

Public Document Pack

Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

Bridgend County Borough Council



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

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

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



Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate

Deialu uniongyrchol / Direct line /: 01656 643148 /
643694 / 643513

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Friday, 21 June 2024

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, 27 June 2024 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 07/08/24 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 - 10
To receive for approval the minutes of the 10/05/2024
5. Public Speakers
To advise Members of the names of the public speakers listed to speak at today's meeting (if any).
6. Amendment Sheet
That the Chairperson accepts the Development Control Committee Amendment Sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be

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accommodated.

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| 7. | <u>Development Control Committee Guidance</u> | 11 - 14 |
| 8. | <u>P/24/39/FUL - 11 Park Street Bridgend CF31 4AX</u> | 15 - 26 |
| 9. | <u>P/23/148/FUL - Land at Parc Crescent & Brocastle Avenue Waterton Bridgend CF31 3XU</u> | 27 - 56 |
| 10. | <u>P/24/206/FUL - 1 South View Pontycymmer CF32 8LE</u> | 57 - 68 |
| 11. | <u>Appeals</u> | 69 - 74 |
| 12. | <u>Training Log</u> | 75 - 76 |
| 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:

A R Berrow
RJ Collins
C L C Davies
S Easterbrook
RM Granville
H Griffiths

Councillors

S J Griffiths
D T Harrison
M L Hughes
D M Hughes
M R John
MJ Kearn

Councillors

W J Kendall
J Llewellyn-Hopkins
J E Pratt
R J Smith
A Wathan
R Williams

DEVELOPMENT CONTROL COMMITTEE - FRIDAY, 10 MAY 2024MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD HYBRID IN THE COUNCIL CHAMBER - CIVIC OFFICES, ANGEL STREET, BRIDGEND, CF31 4WB ON FRIDAY, 10 MAY 2024 AT 11:30Present

Councillor RM Granville – Chairperson

N Clarke
D M HughesS Easterbrook
MJ KearnH Griffiths
J E Pratt

M L Hughes

Present VirtuallyRJ Collins
W J KendallS J Griffiths
A WathanD T Harrison
R Williams

M R John

Apologies for Absence

A R Berrow, C L C Davies and J Llewellyn-Hopkins

Officers:Rhodri Davies
Gillian Dawson
Lee Evans
Craig Flower
Mark Galvin
Jonathan Parsons
Michael Pitman
Euan Sexton
Philip Thomas
Leigh TuckDevelopment & Building Control Manager
Lawyer - Planning
Senior Planning Officer
Planning Support Team Leader
Senior Democratic Services Officer - Committees
Group Manager Development
Technical Support Officer – Democratic Services
Senior Planning Officer
Principal Planning Officer
Senior Development Control Officer

DEVELOPMENT CONTROL COMMITTEE - FRIDAY, 10 MAY 2024**Declarations of Interest**

The following declarations of interest were made:-

Councillor J Pratt prejudicial interest in Agenda item. 10 as a member of the Porthcawl Town Council who were also the applicant. Councillor Pratt left the meeting whilst the item was being considered.

Councillor R Granville prejudicial interest in Agenda item. 10 as he knew one of the public speakers. Councillor Granville left the meeting whilst the item was being considered. Councillor S Griffiths as Vice-Chairperson, took the Chair for this item only.

Councillor N Clarke prejudicial interest in Agenda item 10., as she had made an objection to the application. Councillor Clarke left the meeting whilst the item was being considered.

Councillor A Wathan personal interest in Agenda item 9., as a member of Bridgend Town Council who takes no part in planning matters and a personal interest in Agenda item 10 as a veteran Bowls Club member.

Councillor D Hughes prejudicial interest in Agenda item 8., as a family friend lives near the application site and has objected to the proposal. Councillor Hughes left the meeting whilst the item was being considered.

Councillor H Griffiths personal interest in Agenda item 8., as a member of Garw Valley Community Council that takes no part in planning matters.

Councillor S Easterbrook personal interest in Agenda item 9., as a member of Bridged Town Council who takes no part in planning matters. In relation to a vote that took place on this item, Councillor Easterbrook did not take part in this, as he had been absent when this application was considered in detail at the previous Committee.

Councillor R Williams prejudicial interest in Agenda item 9., as a patient of a dental practice situate near the application site who were objecting to a HMO application, also situate near the application site.

10. Approval of Minutes

Decision Made	<u>RESOLVED:</u>	That the minutes of a meeting of the Development Control Committee dated 4/4/2024 be approved as a true and accurate record.
Date Decision Made	10 May 2024	

DEVELOPMENT CONTROL COMMITTEE - FRIDAY, 10 MAY 2024**11. Site Visits**

Decision Made	<u>RESOLVED:</u> That the date of 26/6/2024 be agreed for any site visits arising from the meeting or identified by the Chairperson in advance of the next scheduled Committee.
Date Decision Made	10 May 2024

12. Public Speakers

Decision Made	The following public speakers spoke on the undermentioned planning applications at the meeting:- P/23/699/FUL – Councillor M Jones, Ward Member – written submission (read out to Members) and A Smith, applicant's agent P/24/22/FUL – A Hopkin, objector and Porthcawl Town Council (applicant) – written submission (read out to Members) P/23/380/BCB – C Hopkins, objector and the applicant (BCBC) – written submission (read out to Members)
Date Decision Made	10 May 2024

13. Amendment Sheet

Decision Made	<u>RESOLVED:</u> That the Chairperson accepted the Development Control Committee Amendment Sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be accommodated.
Date Decision Made	10 May 2024

14. Development Control Committee Guidance

Decision Made	<u>RESOLVED:</u>	The Committee noted the report that contained the Development Control Committee Guidance
Date Decision Made	10 May 2024	

15. P/23/699/FUL - Land west of Heol Dewi Sant, Bettws, CF32 8TA

Decision Made	<p><u>RESOLVED:</u></p> <p>(1) That having regard to the above, the application be granted and the developer enters into a S106 Agreement to provide a financial contribution of £11,380 towards Outdoor Sport:-</p> <p><u>Proposal</u></p> <p>Demolition of the existing buildings and the erection of two apartment blocks comprising a total of 20 affordable dwellings, including access, parking, landscaping and ancillary works</p> <p>(2) That the Corporate Director - Communities be given delegated powers to issue a decision notice granting consent in respect of this proposal once the Applicant has entered into the aforementioned Section 106 Agreement, subject to the Conditions contained in the report.</p> <p>Subject to Condition 3 of the report being reworded as follows:-</p> <p>3. Prior to their use on site, a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the residential buildings hereby permitted, together with updated elevations showing additional feature detailing, shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.</p> <p>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.</p>
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DEVELOPMENT CONTROL COMMITTEE - FRIDAY, 10 MAY 2024

Date Decision Made	10 May 2024
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16. P/23/753/FUL - 14 Park Street, Bridgend, CF31 4AX

Decision Made	<p><u>RESOLVED:</u> That the above application be granted subject to the Conditions contained in the report of the Corporate Director – Communities:-</p> <p><u>Proposal</u></p> <p>Change of use from offices (use class B1) to House in Multiple Occupation (HMO) (Use Class C4) maximum 6 persons.</p>
Date Decision Made	10 May 2024

17. P/24/22/FUL - Griffin Park Bowls Pavilion, Griffin Park off Eastern Promenade, Porthcawl, CF36 5TS

Decision Made	<p><u>RESOLVED:</u> That the above application be granted, subject to the Conditions contained in the report of the Corporate Director – Communities.</p> <p><u>Proposal:</u></p> <p>Change of use of first floor from storage area to Town Council office accommodation to accommodate 3 members of admin staff Monday to Friday</p> <p>Subject to Condition 5 of the report being reworded as follows:-</p> <p>5.The use hereby permitted shall not commence until a single lockable bollard is installed within the vehicular access gate off New Road in accordance with a scheme to include a bollard management plan, that has first been submitted to and approved in writing by the Local Planning Authority. The bollard shall be retained in accordance with the agreed scheme for the duration of the use.</p>
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DEVELOPMENT CONTROL COMMITTEE - FRIDAY, 10 MAY 2024

	Reason: In the interests of highway safety.
Date Decision Made	10 May 2024

18. P/23/380/BCB - Ysgol Bryn Castell, Heol Llan, Abergarw, CF32 9NZ

Decision Made	<u>RESOLVED:</u> That the above application be granted, subject to the Conditions contained in the report of the Corporate Director – Communities.
	<u>Proposal:</u> Erection of Floodlights to the external Multi Use Games Area.
Date Decision Made	10 May 2024

19. Appeals

Decision Made	<u>RESOLVED:</u> That the Appeals received since the last Development Control Committee, as shown in the report of the Corporate Director – Communities, be noted.
Date Decision Made	10 May 2024

20. Training Log

Decision Made	<u>RESOLVED:</u> That the report of the Corporate Director – Communities outlining up and coming Training modules for Members, be noted.
Date Decision Made	10 May 2024

DEVELOPMENT CONTROL COMMITTEE - FRIDAY, 10 MAY 2024**Urgent Items**

Decision Made	There were no urgent items
Date Decision Made	10 May 2024

The meeting closed at 14:19

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

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

STANDARD CONDITIONS

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

Time-limits on full permission

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

Time-limits on outline permissions

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

Variation from standard time-limits

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

STANDARD NOTES

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

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

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

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

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

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

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

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

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

THE SITE INSPECTION PROTOCOL

The Site Inspection Protocol is as follows:-

Purpose

Fact Finding

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

Request for a Site Visit

Ward Member request for Site Visit

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

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

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

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

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

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

Inappropriate Site Visit

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

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

Format and Conduct at the Site Visit

Attendance

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

Officer Advice

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

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

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

Code of Conduct

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

Record Keeping

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

Site Visit Summary

In summary site visits are: -

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

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/24/39/FUL

APPLICANT: Red Property Ardwyn House, Hendre Road, Pencoed, Bridgend, CF35 6PR

LOCATION: 11 Park Street Bridgend CF31 4AX

PROPOSAL: Change the first floor from short term lets (use class C6) to 7 bed HMO (sui generis) and retention of 3 separate short term let units on ground floor (use class C6)

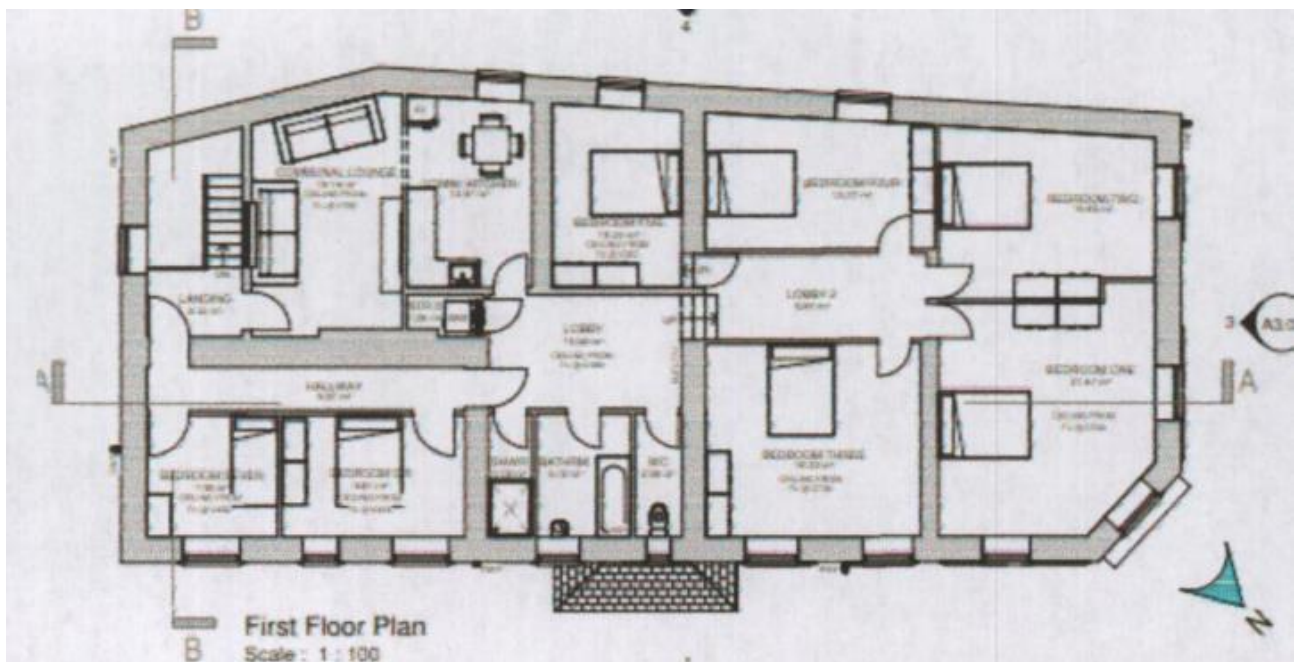
RECEIVED: 19 January 2024

DESCRIPTION OF PROPOSED DEVELOPMENT

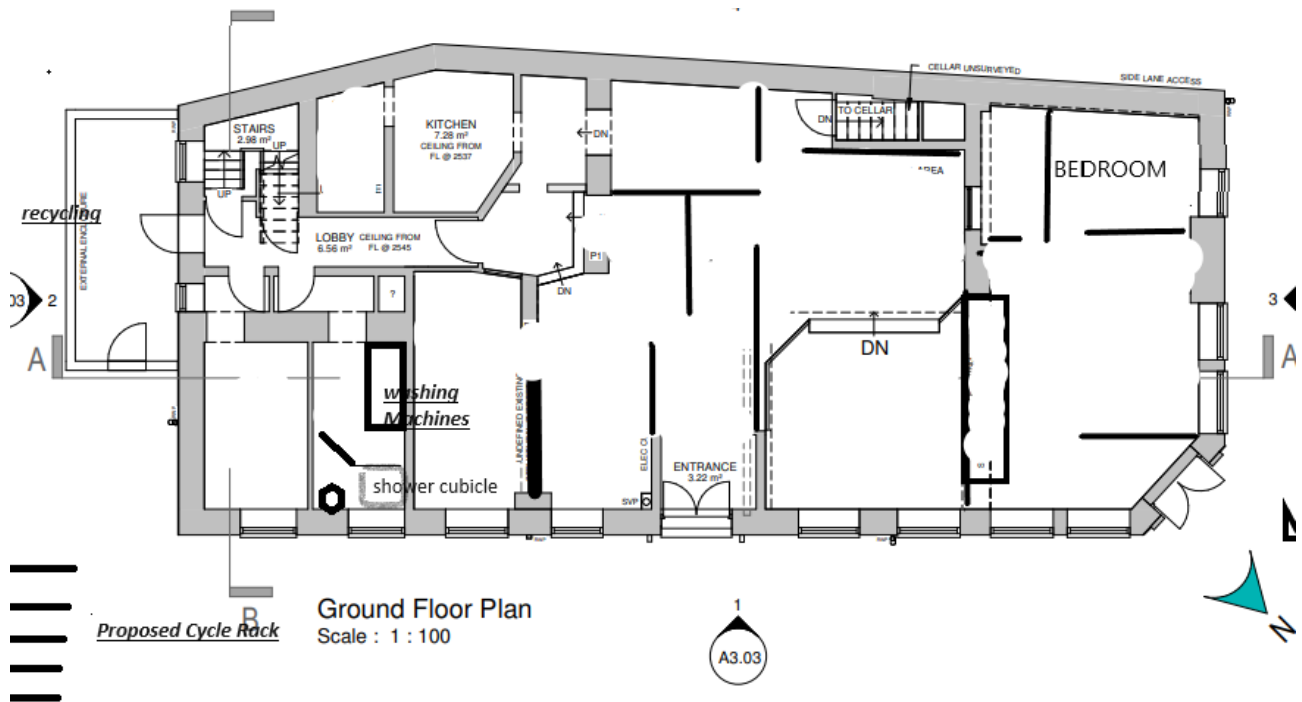
Retrospective planning permission is sought for the change of use of the first floor of 11 Park Street from Use Class C6 (short-term lets) to sui generis (7-bed HMO), as defined by The Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2022.

The site has historically been used as a public house as well as other uses within the A3 Use Class. Since March 2021 it has been used as short-stay accommodation, with individual rooms to rent on a short-term basis including for people working within Bridgend, at the Princess of Wales Hospital and those in need of temporary housing.

The Application does not seek to make alterations to the approved use for short-term lets at the ground floor level of the building.



Proposed first floor plan



Ground floor / Site Plan

The existing consent for the first floor of the building allows for 7 bedrooms and shared facilities to be used on a short-term basis (maximum stays of 31 days). The proposal will utilise the same internal layout, albeit seeks to extend the time for which residents can stay in the property from 31 days – as such providing more permanent accommodation.

The 7 bedrooms at first floor level will benefit from shared facilities including a shared living area, two kitchens, clothes washing / drying facilities and bathrooms on both levels of the building. Three showers and three toilets are proposed across the ground and first floor to serve the residents.

No external changes are proposed to the building other than the provision of cycle parking facilities to the front of the property.

RELEVANT HISTORY

Application ref.	Description	Decision	Date
P/00/569/FUL	Reinstate entrance door plus interior refurbishment and wc refurbishment	Unconditional Consent	27/07/2000
A/01/8/ADV	Illuminated wall and projecting sign	Conditional Advert Consent	11/04/2001
A/13/39/ADV	Erect 2 fascia signs	Conditional Advert Consent	13/08/2013
P/11/690/FUL	Part change from restaurant to general store.	Unconditional Consent	14/10/2011
A/11/10/ADV	Fascia signs	Conditional Advert Consent	20/04/2011
P/12/426/FUL	Change of use from A3 (food and drink) to D1 non residential	Refused	06/08/2012

SITE DESCRIPTION

The Application site is situated within the Primary Key Settlement of Bridgend, as defined by Policy SF1 of the adopted Local Development Plan (2024). It is situated within the Newcastle Hill Conservation Area as well as in a defined Archaeologically Sensitive Area (Policy SP18).

The site comprises a two-storey building which occupies a relatively prominent position due to its proximity to the junction of Park Street and Tondu Road – two main roads within/surrounding Bridgend Town Centre. As indicated above, prior to its change of use to provide short-term lets, the site has historically been used as a public house, as well as other uses within the A3 Use Class.



Photograph of site's front elevation

The property is situated within a pedestrianised area with access to the building gained using a doorway on its front (northern-eastern) elevation as well as a second door on its northern corner.

PUBLICITY

The Application has been advertised on site. Neighbours have been notified of the receipt of the Application. The period allowed for response to consultations/publicity expired on 16th April 2024.

CONSULTATION RESPONSES

Cllr S Bletsoe – Objections to the Application for the following reasons:

- Over intensity of HMOs in the area;
- Lack of parking provision;
- Concerns regarding the internal facilities within the building to serve the future residents of the HMO.

Cllr T Wood – Objections to the Application for the following reasons:

- Over intensity of HMOs in the area;
- Lack of parking provision;
- Concerns regarding the internal facilities within the building to serve the future residents of the HMO.

Neighbourhood Services Officer (SRS) – No objection.

South Wales Police Designing Out Crime Officer – No objection.

Natural Resources Wales (NRW) – Given the extant permission, we raise no objection to the proposals. However, technical flood risk advice is provided to the Applicant.

Land Drainage – Objects to the Application due to the location of the site within Flood Zone C1. It is strongly recommended that all current and future users register with the NRW Flood Warning Service. It is strongly recommended that a flood emergency action plan is drawn up and agreed stating a safe access and egress for highly vulnerable residents to higher ground.

Transportation Officer (Highways) – No objection subject to a condition.

Bridgend Town Council – *“This property is already a compact unit of HMO style units approved in recent time. At the time of conversion from a pub – which it had been for centuries – BTC specifically asked for a full investigation into the former passageway that led underground from the cellar up Newcastle Hill – possibly to St John’s House. This is an historic part of Bridgend in a Conservation Area – but no report back to the Town Council and how this passageway was to be preserved or to be available for tourism inspection on the Heritage Trail ever materialised. Now that a changed Application on the site is being considered this is the time to establish the cellar history once and for all. BTC requests a deferral of this Application until such investigation has been completed and the way forward established.*

That said, what inspection has been carried out on these premises with regard to fire exit regulations and the impact of changing the basic use once again on the adjoining two residential properties. An investigation by South Wales Fire Service is required.

There are no parking provisions, either car or cycle in the Conservation Area of the Park Street cul-de-sac. How does this comply with eco-friendly transport arrangements?

Planning permission has recently been refused for HMO development on the other side of the cul-de-sac. How will that impact on this Application?

Notwithstanding the above comments, BTC reserves the right to attend any future site meeting and to speak at the appropriate DC Committee! Finally it should be noted that the external wall fabric on this building is crumbling and needs repair; plus better attention to keep the peripheral area clean of surplus litter; neither of these matters being conducive to a Conservation area.”

RESPONSE TO COMMENTS RECEIVED

The Land Drainage Officer has objected to the Application on the basis that the site is situated within Flood Zone C1 of the Development Advice Map (DAM) contained within TAN15. A residential use has previously been granted consent on the site based on updated flood modelling work that suggested that the existing flood defences in place within the town centre would provide adequate protection from flooding to the Application

site. As the Application relates to the change of use between two residential uses, there would be no change in vulnerability to flood risk.

The Application has been considered against LDP policies relating specifically to HMOs and to good design and placemaking with regards to the compatibility of the use to this location and the impact of the development on the amenity of future residents of the site and its neighbours. This is discussed in further detail within the Appraisal section of this report.

The concerns relating to the lack of parking provision have been considered by the Highway Authority. The Application has been found to be acceptable in terms of its impact on the local highway network, as discussed in further detail below.

With regards to the request from Bridgend Town Council for investigations to take place of a cellar which potentially links the Application site to Newcastle Hill, it is not considered to be reasonable to request such investigative works of the Applicant in relation to this change of use Application.

REPRESENTATIONS RECEIVED

6 Park Street - I have just read through the proposed changes to the property that is situated opposite my salon and from my understanding they are only wanting to change the short term lets on the ground floor from a maximum of 31 days to unlimited, is this correct that this is the only change as there is already a HMO in the upstairs of the property. I also noted that the council frequently use the property for people that require housing, can you confirm whether or not the people that will be requiring housing going forward, will be just released from Prison that have No Fixed Abode and will be placed there.

If that information that has been passed to me is False, what type of people will be placed there? I ask this as the Anti Social Issues with Alcoholics and Drug Users Loitering Outside on the benches and the old Chapel at the bottom of newcastle hill have increased tenfold this past year and with that it becomes a Security and Safety Issue with my Business i work so hard to keep afloat.

RESPONSE TO REPRESENTATIONS RECEIVED

The first floor of the property is currently used as a HMO and the Application is submitted retrospectively in order to regularise this. The Applicant has confirmed that rooms are advertised using a local estate agent and potential tenants are vetted before they are granted a tenancy. The Applicant has suggested that it is in their best interests to ensure that tenants will not cause any issues, as they operate the site themselves, along with the short-term lets (Air bnb's) on the ground floor. South Wales Police confirm that they have no objection to the Application, whilst also confirming that they have received no complaints relating to the site or its tenants.

RELEVANT POLICIES

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

Policy SF1	Settlement Hierarchy and Urban Management
Policy SP1	Regeneration and Sustainable Growth Strategy
Policy SP3	Design and Sustainable Place Making
Policy SP6	Sustainable Housing Strategy
Policy COM7	Houses in Multiple Occupation
Policy SP18	Conservation of the Historic Environment
Policy PLA11	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 12****Planning Policy Wales Technical Advice Note (TAN) 12 – Design****Planning Policy Wales Technical Advice Note (TAN) 15 – Development and Flood Risk****Planning Policy Wales Technical Advice Note (TAN) 24 – The Historic Environment****WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015**

The Well-being of Future Generations (Wales) 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 concerns of the Local Ward Members and the Town Council.

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, its impact on the Conservation Area, residential amenity as well as its potential impact on highway safety and flood risk considerations.

PRINCIPLE OF DEVELOPMENT

The site is located within the Primary Key Settlement of Bridgend on the edge of the town centre as defined by Policy SF1 Settlement Hierarchy and Urban Management of the Bridgend Local Development Plan (LDP) adopted in 2024. Policy SF1 states that

development will be permitted within the settlement boundaries at a scale that reflects the role and function of the settlement.

Policy SP6 Sustainable Housing Strategy notes that the LDP makes provision for 8,628 homes to promote the creation and enhancement of sustainable communities and meet the housing requirement of 7,575 homes for the Plan period, of which, 1,711 of these homes will be affordable. Development will be distributed in accordance with Strategic Policy SP1, based on the Sustainable Housing Strategy that will amongst other outcomes – ‘*Support windfall residential development at appropriate sites within the settlement, focussing on the re-use of previously developed land*’. This strategic policy recognises the benefits of new residential development, including the reconfiguration of existing buildings and the re-use of vacant or under-utilised land.

The proposed site would classify as an appropriate site under Policy SP6 which makes an important contribution to the overall housing supply and introduces an important element of choice and flexibility into the housing market. Policy SP6 of the LDP and PPW 12 effectively supports the use of suitable sites for housing development as it can assist regeneration and at the same time relieve pressure for development on greenfield sites.

Policy COM6 Residential Density states that development must seek to create mixed, socially inclusive, sustainable communities by providing a range of house types and sizes to meet the needs of residents at an efficient and appropriate density. The policy notes that new housing developments must make the most efficient use of land in accordance with sustainable, placemaking principles and that good design must be utilised to maximise the density of development without compromising the quality of the living conditions provided, whilst making adequate provision for privacy and space around dwellings.

The proposed HMO would provide a centrally located and sustainable house type located immediately adjacent to Bridgend town centre. It would utilise an existing building which has consent to be used for short-term accommodation. The first floor of the building includes seven bedrooms and communal living spaces for up to seven occupants, who also have access to additional communal facilities on the ground floor. All habitable rooms would benefit from natural light, ventilation, and a means of outlook onto Park Street or the public spaces surrounding the building. For these reasons, the proposed HMO is considered to meet Policy COM6 of the LDP.

The key policy relevant to this Application is Policy COM7 Houses in Multiple Occupation where it notes: ‘*Proposals to convert an existing building into a House in Multiple Occupation (HMO), bedsits or other forms of shared housing will only be permitted within defined settlement boundaries if:*

- 1) It would not lead to more than 10% of all residential properties within a 50m radius of the proposal being HMOs;*
- 2) Conversion is possible without major extensions or alterations to the building which would significantly alter the character and appearance of the street scene and the broader locality;*
- 3) The scale and intensity of use would be compatible with the existing building and adjoining and nearby uses;*
- 4) the proposal incorporates on-site parking provision or demonstrates that it will not have an adverse effect on local parking provision;*
- 5) the proposal includes adequate storage for recycling/refuse, cycles and a clothes drying area; and*
- 6) The proposed development would not have an unacceptable adverse impact on residential amenity.*

In all other respects development will be expected to meet the relevant requirements set out in other LDP policies.'

In terms of the above criteria, it is noted:

- 1) A search of Shared Regulatory Services Licensed HMO records, review of approved planning consents and an inspection of the surrounding area has identified only two HMOs located within 50m of the Application property. These are:
 - the 6-bedroom HMO at No. 12 Park Street (approved 20/01/2017 – P/16/861/FUL)
 - the 6-bedroom HMO at No. 14 Park Street (approved 10/05/2024 – P/23/753/FUL).

It should be noted that this policy applies to residential accommodation which provides shared housing only. Self-contained flats are not included as part of this assessment.

It is calculated that there are 28 properties within a 50m radius of the Application site. Therefore 2.8 HMOs would be permitted by the LDP criteria. The current proposal would result in three HMOs within the 50m radius. The proposal would result in a marginal exceedance of the 10% figure. As a building cannot be divided into 0.8 of a property, it is considered logical and pragmatic to allow the 10% figure to be exceeded by a marginal amount, to the nearest whole property, allowing a total of 3 HMO properties as opposed to 2.8 within the 50m radius. On balance, the proposal is considered to be compliant with criterion 1) of Policy COM7.

- 2) The proposal will not require, and does not include, any major extensions or alterations.
- 3) The scale and intensity of use is the same as the existing use which is for a 7-bedroom short-term lets with communal facilities. The proposed use would result in a lower turnover of tenants as compared with the existing use, allowing for greater stability and less disturbance for future residents of the property and neighbouring residents.
- 4) The property does not benefit from any designated car parking area. The property is located in a sustainable location in close proximity to the town centre, public transport hubs and other facilities. Cycle parking facilities are proposed to be provided at the front of the building. The Highways Officer has confirmed that they have no objection to the Application on grounds of parking provision or sustainability.
- 5) The proposal provides for waste and recycling storage at the side of the building, alongside cycle parking to the front. The proposal provides internal areas for the washing and drying of clothes on the ground floor of the building.
- 6) The proposed HMO is not expected to have any unacceptable impacts on residential amenity. Nor would it be anticipated that the proximity of other shared residential accommodation to the Application site would give rise to any increased adverse impact on amenity.

Accordingly, and for the above reasons, the proposal is considered to meet the criteria of Policy COM7 of the LDP.

On balance, it is considered that, in principle, the development accords with Strategic Policy SP6 and Policies COM6 and COM7 of the Bridgend LDP. Subject to satisfying all other policy requirements, the proposed development is acceptable in land use planning terms and accords with the Bridgend Local Development Plan (2024).

RESIDENTIAL AMENITY

Policy SP3 of the LDP criterion (k) states '*Applications for new development should ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected.*'

Overbearing / overshadowing and overlooking impact

The proposal involves no external alterations to the building and the change of use relates to a change between two residential uses. The proposed change of use would have no additional impact on the privacy or amenity of neighbouring residents. As such there are considered to be no issues in terms of overshadowing, overbearing or overlooking over and above what already exists on site.

Noise

Policy SP2 Criterion (g) also states that new development should '*Avoid or minimise noise, air, and soil and water pollution*'.

In terms of the likely impacts on neighbouring residential amenity, it is considered that the proposed use of the premises as a small HMO would not unreasonably compromise the level of amenity that is currently enjoyed and can be reasonably expected in such a locality. It is also considered that the level of activity and other likely effects of the use would not significantly exceed what was previously experienced as compared to the existing use of the building for short-term accommodation. South Wales Police have confirmed that they have not received any complaints relating to the property or its tenants, which has been in use as short-term lets/a HMO since 2021.

Any issues relating to noise from future residents of the property would be a matter for Shared Regulatory Services - Public Protection Officers to investigate under their legislation.

Amenity of future occupiers

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

With regard to outdoor amenity space, the Application site does not provide any private amenity space. An area of pedestrianised public space does sit to the front of the building, whilst the amenities of Bridgend town centre and Newbridge Fields are situated a short walk away. On balance, the proposal is considered to be acceptable in this regard.

Bin storage and cycle storage

An existing area for bin storage is located at the side of the building. The property does not currently benefit from any cycle parking, however, the submitted site plan seeks to provide cycle parking stands to the front of the building. A condition has been imposed to ensure suitable cycle storage is available for the future residents of the property.

On balance, it is considered that the proposed change of use is acceptable and will not have any significant adverse impacts on existing neighbouring properties or amenities. As such, there are no justifiable grounds to refuse planning permission on residential amenity grounds, having particular regard to the fact that if any such issues arise in the future, these can be addressed by the Environmental Health Section under their statutory nuisance powers. The development, therefore, accords with Policy SP3 and DNP9 of the Bridgend Local Development Plan (2024)

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 building offers no designated off-street parking with no on-site parking provision proposed as part of the scheme. The site does benefit from being in a highly sustainable location in close proximity to the town centre where a number of public car parks and public transport hubs are situated within easy walking distance. The site has good access to retail and public services provided within the town centre. As such, car ownership levels are likely to be low, with visitors able to use the public car parks in the vicinity of the site.

In terms of promoting active travel for future residents the Highway Authority has requested a condition for cycle parking provision at the site.

Accordingly, whilst the site is situated within a pedestrianised area and surrounding streets are fully subscribed with regard on-street parking, it would be unlikely that an objection based on parking could be sustained given the sustainable location of the site and the fallback position of the property in planning terms. As such the Highway Authority has confirmed that they have no objection to the proposal.

FLOOD RISK

Technical Advice Note (TAN) 15 provides guidance in relation to development and flooding, to supplement the policy set out within Planning Policy Wales (PPW). The aim of the framework is to direct new development away from areas which are at a high risk of flooding while defining the vulnerability of uses and requiring justification for the siting of more vulnerable uses in areas of higher risk.

The Natural Resources Wales (NRW) Flood Risk Map confirms that the Application site is situated within Zone C1 of the Development Advice Maps. The site is identified as being at risk of flooding. As the proposal seeks to change the use of the first floor of the site from Use Class C6 (a highly vulnerable, residential use) to a residential use within sui generis, NRW have no objection to the Application.

A residential use was granted consent at the site following the submission of up-to-date modelling data of the River Ogwr (undertaken in 2020) which supersedes the 2016 model data provided by NRW. The area of town centre which is protected by the flood defences includes the Application site which, according to the most up to date model, is protected against the 1 in 100 year event.

There remains however, areas of the town centre which would be liable to flooding within the 1 in 1000 year event. The updated modelling work which was carried out centred around the 5 weirs which are situated within the River Ogwr in Bridgend. The modelling confirmed that by removing 1 of the 5 weirs (Weir 1), it would have a significant effect in further reducing flood risk in the 1 in 1000 year event. These are works which the Council is intending on undertaking in order to further protect the town centre against the most extreme flood events.

Paragraph A1.14 of TAN15 advises that *development should be designed to be flood free during the 1% fluvial flood (i.e. that fluvial flood with a 100 to 1 chance of occurring in any year)*. As the updated model confirms that the Application site is protected by flood defences for the 1 in 100 year event, the proposal is considered to be compliant with Paragraph A1.14 of TAN15.

As the building already benefits from consent for a residential use, the vulnerability of the proposed use would not change as a result of the development. On balance, the

Application is deemed to be acceptable in this regard. The developer has been made aware of the potential flood risks and is advised to implement flood-proofing measures/plans as part of the works as well as to sign up to the NRW flood warning scheme.

IMPACT ON THE CONSERVATION AREA

The site is located within the Conservation Area of Newcastle Hill as defined by Policy SP18(5) Conservation of the Historic Environment of the LDP. Policy SP18 states that development should conserve, preserve or enhance the built and historic environment of the County Borough and its setting. Development proposals will only be permitted where it can be demonstrated that they will not have a significant adverse impact.

The proposed development does not seek to make any external changes to the building, other than the provision of cycle parking to the front of the property, with the change of use impacting on the existing space within the property. As a result, the visual impact of the development will be limited. The proposal is considered to have no impact on the qualities of the Conservation Area and is therefore considered to be acceptable in this regard.

ARCHAEOLOGICALLY SENSITIVE AREA

The site is located within an Archaeological Sensitive Area of Bridgend as defined by Policy SP18(3) of the LDP. The proposed development seeks the change of use of the property with no external / underground works proposed as part of the Application. The Glamorgan Gwent Archaeological Trust (the archaeological advisers to the Authority) has not commented on the submission nor recommended any requirement for mitigation and it is therefore considered that there will be no adverse impacts on any heritage asset.

CONCLUSION

On balance, and having due regard to the objections and concerns raised, the proposed development, subject to the imposition of conditions, complies with Council policy and guidelines and does not adversely affect the character of the conservation area, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities, particularly with regard to the fear of anti-social behaviour or possible crime, as to warrant refusal on those grounds.

The scheme also raises no adverse biodiversity concerns. Any issues relating to the poor management of HMOs are resolved through the separate licensing regime and legislation and not through the planning system.

As such, it is considered that the development is acceptable and complies with Policies SP3, SP5, SP6, SP17, SP18, SF1, PLA11, COM6, COM7, DNP6 and DN9 of the Bridgend Local Development Plan (2024).

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 First Floor Plan (received 23rd January 2024)
 - Proposed Ground Floor / Site Plan (received 10th June 2024)

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

2. A scheme for the provision of 4 internal cycle parking spaces shall be submitted to the

Local Planning Authority for approval. The agreed scheme shall be implemented within 3 months of the date of this consent and retained thereafter in perpetuity.

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

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

a. On balance and having due regard to the objections and concerns raised, the proposed development, subject to the imposition of conditions, complies with Council policy and guidelines and does not adversely affect the character of the conservation area, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities, particularly with regard to the fear of anti-social behaviour or possible crime, as to warrant refusal on those grounds.

The scheme also raises no adverse biodiversity concerns. Any issues relating to the poor management of HMOs are resolved through the separate licensing regime and legislation and not through the planning system. As such, it is considered that the development is acceptable and complies with Policies SP3, SP5, SP6, SP17, SP18, SF1, PLA11, COM6, COM7, DNP6 and DN9 of the Bridgend Local Development Plan (2024).

b. The developer will need to consider a safe means of access/egress/refuge for occupants during a flood event and develop an emergency plan which should include flood warning notices to be positioned throughout the building to ensure that future owners and/or occupiers are aware that the site is at risk of flooding.

c. Owners/Occupiers should consider utilising the Natural Resources Wales flood warning scheme on 0345 988 1188 or on line at <https://naturalresources.wales/flooding/sign-up-to-receive-flood-warnings/?lang=en>

d. Prior to carrying out any works in the highway (installation of cycle parking), details must be agreed with the Highway Maintenance Manager. You should contact the highway maintenance inspector for the area, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None.

REFERENCE: P/23/148/FUL

APPLICANT: Nathaniel Car Sales Ltd David Street, Bridgend Industrial Estate, Bridgend, CF31 3SA

LOCATION: Land at Parc Crescent & Brocastle Avenue Waterton Bridgend CF31 3XU

PROPOSAL: Erection of a building for vehicle preparation, maintenance, and MOT testing (Class B2/B8) and associated offices, external storage yard, loading and unloading areas, parking, vehicle wash, landscaping, re-grading, and associated works

RECEIVED: 1 March 2023

APPLICATION SITE/DESCRIPTION OF DEVELOPMENT

Mango Planning & Development Limited have submitted an application on behalf of Nathaniel Car Sales Ltd to develop a greenfield site on the south-eastern corner of Waterton Industrial Estate to be used as vehicle preparation, maintenance and MOT testing centre. To facilitate the proposed use, it will be necessary to remove dense scrub on the northern site boundary and part of the woodland to the east. The land will be regraded to provide a development plateau upon which will be erected a new 833 sq.m building that will be used for vehicle inspection, preparation, cleaning, maintenance, servicing, and MOT testing. The building will include four service bays, two open bays, stores offices and staff facilities including showers. A small mezzanine space is included for storage.

To the north-west of the building will be an area for the charging of seven vehicles, a cycle store and bin store. A further nineteen car spaces are provided for staff and visitor parking to the south-west of the building. Adjacent to the building will be an enclosed jet car wash facility, which will utilise recycled water. To the east and north-east of the building the regraded land will be laid to gravel to provide secure storage for vehicles. An extract of the revised layout plan is reproduced below:



Figure 1 - Site Layout Plan

The Application site is situated on Waterton Industrial Estate, but immediately adjacent to the boundary with the Vale of Glamorgan and less than 30m from the curtilage of the nearest residential property in the village of Treoes, which is south-east of the site and separated by an area of broad-leaved woodland. To the north of the site are existing manufacturing and storage operations, whilst the land to the south-west is used for open caravan storage – See Figure 2 below.



Figure 2 – Site Location Plan

The access arrangements as amended will comprise a single access/egress arrangement to the site to form a new arm off the existing Brocastle Avenue/Parc Crescent roundabout junction. This replaces the ‘in-out’ arrangement that was part of the original planning submission.

The site is situated in the flood plain under both the current TAN15 Development Advice Map (DAM) and the Flood Map for Planning (FMP), although in the updated mapping the site falls largely out of Zone 3 into Zone 2.

The planning statement provides some background to the Applicant company which is an established car sales business operating from its head office on Bridgend Industrial Estate. The statement indicates that a growing segment of the company’s business is the sale of new electric vehicles. In support of their goal of achieving net zero, UK and Welsh Government have committed to transitioning the car sector to electric vehicles, with the sale of new non-electric cars expected to end in 2030. To support this objective Nathaniel Cars needs to invest in new and separate facilities to allow for the preparation and maintenance of electric vehicles.

Vehicles will be delivered to the site by transporter where they will be off-loaded and inspected before being moved to the yard for short term storage. Stored vehicles will then be moved to the workshop for pre-sale preparation and cleaning.

The new facility will create approximately 15 full time jobs and 5 part time jobs, which will be recruited locally.

The Application has been supported by the following technical reports:

- Flood Consequences Assessment by JBA.
- Noise Report and Updated Noise Report by Hunter Acoustics.
- Green Infrastructure Statement and Preliminary Ecological Appraisal, Woodland Habitat Management & Soft Landscape Plan by Soltys Brewster.
- Transport Statement by Corun Highway Engineering.
- Surface Water Drainage Statement by WLS.
- Foul Water Drainage Statement by WLS; and
- Tree Report by ArbTS.

RELEVANT HISTORY

P/09/937/FUL – Extension to Existing Industrial Unit at TB Davies Ltd – Waterton House – Brocastle Avenue on Waterton Industrial Estate. Conditional consent was issued on 14 June 2010.

P/16/376/RLX – Relaxation of condition 9 of P/09/937/FUL to control operations outside the approved building, (including deliveries to and from site). This was consented subject to such activities taking place between the following hours: Monday to Friday: 07:30 hours to 18:00 hours; Saturday: 07:30 hours to 14:00 hours and not at any time on Sundays or Bank/Public Holidays.

PUBLICITY

The Application has been advertised on site.

Neighbours have been notified of the receipt of the Application.

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

CONSULTATION RESPONSES

CONSULTEE	COMMENTS
Coychurch Lower Community Council	No comments received.
Highways	No objections subject to conditions.
Land Drainage Section	No objections subject to conditions.
Destination and Countryside Management	No objection subject to conditions.
Natural Resources Wales	No objections subject to conditions.
Dwr Cymru Welsh Water	No objections subject to conditions.
SRS Neighbourhood Services	No objection subject to conditions.

SRS Environment

No objection subject to conditions.

Vale of Glamorgan Council

The Vale of Glamorgan LPA do not object to the development and have provided the attached observations for the Council's consideration:

'The development site is approximately 46 metres from the nearest residential property within the village of Treoes. There is no direct access from Treoes to the industrial estate where the site is located with a tree buffer between the site and neighbouring properties.

The site itself has limited visibility from the Vale of Glamorgan and, given the scale of the proposal and distance to public vantage points, it is considered that the use and visual impact of the structure on the Vale of Glamorgan would be limited.

In terms of highway impacts, the proposal will no doubt result in additional trip generation, however these would be contained largely within the Bridgend CBC area and as such would have negligible impact on the Vale of Glamorgan Road network. Consideration of the localised highway safety matters in respect of the intensified use would be a matter for Bridgend CBC to consider.

It is noted that the site is located within a C2 flood zone, and a preliminary ecological appraisal has been undertaken. The LPA would defer to the comments on Natural Resources Wales in respect of these matters.

In respect of any potential noise from the site, the nearest property in the Vale of Glamorgan lies approximately 46 metres from the site. It is noted that the wider site is of an industrial/business park nature however careful consideration should be given to bringing a noise generating use closer to residential properties. I note these properties have been considered as part of the submitted noise assessment which is welcome. Subject to the Shared Regulatory Services finding the conclusions of the assessment acceptable, we would request that noise generating activities on the site are controlled by condition and the suggested operating hours of

0700-1800 Monday to Friday, 0700-1400 on Saturday and 0800 to 1200 on Sunday are adhered to.

Subject to concerns relating to noise being adequately mitigated, the Vale of Glamorgan Council has no further comment on the proposal.'

REPRESENTATIONS RECEIVED

Letters of notification have been sent in respect of the original planning submission and amended plans. Objections have been received from the occupiers of the following properties:

- Rhoslanog
- Cae Ffynnon
- Gwyndy
- Summerfield*
- 13 Yr Efail
- Storewithus
- Foxwood
- Community Councillor Paula Wilson

(* Public Speaker)

The following is a summary of the objections received:

- **Further encroachment on village** - encroachment onto green space which separates Treoes from the industrial estate; the land is very close to housing located at Parc Newydd resulting in an increase in noise and light pollution – the development is contrary to Strategic Policy SP2
- **Noise** – cumulative impacts with other businesses on quiet residential area; noise assessment indicates that “...*new vehicle preparation compound may contain intermittent and impulsive noise events due to the type of activities proposed (pressure washing, valeting and loading/unloading of vehicles)*”. This is likely to be very disruptive, particularly during the summer when windows are fully open; noise assessment is flawed in this regard; Policy ENV7 of the LDP indicates that development proposals will only be permitted where they would not affect health and amenity. This policy would clearly be breached by introducing such a use at this location. More concerning that the site is proposed to be operated on a weekend, when usually residents would get some respite from such noise. Development is totally out of character for the area, that it should be located elsewhere.
- **Light Pollution** - light spillage already impacts villagers as a result of businesses using lighting throughout the night as a means of security; with housing within 49m and no significant barrier to light pollution planned.
- **Impact on ecology** – loss of habitat for wildlife – the area is well known for roosting bats
- **Additional traffic through village** – traffic directed through the village by sat nav or Google Maps - would undoubtedly increase the cut through traffic and put pedestrians and children in the village in more danger due to increased road
- **Flood zone** - this area of land falls within C2 flood zone, it is naturally boggy that it remains wet even in the driest of summers. Concerned re increased flood risk to housing close by.
- **Pollution from commercial operations** could affect the surrounding environment - proposed drainage is inadequate – no mention of interceptor pits – foul sewerage system cannot accommodate further discharge – problems of surcharge in the village.
- **Alternatives** - have alternative locations on the existing industrial estates been considered? There is sufficient land for building works located on the Bridgend Industrial Estate without the need to further encroach on local housing.

Llangan Community Council have also submitted objections to the proposal which are

summarised below:

Loss of Amenity:

Light - there is already significant light spillage impacting on villagers as a result of businesses using lighting throughout the night as a means of security rather than trigger lighting per BCBC planning conditions. We are deeply concerned that no lighting plan has been submitted for this application.

Noise - All businesses immediately connecting to the village are quieter container and/or caravan storage areas. We feel the proposed development is totally out of character for the area, that it should be located elsewhere on another more appropriate industrial estate, away from housing. We cannot accept the assumption that noise from pressure washers, machinery and large vehicles entering/departing/unloading up to 8 times per day will have little or no impact on Treoes villagers. It is also our opinion the noise assessment report provided is grossly inaccurate. Professional readings were taken when wind was in northerly direction when predominant wind is westerly. We would request SRS to investigate further.

Hours of operation - All other businesses in the immediate area are heavily conditioned for weekend and holiday periods, to protect the amenity of villagers. We must strongly object to any consideration being given to working any Sunday or any holiday period. To protect amenity.

Other concerns / observations

Access from roundabout - serious concerns regarding the viability to access the site safely.

Flood zone / loss of natural habitat - deeply concerned re increased flood risk to housing close by, drainage implications and, importantly, how wastewater from this proposed development will be precisely dealt with. Bats - this area is well known for roosting bats, although this has not been highlighted by any agency so far. Everyone seems to have forgotten there is a bat order on one of the houses immediate to this development.

The owners of **Storewithus**, an adjacent business have no objection in principle to the development but offered concerns regarding the entrance/exit of the development and its implications for customers and other road users. Concerns that due to the lack of space within the site for turning that they will opt for unloading from the roundabout causing many problems for vehicles entering the roundabout and safety issues for all those present on the roundabout.

RESPONSE TO REPRESENTATIONS RECEIVED

As many of the objections and concerns offered by residents, the community council and the owners of the adjoining business align with the main considerations, they will be considered in the appraisal section of the report. The Applicant's agent did however provide a response to the objections received from Llangan Community Council which is reproduced below:

- *We would expect a lighting plan to be conditioned. The lighting design will ensure no spillage into the ecological buffer area and the residential areas beyond.*
- *The noise assessment surveys were undertaken with the wind predominantly in the prevailing westerly direction. The criticism of the survey and its findings are unfounded.*
- *As the submitted noise assessment states, the compound is to operate during the daytime period only between 0700-1800hrs Monday to Saturday and occasionally Sundays between the same hours. Such activity hours are shown to be acceptable in the noise survey.*
- *The submitted drawings have been checked and are to scale. The drawings are based on a topographical survey and show a 6-axle max legal articulated vehicle of 16.5m in length.*
- *Flood modelling has been undertaken and accepted by NRW. No risk of flooding to*

housing arises.

- *Foul water will connect to the adopted sewer that crosses the site.*
- *Bats have been assessed in the submitted Ecological Assessment that has been accepted by NRW.*

RELEVANT POLICIES

Local Policies

The Development Plan for the area comprises the Bridgend Local Development Plan 2018-2033, and within which the following policies are of relevance:

Policy SF1	Settlement Hierarchy and Urban Management
Policy SP1	Regeneration and Sustainable Growth Strategy
Policy SP3	Good Design and Sustainable Place Making
Policy SP4	Mitigating the Impact of Climate Change
Policy SP5	Sustainable Transport and Accessibility
Policy PLA11	Parking Standards
Policy PLA12	Active Travel
Policy SP10	Infrastructure
Policy ENT1	Employment Allocations – 8) Waterton Industrial Estate 10ha (B1, B2,B8)
Policy ENT2	Protection of Employment Sites - 8) Waterton Industrial Estate (B1 B2 B8)
Policy ENT12	Development in Mineral Safeguarding Zones
Policy SP17	Conservation and Enhancement of the Natural Environment
Policy DNP6	Biodiversity, Ecological Networks, Habitats and Species
Policy DNP7	Trees, Hedgerows and Development
Policy DNP8	Green Infrastructure
Policy DNP9	Natural Resource Protection and Public Health

The Council has also produced the following Supplementary Planning Guidance (**SPG**) which is relevant to this proposal: -

SPG07: Trees and Development

SPG08: Residential Development

SPG17: Parking Standards

SPG19: Biodiversity and Development

National Policies

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

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

Future Wales – the National Plan 2040

Planning Policy Wales Edition 12

Planning Policy Wales TAN 5 Nature Conservation and Planning

Planning Policy Wales TAN 11 Noise

Planning Policy Wales TAN 12 Design

Planning Policy Wales TAN 15 Development and Flood Risk

Planning Policy Wales TAN 18 Transport

Planning Policy Wales TAN 23 Economic Development

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

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

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

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

THE SOCIO-ECONOMIC DUTY

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

APPRAISAL

This Application is referred to the Development Control Committee for determination in response to the objections received from residents and Llangan Community Council.

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

- Whether the principle of developing this site in the manner proposed is in accord with the policies of the Replacement Bridgend Local Development Plan (2024)
- The availability of active travel provision to serve future users, the effects on the surrounding highway network and whether the proposed access, parking and turning facilities are acceptable. (cross-reference Policies SP2, SP3 and PLA11)
- Whether the proposed development will have any adverse impact on the living conditions of existing residents in the community of Treoes with regard to pollution, (noise lighting and air), and to what extent could any impacts be mitigated through planning controls
- The acceptability of the design/layout of the development on the character and appearance of the area with specific reference to biodiversity interests.
- The effect of the development on the existing site drainage systems and whether a sustainable drainage system can be incorporated into development to enable the management of surface water

Whether the principle of developing this site in the manner proposed is in accord with the policies of the Replacement Bridgend Local Development Plan (2024)

The site is located within the primary key settlement of Bridgend as defined by Policy SF1 Settlement Hierarchy and Urban Management of the Replacement Bridgend Local Development Plan (**LDP**) adopted in 2024. The site is also located in the Bridgend Sustainable Growth Area as defined by Policy SP1: Regeneration and Sustainable Growth Strategy, which is a key area where regeneration and sustainable development will be focused.

The Application site is allocated and protected for employment purposes (B1, B2 & B8) by LDP Policies ENT 1 (8) and ENT 2 (8). The proposal is for the erection of a building for vehicle preparation, maintenance and MOT testing, which falls within B2/B8 use and is therefore in accordance with Policy ENT1 of the LDP.

Policy SP5 Sustainable Transport and Accessibility of the LDP states that development must be located and designed in a way that minimises the need to travel, reduces dependency on the private car and enables sustainable access to employment, education, local services and community facilities. Developments will be expected, where the Council deems the potential transport implications significant, to produce a comprehensive Transport Assessment and Travel Plan. These must consider all modes of transport in line with the transport hierarchy and develop a strategy to reduce traffic demand and mitigate transportation impacts caused by the proposal. Such a document has accompanied this Application and has been considered by officers of the Highway's Section. This will be discussed in the following sections of this report.

Safeguarding and enhancing biodiversity and green infrastructure network is a requirement of Policy SP3 and a means of ensuring that a development scheme contributes to creating high quality, attractive, sustainable places that support active and healthy lives whilst enhancing the community in which it is located by having full regard to the natural environment. Recognising that the County Borough has a rich and varied biodiversity with a broad range of species, habitats and unique, rich landscapes, Policy SP17 indicates that development proposals should not be permitted where they will have an adverse impact on the Borough's biodiversity and habitats.

Policy DNP8 Green Infrastructure states that development proposals will be required to integrate, protect and maintain existing green infrastructure assets and to enhance the extent, quality, connectivity and multi-functionality of the green infrastructure network. Where the loss or damage of existing green infrastructure is unavoidable, appropriate mitigation and compensation will be required. On 18 October 2023, the Minister for Climate Change announced, with immediate effect, changes to Chapter 6 of Planning Policy Wales (**PPW**). Those changes have now been incorporated into PPW12. Paragraph 6.2.12 of PPW12 requires a green infrastructure statement (GIS) to be submitted with all planning applications. Whilst this change in policy post-dated the submission of this Application, a Green Infrastructure Assessment has accompanied the Application and has informed the proposed layout. The impacts and proposed mitigation and enhancement works will be considered later in this report.

Policy SP3 Good Design and Sustainable Placemaking states that all development must contribute to creating high quality, attractive, sustainable places that support active and healthy lives and enhance the community in which they are located, whilst having regard to the natural, historic and built environment, by:

1. Demonstrating alignment with the principles of Good Design; and
2. Demonstrating a Sustainable Placemaking approach to their siting, design, construction and operation.

The requirements of this policy will be considered in the following sections of this report.

Many of the objectors have suggested that the development of this greenfield site represents a further encroachment on the village of Treoes with the consequential pollution impacts and losses of amenity. Residents have suggested that alternative sites on other industrial estates should be considered. The impacts with regard to noise, lighting, will be considered in the following sections of the report but the principle of this land being developed for the uses proposed is acceptable on land that has been allocated for employment development

over many years and which has been taken forward again in the latest development plan.

There is no requirement to consider alternative sites as part of the application process. The Council is required to determine the suitability of this site for the proposed development.

Having regard to the policy framework within the Replacement Bridgend Local Development Plan, the principle of developing this site in the manner proposed is considered acceptable.

The availability of active travel provision to serve future users, the effects on the surrounding highway network and whether the proposed access, parking and turning facilities are acceptable. (cross-reference Policies SP2, SP3 and PLA11)

A key objective of Planning Policy Wales – Edition 12 is to ensure that new development is located and designed in a way which minimises the need to travel, reduces dependency on the private car and enables sustainable access to employment, local services and community facilities. This will be achieved through integrating development with sustainable transport infrastructure and designing schemes in a way which maximises provision and use of sustainable forms of travel, including prioritising these modes over the private car. Delivering this objective will make an important contribution to decarbonisation, improving air quality, increasing physical activity and realising the goals of the Well-being of Future Generations (Wales) Act 2015. Paragraph 4.1.10 of PPW confirms that the planning system has a key role to play by facilitating developments which:

- are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car
- are designed in a way which integrates them with existing land uses and neighbourhoods; and
- make it possible for all short journeys within and beyond the development to be easily made by walking and cycling.

Development proposals must seek to maximise accessibility by walking, cycling and public transport, by prioritising the provision of appropriate on-site infrastructure and, where necessary, mitigating transport impacts through the provision of off-site measures, such as the development of active travel routes, bus priority infrastructure and financial support for public transport services.

Residents have suggested that the development will potentially add additional traffic through the village of Treoes to the detriment of highway safety. The occupiers of the adjoining site questioned the suitability of the access arrangements and indeed whether delivery vehicles would be able to manoeuvre within the site.

The submitted Transport Assessment (**TS**) examines the highway and transportation issues associated with the proposed development with specific reference to: (i) the existing site location and transport infrastructure (ii) analysis of personal injury traffic accident data (iii) the site's compliance with applicable transport policy (iv) the development proposal and (v) development-generated vehicular traffic.

In terms of sustainable transport, the TS notes that the site is located within a largely industrial area in the south-east of the wider Bridgend town area but is able to offer potential employees and customers a viable alternative to private car travel, with walking, cycling and multi-modal public transport options available, which will help reduce dependency on private car travel. Whilst the TS suggest that active travel by cycle is achievable, it would be on the carriageway along Brocastle Avenue which, given the likely high proportion of HGV traffic, is not really appropriate. Whilst the Integrated Networks Map (**INM**) shows proposals for a

route along Brocastle Avenue, this would not reach the site and is not currently programmed. Whilst Planning Policy Wales requires provision of suitable Active Travel routes to serve sites prior to their development, the recently adopted LDP states similar but includes the phrase “*as appropriate*”. Given the proposal is for a car dependent use, does not include any element of car sales and will employ a very limited number of staff, it is not considered that the provision of a route would be a proportionate or reasonable in this instance.

The proposed development would be anticipated to receive deliveries via an articulated car transporter lorry. Vehicular access into the site has been modified in response to concerns from officers in the Highway’s Section from an ‘in-out’ arrangement to a single point of access more akin to a standard junction on a roundabout. The proposed new access junction arrangement and internal layout of the site has been designed to allow such a vehicle to safely enter, manoeuvre and exit the site in a forward gear. Swept path analysis drawings have accompanied the design to evidence the acceptability of the arrangement.

The proposed development will provide 7 non-operational staff / visitor car parking spaces at the site. To promote EV usage, staff would also be able to utilise the external electric vehicle charging spaces provided at the site. The external electric storage compound will also provide sufficient space to cater for all non-operational parking requirements at the site. A minimum of 3 secure and covered bicycle parking stands will also be provided at the site to promote travel via this mode.

The TS confirms that the proposed development is predicted to generate a total of just 32 two-way trips over a typical 12-hour weekday period, with a maximum of just 4 two-way trips anticipated during any single hour period. During the typical highway weekday AM and PM peak hour periods (08:00 to 09:00, and 17:00 to 18:00), the proposed development is anticipated to generate a total of just 3 and 2 two-way trips respectively. This volume of anticipated trips will have a minimal impact to traffic volumes within the existing industrial estate, and wider highway network. A review of the accident record has identified no apparent existing highway safety concern in the vicinity of the site. The TS concludes that the proposed development is not expected to have an adverse impact on this existing highway safety record and that view is supported by the Highway’s Section.

The acceptability of the design/layout of the development on the character and appearance of the area with specific reference to biodiversity interests.

National policy reminds all decision makers that green infrastructure should be a key component of the natural and built environment. It plays a fundamental role in shaping places and our sense of well-being, and is intrinsic to the quality of the spaces we live, work, and play in. The planning system must maximise its contribution to the protection and provision of green infrastructure assets and networks as part of meeting society’s wider social and economic objectives, and the needs of local communities. In the new Chapter 6 of Planning Policy Wales, Authorities are advised that a green infrastructure statement should be submitted with all planning applications and this document will describe how green infrastructure has been incorporated into the proposal.

The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty). This duty applies to public authorities in the exercise of their functions in relation to Wales and will help maximise contributions to achieving the well-being goals. PPW confirms that the planning system has a key role to play in helping to reverse the decline in biodiversity and increase the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. Recognising that development needs to take place and some biodiversity may be impacted, the planning system should ensure that overall, there is a net benefit for biodiversity and ecosystem resilience, resulting in enhanced well-being. Development proposals must consider the need to:

- support the maintenance and enhancement of biodiversity and the resilience of ecosystems.
- ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats, including the most recent targets set out in the 2022 UN Global Biodiversity Framework
- ensure statutorily and non-statutorily designated sites and habitats are properly protected and managed and their role at the heart of resilient ecological networks is safeguarded.
- safeguard protected species and species of principal importance and existing biodiversity assets from direct, indirect, or cumulative adverse impacts that affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water, air, and soil, including peat; and
- secure the maintenance and enhancement of ecosystem resilience and resilient ecological networks by improving diversity, extent, condition, and connectivity.

Paragraph 6.4.5 of PPW states that a net benefit for biodiversity is the concept that development should leave biodiversity and the resilience of ecosystems in a significantly better state than before, through securing immediate and long-term, measurable, and demonstrable benefit, primarily on or immediately adjacent to the site.

At a local level, Policy SP3 of the adopted Local Development Plan (2024) requires development to safeguard and enhance biodiversity, and provide integrated multi-functional green infrastructure networks.

Policy DNP6 states *“All development proposals must provide a net benefit for biodiversity and improved ecosystem resilience, as demonstrated through planning application submissions. Features and elements of biodiversity or green infrastructure value should be retained on site, and enhanced or created wherever possible, by adopting best practice site design and green infrastructure principles. Development proposals must maintain, protect and enhance biodiversity and ecological networks / services. Importance must be given to maintaining and enhancing the connectivity of ecological networks which enable the dispersal and functioning of protected and priority species”*

Policy DNP7 states *“development that would adversely affect trees woodlands and hedgerows of public amenity or natural/cultural heritage value or provide important ecosystem will not be permitted”*. Policy DNP8 requires new development proposals to integrate, protect and maintain existing green infrastructure assets and to enhance the extent, quality, connectivity and multi functionality of the green infrastructure network

Many of the objectors have expressed concern about the removal of trees and vegetation to facilitate the development and consequential impact on habitats and wildlife.

The Green Infrastructure Statement (**GIS**) that accompanies this Application has been built on the Ecological Surveys plans, and a review of how the development Green Infrastructure (**GI**) could most appropriately enhance Placemaking, Biodiversity, adapt the site for Climate Change, contribute to the Health and Wellbeing of the users and deliver a Sustainable approach, all focusing on beneficial Multi-functional GI outcomes.

The site area was also reviewed as part of the design process and the function of the

development in contributing to the wider GI network. The site itself is connected to the local GI network, predominantly through its woodland belt, which is located on the eastern boundary of the development site. The proposed development, it is contended, aims to strengthen, reinforce, reinstate GI along the site boundaries which will contribute to the wider GI network for any future connections and developments, aligning to requirements of Policy DNP6 and the Council's SPG.

The GI Statement does acknowledge that the development will result in the removal of some 2564 sqm of existing vegetation within the site. This predominately consists of areas of sprawling scrub, mainly goat willow, but also including Hawthorn, Blackthorn, Sycamore and Elder. These groups have been classed as Category C trees within the Arboricultural Report (dated 16th February 2023). No trees have been removed from the woodland to the eastern boundary, which include Category B trees.

The green infrastructure strategy and proposed landscape design follow the stepwise approach as set out in PPW paragraph 6.4.15. The following summarises how the development GI proposals have responded to this approach.

a) Step 1: Avoid

Ecology, Landscape and Arboricultural surveys have identified the GI assets of greatest value, and these have been avoided as part of the masterplan development. This can most notably be observed in the retained woodland to the east, providing connectivity to the wider GI network locally.

b) Step 2: Minimise

The development has been minimised to limit its impact on valuable habitats. This includes incorporating development within the areas of lower ecological significance and preventing the loss of the more valuable habitats such as the Class B trees within the woodland to the east. Development within root protection areas of the woodland has been avoided to ensure the long-term health of these retained assets. The extent of tree loss is indicated on the drawing below – see black shaded areas. The red annotation is the proposed construction exclusion zone:

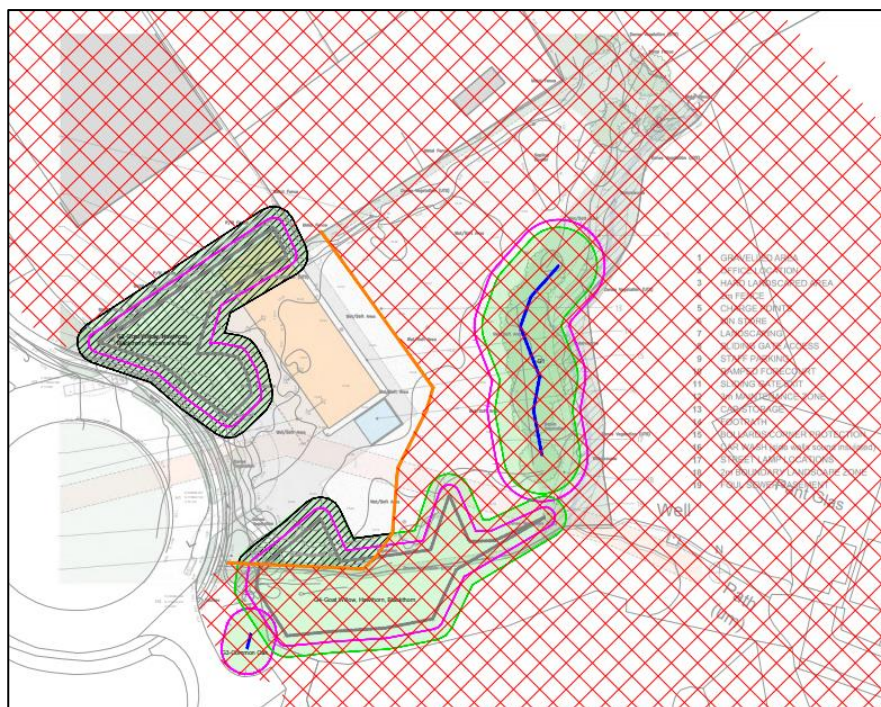


Figure 3 - Extent of Tree/Vegetation Clearance and Construction Exclusion Zone

c) Step 3 and 4: Mitigate/Compensate

Existing north-south GI corridors in the form of the existing woodland to the east will be retained and managed (as per Woodland Habitat Management Plan dated January 2024 (SBE,2024)). Existing scrub removed along the northwestern boundary will be mitigated by the introduction of a native hedgerow and shrub planting, which will strengthen and maintain east-west GI corridors. The proposed SuDS include rain gardens which will retain a degree of water run-off and encourage natural drainage in-situ on-site, as well as increasing evaporation and micro-climate benefits. A total of six bird boxes and five bat boxes will be installed on existing mature trees on the site (as specified in the Woodland Habitat Management Plan dated January 2024).

d) Step 5: Compensate (offsite)

Off-site Compensation should not be required.

e) Step 6: Long term Management

An additional benefit which can result from the proposed development could be the opportunity for the long-term management of the retained and new GI assets to secure these enhancements and their value in the long term.

The submitted Preliminary Ecological Appraisal which included an Extended Phase 1 Habitat Survey noted that the site offered suitable foraging and commuting habitat for bats. During the survey one tree was identified to have low potential to support roosting bats. This tree lies outside the site boundary within the eastern part of the woodland. Although trees that were assessed within the survey area did not have any features with potential to support roosting bats, the other areas of dense vegetation may contain features that provide suitable habitat. It is therefore advised that when clearance of dense vegetation is required, it is done so under ecological supervision. Minimising any loss of woodland to the south/south-east, as proposed by the Application will retain the suitable foraging and commuting habitat which also extends beyond the site into wider habitat. The design of the lighting will also need to reduce artificial light spill onto the retained habitat features to achieve dark corridor for bats and other nocturnal wildlife. The final details of the lighting will need to be agreed before it is installed.

Vegetation clearance has the potential to affect habitats that would be suitable to support breeding birds. Any works would need to be undertaken outside of the nesting bird season i.e., between September to February. Mitigations/enhancement for trees and scrub nesting species are referenced in the sections above. Precautionary work methods for site clearance will need to be followed to ensure that other protected species including common reptiles and dormouse are protected although the likelihood of them being encountered based on the surveys is low.

Parts of the site, including the dense scrub, could provide a resting place for otters and it is recommended by the consultant ecologist that a watching brief is undertaken during site clearance. This will be the subject of a pre-commencement planning condition.

Natural Resources Wales in their consultation response request that the conclusions and recommendations in the Preliminary Ecological Appraisal (**PEA**) are included in the conditions should the Council be minded to grant planning permission. This includes a detailed scheme for lighting.

The Council's Countryside Management Officer initially expressed concerns on the basis that the proposed site layout offered limited scope for compensation for the habitat that was to be removed. The enhancements recommended in the Preliminary Ecological Appraisal (PEA) were however supported. The soft landscaping should however be increased to include more native planting and scrub areas to be more in line with the amount they are

proposing to remove.

In response to these comments, the Applicant submitted a Woodland Management Plan which set out a programme of mitigation/enhancement works in the form of a management plan for the retained (eastern-most), portion of the woodland habitat within the Application site. Officers in the Country Management Team acknowledged that this went some way to mitigating the loss of the habitat.

National and local policy requires protected species, species of principal importance and existing biodiversity assets to be safeguarded from impacts that affect their nature conservation interests. Habitat will be lost as part of this development but, based on the submitted evidence, that will be limited. Subject to the imposition of conditions, as recommended in the Applicant's PEA, that require an ecological clerk of works to be on site for any clearance and a precautionary approach be taken for all clearance in agreement with a detailed method statement where appropriate, safeguards can be secured through the consent. Furthermore, Ecological Enhancements and Habitat Management Plan, as set out in the Green Infrastructure Statement and Woodland Management Plan, will be delivered through the development. On balance, it is considered that the proposal accords with the requirements of Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

As a point of detail, the latest landscaping plan includes a beech hedge which isn't native to this part of the UK. A condition will also be imposed requiring a revised landscaping scheme.

Whether the proposed development will have any adverse impact on the living conditions of existing residents in the community of Treoes with regard to pollution, (noise lighting and air) and to what extent could any impacts be mitigated through planning controls

Pollution may cause significant risk to human health, quality of life and residential amenity. The Policies of the new LDP Plan seek to ensure that development that would result in significantly high levels of air, noise or light pollution are appropriately located away from residential areas, other sensitive developments and areas of landscape, natural environment and heritage importance. Avoiding or minimising noise and air pollution and development not affecting the amenity of neighbouring occupiers are tests of good design and placemaking, (Policy SP3 refers).

Residents have opposed the development on the basis that noise from the proposed operations would affect their living conditions, their health and well-being, given the closeness of the site to existing properties. They submit this will add to the disturbance caused by existing businesses and that light pollution from the required security lighting would also create further issues to the nearby community.

Based on the OS Base Plans, the Application site lies some 50m west of the nearest dwelling, 'Pant Glas' which is located in the village of Treoes, with the distance being measured from the dwellinghouse to the eastern site boundary. Approximately 100m will separate the proposed workshop building from the nearest dwellinghouse.

The Noise Impact Assessment (**NIA**) which has accompanied the Application determines existing background sound levels and predicts noise levels from proposed activities based on a business operating between 07:00-18:00 hours Monday to Saturday and occasionally Sundays between the same hours. The following plan is taken from the NIA and shows the Application site in red and the nearest sound-sensitive receivers, the nearest being 'Pant Glas'.



Figure 4 - Site Plan Showing the Nearest Sound Sensitive Receptor and Measurement Location

Predicted noise levels were based on similar activities were undertaken at an existing facility, Nathaniel Car Sales in Bridgend. Additional measurements of a transporter were undertaken at the vehicle delivery site. This also consisted of external measurements of the jet wash stations and valet stations.

The Applicant's noise consultant anticipates that the noise generated by the new vehicle preparation compound may contain intermittent and impulsive noise events due to the type of activities proposed (pressure washing, valeting and loading/unloading of vehicles). The report concludes... *"An BS4142:2014+A1:2019 noise impact assessment has been carried out. The proposed activities are unlikely to be an indication of an adverse impact."*

Officers in Shared Regulatory Services note that no mitigation is offered by the developer on the basis of the comparison between the rating level (noise levels) and background level, with the chosen background levels based upon the most frequently occurring parameter for the weekday (44dB) and weekend (41dB). However, the background levels between 7am and 9am during weekdays were much lower on the Tuesday i.e., between 7-8am, 39dB and between 8 and 9am 40dB respectively. Therefore, where the noisier activities such as the power washing/valeting and unloading activities occur between these times, it is likely to cause an adverse impact at those times.

On the weekend, the proposed operating hours are 07.00-14.00 hours on Saturday and 07.00-12.00 hours on Sunday. Based on the acoustic report, the most representative background level between the proposed operating times on a Saturday is 38dBA; on a Sunday, the noise levels between 7am-10am are 31, 36 and 39dB respectively. Therefore, the difference between the rating level (noise level) and background level at the weekend is between an adverse and significant adverse impact.

Negotiations have resulted in the Applicant agreeing to restrict certain activities between 07:00 and 09:00 am weekdays and during the proposed operating hours for Saturdays and Sundays. Furthermore, this consent will only relate to the proposed uses applied for and any changes to other B2 and B8 uses will require consent and would need to be the subject of a new noise assessment. Subject to conditions that control the future use of the site, the

sound reduction measures in the building design, controls over the combined noise rating level from all operations and fixed plant, and controls over the hours of use for the site generally and for certain equipment, the development should not have an adverse impact on the living conditions in respect of noise. The tests of the Council's Policies will be met by this development.

Turning to lighting, there is a need to balance the provision of lighting to enhance safety and security to help in the prevention of crime and to allow activities to take place with the need to:

- protect the natural and historic environment including wildlife and features of the natural environment such as tranquillity
- retain dark skies where appropriate
- prevent glare and respect the amenity of neighbouring land uses; and
- reduce the carbon emissions associated with lighting.

Minimising all forms of pollution including lighting is also addressed by Policies SP3 and DNP9. Development proposals will only be permitted where it can be demonstrated that they would not cause a new, or exacerbate an existing, unacceptable risk of harm to health, biodiversity and/or local amenity.

Lighting will comprise 6m high columns at various locations within the proposed car storage compound area – see Figure 5 below:

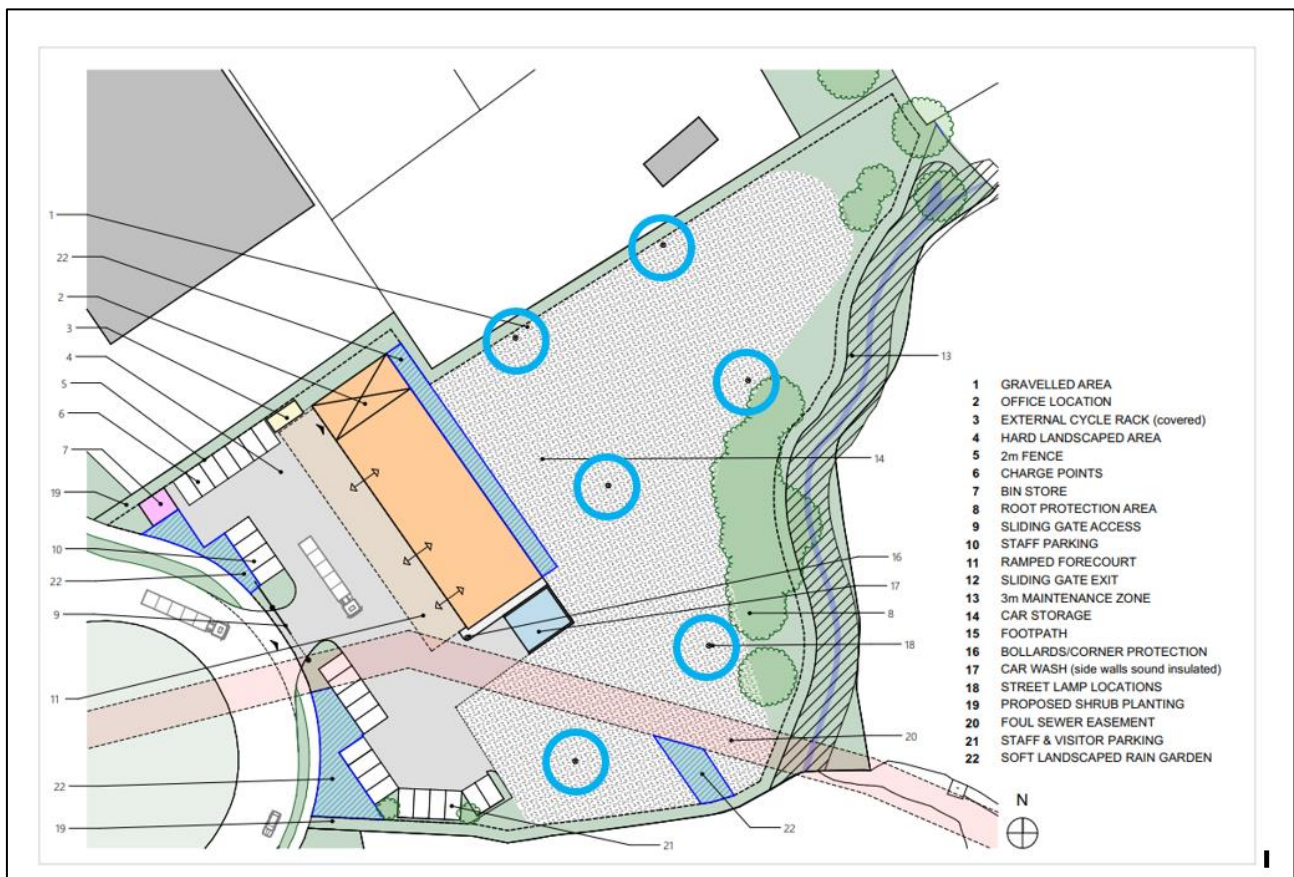


Figure 5 - Position of Lighting Columns

Additional lighting is also likely to be required around the workshop building but at this stage the final design for the lighting has not been agreed and does not form part of this submission. Although it is acknowledged that residential properties do lie relatively close to the eastern boundary of the site, it is considered that a lighting scheme can be designed to

minimise light spillage both in terms of protecting the living conditions of the residents but also ensuring that dark corridors will be provided for bats and other nocturnal wildlife within the retained habitat features along the eastern boundary of the site. A condition will be imposed requiring the submission and agreement of a comprehensive lighting scheme for the site before development commences.

To suggest that the introduction of commercial uses closer to existing properties in the village of Treoes would have no impact on amenity would be unreasonable. This greenfield site currently gives nil detriment and therefore any commercial operations would create noise above existing levels. That said, residents are already affected by established businesses on this estate. Planning seeks to achieve that careful balance of delivering commercial uses on sites allocated for such uses whilst also reasonably safeguarding the amenities and living conditions of existing residents. Subject to the imposition of planning conditions that will control operations on site both in terms of noise and lighting, that balance can be achieved, and the requirements of the regulating policies can be met. Residents of Treoes will understandably cite other operations close to the community that have not always adhered to the conditions imposed by the Local Planning Authority but that is not grounds to resist this Application. The purpose of planning conditions is to enhance the quality of development and enable this development proposal to proceed where it would otherwise have been necessary to refuse planning permission.

The effect of the development on the existing site drainage systems and whether a sustainable drainage system can be incorporated into development to enable the management of surface water

Policy DNP 9 requires that all development in flood risk areas must be supported by a Flood Consequences/Risk Assessment and incorporate any mitigation measures required to avoid or manage increased flood risk.

At a national level, Technical Advice Note 15 (**TAN-15**), provides technical guidance relating to development planning and flood risk in Wales. The initial requirements of TAN-15 are to identify the vulnerability classification(s) and flood zones relevant to the proposed development, and to apply this information to the application of the justification tests.

An update for TAN-15 was released in October 2021, and was due to come in force on 1 December 2021. However, Welsh Government have since suspended the implementation of the new TAN-15 to allow for further consideration. Although the new TAN-15 written statement is not yet a material consideration, Welsh Government and NRW advise that consideration is given to the draft Flood Map for Planning (**FMfP**) as best available information and as such is afforded considerable weight. Therefore, where a site is located in a FMfP flood risk zone it is recommended that a Flood Consequence Assessment (**FCA**) is carried out. This Application was accompanied by such a document. The supporting planning statement confirms that the development of the site and the raising of levels will have an immaterial impact on flooding elsewhere. The small risk of minor increase in flood levels on land to the north has been agreed with the affected landowner.

Residents have noted the site's location within a flood zone and are concerned that the development will displace flood water leading to the risk of flooding on adjoining land including properties within the village.

Natural Resources Wales (**NRW**) have reviewed and accepted the hydraulic model that has informed the submitted FCA which shows:

- During the 1% (1 in 100 year) plus climate change annual probability fluvial flood event, the proposed development site is predicted to be flood free. This meets the requirements of A1.14 of TAN15

- During the 0.1% (1 in 1000 year) annual probability fluvial flood event the proposed development site is predicted to flood to a typical depth of 0.17m. The flood depths are predicted to increase on the western boundary and in the north-eastern corner of the site where they are predicted to peak at a depth of 0.44m. These flood depths are within the tolerable limits of A1.15 of TAN15

NRW note that for the site to tie into the existing road levels to enable access, it is necessary to raise the site. In this post development scenario, the FCA shows:

- During the 1% (1 in 100 year) plus climate change annual probability fluvial flood event, the proposed development site is predicted to be flood free. This meets the requirements of A1.14 of TAN15
- During the 0.1% (1 in 1000 year) annual probability fluvial flood event the raised areas of the proposed development site are predicted to be predominantly flood free. The site is predicted to partially flood to approximately 0.1m in the north-west of the site, with the eastern boundary predicted to experience flood depths up to 0.5m. These flood depths are within the tolerable limits of A1.15 of TAN15.

However, as a consequence of raising the ground levels, flood water is predicted to be displaced onto land owned by third parties. A1.12 of TAN15 states there should be no increased flood risk elsewhere as the result of a proposed development, even those areas already at risk of flooding during extreme events.

The hydraulic modelling has identified that although the extent of flooding to third parties is not predicted to increase, the depth of flooding is predicted to increase by less than 0.05m during the 0.1% (1 in 1000 year) annual probability fluvial flood event. This is to an area of land already experiencing flooding. The FCA states: *“Additionally, and to provide further reassurance, Nathaniel Cars have been in consultation with the third-party landowners regarding the negligible increase in flood depths on their sites in the extreme flood event. All landowners have provided their acceptance and consent to the negligible flood impacts of the proposed development.”* It should be noted that a letter has been received from an owner of land to the north of the site accepting the impacts of additional flooding.

NRW have concluded that based on the current site levels, the development is predicted to be flood free. Due to the need for access, it is proposed to raise the site, however this is predicted to increase flood risk elsewhere but less than 0.05m. NRW have not opposed the development but have suggested that this modest increase in flooding which would be to commercial land to the north and retained woodland to the east should be considered in the determination of the Application.

The Council’s Land Drainage Team have also reviewed the Application details and the submitted Flood Consequence Assessment. They note the position taken by NRW and officers have concluded that on the basis of the evidence the development will only lead to a small increase in flood depth over already ‘flooded’ commercial land and that any objection to this development would be difficult to sustain. Accordingly, the Council’s Land Drainage Team have no objection to the development.

Statements detailing the proposed foul water and surface water discharges have accompanied the Application. Foul water discharge from the toilets and kitchen within the maintenance building and the automated car wash will be collected via an underground pipe network and discharged directly into the existing adopted foul water sewer that runs through the site. Rainwater runoff from the site will be discharged in two ways:

1. Run-off from the EV Storage area to the rear of the site will be discharged into an adjacent watercourse via permeable surfacing, engineered sub-base and attenuation system; and
2. Run-off from the preparation and inspection facility, the bin and bike store and all the roadside areas including the access road will be discharged into an adopted surface water sewer via permeable surfacing, engineered sub-base and attenuation system.

The schemes have been examined by the Land Drainage Team and Dwr Cymru Welsh Water and the following has been noted:

- The proposed development is within proximity of a 150mm public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. However, having regard to the submitted 'Proposed site layout', it appears the proposed development will be set back and therefore positioned outside the protection zone of the public sewer. In addition, the plan would appear to indicate proposals to dispose surface water flows to a nearby watercourse and in principle we offer no objection
- The Applicant will need to contact DCWW to discuss the new connection to the public sewer and to determine whether a build over sewer agreement is required.
- A sustainable drainage application will be required and designed and built in accordance with standards for sustainable drainage.

In their objections residents have suggested that the local drainage system cannot accommodate further discharges from this development and have highlighted problems of surcharge in the village.

Based on the drainage strategy submitted with the Application and the responses received from Dwr Cymru Welsh Water and the Council's Land Drainage Team, there is a reasonable prospect that a comprehensive drainage scheme can be designed as part of this development that will protect water quality and the environment. There is no evidence that the development will contribute to drainage problems within the village of Treoes. Conditions will be imposed on any consent granted to cover the matters of site drainage.

The potential for the development to contaminate ground water in the area has been highlighted by objectors but considered by NRW in their consultation response. In their view, the controlled waters at this site are not of the highest environmental sensitivity. They recommend that the requirements of Planning Policy Wales, and the Land Contamination Risk Management guidance should be followed. This however is based on the assumption that gross contamination is not present at this location. If during development gross contamination is revealed, a condition will be imposed on the consent requiring that all works must cease until a scheme to deal with the contamination found has been approved and implemented before the development becomes operational. This approach follows national guidance and complies with the Council policies.

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 (2024).

In conclusion, the principle of the developing this site in the manner proposed accords with the policies of the recently adopted plan that allocates the land for development for uses

falling within Classes B1, B2 and B8.

Technical statements and reports have evidenced that the existing road infrastructure and proposed access arrangements are acceptable in highway safety terms. Whilst the site is distant from existing active travel routes and public transport services, dedicated pedestrian routes are available on the estate and connect to the wider area.

The Green Infrastructure Strategy and proposed landscape design has demonstrated that the stepwise approach to protecting biodiversity has been followed through:

- avoidance - GI assets of greatest value, the woodland to the east will be retained;
- minimise - limit impact, incorporating development within the areas of lower ecological significance;
- mitigate and compensate – proposed woodland management and new native hedgerow and shrub planting;
- long term management - the long-term management of the retained and new GI assets to secure these enhancements and their value in the long term.

Any impacts will be mitigated in accordance with national and local policy.

Planning seeks to achieve that careful balance of delivering commercial uses on sites allocated for such uses, whilst also reasonably safeguarding the amenities and living conditions of existing residents. Subject to the imposition of planning conditions that will control operations on site both in terms of noise and lighting, that balance can be achieved, and the requirements of the regulating policies can be met.

Again, technical statements and reports have demonstrated that whilst the development of this land will only lead to a small increase in flood depth over already 'flooded' commercial land, any objection to this development on flooding grounds would be difficult to sustain. In other respects, the site can be safely drained subject to compliance with the listed planning conditions.

The Application is therefore recommended for approval.

RECOMMENDATION: That permission be GRANTED subject to the following conditions:

1.	<p>The development hereby permitted shall be carried out in accordance with:</p> <p>(a) the following approved plans and documents:</p> <ul style="list-style-type: none">PL 00 002 – Site Location PlanPL 00 003 – Topographic Site PlanPL 00 005 – Proposed Site Plan – Revision GPL 00 110 – Proposed Ground Floor planPL 00 111 – Proposed First Floor PlanPL 00 115 – Proposed Roof PlanPL 00 131 – Proposed Section 1PL 00 132 – Proposed Section 2PL 00 141 – Proposed Elevations <p>(b) The recommendation and conclusions set out in the Preliminary Ecological Appraisal by Soltys Brewster – February 2023 and the Ecological Enhancements and Management Plan detailed in the Woodland Habitat Management Plan by Soltys Brewster – January 2024.</p> <p>(c) The Arboricultural Method Statement as set out in the Arboricultural Report by</p>
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	<p>ArbTS dated February 2023.</p> <p>Reason: To avoid doubt and confusion as to the nature and extent of the approved development.</p>
2.	<p>The premises and site shall be used for vehicle preparation, maintenance, storage and MOT testing for electric vehicles only and for no other purpose including any other purpose in Classes B2 and B8 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/or re-enacting that Order.</p> <p>Reason: To avoid doubt and confusion as to the nature and extent of the approved development and in the interests of highway safety.</p>
3.	<p>No above ground works 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.</p> <p>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</p>
4.	<p>No above ground works shall take place until a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt with, including future maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority; the approved scheme shall be implemented prior to beneficial use commencing.</p> <p>Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.</p>
5.	<p>Notwithstanding the submitted landscaping plan, (Drawing dwg. 2387901-SBC-00-NA-DR-L-001 refers), no above ground works shall take place until a revised landscaping scheme has been submitted to and agreed in writing by the Local Planning Authority.</p> <p>Reason: To maintain and improve the appearance of the area in the interests of visual and residential amenity and to promote nature conservation.</p>
6.	<p>Prior to the installation of any external lighting, final details of the lighting scheme shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the following:</p> <ul style="list-style-type: none"> • A plan showing the location, height and orientation of the lights, as well as what type of lights are to be erected at what locations • The predicted levels in lux at the closest residential receptors following final choice of design, location and height of lighting columns and information to demonstrate that the levels do not exceed The Institution of Lighting Engineers recommendations in the Guidance Notes for the Reduction of Obtrusive Light' for obtrusive lighting in E2 – Rural areas. • Specify operational hours for each type of lighting and how the lights are

	<p>activated and turn off</p> <ul style="list-style-type: none"> Specify any necessary mitigation measures to reduce light spillage beyond the site boundary in particular the retained vegetation to the south and west of the site. and to ensure there is no direct glare from any optics into any residential properties (e.g., baffles and screening and specify which lights are to have baffles) and upward light spillage) <p>The lighting scheme shall be implemented as agreed.</p> <p>Reason: To protect the amenities of the adjoining occupiers.</p>
7.	<p>Prior to the installation of lighting on the site, full details of a lighting monitoring scheme shall be submitted to and agreed in writing by the Local Planning Authority. The lighting monitoring scheme shall include:</p> <ul style="list-style-type: none"> Measures to monitor light spillage once the development is in operation, Detail of consistent/accurate method to record light levels in proximity to sensitive features Details of remedial measures and additional monitoring should light levels not be within the required levels <p>The lighting monitoring scheme shall be implemented as agreed.</p> <p>Reason: To maintain and improve the appearance of the area in the interests of visual and residential amenity and to promote nature conservation.</p>
8.	<p>Should the Local Planning Authority make such a request in writing, a post-operation survey shall be undertaken and submitted to the Local Planning Authority within one month of such request being made to demonstrate that the lighting does not exceed the approved specifications. If the survey demonstrates that it does not meet the approved specifications, any remedial action necessary to achieve such approved levels shall be undertaken within one month of such request being made in writing by the Local Planning Authority.</p> <p>Reason: To protect the amenities of the adjoining occupiers.</p>
9.	<p>All work involving vehicle preparation, maintenance, inspection and valet and car washing activities shall be confined to the internal buildings as per the acoustic report by Hunters Acoustic entitled "Noise Impact Assessment -Vehicle Preparation Compound Bridgend 6592/NIA1_Rev". The buildings shall have a minimum sound reduction index as stipulated in Table 6.1 of this Hunters Acoustics Report. Prior to construction of the buildings, the applicant shall submit the construction details to the Local Planning Authority to demonstrate that the minimum sound reduction index of the building elements complies with table 6.1 of Hunters Acoustic report and shall be implemented as per the submitted details.</p> <p>Reason: To protect the amenities of the adjoining occupiers.</p>
10	<p>The combined noise rating level from all operations and fixed plant arising at the development site shall not exceed the following limits set out in Table 1 below at any noise sensitive receptor when assessed in accordance with BS4142:2014 in free field conditions:</p> <p>Table 1:</p>

Time	Noise rating level (LAeq,1hour)
Weekday (Mon-Fri)	
07.00-09.00hours	40dB
09.00-18.00 hours	45dB
Weekend (Sat-Sun)	
07.00-09.00hours	36dB
09.00-14.00 hours	41dB

Reason: To protect the amenities of the adjoining occupiers.

11. Within one month of the of the development becoming operational, a further BS4142 assessment shall be undertaken by a suitably qualified acoustic consultant to demonstrate that the noise rating levels specified in Table 1 are being met. The further assessment shall be submitted to and agreed in writing with the Local Planning Authority within 28 days of the assessment being completed. Where the noise assessment shows that the rating level is not being achieved, it shall include any additional mitigation that is required to meet the rating level in Table 1 of Condition 10. The mitigation measures shall be carried out in full within 2 months of the acoustic report being submitted to the Local Planning Authority unless otherwise agreed by the Local Planning Authority.

Reason: To protect the amenities of the adjoining occupiers.

12. The business shall not operate outside the following hours:

0700-18.00 Monday- Friday,
07.00-14.00 Saturday and 07.00- 12.00 Sunday with no operations on Bank Holidays.

Reason: To protect the amenities of the adjoining occupiers.

13. Loading/unloading activities shall be restricted to between 9am-5pm Monday - Friday

Reason: To protect the amenities of the adjoining occupiers.

14. Power washing/valeting activities shall be restricted to between 09:00 to 18:00 Monday- Friday.

Reason: To protect the amenities of the adjoining occupiers.

15. There shall be no use of pneumatic/power tools (such as the air compressor) between the hours of 07:00 to 08:00 Monday- Friday and between 07:00 to -09:00 on weekends

Reason: To protect the amenities of the adjoining occupiers.

16. Notwithstanding the submitted drawings no development shall commence until a detailed scheme for the access has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include vision splays, the gradient of the access, treatment of pedestrian footway, relocated lighting column, drainage, road markings and signage be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained in perpetuity.

Reason: In the interests of highway safety

17.	<p>No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.</p> <p>Reason: In the interests of highway safety.</p>
18.	<p>The parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and retained for the purpose of parking in perpetuity.</p> <p>Reason: In the interests of highway safety.</p>
19.	<p>No development shall commence until a scheme for the provision of 1 cycle parking stand has been submitted to and approved in writing by the Local Planning Authority. The stand shall implemented before the development is brought into beneficial use and retained as such unless otherwise approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests of promoting sustainable means of travel to / from the site.</p>
20	<p>Notwithstanding the submitted drawings no development shall commence until a scheme for the provision of an access gate / barrier has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained in perpetuity.</p> <p>Reason: In the interests of highway safety</p>
21	<p>No development shall commence until an access gate / barrier Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The gate / barrier shall be operated in accordance with the approved gate / Barrier Management Plan once the development is brought into beneficial use and retained thereafter.</p> <p>Reason: In the interests of highway safety.</p>
22	<p>No development shall commence until a scheme for the demarcation of HGV loading / unloading space, turning area and an area to be kept clear at the access has been submitted to and agreed in writing by the Local Planning Authority. The loading space and manoeuvring areas shall be clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained as such for manoeuvring purposes in perpetuity.</p> <p>Reason: In the interests of highway safety.</p>
23	<p>No development shall commence until a Traffic & Delivery Plan has been submitted to and agreed in writing by the Local Planning Authority. All servicing and delivery vehicles movements to the facility shall be made in accordance with approved Traffic & Delivery Plan once the development is brought into beneficial use and retained thereafter</p> <p>Reason: In the interests of highway safety.</p>

24	<p>No development shall take place, including any works of demolition/site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> I. The routing of HGV construction traffic to/from the site in order to avoid the village Treoes 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 <p>Reason: In the interests of highway safety.</p>
25.	<p>In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place 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.</p> <p>Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors</p>
26.	<p>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.</p> <p>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.</p> <p>Reason: To ensure that the safety of future occupiers is not prejudiced.</p>
27.	<p>The following are advisory notes and not conditions:</p> <p>a) The Land Drainage Team advise the following:</p> <p>A pre-SAB application for this development has been submitted to the SAB for comment and comments have been issued to the applicant.</p>

From 7 January 2019, new development of over 100m² 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. Further information in relation to the new legislation including the sustainable drainage application forms can be obtained from the following link:

<https://www.bridgend.gov.uk/residents/recycling-waste-and-environment/environment/flooding/sustainable-drainage-systems/>

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

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

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

- Provide agreement in principle from DCWW for surface water and foul water disposal to the public sewer;
- Provide an agreement in principle from DCWW for build over sewer agreement, if required.
- Provide hydraulic calculations confirming development site has attenuation sized to accommodate a 1 in 100yr + 30% CC storm event;
- Submit an ordinary watercourse consent application for works within 8 meters or adjacent to the existing watercourse, if required.
- Provide a construction environmental management plan (CEMP) outlining how surface water runoff and sediment/pollution runoff will be managed during the construction phase;
- Submit a full sustainable drainage application form to the BCBC SAB (SAB@bridgend.gov.uk).

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on 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.

c) Shared Regulatory Services have advised as follows:

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 licence. 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.

d) An amended landscaping plan should not include a beech hedge and this species is not native to this part of the UK.

e) The Institution of Lighting Engineers recommendations in the Guidance Notes for the Reduction of Obtrusive Light' for obtrusive lighting in E2 – Rural areas referenced in condition 6 is reproduced below:

Table 1 – Obtrusive Light Limitations for Exterior Lighting Installations						
Environmental Zone	Sky Glow ULR [Max %] ⁽¹⁾	Light Trespass (into Windows) Ev [Lux] ⁽²⁾		Source Intensity I [kcd] ⁽³⁾		Building Luminance Pre-curfew ⁽⁴⁾
		Pre- curfew	Post- curfew	Pre- curfew	Post- curfew	Average, L _[cd/m2]
E1	0	2	1*	2.5	0	0
E2	2.5	5	1	7.5	0.5	5
E3	5.0	10	2	10	1.0	10
E4	15.0	25	5	25	2.5	25

ULR = Upward Light Ratio of the Installation is the maximum permitted percentage of luminaire flux for the total installation that goes directly into the sky.
 Ev = Vertical Illuminance in Lux and is measured flat on the glazing at the centre of the window
 I = Light Intensity in Cd
 L = Luminance in Cd/m2
 Curfew = The time after which stricter requirements (for the control of obtrusive light) will apply; often a condition of use of lighting applied by the local planning authority. If not otherwise stated - 23.00hrs is suggested.
 * = From Public road lighting installations only

f) The Developer is reminded that consent under the Town and Country Planning Act 1990 conveys no approval under the Highways Act 1980 for works to be undertaken affecting any part of the public highway including verges and footways and that before any such works are commenced the developer must:

- I. obtain the approval of Bridgend County Borough Council as Highway Authority to the details of any works to be undertaken affecting the public

	<p>highway;</p> <p>II. indemnify the County Borough Council against any and all claims arising from such works;</p> <p>III. give not less than one calendar months' notice in writing of the date that the works are to be commenced to the Policy, Development and Transport Team Leader, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.</p>
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**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None.

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REFERENCE: P/24/206/FUL

APPLICANT: Mrs E Davies 1 South View, Pontycymmer, Bridgend, CF32 8LE

LOCATION: 1 South View Pontycymmer CF32 8LE

PROPOSAL: Retention of living accommodation in the existing detached double garage

RECEIVED: 8 April 2024

DESCRIPTION OF PROPOSED DEVELOPMENT

Retrospective planning permission is sought to retain the living accommodation established in the existing detached double garage at 1 South View, Pontycymmer.

The building was constructed following the grant of planning permission (P/14/631/FUL refers), for a detached double garage in December 2014. As the building had not been developed in accordance with the approved plans a retrospective consent was obtained in 2018 for a detached garage with a steeper pitch to the roof to provide storage in the roof space (P/18/573/FUL refers). This consent was granted subject to a condition that the building should be retained as a garage/store and shall not be occupied at any time for residential purposes.

Fig. 1 - P/18/573/FUL APPROVED GARAGE

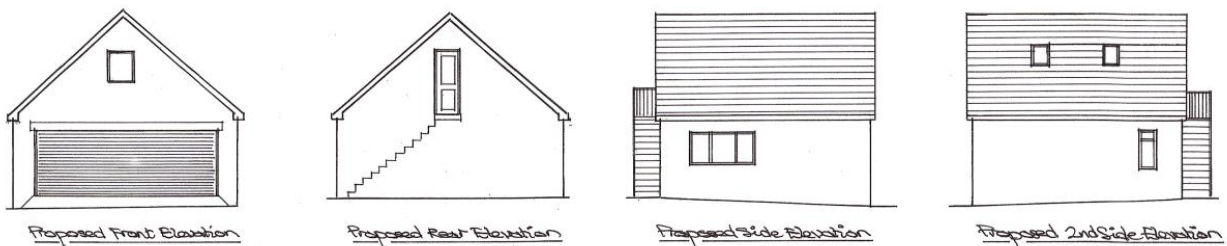


Fig. 2 - PROPOSED FLOOR PLAN

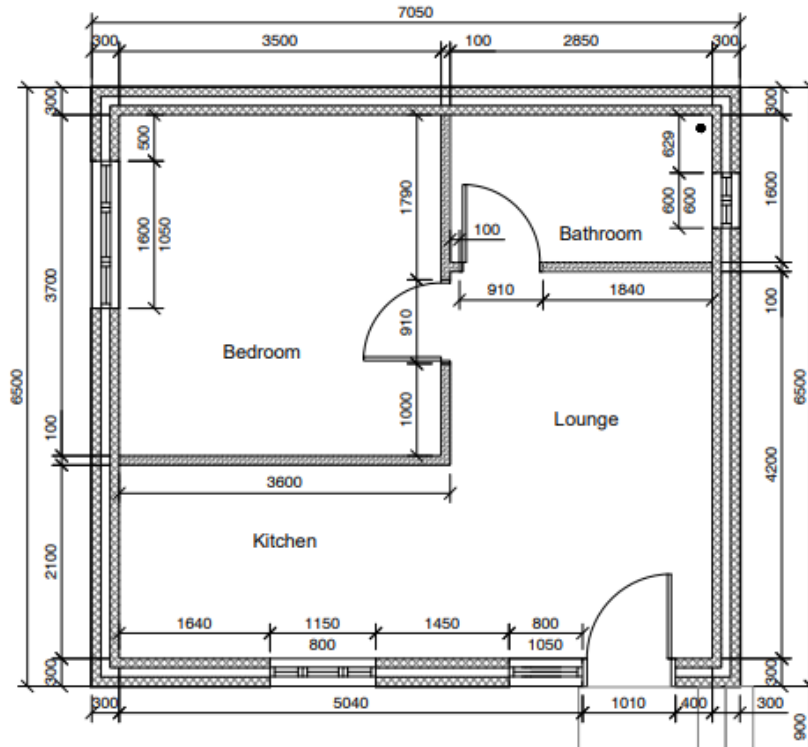


Fig. 3 - BUILDING AS CONSTRUCTED



The building as now constructed comprises a 6.5m x 7m one-bedroom residential annex with kitchen, lounge and bathroom facilities. Construction work appears to be largely completed. However, from a site inspection, it appears that the building has not been occupied and used for separate residential purposes.

The loft area of the building is accessed from a separate external rear set of stairs and is understood to be used for storage purposes.

The Applicant has advised that the accommodation is to be used for purposes ancillary to the main residential use of the property which is a four-bedroom bungalow. The new habitable accommodation is to be provided for family members or other persons who would reside at the property under an adult placement scheme operated by the local council. It is understood that the Applicant provides accommodation and care to adults with learning difficulties. These people are routinely collected by community bus on weekday mornings and taken to off-site locations for daytime activities, and then return to the property in the evenings.

SITE DESCRIPTION

The main building and garden of 1 South View is located within the settlement of Pontycymmer as defined by Policy SF1 of the adopted Local Development Plan (2018-2033). More generally, the site comprises a detached residential dwellinghouse with a number of outbuildings set within a landscaped curtilage.

Fig. 4 – Aerial View of Site



Fig. 5 – Site Location Plan



The property lies at the eastern edge of Pontycymmer on a sloping site, and below the identified Special Landscape Area. Access to the property is via South View, a formed but narrow private access which provides vehicular access to this and a number of other adjacent dwellings. The access is adjoined by a public right-of-way known as Footpath 78 Garw Valley.

Fig. 6 - Photo taken 17/05/2024



The surrounding area is generally residential in character containing a range of dwellings of different styles and finishes. There is countryside land to the rear of the property.

RELEVANT HISTORY

P/96/745/FUL – Detached bungalow and garage – Granted 10/09/1996

P/07/778/OUT – 1 No dwelling – Granted 25/10/07

P/09/459/FUL – New detached dwelling – Granted 21/08/2009

P/14/631/FUL - Construction of detached domestic garage – Granted 19/12/2014

P/18/573/FUL – Retention of detached domestic garage with steeper pitch to the roof to provide loft storage in the roof space – Granted 23/08/2018

P/23/714/FUL – Repositioning of entrance gate/boundary wall and inclusion of land within curtilage of property (retrospective) – Granted 16/04/2024

PUBLICITY

Neighbours were notified of the receipt of the Application and the period allowed for response to consultations/publicity expired on 14/05/2024.

CONSULTATION RESPONSES

Highways – No objection.

Garw Valley Community Council – Objection.

Councillor Heather Griffiths – Objection.

REPRESENTATIONS RECEIVED

Four objections were received from adjoining neighbours along with representations from Councillor Griffiths and the Garw Valley Community Council.

Concerns raised on the proposal included:

- The retrospective nature of the Application.
- The building should not be used as a habitable dwelling.
- Applicant has tried to block the rear lane.
- Site investigations have been undertaken.
- Waste could overload sewer.
- The Applicant is running a business from the property.
- The community van which travels along South View affords passengers with views into bedrooms of adjoining properties.
- Unlawful connections to services.
- South View access considered inadequate for extra habitable dwelling.
- Further residential development will require upgrade of access and street lighting of South View and adoption by the Council.
- No ability for emergency vehicles or the community bus to turn on the property.
- Development will lead to increased use of South View.
- Annex could become a separate dwelling.
- Building is being used as a commercial business.
- Only 5 dwellings were approved for the South View development.
- Highway safety concerns at the Upper Adair Street and South View junction.

COMMENTS ON REPRESENTATIONS RECEIVED

A number of the residents have raised concerns with the retrospective nature of the

Application. This Application follows an investigation by the Council's Planning Enforcement Team into the alleged use of the garage for residential purposes in breach of condition 3 of P/18/573/FUL. It was determined that there was a breach and retrospective consent is now sought.

It should be noted that it is not a criminal offence to vary development without first obtaining any necessary planning permission. Any retrospective application must be fully assessed having regard to all material planning considerations before the application is determined.

The Application as submitted is for the retention of the building for living accommodation. It is not proposed to use the building as an independent dwellinghouse. From the information submitted with the Application and discussions with the Applicant, it has been established that the intended use is ancillary to the principal residential use of the property.

The Applicant advised that family members including children and grandchildren were currently resident in the bungalow. Additionally, up to two adults with learning difficulties have also lived in the house. These residents did not live independently as the Applicant provided them with care and support, including meals. This was described as a form of fostering of the elderly. These adults are placed at the address by the local authority social services and are able to attend off-site activities where they are transported in the community bus (see below).

Fig. 7 – Evidence of Community Bus



The community bus is able to access the property via South View and can manoeuvre within the property returning down the private access to Upper Adare Street in a forward direction. Passengers are able to view the other properties on South View as can anyone else entering or leaving the site in a passenger vehicle or van.

Concerns regarding highway safety and use of the access will be discussed further in the assessment below.

It is noted that planning permission has now been granted for changes to boundary enclosures located at the entrance to the property and the inclusion of adjoining land within the curtilage of the site.

This Application has been made to regularise the proposed use of the building for ancillary residential accommodation. The Applicant does not seek consent to operate a business but provide accommodation for family members or adults under her care and supervision.

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 12, February 2024) (**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 (Wales) Act 2015

The Well-being of Future Generations (Wales) 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 2018-2033 which was formally adopted by the Council in March 2024 and within which the following policies are of relevance:

Strategic Policy

- Policy SP1: Regeneration and Sustainable Growth Strategy
- Policy SP3: Good Design and Sustainable Placemaking
- Policy SP4: Mitigating the Impact of Climate Change
- Policy SP5: Sustainable Transport and Accessibility
- Policy SP17: Conservation and Enhancement of the Natural Environment

Topic Based Policy

- Policy SF1: Settlement Hierarchy and Urban Management
- Policy COM6: Residential Density
- Policy DNP6: Biodiversity, Ecological Networks, Habitats and Species.

Supplementary Planning Guidance

- SPG02 - Householder Development
- SPG19 - Biodiversity

APPRAISAL

This Application is to be determined at planning committee as there have been 4 letters of objection and representations from the community council and a local councillor raising concerns with the change of use of the garage.

Having regard to the above, the main issues to consider in this Application relate to the principal of development, its visual impact, the amenities of neighbouring residents, biodiversity and highway/pedestrian safety.

Principle of Development

No. 1 South View is located within the main settlement of Pontycymmer. The garage is a relatively new construction and located within the established residential curtilage of the property and there is no impact on the rural edge character of the area or any conflict with the policies of the adopted LDP.

Policy COM6 Residential Density of the LDP notes that development must seek to create mixed, socially inclusive, sustainable communities by providing a range of house types and sizes to meet the needs of residents at an efficient and appropriate density. The ancillary habitable accommodation proposed is considered to meet this policy by providing additional accommodation for family members or other persons who may be under the care of the Applicant.

Policy SP3 Good Design and Sustainable Place Making of the LDP states that all development must contribute to creating high quality, attractive, sustainable places that support active and healthy lives and enhance the community in which they are located, whilst having full regard to the natural, historic and built environment.

On balance and when considering the above, it is considered that, in principle, and subject to satisfying the requirements of LDP Policy SP3, the proposed development is acceptable and accords with the Bridgend Local Development Plan (2024).

Visual Impact

Policy SP3 of the adopted Bridgend Local Development Plan (BLDP) highlights all development should contribute to creating high quality, attractive, sustainable places by, amongst others:

- Demonstrating alignment with the principles of Good Design
- Have a design of the highest quality possible, whilst respecting and enhancing local distinctiveness and landscape character

The detached garage was lawfully authorised by the grant of planning permission in 2018. The building has now been constructed to the same approved footprint, albeit the south facing elevation has been enclosed, and a door with a small porch and window added.

This building forms one of two detached structures located within the curtilage of the site at the side of the dwelling. The garage was previously found to be visually acceptable in this location and planning permission was granted. The changes to the exterior of the building are not considered significant and would not harm the character or appearance of the site or the wider residential area.

For these reasons, the proposal is considered to be acceptable in terms of its location, design and finish in accord with criterion (2) of Policy SP3 of the Local Development Plan (2024), and Supplementary Planning Guidance 02 – Householder Development. As such it is considered that the proposed development would not have any unacceptable impact in relation to visual amenity

Residential Amenity

Planning Policy Wales (Edition 12, February 2024) 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 (k) of Policy SP3 of the Local Development Plan (2024) seeks to ensure that ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected and in addition, seeks to ensure that an appropriate level of amenity is afforded to future occupiers of a development.

In the location proposed, the converted garage would not have an overbearing or overshadowing impact on neighbouring residential properties.

Concerns have been raised with the possible use of the building as a separate dwellinghouse. However, the Applicant has confirmed that it would be used by family members who already live on the property or by one of the adults to which she provides care.

Neighbours have raised concerns with the impact of additional vehicle movements on South View due to the increase in the number of people living at the property. While it is acknowledged that this could be the case, it should be recognised that the property contains a single dwellinghouse only. This Application proposes a one-bedroom annex which would likely result in minimal vehicle movements, if the occupier/occupiers were to own a vehicle. In the case of the community bus, if there is a need, this would visit the

property once in the morning and once in the evening.

The formed width of South View is considered adequate for the vehicle movements anticipated from the extended residential property and would have insignificant effects on the residential amenity of neighbours.

Accordingly, it is considered that the proposal complies with criterion (12) of Policy SP3 of the Bridgend Local Development Plan (2024), and guidance contained within Supplementary Planning Guidance Note 02 Householder Development which relates specifically to residential amenity.

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 12 (PPW12) 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.”*

Policy SP3 of the adopted Local Development Plan (2024) requires development to safeguard and enhance biodiversity and integrated multi-functional green infrastructure networks.

Policy DNP6 states *“All development proposals must provide a net benefit for biodiversity and improved ecosystem resilience, as demonstrated through planning application submissions. Features and elements of biodiversity or green infrastructure value should be retained on site, and enhanced or created wherever possible, by adopting best practice site design and green infrastructure principles. Development proposals must maintain, protect and enhance biodiversity and ecological networks / services. Particular importance must be given to maintaining and enhancing the connectivity of ecological networks which enable the dispersal and functioning of protected and priority species.”*

Policy DNP7 states *“development that would adversely affect trees woodlands and hedgerows of public amenity or natural/cultural heritage value or provide important ecosystem will not be permitted”*. Policy DNP8 requires new development proposals to integrate, protect and maintain existing green infrastructure assets and to enhance the extent, quality, connectivity and multi functionality of the green infrastructure network.

In this case the proposed site is located on the edge of the settlement and the proposal is located within the grounds of a residential property with some biodiversity value. Given the minor nature of the development, a bird box would be considered sufficient to enhance biodiversity at the site. A condition can be imposed to ensure this is implemented. A note can also be attached advising the Applicant of ways that they could enhance biodiversity

at this location. As such the proposal is acceptable in terms of Biodiversity.

On balance the proposed development is considered to be compliant with Policy SP3 DNP6,7 and 8 of the Local Development Plan (2024) and is therefore acceptable in terms of Biodiversity.

Highway Safety

Policy SP5 of the adopted Bridgend Local Development Plan (2024) notes that new development must be located and designed in a way that minimises the need to travel, reduces dependency on the private car and enables sustainable access to employment, education, local services and community facilities. Development must also be supported by appropriate transport measures and infrastructure, and depending on the nature, scale and siting of the proposal will be required to:

2) Be designed to provide safe and efficient access to the transport network, which includes the active travel, public transport and street networks.

The policy goes on to state that development that would have a negative impact on the safe and efficient operation of the transport network will not be permitted.

The development of a one-bedroom annex which is ancillary to the residential use of the property would not significantly impact on the functioning or safety of the private access or adjacent public highway. Adequate width would be maintained for the passage of both vehicles and pedestrians.

The Highways Officer has raised no concerns with the proposed development noting that:

'The proposed change of use of the garage to an ancillary annexe is not considered to generate any additional parking and the site has sufficient space for off-street parking. Accordingly, provided the annex remains ancillary to the dwelling there would be no concerns in this respect.'

It is noted that there have been concerns raised in respect of certain larger vehicles using the access to the property however the access appears to be of sufficient width and the length of the access to the property from Lower Adare Street is not maintainable highway. As such this would be considered a private matter.'

No objection subject to the following condition: -

Use of the annexe flat shall be limited to that ancillary and incidental to the enjoyment of the dwelling and for no other purpose.

Reason: In the interests of highway safety.'

As such, the proposed development is considered to be in accordance with Policy SP5 of the Bridgend Local Development Plan (2024), and is acceptable from a highway and pedestrian safety perspective.

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 (2024). The land on which the garage has been sited forms part of the

well-established curtilage of the dwelling which comprises a detached residential dwellinghouse with a number of outbuildings set within a landscaped domestic garden. As such there is no impact on the rural character of the area and there is no conflict with or any implications for the adopted LDP.

Having regard to the concerns of neighbouring residents, on balance, it is considered that the proposal is an acceptable development, and it would not adversely impact on the character or appearance of the area or the amenity of adjoining occupants or the functioning of the private access track. Any claims of obstruction of the private access track would be a private matter between the Applicant and the landowners.

Accordingly, the proposed development is in accordance with Policies SP1, SP3, SP4, SP5, SP17, SF1, COM6 and DNP6 of the Bridgend Local Development Plan (2024).

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

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

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

GARAGE CONVERSION - GROUND FLOOR

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

2. The family annex comprising the development shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling and shall not be sold, let or sublet as a separate unit of accommodation.

Reason: For the avoidance of doubt as to the extent of the permission granted and to ensure that the Local Planning Authority retain effective control over the use of the property, and to accord with Policy SP2 of the Bridgend Local Development Plan

3. 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, countryside location and residential amenity, and to accord with Policies SP2 of the Bridgend Local Development Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no doors, windows or dormer windows (other than those expressly authorised by this permission) shall be constructed without the prior grant of planning permission for any such new constructions and installations.

Reason: In order to safeguard the amenities of the countryside location 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 2013.

5. Within 3 months of the date of this permission, an artificial nesting site for birds shall be erected on the building to one of the following specifications, and retained as such thereafter:

Nest Box Specifications for House Sparrow Terrace:

Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs. To be placed under the eaves of buildings.

Entrance holes: 32mm diameter

Dimensions: H310 x W370 x D185mm

or

Swift Nest Box Specification:

Wide box with small slit shaped entrance hole. Must be placed under or close to roofs, at least 5m from the ground.

Dimensions: H150 x W340 x D150mm

Reasons: In the interest of enhancing biodiversity and to accord with Policy SP3 and DPN6 of the Bridgend Local Development Plan (2018-2033).

6. * THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION

A. BIODIVERSITY

With respect to biodiversity, the applicant is referred to Section B1: Biodiversity Design Guidance Sheet: 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.

The applicant is advised to incorporate bird and/or bat boxes into the development which would provide summer roosting opportunities for birds/bats and would contribute to the environmental sustainability of the development. Further information can be found on page 46 section 7.0 of the above SPG. Incorporation 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'.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None.

Appeals

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

APPEAL NO.	CAS-03313-V4X5J4
APPLICATION NO	P/22/700/FUL
APPELLANT	MR M WALDRON
SUBJECT OF APPEAL	Change of use and conversion of the existing barn to a single residential property: Land off Dyffryn Madoc Maesteg
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

-
1. The proposal, by reason of its countryside location, constitutes an unjustified and inappropriate form of development outside of the defined settlement boundary, which would detract from the site's rural appearance and the character of the surrounding countryside. The proposal is therefore contrary to Policy ENV1 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 11, February 2021) and Future Wales – the National Plan 2040 (Feb 2021).
 2. The proposed development, by reason of its design, scale and materials, would be out of keeping with what would be expected of a traditional dwelling house design in the open countryside, having a detrimental visual impact on the landscape character of this countryside and rural location contrary to Policies ENV1 and SP2 of the Bridgend Local Development Plan (2013) and Supplementary Planning Guidance SPG02: Householder Development together with and advice contained within and Technical Advice Note 12: Design (2016), Planning Policy Wales (Edition 11, February 2021) and Future Wales – the National Plan 2040 (Feb 2021).
 3. The proposed development is situated in a remote, unsustainable location that is not accessible by a range of different transport modes and will overly rely on the use of the private motor vehicle. The proposal is therefore contrary to Policy SP2 and Policy SP3 of the Bridgend Local Development Plan (2013), and advice contained within Technical Advice Note (TAN) 18 – Transport (2007), Planning Policy Wales (Edition 11, February 2021), Future Wales – the National Plan 2040 (Feb 2021), Active Travel (Wales) Act 2013 and Wellbeing of Future Generations (Wales) Act 2015.
 4. Insufficient information has been submitted with the planning application to allow a full and comprehensive assessment of the impact of the development on the biodiversity and ecology characteristics of the site contrary to Policies ENV6 of the Bridgend Local Development Plan 2013 and advice contained within Planning Policy Wales (Edition 11, February 2021) and Future Wales – the National Plan 2040 (Feb 2021).

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

APPEAL NO.	CAS-02897-L2J7K9 (1992)
APPLICATION NO.	ENF/97/20/ACK
APPELLANT	MR GARETH RICHARDS
SUBJECT OF APPEAL	UNAUTHORISED USE OF LAND: LAND ADJACENT TO BRYN LLEFRITH FARM MAESTEG
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 UPHELD.

The Appeal Decision is attached as Appendix A.

RECOMMENDATION

That the report of the Corporate Director Communities be noted.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers (see application reference number)



Appeal Decision

by Vicki Hirst BA(Hons) PG Dip TP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 04/06/2024

Appeal reference: CAS-02897-L2J7K9

Site address: Land at Bryn Llefrith Farm, Maesteg, Bridgend, CF34 0TN

- The appeal is made under section 217 of the Town and Country Planning Act 1990 as amended (the Act).
 - The appeal is made by Mr Gareth Richards against a maintenance of land notice issued by Bridgend County Borough Council.
 - The maintenance of land notice was issued on 19 June 2023.
 - The requirements of the notice are: Remove and keep removed the containers including but not limited to the two containers at the entrance to the caravan storage area, the two containers within the caravan storage area, the green container in the field adjacent to the caravan storage area from the land shown red on the plan; Remove and keep removed, the vehicles including but not limited to the cars, vans, lorries, abandoned caravans and trailers currently in the caravan storage area and the digger/dumper from the land shown red on the attached plan; Remove and keep removed, the waste materials including but not limited to tyres, aggregates / road planings, metal and plastic barrels, slates, slabs, skips, wood, plastics, builder's rubble, traffic cones, tarpaulin, plastic fencing, household waste, plastic buckets, builder's bags, window frames, plastic sheeting, plastic boxes, bags of concrete, children's play equipment, cooker, ladders, motorbikes, wooden boards, push bikes etc. from the land shown red on the attached plan.
 - The period for compliance with the requirements is within 2 months of the day on which the Notice takes effect.
 - The appeal is proceeding on the grounds set out in section 217 (d) of the Town and Country Planning Act 1990 as amended.
 - A site visit was made on 21 May 2024.
-

Decision

1. The appeal is dismissed, and the maintenance of land notice is upheld.

Procedural Matter

2. The Council issued the maintenance of land notice, under Section 215 of the Act on the basis that the amenity of a part of their area is adversely affected by the condition of the

land/ building in question. The appellant has only appealed on ground (d), that the period specified in the notice as the period within which any steps required by the notice are to be taken falls short of what should reasonably be allowed. I have therefore confined my considerations to the ground (d) appeal only.

The appeal on ground (d)

3. The appellant's case under this ground is that due to his various health issues the period of 2 months is insufficient to meet the requirements of the notice. Furthermore, he would like to submit a planning application to regularise some of the concerns identified in the notice. 2 months is not considered sufficient to achieve this and a period of 6 months is sought.
4. From the photographic evidence before me and from my own observations on site, it would appear that a number of vehicles, skips and some of the items listed in the notice have been removed. However, a number of caravans, the containers, several vehicles, and a large quantity of waste materials remain on the site.
5. The appellant states that despite the reference to abandoned caravans in the notice, all caravans stored on the site have paid an annual rent and are authorised to be on site by virtue of the planning permission granted for the storage of caravans (LPA Ref: P/07/1038/FUL). Notwithstanding, from my own observations on site, a number of those on the site were in a poor condition and appeared to be in need of considerable repair and maintenance. In my assessment these caravans are contributing to the condition of the land that is adversely affecting the amenity of the area resulting in the issuing of the subject notice.
6. The appellant has not defined the planning application he would be making although the Council states that an application for an access track has been received (but is on hold) and no application for the caravan site to regularise the imported materials has been received. It appears from the history of contact with the Council which commenced during the pandemic and has been ongoing that there have been opportunities for further discussions and applications to be made. Whilst I am sympathetic to the appellant's ongoing health conditions, I am not persuaded that action could not have been taken to progress matters further through, for example, engaging others to assist with planning applications.
7. It is also not clear what purpose many of the items listed in the notice would be used for in the event that a further planning application was forthcoming. It seems to me that many of the items would be superfluous to any access track or other works in association with the storage of caravans.
8. In respect of clearance of the site, and taking account of the appellant's health conditions, I have no reason to believe that a contractor with the necessary machinery and vehicles could not be arranged to clear the site within the 2 months specified for compliance. No other grounds of appeal have been made and the requirements to clear the land have been known to the appellant for some time.
9. I conclude that the specified timeframe is an adequate amount of time for compliance to address the identified harm and the appeal on ground (d) therefore fails.

Conclusion

10. I have taken into account all other matters raised. For the above reasons I dismiss the appeal and uphold the notice.
11. In reaching my decision I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in

Ref: CAS-02897-L2J7K9

accordance with the Act's sustainable development principle through its contribution towards one of more of the Welsh Minister's well-being objectives.

VK Hirst

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.

<u>Subject</u>	<u>Date</u>
Building Conservation & Design	26 June 2024
PEDW Briefing for Members	2024
Public Rights of Way / Bridleways	
Tree Policy - Green infrastructure	

(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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