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Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

Bridgend County Borough Council



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

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

*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, 12 September 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, 19 September 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 30/10/2024 for proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.
4. Approval of Minutes 3 - 10
To receive for approval the minutes of the 20/08/2024
5. Public Speakers
To advise Members of the names of the public speakers listed to speak at today's meeting (if any).
6. Amendment Sheet
That the Chairperson accepts the Development Control Committee Amendment Sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in

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order to allow for Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be accommodated.

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| 7. | <u>Development Control Committee Guidance</u> | 11 - 14 |
| 8. | <u>P/24/249/FUL, 19 Nant Ffornwg, Cefn Glas, Bridgend, CF31 4TJ</u> | 15 - 28 |
| 9. | <u>P/23/610/FUL, Rooklands Leisure Park, Pyle Road, Porthcawl CF36 5EJ</u> | 29 - 62 |
| 10. | <u>Appeals</u> | 63 - 102 |
| 11. | <u>P/23/218/FUL Land at Brynmenyn and Bryncethin, Bridgend</u> | 103 - 104 |
| 12. | <u>Nomination and Appointment to the Rights Of Way Sub-Committee</u> | 105 - 106 |
| 13. | <u>Training Log</u> | 107 - 108 |
| 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
RM Granville
H Griffiths
S J Griffiths
S Easterbrook

Councillors

D T Harrison
M L Hughes
D M Hughes
M R John
MJ Kearns
W J Kendall

Councillors

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

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 8 AUGUST 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, 8 AUGUST 2024 AT 10:00

Present

Councillor RM Granville – Chairperson

A R Berrow S Easterbrook J E Pratt

Present Virtually

C L C Davies	D M Hughes	M R John	MJ Kearns	S Griffiths
W J Kendall	J Llewellyn-Hopkins	R J Smith	A Wathan	
R Williams				

Apologies for Absence

H Griffiths, D T Harrison and M L Hughes

Officers:

Gillian Dawson	Lawyer - Planning
Lee Evans	Principal Planning Officer
Craig Flower	Minor Applications Team Leader
Mark Galvin	Senior Democratic Services Officer - Committees
Steven Jenkins	Development Control Team Leader
Robert Morgan	Principal Officer Highways Development Control
Jonathan Parsons	Group Manager Development
Michael Pitman	Technical Support Officer – Democratic Services
Philip Thomas	Development Control Team Leader
Leigh Tuck	Principal Officer Highways Development Control
Dion Douglas	Principal Planning Officer
Adam Provoost	Strategic Planning Policy Team Leader

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 8 AUGUST 2024**Declarations of Interest****33. Apologies for Absence**

Decision Made	Apologies for absence were received from the following Members:- Councillor D Harrison Councillor M Hughes Councillor H Griffiths
Date Decision Made	8 August 2024

34. Declarations of Interest

Decision Made	Councillor A Wathan declared a personal interest in Agenda items 8 and 9 as a member of Bridgend Town Council who takes no part in planning matters. Councillor S Easterbrook declared a personal interest in Agenda items 8 and 9 as a member of Bridgend Town Council who takes no part in planning matters. Councillor R Smith declared a personal interest in Agenda item 10 as one of his constituents was mentioned in the Appeals part of the report. Councillor C Davies declared a personal interest as a member of Bridgend Borough Council and Planning
Date Decision Made	8 August 2024

35. Site Visits

Decision Made	<u>RESOLVED:</u> That a date of Wednesday 18/09/24 be agreed any for proposed
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DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 8 AUGUST 2024

	site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.
Date Decision Made	8 August 2024

36. Approval of Minutes

Decision Made	<u>RESOLVED:</u> That the minutes of a meeting of the Development Control Committee dated 27 June 2024 be approved as a true and accurate record.
Date Decision Made	8 August 2024

37. Public Speakers

Decision Made	<p>The following public speakers addressed the applications so referenced below:-</p> <p>Councillor Ian Williams (Ward member) - P/24/286/FUL – 30 St. Marie Street, Bridgend, CF31 3EE</p> <p>James Driscoll (applicant)</p> <p>Councillor S Bletsoe (Ward member) - P/24/233/FUL – 65 Acland Road, Bridgend, CF31 1TF (The Lawyer, Planning read out Councillor Bletsoe's statement in his absence).</p> <p>Eric Sullivan (objector) - P/24/233/FUL – 65 Acland Road, Bridgend, CF31 1TF (The Lawyer, Planning read out Mr. Sullivan's statement in his absence).</p> <p>James Wilson (applicant)</p>
Date Decision Made	8 August 2024

Amendment Sheet

Decision Made	<u>RESOLVED:</u>	That the Chairperson accepted the Development Control Committee Amendment Sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be accommodated.
Date Decision Made	8 August 2024	

39. Development Control Committee Guidance

Decision Made	<u>RESOLVED:</u>	That the report outlining the Development Control Committee guidance be noted.
Date Decision Made	8 August 2024	

40. P/24/286/FUL - 30 St Marie Street, Bridgend, CF31 3EE

Decision Made	<u>RESOLVED:</u>	That the above application be granted subject to the Conditions contained in the report of the Corporate Director – Communities:-
	<u>Proposal</u>	
	Change of use of dwelling house to House in Multiple Occupation (HMO) Use Class C4 (maximum 4 persons)	
	Subject to the inclusion of the additional Note d.	
	d. The applicant should provide adequate and appropriate domestic facilities including bathroom and W/C amenities for the use of residents of this house in multiple occupation.	

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 8 AUGUST 2024

Date Decision Made	8 August 2024
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41. P/24/233/FUL - 65 Acland Road, Bridgend, CF31 1TF

Decision Made	<p><u>RESOLVED:</u> That the above application be granted subject to the Conditions contained in the report of the Corporate Director – Communities:-</p> <p><u>Proposal</u></p> <p>Change of use from use class C3 (Dwellinghouse) to use class C4 (House in Multiple Occupation).</p>
Date Decision Made	8 August 2024

42. Appeals

Decision Made	<p>(1) That the appeals received since the last meeting of the Committee as shown in the report of the Corporate Director – Communities, be noted.</p> <p>(2) That the Inspector appointed by the Welsh Ministers to determine the following appeal has directed that it be DISMISSED:-</p> <p>Appeal No. – CAS-02897-L2J7K9 (1992)</p> <p>Subject of Appeal – Two Storey rear and side Extension; Single Storey rear Extension; Side Entrance Porch and Wider Drive Entrance with Dropped Kerb - Resubmission of Refused Application P/23/393/Ful: 32 Merthyr Mawr Road Bridgend.</p>
Date Decision Made	8 August 2024

Supplementary Planning Guidance

Decision Made	<p>The Strategic Planning Policy Team Leader presented a report, the purpose of which, was to update Development Control Committee Members on the preparation of Supplementary Planning Guidance (SPG) to support the policies and proposals of the adopted Replacement Local Development Plan (LDP).</p> <p>The report outlined some background information, following which it confirmed that the Council's Strategic Planning Team were currently working on compiling the SPG documents, which will be brought to Committee for consideration in due course. This will be achieved through a series of workshops and, as per current practice, Members will be asked to volunteer to assist in the drafting of the SPG documents and act as 'champions' in each area.</p> <p>The first three SPG's to be produced were described in paragraph 3.2 of the report.</p> <p>RESOLVED: That the following Members were nominated to 'Champion' the production of three initial SPG's:-</p> <ul style="list-style-type: none"> • Outdoor Recreation Facilities and New Housing Development – Councillors J Pratt and A Berrow • Affordable Housing – Councillor RM Granville • Retail and Commercial Development – Councillor S Easterbrook • Houses in Multiple Occupation (an additional SPG confirmed at the meeting) – Councillor S Griffiths
Date Decision Made	8 August 2024

44. Training Log

Decision Made	<p>RESOLVED: That the report of the Corporate Director – Communities outlining the Member Training Programme for the coming months, be noted, with it further noted that an additional session be added to cover Supplementary Planning Guidance (SPG's).</p>
Date Decision Made	8 August 2024

Urgent Items

Decision Made	There were no urgent items
Date Decision Made	8 August 2024

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

The meeting closed at 11:34.

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

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

STANDARD CONDITIONS

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

Time-limits on full permission

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

Time-limits on outline permissions

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

Variation from standard time-limits

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

STANDARD NOTES

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

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

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

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

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

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

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

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

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

THE SITE INSPECTION PROTOCOL

The Site Inspection Protocol is as follows:-

Purpose

Fact Finding

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

Request for a Site Visit

Ward Member request for Site Visit

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

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

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

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

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

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

Inappropriate Site Visit

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

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

Format and Conduct at the Site Visit

Attendance

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

Officer Advice

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

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

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

Code of Conduct

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

Record Keeping

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

Site Visit Summary

In summary site visits are: -

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

Frequently Used Planning Acronyms

AONB	Area Of Outstanding Natural Beauty	PEDW	Planning & Environment Decisions Wales
APN	Agricultural Prior Notification	PPW	Planning Policy Wales
BREEAM	Building Research Establishment Environmental Assessment Method	S.106	Section 106 Agreement
CA	Conservation Area	SA	Sustainability Appraisal
CAC	Conservation Area Consent	SAC	Special Area of Conservation
CIL	Community Infrastructure Levy	SEA	Strategic Environmental Assessment
DAS	Design and Access Statement	SINC	Sites of Importance for Nature Conservation
DPN	Demolition Prior Notification	SPG	Supplementary Planning Guidance
EIA	Environmental Impact Assessment	SSSI	Site of Special Scientific Interest
ES	Environmental Statement	SUDS	Sustainable Drainage Systems
FCA	Flood Consequences Assessment	TAN	Technical Advice Note
GPDO	General Permitted Development Order	TIA	Transport Impact Assessment
LB	Listed Building	TPN	Telecommunications Prior Notification
LBC	Listed Building Consent	TPO	Tree Preservation Order
LDP	Local Development Plan	UCO	Use Classes Order
LPA	Local Planning Authority	UDP	Unitary Development Plan
PINS	Planning Inspectorate		

REFERENCE: P/24/249/FUL

APPLICANT: A & R James Assets Ltd Rodmore Farm, Rodmore Lane, St Briavels, Lydney, GL15 6QZ

LOCATION: 19 Nant Fforngw, Cefn Glas, Bridgend, CF31 4TJ

PROPOSAL: Retention of change of use from dwellinghouse (use class C3) to House in Multiple Occupation (HMO) (use class C4)

RECEIVED: 26 April 2024

DESCRIPTION OF PROPOSED DEVELOPMENT

Retrospective planning permission is sought for the change of use of a three-bedroom dwellinghouse (Use Class C3) to a 4 bedroom House in Multiple Occupation (HMO) with shared facilities at 19 Nant Fforngw, Cefn Glas, Bridgend.



Figure 1 – Site Location Plan



Figure 2 – Front Elevation

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

The submitted plans show that the three-bedroom dwelling will not be altered externally to accommodate the change of use with one bedroom on the ground floor and a further three at first floor level. There would be a shared kitchen/diner, living room and bathroom on the ground floor, and a communal bathroom on the first floor.

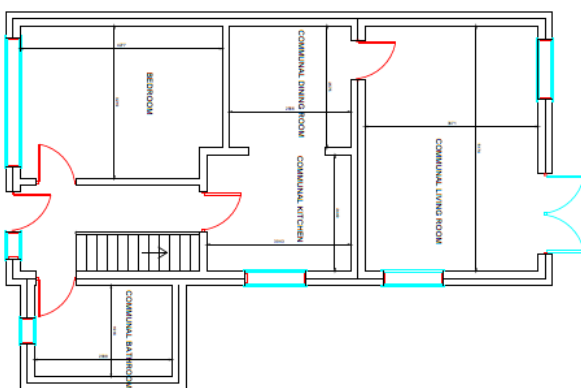


Figure 3 – Ground Floor Plan

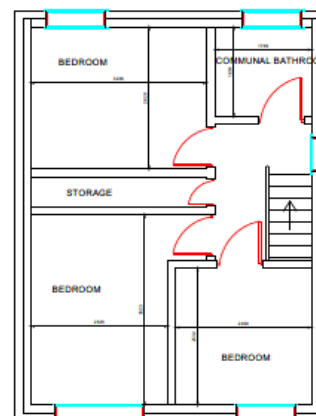


Figure 4 – First Floor Plan

SITE DESCRIPTION

The Application site is situated within the Primary Key Settlement of Bridgend, as defined by Policy SF1 of the adopted Local Development Plan (2018-2033). The site comprises a two-storey semi-detached dwelling situated towards the end of Nant Fforngw cul-de-sac. It

is of red brick, with cream render on the upper half of the front elevation. It has a flat-roof single-storey rear extension and a pitched-roof single-storey side extension. The site is lower than the cul-de-sac, and the driveway slopes upwards to the north, connecting the dwelling to the highway. The garden amenity area is to the rear.

RELEVANT HISTORY

App Ref	Description	Decision	Date
P/14/337/FUL	Single Storey Side Extension	Conditional Consent	28th Feb 2014

PUBLICITY

Neighbours have been notified of the receipt of the Application and a site notice displayed in proximity to the site.

The period for response to consultations / publicity expired on 31st May 2024.

CONSULTATION RESPONSES

Laleston Community Council: No response

Shared Regulatory Services (SRS) : No observations

Welsh Water: No objection

Highways: No objection

REPRESENTATIONS RECEIVED

Ward Member Cllr Blundell: Wish for this Application be called into the committee for decision, residents have raised concerns around the safety of their neighbours as police have had to be called to the property numerous times.

Ward Member Cllr Harrison: No response

17 letters of objection were received from residents of Nant Ffornwg, who have made the following observations:

Highway and Pedestrian Safety Issues

- a) Increased activity in the street with extra cars parking on the street
- b) Parking is already an issue

Strain on Local Services and Infrastructure

- c) The addition of a HMO would place additional pressure on local services and infrastructure, including waste collection, public transportation, and utilities.

Residential amenity Issues

- d) Police have been called out to the Application site multiple times. Anti-social behaviour: The screaming into the late night is stopping residents including children from being able to sleep.
- e) Elderly residents and young children will not be able to live and play safely on the street. Both parties are scared by the noise and shouting particularly at night
- f) Nocturnal noise
- g) Such behaviour by rental tenants wouldn't be allowed, they would be evicted.
- h) Accommodation of this type will result in a transient population, which can undermine the sense of community and stability in the area.
- i) Use of the site as an HMO would result in an overdevelopment of the site

Other Issues:

- j) The change of use occurred prior to the granting of any planning approval, no correspondence received from Applicant or LPA.
- k) Site notice was posted directly outside the Application property rather than shared with all residents on the street
- l) Unsuitable house or street for this project; there are no fire escapes due to no fire exit.
- m) The complex needs of the occupants are not being met.
- n) Contractors, carers and visitors regularly park on the neighbours drive without permission
- o) The use will impact property prices on the street
- p) There is no precedent for conversion into an HMO in this neighbourhood. To grant this HMO in this residential cul-de-sac would be a breach of the LDP, nothing similar has been introduced into Llangewydd Court, this would be a departure from the assurances at the initial planning stage in the 1970's.
- q) The proposal is not a house of multiple occupancy as per the definition by Regulator of Social Housing.

COMMENTS ON REPRESENTATIONS RECEIVED

Highway and Pedestrian Safety Issues

- a) The parking requirement for a HMO is equivalent to a residential dwelling of this size.
- b) This is a pre-existing issue in the area.

Strain on Local Services and Infrastructure

- c) This Application is to consider the land use planning merits of this Application. Recycling and waste disposal and collection will remain the same as for a residential dwellinghouse. Tenants of the property will share kitchen facilities and waste/recycling removal will be a communal activity which relies on the service provided by the Council. The property would be issued with the same waste collection bags and containers as other residential properties.

Residential amenity Issues

- d) Anti-social behaviour is ultimately a matter for the Police and the Environmental Health Department. There is no compelling evidence to suggest that a small HMO use of the scale being considered would result in increased levels of crime or fear of crime within the locality of the 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, small scale HMO use, for a maximum of four people, would not cause such anti-social behaviour or the perception of anti-social behaviour to recommend refusal of an Application. The planning system looks at the land use and not the people who would occupy the property.
- e) The future occupant(s) of a proposal is not a material planning consideration.
- f) The planning Application considered the land use, although a HMO in land use planning terms is not considered to create noise over and above a standard residential home.
- g) This is not a material planning consideration.
- h) There is a requirement for a range of different accommodation units in the Borough.
- i) The existing property would not be altered and would be occupied by a maximum of 4 people. This is not considered to result in the overdevelopment of the site. Each Application is determined on its own individual merits and assessed against

National and Local planning policies. There is no evidence to suggest the area is over prescribed with HMOs.

Other Issues:

- j) It is not illegal to undertake development or a change of use without planning Application. There is scope within the planning system to apply for Applications retrospectively. The Local Planning Authority cannot refuse an Application simply because it is retrospective in nature - all Applications must be considered on their own individual merits. Furthermore there is no requirement for the Applicant to consult neighbours prior to the submission of an Application.
- k) Public consultation is undertaken once a planning Application is submitted to the Planning Authority and was undertaken in accordance with the town and country planning (Development Management Procedure) (Wales) Order 2012 as amended and the general public have had the ability to view plans and make comments on the scheme.
- l) A three-bedroom family home can also host 4 persons; 2 adults and 2 children or even a larger family unit. This property will also be hosting a maximum of 4 persons. The property would be used in the same way as a normal residential home.
- m) This is not a material planning consideration.
- n) This is a private matter.
- o) Property prices are not a material planning consideration.
- p) An Application has been submitted for a HMO. Each Application submitted to the Local Planning Authority is determined on its own individual merits and assessed against National and Local planning policies.
- q) The proposal is a house of multiple occupation as per the Welsh Government definition, Section 254 of the 2004 Housing Act and the Council's current Local Development Plan (LDP 2024) definition.

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 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 11 – Noise
- 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 the Bridgend Local Development Plan 2018-2033 which was formally adopted by the Council in March 2024 and within which the following policies are of relevance:

Strategic Policy

- **Policy 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 SP8:** Health and Well-being
- **Policy SP17:** Conservation and Enhancement of the Natural Environment

Topic Based Policy

- **Policy SF1:** Settlement Hierarchy and Urban Management
- **Policy PLA11:** Parking Standards
- **Policy PLA12:** Active Travel
- **Policy COM6:** Residential Density
- **Policy COM7:** Houses in Multiple Occupation
- **Policy DNP6:** Biodiversity, Ecological Networks, Habitats and Species

- **Policy DNP8:** Green Infrastructure

Supplementary Planning Guidance

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

APPRAISAL

This Application is referred to the Development Control Committee to consider the concerns of the Local Ward Member and neighbouring occupiers.

The Council's Scheme of Delegation states that Applications would be considered by the Planning Committee where:

“An Application in respect of which more than two neighbours have submitted a material planning objection in writing/ electronically within the stipulated consultation period, which has not been resolved by negotiation or through the imposition of conditions, and which is recommended for approval. The Corporate Director Communities in consultation with the Chairman of the Development Control Committee shall determine whether objections from members of the same household be treated as one neighbour objection.”

In this instance, 17 objections to the proposal have been received and consequently the matter of the delegation of this Application shall rest with the Corporate Director Communities in consultation with the Chairman of the Development Control Committee.

Principle Of Development

The site is located within the Primary Key Settlement of Bridgend within an established, residential area, as defined by **Policy SF1** Settlement Hierarchy and Urban Management of the Bridgend Local Development Plan (**LDP**) adopted in 2024. Policy SF1 states that Development will be permitted within settlement boundaries at a scale commensurate with the role and function of the settlement.

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

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

Policy COM6 Residential Density states that development must seek to create mixed, socially inclusive, sustainable communities by providing a range of house types and sizes to meet the needs of residents at an efficient and appropriate density. The policy notes that new housing developments must make the most efficient use of land in accordance with sustainable, placemaking principles and that good design must be utilised to

maximise the density of development without compromising the quality of the living conditions provided, whilst making adequate provision for privacy and space around dwellings.

The proposed HMO would provide development located within the Settlement Boundary AND in close proximity to bus and rail stations. All of the habitable rooms would benefit from natural light, ventilation, and a means of outlook onto Nant Ffornwg cul-de-sac or the rear garden amenity space screened by trees. For these reasons, the proposed HMO is considered to meet Policy COM6 of the LDP.

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

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

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

In terms of the above criteria, it is noted:

- 1) A search of Shared Regulatory Services Licensed HMO records, review of approved planning consents and an inspection of the surrounding area has identified no 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.

It is calculated that there are 26 properties within a 50m radius of the Application site. Therefore 2.6 HMOs would be permitted by the LDP criteria. This could logically be rounded up to 3. The current proposal would result in 1 No. HMO within the 50m radius and accordingly would not exceed the 10% threshold.

- 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) The property benefits from a single parking space. Additionally, the property is located in a sustainable location in close proximity to public transport hubs and other facilities.

It is noted that the Highways Officer has not raised any objections to the proposal.

- 5) The proposal provides for waste and recycling storage, alongside cycling parking. The proposal provides an area for outdoor drying to the rear of the building.
- 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 LDP and does not conflict with the LDP in this respect.

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

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

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;
- 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 does not incorporate any external alterations. As such it is considered the change of use would have no unacceptable impacts upon the character of the building or the surrounding area over and above what already exists.

Accordingly, the proposed development is considered acceptable and accords with Policy SP3 of the Bridgend Local Development Plan (2024).

Residential Amenity

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

Overbearing, overlooking and overshadowing impact

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

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 as a small HMO would not unreasonably compromise the level of amenity that is currently enjoyed and can be reasonably expected in such a locality. It is also considered that the level of activity and other likely effects of the use would not significantly exceed 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 separate 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.

With regard to outdoor amenity space, the proposed layout provides a generous outdoor space to the rear that future occupiers could use.

Bin storage and cycle storage

An area for bin and cycle storage will be located at the rear of the building, within the garden area. A condition will be imposed to ensure suitable cycle parking storage and bin storage provision is available for the future residents of this property.

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

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 located within a sustainable location within the Settlement Boundary, close to public transport facilities. The property contains a single parking space.

The Highways Officer has been consulted on the proposal as part of the Application process, and notes:

“The existing former 3 bedroom property generates a requirement for 3 off-street parking spaces. The property only benefits from a single driveway space. Accordingly the property generates overspill parking of 2 spaces which would ultimately be accommodated on-street in the vicinity of the property. The proposed conversion to a 4 bed unit is also considered to generate a maximum requirement of 3 spaces. Accordingly it is considered to be a nil detriment situation in terms of vehicular parking.”

Consequently, the proposed 4 bedroom HMO requires the same amount of parking as the previous 3 bedroom residential dwelling, and is considered to generate no further parking pressures on the local environment.

Highways have raised no objection but have requested that a condition be imposed for secure cycle parking to ensure residents can fully utilise sustainable travel modes.

On balance it is considered 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 Local Development Plan (2024) in this regard.

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.”* PPW12 further states that *“All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission.”*

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

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

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

Whilst acknowledging that this is a relatively small-scale 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 an appropriate bird box is introduced at the site. As such the proposal is acceptable in terms of biodiversity.

CONCLUSION

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

The concerns raised in the objections received have been taken into account in the determination of this proposal, however, on balance and having due regard to all relevant material considerations including those raised by the objectors, the proposed development, subject to the imposition of conditions, complies with Council policy and guidelines. Furthermore, the development 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 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, DNP6 and DNP9 of the Bridgend Local Development Plan (2024).

RECOMMENDATION

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

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

LOCATION PLAN
EXISTING FLOOR PLAN
BLOCK PLAN
PARKING PLAN
Bin and Cycle Storage

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 (Class C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended)) accommodating a maximum of 4 persons and for no other use.

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

3. Notwithstanding the submitted plans, within 3 months of the date of this permission, a scheme for the provision of secure cycle storage for 4 cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage scheme shall be implemented within 6 months of this consent and retained as such thereafter.

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 Local Development Plan (2024), and advice contained within Supplementary Planning Guidance SPG17: Parking Standards.

4. Notwithstanding the submitted plans, within 3 months of the granting of any approval, 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 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

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 Local Development Plan (2024)

5. Notwithstanding the submitted plans within 3 months of the date of this permission a scheme showing the location and design of a waste and recyclables storage enclosure(s) at the site shall be submitted in writing for the agreement of the Local Planning Authority. The approved scheme shall be implemented within 6 months of this consent and retained as such thereafter.

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 Local Development Plan, 2024.

6. * THE FOLLOWING ARE ADVISORY NOTES AND NOT CONDITIONS
 - a. The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning Application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Bridgend Local Development Plan (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 affect the character of the area, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities, particularly with regard to the fear of anti-social behaviour or crime emanating from the occupiers of the HMO, as to warrant refusal on those grounds. The scheme also raises no adverse biodiversity concerns. Any issues relating to the poor management of HMOs are resolved through the separate licensing regime and legislation and not through the planning system. 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 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.

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

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

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

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

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.

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None

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REFERENCE: P/23/610/FUL

APPLICANT: Nottage Leisure Parks Ltd 1 Heol Mostyn, Village Farm Industrial Estate, Pyle, CF33 6BJ

LOCATION: Rooklands Leisure Park Pyle Road Porthcawl CF36 5EJ

PROPOSAL: Proposed lodge caravan site consisting of 37 static caravan/lodges, a reception building, new access and access roads, parking areas, bin store and associated works

RECEIVED: 22 September 2023

APPLICATION/SITE DESCRIPTION

The Application seeks full planning permission for a proposed holiday lodge/caravan site consisting of 37 static caravan/lodges, a reception building, new access and access roads, parking areas, bin store and associated works at Pyle Road, Porthcawl. Shown below in Figure 1.



Figure 1: Site Location Plan

The site is triangular in shape and extends to approximately 1.6ha in area. In terms of topography, the site is predominantly flat but gently rises to the northwest. It is abutted to the west by the A4229 and to the east by Marlpit Lane. The site is adjoined by a residential property (Bayleaves) to the north and by an undeveloped field parcel to the south.

There is a small open fronted outbuilding located near the existing entrance which is off the A4229 Pyle Road. The western boundary is defined by a dense hedgerow that is parallel to the A4229 and is separated from the site by a grass verge. The eastern boundary is also defined by a dense hedgerow with some scattered individual mature trees and a group of trees in the southwest corner which are subject to a Tree Preservation Order (**TPO**).

The site is currently split into two areas with a post and wire fence cutting through the site; the westernmost parcel is currently used as a camping area whereas the easternmost part of the site is used as pastureland. The camping area has been licenced under the Caravan and Camping Club for 5 caravans and 10 tents.

There are no listed Buildings or Scheduled Ancient Monuments within or in close proximity to the site. The nearest Listed structure is located on Moor Lane, to the north-west of the site; this comprises a Grade II listed well (St David's Well/Ffynnon Dewi). Dan-y-Craig Roma villa is the only scheduled monument located within 2km. Nottage Conservation Area is located to the West. There are no Public Rights of Way crossing the site. The location of the above can be seen below in Figure 2.

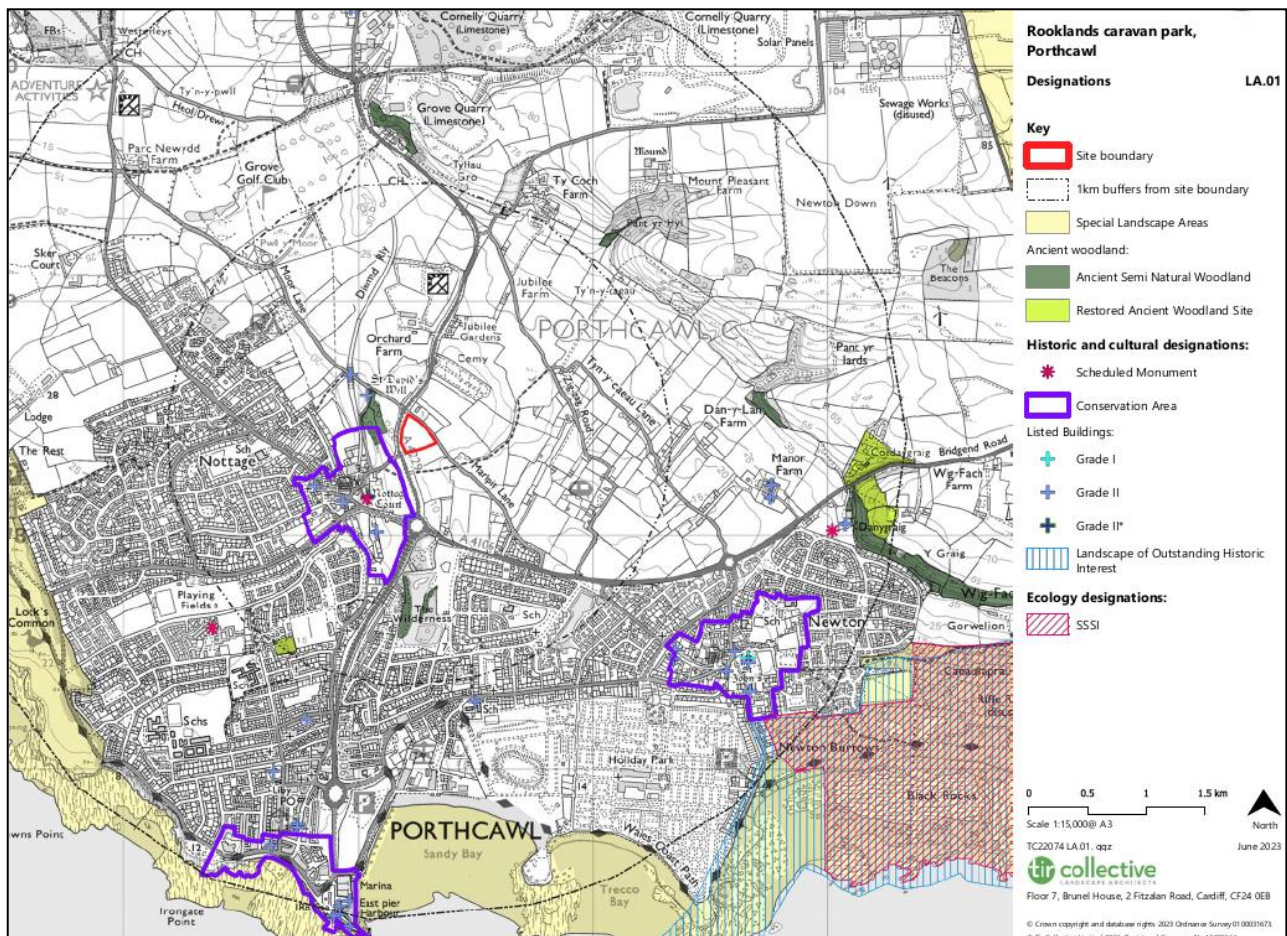


Figure 2: Local Designations

The nearest bus stop is positioned some 170m to the south of the access providing frequent and regular access to Porthcawl, Pyle, Bridgend, Pencoed and Talbot Green via bus number 63. This service calls at these stops every 20 minutes. Journeys by bus to Porthcawl (John Street) takes approximately 5 minutes.

Pedestrian access to the site is via a footway that runs along the eastern side of the A4229 Pyle Road. This connects with the wider pedestrian network that provides safe and segregated routes between the site and the amenities to the south in Porthcawl.

The proposed development is for the expansion/redevelopment of the existing Camping and Caravan club site to provide a better and more modern tourist destination in the Nottage and Porthcawl area. The proposal relates to the entire field parcel and will allow for semi-permanent lodges to be located on-site for the whole year to provide stay occupancy to grow the tourism industry in Bridgend.

PROPOSAL

The Application proposes 37 static caravan/lodges, office and services building. A central access into the site is proposed and the existing access will be stopped up for vehicles and will only permit pedestrians. The proposals indicate the lodges are to be located around the perimeter of the site with a 4.25m width road providing direct access to each

lodge. The height of the proposed lodges and reception building would be up to 3.6m and 4.4m respectively. The elevations of the reception building would comprise timber cladding and the roof would be slate with some solar panels. To the south of the site, the existing small stone structure is to be used as the bin store. The site layout is shown below in Figure 3.



Figure 3: Site Layout Plan

The proposal includes two different lodges: 35 of the caravan/lodges are to be the Countryside lodge and the remaining 2 are to be the Superior caravan lodges.

The Countryside Lodge, which is the larger model measuring 12.19m x 6.09m, can be a 2 or 3 bed unit with a separate living area and kitchen with 2 bathrooms - one being ensuite as shown below in Figure 4.

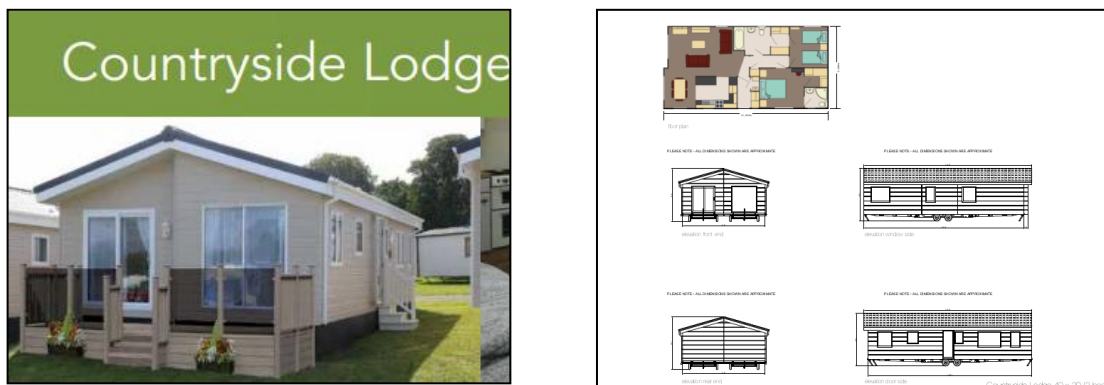


Figure 4: Countryside Model

The Superior Lodge looks similar to the Countryside Lodge but is slightly smaller measuring 9.75m x 6.09m and is a 2-bed model with a living area and kitchen and 1 bathroom (as shown below in Figure 5).

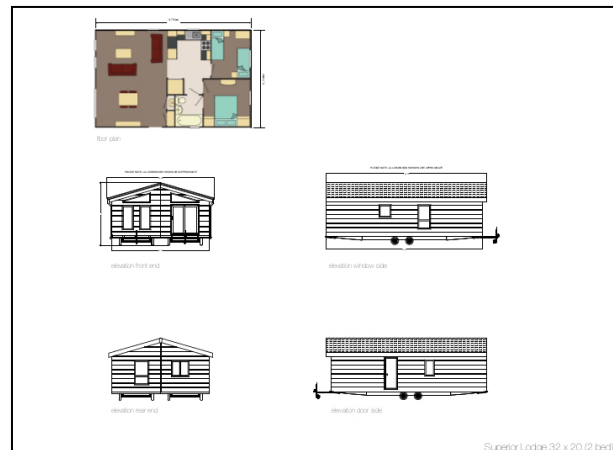


Figure 5: Superior model

The reception building and parking are proposed on the southern corner of the site next to the existing site access which is to be closed to vehicular traffic and only accessible to pedestrians. Adjacent to the reception is a parking area and bin store (which is the reutilised outbuilding currently on site). The reception building will be made by the same manufacturer as the lodges and is shown below in Figure 6.

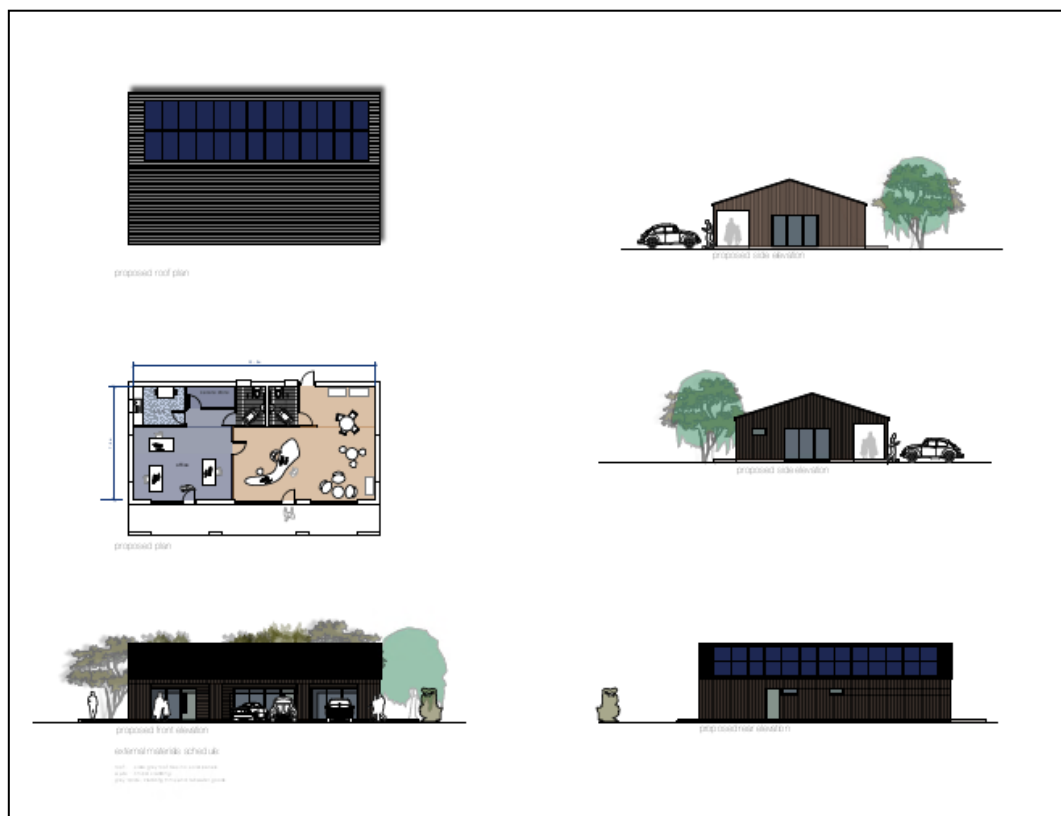


Figure 6: Reception Building

The scheme also provides for the retention of existing boundary hedgerows and trees, the planting of new trees, native shrubs, native hedgerows, shrub planting and species rich grassland. Planted Sustainable Drainage System (**SuDs**) features with some informal play space (no details provided) are proposed in the central area of the site.

The site would be served via a new access road on the western boundary of the site that connects to Pyle Road and the existing access will be stopped up and used as a pedestrian/cycle access only.

The majority of the existing hedgerows along the boundaries of the site would be retained except for where the new access roads are proposed.

To mitigate for the loss of short sections of the existing hedgerow, along the east boundary, infill hedgerow planting is proposed to fill the gap where an existing field gateway is located. Throughout the site, sections of native hedgerow are also proposed to provide screening within the site. The proposed native hedgerows would connect to the retained hedgerows along the site boundaries. In the north corner of the site, trees and native shrub planting is proposed to provide additional screening between the proposed lodges and the nearby residential property located further to the North. Some trees and native shrub planting are also proposed along the west and southern boundaries, and in the southeast corner to provide some additional screening above the retained hedgerow. Trees are also proposed in the central area of the site with a line of native hedgerow, groups of native shrubs, and species rich grassland. Shrub planting is proposed on some lodge plots, along the central access road corners of the access road and at entrance points to the reception building and footpaths. Details of the landscaping are shown on the landscape strategy shown below in Figure 7.



Figure 7: Landscape Strategy

The following documents have also been submitted in support of the Application:

- Planning Statement by Asbri dated May 2024
- Design and Access Statement by Asbri dated September 2023
- Pre application Consultation report by Asbri dated September 2023
- Tourism Needs and development Impact Assessment
- Noise management report by Rooklands Leisure Park
- Landscape and visual statement by TIR Collective, Landscape Architects dated May 2024
- Preliminary Ecological Assessment by Spectrum Ecology dated May 2022
- Bat Survey dated by Spectrum Ecology dated June 2023
- Biodiversity Enhancement Plan by Spectrum dated June 2023

- Method statement for Vegetation Clearance by Spectrum Ecology dated June 2023
- Method statement for the clearance of soil covered stone rubble banks by Spectrum Ecology dated June 2023
- Tree survey report by ArbTS dated June 2023
- Green Infrastructure Statement by TIR Collective, Landscape Architects dated May 2024
- Transport Statement by Acstro dated May 2024
- Stage 1 road safety Audit by the safety Forum dated February 2024

PRE-APPLICATION CONSULTATION

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016, statutory Pre-Application Consultation (**PAC**) was carried out by the Applicant.

The consultation exercise took place between 12 July 2023 and the 9 August 2023. The consultation involved notifying residents within the surrounding area, together with Ward members and specialist consultees.

In addition to the specialist and community consultees, two objections were received from local residents that raised the following:

- There is a restrictive covenant on the land
- A concern over road networks and increasing use
- Concerns over the principle of development
- The impact upon the landscape
- The impact upon the wider highway network

These issues have been addressed within the PAC report however they are relevant and will be considered later within this Officer's report.

RELEVANT HISTORY

P/17/733/FUL Portacabin type structure to provide toilet facilities to the camp site, provide stone hardstanding and single-track road - Refused 22/05/2018

PUBLICITY

The Application was advertised on site and in the press.
Neighbours have been notified of the receipt of the Application.
The period allowed for response to consultations/publicity expired.

CONSULTATION RESPONSES

Porthcawl Town Council: No objection

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

Land Drainage Officer: No objection subject to conditions.

Natural Resource Wales (NRW): No objection subject to conditions.

Welsh Water: No objection subject to conditions and advisory.

Destination and Countryside Manager (Ecology): No objection subject to conditions.

Shared Regulatory Services (Environment): No objection subject to conditions.

Shared Regulatory Services (Noise): No objection subject to condition.

South Wales Police: Designing out crime Officer: No objection has made suggestions relating to help prevent crime and burglary, deter, and detect intruders, improve public safety and increase surveillance.

Glamorgan Gwent Archaeology: No objection.

Tourism Officer: No objection.

REPRESENTATIONS RECEIVED

Cllr Norah Clarke: objects to the proposal on the following grounds below

- **Loss of touring caravan/motor home/camping pitches:** *Touring caravan/motor home/camping pitches are being substituted for static pitches in almost all the touring sites in and around Porthcawl which is reducing the diversity of the accommodation that Porthcawl as a seaside town can offer.*
- **A diminishing diverse tourist accommodation offer:** *In 2018 Bridgend Council embarked upon a four-year plan to boost tourism. One Bridgend's tourist "pull factors" identified in the plan is "an enthusiastic belief that there is a future in tourism in the county, as well as an aspiration to work to improve the offer for tourists". The Council as a planning authority appears to be contradicting the Council's own plan if this application is approved by reducing the offer for tourists by allowing the continued reduction of touring/camping pitches within the Porthcawl area. The tourist offer is taking a huge backward step certainly not one of improvement.*
- **Highway safety:** *I am deeply concerned with regards to highway safety on the A4229. The A4229 is a very busy road and although the road speed is 40mph many motorists travel at a much higher speed. The A4229 is an extremely busy road most of the year and is the main arterial road into Porthcawl from the M4. There have been numerous serious accidents on this road and indeed a number of fatalities in the past in this particular area. The proposed new entrance which is sited between Marlpit Lane and the present entrance is positioned on a bend and vehicles will be entering and exiting at this point which in itself is dangerous. As 37 units are proposed it could result in many vehicular movements.*
- **Pedestrian safety:** *The suggestion by planning consultants and The Safety Forum that pedestrians would access amenities within Nottage Village (i.e. general store/s, 3 public houses, a hairdressers, post box etc) by walking along a segregated footway by following Pyle Road (A4229) to Newton/Nottage roundabout and Fulmar Road. The Safety Forum again suggests that strong guidance is given to pedestrians to use the existing pedestrian route on the footway to the south. It is a well-known fact that those on foot will take the shortest route, why would you take the longest route to the village when you can cross a road and be in the village. Pedestrians wishing to access Nottage Village from this proposed site will inevitably take the most direct and natural route by crossing the extremely busy A4229 and walking up into the village via Pyle Road that is narrow, winds and has no footway. I believe that there will be a very high risk to pedestrian safety. No street lighting exists from the Newton/Nottage/roundabout until Jubilee Gardens and there is no street lighting on Pyle Road running into Nottage Village.*

In addition, an objection was also received from Porthcawl Civic Trust Society as part of the Pre Application Consultation (**PAC**) report. They have expressed a concern over the

access onto Pyle Road which they consider detrimental to highway safety as it is directly opposite the junction and filter lane to the road leading to Moor Lane and Nottage village.

Whilst the comments raised as part of the PAC process have been addressed within the PAC report they have also been addressed within this report.

COMMENTS ON REPRESENTATIONS RECEIVED

In regard to there being a restrictive covenant on the land, this is not a material planning consideration and cannot be taken into account as part of the consideration of the Application.

RELEVANT POLICIES

National Planning Policy:

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.

Future Wales now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the Development Plan need to accord with Future Wales.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.

PPW12 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision-making process.

Planning Policy Wales (Edition 12) para 5.4.1 states *“For planning purposes the Welsh Government defines economic development as the development of land and buildings for activities that generate sustainable long-term prosperity, jobs and incomes. The planning system should ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses.”* Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services.

Para 5.5.2 states *“The planning system encourages tourism where it contributes to economic development, conservation, rural diversification, urban regeneration and social inclusion, while recognising the needs of visitors and those of local communities. The planning system can also assist in enhancing the sense of place of an area which has intrinsic value and interest for tourism. In addition to supporting the continued success of existing tourist areas, appropriate tourism-related development in new destinations is encouraged...”*

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

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

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

- Technical Advice Note (TAN) 5 Nature Conservation and Planning
- Technical Advice Note (TAN 11) Noise
- Technical Advice Note (TAN) 12 Design
- Technical Advice Note (TAN) 18 Transport
- Technical Advice Note (TAN) 23 Economic Development

Local Planning Policy and Guidance:

The Development Plan for the area comprises the Bridgend Local Development Plan 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 SP15: Sustainable Waste Management
- Policy SP16: Tourism
- Policy SP17: Conservation and Enhancement of the Natural Environment

Topic Based Policy

- Policy SF1: Settlement Hierarchy and Urban Management
- Policy PLA11: Parking Standards
- Policy PLA12: Active Travel
- Policy ENT15: Waste Movement in new development
- Policy ENT16: New or Extended Tourist Facilities, Accommodation and Attractions
- Policy DNP1: Development in the Countryside
- Policy DNP6: Biodiversity, Ecological Networks, Habitats and Species
- Policy DNP7: Trees, Hedgerows and Development
- Policy DNP8: Green Infrastructure.
- Policy DNP9: Natural resource and Public Health

Supplementary Planning Guidance

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

- SPG07 – Trees and Development

- SPG17 - Parking Standards
- SPG19 – Biodiversity

EIA Screening

The Application site does not exceed the Schedule 2 threshold for development of this type as outlined within the Environmental Impact Assessment Regulations (2017).

The proposed development is also not located within a zone of influence for any SAC, CSAC or Ramsar sites and as such it is considered that an Appropriate Assessment as set down within the Conservation of Habitats and Species Regulations 2010. is not required.

APPRAISAL

This Application is referred to the Development Control Committee at the request of the Local Ward Member.

Issues

Having regard to the above, the main issues for consideration in the assessment of this Application are the principle of the development, its visual impact regarding the proposed scale, design and materials and its potential impact on neighbouring properties, ecology, drainage and highway safety.

Principle of Development

The primary objective of PPW is to ensure that the Planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. PPW and the National Development Framework (**NDF**) set out how the Planning system at a national, regional and local level can assist in delivering these requirements through Strategic Development Plans (**SDPs**) and Local Development Plans (**LDPs**).

The site is located outside of any settlement boundary as defined by LDP Policy SF1 Settlement Hierarchy and Urban Management of the replacement Local Development Plan (**LDP**) adopted in 2024 and, therefore, it is classed as being within the countryside where Policy DNP1 - Development in the Countryside of the LDP sets a presumption against development in the countryside, except where it is for:

- 1) *Agriculture and/or forestry purposes;*
- 2) *The winning and working of minerals;*
- 3) *Appropriate rural enterprises where a countryside location is necessary for the development;*
- 4) *The implementation of an appropriate rural enterprise/farm diversification project;*
- 5) *The expansion of an existing business (subject to other relevant policies in the plan);*
- 6) *Land reclamation purposes;*
- 7) *Transportation and/or utilities infrastructure to enable implementation of LDP allocations;*
- 8) *Renewable energy projects;*
- 9) *Affordable housing to meet locally identified need in accordance with COM5;*
- 10) *The suitable conversion of, and limited extension to, existing structurally sound rural buildings where the development is modest in scale and clearly subordinate to the original structure;*
- 11) *The direct replacement of an existing dwelling;*
- 12) *Outdoor recreational and sporting activities;*
- 13) *The provision of Gypsy, Traveller and Showperson sites in accordance with COM8; or*
- 14) *Education provision where a need has been identified by the Local Education Authority.*

Countryside development must be of a sustainable form with prudent management of natural resources and respect for the cultural heritage of the area.

Where development is acceptable in principle in the countryside it must, in the first instance and where possible, utilise existing buildings and previously developed land. Where such an opportunity to re-use a rural building does exist, development must be in accord with DNP2.

Policy DNP1 of the RLDP seeks to protect the integrity and openness of the countryside and prevent inappropriate forms of development. As an already established caravan and camping site, the proposal broadly complies with criterion 3 of Policy DNP1 as an appropriate rural enterprise where a countryside location is necessary for the development.

Whilst the proposal may be appropriate in the countryside, policy DNP1 forms the starting point for assessment and proposals will need to satisfy other relevant policies in the RLDP. In this regard, Policy SP16 Tourism which states that appropriate sustainable tourism developments which promote high quality accommodation, upgrade facilities and foster activity based, business, events and cultural tourism will be permitted providing developments avoid unacceptable, adverse environmental or amenity impacts and are supported by adequate existing or new infrastructure provision. To support Planning applications for new, or the extension of existing, tourism facilities or accommodation, Policy SP16 requires developers to submit a Tourism Needs and Development Impact Assessment (**TNDIA**) alongside their Planning application.

The information provided in the submitted TNDIA (and supporting information, including a business plan), is considered to be appropriate and proportionate to the nature of the proposal, its scale and location.

In addition to SP16, Policy ENT16 of the RLDP states:

New or extended tourist facilities, accommodation and attractions in the countryside will only be permitted where:

- 1. The activity is compatible with and complimentary to the countryside location, including nature conservation interests;*
- 2. The proposed development is part of an appropriate rural enterprise/farm diversification scheme;*
- 3. The proposal assists in the promotion, and is compatible with the role of Bryngarw Country Park and Pontycymmer, Blaengarw, Llangeinor, Blackmill, Nantymoel and Caerau as destination hubs; and/or*
- 4. The proposed development is compatible with the enhancement of its context in terms of its form, materials and details.*

Criteria 1, 2 and 4 are relevant to this proposal. As an already established caravan and camping site, the proposal is considered to be acceptable in the context of criteria 2. The Applicant has also provided a business plan that demonstrates that the rural enterprise is likely to be profitable over a 5-year period.

With regards to criteria 1, the development of lodges could be considered a complimentary use within the countryside provided that the scale and nature of the site does not materially alter the character of the area; the visual impact section later in this report will assess the scale and layout of the development and also consider appropriate landscaping is provided not only for screening purposes to minimise any impacts but also with regards to biodiversity enhancements.

In terms of criteria 4, the form, materials and details of this proposal will also be considered to ensure they are appropriate.

There have been objections received in relation to the principle of the development and the loss of touring caravan/motor home/camping pitches and how this will diminish the range of tourist accommodation offered in the borough. However, the assessment above considers that the development in principle would be acceptable. Whilst it is regrettable that there would be a loss of a small touring site, which would reduce the amount of touring/camping accommodation, the Application is accompanied by evidence including a TNDIA and a sound business plan that demonstrates the proposal is needed and viable and will provide quality tourist accommodation. As such it complies with policy SP16 and the loss of a small camping/caravan touring site would not warrant a reason for refusing permission.

The site is also located within a Category 1 Carboniferous Limestone Mineral Safeguarding Zone as defined by Policy ENT12 of the Replacement LDP. Development proposals within mineral safeguarding zones, either permanent or temporary, will need to demonstrate that:

- 1) *If permanent development, the mineral can be extracted prior to the development, and/or the mineral is present in such limited quantity or quality to make extraction of no or little value as a finite resource; and*
- 2) *In the case of residential development, the scale and location of the development e.g. limited infill/house extensions, would have no significant impact on the possible working of the resource; and*
- 3) *In the case of temporary development, it can be implemented, and the site restored within the timescale the mineral is likely to be required.*

Due to the small scale nature of the proposal, it is unlikely to be detrimental to the Mineral Safeguarding Zone.

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 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.

In conclusion, and having regard to the objections raised, the proposed development is considered acceptable from a Strategic Planning perspective subject to satisfying Policies ENT16 and SP3 of the RLDP.

As such the principle of development is acceptable subject to design, residential amenity, highways, drainage and ecology as addressed below.

Impact on Visual Amenity and Character

Planning Policy Wales (Edition 12) 2024 at paragraph 4.11.9 stipulates the following: “*The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important Planning considerations.*”

Strategic Policy SP2 *Design and Sustainable Place Making* seeks to conserve and enhance the built environment states “*All development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment.*” Local Planning Authorities should ensure that the proposed developments should not have an unacceptable impact upon the character and amenity of an area.

The proposed development includes the erection of 37 lodges, a reception building with associated car parking and central access road. The proposals also include the retention of existing boundary hedgerows and trees, the planting of new trees, native shrubs, native hedgerows, shrub planting, and species rich grassland. Planted SuDs features with some informal play is also proposed in the central area of the site. (a condition can be imposed to ensure the play area is appropriate for the location). The height of the proposed lodges would be up to 3.6m and the reception building would be up to 4.4m. The elevations of the reception building would comprise timber cladding, and the roof would be slate with some solar panels. In the south of the site, the existing small stone structure is to be used as the bin store (whilst details have been provided in relation to the lodges and reception building and their scale is considered acceptable it is considered a condition be imposed to ensure the colours and materials used are appropriate for the location). The site would be served via a new access road on the west boundary of the site that connects to Pyle Road and the existing access stopped up and used as a pedestrian access only. A condition can be imposed to ensure this is undertaken and appropriately done.

The majority of the existing hedgerows along the boundaries of the site would be retained, except for where the new access roads are proposed. To mitigate for the loss of short sections of the existing hedgerow, along the east boundary of the site, infill hedgerow planting is proposed to fill the gap where an existing field gateway is located. Throughout the site, sections of native hedgerow are also proposed to provide screening within the site. The proposed native hedgerows would connect to the retained hedgerows along the site boundaries. In the north corner of the site, trees and native shrub planting is proposed to provide additional screening between the proposed lodges and the nearby residential property further to the north. Some trees and native shrub planting are also proposed along the west and southern boundaries, and in the southeast corner to provide some additional screening above the retained hedgerow. Trees are also proposed in the central area of the site with a line of native hedgerow, groups of native shrubs and species rich grassland. Shrub planting is proposed on some lodge plots, along the central access road corners of the access road and at entrance points to the reception building and footpaths.

Overall, the site would change from a pasture field with an area for camping to a permanent holiday lodge site with associated access road, car parking, and other infrastructure. The trees and the majority of hedgerows along the site boundaries, that form a key characteristic, would be retained, and protected during the construction phase which will help the proposals to integrate into the lowland landscape. It is also proposed to plant new trees, native hedgerow, shrub planting, and species rich grassland to provide some additional screening of the proposed structures which will help the development integrate into the surroundings. As such direct changes would only occur within the site which is relatively small.

Views outside of the site would be limited due to the existing vegetation which will be retained and managed (whilst the Applicant has provided some details of landscaping, enhancements and management it is considered that additional details are required and suitably worded conditions relating to landscaping and management are imposed). Near views of the proposed development for nearby residents and users of the public rights of way and roads are inevitable, but, as distance increases, views would become more limited and restricted due to the screening effect of surrounding trees and vegetation;

these are not considered to be unacceptable and would be seen in the context of the wider area.

The nearest listed building to the site is St David's Well Ffynnon Dewi, which is Grade II listed and located circa 190m to the northwest. The Grade II former tramroad and railway bridge over Moor Lane is located approximately 290m to the northwest of the site. To the southwest of the site, in Nottage Conservation Area, there are four listed buildings including the Grade II* Nottage Court. It is considered that the separation distance, together with the intervening woodland, trees and hedgerows, would sufficiently screen the development to ensure there is no unacceptable impact upon the setting of the Conservation Area or any listed building.

On balance, and having regard to the objections raised, it is considered that the design, scale and massing of the development would not have an unacceptable detrimental impact upon the visual amenities of the area, the adjacent Conservation Area or any listed building given the robust and extensive landscaping and ecological enhancements proposed.

Accordingly, it is concluded that the proposal accords with Policy SP3 of the Bridgend Replacement Local Development Plan and reflects the aspirations for design quality within Planning Policy Wales 12 and Technical Advice Note 12: Design (2016)

Residential Amenity

Policy SP3 of the RLDP criterion (k) states a development must ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected.

Overlooking, overshadowing and loss of privacy

The nearest property is called "Bayleaves" which is adjacent to the site to the North across Marlpit Lane, the next nearest property is over 150m away to the West called "Craddock's Hill". Given the lodges are only 3.6m in height with the nearest caravan to Bayleaves being in excess of 25m. together with the intervening hedgerow (approx. 2.5m high) and lane, it is considered that the proposal would not have any unacceptable impacts in terms of overbearing, overshadowing or loss of privacy.

Noise

Policy SP3 Criterion (g) also states "*Development should Avoid or minimise noise, air, soil and water pollution*". SRS have considered the submission in detail and have had extensive discussions with the Applicant during the course of the application. To address any issues relating to operational noise the Applicant has provided a Noise Management Plan with a list of noise management policies not only to enhance guest experience but to ensure no neighbouring property is adversely affected by noise. This Noise Management Plan controls issues such as the time music can be played, restricting all male or female parties and specifying quiet hours etc. and it also details how the Applicant would enforce the policy.

SRS have examined the attached Noise Management Plan submitted in support of the above Planning Application and request that a condition be imposed to ensure the proposed development adheres to the Noise Management Plan.

In terms of noise from construction it is generally accepted that during construction there would be some disturbance from this development, however, this would be transient in nature. Nevertheless, a condition can be imposed to ensure construction takes place during sociable hours. As such there are no concerns in relation to construction noise.

Lighting

In terms of external lighting, details were provided in relation to an earlier scheme, however, this was not updated to take into account the revised layout. As such it is necessary to impose a condition to ensure adequate details are provided prior to any lighting being installed on the site to ensure any future lighting does not have an unacceptable impact upon the surrounding environment, the amenity of neighbouring properties and ecology. This would also ensure that there is no unacceptable light spill from the development.

Construction lighting may also cause a nuisance so a condition controlling the hours of construction will be imposed together with a restriction on any lighting.

Having regard to the above, it is concluded that the proposal would have no unacceptable impacts on residential amenity and thus it complies with Policy SP3 of the Bridgend Local development Plan.

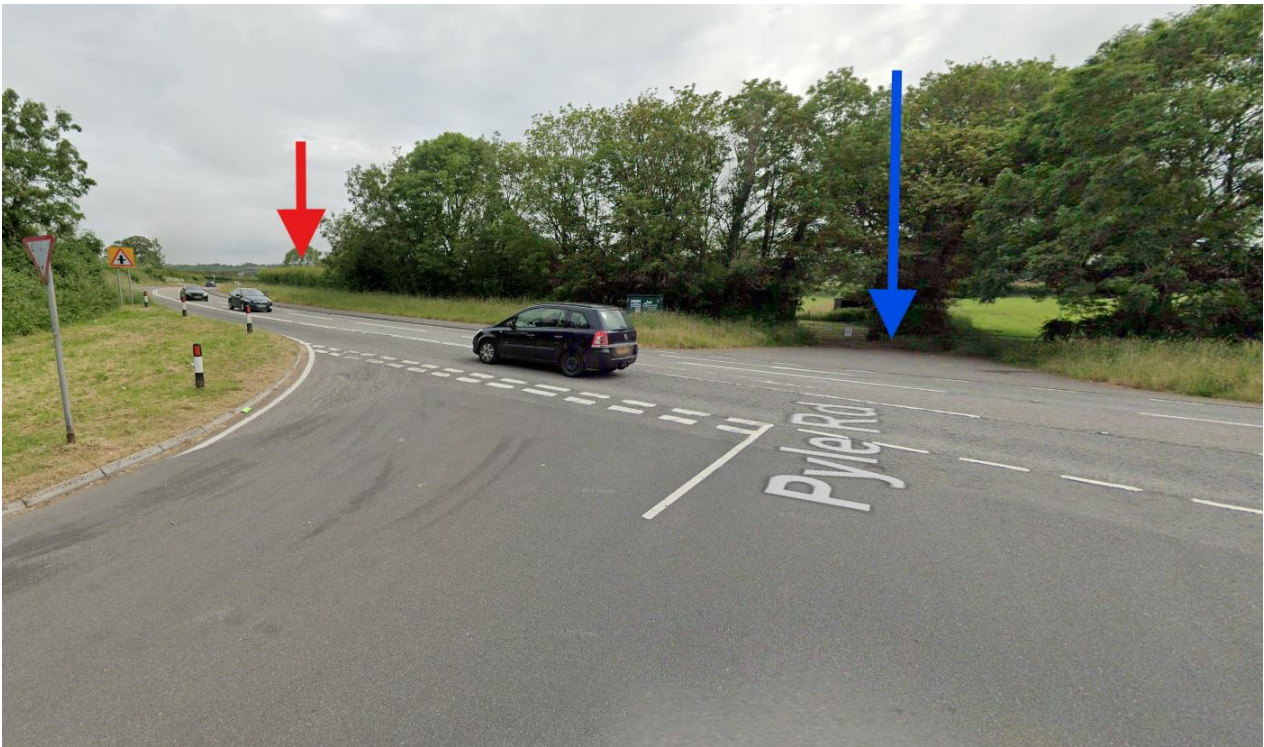
Highway and Pedestrian Safety

Policy PLA11 of the adopted Bridgend Local Development Plan (2024) stipulates that all development must be served by appropriate levels of parking in accordance with the adopted SPG on parking standards. Consideration must be given to electric and Ultra Low Emission Vehicles.

As part of the proposal a new access will be created into the site. Cars will utilise a circular internal road to gain access to the plots with each plot having its own parking provision. There is also a reception building with a parking and turning area immediately adjacent to it. Cars will enter and leave the site in a forward gear. Figure 8 below is an extract from Google Street View with the coloured arrows showing the approximate location of the proposed access (red) and existing access (blue). Figure 9 shows the proposed access plan.



South Bound on A4229



Looking from Pyle road (facing East)

Figure 8



Figure 9: Proposed access plan

The site currently operates as a camping site. It is licenced under the Caravan and

Camping Club for 5 caravans and 10 tents. The site also accommodates caravan rallies several times a year when up to 60 caravans attend.

The Transport Assessment by Acstro considers the transport implications of the proposed development. It demonstrates that the site is in a sustainable location that is closely related to existing facilities and services and is accessible to pedestrians, cyclists and public transport users. It is also demonstrated that safe vehicular access to the site can be provided, and adequate parking provision is made for the future occupiers and users of the site. It concludes that the Application site meets Planning policy requirements in terms of being in an appropriate location that is safely accessible by all forms of transport and that the impacts of the development on the continued operation and safety of the surrounding highway network would be acceptable.

The Highways Officer has advised the revised access point was submitted by the Applicant due to a number of highway design and engineering standards that could not be met on the original access point.

As a result, the revised access is considered acceptable in terms of the geometry and the design standards for a right turn holding lane and visibility splays in both directions. In addition, the proposal of a new access will see the current less favourable access closed to vehicular traffic and in turn reduce turning traffic around the A4229 / Pyle Road junction in Nottage Village as a result of the sites current use as a caravan club site.

The local Member's concerns are noted with regards to the vision splays and due to the extremely wide grass verge, which is adopted and maintained highway verge, the vision splays meet the standards and will be kept free from any obstruction as part of the Highway Authority's duties to keep visibility splays clear of any obstructions. To further reinforce this, a Planning condition will be requested to ensure no structure such as signs or planting is within the required visibility splays.

In order to improve walking and cycling from the site, not only will the new access have a footway from within the site linking to the existing footways on the A4229, but the existing vehicular access will be redesigned to be a cycle and pedestrian access only to further promote walking and cycling and meet the requirements of the active travel act.

The Applicant's transport consultant concluded that compared to the existing day-to-day use of the site the development is likely to lead to an increase in traffic generation of around 64 to 78 daily vehicle movements or up to 8 vehicle movements in any one hour. However, the development will mean that the site will no longer host caravan rallies. Compared to the traffic generated by the existing caravan rallies the development will generate around 67 to 82 fewer daily vehicle movements.

Whilst both of these calculations are worst and best-case scenarios, the actual impact on the A4229 will more likely be within those two scenarios. The A4229 is designed as a 50mph inter-urban highway which is designed for the movement of high volumes of traffic.

The Department for Transport have a counter on the A4229 which records the daily flows of traffic between 7am and 7pm and breaks it down into vehicle type. The annual average daily flows for all vehicle types on the A4229 is 17,515 vehicles. Therefore, taking the worst-case scenario of 78 additional daily vehicle movements on the A4229 this equates to an increase of 0.4%, which, in transport Planning terms, is considered negligible and is similar to the percentage of daily fluctuations in vehicle movements on any major road. As a result, it is considered the increase in vehicular movements generated by the proposal is acceptable. Furthermore, the reduced frequency of touring caravan movements using the current access will result in a significant positive impact on the operation of the

surrounding Highway network.

Notwithstanding the above it is noted that the site is in close proximity to a number of services and facilities in Nottage Village and beyond. The Transport Assessment has indicated that there is an existing footway from the site heading south along the A4229 to the Newton Nottage Road roundabout and then linking with the existing footway on Fulmar Road and into the village. The local Councillor's concern with regards to the potential for pedestrians to attempt to cross the A4229 at the Pyle Road crossroads and walk into the village using Pyle Road, which does not benefit from a footway and has sporadic streetlighting, are again noted.

The Highway Authority must however consider that there is a safe and accessible route with dropped kerbs available to future visitors to the leisure park which is only 300m further in distance than using the route to the village using Pyle Road. The additional distance is considered an acceptable distance to walk. However, the transport assessment does not provide any detail on how the proposal will encourage future customers to use the existing footways to Nottage Village and, furthermore, does not detail how future customers will choose sustainable and active travel modes for short journey destinations into Porthcawl itself. As a result, a condition will be imposed requiring the submission of a travel plan for new visitors to the site. Additional conditions to improve highway safety and the sustainability credentials of the site will also be included should consent be granted for this development.

Accordingly, on balance and having regard to the objections raised, it is considered that the proposed development is acceptable in highway terms and accords with Policies SP3, SP5, PLA11 and PLA12 of the RLDP 2024 and the Council's Supplementary Planning Guidance SPG17: Parking Standards.

Land Contamination

Shared Regulatory Services (SRS) Environment Team have advised that Contamination is not known at this site, however, the potential for this cannot be ruled out and the 'unforeseen contamination' condition is requested.

SRS have also advised that should there be any materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use. The above can be imposed via a suitably worded condition.

Drainage

The Council's Land Drainage Officer has assessed the submitted scheme and notes the development is not located within a flood risk zone nor within 20 m of a watercourse and does not propose to increase flood risk.

Foul Sewerage

The Application form states that foul sewage will be disposed of via the main sewer. A foul drainage layout has been provided. The Applicant shall contact DCWW to discuss the new connection to the public sewer.

Welsh Water note that the Applicant has indicated that foul flows are to be disposed of via the public sewerage system and they offer no objection in principle to the foul flows discharging to the public sewer.

Surface water

The Applicationform states surface water will be disposed via a soakaway and sustainable drainage system. A surface water drainage plan has been provided, which identifies that surface water will be disposed by infiltration. Infiltration systems must not be situated within 5m of buildings or boundaries. Any proposed infiltration system must be designed in accordance with BRE-Digest 365 and a minimum of three infiltration tests undertaken for each trial hole must be provided.

As the development footprint is over 100m² a sustainable drainage Application will be required.

From 7 January 2019, new developments of 2 or more properties or greater than 100m² of construction area require sustainable drainage to manage on-site surface water. The surface water drainage systems must be designed and built in accordance with standards for sustainable drainage. These systems must be approved by the SuDS Approving Body (**SAB**) before construction work begins. The Applicant shall submit a sustainable drainage Applicationform to the Bridgend County Borough Council SAB.

As such the Local Authority's Drainage officer has no objection subject to a note relating to preventing surface water entering the public highway and into the mains sewer and a condition relating to a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt with, including future maintenance requirements. Infiltration testing and prevention of surface water entering the public sewer and highway, can be imposed via a suitably worded condition.

Welsh Water have advised that surface water is set to be drained to a soakaway. Therefore, to ensure there is no detriment to the public sewerage system they request that a condition is imposed to prevent surface water and land drainage entering the public sewer, this can be imposed via suitably worded condition. They have also requested their standard advisory note is attached to any decision.

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 onto 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 Replacement Local Development Plan (2024) requires development to Safeguard and enhance biodiversity and integrated multi-functional green infrastructure networks.

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

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

To support the Application the Applicant submitted the following:

- Preliminary Ecological Assessment by Spectrum Ecology dated May 2022
- Bat Survey dated by Spectrum Ecology dated June 2023
- Biodiversity Enhancement plan by Spectrum dated June 2023
- Method statement for Vegetation Clearance by Spectrum Ecology dated June 2023
- Method statement for the clearance of soil covered stone rubble banks by Spectrum Ecology dated June 2023
- Tree survey report by ArbTS dated June 2023
- Green Infrastructure Statement by TIR Collective, Landscape Architects Dated May 2024

Species

Birds

The Preliminary Ecology Appraisal identified that there is no suitable wetland habitat to support wetland birds (e.g. kingfisher, pintail, little ringed plover) within the Application site. There is a significant amount of nesting habitat for both smaller passerines in the form of the hedge shrubs and trees in the boundaries of the site. A good number of smaller passerines were seen and heard during the site visit. All the trees and the majority of the hedge shrubs currently present are planned to be retained during development and post-development, (condition is imposed to ensure this) meaning that the majority of habitat will be conserved. It has also been recommended in the Biodiversity Enhancement report to include artificial nesting sites; this can be imposed via conditions.

Bats

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by the Council, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- ii. There is no satisfactory alternative; and,
- iii. The action authorised will not be detrimental to the maintenance of the population of

the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN 5) states “*your Authority should not grant Planning permission without having satisfied itself the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.*”

A number of Pipistrelle Bats have been recorded on Marlpit Lane to the north of the site and there are numerous records of Noctule Bats on Moor Lane, all within 1km of the Proposed Development Site (**PDS**). There are a number of trees on site that hold the potential to support bat roosts, in the boundaries of the PDS. These features should not be removed as part of any development.

NRW have reviewed the submission and note that, although the surveys found no evidence of bat use of the existing building on site, common pipistrelle and noctule bats were using the site for foraging and commuting. In addition, several trees with bat roosting potential are present along the boundaries of the proposed development site and the Bat Survey and Biodiversity Enhancement Plan make recommendations for avoidance of impacts on potential bat roosts in trees and foraging/ commuting routes.

Based on the information in the documents named above, NRW consider the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range, providing the measures stipulated in the ecological documents (listed at the beginning of this section) are adhered to. NRW therefore advise the ecology documents supporting the proposal are included in the approved plans and documents condition. It has also been recommended in the Biodiversity Enhancement Plan to include roosting sites; this can be imposed via conditions.

NRW also recommend a condition be attached to the Planning permission to ensure the impact of any lighting on bats and their commuting/ foraging routes and potential roost sites is minimised; this can be imposed via suitably worded condition.

Reptiles

The Preliminary Ecology Assessment (PEA) identified that no reptiles or their field signs were noted as present on site. However, both grass snake and slow worm are known to utilise heaps of decomposing vegetation to bask, hibernate and incubate eggs, and grass snake have been shown to travel considerable distances in search of suitable incubation habitats. Whilst it is therefore possible that both species may be seasonally attracted to the site, due to the significant highway infrastructure surrounding the site, the species are physically buffered from the PDS meaning that successful migration to the PDS is deemed unlikely. Therefore, it should be assumed that the species are absent from the site

The Applicant also provided a Method Statement for Vegetation Clearance and a Method Statement for the clearance of soil covered stone rubble banks by Spectrum Ecology dated June 2023; the recommendations set out within these can be conditioned.

Invasive species

There were no notifiable Invasive non-native species (**Inns**) found.

Landscape and Biodiversity enhancements.

The PEA states the majority of the trees and hedgerows surrounding the site will be retained (the Tree Survey Report also shows measure to protect these during construction which can also be conditioned). The Applicant has also provided a Landscaping Plan,

Management Plan, a Biodiversity Enhancement Plan and a Green Infrastructure Statement.

The Biodiversity Enhancement Plan sets out the objectives that are to be achieved through the management of habitats and mitigation of impact at the site, such as, protecting habitats currently on site from disturbance; establishing through management, an ecological buffer comprising margins of species rich grassland along the perimeter of the site bordering the hedgerows; the use of native tree / shrub species for any zoning planting as part of the development; monitor the effectiveness of the mitigation; installing features for bat roosting and bird-nesting on the new reception building and any other new structures over 4 metres in height within the existing development and providing Small mammal, reptile and amphibian habitat creation through the construction of refugia and log piles within the south-eastern corner of the field. The Local Authority's Ecologist has assessed this as support the proposal. However, they have requested a landscaping scheme and management plan that not only details the species and mix of planting but also includes these objectives. As such suitably worded conditions can be imposed requesting this.

The Green Infrastructure Statement also states that the *“proposals aim to retain the naturalistic boundaries of the site comprised of hedgerows with mature trees which would all be protected during the construction phase. New native tree and shrub planting is proposed around the periphery of the site to help the proposed development integrate into its surroundings. Native hedgerow planting, comprised of a mix of six species, is also proposed throughout the site and would connect to existing and/or proposed green infrastructure elements. New planting will include native, flowering and fruiting species that provide seasonal interest. SuDS features with informal play is also incorporated into the landscape strategy”*.

Overall, it is considered that the proposed development would be in accordance with the Policy DNP6 and would provide a biodiversity net benefit.

On balance the proposed development is considered to be compliant with Policy SP3, DNP6, DNP7 and DNP8 of the Local Development Plan (2024) and is therefore acceptable in terms of Biodiversity.

Archaeology

Glamorgan Gwent Archaeological have confirmed that a review of historic mapping shows the area as fields. They note the area has been partly disturbed, and therefore, it is their opinion that the proposal is unlikely to encounter archaeological features and, as such have no objections to the positive determination of this Application.

Waste Management

Policy ENT15 – Waste Management in Development – 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.

A bin storage area has been shown however details of how this would work and how waste would be managed during construction has not been provided; a condition can be imposed to address such requirements.

CONCLUSION

The decision to recommend Planning permission be granted 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 regard to the objection and concerns raised, it is considered that the proposal would provide a quality tourism development that would benefit Porthcawl and the wider area. It represents an appropriate form of development that would have no unacceptable impact on visual amenity, residential amenity, drainage, ecology, or highway safety and the proposal is therefore recommended for approval. Accordingly, the proposed development is in accordance with Policies SP1, SP2, SP3, SP4, SP5, SP15, SP16, SP17, SF1 PLA11, PLA12, ENT15, ENT16, DNP1, DP6, DP7, DP8 and DP9 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 condition(s):-

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

Proposed Site Location and Layout Plan 2222-018 Rev C
Topographical Survey 1269

Proposed Access Plan 1655-ACS-XX-ZZ-DR T-004-C

Proposed Floor Plan and Elevations - Countryside Lodge 2222-026

Proposed Floor Plan and Elevations - Superior Lodge 2222-025

Proposed Floor and Elevation Plan - Office 2222-020

TC22074_L101 [C] Detailed planting 1 of 2

TC22074_L102 [C] Detailed planting 2 of 2

TC22074_L103[C] Details and specifications

Drainage Layout PL_D01_Rev C

Planning Statement by Asbri dated May 2024

Design and Access Statement by Asbri dated September 2023

Pre Application Consultation report by Asbri dated September 2023

Tourism Needs and development Impact Assessment

Noise Management report by Rooklands Leisure Park

Landscape and visual statement by TIR Collective, Landscape Architects dated May 2024

Preliminary Ecological Assessment by Spectrum Ecology dated May 2022

Bat Survey dated by Spectrum Ecology dated June 2023

Biodiversity Enhancement Plan by Spectrum dated June 2023

Method statement for Vegetation Clearance by Spectrum Ecology dated June 2023

Method statement for the clearance of soil covered stone rubble banks by Spectrum Ecology dated June 2023

Tree survey report by ArbTS dated June 2023

Green Infrastructure Statement by TIR Collective, Landscape Architects dated May 2024

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

2. Notwithstanding the submitted plans, prior to any lodge/reception building being erected on site, details and samples of the materials to be used in the finishes of the lodges and reception building shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interest of the visual amenity of the area and to ensure the development complies with Policy SP3 of the Bridgend Local Development Plan 2024.

3. Prior to the first beneficial use of the development, the proposed access shall be completed to adoptable standards in accordance with the details shown in Drawing No. Proposed Access Plan 1655-ACS-XX-ZZ-DR T-004-C and shall be retained for as long as the development remains in existence. The existing access shall be closed to vehicular traffic prior to the first beneficial use of the development and remained closed to vehicular traffic thereafter.

Reason: In the interests of highway safety and to comply with policies SP3 and SP5 of the Bridgend Local Development Plan 2024.

4. No development shall take place, including any works of site clearance, until a Construction Traffic Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. The routing of HGV construction traffic to/from the site in order to avoid Moor Lane and Marlpit Lane
 - ii. the parking of vehicles of site operatives and visitors
 - iii. loading and unloading of plant and materials
 - iv. storage of plant and materials used in constructing the development
 - v. wheel washing facilities
 - vi. measures to control the emission of dirt on the highway or highway verge during construction
 - vii. the provision of temporary traffic and pedestrian management along the A4229.

Reason: In the interests of highway safety and to comply with policies SP3, SP5 and PLA11 of the Bridgend Local Development Plan 2024

5. No development shall take place, until a short journey travel plan has been submitted to and approved in writing by the Local Planning Authority. The travel plan shall contain, measures and initiatives relating to the encouragement and promotion of the use of sustainable and active transport modes for short journeys to and from the site for new and existing visitors. The short journey travel plan will be sent with any online booking, welcome pack or literature to all future occupiers of the lodges. The plan as agreed shall be implemented within 6 months of the beneficial use of the development and retained as such thereafter.

Reason: In the interests of promoting sustainable and active travel modes of transport to and from the site. and to comply with policies SP3 and PLA12 of the Bridgend Local Development Plan 2024

6. Any entrance gates shall be set back not less than 8 metres from the nearside edge of

the footway to allow vehicles to clear the live carriageway.

Reason: In the interests of highway safety and to comply with policies SP3 and SP5 of the Bridgend Local Development Plan 2024

7. Notwithstanding the submitted plans, no development shall commence until a scheme for the provision of two Electric Vehicle charging points has been submitted to and agreed in writing by the Local Planning Authority. The EV charging area shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained in perpetuity.

Reason: In the interests of highway safety and of promoting sustainable means of travel to / from the site, and to comply with policies SP5 and PLA11 of the Bridgend Local Development Plan 2024

8. No development shall commence until a scheme for the provision of 10 cycle parking stands has been submitted to and approved in writing by the Local Planning Authority. The stands shall be implemented before the development is brought into beneficial use and retained as such unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable means of travel to / from the site and to comply with policies SP3 and PLA12 of the Bridgend Local Development Plan 2024

9. No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas, of the site frontage, at any time.

Reason: In the interests of highway safety and to comply with policies SP3 and SP5 of the Bridgend Local Development Plan 2024

10. No source of illumination shall be directly visible from any part of an adjacent highway.

Reason: In the interests of highway safety and to comply with policies SP3 and SP5 of the Bridgend Local Development Plan 2024

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

Reason: To ensure that effective drainage facilities are provided for the proposed development and that surface water flood risk is not increased and to accord with Policies SP3 and DNP9 of the Bridgend Local Development Plan 2024

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

Reason: To ensure that effective drainage facilities are provided for the proposed development and that surface water flood risk is not increased and to accord with Policies SP3 and DNP9 of the Bridgend Local Development Plan 2024

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

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents, to ensure no pollution of or detriment to the environment and prevent water discharging onto the public highway in the interest of highway and pedestrian safety and to comply with accord with Policies SP3 and DNP9 of the Bridgend Local Development Plan 2024

14. No development shall take place, nor any demolition works or site clearance, until the tree and hedgerow protection as detailed on the Tree Protection Plan within the Arboricultural report by ArbTS dated 30th June 2023 has been erected on site. The tree and hedgerow protection measures shall be in place throughout the course of the construction.

Reason: To ensure all existing trees are protected throughout the construction of the development, in the interest of visual amenity, and to ensure the development complies with Policies SP3, SP17 and DNP7 of the Bridgend Local Development Plan. 2024

15. Notwithstanding the submitted plans, no development shall take place including site clearance, until details of landscaping works/biodiversity enhancements have been submitted to and approved in writing by the Local Planning Authority. Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate (the scheme should include a minimum of 3 trees for each tree to be felled and also provide supplementary planting to the existing hedgerows in less dense areas where required and also details of planting around the existing access); an implementation programme (including phasing of work where relevant). The scheme shall also detail the enhancement features set out within the Biodiversity Enhancement plan by Spectrum Ecology dated June 2023. The landscaping works shall be carried out in accordance with the approved details in accordance with the agreed implementation program and retained as such thereafter. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value, and to ensure the development complies with Policies SP3, SP13, DNP7 and DNP8 of the Bridgend Local Development Plan 2024

16. Notwithstanding the submitted plan, no development shall take place including site clearance, until details of a landscape management plan, including the long-term design objectives, management responsibilities and maintenance schedules, for all landscaped areas, (having regard to the management tasks set within the Biodiversity Enhancement Plan by Spectrum Ecology dated June 2023) have been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be implemented and adhered to in accordance with the approved details thereafter.

Reason: In the interest of visual amenity, and to ensure the long-term management and maintenance of all landscaped areas within the site and to ensure the development

complies with Policies SP3, SP13, DNP7 and DNP8 of the Bridgend Local Development Plan 2024

17. Notwithstanding the submitted Plans, prior to the first beneficial use of the development details of bird and bat boxes as specified in Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include detail and locations of bird nesting boxes and bat tiles/bricks/boxes at appropriate locations around the site. All approved artificial nesting sites/ and bat tiles/bricks/boxes shall be implemented in accordance with the approved details prior to the first beneficial use of the development.

Reason: In the interest of Biodiversity Enhancement and mitigation for the loss of habitat within the site and to accord with Policy SP3, SP13, DNP6 and DNP8 of the Bridgend Local Development Plan 2024

18. Notwithstanding Condition 1, the development shall be undertaken in accordance the following:
- The Method Statement for Vegetation clearance by Spectrum Ecology dated June 2023
 - The Method Statement for the clearance of soil covered stone rubble banks by Spectrum Ecology dated June 2023
 - Section 7 of the Full Bat Survey on livestock shelter and flight line survey on hedgerows, by Spectrum Ecology dated 20th June 2023

Reason: To avoid doubt and confusion, in the interest of biodiversity and in accordance with policy SP3, SP16 DNP5, DNP6, DNP7 and DNP8 of the Bridgend Local Development Plan 2024

19. Notwithstanding the submitted plans, no development shall commence until a scheme detailing the equipment/natural play features within the central play area has submitted to and approved in writing by the Local Planning Authority. The play area shall be erected in accordance with the agreed details prior to the first beneficial use of the development and retained as such thereafter.

Reason: In the interest of visual amenity and amenity of future occupiers of the site and to comply with Policies SP3 of the Bridgend Local Development Plan 2024

20. Construction operations shall be limited to 08:00-18:00 Mon-Fri, 08:00-13:30 Saturdays, and no construction operations shall take place on Sunday and Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in the interest of ecology and to ensure accordance with Policies SP3 and SP8 of the Bridgend Local Development Plan 2024.

21. Notwithstanding the submitted plans, prior to the installation of any permanent external lighting on the site, (including any temporary construction lighting) a detailed lighting scheme for the site shall be submitted to and approved in writing by the Local Planning Authority detailing the location of all proposed lights, the specification, intensity of illumination, predicted lighting contours (lux plots), together with proposed hours of operation and any mitigation measures required (including measures to reduce as far as practicable light spillage onto adjoining properties and incorporate best practice guidance to ensure the retention of dark corridors for the movement of wildlife with no direct lighting of vegetation). The lighting scheme should build on the recommendations

within section 2.6 (Lighting Strategy) of the document titled 'Biodiversity Enhancement Plan for the Development of Rooklands Caravan & Camping Site Land off A4229, Pyle Road, Porthcawl' by Spectrum Ecology, dated June 2023. The approved lighting shall be implemented on site in accordance with the approved lighting scheme only; and retained as such thereafter.

Reason: In the interest of residential amenity, biodiversity and protected species and to prevent any unacceptable light spillage, and to ensure compliance with Policies SP3, SP8 and DNP6 of the Bridgend Local Development Plan 2024

22. The development shall be managed and implemented in accordance with the details contained in the Noise Management Plan (NMP) plan entitled "Noise Management Report for Rooklands Leisure Park" dated 15th February 2024 and any subsequent NMP where it has been updated following its review. Any updated NMP shall be submitted to and agreed with the Local Planning Authority prior to the updated NMP being brought into use. Details of the NMP shall be implemented as agreed by the Local Planning Authority.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, and to ensure accordance with Policies SP3 and SP8 of the Bridgend Local Development Plan 2024

23. Notwithstanding the submitted plans, no development shall commence until, a Waste Management Plan for the proper design, location, storage and management, of any waste material generated during the demolition, construction and operation of the development shall be submitted to and approved in writing by the Local Planning Authority. All waste shall be treated in accordance with the agreed Waste Management Plan. The Waste management Plan shall be implemented as approved.

Reason: To ensure the appropriate disposal of any waste arising from the development in terms of protection of the environment and to ensure the sustainability principles are adopted during development and complies with Policy ENT15 of the Bridgend Local Development Plan 2024

24. The 37 holiday lodges hereby approved shall each be used for holiday accommodation only and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification). The holiday lodges shall be occupied for holiday accommodation only and shall not be occupied as a person's or persons' sole or main place of residence and shall not be occupied by any person or persons for a period of more than 28 days in any 12-month period.

Reason: To ensure the Local Planning Authority retains effective control over the use of the holiday lodges and to prevent the holiday accommodation being used as permanent residential accommodation which would be detrimental to the general amenities of the area and free flow of traffic and to comply with Policy SP3, SP16 and DNP1 of the Bridgend Local Development Plan 2024

25. An up-to-date register shall be kept at the holiday accommodation hereby permitted starting from first beneficial occupation of the holiday accommodation and maintained up to date thereafter; the register shall be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the holiday lodges, their main home addresses and their dates of arrival at, and departure from, the accommodation.

Reason: To ensure the Local Planning Authority retains effective control over the use of the holiday lodges and to prevent the holiday accommodation being used as permanent residential accommodation and to comply with Policy SP3, SP16 and DNP1 of the Bridgend Local Development Plan 2024

26. There shall be no outside storage of bins, equipment, waste, materials etc. except within the designated bin storage areas.

Reason: In the interest of visual amenity and to ensure compliance with Policy SP3 of the Bridgend Local Development Plan 2024

27. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority in advice of any remediation measures being undertaken. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies SP3 and SP8 of the Bridgend County Borough Council Local Development Plan 2024.

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

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

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policies SP3 and SP8 of the Bridgend County Borough Council Local Development Plan 2024.

29. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

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

Local Development Plan (2024)

On balance and having regard to the objection and concerns raised, it is considered that the proposal would provide a quality tourism development that would benefit Porthcawl and the wider area. It represents an appropriate form of development that would have no unacceptable impact on visual amenity, residential amenity, drainage, ecology, or highway safety and the proposal is therefore recommended for approval. Accordingly, the proposed development is in accordance with Policies SP1, SP2, SP3, SP4, SP5 SP15, SP16, SP17, SF1 PLA11, PLA12 ENT15, ENT16, DNP1, DP6, DP7, DP8 and DP9 of the Bridgend Local Development Plan (2024)

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

B) Highway Advisory Note

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

- obtain the approval of Bridgend County Borough Council as Highway Authority to the details of any works to be undertaken affecting the public highway;
- indemnify the County Borough Council against any and all claims arising from such works;
- give not less than one calendar months' notice in writing of the date that the works are to be commenced to the Policy, Development and Transport Team Leader, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541

The Highway Authority will require the Developer to enter into legally binding Section 111 Licence Agreement including an appropriate bond to secure the proper implementation of the proposed highway works and the adoption of the same as part of the maintainable highway. The commencement of the works on or abutting the existing maintainable highway will not be permitted until such time as the Agreement has been concluded.

C) Land Drainage Advisory Note

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

- Provide an agreement in principle from DCWW for foul (and surface water if required) disposal to the public sewer;
- Provide hydraulic calculations confirming development site has attenuation sized to accommodate a 1 in 100yr + 30% CC storm event;
- The Applicant shall submit a sustainable drainage Applicationform to the BCBC SAB (SAB@bridgend.gov.uk).

And (if an infiltration system is proposed);

In order to satisfy the infiltration drainage condition the following supplementary

information is required

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

D) Welsh Water Advisory Notes

In accordance with Planning Policy Wales (Edition 12) and Technical Advice Note 12 (Design), the Applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the Applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

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

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

The Applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Our response is based on the information provided by your application. Should the proposal alter during the course of the Application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact Welsh Water on 0800 917 2652 or via email at developer.services@dwrcymru.com

E) Contamination And Unstable Land Advisory Notice

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

(i) determining the extent and effects of such constraints;
(ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

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

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

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

F) Designing out Crime Advisory Note

Having reviewed the drawings, I would make the following observations :-

(i). Site layout.

I am pleased with the site layout.

Vehicle access onto site should be controlled by barriers and restricted to the main entrance for pedestrians and vehicles.

Reason – To prevent autocrime and burglary.

(ii). Lighting.

Lighting on the park should meet the British Standard 5489.

Reason – To increase public safety and remove the cover of darkness for criminals.

(iii). Landscaping and planting.

Overgrown shrubs and other thick barriers that are near to public areas must be avoided and clear sightlines must be maintained over long distances. Windows and

doors must not be obscured by landscaping features and trees in public areas must not have any foliage below 2 metres from the ground.

Trees and other landscaping features must not be positioned where they could create hiding/entrapment spaces or obscure signage and lighting.

There must be clear lines of sight across the site and clear unobstructed views of the parking bays from the lodges and reception area.

Reason - To increase surveillance, reduce the opportunity for crime and to prevent hiding places being created for criminals to operate.

(iv). Vehicle parking.

Vehicle parking bays must be overlooked by the lodges and the reception area.

During the hours of darkness, the bays should be well illuminated, and they must enjoy good natural surveillance from the lodges with unobstructed views.

Reason – To prevent auto-crime.

(v). Door security.

All external doors in the lodges and on the reception building should meet the standard PAS 24 2022 or equivalent and should be third party tested and certificated.

Glass in door panels or adjacent to door panels must be laminated.

Reason – To prevent burglary.

(vi). Window security.

All windows fitted in the lodges and in the reception area should meet the standard PAS 24 2022 or equivalent and should be third party tested and certificated. They should also have key operated window locks fitted.

Reason – To prevent burglary.

(vii). Identification of properties.

Lodge numbers must be clearly displayed.

Reason – To assist postal workers, emergency services etc. to find properties.

(viii). Intruder alarm.

The reception building should be alarmed with the alarm linked to a central monitoring station. Any alarm wires should be protected.

Reason – To deter and detect intruders.

Further detailed information can be found by visiting the Secured by Design website www.securedbydesign.com

G) South Wales fire and Rescue Advisory Note

Standing Advice.

The site plan/s of the above proposal has been examined and The Authority would wish the following comments to be brought to the attention of the Planning committee/Applicant. It is important that these matters are dealt with early on in any

proposed development.

- The Fire Authority has no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation.

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

- a. adequate water supplies on the site for firefighting purposes; and
- b. access for emergency firefighting appliances

Should the Applicant require further information in relation to these matters they should contact firesafety@southwales-fire.gov.uk

H) Major Development Notification

Before the commencement of development, you must do the following: -

- a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect); and

- b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.

Reason: To comply with procedural requirements in accordance with Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) and Section 71ZB of the Town and Country Planning Act 1990.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

Appeals

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

APPEAL NO.	CAS-03500-G0Y4Q3 (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

The application was refused for the following reason:

1. The proposed removal of the condition, would represent an unsympathetic and incongruous addition to the property and wider street scene having a detrimental impact on local visual amenities, contrary to Policy SP3 of the Bridgend Local Development Plan 2018 – 2033, Supplementary Planning Guidance Note 02: Householder Development (2008) and advice contained within Planning Policy Wales (Edition 12, 2024).

APPLICATION NO	CAS-03529-X4T0G9 (2013)
APPELLANT	M BACON
SUBJECT OF APPEAL	RETENTION OF OUTBUILDING TO SIDE OF DWELLING: 3 LLWYN COCH BRIDGEND CF31 5BJ
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	COMMITTEE

The application was refused for the following reasons:

1. The development, by reason of its siting, form and design, constitutes an alien, incongruous and overly prominent feature that has an unacceptable detrimental impact on the established character and appearance of the host property and wider streetscene, as well as the general character of the residential area, contrary to Policy SP3 of the Bridgend Local Development Plan (2024), Supplementary Planning Guidance Note 02: Householder Development (2008) and advice contained within Planning Policy Wales (Edition 12, February 2024). And Technical Advice Note 12 (Design).

APPLICATION NO	CAS-03530-T4G6Q9 (2014)
APPELLANT	M BACON
SUBJECT OF APPEAL	ALLEGED UNAUTHORISED EXTENSION: 3 LLWYN COCH BRIDGEND CF31 5BJ

PROCEDURE WRITTEN REPRESENTATIONS

DECISION ENFORCEMENT NOTICE

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

APPEAL NO. CAS-02483-N2F1B6 (1982)
APPLICATION NO. P/21/301/FUL

APPELLANT MULBERRY HOMES LTD

SUBJECT OF APPEAL ERECTION OF 70 DWELLINGS, COMMUNITY ROUTE AND ASSOCIATED PLAY AREA AND PUBLIC OPEN SPACE: LAND REAR OF WAUNSCIL AVENUE EXTENDING TO THE REAR OF MORFA STREET BRIDGEND

PROCEDURE NON-DETERMINATION

DECISION LEVEL DELEGATED OFFICER

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

The Appeal Decision is attached as APPENDIX A.

APPEAL NO. CAS-02850-K6N4H4 (1990)
APPLICATION NO. ENF/171/22/ACK

APPELLANT MR J & MRS S CULLEN

SUBJECT OF APPEAL UNAUTHORISED INCLUSION OF LAND INTO GARDEN CURTILAGE: 36 LLWYN HELIG KENFIG HILL

PROCEDURE WRITTEN REPRESENTATIONS

DECISION LEVEL ENFORCEMENT NOTICE

DECISION THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE ENFORCEMENT NOTICE BE QUASHED.

A copy of the joint appeal decision is attached as APPENDIX B.

APPEAL NO. CAS-02850-K6N4H4 (1991)
APPLICATION NO. P/23/22/FUL

APPELLANT MR J CULLEN

SUBJECT OF APPEAL UNAUTHORISED INCLUSION OF LAND INTO GARDEN CURTILAGE: 36 LLWYN HELIG KENFIG HILL

PROCEDURE HOUSEHOLDER
DECISION LEVEL DELEGATED OFFICER
DECISION THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE ALLOWED SUBJECT TO CONDITIONS.

A copy of the joint appeal decision is attached as APPENDIX B.

APPEAL NO. **CAS-03065-L4R2B7 (1999)**
APPLICATION NO P/23/412/OUT
APPELLANT MRS S COLLINGS
SUBJECT OF APPEAL RESIDENTIAL DEVELOPMENT FOR UP TO 50 RESIDENTIAL UNITS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED): LAND WEST OF A4065 NORTH OF LEYSHON WAY BRYNCETHIN
PROCEDURE WRITTEN REPRESENTATIONS
DECISION LEVEL NON-DETERMINATION
DECISION THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

The Appeal Decision is attached as APPENDIX C.

APPEAL NO. **CAS-03246-Q8W1S8 (2006)**
APPLICATION NO P/23/344/FUL
APPELLANT CARHYS
SUBJECT OF APPEAL SINGLE STOREY ONE BEDROOM BUNGALOW: LAND TO THE SIDE OF 1 GER Y BONT BRIDGEND
PROCEDURE WRITTEN REPRESENTATIONS
DECISION LEVEL DELEGATED OFFICER
DECISION THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

The Appeal Decision is attached as APPENDIX D.

APPEAL NO. **CAS-03377-H9V6K6 (2008)**
APPLICATION NO P/23/246/FUL

APPELLANT MR P BRAIN

SUBJECT OF APPEAL CONVERSION OF PROPERTY TO 5NO. 2-BEDROOM FLATS
REAR DORMER EXTENSION: FIRE ESCAPE TO REAR: ARDWYN
53 COWBRIDGE ROAD BRIDGEND

PROCEDURE WRITTEN REPRESENTATIONS

DECISION LEVEL DELEGATED OFFICER

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

The Appeal Decision is attached as **APPENDIX E.**

APPEAL NO. **CAS-03528-D2J2T8 (2011)**
APPLICATION NO P/24/81/FUL

APPELLANT MR S KNIPE

SUBJECT OF APPEAL RE-MODELLING OF DWELLING COMPRISING ALTERATIONS
AND EXTENSIONS INCLUDING INCREASE IN EAVES AND
RIDGE HEIGHT AND THE PROVISION OF FLAT- ROOF
DORMERS: 1 THE WHIMBRELS PORTHCAWL CF36 3TR

PROCEDURE HOUSEHOLDER APPEAL

DECISION LEVEL DELEGATED OFFICER

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

The Appeal Decision is attached as **APPENDIX F.**

APPEAL NO. **CAS-03313-V4X5J4 (2010)**
APPLICATION NO P/22/700/FUL

APPELLANT MR M WALDRON

SUBJECT OF APPEAL CHANGE OF USE AND CONVERSION OF THE EXISTING BARN
TO A SINGLE RESIDENTIAL PROPERTY: LAND OFF DYFFRYN
MADOC MAESTEG

PROCEDURE WRITTEN REPRESENTATIONS

DECISION LEVEL DELEGATED OFFICER

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

The Appeal Decision is attached as APPENDIX G.

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 N Jones BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 06/08/2024

Appeal reference: CAS-02483-N2F1B6

Site address: Land off Waunscil Avenue, Brackla, Bridgend, CF31 1TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mulberry Homes Ltd. against Bridgend County Borough Council.
 - The application Ref P/20/1030/FUL is dated 23 December 2020.
 - The development proposed is the erection of 70 dwellings, community route and associated play area and public open space.
 - A site visit was made on 8 February 2024.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the appeal was made, the Council has adopted the Replacement Bridgend Local Development Plan 2018-33 (RLDP). The appeal must be determined in accordance with the current development plan unless material considerations indicate otherwise. Edition 12 of Planning Policy Wales (PPW) was also published during consideration of the appeal. The parties were provided with an opportunity to address the revised policy context.
3. The appeal relates to the failure of the Council to determine a planning application for the development set out in the banner heading above. The Council did not determine the planning application within the dual jurisdiction period following the submission of the appeal but has set out its concerns regarding the proposed development.
4. An Environmental Statement (ES) and Addendum Report (September 2022) (ESAR) accompanied the planning application. I have taken into account the environmental information in arriving at my decision.

Main Issues

5. I consider the main issues to be:
 - i) whether the proposed development aligns with the placemaking aim of national planning policy, having regard to adopted local policy; and

- ii) the effect of the proposal on highway safety.

Reasons

Placemaking

6. The appeal proposal would entail the erection of 70 dwellings and associated development, including an active travel route and play space, on a narrow vacant site which previously accommodated a railway, located within a densely developed, principally residential area of the Primary Key settlement of Bridgend identified under Policy SF1. The framework for the development of the appeal site is provided by Policies SP3, SP5, SP6, SP10, PLA10, PLA12, ENT10, DNP8, COM3, COM6, and COM10 which seek to promote good design and sustainable place making, active travel, a sustainable supply of housing land, infrastructure, low carbon heating, green infrastructure, on-site affordable housing, manage residential density and deliver outdoor recreation facilities. In addition, the appeal site is designated by Policy COM11(7) as an area of accessible, natural and semi natural greenspace. The policy framework is supported by the requirements of Planning Policy Wales, Edition 12 and Future Wales – The National Plan 2040 in respect of sustainable development, placemaking, active travel and green infrastructure.
7. The Council raises no concerns regarding the safeguarding of disused railway infrastructure safeguarded under Policy PLA10 which does not permit development which prevents the potential re-opening of disused or redundant railway infrastructure or their re-use for alternative transport, or active travel purposes as an interim measure. In relation to making appropriate contributions towards local infrastructure which would be affected by the proposal, as required by Policies SP3 and SP10, there is no evidence that the scheme would put unacceptable pressure on local health services and the Council confirms that a contribution towards education would not be required as sufficient school capacity currently exists locally to accommodate the likely number of children who would occupy the proposed development.
8. In terms of meeting Policy SP3's other criteria, the appellants state that the proposal would seek to minimise importing new materials, utilising existing resources on site where possible. Whilst the Council queries the nature of fill material on site, it considers suitable foundations could be designed to deal with any instability. Although only limited borehole testing of that material has taken place, Natural Resources Wales (NRW) is satisfied that any land contamination, and necessary remediation and monitoring, could be suitably controlled by planning conditions. Eradication of invasive species on the site could also be controlled by a planning condition, as could shorter-term construction stage pollution, including noise and dust emissions, to safeguard the living conditions of neighbouring occupiers from such effects. Whilst the proposal pre-dates the Council's requirements under Policy ENT10 for an Energy Masterplan demonstrating selection of the most sustainable low carbon heating technology, the scheme would incorporate sustainability measures to reduce the environmental impact associated with buildings and minimising the demand for energy, water, materials and the creation of waste and there is no evidence to suggest that such technology could not be employed within the viability limits of the proposal. The availability of high-speed digital infrastructure could be secured by condition.
9. Owing to ground conditions, the use of soakaways is not considered appropriate and surface water drainage to the south of the Waunscil Spur would therefore be directed, via an attenuation tank and a new length of storm water sewer, to an existing system south of Coychurch Road. Surface water from the northern part of the site is intended to drain to an existing culverted watercourse and would incorporate sustainable drainage systems

(SuDS). The Council objected to this part of the scheme because of unspecified health and safety concerns at the intended connection location and its view that Dŵr Cymru-Welsh Water (DCWW) would not allow any infrastructure within necessary easements associated with the strategic water mains running along much of the site.

10. However, whilst DCWW identified that some of the intended dwellings would be likely to encroach into required easements, it suggested conditions to safeguard the integrity of these strategic assets which it says cannot be diverted, and it did not raise any specific concern regarding the surface water drainage proposals. Moreover, all new developments of the scale of the appeal proposal are required to include sustainable drainage systems (SuDS) to comply with statutory standards. Approval for the scheme's sustainable drainage strategy must be obtained from the SuDS Approval Body (SAB) before construction can begin. I consider therefore that appropriate arrangements for surface water drainage could be made.
11. Owing to the site's narrow and elevated configuration to the north, the proposal would make the most efficient use of the land by locating housing development at the widest and flattest part of the site to the south whilst an active travel route would run the length of the site, including along the elevated and narrow portion to the north. The proposal occupies part of an identified active travel route (INM-BR-24) and the scheme's intended route could provide a link to the existing network south towards Coychurch Road. The development would also provide a new link to an existing route at the rear of Vernon Street and Charles Street, which the Council identifies as an intended upgraded route (INM-BR-74). The appeal site route would continue north but terminate before reaching Rotary International Way. Despite a considerable difference in ground levels and landownership in this location, I consider the proposal would also provide an opportunity to link to a future, currently aspirational, active travel route (INB-BR-27). Whilst the Council raises concerns about the timing of the route's delivery to serve intended residents owing to the appeal scheme's viability, its anticipated construction costs have been taken into account and its provision is a matter which could be controlled through a planning condition. The appeal scheme would therefore maximise opportunities for active travel and promote connections within and outside the site to ensure efficient and equality of access for all.
12. However, there is no dispute between the parties, and I have no reason to disagree, that due to the particular circumstances of the appeal site and associated likely exceptional development costs, the proposal would not viably deliver an appropriate contribution towards affordable housing as required by RLDP Policy COM3.
13. The appeal scheme would fall substantially short of RLDP requirements for the provision of a satisfactory standard of outdoor recreation space on all new housing developments, particularly in relation to the provision of an equipped play area. However, the appeal site is allocated under RLDP Policy COM11 as Natural Greenspace (COM11(7) Land off Waunscil Avenue, Bridgend) which acknowledges that informal, yet high quality and accessible green spaces can promote nature conservation and biodiversity as well as enhancing the quality of life of individuals and communities and so promotes the provision of such spaces wherever suitable opportunities arise. Although allocated, the appeal site is privately owned and only has limited accessibility via existing public rights of way. The parties agree on its historic informal amenity use by local residents, however, much of the site was overgrown and impenetrable at the time of my site visit, with small-scale fly-tipping evident. The Council does not provide evidence of any intended scheme to improve public access or the site's quality or indicate how these benefits would be secured in the absence of a catalyst such as the appeal scheme.

14. Notwithstanding that much of the available site would accommodate housing, and the steep embankments to the north would be largely unusable space, the appeal proposal would provide a suitable opportunity to formalise public access to the site's available greenspace and to secure the wider benefits sought under Policy COM11. I consider that the appeal scheme would suitably provide Natural Greenspace in accordance with Policy COM11 and that the deficiencies in outdoor sport and equipped play area provision would be outweighed by the substantial public benefits of the formalised access to Natural Greenspace. However, whilst a management scheme could be secured by a planning condition, the viability assessment makes no financial provision for future maintenance of open spaces, and it has not therefore been demonstrated that appropriate future maintenance of the offered facilities could be secured to retain their long-term benefits.
15. Policy COM11 recognises that Natural Greenspace areas are important components of the wider green infrastructure network to protect and enhance biodiversity and ecological resilience. In doing so, Policy DNP8 requires that development proposals integrate, protect and maintain existing green infrastructure assets and to enhance the extent, quality, connectivity and multi-functionality of the green infrastructure network; where the loss or damage of existing green infrastructure is unavoidable, appropriate mitigation and compensation will be required and all developments must seek to maximise, as far as practicable, the amount of green infrastructure on the site.
16. This approach is supported by PPW which makes clear that where there may be harmful environmental effects, decision makers will need to be satisfied that any reasonable alternative sites (including alternative siting and design options) that would result in less harm, no harm or benefit have been fully considered. It also requires that the planning system should ensure that overall, there is a net benefit for biodiversity and ecosystem resilience, resulting in enhanced well-being. Schemes should be designed, amongst other things, to take into account the existing green infrastructure assets to ensure no fragmentation or loss of connectivity whilst maximising ecosystem resilience
17. The planning application pre-dated the requirement for a Green Infrastructure Statement but is supported by an ES which was supplemented by a revised Preliminary Ecological Appraisal (P.1536.21E, Sep 2022, Ascerta) and a revised Arboricultural Impact Assessment (P.1536.21C, Aug 2022, Ascerta). These set out a detailed assessment of existing ecological services and trees on the appeal site, including those protected by a Tree Preservation Order (TPO), and outline measures for their retention where possible as part of the scheme, and include Reasonable Avoidance Measures (RAMS) for hedgehogs, badger and reptiles.
18. Based on the submitted evidence, the appellants maintain that there would be little impact on ecology from the appeal scheme. Whilst I note the appellants' comments, little evidence has been presented that the location of dwellings and the intended layout of the appeal scheme has been designed to avoid or minimise loss of existing assets adjudged to be of local value and high local value, to maintain connectivity between the northern and southern parts of the appeal site, and off-site assets to the north and east. Neither does the proposal demonstrate that the intended provision of bat and bird boxes, and a native species landscaping proposal would measurably compensate for and mitigate such loss or enhance the ecological and biodiversity value of the site and so meet local and national planning policy objectives.
19. In terms of its layout and design, the proposal would broadly deliver the density expected by Policy COM6 and be set out so that the proposed dwellings would largely be orientated to face the road, whilst some would overlook the intended equipped play area, and in doing so, provide natural surveillance and promote community safety. However,

Policy COM6 seeks the most efficient use of land without compromising the quality of the living conditions provided, whilst making adequate provision for privacy and space about dwellings. It 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, with reference to the evidence within the latest Local Housing Market Assessment (LHMA). Albeit that I saw during my site visit that there is a mix of house types and styles locally, including large three-storey blocks forming part of a densely developed linear formation at Waunscil Avenue which the appeal scheme would reflect in terms of general form and scale and the layout of dwellings, I have seen no evidence that the appeal scheme has been designed to respond to the identified needs for a range of different house types and sizes in Bridgend. The appeal scheme would therefore fail to contribute to the creation of a mixed, socially inclusive, sustainable community.

20. With regard to the impact of the proposal on living conditions, although some trees would be retained, much of the existing vegetation on the site would be removed to facilitate the development. Despite intended landscaping, the tall three-storey form of the dwellings viewed from the bungalows at numbers 27 and 28 Gwaun Coed and numbers 13 and 14 Chorleywood Close in particular, which I saw are sited close to their own boundaries, would be unacceptably dominant whilst their relative proximity would give a perception of being overlooked. Whilst, owing to its intended elevated position centrally on the site, and the ability to provide landscape screening to the embankments, the active travel route and its proposed link to an existing route at the rear of Vernon Street and Charles Street would not cause unacceptable overlooking to nearby neighbours in that location, and the development's formalised access to Natural Greenspace would compensate for the limited garden space within some of the intended plots, the appeal scheme would not therefore ensure that the amenity of neighbouring uses and those of intended occupiers would not be adversely affected.
21. I have had regard to previous appeal decisions in relation to the development of this site but whilst there may be similarities in the conclusions reached in relation to viability, and the provision of accessible open space and a community route, and the effects on living conditions, I have not been provided with full details of those cases and have reached my conclusions against the up-to-date development plan framework and on the merits of the appeal proposal.
22. I have taken into account the benefits to the local economy of 60 construction jobs, and through the creation of an active travel route and the provision of Natural Greenspace. Whilst these would be substantial, they would not outweigh the proposal's failure to demonstrate secured future maintenance of the open spaces, or its harmful effects on the living conditions of neighbouring occupiers, its failure to demonstrate that it would provide an appropriate mix of housing to meet identified needs locally as well as its inability to provide an appropriate contribution towards affordable housing, or the considerable harm which would arise through the scheme's failure to demonstrate avoidance of harm to green infrastructure and to provide biodiversity enhancement.
23. I conclude that the proposed development would not align with the placemaking aim of national planning policy, having regard to adopted local policy. The proposal would therefore fail to comply with FW, PPW and Policies SP3, COM3, COM6, COM10, DNP8 and COM11.

Highway Safety

24. Policies PLA11 and SP5 require, amongst other things, that developments are served by appropriate parking provision. Policy SP5 also requires improvement measures to mitigate the impact of the development on the surrounding road network, seeking, where

necessary, planning obligations to ensure that the effects of developments are fully addressed in order to make the development acceptable. The policies are supported by the Council's adopted Supplementary Planning Guidance 17 'Parking Standards' (SPG17) which seeks to balance the need to reduce unnecessary car journeys against levels of car ownership by providing realistic levels of parking within residential developments and maximum levels of parking at other locations. It recognises however that both off-street allocated space and unallocated on street space can provide suitable parking for residential developments (points of origin) provided the use of on street spaces will not create obstruction/congestion for other road users. SPG17 recognises the potential for some reduction to residential parking levels by application of its sustainability index.

25. However, although the appeal scheme was amended to provide additional parking spaces, parking for plots 20 to 60 would be deficient by 42 spaces. Whilst the appellant argues that maximum parking standards should not be applied as the appeal site is in a sustainable location, the overall score for the proposal against the SPG's sustainability index was insufficient to allow any reduction. Given the extent of the deficiency in required parking provision to serve the intended dwellings, I consider the proposal would be likely to give rise to extensive indiscriminate and inappropriate parking and associated manoeuvres which would be harmful to highway safety. Although the Council have suggested conditions to require revised schemes for residential and visitor parking, there is no certainty that appropriate provision could be achieved within the proposed layout, whilst interested parties would not have been given an opportunity to comment on any material changes to the layout which may be necessary to meet such conditions' requirements.
26. The Highway Authority did not object to the proposed development in relation to any highway safety concerns on Waunscil Avenue. I saw that this road can accommodate two-way traffic as well as on street parking and given the low speed and nature of the likely traffic from a residential scheme, I have no reason to reach a different conclusion. The Highway Authority did however identify capacity issues to the south of the site at the junction of Tremains Road with Coychurch Road. Although the Council provided no attributable accident statistics, I saw during my early morning site visit that these roads carry a steady volume of traffic, including pedestrians and cyclists, and that signal changes at the junctions can cause queuing which the Council says leads to unacceptable manoeuvres as drivers pass queuing vehicles to access nearby junctions but do so travelling towards oncoming traffic.
27. The appellants' Technical Note 22004 Coychurch Road (25 April 2022, JCT) demonstrates that the effects of additional traffic from the proposed development, taking into account adjustments to the sequence of traffic signals to alleviate queuing, would be acceptable. Although the Council notes the appellants' contention that a planning condition could ensure the necessary data would be supplied to the Highway Authority to allow it to adjust the traffic signal phasing, and has suggested a condition to this effect, the Council nevertheless states its officers would require specialist assistance to complete the works and has set out the anticipated associated costs. It is not appropriate to seek a financial contribution through a planning condition. As no other formal mechanism has been offered to meet the costs of necessary transport measures, I cannot be satisfied that the appeal scheme would appropriately address this matter.
28. I conclude that it has not been demonstrated that the proposal would not harm highway safety. The proposal would therefore fail to comply with Policies PLA11 and SP5 and SPG17 advice.

Other Matters

29. The appeal site is partly located within a Category 2 Limestone Mineral Safeguarding Zone identified by Policy ENT12. Owing to its intended location, the Council does not consider the appeal scheme would prejudice this safeguarded resource and from the evidence before me I have no reason to reach a different conclusion on this matter.

Conclusion

30. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

31. 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 one or more of the Welsh Minister's wellbeing objectives as required by section 8 of the Act.

N Jones

INSPECTOR



Appeal Decision

by H W Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 16/08/2024

Appeal reference: CAS-02850-K6N4H4 & CAS-02852-T7M7R5

Site address: 36 Llwyn Helig, Kenfig Hill, Bridgend, CF33 6HN

Appeal A reference: CAS-02850-K6N4H4

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991. The appeal is made by Mr J and Mrs S Cullen against an enforcement notice issued by Bridgend County Borough Council.
 - The enforcement notice, numbered ENF/171/22/ACK, was issued on 1 June 2023.
 - The breach of planning control as alleged in the notice is: Without planning permission, change of use of the land shown edged in blue on the attached Plan B by including the land into the domestic garden area of the Land Affected by the erection of fencing and the construction of a patio area on the land shown edged in blue on Plan B.
 - The requirements of the notice are:
 - a) Remove and keep removed the fencing from around the land shown edged in blue on the attached plan B;
 - b) Remove and keep removed the patio area and other domestic paraphernalia from the land shown edged in blue on attached plan B;
 - c) Reinststate the hedgerow between points marked A and B on attached Plan B and in accordance with the Planting Schedule attached to this Notice.
 - d) Remove all materials resulting from steps a), b) and c) above from the land as shown edged red on attached plan A.
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (f) and (g) of the Town and Country Planning Act 1990 as amended.
 - A site visit was made on 15 May 2024.
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Appeal B reference: CAS-02852-T7M7R5

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Josh Cullen against the decision of Bridgend County Borough Council.

- The application (ref: P/23/22/FUL), dated 14 January 2023, was refused by notice dated 21 April 2023.
 - The development is described as: Inclusion of land within curtilage; levelling of garden area; new wall & fence; new patio & turf (retrospective).
 - A site visit was made on 15 May 2024.
-

Decisions

Appeal A

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the change of use of the land shown edged in blue on the attached Plan B by including the land into the domestic garden area of the Land Affected by the erection of fencing and the construction of a patio area on the land shown edged in blue on Plan B at 36 Llwyn Helig, Kenfig Hill, Bridgend, CF33 6HN and subject to the condition set out in the attached schedule.

Appeal B

2. The appeal is allowed and planning permission is granted for the use of land for residential purposes; levelling of garden area; new wall and fence; new patio and turf at 36 Llwyn Helig, Kenfig Hill, Bridgend, CF33 6HN, in accordance with the terms of the application (ref: P/23/22/FUL), dated 14 January 2023, subject to the condition set out in the attached schedule.

Procedural Matter

3. The description of the development as set out in the Appeal B banner heading is taken from the Council's decision, which provides a summary of the description contained in the application form which I have also taken into account in my assessment. In the interests of precision, and for reasons I shall explain later, in my decision I have amended the Council's description to replace reference to 'curtilage' with 'use of land for residential purposes'.

Background

4. The appeal property is a detached house within a modern residential estate. It is set within grounds which includes a rear garden which takes the form of terraces that step upwards towards the field to the rear.
5. Prior to the subject works the rear boundary of the back garden was enclosed by a timber fence. A hedgerow separated the fence from a livestock fence that demarcated the field boundary and the extent of the neighbouring farmer's land ownership. As part of the works the appellants removed the timber fence and hedgerow and extended rearwards the useable area of the garden which has been part lawned and part hard surfaced. A close-boarded timber fence has been erected on the line of the former livestock fence and incorporates stockproof fencing wire on the field side. A section of the fence has been erected on a wall which is slightly higher than ground level and serves as a base for the timber fence supports.
6. My visit confirmed that one adjoining property's garden (no. 35) extends to the same rearward line as the subject fence and an outbuilding is positioned within this rearmost portion of that garden. On the other side of the appeal property, No. 37's rear garden

fence follows the line of the appeal property's previous timber fence line. There is a gap between that fence and the stockproof field fence. The remains of a previous hedge were barely visible within this gap which was mainly grassed. There is a hedgerow at the rear of No. 38. Its rear garden fence extends along the same line as the neighbouring field fences. These 4 properties are the only ones that back onto this visually discrete section of field boundary.

Appeal A, grounds (b) and (c)

7. I have dealt with these 2 grounds together. Under ground (b) the appellants argue that the alleged breach has not occurred as a matter of fact on the basis that the use is lawful. As there is no dispute that the alleged works have resulted in the expansion of the previous usable garden area, it seems that this is a ground that is more aligned to ground (c) ie that there has been no breach of planning control. I shall proceed on this basis satisfied that this does not alter the substance of either parties' case.
8. There is no dispute that the appellants own the land that extends to the stockproof fence which forms the field boundary. It is evident that until the recent works the subject land was not in use as part of the garden. Indeed it was incapable of being so used as it was fenced off from the garden and was occupied by a hedgerow. The appellants explain that the hedge had become overgrown and was affecting the stability of the timber fence, giving rise to safety concerns for the appellants' young children.
9. The Council describes the works as including the "inclusion of land within curtilage". In planning terms the concept of a curtilage does not describe the use of land but rather its relationship with a building. Whilst the spatial extent of the planning unit associated with a dwelling will often equate to its curtilage there will be occasions when the former may be larger than the latter. That is, an area of land may be in residential use without falling within its curtilage.
10. Whilst ownership is a relevant factor in identifying residential curtilage, functionality is another consideration. In this case the fact that the land served no purpose in relation to the dwelling prior to the recent works indicates that the rearmost strip did not form part of the curtilage of the property. That situation altered as a result of works that effectively encompassed the subject land within the area that now functions as the rear outdoor amenity area.
11. As the land was not part of the curtilage until the recent works, it is necessary to establish whether there has been a material change in the lawful use of that land, having regard to its planning history.
12. Planning permission (ref: P/96/1048/FUL) for 'proposed additional rear garden area' to plots 35-38 was granted on 10 February 1997. Those plot numbers coincide with Nos 35-38 Llwyn Helig. The relevant committee report explains that the proposal would involve the removal of the established field boundary hedgerow to facilitate the creation of larger gardens. It was described as acceptable rounding off that would benefit the amenity of occupiers.
13. The approved drawing shows the position of the 'existing hedge' that was to be removed and that of the 'replacement hedgerow'. It shows a 0.9m high stock proof fence on the field side of the replacement hedgerow, and on the other side it refers to a 'proposed site boundary to be defined by 1.8m high closeboarded timber fencing as shown'. It seems to me that the situation on site prior to the subject works reflected the approved layout. On that basis it is clear that the permission authorised the extension of the rear gardens up to the timber fence. The land between that fence and the stock proof fence was excluded from the extended garden areas and served as a landscape buffer strip. That

the subsequent sale of the plots appears to have extended to the field boundary does not change my interpretation of the permission.

14. Two conditions were imposed on the permission, the first required the Council's approval of a replacement hedgerow and its implementation. The second protected the new hedgerow for 3 years from the date of its planting. The Council does not suggest that the hedgerow was protected, either by condition or the Hedgerow Regulations, at the time that it was cut down.
15. Whilst the removal of the hedgerow was not a breach of planning control the removal of the previous fence and enclosing of the new garden area facilitated the enlargement of the residential planning unit and represented a material change of use of the land. The effective curtilage of the dwelling was also extended.
16. Thus, I find that there has been a material change of use of the subject land which constitutes a breach of planning control. It follows that neither ground (b) or (c) appeals can succeed.

Appeal A, ground (a), and Appeal B

17. Appeal B seeks retrospective planning permission for the same works the subject of the deemed planning application that falls to be considered under Appeal A. As such I shall deal with them together.
18. Since the appeals were lodged the Council has adopted the replacement Bridgend Local Development Plan 2018-2033 (LDP), which has superseded the 2013 version of the plan which was in force at the time of the Council's decisions. At my request the Council has identified the relevant policies of the latest development plan. I have assessed the appeals against the recently adopted plan, satisfied that both parties were afforded the opportunity to comment on its content.

Main Issue

19. The main issue is the effect of the development on the character and appearance of the area, having regard to the local rural restraint strategy.

Reasons

20. The committee report that recommended approval of the previous application to extend the gardens of the row of 4 properties acknowledged that the land was outside the housing allocation of the Local Plan. As such the proposal was deemed to be contrary to that plan's restrictive approach to development in the countryside. The report explained that notwithstanding this policy objection, it was deemed acceptable as a form of 'logical rounding off'.
21. In relation to the appeal scheme the Council considers that the land in question lies outside the settlement boundary as defined in the LDP, and as such determined that the scheme conflicted with the rural restraint strategy of the plan. The relevant extract of the LDP proposals map provided by the Council does not enable the precise line of the boundary to be identified on the ground. In this case there are 3 potential boundary features that run parallel and close to one another and it seems that both fence lines are depicted on OS maps. In this (unusual) circumstance it seems reasonable to take the field boundary as the line that distinguishes the limit of the settlement from the adjacent area of countryside, as such I have treated the appeal site as lying within the limits of the settlement for the purpose of planning policy.
22. In the context of the existing garden areas the modest rearward extension of the subject garden and associated development has no material visual impact when viewed from nearby properties. The rear boundary fence screens views of the garden from the field

to the rear of the site. The fence itself is of a height similar to those nearby and is seen in the context of those enclosures when viewed from the field and the footway that crosses its far end. The rising topography of the adjacent field and intervening vegetation provide significant screening of the site from wider vantage points. The development does not materially erode the rural character of the surroundings.

23. On the main issue I conclude that the scheme has not caused unacceptable harm to the character or appearance of the surrounding area. The development respects local distinctiveness and landscape character and is appropriate to its local context in accord with LDP policy SP3: Good Design and Sustainable Placemaking. As the development does not extend beyond the defined settlement boundary there is no conflict with policy SF1: Settlement Hierarchy and Urban Management.

Other Matter

24. The Council is concerned that permitting the scheme would set an undesirable precedent for similar applications. As the site is within the settlement boundary and the scheme does not give rise to any harm, there can be no such precedent.

Conditions

25. There is no evidence to suggest that the removed hedgerow had either the public amenity or heritage value that would engage the protective provisions of LDP policy DNP7: Trees, Hedgerows and Development. Nor is there evidence that the hedge served as green infrastructure such that policy DNP8: Green Infrastructure is engaged. However, policy DNP6 'Biodiversity, Ecological Networks, Habitats and Species', which seeks that all development proposals must provide a net benefit for biodiversity and ecosystem resilience, is relevant. To ensure compliance with its requirements I shall impose the condition suggested by the Council. As the work has already been undertaken a condition imposing a time limit for commencement is not necessary.

Conclusions

26. For the reasons given above, I conclude that Appeal A succeeds on ground (a). I shall grant planning permission for the use as described in the notice. The appeal on grounds (f) and (g) do not fall to be considered. I further conclude that Appeal B should be allowed and planning permission granted.
27. 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 one or more of the Welsh Ministers' well-being objectives.

H W Jones

INSPECTOR

APPEALS A AND B: SCHEDULE OF CONDITIONS

1. Within 3 months from the date of this permission, an artificial nesting site for birds shall be erected on the dwelling or another suitable location within its curtilage 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 immediately under the eaves of a building.
- Entrance holes: 32mm diameter
- Dimensions: height 310mm x width 370mm x depth 185mm

or

Swift Nest Box Specification:

- Wide box with small slit shaped entrance hole to be placed under or close to roofs, at least 5m from the ground.
- Dimensions: height 150mm x width 340mm x depth 150mm.

Reason: In the interests of biodiversity, in accordance with policy DNP6 of the Bridgend Local Development Plan.



Appeal Decision

by N Jones BA (Hons) MSC MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 02/09/2024

Appeal reference: CAS-03065-L4R2B7

Site address: Land west of A4065 north of Leyshon Way, Bryncethin, CF32 9AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mrs S Collings against Bridgend County Borough Council.
 - The application Ref P/23/412/OUT is dated 25 June 2023.
 - The development proposed is a residential development for up to 50 residential units (outline application with all matters reserved).
 - A site visit was made on 4 June 2024.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal relates to the failure of the Council to determine a planning application which seeks outline permission for the development set out in the banner heading above, with all matters reserved for future approval.
3. Upper and lower limits are provided for the intended scale of the units which would comprise a mix of bungalows, houses and flats. The application is submitted in outline with all matters reserved and whilst they are illustrative, I have had regard to the submitted drawings in as much as they set the parameters for the intended development.
4. The Bridgend Replacement Local Development Plan 2018-33 (RLDP) was adopted by the Council on 13 March 2024, following submission of the appeal. The appeal must be determined in accordance with the current development plan unless material considerations indicate otherwise. Relevant LDP Policies were listed in the Council's submissions, and I am satisfied that the parties have been provided with an opportunity to address those policies.

Application for costs

5. An application for costs has been made by Mrs S Collings against Bridgend County Borough Council. This application is the subject of a separate Decision.

Main Issues

6. The Council did not issue a decision within the dual jurisdiction period but has set out its concerns regarding the proposal and the reasons it would have refused the application. Having regard to those reasons, I consider the main issues are:
- (i) whether the proposal would align with placemaking principles with particular regard to a) sustainable travel links, b) green infrastructure and ecological enhancement, and c) the effects of the proposal on the living conditions of neighbouring and future occupiers;
 - (ii) the effects of the proposal on highway safety; and
 - (iii) whether the proposal would make an appropriate contribution to support local infrastructure.

Reasons

Placemaking

7. The appeal site, which rises to the north of existing housing, and which was in use as grazing land at the time of my site visit, is largely defined on its external boundaries by mature hedges and is bordered on its western edge by part of the A4065 at Bryncethin, close to that road's junction with the A4061. The site accommodates a footpath accessible from Leyshon Way to the A4065. The proposal would deliver up to 50 residential units, intended to be provided in a mix of unit types and sizes, including houses, flats and bungalows. Albeit the RLDP identifies that transport capacity issues currently preclude additional significant development within this area, Bryncethin forms part of the Valleys Gateways Main Settlement identified under RLDP Policy SF1 where, in accordance with the RLDP's settlement hierarchy, part of its housing requirement is expected to be delivered. Amongst other things, RLDP Policy SP6 supports windfall residential development, such as the appeal proposal, at appropriate sites within the settlement. Nevertheless, the proposal must also satisfy other applicable development plan policies. Policy 12 of Future Wales The National Plan 2040 (FW) confirms that placemaking is at the heart of the planning system in Wales and establishes a strategic placemaking approach and principles to support planning authorities to shape urban growth and regeneration, including by building places at a walkable scale, with homes, local facilities and public transport within walking distance of each other; establishing a permeable network of streets, and integrating green infrastructure. Planning Policy Wales (Edition 12) (PPW) emphasises the importance of placemaking in both plan making and in development management decisions as a means of creating sustainable places and to improve the well-being of communities. In order to meet good design and sustainable placemaking RLDP Policy SP3 sets out a list of criteria which development should meet to make a positive contribution towards placemaking. In relation to the appeal scheme, the Council's concerns are related to the proposal's effects on a) sustainable travel, b) green infrastructure and ecological enhancement and c) the living conditions of neighbouring and future occupiers which I have considered in turn.

a) Sustainable travel

8. To make active travel a practical, safe and attractive choice, PPW says that planning authorities must ensure new developments are designed and integrated with existing settlements and networks. Amongst its listed criteria, RLDP Policy SP3 says that all development must maximise opportunities for active travel and increased public transport use and promote connections within and outside the site. RLDP Policies SP5 and PLA12 also seek to prioritise the provision of appropriate routes as well as the delivery of proposals identified within the Council's Active Travel Network Map.

9. Whilst the Council has suggested that other options for connections to existing Active Travel routes (INM-BR-9 towards the roundabout to the north, and INM-BR-89 and INB-BR-90 at Leyshon Way and Daleside) may be preferable to the appeal scheme proposals, I have been provided with no details of their intended delivery by the Council or that they would provide improved public transport as well as pedestrian and cycling links. I saw that pedestrian infrastructure near the signalised junction of the A4061 and the A4065 lack separation from the traffic using that route and owing to its configuration and the volume of traffic, is not attractive for walkers or cyclists, including for accessing bus services. I note the Council's concern that an intended dual use route along the site frontage would end abruptly near the bridge and that an intended signalised crossing on the A4065 may cause safety concerns due to its intended proximity to the existing junction. However, subject to the detailed design, the appeal proposal would provide crossing points on the A4065, for walkers and cyclists, which would, together with the realigned public right of way, allow improved connectivity through the appeal site to areas like Sarn and its rail station to the south-west, and to and from employment and residential areas to the north and north-east. I have been provided with no evidence to suggest that such provision would be unreasonable or that it would cause viability issues as part of the intended scheme.
10. Nevertheless, whilst some bus services would be made more accessible given proposals for the widening of the A6065 to allow two new bus stops, the Council queries ownership of the land to the east of the carriageway intended for one of the stops, meaning there is uncertainty over its deliverability. I am not therefore satisfied that the intended scheme would deliver fully integrated sustainable travel options as part of the proposed development.

b) Green infrastructure and ecological enhancement

11. PPW makes clear that where there may be harmful environmental effects, decision makers will need to be satisfied that any reasonable alternative sites (including alternative siting and design options) that would result in less harm, no harm or benefit have been fully considered. It also requires that the planning system should ensure that overall, there is a net benefit for biodiversity and ecosystem resilience, resulting in enhanced well-being. Schemes should be designed, amongst other things, to take into account the existing green infrastructure assets to ensure no fragmentation or loss of connectivity whilst maximising ecosystem resilience
12. In addition, development must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems. A net benefit for biodiversity is the concept that development should leave biodiversity and the resilience of ecosystems in a significantly better state than before, through securing immediate and long-term, measurable and demonstrable benefit. RLDP Policy DNP6 states that all development proposals must provide a net benefit for biodiversity and improved ecosystem resilience. Features and elements of biodiversity or green infrastructure value should be retained on site. Policy SP3 also requires that development must, amongst other things, safeguard and enhance biodiversity.
13. The appellant's Preliminary Ecological Appraisal (PEA) states that the appeal site is located wholly within the Tyncoed Farm, Bryncethin Site of Importance for Nature Conservation (SINC) designated for its river corridor, wet grassland and woodland habitats. The SINC has no direct connection to other similarly designated sites locally and the PEA classifies habitat on the appeal site, which includes amongst other things, continuous scrub, scattered trees and hedges as well as well-grazed semi-improved grassland, as generally of low, local site importance and concludes that the proposal would result in neutral impacts. The indicative layout shows that trees on the northern

boundary of the appeal site which are protected by a tree preservation order (TPO) would be retained and accommodated within the proposed development. A separate Arboricultural Report concludes that most trees on the appeal site are of low quality.

14. The PEA conclusions in relation to scrub habitat assumes that most would be retained, with only partial loss to allow access on the eastern boundary. However, the indicative layout indicates that most of the continuous scrub habitat on the southern boundary would be removed. The PEA confirms that overall findings will require re-evaluation in such circumstances. At least one Environment (Wales) Act 2016 Section 7 priority species (hedgehog) was recorded adjacent to the site and this species could be detrimentally affected through loss of suitable habitat. Although the appeal scheme pre-dates PPW's requirement for a Green Infrastructure Statement (GIS), I have taken into account the GIS submitted in support of the appeal and its indication that ecological enhancements could be achieved. Even so, there is little to demonstrate that the appeal scheme, albeit indicative, has been designed to take into account the step-wise approach to site development set out in PPW, to minimise loss, or any cogent evidence that suggested enhancements would measurably improve the site's condition in the immediate and long term.

c) Living conditions

15. Amongst its listed criteria, Policy SP3 also requires that development must ensure that the amenity of neighbouring uses, and their users / occupiers will not be adversely affected. Albeit illustrative, the submitted details provide an indication of the type of layout which would be intended and show that houses would be proposed closest to existing dwellings at Leyshon Way, with taller flats being sited uphill closer to the A4065. I consider that owing to the distance between existing dwellings at No's 21 and 22 Leyshon Way and the closest indicated dwellings, and the scope for consideration of the detailed design of houses, as well as boundary screening and landscaping, at any reserved matters stage, the appeal scheme could be designed to avoid unacceptable overlooking and loss of outlook from these existing properties. Those houses intended to the rear of No's 18 and 19 Leyshon Way are indicated as having their side elevations facing those properties and could be designed to avoid unacceptable overlooking from any openings. However, owing to the appeal scheme dwellings' proposed depth and height, and intended proximity to the rear boundaries of these lower neighbouring dwellings, they would be seen as large structures above existing rear garages, and would extend across most of the width of the neighbouring properties' rear gardens, substantially increasing their sense of enclosure and resulting in unacceptably oppressive and overbearing effects. Given the quantum of the appeal scheme on its intended site, and the intended loss of existing boundary screening in this location to facilitate the intended development, I cannot be satisfied that any adjustments which could be made at any reserved matters stage would be sufficient to overcome these concerns.
16. Turning to the appeal scheme's effects on the living conditions of its intended future occupiers, RLDP Policy DNP9 states that development proposals will only be permitted where it can be demonstrated that they would not cause unacceptable risk of harm to health through, amongst other things, noise pollution. Policy SP3 requires that all development must avoid or minimise noise pollution. Whilst its duration was relatively short, I did not experience any discernible noise emanating from existing employment uses to the north of the site during my site visit and the Council has provided no evidence of any specific sources of unacceptable noise in this location or of any related complaints. Neither has any evidence been provided that any consented schemes are likely to come forward which would create unacceptable noise effects. Even so, continual traffic noise was clearly audible throughout my visit and given the accepted traffic levels and queuing

at the junctions near the appeal site, is likely to be audible to the intended occupiers of the appeal scheme.

17. Unacceptable noise, such as from traffic, can affect people's living conditions through reducing the enjoyment of their gardens or by needing to keep windows shut to dampen noise. Where unacceptable effects are identified, any necessary mitigation would need to be clearly understood in order that it could be appropriately controlled by planning conditions and to ensure that any other effects, such as the visual effect of any necessary acoustic barriers, could be properly assessed. The appellant has provided no cogent evidence of the existing soundscape to support the assertion that the appeal site could be developed without harming the living conditions of future occupiers. It has not therefore been demonstrated that the proposal would avoid or minimise noise pollution to its intended occupiers.
18. Bringing the above threads together, I conclude that the proposal would not align with placemaking principles and would be contrary to RLDP Policies SP3, SP5, PLA 12, DNP6, and DNP9, and PPW advice.

Highway safety

19. The indicative scheme shows access to a small part of the intended development would be obtained through an existing link to Leyshon Way. Given the nature of that residential road and its traffic calming measures, the Council does not object to this aspect of the proposal. Given my observations during my site visit and the evidence before me, I have no reason to reach a different conclusion. The appellant's submitted Transport Assessment (TA) demonstrates that the additional traffic generated by the proposal would have little overall effect on the capacity of the local road network, given current traffic volumes. Nevertheless, owing to the difficulties likely to be encountered in joining the road network at the junction of Daleside with the A4061, particularly for traffic turning right, due to network capacity issues, there is no dispute between the parties that this route would be unsuitable to cater for the entirety of the vehicular traffic likely to be generated by the appeal scheme.
20. A separate access directly onto the A4065 would therefore be provided to serve the remainder of the proposal. Given the nature of the road and particular characteristics of its capacity, and measured traffic speeds locally as set out in the TA, which appeared consistent with my observations at my site visit despite a recently reduced speed limit locally, I concur with the Council that visibility standards set out in Technical Advice Note 18 'Transport' (Tan 18), rather than those set out in the Manual for Streets (MfS) should apply. I saw that at the originally indicated access point, the prevailing topography obscures views of cars approaching from the north. The indicative access considered by the Council at application stage would not therefore meet the required visibility standards.
21. Whilst I acknowledge that there may be other ways of obtaining access to the appeal site, such as further downhill, as indicated on the drawing submitted in support of the appeal, owing to the lack of clarity in the details before me, I cannot be satisfied that the required visibility could be achieved in both directions. Given the nature and speed of traffic on this primary route, I do not consider that this is a matter which can be left to a planning condition.
22. I conclude that it has not been demonstrated that the intended access arrangements would not harm highway safety. The proposal would therefore fail to comply with RLDP Policy SP5 which states, amongst other things, that developments will be required to be designed to provide safe and efficient access to the transport network. It would also fail to comply with TAN 18 advice.

Infrastructure

23. RLDP Policy SP10 says that all development proposals must be supported by sufficient existing or new infrastructure. In order to mitigate likely adverse impacts and/or to integrate a development proposal with its surroundings, reasonable infrastructure provision or financial contributions to such infrastructure must be provided by developers where necessary. This will be secured by means of planning agreements/obligations where appropriate. RLDP Policy SP3 also requires development to appropriately contribute towards local, physical, social and community infrastructure which is affected by the development.
24. The appellant does not dispute the Council's assessment that contributions towards affordable housing, education and the provision and maintenance of an equipped play area would be necessary. Nevertheless, although confirming a willingness to enter into a Section 106 agreement, no formal mechanism to secure those contributions has been submitted. The proposal would not therefore make an appropriate contribution to support local infrastructure and would conflict with RLDP Policies SP3 and SP10.

Other Matters

25. PPW states that planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers. A small part of the appeal site is located within zone C2 as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development & Flood Risk (TAN 15). The Flood Map for Planning (FMfP) which provides up-to-date information identifies the southern boundary of the application site to be at risk of flooding and clips Flood Zone 2 and 3 (Rivers). All residential premises are defined in TAN 15 as highly vulnerable development (HVD) which should not be permitted within zone C2. I note that Natural Resources Wales (NRW) advised that given the limited extent of flood risk shown to be affecting the appeal site the proposal could be considered acceptable, but as I am dismissing the appeal on other ground, I have not sought to address this matter further with the parties.
26. There is no disagreement between the parties that the appeal scheme could appropriately deal with surface water drainage and ground contamination matters and from the evidence before me I have no reason to reach a different view.

Conclusion

27. For the reasons given above, and having taken all other matters into account, I conclude that the appeal should be dismissed.
28. 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 this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's wellbeing objectives as required by section 8 of the Act.

N Jones

INSPECTOR



Costs Decision

by N Jones BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 02/09/2024

Costs application in relation to Appeal Ref: CAS-03065-L4R2B7

Site address: Land west of A4065 north of Leyshon Way, Bryncethin, CF32 9AZ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
 - The application is made by Mrs S Collings for a full award of costs against Bridgend County Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for a residential development for up to 50 residential units (outline application with all matters reserved).
 - A site visit was made by the Inspector on 4 June 2024.
-

Decision

1. The application for an award of costs is refused.

Procedural Matters

2. The Council did not issue a decision on the planning application or within the dual jurisdiction period following submission of the appeal.
3. The applicant made a written application for costs on both procedural and substantive grounds, to which the Council issued a written response.

Reasons

4. The Section 12 Annex 'Award of Costs' of the Development Management Manual ('the Annex') advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably, thereby causing the party applying for costs to incur unnecessary or wasted expense in the appeal process.
5. The applicant's case is based firstly on a procedural claim for costs due to the Council's alleged lack of co-operation in refusing to provide requested information or seek additional information in relation to highway matters. The applicant also makes a substantive claim based on the Council's failure to determine the application within the statutory time limits, alleging it was clear that there was no substantive reason to justify delaying the determination of the application.
6. In response to a request from the applicant for pre-application advice in relation to a scheme of housing development, the Council provided a detailed written response, amongst which it confirmed that a transport assessment (TA) would be necessary to

support any application made. The applicant sought to confirm the scope of that TA through subsequent correspondence with the Council, as encouraged in the pre-application response, but states she received no reply. However, I have not been provided with substantive evidence from either of the parties whether a formal request and statutory fee were transmitted to the Council in relation to a second pre-application enquiry, as requested by the Highway Authority.

7. Nevertheless, a TA was not submitted when the application for planning permission was made to the Council. A TA was submitted in early August 2023, at the Council's request, when an extended period for determination of the application was agreed until 30 September 2023 to allow consultations to continue. The applicant was informed on the day before the expiry of that extended determination period that the Highway Authority response remained outstanding. She submitted an appeal in October 2023 against the Council's failure to determine the application.
8. Given the nature of the application and the content of the TA, I do not consider it unusual or unreasonable that the Highway Authority may have required longer than the statutory consultation period to formulate its response. However, the Highway Authority's substantive response in relation to the application proposals was only submitted during the appeal process. I consider that the delay in providing that response, even after the applicant had enquired about the progress of the application in January 2024 (some 5 months after submission of the TA), and in the Council's knowledge that an appeal had already been lodged, amounts to unreasonable behaviour.
9. However, it is clear from the Council's submissions that as well as its highway safety concerns, it also objected to the application on other grounds, and provided cogent reasons in support of its views. Given the matters at dispute, it would therefore have been necessary for the applicant to pursue the appeal. There is no evidence that the delayed response from the Highway Authority led to the applicant incurring unnecessary or wasted expense in doing so.
10. With regard to the substantive claim, the original time limit for determining the application was 30 August 2023. However, timely consideration of the application was not assisted by the applicant's inexplicable failure to provide the TA at the submission stage, despite her prior efforts to agree its scope and content. Its later submission resulted in the Council seeking an agreed extension of time for determination in order to allow consultations to continue.
11. Moreover, the Council had clearly articulated a request for a noise assessment in response to the applicant's request for formal pre-application advice. Even so, no noise assessment accompanied submission of the planning application. Although the applicant indicated she was reluctant to commission an assessment until the views of the Highway Authority were known, even had the Highway Authority's comments been received earlier, it was evident that determination of the application would have been delayed as the Council was awaiting submission of the noise assessment, which it had also twice requested during the application stage.

Conclusion

12. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated. An award of costs is not justified and the application for costs is therefore refused.

N Jones

INSPECTOR

Appeal Decision

by Zoe Baxter BSc, MSc, MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 06/08/2024

Appeal reference: CAS-03246-Q8W1S8

Site address: Land to the side of 1 Ger Y Bont, Bridgend, CF31 1HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Carhys Developments Ltd against the decision of Bridgend County Borough Council.
 - The application Ref P/23/344/FUL, dated 16 May 2023, was refused by notice dated 2 August 2023.
 - The development proposed is one new single storey bungalow with one bedroom.
 - A site visit was made on 19 June 2024.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity, the site address is taken from the Decision Notice and the Appeal Form.
3. Since the appeal was made, the replacement Bridgend Local Development Plan (LDP) 2018 – 2033 has been adopted and now forms the development plan for the purposes of the appeal. I consider that replacement Policy SP3 is relevant, and the appeal has been determined on this basis.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of the future occupiers with particular regard to outlook and the living conditions of 1 Ger Y Bont with regard to noise and disturbance.

Reasons

Character and appearance

5. The appeal site comprises land adjacent to 1 Ger Y Bont (No. 1) and to the rear of 17 Castle View (No. 17). It is set at a lower level to neighbouring properties and forms part of a former railway line. The northeastern and southwestern boundaries are steeply sloping and heavily vegetated. Castle View is characterised by semi-detached dwellings of similar design and position fronting the road resulting in a strong building line, with Ger Y Bont dwellings on the turning head being of different design and occupying a staggered position.

6. The proposed dwelling would be accessed from the turning head and given its position to the rear of No. 17 it would not have a street frontage. However, due to the site topography, the dwelling would be situated at a significantly lower level than adjoining properties and the street. Furthermore, the single storey design would result in limited views of the dwelling from the street or any public vantage points. As a result, it would not disrupt the building line of Castle View, it would have minimal visual impact on the streetscene and therefore would not have a material impact on the character of the area.
7. Whilst the proposed dwelling would be set back from 1 and 2 Ger Y Bont, it would be situated in line with the semi-detached properties 3 and 4 Ger Y Bont which are positioned further back from the turning head. The footprint of the dwelling would be comparable to Nos. 1 and 2. As such, the proposed dwelling would be of a suitable scale and position within the site which seeks to respect the built form in the immediate area of Ger Y Bont where there is no consistent building line.
8. In these circumstances, the design, scale and form of the proposed dwelling along with the topography of the site would result in the proposal not appearing inappropriate or causing visual harm to the character or appearance of the area. It would accord with Policy SP3 of the replacement Bridgend Local Development Plan (LDP) which requires development to, amongst other things, be appropriate to its local context in terms of size, scale, height, layout, form and density and use land efficiently.

Living conditions

9. Given the lower level of the site along with the separation distances to neighbouring properties, the proposed development would not result in a harmful level of overlooking. Whilst the rear outlook of neighbouring properties would change, the proposal would not harm their living conditions by having an overbearing impact or affect light.
10. I acknowledge that the layout and size of the dwelling has been amended from the previous scheme dismissed at appeal (reference. CAS-02920-L0R2H6). However, given the change in levels the proposed dwelling would be situated at a significantly lower level than the street and require retaining walls to three of the boundaries. The sections submitted show significant earthworks would be required to accommodate the development. The rear elevation of the proposed dwelling would be sited in close proximity to the rear boundary retaining wall. As such, the proposed dwelling would have a poor outlook dominated by retaining structures which would create gloomy, uncomfortable and unattractive living conditions for future occupants.
11. A patio area is proposed to the side of the dwelling and the appellant notes that the site would be surrounded by numerous trees and wildlife with additional planting proposed along the boundary with no. 17. Whilst this may be the case, I do not consider this would outweigh the harmful living conditions for the future occupiers due to the poor outlook.
12. The proposed access would be situated between the boundaries of No. 1 and No.17. It would result in new vehicular activity being introduced in close proximity to the side boundary and windows of No. 1. I consider that the proposed access and parking arrangements would result in disturbance caused by people passing and cars driving in and out at all times of day and night very close to No.1's windows. The proximity of the vehicular activity on the drive would exacerbate the perception of intrusion. In addition, the parking area would be situated alongside the small rear garden of No. 1 which currently encounters little activity. The proposal would result in an increase in noisy activity including vehicular movements and doors opening and closing which would be readily apparent from the garden of No. 1. Given the size and layout of the rear garden, there would be limited other options for the occupiers to sit out and as such, the proposal would adversely impact their enjoyment of the outdoor space. The proposed

development would, therefore, cause noise and disturbance to the detriment of the living conditions of the occupiers of No.1.

13. For the reasons set out above, I conclude that the proposal would cause material harm to the living conditions of the future occupiers of the proposed dwelling and the neighbouring occupiers at No. 1 contrary to Policy SP3 of the replacement LDP.

Other Matters

14. I have taken account of the representations received in regard to highway safety, drainage, construction deliveries, the electricity box and overhead powerlines. However, no coherent evidence has been submitted in relation to these matters demonstrating that the proposal would be unacceptable.
15. The appellant highlights concern over the lack of communication during the determination of the planning application but as this is not relevant to the merits of the appeal it has no bearing on my decision.

Conclusion

16. I have found that the proposal would not cause material harm to the character and appearance of the area. However, this does not outweigh the harm to existing and prospective residents' living conditions and for this reason, and having regard to all matters raised, I conclude that the appeal is dismissed.
17. 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 one or more of the Welsh Ministers' well-being objectives.

Zoe Baxter

INSPECTOR



Appeal Decision

by L. Hughson-Smith LLB MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 02/09/2024

Appeal reference: CAS-03377-H9V6K6

Site address: Ardwyn, 53 Cowbridge Road, Bridgend CF31 3DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr. P. Brain against the decision of the Bridgend County Borough Council.
 - The application P/23/246/FUL, dated 12 April 2023, was refused by notice dated 28 February 2024.
 - The development is described as 'conversion of dwelling to 5 self contained flats'.
 - A site visit was made on 16 August 2024.
-

Decision

1. The appeal is dismissed.

Main Issue

2. This is the effect of the proposal on the living conditions of the future occupiers of the flats having regard to the provision of outdoor amenity space.

Procedural Matter

3. Since the Council's Decision, the replacement Bridgend Local Development Plan (LDP) has been adopted, and forms part of the development plan for the area. My decision is made on that basis.

Reasons

4. The appeal site is located on Cowbridge Road, a strategic route leading to Bridgend Town Centre. It comprises a terraced property with a large garden to the rear.
5. The proposal includes rear extensions to the appeal property to facilitate its conversion into 5no. self-contained flats. An amenity space is proposed immediately adjacent to the rear elevation which, due to the position of a proposed fire escape stairway serving the second floor flat, would be divided into two separate areas. Whilst the extent of amenity space and its location is clear, there are limited details of how it would function.
6. There are no specific standards within the LDP or other adopted planning guidance that prescribe a minimum amount or type of amenity space which should serve flats. LDP Policy SP3 does, however, require that all development must contribute to creating high

quality, attractive, sustainable places that support active and healthy lives by demonstrating alignment with the principles of good design contained in Planning Policy Wales, Edition 12 (PPW). PPW advises that, when considering placemaking and design issues, meeting the objectives of good design should be an aim of all of those involved in the development process and applied to all development proposals, at all scales. It also advises that placemaking is a holistic approach to design which focuses on creating high quality development that promotes, amongst other things, people's health and well-being. The Council have referred to Supplementary Planning Guidance Note 02 Householder Development (2008). Whilst this is aimed at householder development, I consider that the general principle of ensuring adequate garden area for private use is also relevant to new housing development.

7. Whilst I accept outside amenity space standards in dense urban locations can in some circumstances be lower than suburban or rural situations, this should not be the aim for new development. Due to the size of the proposed flats which have a spacious layout and two bedrooms they would be attractive to larger households, including families. I note there are limited public areas of open space or opportunities for play within short walking distance from the appeal property that would provide suitable compensation. Given these factors, I place significant weight on the need for a useable on-site amenity space to provide a high-quality living environment for future occupants.
8. The proposed amenity space is modestly sized, and the intensification of the building's use means that there are other requirements which should be accommodated within it. These include basic facilities such as a clothes drying area, a cycle store, space for sitting out and relaxation, as well as an access way to the car park from the building. In line with PPW, the proposal would also be required to make provision for appropriate compensatory tree planting for the loss of the existing tree. Taking all of this into consideration, it has not been demonstrated how these would be provided without unacceptable compromises to a usable and functional space for future occupants, particularly given the further constraint of the fire escape dividing the space. For these reasons, I am not satisfied that a planning condition to secure these requirements would achieve the objective of a high quality and sustainable development.
9. I observed the amenity space associated with the residential development at the rear of 75/77 Cowbridge Road and 77 Cowbridge Road. However, this relates to a purpose-built affordable housing development providing predominantly 1bed apartments, and therefore, it is not directly comparable to the appeal proposal. I note the other examples along Cowbridge Road cited by the appellant, however, little information regarding their use, number of units or tenure has been provided so I have given them limited weight in my assessment.
10. I conclude that the proposal would have a harmful impact on the living conditions of the future occupiers of the flats, having regard to the provision of outdoor amenity space, in conflict with LDP Policy SP3 and PPW.

Other Matters

11. I acknowledge that the proposal would provide a housing net gain and would make efficient use of a brownfield site in a Primary Key Settlement in the Bridgend Sustainable Growth Area. Nonetheless, these are positive factors that would also apply to an acceptable scheme of housing for the site. They do not therefore justify the identified harm in this case.

Conclusion

12. For the above reasons, and having regard to all matters raised, I conclude that the appeal should be dismissed.

13. 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



Appeal Decision

by L. Hughson-Smith LLB MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 28/08/2024

Appeal reference: CAS-03528-D2J2T8

Site address: 1, The Whimbrels, Nottage, Porthcawl, Bridgend CF36 3TR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr. Stephen Knipe against the decision of Bridgend County Borough Council.
 - The application P/24/81/FUL, dated 12 February 2024, was refused by notice dated 10 May 2024.
 - The development is described as 'remodelling of dwelling and comprising alterations and extensions including the provision of flat roof dormers'.
 - A site visit was made on 09 August 2024.
-

Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect of the proposal on: the character and appearance of the surrounding area; and the living conditions of the occupiers of No. 3 The Whimbrels, having particular regard to outlook.

Procedural Matter

3. The Council's Decision Notice refers to Supplementary Planning Guidance 02: Householder Development (SPG), adopted in 2008, which predates adoption of the Bridgend Local Development Plan. Since the SPG broadly aligns with the objectives of Local Development Plan Policy SP3, I have given the SPG weight in the determination of this appeal.

Reasons

Character and Appearance

4. There is variation in house styles and scale along the length of The Whimbrels. Despite this, the appeal property is a detached bungalow in a row of similar bungalows which have consistently sized front facing gables, low-pitched roofs, a coherent window rhythm and are finished in broadly matching materials. Whilst the row of bungalows is along a staggered building line, due to their open frontages to the road

they are appreciated together in the streetscene and have strong visual uniformity. The appeal property is visually prominent due to its position at the end of the row, within a large corner plot, and adjacent to a public footpath.

5. I note the appeal property has been subject to a recent appeal decision (ref: CAS-02421-S3S7F6). The proposal subject to that appeal was significantly different to that before me so the decision to dismiss that appeal has limited relevance. However, I share the previous Inspector's views on the existing character of the area, particularly in regard to the uniform design and appearance of the row of bungalows being important elements of the street scene.
6. The proposal seeks to significantly enlarge the footprint of the appeal property with a single storey side and rear extension which would result in the road facing elevation being widened. It also includes the provision of upper floor accommodation by raising the roof ridge and adding dormer extensions to both sides of the roof plane. The most substantial dormer would extend the full length of the roof, albeit set down from the ridge and in from the eaves and sides, and be positioned on the most visually prominent elevation
7. Raising the ridge, in combination with the substantial dormer, would result in the visual loss of the original roof form. This, in cumulation with the other alterations, would increase the scale of the appeal property and alter its appearance to an extent whereby its original character would be unrecognisable. The appeal proposals would introduce a large feature which would be dominant and disproportionate and would noticeably interrupt the prevailing uniformity of the group of bungalows, diminishing their shared value in the streetscene.
8. I conclude the proposal would be harmful to the character and appearance of the surrounding area contrary to Policy SP3 of the Bridgend Local Development Plan which, 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. The proposal would also be contrary to the SPG, which advises that extensions should be in scale with the existing dwelling and that the form, materials, and details of extensions and alterations should match or harmonise with those of the existing house.
9. The appellant has secured a Certificate of Lawfulness for a Proposed Use (Ref: P/23/508/LAP) for a proposal which benefits from permitted development rights and includes similar single storey side and rear extensions and two dormer extensions. It does not include raising the roof ridge. The appellant has stated they would implement the lawful proposal should this appeal be dismissed. Given the extensive efforts of the appellant to secure planning permission to alter and extend the appeal property through previous applications and an appeal, and in the absence of any evidence to the contrary, I find there is a real prospect the lawful scheme would be implemented. That proposal, therefore, represents a planning fallback to which I have given weight in my assessment (hereafter referred to as the planning fallback).
10. Despite its similarities to the appeal proposal, the planning fallback retains the ridge level which, combined with the smaller roof dormers, would ensure the original roof form remained broadly visible when viewed from the most prominent public vantage points. This would result in the appeal property's shared characteristics with the wider row of bungalows still being discernible, unlike the appeal proposal. For these reasons, the planning fallback would have a less harmful impact on the streetscene and thus does not justify permitting the harm I have identified on the first main issue.

Living Conditions

11. The appeal property is stepped forward of No. 3 The Whimbrels (No. 3) and in close proximity to the common boundary, separated from it by a walkway and driveway. The principal elevation of No. 3, given the design of the bungalows, faces towards the appeal property and has several windows and a door, some of which appear to serve habitable rooms including a living room. The outlook from these windows is relatively limited due to their proximity to the appeal property.
12. Due to the separation of the raised ridge from the common boundary and the modest size of the proposed dormer and its configuration, together with the stepped position of the appeal property, the impact on the outlook of No. 3 would be limited. The appellant has submitted a drawing, based on methodologies set out in the SPG, which indicate the proposal would have a limited impact on daylight, amongst other things. The SPG is intended as guidance and should be applied flexibly according to the case specific considerations. I am satisfied that the limited impact of the appeal proposal would not result in harm to the outlook of the windows of No. 3.
13. I acknowledge my findings on living conditions differ to that of the previous Inspectors in case CAS-02421-S3S7F6, however, the previous appeal proposal was significantly larger in scale and mass due to its gabled design and, therefore, its impact is not comparable to that of the proposal before me.
14. I have also considered the impact of the appeal proposals on No. 36 Fulmar Road and No. 12 Dunlin Close. Due to the separation distance between these properties and the appeal property, I do not consider the proposal would harmfully impact the occupants' living conditions in relation to loss of privacy or outlook.
15. I conclude the appeal proposal would not be harmful to the living conditions of the occupier of No. 3, with particular regard to outlook and would accord with Policy SP3 of the Bridgend Local Development Plan which, amongst other things, requires development to ensure that the amenity of neighbouring occupiers will not be adversely affected. The proposal would not conflict with the SPG which advises that extensions should not unreasonably dominate the outlook of an adjoining property.

Other Matters

16. I have had regard to the benefits of the proposals as cited by the appellant. These include amongst other things, modernising the property, the increased high quality internal space for the appellant and their family and improved energy efficiency. Nevertheless, I consider that the scope of these benefits would be limited and not reliant on the scheme design before me, as demonstrated by the planning fallback. These factors do not therefore outweigh the identified harm.

Conclusion

17. For the reason given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.
18. 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.

Ref: CAS-03528-D2J2T8

L. Hughson-Smith

INSPECTOR



Appeal Decision

by Zoe Baxter BSc, MSc, MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 09/09/2024

Appeal reference: CAS-03313-V4X5J4

Site address: Land off Dyffryn Madoc, Maesteg, CF34 0BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Waldren against the decision of Bridgend County Borough Council.
 - The application Ref P/22/700/FUL, dated 21 October 2022, was refused by notice dated 16 November 2023.
 - The development proposed is change of use and conversion of the existing barn to a single residential property.
 - A site visit was made on 13 August 2024.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The address is taken from the Decision Notice and Appeal Form for clarity.
3. Since the appeal was made, the replacement Bridgend Local Development Plan (LDP) 2018 – 2033 has been adopted and now forms part of the development plan for the purposes of the appeal. I consider that replacement Policies SF1, DNP1, DNP2, SP3, SP5 and DNP6 are relevant, and the appeal has been determined on this basis.

Main Issues

4. The main issues are:
 - Whether the proposal would comply with the principles of sustainable development having regard to planning policies relating to the countryside and the conversion of rural buildings;
 - The effect of the proposal on the character and appearance of the rural area; and
 - The effect of the proposal on biodiversity interests.

Reasons

Sustainable development

5. The appeal site includes an existing barn and small courtyard area situated to the northwest of Maesteg and outside of the settlement boundary as defined by LDP Policy SF1. The site is in agricultural use with the barn and surrounding area used for keeping livestock and storage of machinery and materials. Vehicular access is via an existing track accessed off Heol Ty Gwyn. Due to the topography of the site and the surrounding

area, the barn is split level and appears as a two-storey structure to the front and single storey to the rear. Whilst residential and industrial uses are situated beyond the site's lengthy access track to the southeast and northeast respectively, the appeal site is surrounded by countryside including open fields and woodland resulting in the site having a rural setting.

6. LDP Policy DNP1 contains a presumption against development in the countryside, with certain exceptions including the suitable conversion of existing structurally sound rural buildings where the development is modest in scale. Referring specifically to the residential conversion of rural buildings, LDP Policy DNP2 contains a preference for alternative uses that contribute to the rural economy. To this end it requires proposals to demonstrate through evidence of marketing that alternative uses are not viable. This accords with Planning Policy Wales (PPW) Edition 12 and Technical Advice Note (TAN) 6 – Planning for Sustainable Rural Communities which amongst other things seek to support a resilient rural economy. Although the appellant is only seeking a residential use, it nevertheless remains the case that in the absence of any evidence that alternative uses would not be viable, the proposal would conflict with policy objectives to support the rural economy.
7. The reasoned justification to Policy DNP2 recognises that residential conversions can lead to a dispersed pattern of dwellings, which generates new and longer trips to settlements and services. It therefore requires the location of residential rural conversion proposals to be sustainable in terms of access to local services, public transport and community facilities. LDP Policies SP3 and SP5 also include the requirement for development proposals to maximise opportunities for active travel, increased public transport use and reduce dependency on the private car.
8. The appeal site is within walking distance of public transport, shopping and community facilities. However, the walk is remote in nature with little natural surveillance and involves navigating the steep topography of the area. I note the recent resurfacing of the lane and provision of an alternate path which provides a more direct pedestrian and cyclist link via Tair Waun Place to the nearest bus stop, which would avoid the steep access road to Heol Ty Gwyn Industrial Estate. However, the footpath would be unlit and therefore unlikely to be attractive to users during hours of poor light or darkness. Moreover, it would not negate the need for residents to walk the remainder of the remote access to the dwelling itself. It also appears that this footpath includes land outside of the appellant's control and as such its provision cannot be guaranteed in the long term. Similarly, there is disagreement between the parties over the opening times and accessibility of Maesteg Welfare Park which creates significant uncertainty over whether this would have any meaningful impact on the future occupiers' use of active modes of travel and reducing the reliance on the private car.
9. In the above circumstances, I conclude that the proposal would result in an unjustified and sporadic new dwelling in the open countryside that fails to comply with the principles of sustainable development as set out in LDP Policies DNP1 and DNP2, PPW and TAN6.

Character and appearance

10. The existing barn is of modern construction, but its simple muted appearance is commensurate with its rural setting. I note that the proposal would largely retain the existing scale and external fabric of the building and has sought to address previous design concerns by reducing the extent of glazing, amongst other things. However, the existing openings at ground level on the front elevation would be partly infilled to create a regular row of standard domestic sized window and door openings, and there would be a similar formal array of window openings on the upper floor. Owing to this, the proposal

would have an overtly domestic appearance of suburban connotations that would fail to retain the rural character of the building or respect the rural setting.

11. Furthermore, the proposed landscaping is overly structured with a linear hedgerow along the southern boundary which would not respect or seek to preserve the rugged rural landscape of the wider area of countryside to the north. Instead, the landscaped external area with a formal driveway and hardstanding around the barn along with the introduction of associated domestic paraphernalia, such as washing line and outdoor furniture, would reinforce the urban form of the proposed development which would be at odds with the rural character and appearance of the site.
12. The appellant has drawn my attention to a barn conversion development at Nantymoel approved by the Council. However, that scheme involved the sympathetic conversion of a traditional stone building and is not therefore comparable to the scheme before me.
13. I conclude that the proposal would cause harm to the character and appearance of the area, contrary to Policies SP3 and DNP1 of the LDP.

Biodiversity

14. The appeal site is situated within the Nant y Crynwydd Site of Importance for Nature Conservation (SINC). PPW acknowledges that SINC's make a vital contribution to delivering an ecological network for biodiversity and resilient ecosystems. In line with the aims of PPW, LDP Policy DNP6 sets out the requirement for all development proposals to provide a net benefit for biodiversity and improved ecosystem resilience. As such, development proposals should leave biodiversity and the resilience of ecosystems in a significantly better state than before.
15. Although the area surrounding the barn is reported to have no SINC features or species, the SINC Impact Assessment refers to mitigation in the form of additional landscaping to the riparian woodland corridor, wildlife features such as bat bricks, swift and swallow nest boxes and sparrow terraces to be incorporated to the existing building and a management plan for Himalayan Balsam. However, from review of the SINC Impact Assessment the ecological surveys appear to have been carried out in 2017 with a follow up in 2018. As such, beyond reference to a site visit by an ecologist, no recent ecological data has been provided to establish a baseline position and to understand if the proposed mitigation is appropriate for the development. Furthermore, without this evidence I am not confident that the proposed development would result in a net gain for biodiversity.
16. The appellant refers to including a condition requiring further details on the mitigation and compensatory measures. However, this would not be appropriate because I cannot be certain based on the information provided that the proposed mitigation would deliver a net benefit for biodiversity.
17. I conclude that the proposed development fails to demonstrate that it would not harm biodiversity interests or demonstrate a net gain for biodiversity and is therefore contrary to LDP Policy DNP6 and the aims of PPW.

Conclusion

18. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should be dismissed.
19. 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 one or more of the Welsh Ministers' well-being objectives.

Ref: CAS-03313-V4X5J4

Zoe Baxter

INSPECTOR

REFERENCE: P/23/218/FUL

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

LOCATION: Land at Brynmenyn and Bryncethin, Bridgend

PROPOSAL: Development of a green hydrogen production facility with electrolysers, hydrogen storage, hydrogen refuelling station, admin building, substation and back-up generator; with access, circulation, parking, lighting, 8-metre-high wall, security fencing, hard and soft landscaping, and drainage infrastructure (hydrogen pipeline omitted) on land at Brynmenyn. Together with the installation of a solar photovoltaic electricity generating station (solar farm), comprising ground-mounted solar panels, inverters, transformer units, control and storage building, switch gear and a substation; with access, circulation, parking, lighting, security fencing, hard and soft landscaping, drainage infrastructure and temporary construction compound, on land at Bryncethin. Sites to be connected via an underground electrical wire - Updated Plans and Documents including Noise Assessments, Landscape Visual Assessment Addendum etc.

REPORT

Members will recall that at the 7 September 2023, Development Control Committee (**DCC**) it was agreed to hold a special meeting to determine this Application. The Local Planning Authority (**LPA**) are currently processing the above Application. This was in view of the scale of the development and the level of public objection which would justify Members considering the proposal at a Special DCC meeting in line with the adopted Code of Practice.

The Application has been amended to remove the hydrogen pipeline, an acoustic wall has been added to the proposal around the hydrogen plant and additional information has been received in respect of noise emissions, access road, and landscape and visual impact. Further consultation with local residents, members the Community Council and statutory consultees on the amendments has been undertaken.

It is proposed to hold a Special DCC meeting on **Thursday, 17th October, 2024**.

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

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

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

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

It is also appropriate when considering major applications or proposals where there is more than a normal level of public interest to extend the time for public speakers to address the Committee. This in order to allow adequate time to cover more complex matters.

In this case a maximum time of 10 minutes each is proposed for no more than three individual objectors. Correspondingly, the Applicant or agent will also be allowed 10 minutes to respond. The relevant Ward Member and Community Council representative will be allowed 5 minutes each in line with advice on Extraordinary Applications contained within the Notes on Procedure for Public Speaking at Development Control Committee Meetings.

Members are also informed that the Application is subject to a 'call in' request and the Welsh Government (**WG**) has issued a '*holding direction*'. In cases where such a direction has been issued the LPA cannot formally determine an application until such time as WG has notified it that the holding direction has been removed. Notwithstanding the holding direction, the LPA is still able to refuse planning consent, WG may also indicate that it requires the Application to be determined by the Welsh Minister in which case the determination will not be made by the LPA.

Officers will liaise with the WG and issue a copy of the draft report prior to the Special Development Control Committee meeting, however, if the holding direction is not lifted or WG decide that Welsh Ministers are to determine it, Members will be requested to indicate if they are minded to approve or, in the case that determination rests with the Welsh Ministers, whether they are minded to refuse the proposal.

RECOMMENDATION: Committee is recommended to agree the following:-

- (1) That a Special Meeting of the Development Control Committee should be held to consider Application P/23/218/FUL on the 17 October 2024.
- (2) That the format for the day of the Special DC Committee should be as described in this report but subject to any changes which the Chair agrees with the Director of Communities.
- (3) That speaking rights for Objectors be extended to 10 minutes each for no more than three individuals and that the time for the Applicant to respond shall also be extended to 10 minutes.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

BACKGROUND PAPERS

None

Meeting of:	DEVELOPMENT CONTROL COMMITTEE
Date of Meeting:	19 SEPTEMBER 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 the Development Control Committee to propose six of its Members to form the Rights of Way Sub-Committee.

1. Purpose of Report

- 1.1 The purpose of this report is for the Development Control Committee to nominate and appoint Members to the Rights of Way Sub-Committee.

2. Background

- 2.1 At a previous meeting of the Development Control Committee dated 14 July 2022, it was resolved to approve six Members of the Committee to form the Rights of Way Sub-Committee.

3. Current situation / proposal

- 3.1 As one of the Members so appointed on 14 July 2022 is now no longer a Member of the Development Control Committee, the membership of the Sub-Committee needs to be re-formed.
- 3.2 In accordance with the Constitution and the political balance rules adopted by the local authority on Committees and other bodies, it is suggested that the composition of the Rights of Way Sub-Committee be:
- The Chairperson and Vice-Chairperson of the Development Control Committee;
 - Two Members of the Bridgend County Independents group;

- One Member of the Democratic Alliance group;
- One Member from the Labour group

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:

- The Chairperson and the Vice-Chairperson of the Development Control Committee;
- 2 Members of the Bridgend County Independents group
- 1 Member of the Democratic Alliance group
- 1 Member of the Labour group

Background documents

None

TRAINING LOG

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

<u>Subject</u>	<u>Date</u>
PEDW Briefing for Members by Chief Planning Inspector for Wales	18 September 2024 via Teams
Public Rights of Way / Bridleways	To be arranged.
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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