON, PORTHCAWL, CF36 5PR

**RESOLVED:**

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

**Proposal:**

Land south of former St Johns School (north of 22 Bryneglwys Gardens) Newton Porthcawl

Subject to Conditions 1 and 2 of the report being amended and merged as follows and Condition 3 being re-numbered to Condition 2 below:

1. Notwithstanding the submitted plans, no development shall take place until a revised footpath design and alignment incorporating a scheme to control access on the approved footpath link, including bollards, barriers and enclosures has been submitted to and agreed in writing by the Local Planning Authority. The footpath link shall be constructed in accordance with the agreed details but shall not be brought into beneficial use until the measures to control access have been implemented as agreed by the Local Planning Authority. The footpath link shall be retained and maintained in perpetuity thereafter.

Reason: In the interests of highway safety.

2. Notwithstanding the submitted plans, within 2 months of the date of this permission a revised landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include tree planting plans, an implementation programme and details of its management and maintenance. If within a period of 5 years from the date of the planting of any tree proposed as part of the landscaping scheme, or any tree planted in its replacement of it, is remove, uprooted or destroyed or dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place during the next planting season immediately following the

death/removal/destruction of that tree. The approved landscaping scheme shall be carried out in the first planting season after the date of this consent and in accord with the approved details or in the first planting season following the footpath link being brought into beneficial use.

Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenities of the area biodiversity value of the area.

165. P/23/536/FUL - 50 COITY ROAD, BRIDGEND, CF31 1LR

**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 residential dwelling to House in Multiple Occupation (HMO).

166. APPEALS

**RESOLVED:** That the Inspector appointed by Welsh Ministers to determine the following Appeal has directed the Appeal be DISMISSED:-

Appeal No. - CAS-02312-F4Q3P4 (1985)

Subject of Appeal – Demolish existing bungalow and construct 10 new apartments with associated parking and amenities: 2 Locks Common Road, Porthcawl.

167. TRAINING LOG

**RESOLVED:** That the report of the Corporate Director – Communities outlining the training sessions in respect of the various topics outlined in the report, be noted.

168. URGENT ITEMS

None.

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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/23/557/FUL  
**APPLICANT:** Mr J Fairley 1 Litchard Rise, Bridgend, CF31 1QH  
**LOCATION:** 57 Walters Road Ogmore Vale CF32 7DL  
**PROPOSAL:** Change of use from Use Class C3 to provide a care home for 2 children (Use Class C2)  
**RECEIVED:** 29 August 2023

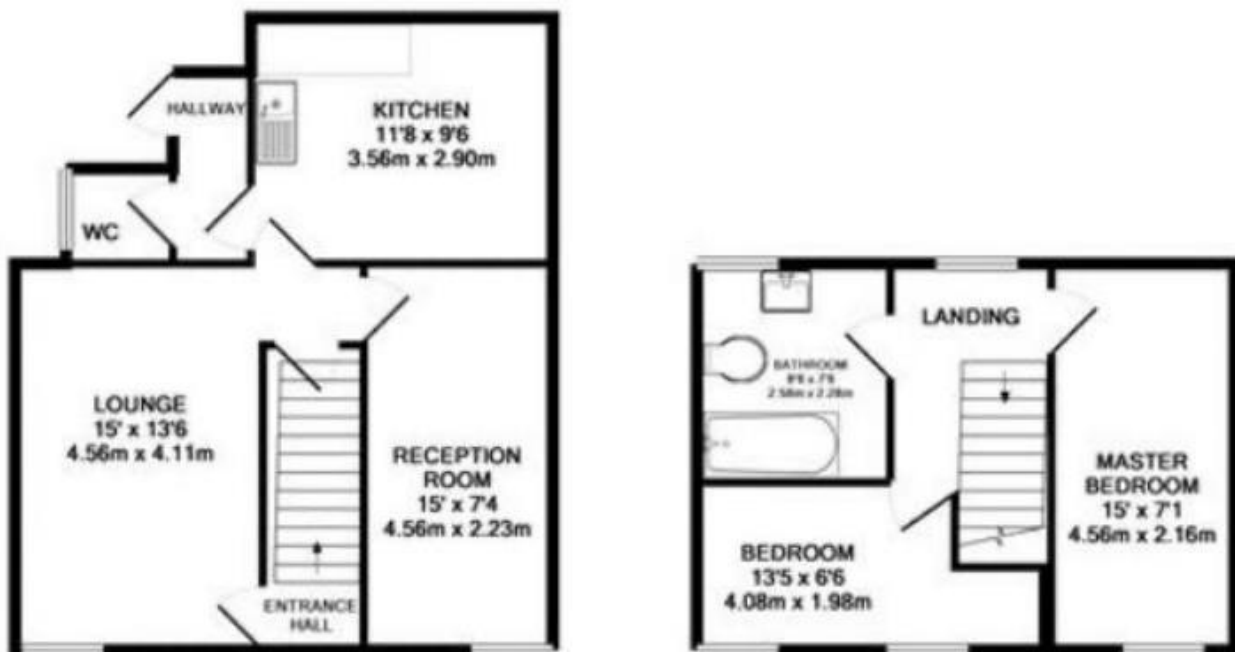
## DESCRIPTION OF PROPOSED DEVELOPMENT

Retrospective planning permission is sought for the change of use of 57 Walters Road, Ogmore Vale from a residential dwelling (Use Class C3) to a care home for 2 children (Use Class C2). The application is retrospective in nature as the Placements team have advised that they have had to move a single child to this property in advance of securing planning permission.

The applicant has advised that the staffing levels at the property would depend on the young people's needs however the standard staffing level would be 1:1, with 2 staff members on site at all times if two children were living at the property. The age range of the young people living at the property would be from 5 to 18 years old. The changeover of carers will take place between 7.30am and 9.30pm daily.

In previous applications of this nature, it has been established that the children to be cared for in these properties are classed as vulnerable as they come from difficult background home circumstances. Whilst some may have learning difficulties, they are victims of circumstances and are simply in need of proper care and attention. As such, they are not offenders and pose no threat to the local community.

No internal or external alterations to the existing building comprising the property are proposed as part of the application.



**Fig. 1: Existing and Proposed Floorplans (unchanged)**

## SITE DESCRIPTION

The application site is located within the Local Settlement of Ogmore Vale, as defined by Policy PLA1 of Bridgend County Borough Council's adopted Local Development Plan

(2013). It comprises a two-storey semi-detached dwelling which faces the east and is positioned on the western side of Walters Road.

The site is situated in a residential area characterised largely by semi-detached and terraced properties. The application site is bounded by a rear lane to the west which serves the rear of the properties on Walters Road, Park Avenue and Bryn Road. The property is finished in stone and brickwork to its elevations and has a tiled roof with white UPVC windows and doors. A side access to the garden of the property is located to the south of the dwelling house.



**Fig. 2: Steet View of Property**

## RELEVANT HISTORY

None.

## PUBLICITY

This application has been advertised through direct neighbour notification, as well as being publicised on site, the consultation period for which expired on 18<sup>th</sup> October 2022.

## CONSULTATION RESPONSES

**Cllr D Hughes** – I would like to request the application be decided at committee given the number of objections and would like to speak at committee.

**Ogmore Vale Community Council** – The Community Council has received representations from local residents who are concerned that at the moment the property is a children's home but that there may be a change of use for this facility to be used for prison leavers and/or those with substance abuse issues which will have a detrimental impact on the local community as well as adversely impacting local house prices.

It is also understood that more activity may lead to parking and congestion issues, and it is likely that there will be an increased demand for 'on road' parking which will adversely affect existing residents. Furthermore, the extensive 'on road' parking on Walters Road was a contributory factor in the decision to cancel the bus service along Walters Road,

Park Avenue, Meadow Street, Prospect Place and Llewellyn Street – a decision which continues to cause dismay to those residents who rely on public transport. Finally, despite the introduction of the 20mph speed limit along Walters Road there are still safety concerns for children entering and exiting the Cae Du Play Park which is in close proximity to 57 Walters Road.

It is also worth mentioning that the Community Council is actively exploring the development of the nearby former basketball court into a multi-use games area, for the benefit of the wider community. If successful, the development will result in increased footfall in the vicinity and an obligation to minimise the risks associated with on road parking.

**Transportation Officer (Highways)** – No objection subject to conditions.

**Dwr Cymru Welsh Water** – No objection subject to the inclusion of Advisory Notes on any consent granted.

### **REPRESENTATIONS RECEIVED**

Written representations objecting to the proposal have been received directly from the residents of the following addresses:

- 10 Walters Road
- 25 Walters Road
- 26 Walters Road
- 38 Walters Road
- 52 Walters Road
- 59 Walters Road
- 64 Walters Road
- 66 Walters Road
- 68 Walters Road
- 15 Park Avenue

A petition signed by the occupiers of 36 individual addresses objecting to the proposed development has also been received. Some of the residents have provided written representations and are listed above.

The reasons for objecting to the application can be summarised as follows:

- Concerns over other uses that a change of use to Use Class C2 could permit, outside of housing children;
- Negative impact on value of neighbouring properties;
- Fear for security of existing residents;
- Lack of parking facilities;
- Highway safety concerns;
- Noise and disturbance of neighbouring residents.

### **RESPONSE TO 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

the impact of a development on property values are not material Planning considerations and will not be addressed further.

The concerns relating to the proposed use; its impact on neighbouring amenity; parking and highways concerns; and the perceived fear of crime and anti-social behaviour 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 SP12</b>	Housing
<b>Policy COM3</b>	Residential Re-Use of a Building of Land

**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**

### **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 and at the request of the Local Ward Member.

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 visual impact of the proposal; its impact on residential amenity; the fear of anti-social behaviour; and highway safety.

### **PRINCIPLE OF DEVELOPMENT**

The application site lies within the Local Settlement of Ogmores Vale, as defined by Policy PLA1 of the Local Development Plan (2013). Policy PLA1 states that development will be permitted within settlement boundaries at a scale commensurate with the role and function of that local settlement.

The proposal seeks to change the use of the existing dwelling from Class C3 - Dwellinghouse to Class C2 – small Care Home providing supported living for two looked after children with two members of staff (1:1).

The C2 Use Class encompasses a number of different uses including other types of residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. The C2 Use Class is distinct from the C2a Use Class which groups together secure residential institutions such as prisons, young offenders' institutions and secure hospitals.

Some local residents have raised concerns as to what a consent for a C2 Use Class could encompass in respect of the occupants of the property, however, if this C2 use is granted it would be limited to the care of 2 children and any increase in numbers would require a further Planning permission and that would be assessed on its own merits.

It should also be noted that Use Class C2a is a different Use Class, and a separate Planning consent would be required to change from a C2 use (residential institution) to a C2a use (Secure Residential Institution).

The property is to accommodate a maximum of 2 children and 2 adult carers in a residential area which would display many similar features associated with a family dwelling. The changeover of carers would take place between 7.30am and 9.30pm daily.

The application site is located within the local settlement boundary of Ogmores Vale, as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP) 2006-2021. The conversion of this existing building into a small-scale care home of the nature proposed is considered to accord with the criteria set out in Policy COM3 of the LDP and Planning Policy Wales (2021) which supports the use of suitable previously developed land for residential purposes 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 proposed change of use of the existing building to another form of residential use in such a locality is compatible with surrounding land uses and is acceptable. It is considered that the proposed development is located within a sustainable location being located close to public transport links and local amenities which would be of benefit to potential future occupiers and staff at the premises.

In view of this, the proposed development is considered to accord with Strategic Policy SP1 and Policies PLA1, COM3 and SP10 of the Bridgend Local Development Plan (2006-2021) and can be supported in principle.

As detailed, the property is situated within the local settlement boundary of Ogmores Vale, and it is considered that the conversion of an existing dwelling to a care home of the nature proposed would provide a valuable alternative type of living accommodation in the locality. Furthermore, as no major external or internal works are proposed, the visual character of the property would be retained, causing no harm or impact on the character and appearance of the existing area.

The character of the area is derived from single households and the introduction of a small-scale care home of the nature proposed which is appropriate in a residential setting, can be supported. Furthermore, the proposal is for a small, two-person care home which is residential in nature and as such, it would not result in an undue concentration of such uses in this location.

Notwithstanding the above, whilst the principle of a residential use such as a care home within a residential area is accepted, it is necessary to consider the aspects of this proposed use and their effect on the amenities of residents in the area.

### **NEIGHBOUR AMENITY**

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

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.

Some neighbouring residents have raised concerns relating to the noise levels which may be associated with the proposed development. The concerns relate to the potential noise and disturbance caused by additional comings and goings of staff, relating to the institutional use of the site, as well as general noise and disturbance.

The applicant has advised that the home would accommodate two children between the ages of 5 and 18. The home would also need to be registered with the Care Inspectorate of Wales if Planning permission is granted. It should be noted that registration with the overseeing body is not a requirement to grant Planning permission but is a separate regulatory process.

There would be two carers on the premises at any one time, providing one to one supervision for the children. Overnight, two carers will remain on the site, one of which will sleep and the other staying awake. The staff handover would take place at 7.30am and 9.30pm.

Parking will be limited to on-street parking, presumably either using Walters Road or the public car park close to the north-east of the application site. At handover time, it is assumed that there would be a maximum of 4 members of staff at the premises (if shift patterns for both members of on-site staff are aligned). On the basis that the staff could all arrive and leave individually, that would result in a minimum of 8 staff movements to and from the property per day. The times of the handover, 7.30am and 9.30pm, are at quieter times of the day, where comings and goings are more likely to be noticeable and disruptive

to nearby residents. However, the movement of people and their vehicles at these times are not out of the ordinary and could be similarly attributed to a traditional residential dwelling. The level of disturbance as a result of staff shift patterns is not considered to be significant enough to warrant the refusal of the application.

The conversion of the building from a residential dwelling to a small-scale care home will likely result in a minor increase in the number of people living within the building comprising the property, which could potentially result in an increase in the noise levels associated with the inhabitants and the property. The noise levels associated with a C2 use, which is a residential use, would be broadly in line with the anticipated noise levels from a C3 dwellinghouse. Any potential for noise increase is not likely to result in a significant detrimental impact to the amenity of neighbouring occupiers.

It is considered the proposed use would not unreasonably compromise the level of amenity that is currently enjoyed and can be reasonably expected in such a locality. It is considered that the level of activity and other likely effects of the use would not significantly exceed what might be expected from the occupation of the building 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.

On balance, the proposal is considered to be acceptable in terms of its impact on neighbouring amenity.

### **ANTI-SOCIAL BEHAVIOUR**

A number of objectors to the application raise concerns that the proposed use could result in issues of anti-social behaviour in the area. The risk of disorder and the perception of it arising from the proposed use is, in some instances, a material Planning consideration. In order to carry weight in the determination of a Planning proposal, fear of increased anti-social behaviour must be based on sound reasons and there needs to be reasonable evidential basis for that fear.

Objectors' concerns and anxieties about the proposed use are acknowledged but there is no solid evidence to demonstrate that the change of use of the dwelling to a small children's care home would result in a spike in anti-social behaviour in the neighbourhood. Proposals for care homes are not an uncommon occurrence nationally and Planning appeal decisions relating to similar proposals have concluded that it cannot be assumed that children living in care would be more likely to behave anti-socially or create levels of noise over and above children living in a 'traditional' family unit.

Inspectors seem to take note that, in a care home, children would be cared for by specialist supervising staff and care workers who are able to deal with any situations that might arise.

It is the case that, in addition to holding the relevant Planning permissions, residential children's homes which accommodate children under 18 years old must be registered with the Care Inspectorate for Wales and it is a criminal offence to run a children's home which is not registered with this body. As part of this registration process the applicant must demonstrate that they meet certain legal requirements set out within The Care Standards Act 2000 (Notification) (Wales) Regulations 2011, The Regulation and Inspection of Social Care (Wales) Act 2016 and The Children's Homes (Wales) (Amendment) Regulations 2017. The Care Inspectorate for Wales can take enforcement action where care homes have been shown to fall short of the legal requirements set out within the Acts and can remove a care home's licence.

How the care home would function is a process that would need to be agreed as part of the registration process and as this is controlled by other legislation; it is not within the remit of the Planning system to seek to control the day-to-day functioning of the care home.

No evidence is available to demonstrate that the children living at this care home would create disturbances or cause an increase in other forms of anti-social behaviour. As such, whilst the fear and perception of anti-social behaviour is a material Planning consideration, there is no reasonable evidence base for the fear in this instance. A refusal cannot be justified on the grounds of residents' fear of anti-social behaviour.

## **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.

The existing 2-bedroom property generates a requirement for 2 off-street parking spaces but does not benefit from any off-street parking and this would be accommodated as overspill parking on the highway. The proposed conversion of the dwelling house to a 2 bedroom children's home would generate a requirement for 2 off street spaces (based on 2-3 staff suggested with only one being considered "resident"). The additional visitor parking requirement of ½ space (at a ratio of 1 space per 4 beds) is not considered to be detrimental given its short-term nature and the availability of an off-street car park in close proximity to the application site.

However, in order to assist in encouraging sustainable travel to the site, a request is made for secure cycle parking to be provided.

On balance and in consideration of the sustainable location of the application site, as well as the proximity of the site to a public car park, the provision of cycle storage facilities is considered to be acceptable in this instance and the development is considered to be acceptable in highway safety terms.

## **VISUAL AMENITY**

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.

Planning Policy Wales (Edition 11, February 2021) (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.*

No external alterations are proposed to the existing building on the property. As such, no further consideration is given to the impact of the development on visual amenity.

## **CONCLUSION**

Having regard to the above and after weighing up the merits of the proposed 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 will not have a detrimental

impact on the residential amenities of neighbouring occupiers. Therefore, the application is recommended for approval.

## **RECOMMENDATION**

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

1. The premises shall be used as a residential care home for a maximum of two children as specified in the application details and for no other use including any other use in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: To enable the Local Planning Authority to retain effective control over the use of the premises in the interests of safeguarding the general amenities of the area.

2. Notwithstanding the submitted drawings, a scheme for the provision of secure cycle storage for 2 cycles shall be submitted to the Local Planning Authority within 1 month of this consent. The approved scheme shall be implemented within 3 months of the date of consent and retained as such thereafter for the purposes of cycle storage.

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

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

- (a) 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 will not have a detrimental impact on the residential amenities of neighbouring occupiers. Therefore, the application is recommended for approval.
- (b) 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)
- (c) 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.

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

**Background Papers**

None

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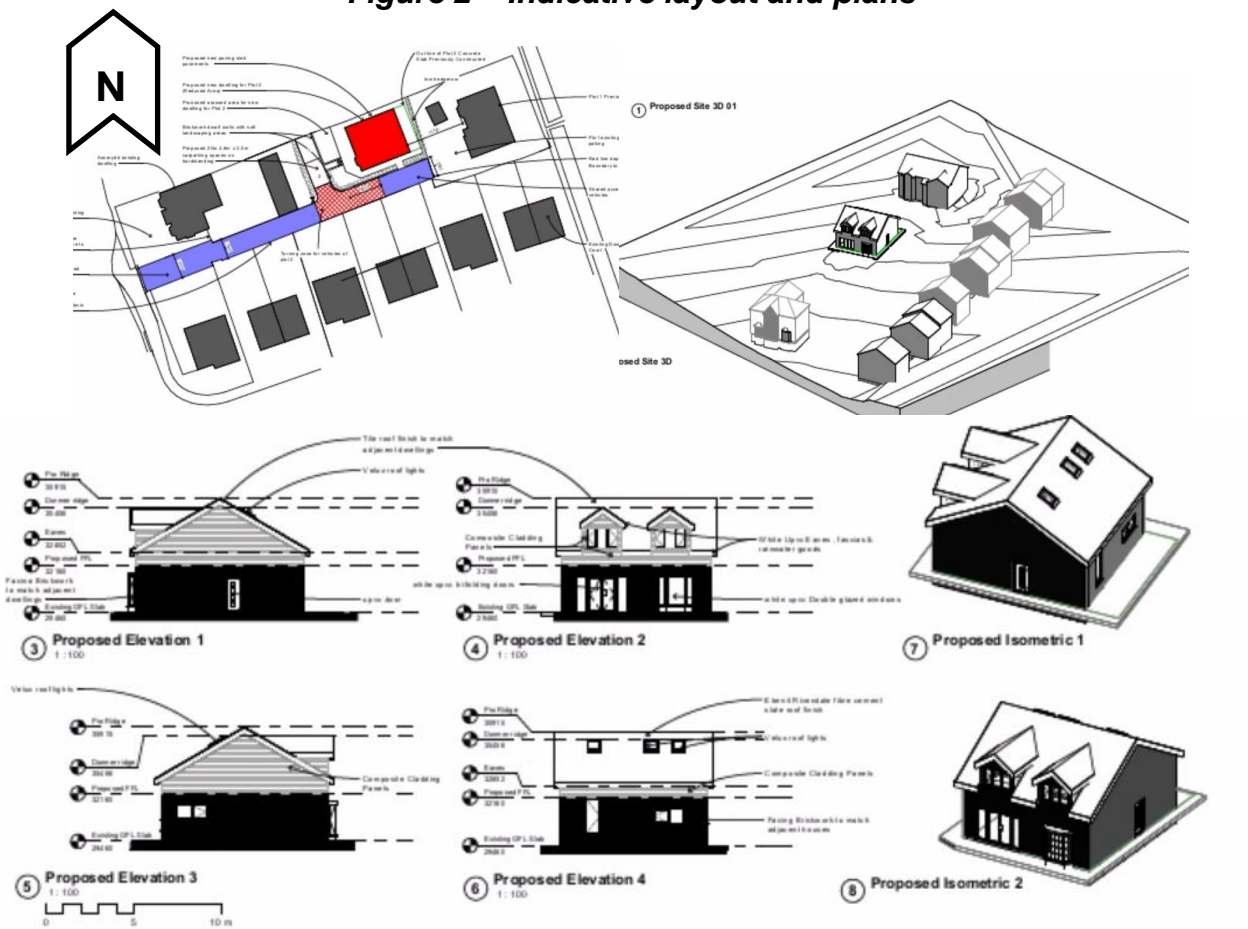
To the east of the application site is a new house (referred to as plot 1), to the west is Arwerydd and to the south are the backs of the houses off Clevis Court. Access to the new dwelling will be from Porthcawl Road via a private drive that also serves the recently constructed new dwelling to the rear (plot 1) which was granted approval under planning application P/16/328/FUL.

This is an outline application with details of layout and scale to be agreed at this stage (and all other matters reserved for future approval). The applicant has provided plans together with the parameters of development for the new dwelling house which are as follows:

- Length Max 10.5m Min 10m
- Width Max 9.1m Min 8.6m
- Ridge height Max. 6.5m Min 6m
- Eaves height Max 3.4m Min 2.9m

The applicant has worked with Officers in reducing the scale of the development and in amending the siting of the new dwelling. The revised scheme is now a more modestly scaled dwelling compared to the originally approved dwelling and would take the appearance of a dormer bungalow. It would have 2 bedrooms and a bathroom in the roof space and a kitchen, dining room, lounge and w.c. on the ground floor with two on-site car parking spaces and private amenity space. This is shown below in Figure 2:

**Figure 2 – Indicative layout and plans**



## RELEVANT HISTORY

**P/99/944/OUT** - Detached three bedroom dwelling - APPROVED - 21-12-1999

**P/04/1089/FUL** - Pair of semi-detached three storey dwellings - REFUSED - 5-10-2004



**P/05/162/FUL** - Construction of a detached dwelling - REFUSED - 14-7-2005

**P/08/852/FUL** - Proposed detached dwelling - REFUSED - 06-01-2009

**P/08/853/FUL** - Proposed detached dwelling - REFUSED - 06-01-2009

**P/09/624/FUL** proposed detached residential dwelling (whilst retaining the existing dwelling) - APPROVED 11-05-2010

**P/09/625/FUL** - Detached dwelling at (Plot 1) – APPROVED 11-05-2010

**P/15/761/FUL** – Proposed detached residential dwelling (whilst retaining the dwelling) - REFUSED 10/01/2018

**P/16/328/FUL** 3-bedroom house already constructed slab with minor elevation changes (PLOT 1) - APPROVED 28/10/2016

## **PUBLICITY**

Neighbours have been notified of the receipt of the application and a site notice erected. The period allowed for response to consultations/publicity expired on 21<sup>st</sup> November 2023.

## **CONSULTATION RESPONSES**

**Highway Officer:** No objection.

**Land Drainage:** No objection subject to conditions.

**Dwr Cymru/Welsh Water:** No objection subject to conditions.

**Shared Regulatory Services (Contaminated Land):** No objection subject to conditions.

**Shared Regulatory Services (Public Protection):** No objection subject to conditions.

## **REPRESENTATIONS RECEIVED**

6 Objections have been received from the following properties: Arwerydd, Porthcawl Road; 1, 4, 5, 7 Clevis Court and Plot 1 Porthcawl Road. Their comments are summarised into the following categories:

### ***Residential amenity concerns***

- a) Concerns relating to overlooking to residential properties.
- b) Windows will look directly into a neighbour's window and it is not sufficient to just have these windows changed to frosted glass.
- c) There is no garden or amenity space which is to be expected with a property of this scale.
- d) The proposed new dwelling is much too close to the new build known as plot 1 and as such would obscure daylight into the habitable room.

### ***Highway and pedestrian safety concerns***

- a) The road which they use to access this property is not suitable as the infrastructure of this road is not built for traffic. Driveway not up to shared aspect specification, no room for more than 1 vehicle only and no passing space.
- b) There will be more vehicles for the new house increased Pollution/noise from vehicles using the shared driveway.
- c) The wall along the driveway is old which could be weakened by heavy vehicles and wide vehicles.
- d) Power for Electric gates is from Arwerydd, and will need to be repaid, as will upkeep of gates.
- e) All users of the drive must enter in forward gear, then turn on their own parking area and drive out in forward gear. there is no turning provision.

- f) The "driveway" is not a proper driveway i.e., no foundation and tarmac.
- g) due to orientation of the new build at plot 1, it would experience dazzle from vehicle headlamps at night when using driveway.

### ***Visual amenity***

- a) the application site is already sunken due to excavation and being surrounded by 2 metre fencing on the north, east and south sides it would have no outlook and very little light and be of very poor visual impact and certainly not in keeping with its surroundings.

### ***Drainage***

- a) Any soak away drainage will cause not only smells, but a build-up of water against an adjoining property.

### ***Other***

- a) The new owners of Arwerydd on Porthcawl Road were not informed of this application when purchasing the property.
- b) The foundation was laid years ago.
- c) Mail is only available to the front house due to shared drive, so only I will get bothered for deliveries, and any visitors for all houses.
- d) Driveway will be blocked during build process, which is only just being completed (4yrs on) for new build at the rear.
- e) There is no provision for recycling.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The following observations are made to the objections and concerns raised:

### ***Residential amenity concerns***

- a) Concerns in relation to overlooking are addressed within the appraisal section of this report.
- b) This application is in outline and overlooking would be considered as part of a future reserved matters application.
- c) It is considered that there is sufficient amenity space for a 2 bedroom dwelling.
- d) It is considered the siting and scale are acceptable to ensure there is no unacceptable impact in relation to overbearing or loss of light to any neighbouring residential dwelling and this matter has been addressed in this report.

### ***Highway and pedestrian safety concerns***

- a) The access road has already been approved under application P/16/328/FUL and the details agreed under P/19/257/DOC.
- b) In terms of noise and pollution, it is considered that vehicle movements for a 2 bed dwelling would not cause an unacceptable level of noise and pollution to existing residential properties.
- c) The access has been previously agreed under P/16/328/FUL and the stone wall is to be retained.
- d) In relation to the Power for Electric gates, these are conditioned under P/16/328/FUL to be removed to ensure the shared drive is open and unrestricted.
- e) The applicant is able to reverse from their plot and turn at the same time using the access road.
- f) The driveway that was agreed under P/16/328/FUL will be finished in permanent materials as agreed under P/19/257/DOC prior to the first beneficial use of any of the dwellings that use the driveway.
- g) It is considered that a 2 bed dwelling would not generate enough vehicular movements to have a detrimental impact upon the dwelling at Plot 1. Furthermore

the parking area where vehicles would turn is approximately 25m for the dwelling in question.

### **Visual amenity**

- a) The application is in outline however the scale and siting is considered appropriate and the appearance and design will be dealt with as part of a future reserved matters application.

### **Drainage**

- a) In terms of drainage this has been addressed by the drainage officer and conditions imposed to ensure that drainage is adequately dealt with.

### **Other**

- a) In relation to the new owner of Arwerydd not being informed of this application when purchasing the property this is not a material planning consideration; there is an extensive planning history on this site which would have been publicly available when purchasing the property. Furthermore, several consultations have taken place during the course of this application and the new owner has made comments on this application.
- b) In relation to the age of the slab this is not a material planning consideration
- c) Once the houses (this plot and Plot 1) are occupied the shared drive will be open allowing free access to the new dwellings.
- d) In terms of construction, whilst there will be some disruption during the construction phase this would be transient in nature and in line with what would reasonably be expected with most developments.
- e) In terms of recycling a waste management plan has been conditioned.

## **PLANNING POLICY**

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

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

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

*‘All development decisions...should seek to contribute towards the making of sustainable places and improved well-being.’* (Paragraph 2.2 of PPW refers) Para 2.3 states *‘The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.’*

*At Para 2.7, it states ‘Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people.’*

PPW states at paragraphs 2.22 and 2.23 that the Planning system should *‘ensure that a post-Covid world has people’s well-being at its heart and that Planners play a pivotal role...in shaping our society for the future, prioritising placemaking, decarbonisation and well-being.’*

### Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice

Notes. The following are of relevance:

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

### **Well-being of Future Generations Act 2015**

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

The well-being goals identified in the Act are:

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

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

### **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.

### **Local Policies**

The Development Plan for the area comprises of the Bridgend Local Development Plan 2006-2021 which was formally adopted by the Council in September 2013 and within which the following policies are of relevance:

#### *Strategic Policies*

- Strategic policy SP1: Regeneration Led Development
- Strategic Policy SP2: Design and Sustainable Place Making
- Strategic Policy SP3: Strategic transport Principles
- Strategic Policy SP4: Conservation and Enhancement of the Natural Environment
- Strategic Policy SP6: Minerals
- Strategic policy SP7: Waste management
- Strategic Policy SP12: Housing

#### *Topic based policies*

- Policy PLA1: Settlement Hierarchy and Urban Management
- Policy PLA11: Parking Standards
- Policy ENV6: Nature Conservation
- Policy ENV7: Natural resource protection and Public Health
- Policy ENV10: Development within mineral buffer zones

- Policy ENV15 Waste management in new development
- Policy COM3: Residential re-use of Land

### **Supplementary Planning Guidance**

- SPG17 – Parking Standards

### **APPRAISAL**

The application is referred to the Development Control Committee for determination given the number of objections received from local residents.

Having regard to the above, the main issues to consider in this application relate to the principle of development, the amenities of neighbouring residents, biodiversity, drainage and highway/pedestrian safety.

#### **Principle Of Development**

The site is located within the main settlement of South Cornelly 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 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.

**Policy COM3** Residential Re-use of a Building or Land of the LDP 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 introduce an important element of choice and flexibility into the housing market. The site is not allocated for a specific use; therefore residential development would be acceptable in principle subject to other LDP Policies.

**Policy ENV10** Development within mineral buffer zones states *“Proposed development within mineral buffer zones will need to demonstrate that:*

- 1. the mineral resource will not be sterilised; and*
- 2. the proposal would not be adversely affected to a degree by mineral operations.”*

The site is adjacent to the boundary of South Cornelly Quarry. In this case the residential development is an infill plot between two dwellings and has previously been granted permission for a new dwelling. The land prior to being developed was the residential curtilage of Arwerydd. As such the mineral resource within this small area would be in limited quantity and highly unlikely to be resourced given it is within a residential curtilage. Issues of noise from the quarry are addressed below. As such it is considered that proposal would comply with policies ENV10.

Outline permission for a dwelling has also been granted several times in the past, as such, it is considered that, in principle, and subject to satisfying the requirements of LDP Policy SP2, the proposed development is acceptable and accords with the Bridgend Local Development Plan (2013).

## Visual Impact

Policy SP2 of the adopted Bridgend Local Development Plan (BLDP) highlights that all development should contribute to creating high quality, attractive, sustainable places by, amongst others:

- 1) Complying with all relevant National Policy and Guidance where appropriate;
- 2) Having a design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character;
- 3) Being of an appropriate scale, size and prominence:

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

The application is accompanied by a site plan, a layout plan and parameters stating the minimum-maximum dimensions for the proposed dwelling that would be erected. The dwelling would be a modestly sized dormer style bungalow with a maximum height of 6.5m.

The application site is located in a relatively secluded position between two existing dwellings and set off the main road with an existing access. Whilst the proposed dwelling would be a lot smaller than the originally approved scheme on this site, this is to take into account the constructed dwelling to the rear (plot 1). The applicant has amended the original scheme, has substantially reduced its scale and amended the siting to provide a scheme that respects and complements the immediately adjacent plots and does not dominate or harm the wider character and appearance of the area.

It should be noted that this application only seeks to agree the scale and layout of the dwelling at this stage with details of its appearance reserved for future consideration. As such any future reserved matters application would need to carefully consider the final design of the development. However, its relatively small scale in combination with the slab level, which is set lower than the house to the rear, would help to minimise any impacts the development could have upon the wider area.

Having regard to the above it is considered prudent to impose conditions for existing and proposed site levels, details of retaining structures, boundary treatments and details of the finished floor levels to be submitted at reserved matters stage. This would ensure that the scale and prominence of the proposed dwelling and any retaining structures/boundary treatments are appropriate to the surrounding context.

It is also considered appropriate to remove permitted development rights for extensions and outbuildings. This would ensure that any future alterations could be carefully assessed by the Local Planning Authority and ensure that the site does not become overdeveloped.

On the basis of the layout and details submitted and having regard to the planning history and neighbour comments in terms of visual amenity, the proposed modestly sized dwelling with parking and amenity space would not result in the overdevelopment of the site. As such the proposal is considered, on balance, to be appropriate and of a reasonable scale and siting in accordance with criterion (3) of Policy SP2 of the Local Development Plan (2013). As such it is considered that the proposed development would not have an unacceptable impact in relation to visual amenity.

## **Residential Amenity**

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

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

In terms of the impact on residential amenity, and noting the Outline nature of the application, the proposed development plot has two immediate neighbours with Plot 1 to the East being the closest. The scale of the original proposal and the siting has been amended to minimise any impact. This, along with the lower slab level, will ensure the dwelling does not have a detrimental overshadowing or overbearing impact on the Plot 1 dwelling. In respect of the other surrounding dwellings, namely Arwerydd and those on Clevis Court, these are far enough away to not raise any issues. As such a proposed dwelling at the scale and in the position as shown on the submitted plans would not have any significant adverse impacts on the amenities of the neighbouring properties and would generally follow the principles outlined in SPG02 in terms of amenity protection.

In terms of overlooking, whilst the outline application does not consider the design of the dwelling or the positioning of windows, it is worth noting that the proposed dwelling is a dormer style bungalow and the ground floor windows could be suitably screened with means of enclosure without resulting in any significant adverse effect on the amenities of neighbouring properties. In terms of windows to the first floor/roof space, the applicant proposes to only have habitable windows facing forward (to the west) towards Arwerydd.

The space between the proposed dwelling and Arwerydd is 26m and as such there is sufficient distance to ensure that there are no issues of overlooking of habitable rooms. In terms of overlooking to the garden area, the rear of Arwerydd incorporates a single-story annexe type building which runs the full width of the adjoining garden at Arwerydd and this feature would block any direct views into the garden area. As such, it is considered that the proposal could be designed to ensure that it would not result in any overlooking of habitable rooms and private amenity areas.

### Noise

The original scheme included habitable windows looking out towards the quarry/access. This raised concerns with Environmental Protection Officers in terms of potential noise pollution emanating from the quarry and, to overcome this, the applicant has rotated the house so that habitable room windows will now face towards Porthcawl Road.

However, a 1.8m high acoustic barrier will be required to be erected along the northern boundary of the application site (in line with the quarry entrance road) and this will be secured via a condition. They have also been advised that any new slab on which the new footprint of the development is to be built on should also be capable of withstanding blasting from the nearby quarry. An informative note can be attached advising the applicant of this.

### Amenity of future occupiers

In terms of the level of amenity for future occupiers, a private amenity area will be provided which is considered adequate for size of dwelling proposed. A condition will be imposed to remove householder permitted development rights for extensions and outbuildings to ensure sufficient amenity area is retained.

### Bin storage and cycle storage

This application is in Outline and as such no details have been provided with regard to waste management. However, a condition has been added to ensure the submission of details as part of the future reserved matters application.

Overall, it is considered that it would be possible to design a satisfactory scheme that would fully comply with Council guidance (SPG 02) and therefore, in principle, the new dwelling would be compatible with neighbouring residential properties.

### **Highway Safety**

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 Highways Officer recommended amendments to the scheme during the consideration of the application in relation to the location and width of the parking areas and being able to turn to leave the site in a forward gear.

The applicant accepted the advice and has amended the scheme to illustrate that two wider parking spaces can be provided at the front of the development plot. The access to the site is the same as that approved under P/16/328/FUL and the detail agreed under P/19/257/DOC which states the drive is to be 4.5m wide for the first 10m reducing to 3.65m for the remainder of the drive and that the electric gates at the front of the site adjacent to the public highway are removed prior to the occupation of any dwelling using it and that no gates are fitted to the private driveway in the future.

As a result, the Highway Authority has no objection to the proposal subject to the imposition of conditions relating to parking and restricting any gates on the shared drive. As such, the proposed development is compliant with Note 9 of SPG02 and Policy PLA11 of the Local Development Plan (2013) and is acceptable from a highway and pedestrian safety perspective.

### **Drainage**

The Council’s Land Drainage Officer has assessed the submitted scheme and notes that the proposed development is not located within a flood risk zone and is not located within 20m of a watercourse.

### *Foul Sewerage*

The application form states foul drainage will be disposed of via a public sewer and the applicant may be required to agree any new connection with DC/WW.



Dwr Cymru/Welsh Water has confirmed that capacity exists within the public sewerage network in order to receive the domestic foul flows only from the proposed development site.

#### *Surface water*

The application states that surface water drainage will be disposed of via the mains sewer. The development is over 100m<sup>2</sup>, therefore a SAB application will be required. From 7 January 2019, new developments of 2 or more properties or development over 100m<sup>2</sup> of construction area require sustainable drainage to manage on-site surface water. The surface water drainage systems must be designed and built in accordance with standards for sustainable drainage. These systems must be approved by the SuDS Approving Body (SAB) before construction work begins. The applicant shall submit a sustainable drainage application form to the Bridgend County Borough Council SAB Officer.

As such the Local Authority's Drainage Officer has no objection to the development subject to a note relating to preventing surface water from entering the public highway and the mains sewer and a condition relating to a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt with, including future maintenance requirements, and until a suitable infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system. These recommendations can be imposed via a suitably worded condition.

Dwr Cymru/Welsh Water has advised that the proposed development is located in an area that is served by a foul only sewer and would not be able to accept surface water flows into the public sewer in any circumstances. The developer should utilise sustainable surface water disposal options (i.e. infiltration, watercourse etc).

#### **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."*

The site has previously had a concrete slab constructed that has been left in situ since its construction. As the site has been previously cleared and has a concrete slab on a large section of the site, it is considered to have a low biodiversity value. No details of biodiversity enhancements have been submitted, however, as this application is in Outline details of any enhancements could be submitted as part of the first reserved matters application. It is considered that, given the low biodiversity value of the site, it could be sufficiently enhanced with the inclusion of bird/bat boxes and some small landscaped

areas. A suitably worded condition is imposed to ensure this is provided as part of the first reserved matters application.

Incorporating biodiversity enhancements will help contribute to the environmental sustainability of the development. Such enhancements will demonstrate local authority compliance with Section 6 of the Environment (Wales) Act 2016 that places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'. As such the proposal is acceptable in terms of Biodiversity.

### **Ground Contamination**

Shared Regulatory Services (SRS) Environment Team provides the following comments in relation to land quality:

The site has been identified as a vacant building plot. Contamination is not known at this site, however, the potential for this cannot be ruled out and an 'unforeseen contamination' condition is requested.

Should there be any importation of soils to develop the garden/landscaped areas of the development, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.

### **Waste Management**

Policy ENV15 – Waste Management in Development – requires proposals for new build developments to include provision for the proper design, location, storage, and management of waste generated by the development both during the construction and operation of the site. No details were provided with this application, however, a condition can be imposed to address such requirements.

## **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)

The proposed development would provide much needed new housing and allow this derelict/brownfield site to be developed. On balance and having regard to the objections raised, it is considered that the proposal represents an appropriate form of development that would have no unacceptable impacts on visual amenity, residential amenity or highway and pedestrian safety and the proposal is therefore recommended for approval.

Accordingly, the proposed development is in accordance with Policies SP2, SP3, SP4, SP6, SP7, SP12 PLA1, PLA11, ENV6, ENV7, ENV10, ENV15 and COM3 of the Bridgend Local Development Plan (2013)

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

(R05) 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:
  - 22.022-g A100 Rev A Location plan
  - 22.022-f A101 Rev E proposed GA
  - 22.022-f A102 Rev D proposed site 3D
  - 22.022-g A103 Rev G Existing and proposed block plan
  - 22-022-f A104 Rev A Proposed site section
  - Parameters of development

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

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

Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased and to comply with Policy ENV7 of the Bridgend Local Development Plan (2006-2021).

3. 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 the first beneficial occupation of the dwelling.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased and to comply with Policy ENV7 of the Bridgend Local Development Plan (2006-2021).

4. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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 and to comply with Policy ENV7 of the Bridgend Local Development Plan (2006-2021).

5. The parking area shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and retained for the purposes of parking in perpetuity thereafter.

Reason: In the interests of highway safety and to ensure the development complies with Policy SP2 of the Bridgend Local Development Plan.

6. The development shall not be occupied until the driveway and access has been completed and finished in permanent materials in accordance with the details agreed under planning application P/19/257/DOC.

Reason: In the interests of highway safety and to ensure the development complies with

Policy SP2 of the Bridgend Local Development Plan.

7. Prior to the first beneficial occupation of the dwelling the existing entrance gates fronting the highway shall be removed and there shall be no structure or gates placed on the parking area or private driveway arrangement at any time.

Reason: For the avoidance of doubt and in the interests of highway safety and to ensure the development complies with Policy SP2 of the Bridgend Local Development Plan.

8. Notwithstanding the submitted plans, as part of the first reserved matters application, details of proposed ground levels and finished floor levels shall be submitted to the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interests of visual amenity and to ensure compliance with Policy SP2 of the Bridgend Local Development Plan

9. As part of the first reserved matters application a scheme shall be submitted to the Local Planning Authority detailing any proposed retaining walls, including full structural calculations for any walls over 1.5m high. The approved retaining walls shall be fully implemented on site prior to the first beneficial occupation of the dwelling and retained as such thereafter.

Reason: In the interests of visual amenity, neighbouring residential amenity and land stability, and to ensure compliance with Policy SP2 of the Bridgend Local Development Plan.

10. As part of the first reserved matters application, a scheme for biodiversity enhancement to include small landscaped areas with details of native species to be planted, including size and numbers, and the details and locations of bird and bat boxes within the development, shall be submitted to the Local Planning Authority. The scheme shall be carried out in accordance with the approved details prior to the first beneficial use of the dwelling and retained as such thereafter.

Reason: Future Wales and Planning Policy Wales (Edition 11, February 2021) requires all development to maintain and enhance biodiversity and to accord with Policy SP2 and ENV5 of the Bridgend Local Development Plan (2006-2021).

11. As part of the first reserved matters application, a Waste Management Plan for the control, management, storage and disposal of any waste material generated during the construction of the development and details of how waste will be recycled and disposed of once the development is completed, shall be submitted to the Local Planning Authority. All waste shall be treated in accordance with the approved Waste Management Plan. The Waste Management Plan shall be implemented as approved.

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 (2006-2021).

12. As part of the first reserved matters application a scheme indicating the positions, design, materials and type of all boundary treatments to be erected and a timetable for its implementation shall be submitted to the Local Planning Authority. The scheme shall include details of a 1.8m high acoustic barrier (such as a closed boarded fence or similar) to be erected along the northern boundary of the site (in line with the quarry entrance

road). The acoustic barrier shall be continuous with no gaps and shall have a minimum mass of 10kg/m<sup>2</sup>. The Development shall be carried out in accordance with the approved scheme, including the plan and timetable, and retained and maintained as such thereafter.

Reason: In the interests of visual amenity, residential amenity and to ensure compliance with Policy SP2 of the Bridgend Local Development Plan (2006-2021).

13. Prior to their use in the construction of the development hereby permitted, details and samples of the materials to be used in the construction of the external surfaces, including the means of enclosures of the development, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and to ensure the development complies with Policy SP2 of the Bridgend Local Development Plan (2006-2021).

14. Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no buildings shall be erected other than those expressly authorised by this permission and identified on the approved drawings.

Reason: In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for garages or outbuildings having regard to the particular layout and design of the development, residential amenity, and to accord with Policies SP2 of the Bridgend Local Development Plan.

15. 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), there shall be no extension or external alteration to any building forming part of the development hereby permitted without the prior grant of planning permission in that behalf.

Reason: In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for extensions, having regard to the particular layout and design of the development and need to protect the amenity of nearby properties, and to accord with Policies SP2 of the Bridgend Local Development Plan.

16. 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 unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the 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 and to ensure compliance with Policy SP2 and ENV7 of the Bridgend Local Development Plan (2006-2021).

17. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced and to ensure compliance with Policy SP2 and ENV7 of the Bridgend Local Development Plan (2006-2021).

18. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced and to ensure compliance with Policy SP2 and ENV7 of the Bridgend Local Development Plan (2006-2021).

19. THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION

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)

The proposed development would provide much needed new housing and allow this derelict/brownfield site to be developed. On balance and having regard to the objections raised, it is considered that the proposal represents an appropriate form of development that would have no unacceptable impact on visual amenity residential amenity, or highway and pedestrian safety and the proposal is therefore recommended for approval. Accordingly, the proposed development is in accordance with Policies SP2, SP3, SP4, SP6, SP7, SP12 PLA1, PLA11, ENV6, ENV7, ENV10, ENV15 and COM3 of the Bridgend Local Development Plan (2013)

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) DRAINAGE ADVISORY NOTE

Please note that from 7th January 2019, all new developments of more than 1 house, or where a construction area is of 100m<sup>2</sup> or more, plus if the SAB authority believe that any redevelopment of land has significant surface water drainage implications. This will require sustainable drainage - built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers - to manage on-site surface water. More information is available in Schedule 3 of the Flood & Water Management Act 2010.

These systems must be approved by the Council's SAB & Highway Development Control Section before construction work begins. In this respect it is essential that a developer of any such project gain SAB approval of its surface water drainage alongside any relevant planning permission. You will not be allowed to start construction until both permissions have been approved.

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

No surface water is allowed to discharge to the public highway

In order to satisfy the comprehensive and integrated drainage condition the following supplementary information is required:

- Confirm proposed foul and surface water disposal method including discharge points;
- Provide a foul & surface water drainage layout to show off-site route;
- Provide an agreement in principle from DCWW for foul and any surface water disposal to the public sewer;
- The applicant shall submit a sustainable drainage application form to the BCBC SAB (SAB@bridgend.gov.uk).

In order to satisfy the drainage infiltration test condition the following supplementary information is required:

- Submit a sustainable drainage application form to the BCBC SAB (SAB@bridgend.gov.uk);
- 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.

#### C) WELSH WATER ADVISORY NOTE

If the development will give rise to a new discharge (or alter an existing discharge) of

trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru / Welsh Water. Please note that the process for applying for a Discharge Consent is independent of the planning process and an application for consent may be refused even though planning permission may have already been granted.

As of 07/01/2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Bridgend Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

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

The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information on water and sewerage connections.

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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

#### D) Biodiversity Note

With respect to this application, the applicant is referred to section B1: Biodiversity Design Guidance Sheet: <https://www.bridgend.gov.uk/media/1840/final-green-infrastructure-spg-for-web.pdf> Bats and Development when undertaking building demolition or works that will impact on a roof space which due to its nature creates a potential risk to bats. In particular you are referred to section 8.0 Bat warning (pp 47) which provides good practice guidelines to be followed by all applicants whose development involves any risk to bats.

Incorporation biodiversity enhancements such as native planting within the planting areas at the front of the dwelling will help contribute to the environmental sustainability of the development. Such enhancements will demonstrate local authority compliance with Section 6 of the Environment (Wales) Act 2016 that places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper



exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'.

#### E) SRS CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

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.

#### F) SRS NOISE ADVISORY NOTICE

Any new slab on which the new footprint of the development is to be built on should also be of a design capable of withstanding blasting from the local quarry.

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

#### **Background Papers**

None

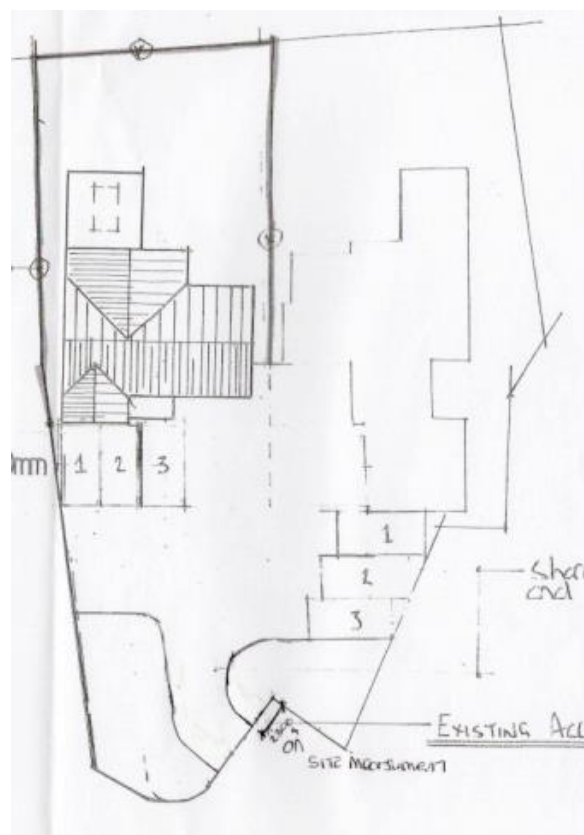
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**REFERENCE:** P/23/134/FUL  
**APPLICANT:** Mr D Hopkins 8 Swn yr Adar, Penyfai, CF31 4GE  
**LOCATION:** Plot adjacent to 8 Swn yr Adar Penyfai CF31 4GE  
**PROPOSAL:** Proposed new 3 bed dwelling  
**RECEIVED:** 23 February 2023

## DESCRIPTION OF PROPOSED DEVELOPMENT

This application seeks full planning permission for the erection of a 3 bed detached dwelling and ancillary works on land adjacent to 8 Swn yr Adar, Penyfai.

The proposed layout comprises a 3 bed detached dwelling which is to be constructed within the garden space to the side (east) of 8 Swn Yr Adar. The proposed dwelling will be two-storeys in height and includes an area of garden space and a shared driveway to its front, which will be accessed using the existing driveway of the host property. The proposed dwelling will also benefit from garden space to its rear.



*Proposed Site Layout Plan*

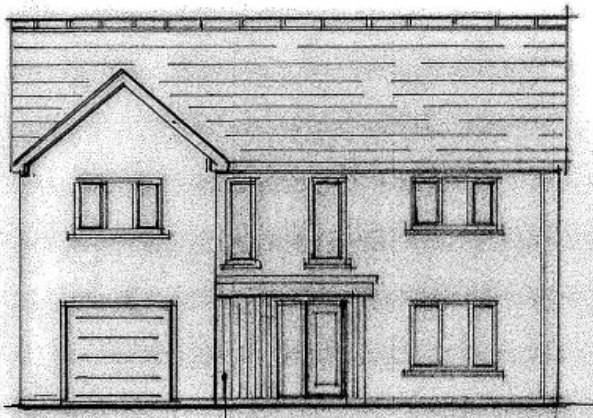
The dwelling is principally orientated to face the north, toward the public highway. It will be set further back than the building line of the host property, the garage of which projects further north. The building line of the proposed dwelling will be comparable with that of the neighbouring property to the east – no. 7 Swn Yr Adar.

The new dwelling is proposed to measure a maximum of 14.75m in depth and 11.25m in width. The new dwelling is to have a pitched roof which measures 8m in height to its ridge and 4.9m to its eaves. It will comprise a hallway, lounge, kitchen and dining area, sitting room and WC at ground floor level, and an integral garage. Three bedrooms and a family bathroom are proposed at first floor level, with one of the bedrooms to include an en-suite and a walk-in-wardrobe.

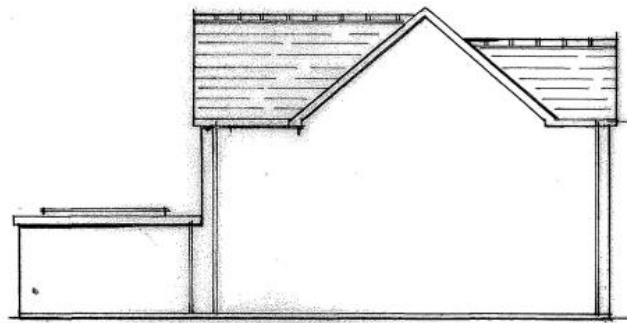
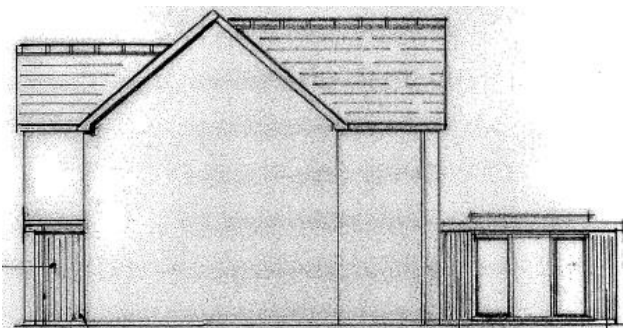


*Image of the proposed development site*

The building comprising of the new dwelling includes a two-storey gable projection to the front and the rear, with a further single-storey projection which includes a flat roof at the rear of the dwelling house. Windows are proposed within the front and the rear elevations of the new dwelling, with none proposed in its side elevations, except for the glazed bifold doors which will provide access to the garden of the new dwelling at ground floor level.



*Proposed front and rear elevations*



*Proposed side elevations*

The existing driveway serving no. 8 Swn Yr Adar is to be extended and will serve both properties, each of which will benefit from 3 off-road car parking spaces, as well as the respective garages of each of the dwelling houses.

A 1.8m tall timber fence will form the boundary of the new dwelling to the rear and the sides of the property. The fence will not project beyond the front elevation of the new house.

The new dwelling is proposed to be finished using brickwork to its elevations, along with some small elements of timber cladding. The roof is to be tiled, with grey coloured UPVC windows proposed.

### **SITE DESCRIPTION**

The application site lies within the Small Settlement of Pen-y-Fai, as defined by Policy PLA1 of the adopted Local Development Plan (2013).



*OS Map Extract of Application Site – host property indicated with marker*

The application site consists of an area of residential curtilage associated with 8 Swn yr Adar, situated to the east of the existing dwelling on the property and currently consisting of front/rear garden space. 7 Swn yr Adar forms the eastern boundary of the application site.



*Streetscene image of the proposed development site and neighbouring properties*

The application site is situated within a residential estate made up of largely detached houses of varying sizes. The houses in the street are typically finished in red brick with brown roof tiles and white UPVC windows, doors and rainwater goods.

A group Tree Preservation Order covers a number of trees within the street including some trees in close proximity to the application site.

## RELEVANT HISTORY

Application ref.	Description	Decision	Date
P/97/960/RLX	Vary condition 1 of 95/355 to extend period for submission of Reserved Matters for extra three years.	Conditional Consent	23/12/1997
P/97/1039/FUL	Substitution of house types on Plots 2, 5, 8, 9, 15, 16, 46, 43, 42, 38 and 22.	Conditional Consent	27/01/1998
P/98/632/RES	Reserved Matters application 95/355/OUT (Phase 2) 58 Dwellings.	Conditional Consent	03/11/1998
P/04/197/FUL	Two storey extension to southern elevation	Unconditional Consent	16/02/2004

## CONSULTATION RESPONSES

***Dwr Cymru Welsh Water*** – No objection subject to advisory notes.

***Shared Regulatory Services: Environment Team*** – No objection subject to conditions and advisory notes.

***Land Drainage*** – No objection subject to conditions and advisory notes.

***Transportation Officer (Highways)*** – No objection subject to conditions.

***Ecology*** – No objection subject to conditions.

## REPRESENTATIONS RECEIVED

One letter of support for the application has been received from 26 Ysbryd Y Coed.

Letters of objection have been received from 6 separate properties, with letters received from 2, 3, 4, 7, 9 and 10 Swn Yr Adar. Comments have also been received from 5 Swn Yr Adar and 25 Ysbryd Y Coed. The following comments / reasons for objection have been noted within the letters received:

- Concerns regarding the impact of construction on the local environment; residential amenity; and highway safety;
- Environmental impact through loss of green space;
- Impact on trees protected by TPO;
- Impact on water pressure for the street;
- Dwelling not in keeping with surrounding properties.
- Concerns over surface water drainage;
- Impact of inappropriate access on highway safety;

- The site may be crossed by mains infrastructure for which an easement may be required;
- Loss of sunlight;
- Overdevelopment of the site;
- No sprinkler system shown on plans;
- The development could devalue neighbouring properties;
- Loss of privacy through overlooking;
- Impact on local biodiversity.

## **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 the impact of the development on the value of neighbouring properties and the lack of detail regarding sprinkler systems are not material Planning considerations and will not be addressed further. Some of these issues may be dealt with under separate legislation.

The responses received from statutory consultees (including DCWW) have not indicated that any mains infrastructure crosses the site. Notwithstanding this, it is the applicant's responsibility to carry out their due diligence with respect to ensuring that there are no covenants or easements in place (or required) that would restrict the development of this site.

The concerns relating to the visual impact of the development; its impact on amenity of neighbouring properties; the ecological impact of the development; its highways impact; 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
<b>Supplementary Planning Guidance 02</b>	Householder Development
<b>Supplementary Planning Guidance 07</b>	Trees and Development
<b>Supplementary Planning Guidance 08</b>	Residential Development
<b>Supplementary Planning Guidance 17</b>	Parking Standards
<b>Supplementary Planning Guidance 19</b>	Biodiversity and Development

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

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

**Future Wales – The National Plan 2040**

**Planning Policy Wales Edition 11**

**Planning Policy Wales 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 development proposal 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; impact of the proposal on the character and appearance of the existing dwelling and street scene; its impact on residential amenity; ecology (including trees); drainage; highway safety; and contaminated land.

**PRINCIPLE OF DEVELOPMENT**

The application site lies within the Small Settlement of Pen-y-Fai, 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 takes into account social, economic, environmental and cultural value to development proposals resulting in benefits which go beyond a physical development boundary and embed wider resilience into Planning decisions. Therefore, due regard must be given to Policy SP2 of the Local Development Plan (2013) as it incorporates the concept of Placemaking.

## **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 local streetscene is largely made up of detached properties, the majority of which are situated in close proximity to each other. The two exceptions to this are the spaces between 8 and 7 Swn yr Adar, as well as the space between 9 and 10 Swn yr Adar with these properties benefitting from large front/side gardens, unlike the majority of their neighbours' properties. The site plan suggests a gap of just under 2m will be retained between the new dwelling and the existing dwelling on the property at no. 8 with a gap of 1.4m to the boundary on the opposing side. This appears to be consistent with the spaces between other houses within the street and the wider estate.

The proposed dwelling will be set back from the public highway, with a large front garden / shared driveway to the north. This reflects the design and layout of the neighbouring properties within the street, many of which also utilise shared driveways and are set back from the public highway.

The local streetscene is largely made up of detached properties which share a number of design characteristics. The external materials of the dwellings within the street typically consist of red brick to the elevations with brown tiles at roof level and white UPVC windows, doors and rainwater goods. A number of the properties benefit from modest porches to their front, with both integral and detached garages also featuring.

The proposed dwelling reflects a number of these features, including an integral garage and a porch to the front, as well as a roof shape that complies with those found elsewhere within the street. The submitted plans suggest that the finishing materials will match the neighbouring dwellings, although grey UPVC is proposed to the windows, doors, fascia and soffits. Following dialogue with the agent, it has been agreed that white UPVC would be more appropriate. A condition for the submission of samples / specification of finish materials would be included on any consent granted.

In general terms, the surrounding area is residential in nature and the introduction of an additional dwelling on land to the east of 8 Swn Yr Adar 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 sits comfortably within the plot.

In terms of its scale, the proposed dwelling will be comparable in terms of its footprint and its height to the detached dwellings on either side of the development site. The house measures approximately 8m in height, which will be comparable to the majority of the neighbouring properties within the immediate 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 local 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 proposed dwelling sits 1.4m from the shared boundary between the application site and the neighbouring property to the east, no. 7 Swn Yr Adar. The neighbouring property benefits from a spacious garden, with the dwelling at no. 7 sitting approximately 8m from this shared boundary between the two properties. With the garage of no. 7 located on its western side, and no side-facing windows in its western elevation, the proposed development will not impact on the outlook of the neighbouring property no. 7.



*Image from the garden of 8 Swn Yr Adar, facing east*

The development may result in some overshadowing of the western part of the garden of no. 7 in the late evening, however the majority of the garden of the property at no. 7 will not be impacted at all, including the patio area immediately to the south of the neighbouring

house. The dwelling will be set off the boundary with no. 7, while it is set well away from the dwelling itself, as well as the area of private amenity space immediately to the rear of the house at no. 7.

The introduction of a new dwelling in this position will not result in a substantial loss of sunlight to neighbouring properties and is therefore considered not to adversely affect the levels of outlook and sunlight currently afforded to no. 7 Swn Yr Adar, in accordance with Notes 1 and 2 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 two-storey element of the proposed dwelling is to be situated a minimum of 11.5m from the site's rear boundary, which is shared with 26 Ysbryd Y Coed, to the south of the application site. The neighbouring property at no. 26 to the south does not contain any windows within its northern elevation that faces toward the application site, albeit the rear-facing windows at first floor level of the proposed dwelling will be situated in excess of 21m away in any case.



*Image from the garden of 8 Swn Yr Adar, facing south*

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 at first floor level which would directly overlook neighbouring properties. Any overlooking of the gardens of neighbouring properties would be limited and would not warrant a 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 new dwelling would not be so detrimental to the levels of privacy and amenity currently afforded to neighbouring 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 accordance with criterion (12) of Policy SP2 of the Local Development Plan (2013) and guidance contained within SPG02.

### **RESIDENTIAL AMENITY SPACE**

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 large garden, which is proposed to be sub-divided 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 sufficient area of garden space for 8 Swn Yr Adar. 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 and driveway already exist at this location, serving the host property, and the proposed development seeks to utilise this existing access and driveway to serve the new dwelling.

The proposed garage is considered suitable for the storage of bicycles and the driveway arrangement, which includes provision for 3 off-street parking spaces, is also acceptable. The parking provision for the host dwelling will not be compromised by the development, with the submitted block plan showing that 3 off-street parking spaces will be retained, alongside the existing garage of the host property.

With regards to the additional traffic generated by the proposal, it is considered that a new residential dwelling would generate up to 6 vehicle movements a day. The arrangement of the existing highway at Swn yr Adar can accommodate the limited quantum of additional traffic.

It is noted that there is the potential for vehicles associated with the construction of the development to park on street, within the turning head. In order to remove those concerns, the Highways Officer has suggested a condition requesting a construction traffic management plan to be submitted, to ensure that no vehicles block the turning head to the detriment of highway safety.

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 will provide control over the routing and parking of construction vehicles to the site, as well as the unloading and storage of plant and materials.

## **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.

The proposal indicates that foul flows are to be disposed of via the public sewerage system, which Dŵr Cymru Welsh Water (DCWW) confirm they have no objection to. Surface water is set to be drained via soakaways. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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 separate approval of Sustainable Drainage System (SuDS) features by the SuDS Approval Body (SAB).

## **ECOLOGY**

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."

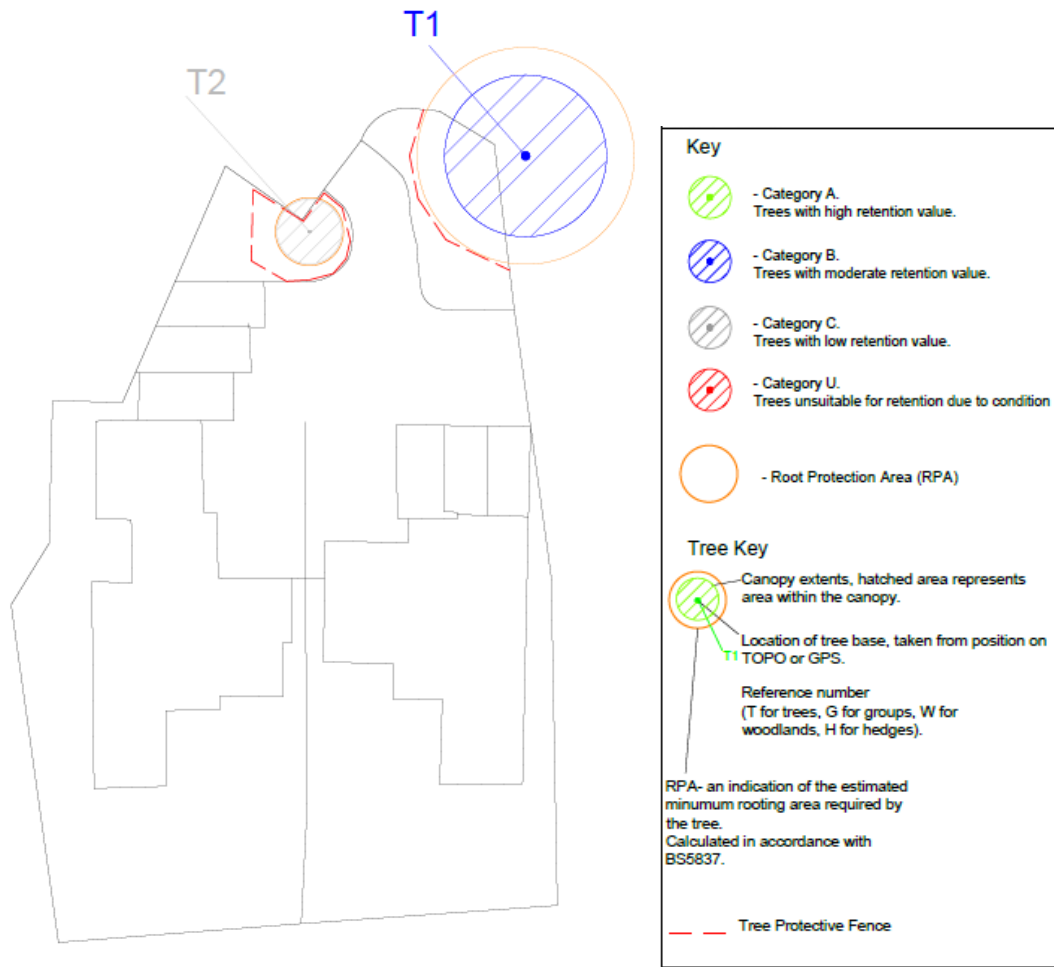
The application currently site forms an area of garden space which is largely comprised of a maintained lawn. There are a number of TPO trees in close proximity to the application site, with a protected Lime tree (T1) situated within the front garden of the neighbouring dwelling no. 7 to the east.



*TPO Lime tree shown in the left of the above photograph*

No trees are to be removed as part of the development proposal, albeit the driveway of the application site is to be extended within relatively close proximity to the above-referenced Lime tree. At its closest point, the extended driveway will be situated within 7.5 – 8m of the trunk of the Lime tree. As such, the Ecology Officer for the Council requested that an arboricultural survey of the Lime tree was undertaken, inclusive of a tree survey, arboricultural method statement and constraints plan.

The survey considered the impact of the proposed development on the Lime tree at no. 7, as well as a Manna Ash tree (T2) located within the application site, shown on the right of the above photograph. The survey confirms that there will be no conflict between the new building or the extended hardstanding which form part of the proposal and the Root Protection Areas (RPA) of the Lime (T1) and Manna Ash (T2) trees. The report makes a number of recommendations to ensure that these trees will be protected during the construction phase of any development of the application site, including the erection of protective fencing around the RPA of the trees.



*Tree Protection Plan*

The findings of the Arboricultural Report, as well as its recommendations have been confirmed as being acceptable to the Ecology Officer, with a request for the recommendations of the report to be included as a planning condition. Subject to this, the impact of the development on the TPO Trees T1 and T2 is considered to be acceptable.

It is also recommended that additional ecological enhancement features are provided on site, this could comprise the provision of integral bat roosting / bird box features on the new building or bat boxes to be located in retained trees on the site. 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 Council's 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 integrate into the streetscene and will not have a detrimental impact on the residential amenities of neighbouring occupiers.

Subject to the inclusion of suitably worded conditions, the ecological impact of the development, as well as its impact on TPO trees in the vicinity of the site, are deemed to be acceptable.

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 Block Plan (received 28<sup>th</sup> June 2023)
- Proposed Plans and Elevations (received 23<sup>rd</sup> February 2023)

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

2. No development shall take place, until a Construction Traffic Method Statement (CTM) has been submitted to, and approved in writing by, the Local Planning Authority. The approved CTM Statement shall be adhered to throughout the construction period. The CTM Statement shall provide for:

- i. The routeing of HGV construction traffic to/from the site in order to avoid school opening times;
- ii. the parking of vehicles of site operatives and visitors;
- iii. the loading and unloading of plant and materials; and,
- iv. the storage of plant and materials used in constructing the development

Reason: In the interest of highway safety.

3. 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 unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the 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.



4. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

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

5. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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.

6. 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. This must include future maintenance requirements to be submitted 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.

7. 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 satisfactory management and disposal of surface water is provided for the proposed development.

8. The development shall be carried out in compliance with the recommendations as set out within Section 3 of the Tree Survey by Tree Check Arboriculture Ltd. (dated 10/10/23), as well as the Tree Protection Plan, which forms Appendix ii of the Arboricultural Impact Assessment and Tree Protection Plan document by the same consultant (dated 10/10/23).

Reason: In the interest of protecting local biodiversity.

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 should subsequently be implemented in accordance with the approved details prior to the beneficial occupation of the dwelling.

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

10. No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

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

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

- (a) 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. Subject to the inclusion of suitably worded conditions, the ecological impact of the development, as well as its impact on TPO trees in the vicinity of the site, are deemed to be acceptable.

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.

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

(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.

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)

The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information on water and sewerage connections.

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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

(d) In order to satisfy Condition 6, 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 an agreement in principle from DCWW for build over sewer agreement, if required.
- 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)).

(e) In order to satisfy Condition 7 the following supplementary information is required:

- Provide a surface water drainage layout including the location of a soakaway;
- Provide infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE 365;
- Provide a plan showing locations of trial holes and at least 3 separate tests at each trial hole location;
- Maintenance of any proposed sustainable drainage features serving individual properties is to be maintained by the landowner.

- Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system;
- Provide a timetable for its implementation; and
- Provide a management and maintenance plan, for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

**JANINE NIGHTINGALE  
CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None

## Appeals

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

<b>APPEAL NO.</b>	CAS-02688-Q5F5F6 (1986)
<b>APPLICATION NO.</b>	ENF/48/22/ACK
<b>APPELLANT</b>	KARA TOBIN
<b>SUBJECT OF APPEAL</b>	ALLEGED UNAUTHORISED PORCH: 12 PENYLAN LITCHARD BRIDGEND
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	ENFORCEMENT NOTICE

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<b>APPEAL NO.</b>	CAS-02690-P6Z3N2 (1987)
<b>APPLICATION NO.</b>	ENF/48/22/ACK
<b>APPELLANT</b>	EMMA DAVIES
<b>SUBJECT OF APPEAL</b>	ALLEGED UNAUTHORISED PORCH: 12 PENYLAN LITCHARD BRIDGEND
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	ENFORCEMENT NOTICE

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<b>APPEAL NO.</b>	CAS-02850-K6N4H4 (1990)
<b>APPLICATION NO.</b>	ENF/171/22/ACK
<b>APPELLANT</b>	MR J & MRS S CULLEN
<b>SUBJECT OF APPEAL</b>	UNAUTHORISED INCLUSION OF LAND INTO GARDEN CURTILAGE: 36 LLWYN HELIG KENFIG HILL
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	ENFORCEMENT NOTICE

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<b>APPEAL NO.</b>	CAS-02850-K6N4H4 (1991)
<b>APPLICATION NO.</b>	P/23/22/FUL
<b>APPELLANT</b>	MR J CULLEN
<b>SUBJECT OF APPEAL</b>	UNAUTHORISED INCLUSION OF LAND INTO GARDEN CURTILAGE: 36 LLWYN HELIG KENFIG HILL
<b>PROCEDURE</b>	HOUSEHOLDER

**DECISION LEVEL** DELEGATED OFFICER

The application was refused for the following reason:

1. The proposed development constitutes an unjustified, undesirable and sporadic urbanising intrusion into the open countryside that cannot be deemed to be a reasonable rounding off of the defined settlement boundary. It is prejudicial to the established character of the adjoining countryside and would set an undesirable precedent for further applications for similar development in this locality, contrary to the provisions of Policies SP2, PLA1 and ENV1 of Bridgend County Borough Council's adopted Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 11, 2021).

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**APPEAL NO.** CAS-02978-D8C2G7 (1995)  
**APPLICATION NO.** P/23/354/FUL

**APPELLANT** MR A PRICE

**SUBJECT OF APPEAL** SINGLE STOREY SIDE/REAR EXTENSION AND HIP TO GABLE  
DORMER LOFT CONVERSION: 11 HEOL Y FOELAS BRIDGEND

**PROCEDURE** HOUSEHOLDER

The application was refused for the following reason:

1. The proposed development, by reason of its siting, scale and design, constitutes an insensitive and unsympathetic form of development in a prominent location that would unbalance an existing short terrace of dwellings to the detriment of the visual amenities of the locality. Furthermore, the proposed dormer extension is considered to be an excessive, incongruous and overly prominent feature that will have a detrimental impact on the character of the property and the appearance of the streetscene, as well as the general character of the residential area, contrary to Policy SP2 of the Local Development Plan (2013), Supplementary Planning Guidance Note 02: Householder Development (2008) and advice contained within Planning Policy Wales (Edition 11, February 2021).

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

**APPEAL NO.** CAS-02309-B6J3Q8 (1974)  
**APPLICATION NO.** P/22/81/OUT

**APPELLANT** MR J DAVIES

**SUBJECT OF APPEAL** DETACHED DWELLING ON LAND TO SIDE: SOUTHLANDS  
FUNERAL HOME 59 SOUTH ROAD PORTHCAWL

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** DELEGATED OFFICER

**DECISION** THE INSPECTOR APPOINTED BY THE WELSH MINISTERS

TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL  
BE ALLOWED SUBJECT TO CONDITIONS.

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

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**APPEAL NO.** CAS-02534-G8P7S6 (1984)  
**APPLICATION NO.** P/22/698/FUL

**APPELLANT** MRS S WILLIAMS

**SUBJECT OF APPEAL** SINGLE STOREY SIDE EXTENSION: 79 WOODSTOCK GARDENS  
PENCOED

**PROCEDURE** HOUSEHOLDER

**DECISION LEVEL** DELEGATED OFFICER

**DECISION** THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO  
DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL  
BE DISMISSED.

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

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**APPEAL NO.** CAS-02584-S0R7H6 (1988)  
**APPLICATION NO.** P/22/719/FUL

**APPELLANT** MR C ABRAHAM

**SUBJECT OF APPEAL** RETENTION OF DETACHED OUTBUILDING (USED AS A HOME  
OFFICE AND MEETING PLACE FOR EMPLOYEES): SANDBANKS,  
32 THE GREEN AVENUE PORTHCAWL

**PROCEDURE** HOUSEHOLDER

**DECISION LEVEL** DELEGATED OFFICER

**DECISION** THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO  
DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL  
BE DISMISSED.

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

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**APPEAL NO.** CAS-02582-D3Q8D0 (1989)  
**APPLICATION NO.** ENF/175/22/ACK

**APPELLANT** MR & MRS C ABRAHAM

**SUBJECT OF APPEAL** ALLEGED UNAUTHORISED BUSINESS USE OF GARAGE:  
SANDBANKS, 32 THE GREEN AVENUE PORTHCAWL

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** ENFORCEMENT NOTICE

**DECISION** THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE ENFORCEMENT NOTICE BE VARIED BUT UPHELD.

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

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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 Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 18.10.2023

Appeal reference: CAS-02309-B6J3Q8

Site address: Southlands Funeral Home, 59 South Road, Porthcawl CF36 3DA

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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 J Davies against the decision of Bridgend County Borough Council.
  - The application Ref P/22/81/OUT, dated 1 February 2022, was refused by notice dated 12 July 2022.
  - The development proposed is detached dwelling.
  - A site visit was made on 4 July 2023.
- 

### Decision

1. The appeal is allowed, and planning permission is granted for a detached dwelling on land to the side of Southlands Funeral Home, 59 South Road, Porthcawl CF36 3DA in accordance with the terms of the application, Ref P/22/81/OUT, dated on 1 February 2022 and the plans submitted with it, subject to the conditions set out in the schedule of conditions to the decision.

### Procedural and preliminary matters

2. The planning application is submitted in outline with all matters reserved for later determination. The appellant has provided 'indicative' plans illustrating a three-storey six-bedroom detached dwelling on land to the side of No. 59. Height, width, and depth parameters have also been provided for consideration. This is the side garden of No. 59 on the east side of the appeal site.
3. The submitted plans (excluding the red line site location plan) are marked as 'indicative' and are treated as such. They show how the site might be developed, but they do not form part of the outline application. The scale parameters are described for the dwelling as height between 10.5 m to 12 m. Width is described as between 12 m to 14.5 m, and depth as between 12 m to 13.5m. The appeal is considered on this basis, although the 'indicative' plans may not be the only way in which to develop the site.
4. The appellant has provided the submitted plans for the adjoining plot No. 59. These are clearly not the submitted plans for the planning application the subject of this appeal. Clarification was sought from the parties on this matter, and the Council has provided the plans which were considered and was published for this appeal development. I am

satisfied that I have the correct plans which relate to the appeal, and which was considered by the Council. The appellant has not responded to the request. However, I am satisfied that I have the correct plans and submissions pertaining to the appeal development, and no prejudice should arise to any party. The appeal is considered accordingly.

5. Planning permission has been granted under reference P/21/62/FUL in June 2021 for the change of use from funeral home and 2 flats into a pair of semi-detached houses with Juliet balconies and decking, and construction of rear extension to one dwelling and demolition of outbuildings at 59 South Road. This planning permission relates to the existing building on the west side of the appeal site.
6. I noted that works were on-going on the appeal site (No. 59) and that new glazed doorways had been installed on the first and second floor front elevation of the building in accordance with the June 2021 planning permission. I also note that this permission had no pre-commencement condition restricting the development. I therefore view this permission as instigated.
7. The red-line site for the appeal development includes both access points and the driveway but excludes the parking area for six spaces to be laid out in connection with the June 2021 planning permission.
8. The Council has referred to the grant of planning permission reference P/23/12/OUT in May 2023. This outline permission reserved all matters for later determination, but the 'indicative' plan shows a two-storey dwelling with alterations to the existing access arrangements.
9. The appeal is determined in accordance with the Bridgend Local Development Plan 2006-2021 (LDP) having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004. Future Wales, The National Plan 2040 (FW) forms part of the development plan for the purposes of Section 38(6).

### **Main Issues**

10. The main issues in this case are:

- The effect of the proposed development on the character and appearance of the area, and
- The effect of the proposed development on the living conditions of occupiers of No. 59 South Road in relation to outlook, and
- The effect of the proposed development on highway safety.

### **Reasons**

#### *Character and appearance*

11. The area is characterised with three-storey detached properties on the west side of South Road. Two-storey properties are evident on the east side of South Road. Two-storey houses adjoin No. 59 to the west on South Place. Further west on South Place there are two-storey semi-detached properties. On the corner of South Place and South Road the three storey properties are positioned up-close to the pavement edge. The appeal site is dominated by the existing three-storey building which faces South Place and South Road because of its corner site position. The land to the east of this building (the appeal site) is relatively open, but there are three single-storey garages positioned on the northern boundary of the appeal site. The south and east boundaries of the appeal site comprise of high stone walls, pillars, and access points.

12. As all matters are reserved for later determination, any analysis on the external appearance of the proposed development is not before me. Layout, scale, access, and landscaping are also reserved for later determination. However, the scale and layout parameters provide an indication of the likely form of development as a minimum and maximum range. It is probable that the form of the proposed dwelling would be along the lines shown on the 'indicative' plans because of the minimum size parameters that have been submitted for consideration.
13. On the corner of these two roads the buildings are three-storey in height. These provide a focal point and represent a form of development that is often seen in traditional street scenes. I note the position of No. 57 opposite the appeal site, positioned tight to the carriageway edge. I therefore do not consider the height of the proposal at odds with this prevailing character when seen in the context of No. 59 and the development opposite.
14. The Council is critical of the fact that this would develop open garden land which acts as a buffer. However, when considering the layout of buildings of the same scale opposite the appeal site the position is very near to the street corner. I see no difference to what this proposal seeks to achieve. This is not a site where the garden land is protected. In my view, it would benefit the street scene if the form of this broadly three-storey building, fills this undeveloped gap. The appeal land is not visually important so to be retained as open and undeveloped. The proposed development as shown on the 'indicative' plans is not excessive in height or layout. I accept it is a prominent site, but a diminutive, scaled property, in my view, would appear incongruous in the street scene.
15. I note that the Council has granted outline permission for a two-storey development on the appeal site. Therefore, the 'spatial gap' as noted by the Council would be filled, in any event. Having considered that this site has planning approval, in character and appearance terms, I do not consider that the appeal development would be materially excessive in terms of scale, height or layout when considering the contextual character of the site.
16. I therefore consider that the proposed development would not conflict with Policy SP2 of the LDP. SP2 requires that all development should contribute to creating high quality, attractive, sustainable places which enhance the community having regard to the natural, historic, and built environment. The policy requires that the design of development respects and enhances local character and distinctiveness and be appropriate in scale, size, and prominence. I consider the proposal respects these matters and is appropriate.
17. Planning Policy Wales Edition 11 (PPW) and FW deal with national sustainable placemaking outcomes, the plan-led approach to the delivery of sustainable places principles and the process of improving the economic, social, environmental, and cultural well-being in accordance with the sustainable development principle. Technical Advice Note 12 Design (TAN 12) indicates that a contextual approach should be considered in relation to the design of developments. Good design forms part of the themes that collectively contribute to placemaking and making better places. PPW recognises that design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and go beyond aesthetics and include social, economic, environmental, cultural aspects of the development. I consider that the proposed development is acceptable having regard to this guidance.
18. As the proposed development is submitted in outline the Council has the final control on the appearance, scale, and layout of the development within the context of the submitted parameters.
19. I conclude that the proposed development would not harm the character and appearance of the area.

*Living conditions*

20. As I have been referred to P/21/62/FUL granted in June 2021 (No. 59), and P/23/12/OUT granted in May 2023 (on the appeal site), I have considered these as evidence tendered to aid a comparison to be made between what has permission on these sites against the appeal development. In all, the affected windows of what are identified as the host dwelling (No. 59) in the reason for refusal would be inhibited to a similar extent in both P/23/12/OUT and the appeal development now under consideration. I come to this conclusion because the maximum height of the approved outline P/23/12/OUT scale parameter would obscure the aspect of these identified windows as much as the appeal development. The distance between buildings would be similar due to the configuration of the site. Whilst 'indicative' proposed elevations are shown for the appeal development, the roof form is shown as hipped, and the approved roof form on the 'indicative' plan for P/23/12/OUT is an end gable ridge.
21. The impact, in my view, would be similar and therefore the concern on living conditions is not sustained, given what may be built is similar in effect. There would be no worsening effect on outlook, overshadowing or diminution of diffused light and daylight over and above that which has already been given planning approval under P/23/12/OUT.
22. No other adverse effect on living conditions from the Council and interested parties have been mentioned in this appeal and I am satisfied that the proposal would not conflict with LDP Policy SP2 (criterion 12).
23. I conclude that the proposed development would not harm the living conditions of occupiers of No. 59 South Road in relation to outlook.

*Highway safety*

24. The appeal site is served by two established accesses. The access onto South Road has a reduced visibility being situated on the turn in the road and due to the alignment of the wall which exceeds the visibility height for drivers when looking to the north and attempting to exit the access. Parked cars on South Road reduces the carriageway width and drivers traveling south would in probability be positioned on the near side carriageway on the same side of the road as drivers exiting the access onto the road. There will be circumstances where vehicles are not parked there, and the carriageway width would be wider whereby the position of oncoming traffic towards the access would be on the far side of the road.
25. The access onto South Place has no impediment to visibility and this is recognised by the Council's Transportation Policy and Development Section (the Council's Highway Officer). I have considered the appeal in relation to the lower national speed limit for urban areas which is now 20 mph, and the consequent lowering of the sight stopping distances in built up areas.
26. The appeal development shows a provision to utilise both access points to serve the combined developments of the appeal site and No. 59. There is an indication on the submitted plan that an 'in' and 'out' arrangement would be adopted with drivers driving into the site from South Road (the substandard access point) and driving out of the access point at South Place.
27. Six parking spaces are shown on the 'indicative' plan, and these are outside the red line appeal site. Provision is made on the 'indicative' plan for three parking spaces and a side garage for the appeal development. Access is reserved for later determination, but whether access is suitable to serve the appeal development is material to the acceptability of the proposal under consideration.

28. Planning permission P/23/12/OUT sub-divides and separates the appeal site from No. 59's development with a wall. The South Road access in this scenario becomes an entrance and exit for the approved dwelling. The approved 'indicative' plans show a four-bedroom development, whereas the appeal development could accommodate six bedrooms. However, I do not regard there would be a material difference in trip generation between planning permission P/23/12/OUT and the appeal development.
29. As a result, in my view, there is no material intensification in traffic generation when comparing the appeal development and planning permission P/23/12/OUT. Both developments would be required to provide the same parking provision. The issue then turns on whether the access arrangements are suitable to serve the appeal development.
30. Planning permission P/23/12/OUT would result in the access onto South Road be used as an entrance and exit, but for the exclusive use of this development. The concern from the Council's Highway Officer is that there would be no control over the use of the access onto South Road for the combined developments, and the informal proposed 'in' and 'out' arrangement is not enforceable.
31. However, I do not consider that the approved arrangement for P/23/12/OUT would be a safer arrangement than what could occur should the informal use of the 'in' at South Road and the exit at South Place be utilised. Drivers can make informed decisions as to their safety and others, and I consider that driver behaviour would be influenced by the conditions and constraints of the appeal site. The arrangement for planning permission P/23/12/OUT would limit the options and in effect cause the access onto South Road be used intensively, whereas the proposed development would permit drivers to use the present accesses instinctively and in their own judgement.
32. I therefore conclude that the proposal is acceptable and would not conflict with LDP Policy SP2, when comparing what could be built with planning permission P/23/12/OUT and the appeal development. I have also had regard to the implementation of P/21/62/FUL and the combined access arrangements that would ensue. I have discounted the preceding use before P/21/62/FUL, since I regard P/21/62/FUL to have been instigated for the reasons I have already set out above and is now a new chapter in the planning history and development of the site. I have also disregarded the former use of the garages on the site as these make no material difference to the comparison, I have drawn between the approved planning permission P/23/12/OUT and the appeal development.
33. I conclude that the proposed development would not harm highway safety.

### **Other Matters**

34. I note the representation that if permission is granted for the development the appellant would apply for retrospective planning permission to add a further floor level. Any approval given would be conditioned to restrict the maximum height of the building. If works are carried out not in accordance with the permission the Council could take enforcement action against the operational development. Any subsequent reserved matters application would have to be approved by the Council and not derogate from outline planning permission. Should the appellant apply for another different scheme then this would need to be considered by the Council in the usual way.

### **Conditions**

35. The Council's suggested conditions 4, 5, 6, 9 and 11 are not necessary. Materials are covered under 'appearance' and boundary treatments are included under 'landscaping' and are reserved matters. The site is in a sewered area and this part of suggested condition 6 is justified. Condition 6 is re-worded accordingly.

36. Surface water regulation is separately controlled through the Sustainable Drainage Systems Approval Body, due to the size of the site. Vision splay requirement onto South Road is not reasonable, given my conclusions on the highway issue. To introduce this again would be to prevent acceptable development which has been considered at outline stage. These measures in suggested conditions 9 and 11 would be unreasonable given the substantive case made by the appellant on highway matters.
37. Condition 4 is needed to control the height of the development. This was on the grant of planning permission for P/23/12/OUT and would not come as a surprise to the appellant. However, in this case the wording is different to reflect the scale parameters of this development. Conditions 5 and 7 have been modified, but their substance have not been altered.

### **Conclusions**

38. I am required to determine this proposal in accordance with the development plan unless material considerations indicate otherwise. The starting point is therefore the development plan (FW and LDP). I have found the development would comply with the development plan policies relating to all three main determining issues.
39. 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.
40. I therefore conclude that the appeal be allowed.

*Iwan Lloyd*

INSPECTOR

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### **SCHEDULE OF CONDITIONS in relation to Appeal Ref: CAS-02309-B6J3Q8**

- 1) Details of the appearance, access, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.  
Reason: The application is submitted in outline with all matters reserved for later determination and require approval from the local planning authority before any development begins.
- 2) Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.  
Reason: In accordance with the provisions of Sections 91 to 93 of the Town and Country Planning Act 1990 (as amended).
- 3) The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
Reason: In accordance with the provisions of Sections 91 to 93 of the Town and Country Planning Act 1990 (as amended).

- 4) No building on any part of the development hereby approved shall exceed 12 metres in height above the finished ground level of the site.

Reason: In the interests of living conditions of nearby residents and in the interests of the visual amenity of the area, in accordance with Bridgend Local Development Plan 2006-2021 Policy SP2.

- 5) Any subsequent reserved matters application shall provide three parking spaces including facilities within the site for the loading, unloading, parking, and turning of vehicles, in accordance with a scheme to be submitted to, and approved by the local planning authority, prior to the commencement of any site works. Such facilities being completed prior to the occupation of the dwelling hereby approved and thereafter be kept available for such purposes for the lifetime of the development.

Reason: To ensure that provision is made for servicing the site and that adequate parking and manoeuvring space is provided to serve the development, to avoid the necessity for reversing movements into or from the highway in the interests of highway safety, maintaining the free flow of traffic on the adjoining highway and in compliance with Bridgend Local Development Plan 2006-2021 Policy SP2.

- 6) No development shall commence until details of a scheme for the disposal of foul water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the use of the development and retained in perpetuity.

Reason: In the interests of protecting health and safety of residents and to ensure no pollution or detriment to the environment in accordance with Bridgend Local Development Plan 2006-2021 Policy SP2.

- 7) If contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within two working 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 submitted to and approved in writing by the local planning authority. Following completion of measures and works on the site identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the local planning authority. The timescale for the above actions shall be agreed with the local planning authority within two 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.

- 8) No development shall take place until a scheme for biodiversity enhancement has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining and enhancing biodiversity, in accordance with Future Wales Policy 9.



## Appeal Decision

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by Helen Smith BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 26/10/2023

Appeal reference: CAS-02534-G8P7S6

Site address: 79 Woodstock Gardens, Pencoed, Bridgend, CF35 6ST

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- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Stephanie Williams against the decision of Bridgend County Borough Council.
  - The application Ref P/22/698/FUL, dated 10 October 2022, was refused by notice dated 9 January 2023.
  - The development proposed is single storey side extension.
  - A site visit was made on 11 October 2023.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. This is the effect of the proposed development on the character and appearance of the area.

### Reasons

3. The appeal relates to a detached dwelling located on the corner of Woodstock Gardens and Beechwood Grove within a modern housing estate with generally open frontages. Owing to its orientation, the side elevation of the appeal property faces the primary route of Woodstock Gardens. The appeal property has an open side garden, adjacent to the back edge of the footway which wraps around the corner of the junction.
4. Given the above, the side of the dwelling is viewed in the context of the open frontages of Nos. 77 and 75 Woodstock Gardens (Nos. 77 and 75) and houses further along the street. Along with the appeal property, these are characterised by a consistent and distinctive building line set back from the road. The proposed extension would extend across almost the entire width of the side elevation of the host dwelling and its length would result in the extension being very close to the back edge of the footway on Woodstock Gardens. Unlike the modest porches on adjacent properties, this significant projection, in combination with its width, would disrupt the regular pattern of the building



line, resulting in a visually dominant and incongruous form of development. Whilst the design of the proposed extension would replicate the characteristics of the dwelling in terms of its scale and form, its siting and orientation means that, despite it being single storey, it would fail to respect the housing layout and character of the street scene.

5. I conclude that the proposed development would cause harm to the character and appearance of the area. This is contrary to Policy SP2 of the Bridgend Local Development Plan, which seeks to, amongst other things, ensure that developments contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located. It would also run counter to the objectives of Supplementary Planning Guidance 02 Householder Development, which seeks to encourage high design standards and the integration of development into the surrounding area.

### **Other Matters**

6. I note the representations in relation to the proposed development obstructing the view of traffic emerging from Beechwood Grove and from the driveway of No. 77. However, I have no cogent evidence that this would be the case and from my observations on site, the proposed extension would not obstruct visibility to an unacceptable degree. As the proposal is set off from the boundary of the driveway to No. 77, sufficient space to open a vehicle door parked on the drive of No. 77 would be maintained. I note that no objections have been raised by the Council in this regard. Similarly, given the position of the proposal in relation to the windows in the side elevation of No. 77, the proposal would not result in the loss of light to that property. I do not therefore find the proposal unacceptable for any of these reasons.

### **Conclusion**

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

*H Smith*

INSPECTOR



## Appeal Decisions

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by Richard E. Jenkins BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date of decisions: 14/11/2023

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### APPEAL A

Appeal Reference: CAS-02582-D3Q8D0

Site address: Land at Sandbanks, 32 The Green Avenue, Porthcawl, CF36 3AX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr and Mrs Abraham against an enforcement notice issued by Bridgend County Borough Council.
  - The enforcement notice, numbered ENF/175/22/ACK, was issued on 19 January 2023.
  - The breach of planning control as alleged in the notice is, without planning permission, the change of use of the said land from residential to a mixed residential and commercial use.
  - The requirements of the notice are to cease the use of the land for a commercial use as a home office and meeting place for employees.
  - The period for compliance with the requirements is 3 months after the Notice takes effect.
  - The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) and (g) of the Town and Country Planning Act 1990 as amended.
  - A site visit was made on 4 October 2023.
- 

### APPEAL B

Appeal Reference: CAS-02584-S0R7H6

Site address: 32 Sandbanks, 32 The Green Avenue, Porthcawl, Bridgend, CF36 3AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Chris Abraham against the decision of Bridgend County Borough Council.
- The application Ref: P/22/719/FUL, dated 22 August 2022, was refused by notice dated 10 January 2023.

- The development proposed is the retention of detached outbuilding (used as a home office and meeting place for employees).
  - A site visit was made on 4 October 2023.
- 

## Decisions

### ***Appeal A – Ref: CAS-02582-D3Q8D0 – Enforcement Appeal***

1. The appeal is allowed, but only to a limited extent insofar as it relates to the ground (g) appeal. It is directed that the Enforcement Notice be varied by deleting the “3 months” specified as the time period for compliance and substituting it with a period of “4 months”. Subject to this variation, the Enforcement Notice is upheld and planning permission refused on the application deemed to have been made under Section 177(5) of the Act.

### ***Appeal B – Ref: CAS-02584-S0R7H6 – The Planning Appeal***

2. The appeal is dismissed.

## Procedural Matters

3. As set out above, there are two appeals at the appeal site. Whilst I shall consider each case on its own particular merits, to avoid any duplication, I shall deal with the two cases together in this single document, albeit with separate formal decisions.
4. I have taken the description of development for Appeal B from the Council’s Notice of Decision. Whilst that description is reflected on the Appeal Form, it is relevant to note the appellant’s wider arguments that the description is not accurate and that it should be amended to reflect the breach of planning control alleged on the Enforcement Notice subject of Appeal A. However, whilst the Council’s reason for refusal relating to Appeal B is limited to the use of the building, the terms of the application, and indeed the Council’s determination of that application, were not limited to those matters. It would not, therefore, be appropriate to amend the description of development as suggested by the appellant. Moreover, given that the deemed planning application arising from the appeal under ground (a) of Appeal A already seeks planning permission for those matters, there would be no benefit to the appellant in amending the description of development of Appeal B to that effect.

## Reasons

### ***The appeal under ground (c) of Appeal A***

5. An appeal under ground (c) is that there has not been a breach of planning control because, for example, permission has already been granted or it comprises permitted development. In this case, it is common ground that the lawful use of the land is residential and no cogent evidence has been submitted to demonstrate that the material change of use of the land, from residential to a mixed use of residential and commercial, would constitute permitted development under the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended (hereinafter referred as the GPDO). As such, and bearing in mind the fact that planning permission has not been granted for the change of use, it follows that the ground (c) appeal must fail.
6. It is relevant to note that much of the appellant’s arguments under the ground (c) appeal are more akin to an appeal typically lodged under ground (b), which is that the matters that constitute the alleged breach of planning control have not occurred as a matter of fact. Indeed, the conclusions to the appellant’s Statement of Case state that “*the appeal does not result in a material change of use and planning permission is not required*”.

Such arguments focus on the contention that the building is used for 'home working' as opposed to constituting the alleged 'commercial use'. In making such submissions, the appellant contends that the use of the building does not result in a marked rise in traffic or people calling. It is also submitted that the development does not cause any unreasonable nuisance or disturbance to neighbouring occupiers.

7. It is well-established in law that, in such cases, the appeal should be based on the situation at the time the Notice was issued and that the burden of proof is on the appellant. There was some evidence of domestic use at the time of my site visit, with drying laundry and an ironing board visible. However, I was also able to observe two desks, seats, computers, a printer and a sink that could be used as part of the commercial use alleged within the Enforcement Notice. It is difficult to ascertain what the exact situation was at the time the Enforcement Notice was issued. However, the evidence suggests that the building is currently used as an office by both Mr and Mrs Abraham, as well as 1No. full time employee and 2No. part time employees that attend team meetings and undertake administrative duties at the premises. This does however represent a reduction relative to the 4No. members of staff that previously attended the property for such duties. I am advised that team meetings typically take place on a Monday and that staff may also attend the building on additional occasions between 09:00 and 17:00 hours on weekdays. The appellant notes that client visits, that were previously indicated to occur around twice a week, have now ceased. However, the exact timescales for the cessation of such activity remains unclear.
8. It is clear from the above that the level of commercial activity at the appeal premises is above that which would be typically expected of 'home working'. I therefore find that, on the balance of probability, a material change of use had occurred at the time the Notice was issued. In coming to this conclusion, I have been mindful of the interested party representations that indicate that there has been a change to the use and character of the property. Indeed, I have no reason to question the credibility of these representations and they support the thrust of the overall evidence that indicates that a material change of use has occurred. It is also material to note that such a finding is consistent with the appellant's own submissions under the ground (g) appeal that suggest that more than 3 months would be necessary to cease the unauthorised use given that an alternative premises would need to be found to cater for employee attendance and administrative support duties. This clearly suggests that the use is not 'home working', but rather a commercial use, as the Council alleges.
9. I therefore find that, on the balance of probability, the matters that constitute the alleged breach of planning control have occurred and that they do in fact comprise a breach of planning control. It follows that all of the arguments advanced under the ground (c) appeal, including those arguments more akin to those typically submitted under an appeal under Section 174(2)(b) of the Act, must fail.

***The appeal under ground (a) of Appeal A – The Deemed Planning Application arising from the Enforcement Appeal***

10. An appeal under ground (a) is that planning permission should be granted for the matters that constitute the alleged breach of planning control. The deemed planning application arising from the appeal under ground (a) of Appeal A therefore seeks planning permission for the change of use of the land from residential to a mixed use of residential and commercial. The main issue in the determination of this ground of appeal is: *the effect of the change of use upon the living conditions of the occupiers of neighbouring residential properties, having particular regard to levels of general disturbance.*

11. As set out above, the detached outbuilding incorporates, amongst other things, two desks, seats, computers, a printer and a sink, and the evidence suggests that the building is used as an office by both Mr and Mrs Abraham and other employees that attend both team meetings and undertake administrative duties. Specifically, despite the appellant contending that 90% of the workload is undertaken online, the evidence indicates that the business currently employs 1No. full time and 2No. part-time members of staff, although it is acknowledged that up to 4No. members of staff have previously attended the site for work. Employed staff typically attend team meetings at the site on a Monday and may attend the appeal site separately during a typical 09:00 to 17:00 hours weekday working week. Staff attending the site park on the public highway. As previously indicated, there used to be a weekly average of 2No. client visits, although this is now said to be unnecessary.
12. Within this context, the appellant contends that the comings and goings to the property do not exceed what is typical of a family home. However, I have already found above under the ground (c) appeal that the level of commercial activity at the appeal premises is above that which would be typically expected of 'home working' and I consider that such activity has potential to cause material harm to the amenity of nearby residential occupiers. Such concerns are reflected through interested party representations in this case and, as I have previously set out, I have no reason to question the reliability of such evidence. I have considered whether such matters could be sufficiently mitigated or controlled through the use of planning conditions restricting, amongst other things, the numbers and frequency of visitors. However, I share the Council's concerns regarding the ability to effectively monitor and enforce such conditions and therefore concur with the Council's view that such a use would be better suited to an area allocated for such commercial development in the adopted Bridgend Local Development Plan 2006- 2021 (2013) (LDP).
13. I have considered the wider arguments submitted by the appellant that residents are entitled to work from home. However, as set out above, the appeal proposal seeks planning permission for a material change of use to a mixed commercial and residential use. I do not, therefore, consider such arguments to weigh heavily in favour of the appeal. I note the fact that the Highways Authority has not raised any objections. However, the disturbances associated with vehicles coming and going from the property is a material planning consideration that forms part of the aforementioned general disturbances that would be detrimental to the amenity of the occupiers of neighbouring residential properties. Such a factor does not, therefore, justify a grant of planning permission.
14. Therefore, based on the foregoing analysis, I find that the development would cause material harm to the living conditions of the occupiers of neighbouring residential properties by reason of general disturbance and that it would, therefore, conflict with Policies SP2 and ENV7 of the adopted Bridgend LDP. Given that it has not been demonstrated that such harm could be satisfactorily mitigated through the use of planning conditions, and bearing in mind the fact that such matters are not outweighed by the matters in favour of development, including the economic implications of withholding planning permission, it follows that the appeal under ground (a) must fail.

### ***Appeal B – The Section 78 Planning Appeal***

15. Planning permission is sought under Appeal B for "*the retention of a detached outbuilding (used as a home office and meeting place for employees)*". Having regard to the Council's Notice of Decision, and the wider evidence, the main issue in the determination of Appeal B is: *the effect of the proposed development upon the living conditions of the*

*occupiers of neighbouring residential properties, having particular regard to levels of general disturbance.*

16. I have already set out under ground (a) of Appeal A why a change of use of the appeal site to a mixed use of residential and commercial would be unacceptable and, given that the proposal seeks retrospective planning permission, under Section 73A(2)(a), for a building that would provide a meeting place for employees in association with the same estate agency business, I consider such findings to be equally applicable to this case. It is clearly material to note that the Council does not object to the operational development that comprises the construction of the outbuilding and I have no reason to come to an alternative conclusion on this matter. However, I do not consider that granting permission for the operational works represents an option available to me in these circumstances. In coming to this conclusion, I have been mindful that a condition limiting its use to an ancillary element of the residential property would be necessary, but that such a condition would materially conflict with the terms of the application.
17. Therefore, consistent with my findings in respect of Appeal A, I find that a grant of planning permission would cause material harm to the living conditions of the occupiers of neighbouring residential properties by reason of general disturbance. It would therefore conflict with Policies SP2 and ENV7 of the adopted Bridgend LDP. As such, and having considered all matters raised, I conclude that Appeal B should be dismissed.

#### ***The appeal under ground (f) of Appeal A***

18. The appeal under ground (f) of Appeal A is that the requirements of the Notice are excessive and that lesser steps would overcome the objections. In this case, the appellant contends that the cessation of the alleged commercial use is excessive as the use of the appeal property as a 'Home Office' used solely by the appellants would be perfectly acceptable and does not require planning permission. Nevertheless, whilst 'home working' might be acceptable, the cessation of the 'commercial use' is absolutely essential to effectively remedy the breach of planning control alleged in this instance. Indeed, there is no other way the breach of planning control could be remedied. It therefore follows that the appeal under ground (f) must fail.

#### ***The appeal under ground (g) of Appeal A***

19. The appeal under ground (g) of Appeal A is that the period specified to comply with the requirements of the Notice falls short of what should reasonably be allowed. In this case, the compliance period is three months from the date the Notice takes effect. The appellant contends that this is too short to find alternative premises to accommodate employee attendance at team meetings and to undertake administrative support duties. A six month period of compliance is therefore said to be necessary.
20. It is important to balance the competing public and private interests in such appeals and, in this case, I have some sympathy with the appellant's arguments. However, extending the compliance period would clearly prolong the identified harm, to the detriment of the public interest. Therefore, in an attempt to balance the competing interests, I shall vary the time period for compliance to allow for a period of four months to comply with the requirements of the Notice. I shall therefore delete the "3 months" specified on the Enforcement Notice and shall substitute it with a period of "4 months". To this limited extent, the appeal under ground (g) shall succeed.

#### ***Overall Conclusions***

21. Based on the foregoing I find that Appeal A should be allowed, but only to a limited extent insofar as it relates to ground (g). The Enforcement Notice should be varied accordingly. Subject to this variation, the Enforcement Notice should be upheld and planning

permission should be refused on the application deemed to have been made under Section 177(5) of the Act. For the aforementioned reasons, Appeal B should be dismissed.

22. In coming to these conclusions, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that these decisions are in accordance with the sustainable development principle through their contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

*Richard E. Jenkins*

INSPECTOR

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## **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>
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Development in Conservation Areas	2024
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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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