

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. Rhwch 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: Thursday, 5 December 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/Remotely via Microsoft Teams on **Thursday, 12 December 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, 22/01/25 for proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.

By receiving this Agenda Pack electronically you will save the Authority approx. £00.00 in printing costs

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|----|--|---------|
| 4 | <u>Approval of Minutes</u> | 5 - 12 |
| | To receive for approval the minutes of the 31/10/24. | |
| 5 | <u>Public Speakers</u> | |
| | To advise Members of the names of the public speakers listed to speak at today's meeting (if any). | |
| 6 | <u>Amendment Sheet</u> | |
| | That the Chairperson accepts the Development Control Committee Amendment Sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be accommodated. | |
| 7 | <u>Development Control Committee Guidance</u> | 13 - 16 |
| 8 | <u>P/24/45/FUL - The Elderbush Hotel, 57 High Street, Nantylfyllon, CF34 0BS</u> | 17 - 40 |
| 9 | <u>P/24/369/FUL - 26 Ton Rhosyn, Brackla, CF31 2HU</u> | 41 - 52 |
| 10 | <u>P/24/513/FUL - 88 Coity Road, Bridgend, CF31 1LT</u> | 53 - 68 |
| 11 | <u>Appeals</u> | 69 - 78 |
| 12 | <u>Training Log</u> | 79 - 80 |
| 13 | <u>Nomination and Appointment to the Rights of Way Sub-Committee</u> | 81 - 84 |
| 14 | <u>Urgent Items</u> | |
| | To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency. | |

Note: 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 would like to view this meeting live, please contact cabinet_committee@bridgend.gov.uk or tel. 01656 643148 / 643694 / 643513 / 643159.

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

S J Griffiths

D T Harrison

M L Hughes

D M Hughes

M R John

MJ Kearn

W J Kendall

J Llewellyn-Hopkins

J E Pratt

R J Smith

A Wathan

R Williams

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DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 31 OCTOBER 2024

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD HYBRID IN THE COUNCIL CHAMBER - CIVIC OFFICES, ANGEL STREET, BRIDGEND, CF31 4WB ON THURSDAY, 31 OCTOBER 2024 AT 10:00

Present

Councillor RM Granville – Chairperson

A R Berrow
A Wathan

RJ Collins

S Easterbrook

M L Hughes

Present Virtually

C L C Davies
J E Pratt

S J Griffiths
R J Smith

D T Harrison

M R John

Officers:

Rhodri Davies
Jane Dessent
Lee Evans
Craig Flower
Mark Galvin
Steven Jenkins
Jonathan Parsons
Michael Pitman
Philip Thomas
Leigh Tuck

Development & Building Control Manager
Solicitor
Principal Planning Officer
Planning Support Team Leader
Senior Democratic Services Officer - Committees
Development Control Team Leader – West
Group Manager Development
Technical Support Officer – Democratic Services
Development Control Team Leader - East
Senior Development Control Officer

60. Apologies for Absence

Decision Made	Apologies were received from Councillors D M Hughes, MJ Kearn, W J Kendall, J Llewellyn-Hopkins and R Williams.
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DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 31 OCTOBER 2024

Date Decision Made	31 October 2024
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61. Declarations of Interest

Decision Made	None
Date Decision Made	31 October 2024

62. Site Visits

Decision Made	That a date of Wednesday 11/12/2024 be confirmed for any proposed site inspections identified in advance of the next Committee meeting by the Chairperson.
Date Decision Made	31 October 2024

63. Approval of Minutes

Decision Made	The minutes of a meeting of the Development Control Committee dated 19 September 2024 were approved as a true and accurate record.
Date Decision Made	31 October 2024

64. Public Speakers

Decision Made	The following public speakers addressed the Committee on planning application P/22/508/FUL:- Councillor HJ David – Ward member Jeffrey Thomas – Objector Geraint John – Agent for the applicant
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DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 31 OCTOBER 2024

Date Decision Made	31 October 2024

65. Amendment Sheet

Decision Made	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	31 October 2024

66. Development Control Committee Guidance

Decision Made	That the Development Control Committee guidance be noted.
Date Decision Made	31 October 2024

**67. P/22/508/FUL Land at Cefn Road (former reservoir) Cefn Cribwr, CF32
ODA**

Decision Made	<p>(1) That the applicant enters into a Section 106 Agreement to:</p> <p>(i) Provide a financial contribution of £9,120 towards the provision of Formal Outdoor Sport to be used for the improvement of facilities within proximity of the proposed development.</p> <p>(ii) Provide a financial contribution of £12,000 towards improvements in public transport facilities in the corridor serving the application site.</p> <p>(2) The Corporate Director Communities be given delegated powers to issue a decision</p>
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DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 31 OCTOBER 2024

	<p>notice granting planning consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, subject to the conditions contained in her report.</p> <p>Typographical errors in the report had been noted and the following adjustments to the conditions are required:</p> <p>Condition 1: The approved Site Layout Drawing should be referenced: Drawing No. 2275 00 (03) 101 Revision I; Street Scenes should be amended to 2275-00(03)400 Revision D and Site Sections changed to 2275-00(03)401 Revision D.</p> <p>The wording of Condition 11 should also be adjusted to ensure that the agreed boundary treatment adjacent to 11 Cefn Road is maintained in perpetuity to ensure that the privacy of the neighbour is protected in the long term:</p> <p>11. Notwithstanding the approved layout plan, no development shall commence until a revised scheme and plan indicating the positions, height, design, materials and type of boundary treatment to be erected on the shared boundary with 11 Cefn Road and timetable for implementation has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include temporary fencing for the period of site clearance/construction and details of the scale and type of boundary treatment for the completed development which shall have regard to the proposed site levels and existing levels of the adjoining property and shall include a variation in finishes. Development shall be carried out in accordance with the agreed plan and timetable and the agreed boundary treatment shall be retained and maintained in perpetuity.</p> <p>Reason: To ensure that the living conditions of the adjoining occupiers are protected during construction and following the completion/occupation of the development. amenities of the area are protected.</p>
Date Decision Made	31 October 2024

68. P/21/379/FUL Land at Ffordd Tirion Broadlands Bridgend CF31 5EJ

Decision Made	<p>(1) That the applicant enters into a Section 106 Agreement to: -</p> <p>(i) Provide 15% (two units) of the residential units as affordable housing units.</p>
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DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 31 OCTOBER 2024

	<p>(ii) Provide a financial contribution for the sum of £5,700 (index linked) towards the provision/improvement of equipment/outdoor sport facilities within the locality of the application site.</p> <p>(2) The Corporate Director Communities be given delegated powers to issue a decision notice granting planning permission in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, subject to the conditions contained in her report.</p>
Date Decision Made	31 October 2024

69. Appeals

Decision Made	<p>(1) That the appeals received since the last meeting of the Development Control Committee, as detailed in the report of the Corporate Director – Communities be noted.</p> <p>(2) That the appeals decided since the last meeting of the Development Control Committee, as listed in the report of the Corporate Director – Communities be Dismissed.</p>
Date Decision Made	31 October 2024

70. Training Log

Decision Made	That the report of the Corporate Director – Communities outlining up and coming training for members be noted. It was further noted that a workshop on Supplementary Planning Guidance be scheduled in December 2024 and also, that Welsh Water Dwr Cymru, be invited to give a further update to Committee at a future date to be agreed, in 2025.
Date Decision Made	31 October 2024

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 31 OCTOBER 2024**Urgent Items**

Decision Made	None
Date Decision Made	31 October 2024

To observe further debate that took place on the above items, please click this [link](#).

The meeting closed at 11:20.

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/24/45/FUL

APPLICANT: N. Cowan The Elderbush Hotel , 57 High Street, Nantyffyllon, Maesteg, CF34 0BS

LOCATION: The Elderbush Hotel 57 High Street Nantyffyllon Maesteg CF34 0BS

PROPOSAL: Convert existing pub in to 12 bedroom House in Multiple Occupation (HMO)

RECEIVED: 22 January 2024

DESCRIPTION OF DEVELOPMENT

The Applicant, N. Cowan is seeking planning permission for the change of use of the former Elderbush Hotel located at No. 57 High Street, Nantyffyllon into a 12-bedroom House in Multiple Occupation (**HMO**).

This is a sui generis use falling outside Use Class C4 which covers shared houses or flats occupied by between three and six unrelated individuals who share basic amenities (Houses in Multiple Occupation: Practice Guidance, March 2017).

The submitted plans show that the existing building will be altered internally to accommodate the proposed change of use. The internal alterations comprise:

- Basement laundry and storage;
- Ground floor 4 x bedrooms all with ensembles. Communal kitchen separate lounge/diner and cycle parking store;
- First floor 7 x bedrooms all with ensembles and one shared bathroom;
- Loft 1 x bedroom with ensuite, one shared bathroom and one kitchen/diner/lounge; and,
- The floor plan is annotated with *'bedroom 12 might be splitted into 2no. single bedrooms following standards.'*

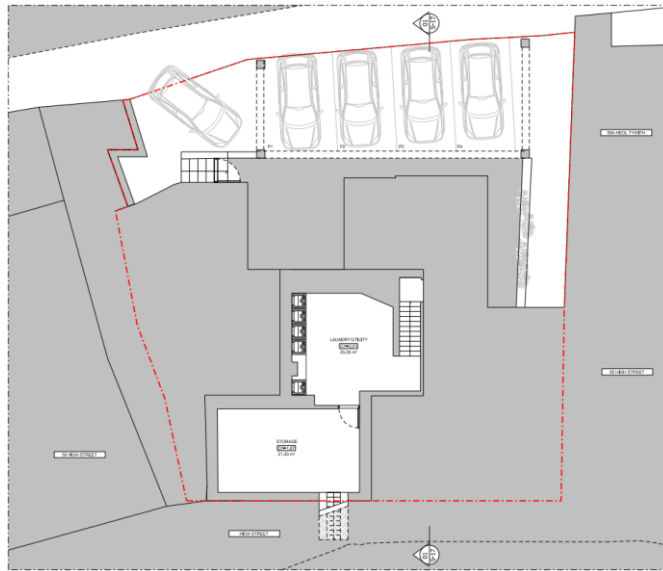
Principal access to the property would be from the existing entrance on High Street. The rear courtyard area would become a shared amenity space for residents and would be accessed from the kitchen or lounge. A second access to the amenity area would be available from Heol Tywith.

The plans show the demolition of the existing garage/store to the rear of the property and development of a new carport capable of accommodating four vehicles. A fifth space is shown to the side of the proposed carport. The roof of the carport would be developed as part of the communal courtyard.

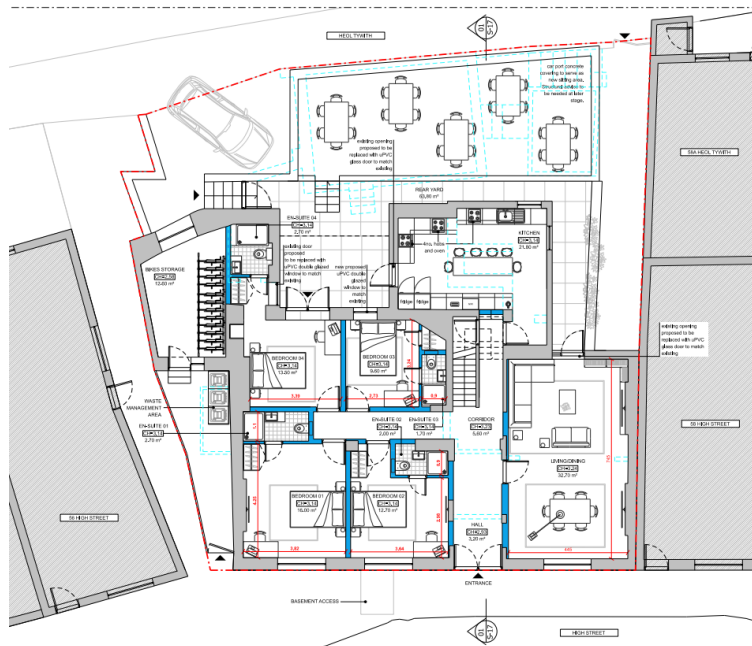
Four front facing rooflights and one rear facing dormer window are proposed on the host building.

An area to the side of the property would be used for waste and recycling storage. A cycle store containing twelve cycles would be provided within an existing storage room to the side with access to High Street.

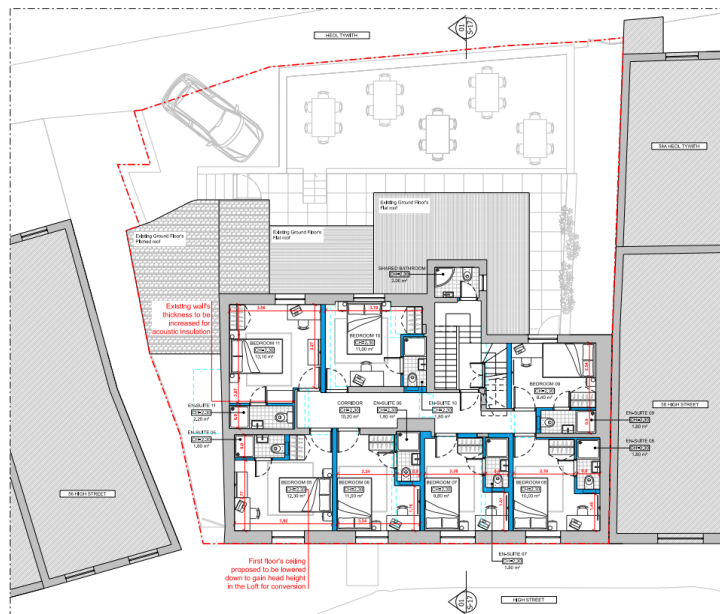
The Application was supported by a Flood Consequence Assessment and Traffic Impact Assessment.



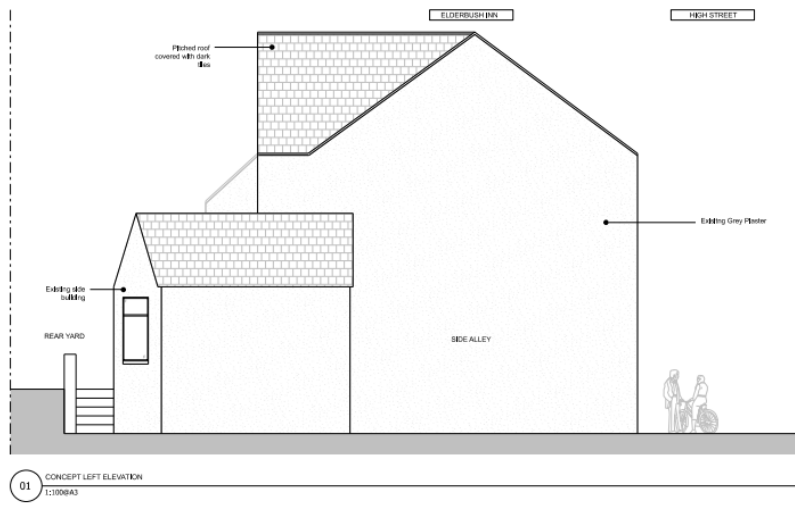
PROPOSED BASEMENT



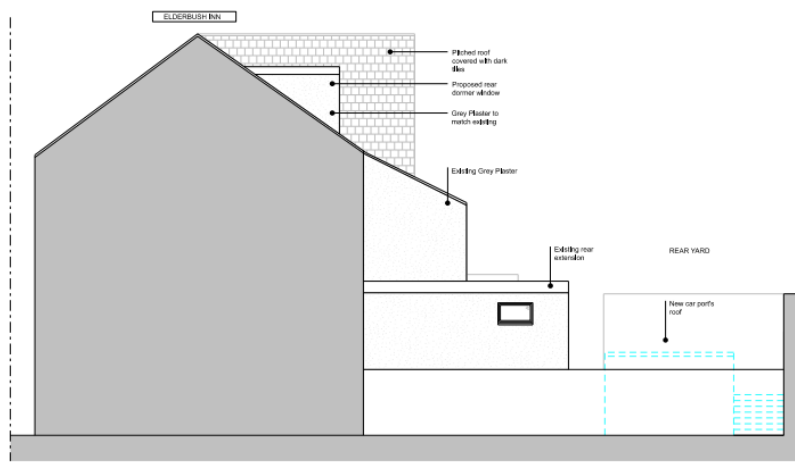
PROPOSED GROUND FLOOR



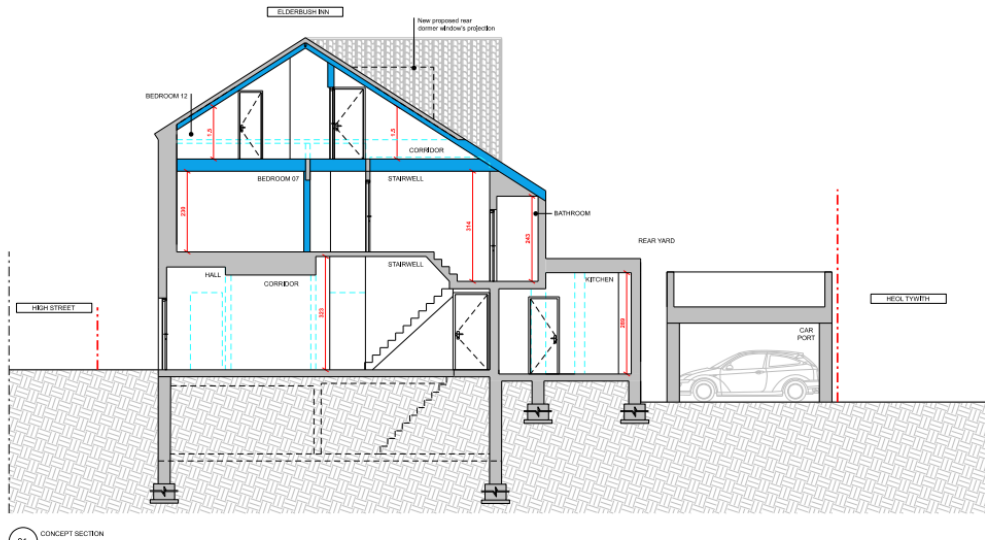
PROPOSED FIRST FLOOR



01 CONCEPT LEFT ELEVATION
11/20/24



PROPOSED SIDE ELEVATIONS



01 CONCEPT SECTION
11/20/24

PROPOSED CROSS SECTION

SITE AND LOCALITY

The site is located within the Local Settlement of Nantylffyllon as defined by Policy SF1 Settlement Hierarchy and Urban Management of the Replacement Local Development Plan (RLDP) adopted in 2024.

The Application site comprises a traditional two-storey hotel, the Elderbush Hotel located at No. 57 High Street in Nantylffyllon. The Applicant has indicated that the hotel last

operated and was open to the public in September 2021. Since then, it has been closed and appears to be unoccupied.



LOCATION PLAN



AERIAL PHOTOGRAPH

The building is located within an area of principally residential use. The property has two highway frontages, High Street to the west and Heol Tywith to the rear (east). This and its adjoining properties face onto High Street, as their principal frontage. High Street (A4063), maintains parking restrictions in the location with bus stops in both directions immediately adjoining the property.

The Llynfi River, a Natural Resources Wales (**NRW**) designated Main River flows in a southerly direction approximately 25m east of the site.

The hotel building contains a cellar and two separate bar areas on the ground floor with toilets and storage rooms to the rear. There is an open courtyard area to the rear which appears to have used for outdoor entertainment. This has stair access to Heol Tywith. The site contains a detached side facing garage on its Heol Tywith frontage with a roof terrace above. This can be accessed from the garden bar space. The first floor of the hotel contains five separate bedrooms and a communal bathroom. The loft appears to be unused.

The former Siloh Chapel, a Grade II Listed Building which is located two properties to the south of the site has been converted into 6 x two-bedroom flats following the grant of Listed Building approval in 1996.



FRONT ELEVATION FROM HIGH STREET



REAR ELEVATION FROM HEOL TYWITH

PLANNING HISTORY

P/99/1/FUL – Extension to ladies toilet, new roof to garage and new disabled toilet.
Granted 23/02/1999.

CONSULTATIONS

Maesteg Town Council: Raises concern over the lack of parking provided.

Welsh Water: No objection. Advisory recommended on connections to the public sewer.

Ecology: No comments.

Natural Resources Wales: No objection.

Land Drainage: Recommends consultation with NRW over the proposed development in Flood Zone C2.

South Wales Police: No objections. A number of recommendations were made on the development which would ensure that it meets the Secured by Design (SBD) objectives promoted by the police. These recommendations have been forwarded to the applicant.

Shared Regulatory Services: No objection. An advisory recommended reminding the Applicant of the requirement to obtain a HMO licence.

Highways Officer: No objection.

Chief Fire Officer: No objection. Advisory recommended on the provision of water supplies for firefighting and access for emergency vehicles.

Councillor P Davies: No objection.

Councillor CLC Davies: No comments received

PUBLICITY

The Application was publicised by site notice and neighbours have been notified of the receipt of the Application. The period allowed for response to consultations/publicity expired on 30 May 2024.

Following receipt of a Traffic Impact Assessment (**TIA**) and a further TIA Addendum in October 2024, the Application was reconsulted and the consultation period expired on 21 October 2024.

REPRESENTATIONS RECEIVED

Nineteen letters of objection were received from surrounding residents and Councillor P Jenkins. Concerns raised by these representations include:

- The impact of the proposal on on-street parking;
- Heavy demands placed on available parking by existing residents, occupants of the former Siloh Chapel and visitors to the Nantyllyllon Institute;
- Poor visibility for vehicles exiting the proposed parking spaces;
- The failure to provide the 4 basement parking spaces required at the Siloh Chapel;
- Highway safety issues due to speed of vehicles using Heol Tywith and presence of children attending nearby nursery;
- The need to upgrade the public ROW leading to the Maesteg – Caerau active travel route;

- Anti-social behaviour by future residents;
- Development would have similar effects as seen at the former Travellers Rest public house at No. 95 High Street;
- Poor quality of living accommodation proposed;
- Possible use as social housing;
- Use out of character with surrounding area;
- The property should offer employment and be used as a B & B or small hotel; and,
- The property should be developed as one and two-bedroom flats for sale.

Nine further representations were received on the proposal when it was re-consulted on. Seven of these submissions were objections received from persons who made earlier representations, and these repeated similar concerns as were previously raised. The two other representations received expressed support, one conditional, for the proposed development.

COMMENTS ON REPRESENTATIONS RECEIVED

Highway and pedestrian safety issues

- The property is currently a vacant hotel with a single garage/store at the rear along with a small area of off-road parking.
- The transportation issues raised will be considered in the Analysis section of this report below.

Other issues

- The Replacement Bridgend Local Development Plan does not contain any minimum standards for bedroom size or specified requirements for communal areas for new HMOs. The proposed HMO includes bedrooms ranging from 9.00m² to 29.3m² which are considered to be appropriate for the accommodation provided. Two separate kitchens and communal lounge/dining areas are proposed along with two separate bathrooms;
- Issues in respect of anti-social behaviour are ultimately matters for the police and the proposal, which is a residential use, is unlikely to result in such serious levels of anti-social behaviour as to warrant or justify the refusal of this Application. There is no compelling evidence to suggest that HMOs of the scale being considered would result in increased levels of crime or fear of crime within the locality of the site. The causes of anti-social behaviour and criminal activity are recognised to be diverse and cannot be attributed to any housing type alone, and it is considered that an appropriately managed, HMO use, for a maximum of twelve people, would not cause such anti-social behaviour or perception of anti-social behaviour to recommend refusal of the Application in this case;
 - The Siloh Chapel was granted planning permission in 1995 for conversion into 6 x two-bedroom self-contained flats. The approved plans show car parking for 4 vehicles in the basement.;
 - The former Travellers Rest at No. 95 High Street was granted a change of use in 2014 to seven flats and has been lawfully established;
 - Each application is determined on its own individual merits and assessed against National and Local Planning Policy;
 - There is no evidence to suggest the area is oversubscribed with HMOs with no others identified within a 50-metre radius of the Application property;
 - The condition of the pedestrian access to the Maesteg – Caerau walkway from Heol Tywith is not considered to be a material planning consideration in this particular case; and,

- While the property may have a potential use as a B&B or other form of visitor accommodation, the current application is for a 12-bedroom HMO. The Committee is required to consider the proposed use and not any other alternative scheme.

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.”*

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

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

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

The 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.

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

Other Relevant Policies and Guidance

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

Local Policies

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

Strategic Policies

- **Policy SP3:** Good Design and Sustainable Placemaking
- **Policy SP5:** Sustainable Transport and Accessibility
- **Policy SP6:** Sustainable Housing Strategy
- **Policy SP17:** Conservation and Enhancement of the Natural Environment
- **Policy SP18:** Conservation of the Historic Environment

Topic based policies.

- **Policy SF1:** Settlement Hierarchy and Urban Management
- **Policy PLA11:** Parking Standards
- **Policy COM6:** Residential Density
- **Policy COM7:** Houses in Multiple Occupation
- **Policy ENT15:** Waste Movement in New Development
- **Policy DNP6:** Biodiversity, Ecological Networks, Habitats and Species
- **Policy DNP9:** Natural Resource Protection and Public Health

Supplementary Planning Guidance

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

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

APPRAISAL

This Application is referred to the Development Control Committee to consider the concerns raised by neighbouring occupiers and Councillor Jenkins.

Having regard to the above, the main issues to consider in this Application relate to the principle of development, the loss of community facilities, visual effects, impacts on the amenities of neighbouring residents, highway and pedestrian safety, parking, waste movement, flood risk and biodiversity.

Principle of Development

The site is located within the Local Settlement of Nantffyllon and within an established, residential area as defined by **Policy SF1 Settlement Hierarchy and Urban Management** of the Bridgend Replacement Local Development Plan (RLDP) 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 RLDP 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 RLDP 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 development located within the Settlement Boundary and in close proximity to public transport services. It would utilise the existing two-storey building providing good sized bedrooms and communal living spaces for up to twelve occupants. All habitable rooms would benefit from natural light, ventilation, and a means of outlook onto High Street or Heol Tywith. 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) Neither planning records nor the Public Register of Licensed HMO's identify any HMOs within a 50m radius of the Application property.

Accordingly, the proposal would not exceed the 10% threshold.

- 2) The proposal will not require any major extensions or alterations to the former hotel building. However, the property would be modified at the rear by the removal of the large garage/store and its replacement by a new carport, with amenity area above. This change is not considered to significantly to alter the character and appearance of the property or area.
- 3) The scale and intensity of the use is considered to be compatible both with the existing building (as communal areas are provided for residents), as well as with the adjoining and nearby uses which are also primarily residential. The development would be similar in scale to the residential conversions of the former Siloh Chapel and former Travellers Rest public house.
- 4) The Application indicates covered and secure cycle parking for 12 x cycles at the side of the property. Additionally, 5 x vehicle parking spaces are proposed at the rear of the property. The property is located in a sustainable location immediately opposite bus stops. It is noted that the Highways Officer has not raised any objection to the proposal.
- 5) The proposal provides for waste and recycling storage and a suitable clothes drying area at the rear of the building. Provision of compliant cycle parking can be covered as a condition of planning approval.
- 6) The proposed HMO is not expected to have any unacceptable impacts on residential amenity.

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

Policy SP3 Good Design and Sustainable Placemaking of the RLDP 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, it is considered that, in principle, the development accords with Strategic Policy SP6 and Policy COM6 and COM7 of the Bridgend RLDP and subject to satisfying the requirements of Policy SP3, the proposed development is acceptable in land use planning terms and accords with the Bridgend Replacement Local Development Plan (2024).

Loss of Community Facilities

Policy COM9 Protection of Social and Community Facilities of the RLDP, states that proposals which would adversely affect or result in the loss of existing or proposed social and community facilities will not be permitted unless justified on one the following grounds:

- 1) A sustainable, easily accessible alternative location is available, and a facility of equivalent community benefit is provided by the developer on the site or off site within the community; or

- 2) Where it can be demonstrated that the existing facility is no longer required for the current use, or any other social and community uses, or there is already an excess of such provision in the area.

As a starting point in determining whether a proposal involving the loss of a public house/hotel should be considered in the context of criteria 2, important factors to consider are:

- 1) Is there adequate provision of alternative public houses in the local area?;
- 2) How long the public house been vacant for?;
- 3) Has it been actively marketed for its existing/former use?; and,
- 4) Do the representations received from the local community suggest that it is valued for its existing/former use?

The Application site is located in an area that historically contained a number of public houses, places of worship and places of public assembly. These provided facilities for the residents of Nantyffyllon. While a number of these have now been closed and converted to other uses (the Travellers Rest and Siloh Chapel) others remain open and operational.

The nearest alternative public house is *The Mason Arms*, located approximately 350m south of the Application site on High Street. This presents a suitably located alternative social facility for local residents.

The Applicant has advised that the Elderbush Hotel closed in September 2021 and has been marketed for sale since that time. Given the passage of three years, with no apparent interest shown in reopening the hotel, the property is considered suitable for potential alternative use.

Only one of the representations received expressed a desire to reopen the premises as a hotel or B&B. This was stated as a means of providing employment opportunities to the local community instead of the proposed HMO accommodation.

For the above reasons and on balance, it is considered that the loss of this social facility would not have a detrimental impact on the social and community fabric of the surrounding area. Accordingly, the proposal is deemed to be in accord with Policy COM9 of the Replacement Local Development Plan.

Visual Impact

Policy SP3 of the adopted Bridgend Local Development Plan (2024) 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 character; and,
- Be appropriate to its local context in terms of size, scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density.

Local Planning Authorities should ensure that proposed developments should not have an unacceptable impact upon the character and amenity of an area. In this case the proposal includes only minor changes to the host property at its rear as well as a number of new rooflights and rear dormer window. The principal elevation of the building would remain unaltered, ensuring that the character of the area remains undisturbed.

The proposed carport would replace an existing garage/store building at the rear of the property. While the plans submitted on the carport are sketchy, this would have an open appearance, less bulky and imposing than the existing structure. However, it is indicated that the roof of the carport will be used as part of the communal amenity area, and this would mean that this structure would need to be enclosed with a balustrade or other suitable construction. While the final details of the proposed carport have not been provided, these can be covered by a condition of planning approval should the Application be approved.

Accordingly, and subject to a pre-commencement condition on the design of the carport, the proposed development is considered to be visually acceptable and would not harm the character and appearance of the surrounding area. For these reasons the development is considered to be in accordance with Policy SP3 of the Bridgend Replacement Local Development Plan (2024).

Residential Amenity

Policy SP3 of the RLDP 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 and overshadowing impact

The proposed carport would replace the existing structure located to the rear of the property. As such there are considered to be no issues in terms of building dominance or overshadowing, over and above what already exists on site.

Overlooking/loss of privacy

In terms of overlooking and loss of privacy, the proposal involves only rooflights and a rear facing dormer window on the existing roof slopes. It is considered that these would result in no greater impact on the privacy of neighbours than would the existing situation. While the dormer would afford new views from a rear facing habitable room, these are out across Heol Tywith towards the Llynfi River. As such, the development would not result in any greater loss of privacy for neighbours.

While the proposed amenity space and particularly the roof top terrace on the carport may result in some overlooking of adjoining properties, this effect is not considered significant as this space has historically been used as a garden bar area having a similar effect. The proposed courtyard is setback from both neighbouring properties, and this reduces the potential for direct overlooking. The property to the south contains its entrance onto Heol Tywith with a side facing flank wall. The property to the north does have its private garden to the rear, however this is located approximately 10m from the terrace which would mitigate any adverse overlooking impact.

Noise

Policy SP3 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 would not unreasonably compromise the level of amenity that is currently enjoyed and can be reasonably expected in such a locality.

It should be acknowledged that the level of activity and other likely effects of the proposed residential use would likely be significantly less than the former hotel with accommodation comprising five bedrooms above.

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 would have a satisfactory outlook with appropriate habitable space along with communal kitchen and lounge/dining facilities being proposed to support the use.

With regard to outdoor amenity space, the proposed layout provides a generous east facing outdoor space to the rear that future occupiers can use. This is considered an acceptable level of provision to service the proposed use.

Bin storage and cycle storage

A suitable waste storage area can be provided at the side of the property beside the cycle store. This will allow access to High Street on refuse collection days. Cycle parking is proposed and can be achieved by a condition of consent to ensure suitable and appropriate 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 Replacement Local Development Plan (2024)

Highway Safety

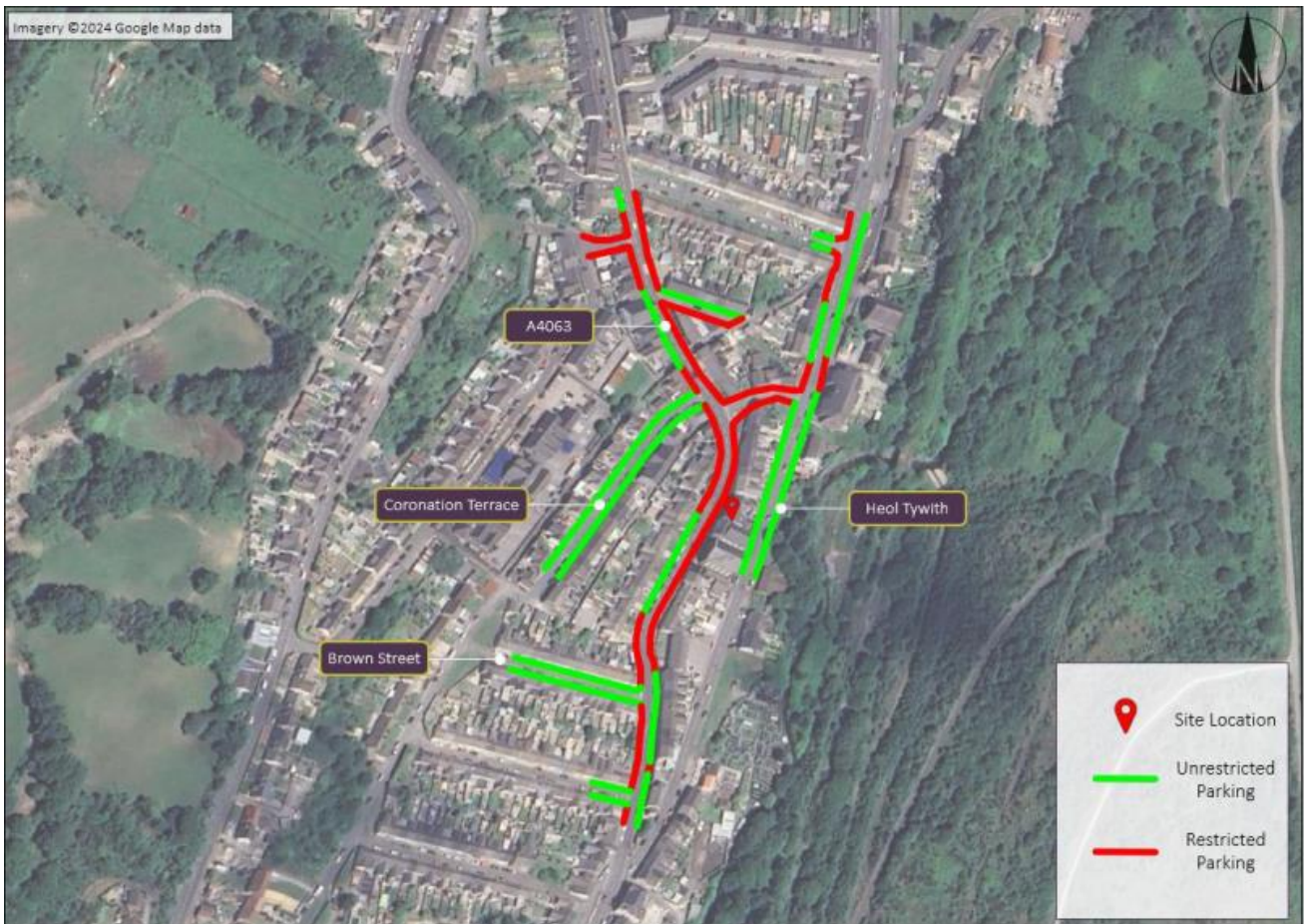
Policy SP5 states '*Development must be located and designed in a way that minimises the need to travel, reduces dependency on the private car and enables sustainable access to employment, education, local services and community facilities. Development must also be supported by appropriate transport measures and infrastructure*'. Policy PLA11 further states all development will be required to provide appropriate levels of parking. This should be in accordance with the adopted parking standards.

The Application was supported by a Transport Impact Assessment (**TIA**) which outlined the transport and highways characteristics of the proposed development and how it would accord with relevant local and national policies. It also examined parking provision, servicing arrangements and access.

The TIA noted that the closest bus stops were located on the direct frontage of the site on the High Street. These bus stops provide users with direct access to Bridgend, Cymmer, Neath and Port Talbot.

The Maesteg railway station is circa 1.4km from the site which is an approximately 19-minute walk. The railway station forms a terminus providing services to Bridgend, Cardiff, Swansea and beyond.

A number of objectors raised concerns with the availability of on-street parking in the vicinity of the site. The TIA addendum helpfully provided a figure showing parking availability within circa 200m of the site:



The Council's Highway Officer has assessed the proposal, and it is noted:

'Further to the Highway Authority's (HA) initial comments regarding highways and transportation, I have considered the addendum and additional information the applicant has submitted.

The revised Transport Assessment (TA) noted the HA's comments and has addressed each point to the satisfaction of the HA. IT is now clear that the traffic generated by the development are well below the levels for a material impact and therefore will not generate additional vehicles movements to the detriment of the free flow of traffic in the local area.

Similarly, the TA has evidenced that should each resident own a vehicle there is adequate on-street parking within 200m of the site which is not restricted and if used would not cause a highway obstruction. It goes further to show that car ownership is lower for this type of residential accommodation. However, the drawing shows 5 spaces with one space partially obstructing the footway which is not acceptable. Therefore, I have requested a condition which requires a scheme of parking which does not obstruct the footway.

The TA acknowledges that the junction layout in close proximity to the site has a history of minor and slight accidents, which is likely due to the convergence of approach roads and reductions in visibility. However, the junctions roads are physically constrained by private dwellings and as such no mitigation can be undertaken to improve the situation. In addition, it is noted that the development will increase traffic volumes by 0.23% in a worst case scenario and therefore wouldn't be reasonable for this development to provide mitigation for an existing situation.

In order to meet the requirements of the Active Travel Act, it is noted that the footway serving the site on Heol Tywith is obstructed by parked cars on the western side and as

such means that future residents will be required to cross the road to the unobstructed footway on the eastern side of Heol Tywith. In addition, the local surgery is on the opposite side of the road to the development, therefore a scheme for a set of dropped kerbs and tactile paving will be required to improve walking routes from the site.

*Finally, it is noted that in the applicant's own transport assessment, they evidence that that car ownership will be lower for this type of residential development. Therefore, it is imperative to meet both local and national planning policy and legislation to ensure that sustainable modes of transport are a viable option. To that end the public transport facilities to the front and south of the site are in need of improvement and to aide their attractiveness to the future residents of this development **the applicant should enter into a Section 106 agreement to provide a financial contribution of £3,000 prior to the granting of any consent. Such funding will facilitate the improvements required such as a new bus shelter as directed by the Public Transport Officer of the Highway Authority.***

As a result of the above, the HA offer 'No Objection' subject to conditions:

It should be acknowledged that the site is located in a sustainable location well positioned in terms of public bus services. Furthermore, the Maesteg railway station is a suitable walking distance from the property should residents chose to use those services. The proposed HMO would be afforded five on-site carparks should residents seek to park vehicles on the property. The Highways Officer has confirmed that there is adequate on-street parking within 200m of the site which is available should there be a demand.

On balance it is considered that subject to the imposition of suitable conditions and the provision of a financial contribution towards a new bus shelter, that the change of use would not have any unacceptable impacts upon highway and pedestrian safety. Therefore, the proposed development is considered to accord with Policy SP5 and PLA11 of the Bridgend Replacement Local Development Plan (2024)

Waste Management

Policy ENT15 – Waste Movement in New Development of the RLDP requires all proposals for new built development must include provision for the proper design, location, storage and management of waste generated by the development both during construction and operation of the site. Development must incorporate, as appropriate, adequate and effective provision for the storage, recycling and other sustainable management of waste, and allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel.

The plans submitted indicate that the HMO will be provided with a waste and recycling area at the side of the property. While this location is close to High Street, it would be difficult to access from the communal ground floor kitchen. Accordingly, it may be preferable to provide waste storage facilities at the rear of the property with access to Heol Tywith assuming that waste collection services are available from this location. Alternative and more suitable facilities can be requested and approved by a condition of planning consent to ensure that the proposal is compliant with Policy ENT15 of the RLDP.

Flood Risk

Policy DNP9 Natural Resource Protection and Public Health of the LDP specifies that: *'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 due to:*

9) Any other identified risk to public health or safety.

Policy DNP9 notes 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.'*

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 Flood Consequence Assessment (**FCA**) submitted with the Application notes that the Llynfi River, a Natural Resources Wales (NRW) designated Main River flows in a southerly direction approximately 25m east of the site.

The FCA identifies that the risk of surface water flooding is indicated to be High Risk. Groundwater flooding is assessed to be Medium Risk. Fluvial flooding and flooding from artificial sources is considered to be Low Risk. Tidal flooding is deemed to be Very Low Risk and flooding from reservoirs is considered Negligible.

The Natural Resources Wales Flood Risk Map confirms that the Application site is situated within Zone C2 of the Development Advice Maps. However, at this location the Flood Map for Planning (FMfP) is the best available information on flood risk. The FMfP identifies the Application site to be in Flood Zone 1, meaning there is less than a 1 in 1000 year (0.1% AEP) chance of flooding in a given year.

Natural Resources Wales have advised that on the basis of the site being located in Flood Zone 1 *'we have no objection to the application as submitted. We recommend consultation with the Lead Local Flood Authority on this proposal. They will be able to advise on matters such as the risks of surface water flooding and on the culvert which our records indicate runs through the site'*.

On balance and given the above advice, the Application is deemed to be acceptable in this regard and in accordance with Policy DNP9 of the Replacement Local Development Plan (adopted 2024).

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."*

Whilst acknowledging that this is a relatively modest change of use Application, to fully ensure the development meets the requirements of local and national planning policy that states that *all development should maintain and enhance biodiversity*, a condition is recommended to ensure that the proposed bird and bat boxes are introduced at the site. As such the proposal is acceptable in terms of biodiversity.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Bridgend Replacement Local Development Plan (adopted March 2024)

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 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.

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, SF1, PLA11, COM6, COM7, ENT15, DNP6 and DNP9 of the Bridgend Replacement Local Development Plan (2024).

The Application is therefore considered to be acceptable and is recommended for approval subject to the Applicant entering into and completing a Section 106 Agreement to provide a financial contribution of £3,000 prior to the granting of any consent. Such funding will facilitate the improvements required such as a new bus shelter as directed by the Public Transport Officer of the Highway Authority.

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

- A. The Applicant enters into a Section 106 Agreement to provide a financial contribution of £3,000 to facilitate the improvements required such as a new bus shelter on High Street as directed by the Public Transport Officer of the Highway Authority.

- B. The Corporate Director Communities be given delegated powers to issue a decision notice granting conditional consent in respect of this proposal once the Applicant has entered into the aforementioned Section 106 Agreement:-

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:

S-10 CONCEPT LOWER GROUND FLOOR PLAN

S-11 CONCEPT GROUND FLOOR PLAN
S-12 CONCEPT FIRST FLOOR PLAN
S-13 CONCEPT LOFT PLAN
S-14 CONCEPT ROOF PLAN
S-15 CONCEPT FRONT AND REAR ELEVATIONS
S-16 CONCEPT SIDE ELEVATIONS
S-17 CONCEPT SECTION
TRANSPORT IMPACT ASSESSMENT AND ADDENDUM
FLOOD CONSEQUENCE ASSESSMENT

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

2. The premises shall be used as a house in multiple occupation accommodating a maximum of 12 persons and for no other use.

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

3. Notwithstanding condition 1, no development work shall take place until details of the proposed carport and amenity terrace have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the beneficial use of the HMO and shall be thereafter retained and maintained in perpetuity.

Reason In the interest of the visual amenity of the area and to ensure that the development complies with Policy SP3 of the of the Bridgend Replacement Local Development Plan (2018-2033).

4. The cycle storage unit and integral cycle stands scheme shall be provided before the development is brought into beneficial use and retained for cycle parking purposes in perpetuity.

Reason: In the interests of promoting sustainable means of travel to / from the site and to accord with policies SP3 and SP5 of the Bridgend Replacement Local Development Plan (2024), and advice contained within Supplementary Planning Guidance SPG17: Parking Standards.

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

Nest Box Specifications for House Sparrow:

- 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

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales, Planning Policy Wales (Edition 12) and Policies SP17 and DNP6 of the Bridgend Replacement Local Development Plan (2024).

6. Notwithstanding the submitted plans, no development shall commence until a scheme for the provision of 5 off street parking spaces has been submitted to and approved in writing by the Local Planning Authority. The parking scheme shall be implemented and the parking area completed in permanent materials before the development is brought into beneficial use and retained for parking purposes in perpetuity.

Reason: In the interests of highway safety and to accord with Policy SP5 of the Bridgend Local Development Plan (2024).

7. No development shall commence until a scheme for a dropped kerb and tactile paving pedestrian crossing has been submitted to and approved in writing by the Local Planning Authority. The agreed pedestrian crossing point shall be implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway and pedestrian safety and to promote active travel from the site and to accord with Policy SP5 of the Bridgend Replacement Local Development Plan (2024).

8. No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the car port vision splay areas at any time.

Reason: In the interests of highway safety and to accord with Policy SP5 of the Bridgend Local Development Plan (2024).

9. Notwithstanding condition 1, no development work shall take place until a scheme of waste and recycling management for the property has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a suitably located, screened and managed area(s) for waste and recycling. The approved scheme shall be implemented in accordance with the approved details and shall be thereafter retained in perpetuity.

Reason To ensure that adequate waste and recycling facilities are provided in accordance with Policy ENT15 of the of the Bridgend Local Development Plan (2018-2033).

10. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

ADVISORIES

a. The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Bridgend County Borough Local Development Plan (2018 - 2033)

On balance and having regard to the objections and concerns raised the proposed development, The development, subject to the imposition of conditions, complies with Policies SP3, SP5, SP6, SP17, SF1, PLA11, COM6, COM7, DNP6 and DN9 of the Bridgend Local Development Plan (2024) and relevant guidelines and does not adversely affect the character of the area, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities as to warrant refusal on those grounds. The scheme also raises no adverse biodiversity concerns.

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

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

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

c. The conversion of the property should be completed in accordance with Building Regulations to ensure correct fire safety measures are in place. The property will require a HMO Licence and will need to meet the relevant standards for HMO's within Bridgend. Once the development is complete the owners should contact Shared Regulatory Services on 0300 123 6696 to apply for the appropriate HMO Licence.

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

d. Welsh Water advisories

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.

e. Chief Fire Officer advisories

The developer should consider the need for the provision of:-

- a. adequate water supplies on the site for firefighting purposes; and
- b. access for emergency firefighting appliances as part of this development.

f. Land Drainage advisories

The application form states foul water will be disposed of via the main sewer, as existing. No foul drainage layout has been provided. The applicant shall contact DCWW to confirm any changes or new connections to the public sewer.

The application form states surface water will be disposed via soakaway and

sustainable drainage system. No surface water drainage layout has been provided, however given the age of the property it is anticipated that surface water will be disposed to the public sewer. As no external modifications are proposed no further surface water consideration is required.

As the development involves the conversion of an existing building with no external modifications to the footprint no SAB application is required.

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.

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None

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REFERENCE: P/24/369/FUL

APPLICANT: Serenity Support and Care 16 Derwen Road, Bridgend, CF31 1LH

LOCATION: 26 Ton Rhosyn Brackla CF31 2HU

PROPOSAL: Change of use from Use Class C3 (dwellinghouse) to Use Class C2 to provide care home for one child

RECEIVED: 19 June 2024

APPLICATION/SITE DESCRIPTION

Full planning permission is sought for the change of use from Use Class C3 (dwellinghouse) to Use Class C2 to provide a care home for one child at 26 Ton Rhosyn, Brackla.

The Applicant (Serenity Support and Care) has advised that the staff associated with the property would be 8 in total working in a shift pattern, consisting of a manager, two senior staff members, 2 night shift workers and 3 day shift workers. There would be a maximum of three staff members in the home during daytime hours (two carers and a manager), with two staff members being present at weekends. During night-time hours there would be two staff members on site (one waking staff member and one sleeping staff member). The young people residing at the home will require 2 to 1 support. The shift pattern of staff members would be:

Staff member 1: 07.30 to 21.00 hours

Staff member 2: 08.00 to 23.00 hours (who would also sleep at the property)

Manager: 09.00 to 17.00 hours

Waking night staff member: 21.30 to 08.00 hours

No alterations to the property are proposed to accommodate the change of use.



Figure 1 – Site Location Plan



Figure 2 – Photograph of the existing property & Associated Parking Area

The Application site consists of a two-storey semi-detached property. The dwelling is set back from the line of the adjacent road with a small garden area to the front part of which is enclosed by a short wall. To the rear of the property is an enclosed garden area and beyond that are properties located on Min Y Coed. The property has no on-site parking but does have access to allocated parking in a communal car parking area located approximately 50 metres to the west of the site. Unrestricted on street parking is also available. This location is within the settlement of Brackla with all boundaries of the site adjoining other residential development.

RELEVANT HISTORY

None.

PUBLICITY

Neighbours have been notified of the receipt of the Application.

The period for response to consultations / publicity expired on 19th August 2024.

CONSULTATION RESPONSES

Brackla Community Council: No objection raised

Transportation Officer (Highways): No objection subject to a condition that requires the development is carried out in accordance with the proposed description of development and staffing information.

SRS (Shared Regulatory Services): No objection raised subject to a condition requiring the development be undertaken in accordance with the staffing information provided by the Applicant.

PUBLICITY

Twelve letters of objection have been received in connection with the consultation undertaken (which includes letters from other nearby residents who were not specifically consulted).

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

- Concerns over other uses that a change of use-to-Use Class C2 could permit outside of housing children;
- Negative impact on value of neighbouring properties and rising cost of house and car insurance;
- Fear for security of existing residents and children playing in the street;
- Lack of parking facilities and impact on existing on street parking;
- Inappropriate location for this type of proposal;
- Noise and disturbance of neighbouring residents as well as other anti-social behaviour;
- No engagement by the Applicant has been undertaken with the local community; and,
- The whole street should have been notified of the Application.

RESPONSE TO REPRESENTATIONS RECEIVED

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

Factors to be taken into account in making Planning decisions must be Planning matters; that is they must be relevant to the proposed development and the use of land in the public interest. The matters raised which are material to the determination of this Application are addressed in the appraisal section of this report. Other matters such as the impact of a development on property values are not material Planning considerations and will not be addressed further.

It is noted that a comment was made that all the properties in the street should have been notified of the proposal. In this instance all those properties adjoining the Application site (including those on the opposite side of the road to the site) were notified of the Application as these are the properties that are most likely to have an interest in the proposal. Given the scale of the development proposed it was not considered necessary in this instance to extend the formal consultation.

The concerns relating to the proposed use; its impact on neighbouring amenity; parking and the perceived fear of crime and anti-social behaviour are addressed in further detail within the appraisal section below.

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 PPW, 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 Replacement Local Development Plan (**RLDP**) 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 SP6: Sustainable Housing Strategy
- Policy SP17: Conservation and Enhancement of the Natural Environment

Topic Based Policy

- Policy SF1: Settlement Hierarchy and Urban Management
- Policy PLA11: Parking Standards
- Policy DNP6: Biodiversity, Ecological Networks, Habitats and Species

Supplementary Planning Guidance

- SPG17 - Parking Standards
- SPG19 - Biodiversity

APPRAISAL

This Application is referred to the Development Control Committee in view of the number of objections received.

An appraisal of the proposals in the context of the relevant material considerations is provided below. The main issues for consideration in the determination of this Application are the principle of development; the visual impact of the proposal; its impact on residential amenity; the fear of anti-social behaviour and highway safety.

PRINCIPLE OF DEVELOPMENT

The Application site lies within the Local Settlement of Brackla, as defined by **Policy SF1** Settlement Hierarchy and Urban Management of the Bridgend Replacement Local Development Plan (RLDP) adopted in 2024. Policy SF1 states that Development will be permitted within settlement boundaries at a scale commensurate with the role and function of the settlement.

The proposal seeks to change the use of the existing dwelling from Use Class C3 (Dwellinghouse) to Use Class C2 (Residential institution - Small Care Home), providing supported living for one child with a maximum of three staff being on site at any one time.

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

Concern has been raised by local residents as to what a consent for a C2 Use Class could encompass in respect of the occupants of the property, however, if this C2 use is granted it would be limited to the care of 1 child and any increase in numbers would require a further planning permission which would be assessed on its own merits.

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

The property is to accommodate a maximum of 1 child and a maximum of 3 staff in a residential area which would display many similar features associated with a family dwelling. The change-over of carers would take place between 07.30 hours and 21.30 hours daily.

The Application site is located within the local settlement boundary of Brackla, as defined by Policy SF1 Settlement Hierarchy and Urban Management of the Bridgend Replacement Local Development Plan (RLDP) adopted in 2024. The conversion of this existing building into a small-scale care home of the nature proposed is considered to accord with the criteria set out in Policy SP6 of the RLDP and Planning Policy Wales (2024) which seek to prioritise the use of suitable previously developed land for residential purposes as it can assist regeneration and also relieve pressure for development on greenfield sites.

Furthermore, Strategic Policy SP1 seeks to encourage regeneration led development within the settlement hierarchy and it is considered that the proposed change of use of the existing building to another form of residential use in such a locality is compatible with surrounding land uses and is acceptable. It is considered that the proposed development is located within a sustainable location being located close to public transport links and local amenities which would be of benefit to potential future occupiers and staff at the premises.

In view of the above, the proposed development is considered to accord with Strategic Policies SF1 and SP1 and Policies SP6 of the Bridgend County Borough Local Development Plan (2018-2033) and can be supported in principle.

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

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

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

NEIGHBOUR AMENITY

Planning Policy Wales (Edition 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 (adopted 2024) seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected by development proposals.

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

The Applicant has advised that the home would accommodate one child and would need to be registered with the Care Inspectorate of Wales. It should be noted that registration with the overseeing body is not a requirement to grant planning permission – this is a separate regulatory process.

There would be a maximum of three members of staff on the premises at any one time, providing ‘two-to-one’ supervision for the child. During the daytime this would comprise two carers and a manager and, overnight, two carers will remain on the site, one of which will sleep and the other staying awake. The staff handover would take place at 07.30 hours and 21.30 hours.

Parking will be limited to the one allocated parking space associated with the property together with on-street parking. At handover time, it is assumed that there would be a maximum of 4 members of staff at the premises (if shift patterns for both members of on-site staff are aligned). On the basis that the staff could all arrive and leave independently, this would result in a minimum of 8 staff movements to and from the property per day. The times of the handover, 7.30 hours and 21.30 hours, are at quieter times of the day, when comings and goings are more likely to be more noticeable to nearby residents. However, at the scale proposed, the movement of people and their vehicles at these times would not be out of the ordinary and could be similarly attributed to a traditional residential dwelling. The level of disturbance as a result of staff shift patterns is not considered to be so significant to warrant the refusal of the Application.

Residents suggest that the conversion of the building from a residential dwelling to a small-scale care home could result in a minor increase in the number of people living within the building and potentially an increase in the noise levels associated with the occupants. The noise levels associated with a C2 use, which is a residential use, would be broadly in line with the anticipated noise levels from a C3 dwellinghouse. Any potential for noise increase is not likely to result in a significant detrimental impact to the amenity of neighbouring occupiers. Shared Regulatory Services (SRS) have not raised an objection to the proposal based on the information provided by the Applicant. This is however subject to the imposition of a condition requiring the care facility to be managed in accordance with the staffing requirements indicated.

It is considered the proposed use would not unreasonably compromise the level of amenity that is currently enjoyed and can be reasonably expected in such a locality. It is considered that the level of activity and other likely effects of the use would not significantly exceed what might be expected from the occupation of the building as a family dwelling. Given the small-scale nature of the use, the level of movement to and from the property will not intensify to such an extent that it would be incompatible in this residential area.

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

ANTI-SOCIAL BEHAVIOUR

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

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

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

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

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

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

HIGHWAYS

Policy PLA11 of the adopted Local Development Plan (2024) stipulates that all development will be required to provide appropriate levels of parking in accordance with the adopted parking standards.

The existing 3-bedroom property generates a parking requirement would generate a parking requirement for 3 spaces. Currently there is a single parking space allocated to the dwelling and consequently an element of overspill parking on the highway will occur due to the shortfall in parking, and by visitors to the property.

The proposed use is a care home for a single child, with 3 non-resident members of staff during the day and 1 resident and 1 non-resident staff members overnight. This would generate a parking requirement for only 2 spaces during the day (1 per 3 non-resident staff) = 1 space + 1 visitor space per 4 beds).

Overnight the parking requirement would be 3 spaces (1 per 3 non-resident staff = 1 space + 1 per resident staff = 1 space + 1 visitor space per 4 beds). As such the proposed use is not considered to generate any greater movements or parking than the current use as a residential dwelling therefore there are no highway capacity or safety concerns raised by the Transportation Officer. To ensure that this remains the case it is recommended that a condition be imposed to require that the development shall be carried out in accordance with the proposed description of the development and staffing information provided.

On balance and in consideration of the sustainable location of the Application site and that the car parking requirement of the proposed use will not differ from that as the dwellings use as a private family residence the proposal is acceptable in highway safety terms.

VISUAL AMENITY

The acceptability of the proposed development is assessed against Policy SP3 of the Local Development Plan (adopted 2024) which stipulates that:

“All development should 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 by:

- 1. Demonstrating alignment with the principles of good design; and*
- 2. Demonstrating a Sustainable Placemaking approach to their siting, design, construction and operation”*

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

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. 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 within the settlement of Brackla, and the proposal involves a change of use from a dwellinghouse to a care home for one child. Given the nature of the proposal and that the site is a residential dwelling with limited biodiversity value within its curtilage, a bird box would be considered sufficient to enhance biodiversity at the site given the limited value. 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 DNP 6, 7 and 8 of the Local Development Plan (2024) and is therefore acceptable in terms of Biodiversity.

CONCLUSION

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

RECOMMENDATION

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

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

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

2. Prior to the first beneficial occupation of the building hereby permitted, an artificial nesting site for birds shall be erected at the site to one of the following specifications, and retained as such thereafter;

Nest Box Specifications for House Sparrow Terrace:

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

- Dimensions: H310 x W370 x D185mm

or

Swift Nest Box Specification:

- Wide box with small slit shaped entrance hole. Must be placed under or close to roofs, at least 5m from the ground.
- Dimensions: H150 x W340 x D150mm

Reason: In the interest of biodiversity, and to mitigate to loss of bird nesting/foraging habitats under the Habitats Regulations (amended 2012) and to accord with Policy DNP6 of the Bridgend County Borough Local Development Plan (2018-2033) adopted March 2024.

3. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

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

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

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REFERENCE: P/24/513/FUL

APPLICANT: Mr T McHatton C/o agent, 39 Merthyr Mawr Rd, Bridgend, CF31 3NN

LOCATION: 88 Coity Road Bridgend CF31 1LT

PROPOSAL: Change of use from Use Class C3 to Use Class C4 (six-bedroom House in Multiple Occupation (HMO))

RECEIVED: 23 August 2024

APPLICATION/SITE DESCRIPTION

The Applicant is seeking planning permission for the change of use from use class C3 (dwelling house) to use class C4 (House in Multiple Occupation), as a six-bedroom unit with communal shared facilities at 88 Coity Road, Bridgend.

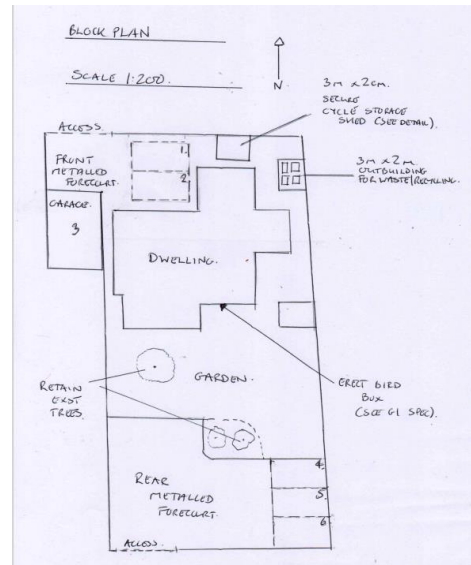


Figure 1 – Site Location Plan & Block Plan

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

With the Application under consideration the submitted plans show that the five-bedroom dwelling will not be physically altered externally or internally to accommodate the change of use with four bedrooms on the ground floor and a further two at first floor level. There would be a shared kitchen/living area/utility area, dining room / conservatory and shower room on the ground floor and further shared bathroom at first floor level. There is a shared outdoor amenity space/enclosed garden to the rear of the property. The existing and proposed layout of the building is shown below (Figure 2).

Ground Floor

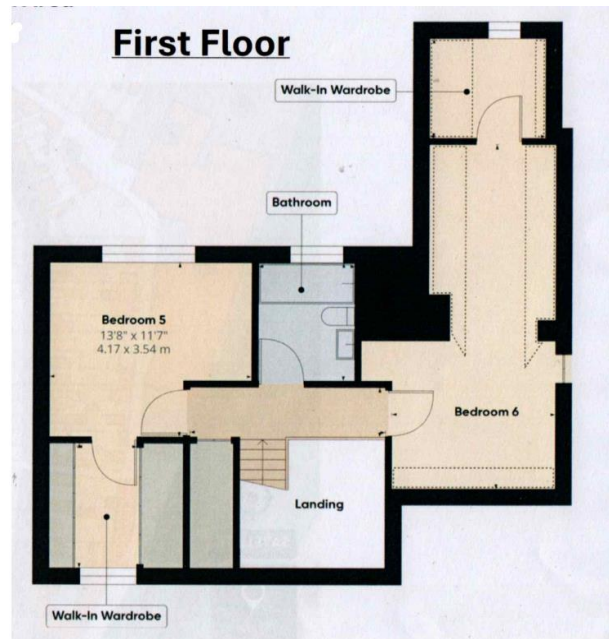


Figure 2 – Existing and Proposed Layout of the Building

The Application site comprises a two-storey detached dormer bungalow with rendered / pebble dash exterior walls and a pitched roof of interlocking concrete tiles. The site is set back some distance from Coity Road along an access way (approximately 85 metres in length) which also serves properties in Greyfriars Court

The Application site is set back from the edge of the access way with a small area to the front of the property which has been hard surfaced and is used for parking in addition to which there is also a detached garage. A generous private amenity space exists to the rear of the property consisting of lawns and flowerbeds. There is also a hard surfaced area at the rear of the property which is proposed as additional car parking together with a rear vehicular access.

To the north, east and west are other residential dwellings and to the south is a large, grassed amenity space which includes a playground area. Rear access to the Application site is via an access way which runs along the west side of the amenity space along which are situated parking spaces to serve properties which front onto Coity Road. The area surrounding the Application site is primarily residential in character with the nearest commercial use being the Caeffatri Restaurant / bar being located approximately 30 metres to the north of the Application site which is accessed separately off Caeffatri Close.



Figure 3 View of Front of Site from Greyfriars Court



Figure 4 View of Front of Site Showing Existing Parking Area



Figure 5 Rear Elevation of Application Dwelling



Figure 6 Rear Elevation of Application Dwelling Looking East



Figure 7 View of Access Way Leading to The Site Where It Adjoins Coity Road



Figure 8 View of Access Way Leading to The Rear Of The Site

RELEVANT HISTORY

P/06/479/FUL Single storey conservatory to side of property. Granted 8th June 2006

P/99/86/FUL Two single storey extensions and dormer extensions. Granted 25th February 1999

CONSULTATION RESPONSES

Bridgend Town Council: Objection due to an over intensification of HMOs in this area.

Highways Officer: No objection subject to a condition that requires the submission and approval of details for secure cycle parking on site for 6 cycles and provision of 3 parking spaces on site.

Drainage Officer: No objections raised.

Shared Regulatory Services: Comments received relating to some of the bedrooms being considered “inner rooms” i.e. a room where the only escape route is through another room. They also have requested information relating to the floor area of the first-floor rooms where the floor space is over 1.5 metres in height between the floor and ceiling height.

Waste and Recycling: No comments received.

Housing Manager: No comments received.

PUBLICITY

Neighbours have been notified of the receipt of the Application and a site notice was also posted in proximity to the Application site. The period allowed for response to consultations / publicity expired on 10th October 2024.

REPRESENTATIONS RECEIVED

Cllr S. Bletsoe has provided the following comments on this Application:

“Whilst this property is in different circumstances to others that have been applied for in the local area, I am still receiving concerns and objections from residents who I am elected to serve about the numbers of HMO’s appearing in the small geographical area and the impact it is having on them. This Application is in close proximity to the three houses on Coity Road that house people with complex needs and just a few weeks ago there was a “major brawl” that necessitated South Wales Police attendance and intervention.

This is yet another HMO Application in a small area and many residents who live here are concerned. This would again be a loss of yet another family home, which we are also in dire need of protecting.”

8 letters of objection have been received from 7 separate individuals in which the following matters have been raised:

- HMO’s often have younger or transient populations who have different lifestyles leading to higher noise levels particularly at night;
- Concern that the proposal could impact on the quality of life of residents;
- Area is already congested with residents and their visitors;
- Concern about personal safety and antisocial behaviours such as drug taking, rubbish dumping and crime;
- Concern about increased parking or parking on private land or inappropriate areas;
- Problems with bin lorries getting around to No. 88 due to parking;
- There were previously parking issues with a business being run from No.88;
- Concern about the already noisy environment with the nearby Pub; and,

- Knock on effect from nearby assisted living accommodation and other HMO's in the surrounding area.

RESPONSE TO REPRESENTATIONS RECEIVED

The concerns raised by the Town Council are noted and the assessment of the proposal against COM7 (Houses in Multiple Occupation) of the adopted Local Plan is covered in detail below. Issues raised with regarding the provision for car parking is also discussed below. The matter relating to "inner rooms" raised by Shared Regulatory Services has been addressed by the Applicant by changing the proposed sitting area for bedroom 4 to a hallway so that there is direct access to bedrooms 2, 3 and 4 shown.

The matter of the cleanliness of surrounding streets and anti-social behaviour is also not a planning consideration that can be considered in the assessment of this current proposal.

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."*

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

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

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

The 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 (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.

Other Relevant Policies and Guidance

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

Local Policies

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

Strategic Policies

- **Policy SP3:** Good Design and Sustainable Placemaking
- **Policy SP5:** Sustainable Transport and Accessibility
- **Policy SP6:** Sustainable Housing Strategy
- **Policy SP17:** Conservation and Enhancement of the Natural Environment

Topic based policies.

- **Policy SF1:** Settlement Hierarchy and Urban Management
- **Policy PLA11:** Parking Standards
- **Policy COM6:** Residential Density
- **Policy COM7:** Houses in Multiple Occupation
- **Policy DNP6:** Biodiversity, Ecological Networks, Habitats and Species
- **Policy DNP9:** Natural Resource Protection and Public Health

Supplementary Planning Guidance

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

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

APPRAISAL

This Application is to be determined at the Development Control Committee as there have been objections raised by Bridgend Town Council and more than 5 objections have been received as part of the consultation process. Cllr Bletsoe has also raised concerns about the Application.

Issues

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

Principle of Development

The site is located within the main settlement of Bridgend within an established, residential area close to the edge of the town centre as defined by **Policy SF1 Settlement Hierarchy and Urban Management** of the Bridgend Replacement Local Development Plan (RLDP) 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 SP3 Good Design and Sustainable Placemaking of the RLDP 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, by:*

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

Policy SP6 Sustainable Housing Strategy notes that the RLDP 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 site and proposed development align with Policy SP6 as it will make an important contribution to the overall housing supply and will introduce an important element of choice and flexibility into the housing market. Policy SP6 of the RLDP 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. Policy COM6 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 close to the town centre of Bridgend. It would utilise the existing residential dwelling and would provide good sized bedrooms as well as communal living spaces for up to 6 occupants. All of the habitable rooms would benefit from natural light, ventilation, and a means of outlook. There is also adequate private amenity space to serve the residents of the property. For these reasons, the proposed HMO is considered to meet Policy COM6 of the RLDP.

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 not identified any other HMOs located within 50m of the Application property. There are other HMO's in the surrounding area, however these are all located more than 50 metres from the site currently under consideration. 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;
- 2) The proposal will not require any major extensions or alterations;
- 3) The scale and intensity of the use is considered to be compatible both with the existing building (as communal areas are provided for the residents) as well as with adjoining and nearby uses which are also primarily residential;
- 4) No objection has been raised by the Highways Officer, further to which the property is also located in a sustainable location in close proximity to the town centre, public transport hubs as well as other facilities;
- 5) The proposal provides for waste and recycling storage and space for outdoor clothes drying area at the rear of the building. Cycle parking can be achieved as a condition of planning approval; and,
- 6) It is not considered that the proposal would have an unacceptably adverse effect on residential amenity.

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

On balance, it is considered that, in principle, the development accords with Strategic Policy SP6 and Policy COM6 and COM7 of the Bridgend RLDP and subject to satisfying the requirements of Policy SP3, the proposed development is acceptable in land use

planning terms and accords with the Bridgend Replacement 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 and overshadowing impact

The proposal involves no building additions and only the construction of a suitable secure cycle storage facility and bin storage area at the rear of the property. As such there are no issues in terms of overshadowing and overbearing over and above what already exists on site.

Overlooking/loss of privacy

In terms of overlooking and loss of privacy, the proposal involves no alterations and, as such, the relationship between windows and habitable rooms would not change.

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 an HMO would not unreasonably compromise the level of amenity that is currently enjoyed and can be reasonably expected in this locality. It is also considered that the level of activity and other likely effects of the use would not significantly exceed that of the property being used as a single occupation residential property.

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 would have a satisfactory outlook with appropriate habitable room space and communal kitchen/bathroom facilities being proposed to support the use. Shared Regulatory Services raised the question with regards to bedroom size for bedrooms 5 and 6 which are at first floor level, due to the potential for restricted floor area due to floor space height being restricted by areas of sloping roof. The Applicant has confirmed that bedroom 5 has no areas where the ceiling height is below 1.5 metres above floor level. Bedroom 6 does have areas of restricted ceiling height, and this has been annotated on the plans provided by the Applicant. For this room the unrestricted floor space would amount to approximately 16 square metres and whilst this is made up of both a square shaped area as well as a further area of restricted width the extent of unrestricted floor area for this room is considered acceptable.

Regarding outdoor amenity space, the proposed layout provides an outdoor space to the rear that future occupiers could use. This is of significant size and is considered an acceptable level of provision to service the proposed use.

Bin storage and cycle storage

Bin storage areas have been shown at the side of the building as well as an area for secure cycle storage. The proposed plans show a bin storage enclosure measuring 3 metres by 2 metres to the side of the house although currently situated in this location is a

glass greenhouse. Whilst the location would be acceptable the structure currently in this position would not be. Similarly, it has not been demonstrated that the proposed bike storage facility would be suitable to hold 6 bikes. It is recommended that a condition is applied to any consent granted to require the submission and approval of the details for both matters (bin storage and cycle storage) to ensure there is satisfactory provision.

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 the basis that the use would significantly impact the living conditions of neighbours, having particular regard to the fact that if any such issues arise in the future, these can be addressed by the Shared Regulatory Services Team under their statutory nuisance powers. The development, therefore, accords with Policy SP3 and DNP9 of the Bridgend Replacement Local Development Plan (2024).

Highway Safety

Policy SP5 states '*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*'. Policy PLA11 further states all development will be required to provide appropriate levels of parking. This should be in accordance with the adopted parking standards.

The Application site is in a very sustainable location close to the town centre where there is an abundance of facilities together with the main train and bus stations for Bridgend.

The Highway Officer has assessed the proposal and made the following comments:

"The existing 6-bedroom property generates a requirement for 3 off-street parking spaces and benefits from a forecourt and garage to the Northern frontage of the dwelling and a rear hardstanding to the South. It is considered however that the proposed change of use to an HMO (for a maximum of 6 persons) will not generate any greater parking demand which would otherwise require further provision. Notwithstanding, the submitted drawings do not appear to show the parking spaces to the required dimensions of 2.6m x 4.8m however it is apparent that the 3 required spaces can be accommodated. In order to regularise and control this a scheme of parking, to the required dimensions, should be sought.

Furthermore, the proposed use of the shed for cycle parking gives concerns in respect of its size and method of securing and a more detailed scheme of secure cycle parking (at appropriate spacings) should be provided."

Whilst the concerns raised in the objections received from nearby residents relating to car parking matters are acknowledged, it is considered that, on balance, the change of use would not have any unacceptable impacts upon highway and pedestrian safety. This is subject to conditions relating to car parking details being submitted for approval as well as cycle storage. Matters relating to the obstruction of other parking areas by inconsiderate parking of cars is a private matter and not one that can come under the consideration of this Application. Subject to the agreement of a car-parking scheme, the development can achieve compliance with the adopted parking standards and Policies SP5 and PLA11 of the Bridgend Replacement Local Development Plan (2024).

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.”*

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

Drainage Matters

As no extensions are proposed and no internal alterations requiring additional connections to the sewer system no issues are raised with regards to these matters.

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 Replacement Local Development Plan (2024)

On balance and having due regard to the objections raised by the Town Council and nearby residents, the proposed development, subject to the imposition of conditions, complies with Council policy and guidelines and does not adversely 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 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, SF1, PLA11, COM6, COM7, DNP6 and DNP9 of the Bridgend Replacement 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

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

1. The development shall be carried out in accordance with the following approved plans:
 - Proposed Block Plan received by the Local Planning Authority 23rd August 2024
 - Proposed First Floor Plan received by the Local Planning Authority 28th August 2024
 - Proposed Ground Floor Plan received by the Local Planning Authority 7th October 2024

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

2. The premises shall be used for a house in multiple occupation (Class C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended)) accommodating a maximum of 6 persons and for no other use.

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

3. No development shall commence until a scheme for the provision of secure cycle storage for 6 cycles has been submitted to and approved in writing by the Local Planning Authority. The approved cycle storage scheme shall be implemented before the development is brought into beneficial use and retained for cycle parking purposes in perpetuity.

Reason: In the interests of promoting sustainable means of travel to / from the site and to accord with policies SP3 and SP5 of the Bridgend Replacement Local Development Plan (2024), and advice contained within Supplementary Planning Guidance SPG17: Parking Standards.

4. No development shall commence until a scheme for the provision of 3 off street parking spaces has been submitted to and approved in writing by the Local Planning Authority. The parking area shall be implemented in permanent materials in accordance with the approved off street parking scheme before the development is brought into beneficial use and retained for parking purposes in perpetuity.

Reason: In the interests of highway safety and to accord with policies SP3 and SP5 of the Bridgend Replacement Local Development Plan (2024), and advice contained within Supplementary Planning Guidance SPG17: Parking Standards.

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

Reason: In the interests of safeguarding general amenities and to ensure the sustainability principles are adopted and ensure compliance with Policy ENT15 of the Bridgend Replacement Local Development Plan (2024).

6. Notwithstanding the submitted plans and prior to the first beneficial use of the development, an artificial nesting site for birds shall be erected at the site to one of the

following specifications and retained as such thereafter;

Nest Box Specifications for House Sparrow Terrace:

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

or

Swift Nest Box Specification:

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

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales, Planning Policy Wales (Edition 12) and Policies SP17 and DNP6 of the Bridgend Replacement Local Development Plan (2024).

7. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a. The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning Application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Bridgend County Borough Local Development Plan (2018 - 2033)

On balance and having regard to the objections and concerns raised the proposed development, The development, subject to the imposition of conditions, complies with Policies SP3, SP5, SP6, SP17, SF1, PLA11, COM6, COM7, DNP6 and DN9 of the Bridgend Local Development Plan (2024) and relevant guidelines and does not adversely affect the character of the area, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities as to warrant refusal on those grounds. The scheme also raises no adverse biodiversity concerns.

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

b. HMOs are subject to additional requirements concerning fire safety. The information can be found in the following guide

<https://www.cieh.org/media/1244/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf>

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

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

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

Background Papers
None

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Appeals

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

APPEAL NO.	2018
APPLICATION NO	P/24/489/OUT
APPELLANT	R HILL
SUBJECT OF APPEAL	OUTLINE APPLICATION FOR A PAIR OF SEMI-DETACHED DWELLINGS: LAND AT SYCAMORE CLOSE LITCHARD BRIDGEND
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed development does not accord with Policies SP3 and Policies DNP6, 7 & 8 of the adopted Bridgend Replacement Local Development Plan 2024; the Strategic Placemaking Principles of Future Wales: The National Development Plan 2040 as well as advice contained within Planning Policy Wales 12 for the following reasons:
 - (i) The development will result in the loss of protected trees that have ecological value, (habitat), contribute to the character and amenity of the area and perform a beneficial green infrastructure function. The development will not provide a net biodiversity and the ecosystems of the site would not be in a better state than before any development had taken place
 - (ii) The site is too restricted due to the steeply sloping nature of the land to accommodate a dwelling consistent with generally accepted standards of space about new residential development and thereby detract from the amenity reasonably expected to be enjoyed by future occupiers
2. The proposed development would generate extraneous traffic (unrelated to the intended use of land) into the surrounding streets which are residential in character and unsuitable to accommodate Heavy Goods Vehicles (HGVs) to the detriment of highway safety and the living conditions of local residents and contrary to Policy SP3 of the adopted Bridgend Replacement Local Development Plan 2024; the Strategic Placemaking Principles of Future Wales: The National Development Plan 2040 as well as advice contained within Planning Policy Wales 12.
3. Insufficient information has been submitted with this application to demonstrate that the stability of the public highway (Heol y Groes) will be maintained as a consequence of the development of this site.
4. Insufficient information has been submitted with this application to demonstrate that surface water from this development could be managed in accordance with the Statutory Standards for Sustainable Drainage Systems – Designing, Constructing, Operating, and maintaining surface water drainage systems published by Welsh Government in 2018 and Policy SP3 of the Replacement Bridgend Local Development Plan 2024.

APPEAL NO.	2017
APPLICATION NO	P/22/651/RLX

APPELLANT SUNNYVALE HOLIDAY PARK
SUBJECT OF APPEAL REMOVAL OF CONDITION 3 (OCCUPATION LIMITS) OF P/19/911/RLX: LAND AT MOOR LANE PORTHCAWL
PROCEDURE WRITTEN REPRESENTATIONS
DECISION LEVEL DELEGATED OFFICER

The application was granted with conditions of which the appellant is appealing the following condition.

This consent permits the year round occupation of the timber chalet units but no unit shall be occupied as a person's or persons' place of residence nor shall any unit be occupied by the same person or persons for a period exceeding 42 days between April and September (inclusive) and 42 days between October and March (inclusive).

Reason: To ensure the Local Planning Authority retains effective control over the use of the chalets and to prevent the holiday accommodation being used as permanent residential accommodation.

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

APPEAL NO. 2009
APPLICATION NO. P/24/50/RLX
APPELLANT A SLEEP
SUBJECT OF APPEAL REMOVAL OF CONDITION 3 (FINISH OF DORMERS) OF P/23/540/FUL: 22 GLYNSTELL ROAD PORTHCAWL
PROCEDURE WRITTEN REPRESENTATIONS
DECISION LEVEL DELEGATED OFFICER
DECISION THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE ALLOWED SUBJECT TO CONDITIONS.

The Appeal decision is attached as APPENDIX A.

APPEAL NO. 2009
APPLICATION NO. ENF/164/23/TAC
APPELLANT R BOOTH
SUBJECT OF APPEAL HIGH HEDGE: 10 CYPRESS GARDENS PORTHCAWL
PROCEDURE WRITTEN REPRESENTATIONS
DECISION LEVEL DELEGATED OFFICER
DECISION THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO

DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE
DIMISSED.

The Appeal decision is attached as APPENDIX B.

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 L. Hughson-Smith LLB MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 20-11-2024

Appeal reference: CAS-03500-G0Y4Q3

Site address: 22 Glynstell Road, Nottage, Porthcawl CF36 3NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Ms. A Sleep against the decision of Bridgend County Borough Council.
 - The application Ref P24/50/RLX, dated 23 January 2024, was refused by notice dated 22 March 2024.
 - The application sought planning permission for the 'retention of front and rear flat roof dormers' without complying with a condition attached to planning permission Ref P23/540/FUL, dated 22 November 2023. The condition in dispute is No. 3 which states that: *The front and rear dormers hereby approved shall painted in a colour to match the existing roof at 22 Glynstell Road unless otherwise agreed in writing by the Local Planning Authority and shall be completed within 2 months from the date of this approval.*
 - The reason given for the condition is: *To secure maximum degree of unity between existing and proposed development so as enhance and protect the visual amenity of the area.*
 - A site visit was made on 25 October 2024.
-

Decision

1. The appeal is allowed and planning permission is granted for front and rear flat roof dormers at 22 Glynstell Road, Nottage, Porthcawl CF36 3NN in accordance with the application, Ref P24/50/RLX, dated 23 January 2024, without compliance with condition No.3 previously imposed on planning permission Ref P23/540/FUL dated 22 November 2023 but subject to the conditions set out in the schedule to this decision letter.

Procedural Matters

2. The development has been carried out and is in breach of the disputed condition. This appeal is, therefore, dealt with under Section 73A of the Town and Country Planning Act 1990. I have also removed reference to 'retention' in the formal decision as this does not comprise development for the purposes of the Act.

Main Issue

3. The main issue is the effect that removing the disputed condition would have on the character and appearance of the area.

Reasons

4. The part of Glynstell Road, where the appeal property is located, is characterised by a row of bungalows that originally shared similar scale, form and appearance. They are framed by larger bungalows on corner plots at the junctions with Rockfields and Davies Avenue, which feature rendered upper elevations. Most of the properties have been altered with differently sized front and side dormer extensions, with varying external finishes, which are widely visible in the streetscene. As a result, the consistency in the appearance of the bungalows has been significantly diminished, and dormer extensions, regardless of some being constructed prior to the adoption of the Supplementary Planning Guidance 02: Householder Development (SPG), are integral and dominant features which have influenced the now varied character and context of this part of Glynstell Road.
5. I accept that the colour of the dormers contrasts with the appeal property's original roof colour, which is still partially visible, and is a new external finish to the streetscene. Nonetheless, in this case, whilst many dormer extensions along the street feature a darker finish, not all do, and several obviously contrast with the original roof colour of the host property. This, together with the upper-level render on the corner bungalows, results in a varied and inconsistent materials palette at roof level which is prominent due to the visually dominating nature of the dormer extensions in the street. In this context, the light green dormers are read as a further variation to the palette of materials along the street, contributing to its diversity, without appearing unsympathetic to the existing house or out of place in the street scene.
6. For the reasons above, I conclude that condition No. 3 is unnecessary and, removing it would not cause harm to the character and appearance of the surrounding area or result in conflict with Policy SP3 of the Bridgend Local Development Plan. This, amongst other things, requires developments to have a design of the highest quality possible, whilst respecting and enhancing local distinctiveness and be appropriate to its local context in terms of materials. It would also align with the SPG which, amongst other things, seeks to ensure the integration of development into the surrounding area

Conditions

7. The Development Management Manual (Revision 2 – May 2017) clearly states that decision notices for the grant of planning permission under section 73 should repeat the relevant conditions (which are considered necessary) from the original decision notice. The Council indicate that the other conditions should be reimposed, therefore, I shall impose all those conditions that I consider remain relevant and necessary. In the event that any of these conditions have been discharged this will be a matter for the parties. Given that the development has been constructed, it is not necessary to impose a plans compliance condition.
8. I have adjusted the wording of some of the conditions in the interests of clarity and precision, and I have specified the relevant policy and reasons where necessary.

Conclusion

9. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be allowed. I will grant a new planning permission without the disputed condition and restating those conditions as set out in the schedule below.

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

L. Hughson-Smith

INSPECTOR

SCHEDULE OF CONDITIONS

1. Within three months of the date of this decision, the window on the first-floor side elevation serving the bathroom shall be fitted with obscure glazing to a minimum of level 5 on the Pilkington index of obscurity. The window shall thereafter be retained in the approved form.

Reason: To protect the privacy of the occupiers neighbouring properties in accordance with Policy SP3 of the Bridgend Local Development Plan, 2018-2033.

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

Nest Box Specifications for House Sparrow Terrace:

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

or

Swift Nest Box Specification:

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

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

Appeal Decision

by Vicki Hirst BA(Hons) PG Dip TP MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 03/12/2024

Reference: CAS-03073-F3V2C6

Site address: 9 Cypress Gardens, Newton, Porthcawl, CF36 5BZ

- The appeal is made under Section 71 of the Anti-Social Behaviour Act 2003 (the Act), on the ground set out in Regulation 5 of The High Hedges (Appeals) (Wales) Regulations 2004.
 - The appeal is made by Richard Booth (“the Complainant”) against the decision of Bridgend County Borough Council (“the Council”) not to issue a Remedial Notice (“RN”) dated 4 October 2023.
 - The complaint Ref ENF/164/23/TAC, dated 30 July 2023 about a high hedge (the complaint hedge) at the above site was made by the Complainant under Part 8 of the Act.
 - A site visit was made on 21 May 2024.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to a hedge situated on the boundary between Nos 9 and 10 Cypress Gardens. It is located to the south and south-east of the Complainant’s property (No 9) and is owned by the occupant of No 10.
3. The Council has referred to the hedge in two separate parts due to its change in orientation (referred to as the south and south-east hedges). Whilst this might assist in carrying out calculations in respect of orientation, I observed on my site visit that the hedge is one continuous length and species and have made my decision on that basis.
4. The Council determined not to issue a RN in relation to the complaint regarding the hedge. The Complainant has appealed on the ground that the Council’s decision not to issue an RN does not remedy the adverse effect of the high hedge on their enjoyment of their property or prevent a recurrence of its effect. A reduction in the height of a length of the hedge to 2.2 metres is requested.
5. Section 65(1)(b) of the Act indicates that complainants have to show that their reasonable enjoyment of their domestic property is being adversely affected by the height of a high hedge. The Welsh Assembly Government’s High Hedges Complaints System: Guidance, November 2005 (HHG), establishes that the reference to ‘reasonable enjoyment’ requires an assessment of the impact of the hedge on the enjoyment that a reasonable person

might expect from their home and garden. Paragraph 5.77 of the HHG refers to guidance contained in the Building Research Establishment's Hedge Height and Light Loss (HHLL), which includes the recommended methodology used to assess the impact of a hedge. The HHLL involves the concept of an Action Hedge Height (AHH) above which a hedge is likely to block too much light. It includes methods of calculating whether a hedge is likely to result in an unreasonable loss of light to a main room in a dwelling or would cause a significant loss of light to a nearby garden. It requires the use of the lowest AHH, as calculated for the relevant window and the garden.

6. At my site visit the Complainant and Hedge Owner were unwilling to allow each other onto their respective properties. As such I conducted the site visit with each party at their own property and with Council representatives in attendance at both. As all were not present on both sides of the hedge, the measurements undertaken from each side on site were not corroborated between the parties, but I am satisfied that the measurements taken were an accurate reflection of the situation that existed at the time of my visit.
7. Notwithstanding the above and following my visit, I wrote to the parties to clarify the AHH calculations that had been provided by the Council. This was because those calculations relied on different measurements to those taken on site and did not appear to fully follow the methodology for calculating the AHH. I requested the workings for the calculations together with a plan identifying the measurements taken and the area of the garden. I queried the way that the measurements were derived and sought the Council's view on the extent to which the hedge could be cut without causing its demise/death and any required growth margin of the hedge. Further comments on the submissions were sought from the Complainant and Hedge Owner.

Main Issues

8. The main issue is whether the hedge affects the reasonable enjoyment of the Complainant's property and if so, whether it is reasonable and appropriate to issue a RN.

Reasons

The Hedge and its Surroundings

9. The subject conifer hedge is located along the boundary of the private driveway that serves No 10 and the side and rear boundary of No 9's rear garden. Whilst one continuous run, it bends along its length resulting in it being located to the south-east and south of the rear and side of the Complainant's property. The bend corresponds with a bend in the driveway of No 10.
10. The Complainant contends that the hedge blocks natural light to both his rear garden and first floor living room. The Hedge Owner states that the hedge has been maintained at a height of 3 metres and has been for many years and that any further reduction would damage it irrevocably.

Whether the height of the hedge is adversely affecting the Complainant's reasonable enjoyment of the property.

11. Based on the measurements of the hedge taken on my site visit it is evident that it ranges in height along its length between approximately 2.65 metres - 2.8 metres (when measured from the Hedge Owner's side) and 2.8 metres - 3.2 metres (when measured from the Complainant's side). It appears well maintained, albeit I observed that sections of the hedge displayed a lack of foliage and areas of brown wood such that it could not properly be described as fully healthy.
12. In response to my query regarding the Council's calculations of the AHH, I was provided

with the same as previously submitted (overall AHH of 3.28 metres in respect of the south-east section and 3.12 metres in relation to the south section). These do not take account of the revised measurements that I took on my site visit when the Council was present. If I were to apply the revised measurements, the overall AHH would be in the order of 2.54 metres and thus slightly below the existing hedge height in much of its length. In this context, and as the hedge height exceeds that derived from the HHLL methodology, I can only conclude that it is likely to result in a significant loss of light.

13. I noted on my site visit when I visited in the middle of a sunny, Spring day that the garden is relatively small, and that significant shading would occur at certain times of the day. Notwithstanding the shading that occurs, I did not find the hedge to be particularly oppressive or dominating to much of the garden and it provides a substantial privacy screen between Nos 9 and 10.
14. I am satisfied that no adverse effects result to the first floor living room of the Complainant's dwelling, which I viewed on my site visit. Views over the hedge could clearly be obtained with much of the hedge being below the window height. As such it does not represent an unreasonably dominant or enclosing feature affecting the outlook to an unacceptable degree. I am therefore satisfied that no adverse effects arise in this respect.

Whether it is reasonable and appropriate to issue an RN.

15. Notwithstanding the above findings, the HHLL is intended for guidance only. The statutory requirements found in Section 69(3) of the Anti-Social Behaviour Act 2003 (the 2003 Act) prevents an action in a RN to require or involve the removal of the hedge. The Welsh Government's clarification letter dated 1 June 2006 states that works which would result in the death or destruction of the hedge amount to the same as removing it and so are not permitted under the 2003 Act. The letter also states that care should be taken with conifers to not cut back into older leafless branches as new growth will not appear from bare wood. It further acknowledges that this may prevent actions to the hedge that provide a full remedy to the problems identified.
16. The Council has taken advice from its Countryside Management Officer in respect of the height to which the hedge could be cut without resulting in its demise or death. The advice is that due to the damage on the inside of the hedge and the fact that conifers, unlike deciduous trees, do not regenerate when cut to the ground or reduced back to dead wood, the hedge should be retained at 2.9 metres.
17. I acknowledge the advice provided to the Complainant through the leylandii website in respect of the trimming of leylandii trees. However, this generic advice does not relate to the specifics of the hedge concerned and advises that leylandii will not shoot back from older, brown wood. From the evidence before me and from my own observations on site, the hedge is showing signs of brown wood and an absence of foliage, particularly on the Complainant's side. This extends into the higher part of the hedge.
18. From these observations, and on the basis of the information before me, I have no reason to disagree with the Council's expert's opinion that given the species of hedge and evident brown wood, a reduction in the height of the hedge below 2.9 metres is likely to lead to its demise and subsequent death. I am thus bound by section 69(3) of the Act to prevent from ordering works that involve the hedge's removal or, in this case, works that would result in the death or destruction of the hedge that would be tantamount to removal for the purposes of the Act.
19. In any event, the hedge is being well maintained and the Hedge Owner has confirmed that it is retained at a height of 3 metres. Whilst I acknowledge that the maintenance of

the hedge at 3 metres will not provide a full remedy to the effects of the hedge on the Complainant's enjoyment of their property, given the circumstances, I find this aligns with the Act and Welsh Government guidance in such instances. Furthermore, as the difference between the AHH and maintained height of the hedge is relatively minor I do not find a staged reduction would overcome the concerns in relation to the associated impact on the health of the hedge.

20. I have no reason to believe that the regular maintenance will not continue, and, if it does not, it is open to the Council to revisit the need to issue an RN. Given the minor difference between the maintained height and that recommended by the Council's expert as to the height the hedge could be reduced, I find the Council's decision to not issue an RN to be reasonable and appropriate in the circumstances.

Conclusion

21. I have taken into account all other matters raised. I conclude that whilst the hedge is taller than the AHH derived from the guidance calculations and thus likely to result in a significant loss of light to the garden, its reduction to either the AHH or the height requested by the Complainant would result in its demise and destruction. As such, I conclude that a RN should not be issued in this instance, and I dismiss the appeal.

VK Hirst

INSPECTOR

TRAINING LOG

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

Subject

Date

None in December

Affordable Housing SPG

To be arranged.

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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Meeting of:	DEVELOPMENT CONTROL COMMITTEE
Date of Meeting:	12 DECEMBER 2024
Report Title:	NOMINATION AND APPOINTMENT TO THE RIGHTS OF WAY SUB-COMMITTEE
Report Owner / Corporate Director:	CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY
Responsible Officer:	MARK GALVIN – SENIOR DEMOCRATIC SERVICES - COMMITTEES
Policy Framework and Procedure Rules:	There is no effect upon the policy framework and procedure rules.
Executive Summary:	To request that the Development Control Committee to propose six of its Members to form the Rights of Way Sub-Committee, on the basis of a suggested membership which has been agreed by Council as part of a report relating to Amendments to the Constitution.

1. Purpose of Report

- 1.1 The purpose of this report is for the Development Control Committee (**DCC**) to nominate and appoint Members to the Rights of Way Sub-Committee (**ROW S/C**), a Sub-Committee of the DCC.

2. Background

- 2.1 At a previous meeting of the DCC dated 14 July 2022, it was resolved to approve six Members of the Committee to form the ROW S/C. This included the Chairperson and Vice-Chairperson and 4 members of the DCC, with the ROW S/C being politically balanced in terms of its membership.
- 2.2 As the composition of the DCC subsequently changed following the above date, this affected the membership of the ROW S/C, resulting in it having to be re-formed. Therefore, on the 19 September 2024, a report was submitted seeking the appointment of members to the Sub-Committee.
- 3.2 At this meeting the DCC made the following decision:-

‘That the report be deferred to the next scheduled meeting of the Development Control Committee, in order that Officers can re-consider the composition of the Sub-Committee in line with guidance (if any) outlined in the Council’s Constitution.’

3. Current situation / proposal

- 3.1 At a meeting of Council on 20 November 2024, a report was presented to members suggesting amendments to the Council's Constitution. This included a recommendation to change Appendix 1 to Section 14 (Responsibility of Functions – Summary) affecting the membership of the ROW S/C as follows:

From-:

- a) 6 x County Borough Councillors:

(Plus one observer from each:
Rambler's Association, British Horse Society
And a Footpath Secretary),

To:

- b) 6 x County Borough Councillors, to include:

The Chairperson and Vice-Chairperson of the Development Control Committee
and 4 members nominated by that Committee

(Plus one observer from each:
Rambler's Association, British Horse Society
And a Footpath Secretary)

- 3.2 The above recommendation was agreed by Council.

4. Equality implications (including Socio-economic Duty and Welsh Language)

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

5. Well-being of Future Generations (Wales) Act 2015 Implications and Connection to Corporate Well-being Objectives

- 5.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

6. Climate Change Implications

- 6.1 There are no Climate Change Implications from this report.

7. Safeguarding and Corporate Parent Implications

- 7.1 There are no Safeguarding and/or Corporate Parent Implications from this report.

8. Financial Implications

8.1 There are no financial implications in relation to this report.

9. Recommendations

9.1 That the Development Control Committee nominates and appoints six Members from this Committee to form the Rights of Way Sub-Committee, to include, as agreed by Council:

- The Chairperson and the Vice-Chairperson of the Development Control Committee; and 4 members nominated by the Committee (plus one observer from each: Rambler's Association, the British Horse Society; and a Footpath Secretary).

Background documents

None

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