

Public Document Pack
Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr
Bridgend County Borough Council



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

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

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



Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate
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Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:
Eich cyf / Your ref:

Dyddiad/Date: Thursday, 24 October 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, 31 October 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 11/12/2024 for proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.

4 Approval of Minutes

By receiving this Agenda Pack electronically you will save the Authority approx. £2.32 in printing costs

To receive for approval the minutes of the 19/9/2024

5 Public Speakers

To advise Members of the names of the public speakers listed to speak at today's meeting (if any).

6 Amendment Sheet

That the Chairperson accepts the Development Control Committee Amendment Sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be accommodated.

7 Development Control Committee Guidance

13 - 16

8 P/22/508/FUL Land at Cefn Road (former reservoir) Cefn Cribwr, CF32 0DA

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

49 - 84

10 Appeals

85 - 114

11 Training Log

115 - 116

12 Urgent Items

To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.

Note: This will be a Hybrid meeting and Members and Officers will be attending in the Council Chamber, Civic Offices, Angel Street Bridgend / Remotely via Microsoft Teams. The meeting will be recorded for subsequent transmission via the Council's internet site which will be available as soon as practicable after the meeting. If you would like to view this meeting live, please contact cabinet_committee@bridgend.gov.uk or tel. 01656 643148 / 643694 / 643513 / 643159.

Yours faithfully

K Watson

Chief Officer, Legal and Regulatory Services, HR and Corporate Policy

Councillors:

A R Berrow

RJ Collins

C L C Davies
S Easterbrook
RM Granville
H Griffiths
S J Griffiths
D T Harrison
M L Hughes
D M Hughes
M R John
MJ Kearns
W J Kendall
J Llewellyn-Hopkins
J E Pratt
R J Smith
A Wathan
R Williams

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DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 19 SEPTEMBER 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, 19 SEPTEMBER 2024 AT 10:00

Present

Councillor RM Granville – Chairperson

A R Berrow
J Llewellyn-Hopkins

D T Harrison

M L Hughes

D M Hughes

Present Virtually

C L C Davies
R J Smith

M R John
A Wathan

W J Kendall
R Williams

J E Pratt

Apologies for Absence

RJ Collins and H Griffiths

Officers:

Rhodri Davies	Development & Building Control Manager
Gillian Dawson	Lawyer - Planning
Craig Flower	Planning Support Team Leader
Mark Galvin	Senior Democratic Services Officer - Committees
Steven Jenkins	Development Control Team Leader
Robert Morgan	Senior Development Control Officer
Jonathan Parsons	Group Manager Development
Michael Pitman	Technical Support Officer – Democratic Services
Philip Thomas	Principal Planning Officer
Leigh Tuck	Senior Development Control Officer

46. Apologies for Absence

Decision Made	Apologies for absence were received from the following Members:- Councillor R Collins Councillor H Griffiths
Date Decision Made	19 September 2024

47. Declarations of Interest

Decision Made	There were no declarations of interest
Date Decision Made	19 September 2024

48. Site Visits

Decision Made	RESOLVED: That a date of Wednesday 30 October 2024 be agreed for any proposed site inspections arising at the meeting &/or identified in advance of the next Committee by the Chairperson.
Date Decision Made	19 September 2024

49. Approval of Minutes

Decision Made	RESOLVED: That the Minutes of a meeting of the Development Control Committee dated 20 August 2024, be approved as a true and accurate record.
Date Decision Made	19 September 2024

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 19 SEPTEMBER 2024

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50. Public Speakers

Decision Made	There were no public speakers at today's meeting, other than the Legal Officer reading out a written submission from Councillor N Clarke in relation to Planning Application P/23/610/FUL.
Date Decision Made	19 September 2024

51. Amendment Sheet

Decision Made	RESOLVED:	That the Chairperson accepted the Development Control Committee Amendment Sheet as an urgent item, in accordance with Par 4 (paragraph 4) of the Council Procedure Rules, in order for Committee to consider any necessary modifications to the Committee Report, so as to take account of any late representations and revisions that may require to be accommodated
Date Decision Made	19 September 2024	

52. Development Control Committee Guidance

Decision Made	RESOLVED:	That the report of the Corporate Director – Communities outlining guidance for the Development Control Committee, Be noted.
Date Decision Made	19 September 2024	

53. P/24/249/FUL, 19 Nant Fforwg, Cefn Glas, Bridgend, CF31 4TJ

Decision Made	RESOLVED:	That the above application be granted, subject to the Conditions
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DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 19 SEPTEMBER 2024

	<p>contained in the report of the Corporate Director – Communities:-</p> <p>Proposal</p> <p>Retention of change of use from dwellinghouse (use class C3) to House in Multiple Occupation (HMO) (use class C4).</p>
Date Decision Made	19 September 2024

54. P/23/610/FUL, Rooklands Leisure Park, Pyle Road, Porthcawl CF36 5EJ

Decision Made	<p>RESOLVED: That the above application be granted, subject to the Conditions contained in the report of the Corporate Director – Communities:-</p> <p>Proposal</p> <p>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</p> <p>Amend Condition 5 of the report to that as follows:-</p> <p>5. No development shall commence until a short journey travel plan which includes soft and hard measures to improve pedestrian safety, active travel access points and street lighting is be submitted to and approved in writing by the local Planning Authority. Such a 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, pedestrian access points from the site and increased pedestrian safety highway infrastructure. The plan shall be implemented before the first beneficial use of the development, with the travel plan document sent with any welcome pack or literature and displayed on the site and website.</p> <p>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.</p>
Date Decision Made	19 September 2024

Appeals

<p>Decision Made</p>	<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 Welsh Ministers to determine the following appeals, has directed that the Appeals be Dismissed:-</p> <p>a) Appeal No. – CAS-02483-N2F1B6 (1982)</p> <p>Subject of Appeal – Erection of 70 dwellings, community route and associated play area and public open space: Land r/o Waunscil Avenue extending to the rear of Morfa Street, Bridgend.</p> <p>b) Appeal No. – CAS-03065-L4R2B7 (1999)</p> <p>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</p> <p>c) Appeal No. – CAS-03246-Q8W1S8</p> <p>Subject of Appeal - Single storey one bedroom bungalow: Land to the side of 1 Ger Y Bont, Bridgend.</p> <p>d) Appeal No. – CAS-03377-H9V6K6 (2008)</p> <p>Subject of Appeal – Conversion of property to 5 No. 2 bedroom flats, rear dormer extension: Fire escape to rear: Ardwyn, 53 Cowbridge Road, Bridgend.</p> <p>e) Appeal No. – CAS-03528-D2J2T8 (2011)</p> <p>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</p> <p>f) Appeal No. - CAS-03313-V4X5J4 (2010)</p> <p>Subject of Appeal – Change of use and conversion of the existing barn to a single residential property:</p>
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DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 19 SEPTEMBER 2024

	<p>Land off Dyffryn Madoc, Maesteg</p> <p>3) That the Inspector appointed by Welsh Ministers to determine the following appeal, has directed that the Enforcement Notice be quashed:-</p> <p>Appeal No. - CAS-02850-K6N4H4 (1990)</p> <p>Unauthorised inclusion of land into garden curtilage: 36 Llwyn Helig, Kenfig Hill</p> <p>4) That the Inspector appointed by Welsh Ministers to determine the following appeal, has directed that the Appeal be allowed subject to conditions (see Appendix B to the report)</p> <p>Appeal No. – CAS-02850-K6N4H4 (1991)</p> <p>Subject of Appeal – Unauthorised inclusion of land into garden curtilage: 36 Llwyn Helig, Kenfig Hill.</p>
Date Decision Made	19 September 2024

56. P/23/218/FUL Land at Brynmenyn and Bryncethin, Bridgend

Decision Made	<p>The Corporate Director – Communities submitted a report, which outlined arrangements for the Special Development Control Committee to be held on 17 October 2024, to consider the Hy Bont planning application proposed within the above area.</p> <p>Following discussions by Members and Officers, it was:</p> <p>RESOLVED: (1) That a special meeting of the Development Control Committee be held to consider Planning Application P/23/218/FUL on the above date at 2.00pm in the Civic Offices, Angel Street, Bridgend.</p> <p>(2) That the format for the day of the meeting be as described in the report, but subject to any changes which the Chairperson agrees with the Corporate Director – Communities.</p> <p>(3) That speaking rights for objectors to the application be extended to 10 minutes each</p>
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DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 19 SEPTEMBER 2024

	for no more than three individuals and that the time for the applicant to respond shall also be extended to 10 minutes.
Date Decision Made	19 September 2024

57. Nomination and Appointment to the Rights Of Way Sub-Committee

Decision Made	RESOLVED:	That the report be deferred to the next scheduled meeting of the Development Control Committee, in order that Officers can re-consider the composition of the Sub-Committee in line with guidance (if any) outlined in the Council's Constitution.
Date Decision Made	19 September 2024	

58. Training Log

Decision Made	RESOLVED:	That the report of the Corporate Director – Communities outlining up and coming training sessions for Members, be noted.
Date Decision Made	19 September 2024	

59. Urgent Items

Decision Made	There were no urgent items	
Date Decision Made	19 September 2024	

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 19 SEPTEMBER 2024

To observe further debate that took place on the above items, please click this link

The meeting closed at 11:30.

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/22/508/FUL

APPLICANT: Valleys to Coast Housing Tremains Business Park, Tremains Road, Bridgend, CF31 1TZ

LOCATION: Land at Cefn Road (former reservoir) Cefn Cribwr CF32 0DA

PROPOSAL: Residential development of 16no. units and associated works

RECEIVED: 15 July 2022

APPLICATION/SITE DESCRIPTION

The application site is located within the settlement of Cefn Cribwr and forms a rectangular shaped parcel of land measuring approximately 0.4 hectares, which is occupied by a large covered concrete reservoir building (although this use has now ceased). A telecommunications mast is located within the north-western corner of the site, which is in the ownership of Western Power Distribution. Access to the site can be obtained via Cefn Road. Mature trees can be found on the site whilst the northern, eastern and western boundaries are lined by hedges. The approximate red line boundary of the site is provided below:



Figure 1 Site Location Plan

To the north, the site is bound by an unnamed access track whilst to the east, the site is bound by the existing residential garden and curtilage of 11 Cefn Road. To the south, the site is bound by mature trees and fronts onto Cefn Road/B4281. Finally, to the west, another unnamed access track borders the site. Existing housing in the area consists of two storey units in detached, semi-detached and terraced form.

Valleys to Coast (V2C) Housing Association have submitted this application that seeks to develop the former reservoir site off Cefn Road for a housing development comprising 16 units, all two-storey in scale and ranging from 1 bedroom 'walk-up' flats to 4-bedroom semi detached dwellings. A new vehicular access will be constructed toward the western end of the development that will serve an adopted turning area, private drives and parking areas to the rear and side of the proposed units.

Following the existing building lines on Cefn Road the proposed dwellings will be orientated to face south, with Plots 1-2 forming a 'corner unit' at the site entrance with the front garden space enclosed by a 2.1m high screen wall and soft landscaping, set back from Cefn Road. A private drive will connect to the parking spaces on the western side of Plot 1 and will also

provide access and parking to the 15m mast that will be retained in the north-western corner of the development. Plots 3-10 will have direct pedestrian access to the highway, with the units set back behind a modest turfed area and native hedgerow that will define the front boundary of the plots. Units 13-16 will occupy the rear part of the site and will benefit from rear garden area that will be defined by 1.8m high close boarded fencing, positioned at the top of an embankment. Retained, protected trees within the embankment will form the rear boundary of the site in an area that will be maintained by V2C. Parking spaces and planted areas will be provided alongside and in front of these units. On the western side of Plot 16 an area of public open space will be formed for the use of future residents but also to provide some separation between the nearest dwelling and the retained mast. A 5m wide drainage easement runs along the eastern boundary of the site and it is intended that the area will be planted with a Wildflower Mix. An extract of the submitted layout plan is reproduced as Figure 2 below:



Figure 2 Site Layout

The proposed house types are detailed in the following table including their overall dimensions:

House Type	Bedroom No	Units Numbers	Floor Area (sqm)	Dimensions
211PH	1 Bed	8	55.7	9m x 11m (inc. porch) x 9m high.
421PH & 422PH	2 Bed	2	83.4	9.5m 12.5m x 9.5m high.
531PH	3 Bed	4	93.5	6.5m x 10m x 9.5m high.
642PH	4 Bed	2	110.4	10.5m 7.5m x 9.0m high.

External finishes for the dwellings will comprise St Andrews Multi facing brickwork, Colour Render and Bradstone Masonry Block Cast Stone on external walls with UPVC windows & external doors with contrasting, raised render surround where indicated. Fibre Cement Roof Slates will be used on all the roofs.

Site Perspectives showing the proposed house types and finishes are re-produced below:



Figure 3 – Site Perspective from SE of Site Looking at Plots 3-9



Figure 4 – Site Perspective from SE of Site Looking at Plots 1-4



Figure 5 – Site Perspective from Looking from NE Corner of Site to the Rear of Plots 3-10



Figure 6 Site Perspective Looking West Along Internal Drive Towards Plot 2

The application has been accompanied by the following supporting documents:

- Design Vision Statement – Spring Design – July 2022
- Planning Statement – Geraint John Planning – July 2022
- Pre-Application Consultation Report – Geraint John Planning – July 2022
- Green Infrastructure Statement – Geraint John Planning – August 2024
- Energy Masterplan – Spring Design – August 2024
- Supplementary Site Investigation Report – Earth Science Partnership – September 2022
- Transport Technical Note – Lime Transport – August 2023

- Preliminary Ecological Appraisal – Acer Ecology – September 2021
- Reptile Survey – Acer Ecology – November 2021
- Landscape Specification & Management Plan – TDA – May 2022
- SuDS Strategy Plan (Revision E) – May 2024
- Engineering Appraisal (Revision D) – May 2024

The Planning & Design and Access Statement outlines the context within which the application is made and provides a detailed examination of the main planning considerations raised by the proposals, together with, in the applicant's view, reasoned justification in support of the proposed development. The document provides a description of the characteristics of the site and surrounding area, and details regarding the planning history associated with the site. It outlines the Pre-Application Advice received from the Local Planning Authority and seeks to demonstrate the credentials of the proposed design with reference to the relevant planning policy framework. The key planning considerations arising from the proposed development are identified. The statement concludes that the development is fundamentally sound in principle and represents an appropriate scheme, which makes effective use of a sustainably located site to deliver much-needed affordable housing. This coupled with the lack of technical constraints significant enough to restrict development on site, provides considerable support for the proposals.

The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 ("The Order") introduced into Section 61Z of the Town and Country Planning Act 1990 (as amended) a statutory requirement that all proposals for major development in Wales are subject to formal pre-application consultation. This was carried out between 8th February 2022 to the 8th of March 2022. A summary of the responses received from consultees, residents and other bodies has accompanied this application.

On submission, the application was screened, and it was the opinion of the Council that the likely effects of the development are unlikely to be significant enough to require an Environmental Impact Assessment.

RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/00/853/OUT	Former Reservoir Site Outline Consent for Residential (Part of)	Conditional Consent	27/12/2000
P/15/244/OUT	Residential Development (14 no. units) and associated works	Conditional Consent	09/06/2017

CONSULTATION RESPONSES

CONSULTEE	COMMENTS
Community Council	No comments received.
Local Members	Cllrs David and Gebbie request that the application is referred to committee for determination.
Highways	No objection subject to conditions.
Land Drainage	No objection subject to conditions.

Dwr Cymru Welsh Water	No objection subject to conditions.
SRS Environment Team – Land Quality	No objection subject to conditions.
Natural Resources Wales	No objection subject to conditions.
South Wales Police	South Wales Police have provided comments in respect of the following: Site Layout; Lighting; Boundary Identification; Landscaping and Planting; Vehicle Parking; Site and Rear Boundaries; Garden Sheds; Bin-Stores; Bicycle Stores; Security Lighting; Drainpipes; Public Utilities and Security. These have been passed to the applicant's agent for consideration.

PUBLICITY

The application has been advertised on site.

Neighbours were notified on the receipt of the application and have been invited to provide observations on the latest plans received in May 2024. The period allowed for response to consultations/publicity has expired.

Letters of objection have been received from the occupiers of the following properties:

Ty Llwyn Celyn*
Sunningdale
Seawinds Cefn Road
Carlyn Cefn Road
Mi-ela Cefn Road
10, 11, 12, 89A Cefn Road
Cefn Cribwr Methodist Church
9 Sea View Road
Hill Top, Tai Thorn, Cefn Road,
20 Mayfield Avenue, Laleston
144 High Street, Kenfig Hill

* Public Speaker

The following is a summary of the representations received:

Overdevelopment and Impact on local services - the density of the number of dwellings proposed is far too high for such a small area of land. Local primary school would appear to be at full capacity - difficult for residents to get an appointment with dentist and doctors – additional housing will only make the situation worse.

Highway Network cannot accommodate additional traffic - can this already busy road cope with additional traffic without affecting the safety of users and the living conditions of residents – air quality. Cefn Road is an emergency vehicle route and it is not uncommon for police/ ambulances etc to travel at speed, with blue lights flashing – construction works will cause obvious obstruction and difficulties for the emergency services.

Parking Provision is Deficient - number of units would lead to parking problems – not sufficient parking for future residents and visitors as part of the development – additional on-

street/on-pavement parking would cause a hazard to highway users and residents – those attending the chapel opposite park on-street as there is no other space available. Residents of Cefn Road park opposite the site and these spaces could be used by visitors to the new housing.

Highway layout unacceptable - can the layout accommodate re-cycling vehicles that would need to enter the site – driveway on plot 11 lacks any safety barrier/boundary – in adverse weather conditions occupiers could end up in neighbouring property.

Existing sewers cannot cope with additional development – no details of surface water have been provided. Potential for surface water to discharge onto neighbouring property.

Housing will affect the level of privacy enjoyed by existing residents – no details of boundary treatment provided – the existing chain link fence will not safeguard the privacy and security of the adjoining neighbours - garden will be completely overlooked by the whole development – users of the excessively wide Active Travel route will affect the privacy and security of the adjoining neighbours.

Dwellings built on the existing levels could tower over the neighbouring properties – garden of neighbouring property is at a lower level – the position of the dwellings will affect light and outlook - site levels may impact on site drainage with run-off onto adjoining land.

Anti-Social Behaviour - supportive that housing will provide accommodation for individual and families but some apprehension having heard reports of anti-social behaviour at other V2C properties – 100% affordable housing would detract from the character of the area and devalue property.

Impact on Site Biodiversity - removal of trees is unacceptable – the surveys does not reflect the actual tree status and the impact it will have on the environment not only for wildlife but existing residents too – development does not mitigate the impacts on biodiversity - the site is home to an abundance of wildlife, including bats, butterflies, birds, frogs, hedgehogs etc.

Concerns about ground conditions and contamination – development may cause a risk to the future subsidence to dwellings built in the surrounding area - Asbestos used in the lagging of water pipes running underground in this area which could inadvertently be disturbed during construction leading to a health hazard to local residents.

Disruption caused by construction will significantly affect the living conditions of residents

COMMENTS ON REPRESENTATIONS RECEIVED

Many of the objections offered by residents align with the main issues to be considered in the determination of the application and are addressed in the appraisal section of this report.

Concerns that the development of social housing will de-value property is not evidenced and, in any event, would not be material to the determination of the application. Any disruption through the construction period will be short term and managed through the agreement of a construction management plan.

RELEVANT POLICIES

Local Policies

The Development Plan for the area comprises the Bridgend Local Development Plan 2018-2033 which was formally adopted by the Council on 13 March 2024 and within which the following policies are of relevance:

Policy SF1	Settlement Hierarchy and Urban Management
Policy SP3	Good Design and Sustainable Placemaking
Policy SP4	Mitigating the Impact of Climate Change
Policy SP5	Sustainable Transport and Accessibility
Policy PLA11	Parking Standards
Policy PLA12	Active Travel
Policy SP6	Sustainable Housing Strategy
Policy COM2	Affordable Housing
Policy COM6	Residential Density
Policy SP8	Health and Well-Being
Policy COM10	Provision of Outdoor Recreation Facilities
Policy SP10	Infrastructure
Policy EN10	Low Carbon Heating Technologies for New Development
Policy ENT15	Waste Movement in New Development
Policy SP17	Conservation and Enhancement of the Natural Environment
Policy DNP6	Biodiversity, Ecological Networks, Habitats and Species
Policy DNP7	Trees, Hedgerows and Development
Policy DNP8	Green Infrastructure
Policy DNP9	Natural Resource Protection and Public Health

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

SPG07: Trees and Development
SPG08: Residential Development
SPG13: Affordable Housing
SPG17: Parking Standards
SPG19: Biodiversity and Development

National Policies

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

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

Future Wales – the National Plan 2040
 Planning Policy Wales Edition 12
 Planning Policy Wales TAN 5 Nature Conservation and Planning
 Planning Policy Wales TAN 11 Noise
 Planning Policy Wales TAN 12 Design
 Planning Policy Wales TAN 15 Development and Flood Risk
 Planning Policy Wales TAN 18 Transport
 Planning Policy Wales TAN 23 Economic Development

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

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

- A prosperous Wales
- A resilient Wales

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

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

THE SOCIO-ECONOMIC DUTY

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

APPRAISAL

The application is referred to the committee for determination in view of the number of objections received from local residents.

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

- whether the principle of developing this land for housing development accords with the policies of the Bridgend Local Development Plan (2024).
- the potential implications of the development on the surrounding highway network and the acceptability of the proposed access arrangements and whether the site is easily accessed by sustainable modes of travel and without the need for a car.
- whether the layout and design achieves the placemaking objectives and high quality of design with reference to the built form, green space and amenity space with reference to existing residents and the future occupiers of the properties.
- the impact of the scheme on the natural environment, with specific reference to the site's bio-diversity interests and the opportunities to deliver Section 6 bio-diversity enhancements.
- the effect of the development on the existing drainage systems and whether a sustainable drainage systems can be incorporated into development to enable the management of surface water and
- whether the ground conditions can support the development and whether the mitigation required is achievable through the grant of planning permission.

Whether the principle of the development accords with the policies of the Replacement Bridgend Local Development Plan (2024)

The application site is located within the local settlement of Cefn Cribwr as defined by Policy SF1 Settlement Hierarchy and Urban Management of the Replacement Local Development Plan (RLDP) adopted in 2024. Policy SP6 Sustainable Housing Strategy supports windfall residential development at appropriate sites within the settlement, focussing on the re-use of previously developed land. The proposed site would constitute a windfall site under Policy SP6 and could contribute towards delivery of the overall housing requirement. The site is not allocated for a specific use; therefore, residential development could be acceptable in principle, but this would be dependent on compliance with other Policies in the newly adopted plan.

Policy SP5 Sustainable Transport and Accessibility of the LDP states that development must

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

Policy COM6 of the RLDP requires 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. In the first instance, residential development should seek to reflect a density of 50 dwellings per hectare. A lower density of development will only be permitted where:

- 1) Design, physical or infrastructure constraints prevent the minimum density from being achieved; or
- 2) The minimum density would harm the character and appearance of the site's surroundings; or
- 3) Where it can be demonstrated there is a particular lack of choice of housing types within a local community.

Residents have suggested that the development density is too high and will put further pressure on already stretched local services (schools, doctors, dentists etc). The site consists of an approximate overall density of 37 dwellings per hectare which is below the figure set out in the above policy. Given the constraints of the site and the character of the surrounding area, the proposed density is considered acceptable and it would be inappropriate to seek and increase. The Council does works in partnership with Cwm Taf Morgannwg University Health Board to provide access to health care facilities. Whilst the Local Planning Authority can identify sites for health facilities, the delivery of medical or dental practices is outside the Council's control. As indicated later in this section of the report, the Education and Family Support Directorate have confirmed that sufficient capacity currently exists in the school to accommodate the likely number of children generated by the proposed development.

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

Policy DNP8 Green Infrastructure states that development proposals will be required to integrate, protect and maintain existing green infrastructure assets and to enhance the extent, quality, connectivity and multi-functionality of the green infrastructure network. Where the loss or damage of existing green infrastructure is unavoidable, appropriate mitigation and compensation will be required. A Green Infrastructure Assessment has accompanied the application and will be discussed later in this report.

Policy ENT10 Low Carbon Heating Technologies for New Development seeks to ensure that low carbon heating technologies are installed as part of all new major development. New major development should be accompanied by an 'Energy Masterplan' that

demonstrates that the most sustainable heating and cooling systems have been selected. This is a new policy from the recently adopted plan and was not in place at the time the application was submitted.

The Local Area Energy Strategy identifies that an electric/district heat mix could be suitable in this area. If this is proven to be financially or technically unviable then development proposals must follow the sequential approach to identify low carbon heating technologies in accordance with ENT10. An Energy Masterplan has recently been submitted which describes the fabric first methodology that has informed the proposed development and compliance with Policies ENT10 and ENT11. Through this approach complemented by appropriate low carbon technologies, the proposal achieves the AECB Carbon Lite Standard and a meaningful reduction in energy demand as the priority defined by Welsh Government's Energy Hierarchy for Planning. Furthermore, the masterplan demonstrates that the proposed building design - in combination with an appropriate fabric specification and mechanical services - suitably mitigates summer heat gains to maintain a comfortable internal environment without recourse to active cooling. This aligns with policy to passively protect occupants from overheating.

Policy COM3 of RLDP requires no affordable housing contribution in this housing market area (Pyle, Kenfig Hill and North Cornelly) but Members should note that the applicant proposes that all units will be affordable housing.

With regards to Education, the size of the site meets the threshold of 5 or more residential units identified in SPG16 Educational Facilities & Residential Development as being large enough to place increased pressure on educational facilities within the catchment area. The site is located within the catchment of Cefn Cribwr Primary School. The Education and Family Support Directorate have confirmed that sufficient capacity currently exists in the school to accommodate the likely number of children generated by the proposed development. Therefore, a contribution to Education provision is not required.

Policy COM10 of the LDP requires the provision of satisfactory standards of open space from all residential development which is defined as 2.4ha per 1,000 people. BCBC's Outdoor Sports & Children's Play Space Audit (2021) shows a deficit of Equipped Play Areas and Outdoor Sport provision in this location and the following amount of open space is required to ensure compliance with COM10 of the LDP and SPG 5 – Outdoor Recreation Facilities and New Housing Development:

A development of 16no. dwellings that meet the criteria for SPG5 would lead to an estimated development population of 32 (based on an average occupancy rate of 1.5 people per dwelling within proposed 1-bed flats, 2 people per dwelling within the proposed 2-bed houses, 2.5 people within the proposed 3-bed houses and 3 people within the 4-bed houses).

- The total amount of Formal Outdoor Sport space required should be approximately 512sqm based on 16 dwellings.
- The total amount of Children's Playing Space required should be approximately 160sqm, based on 8 eligible dwellings.

The proposed development incorporates an appropriate level of amenity space with the site layout. This broadly satisfies the requirements of Children's Playing Space. In terms of Formal Outdoor Sport, given the constraints of the site a commuted sum may be more appropriate than on-site provision, with a contribution to be spent on the improvement of facilities within proximity of the proposed development. Based on current costs for provision in BCBC, the contribution would equate to £570 per dwelling providing a figure of £9,120.

Overall, the principle of the development accords with the policies of the Bridgend Local Development Plan.

The potential implications of the development on the surrounding highway network and the acceptability of the proposed access arrangements and whether the site is easily accessed by sustainable modes of travel and without the need for a car.

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

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

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

It should be noted that the Council has been working with the applicant to resolve a number of initial concerns with the site layout and access arrangement through revisions of the plans. In addition, the Highway Authority is aware that the site already benefits from historical consent for residential properties and therefore the principle of development and quantum of traffic generated by the development has already been agreed. However further consideration of traffic generation has been undertaken for this application. As the B4281 is designed to be an inter-urban highway connecting Cefn Cribwr to the surrounding villages and beyond, the design of the highway network serving the site is capable of accommodating the minor increase in vehicular movements. To further ensure the development does not affect the free flow of traffic on the B4281 all individual vehicular access points have been removed from the latest layout which removes the need for future residents of this site, to reverse out onto the B4281, which is considered a betterment in highway terms from the previous consents.

With regards to Active Travel, the application benefits from an Active Travel audit to understand the walking and cycling routes currently available in the local area. The audit has assessed walking and cycling routes to the primary and comprehensive schools and has been scored using the Welsh Governments Active Travel Audit manual. All routes from the site score adequate points to be considered appropriate for active travel. Notwithstanding the above, the latest proposals include a walking and cycling route within the site linking to the footway on the B4281 and therefore the application meets both local and national policy on promoting sustainable modes of transport.

Turning now to parking within the site, the Council's adopted parking standards SPG17 indicate that a new development can provide a maximum of 1 space per bedroom and not exceed 3 spaces per dwelling. The proposed development does not exceed those maximum thresholds and provides 1 per bedroom with a maximum of 2 spaces per dwelling. Due to the proximity to bus services and good walking and cycling routes, it is considered that requiring the maximum of spaces would not be justified. Furthermore, this approach is consistent with local and national planning policy of reducing reliance on the private motor vehicle for short journeys and reducing vehicle numbers at origin points. In addition, there is empirical evidence that car ownership levels are lower for affordable housing scheme and therefore the imposing the maximum quantum of parking would not be appropriate in this instance.

To ensure that sustainable modes of transport are a viable option the public transport facilities to the east and west of the site are in need of improvement to aide their attractiveness to the future residents of this development. In this regard the applicant will be required to make a financial contribution to improving public transport facilities in the corridor serving the site.

Whether the layout and design achieves the placemaking objectives and high quality of design with reference to the built form, green space and amenity space with reference to existing residents and the future occupiers of the properties

Placemaking should be delivering housing developments that respond to context and form a high-quality townscape, providing people-friendly green streets, with high quality building design and private and semi-private space for all occupants.

At a local policy level, all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, (Policy SP3 of BLDP refers). The policy establishes 15 sustainable placemaking criteria, (a-o) that will be applied to all development proposals. A number of the criteria will be addressed in other sections of the report but how the scheme maximises the development potential whilst providing green infrastructure and both private and public amenity space must be considered as will the impacts on the amenity of the adjoining users/occupiers. A review of the living conditions of the future residents must also be undertaken.

The submitted Design Vision Statement sets out a vision, an agenda for quality and the designer's response following a comprehensive review of the context, the site constraints and the client's brief for the development. It is the applicant's contention that the layout adequately reflects and responds to the prevailing character of the surrounding area comprising high quality and well-designed family housing. In addition to this, the scheme fulfils the housing aspirations of Bridgend County Borough by providing a mix of units ranging from 2-4-bedroom houses and 1-bedroom walk-up flats. The specific appearance and finish of the proposed dwelling types represent an appropriate design style which in the applicant's view actively complements and enhances its surrounding context. Crucially, energy-efficient housing has been sensitively incorporated and integrated on the site. The Planning Statement maintains that the site provides ample opportunities for amenity space with the residents' wellbeing at the forefront of the proposals. With regards to existing units, the applicant maintains that the layout demonstrates that the plots have been sensitively oriented to minimise disturbance, avoid overlooking and avoid an overbearing impact upon adjacent properties. In this way, it is contended that the proposed development does not prejudice the privacy or amenity of existing neighbouring dwellings.

Objectors have highlighted the high density of the development and the potential for the new housing to affect the levels of privacy enjoyed by residents and for the scale of the development to affect outlook and to overshadow existing building and garden areas.

Cefn Road separates the new dwellings on Plots 1-10 from residential properties on the southern side of the B4281 which are a mix of house designs but either single storey or two storey units with habitable rooms facing the application site. Distances ranging from 23m to 26m will separate the new from existing, more than achieving the required privacy standard and sufficient to prevent any overshadowing. The outlook will change but not in a manner that would conflict with the Council's guidelines. Land to the north of the site is at a lower level and accommodates a series of stables and storage buildings none of which are used for residential purposes. An assessment of impact on residential amenity is therefore not necessary.

The eastern boundary of the application site which is defined by a high concrete post and mesh wire fence is shared with 11 Cefn Road, an end terrace unit with a side garage and first floor extension. The occupiers have submitted objections concerned with a number of issues but specifically to the development affecting privacy, particularly in the rear garden area which they are concerned will be overlooked by the development. The elevated nature of the site and the scale of the dwellings would also, in the objector's view, tower over affecting light and outlook. It should be noted that the long rear garden of 11 Cefn Road follows the natural contours and falls away from the rear of the dwelling. The engineered former reservoir site alongside is however relatively flat such that the development site levels are above the garden and increasingly so along its length to approximately 1.7m above when measured towards the outbuildings that occupy the rear boundary of 11 Cefn Road.

In examining the impacts on this neighbouring property, it is noted that the required drainage easement has affected the site layout such that the nearest proposed dwellings to 11 Cefn Road, are 9m (Plot 10) and 7.7m (Plot 11) from the shared boundary. The intervening space is given to an Active Travel route, parking alongside plot 11 and a green space over the drainage line that will be planted with wildflowers. Habitable windows in these nearest properties are either front or rear facing. The only windows in the side elevation of plot 9 serve a hall on the first floor flat and could be fitted with obscure glazing if considered necessary. Direct overlooking is therefore not an issue based on the house designs and proposed site layout. The distance between the front facing windows on plot 11 and the rear of 11 Cefn Road is less than 21m (17m) but at an oblique angle such that the Council's privacy standard would not be compromised – see Figure 7 below:

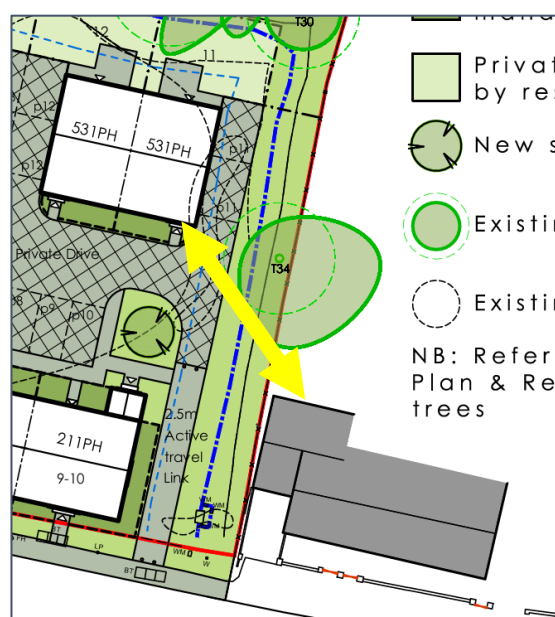


Figure 7 Relationship Between Habitable Windows in Plot 11 and 11 Cefn Road

Privacy must also be considered in terms of impact of the development on the private garden space and the degree to which the movement of people associated with the development would affect levels given the differences in site levels. As indicated the existing boundary is defined by a high mesh fence which for the purposes of the current site operations provides security. The boundary treatment would however offer little in the way of protecting privacy as part of the site development. Following site surveys which included the neighbouring property, site sections have been submitted showing the proposed development and the boundary treatment. Figures 8 & 9 show sections through plot 11 and the neighbouring property taken through the dwelling and the rear boundary:

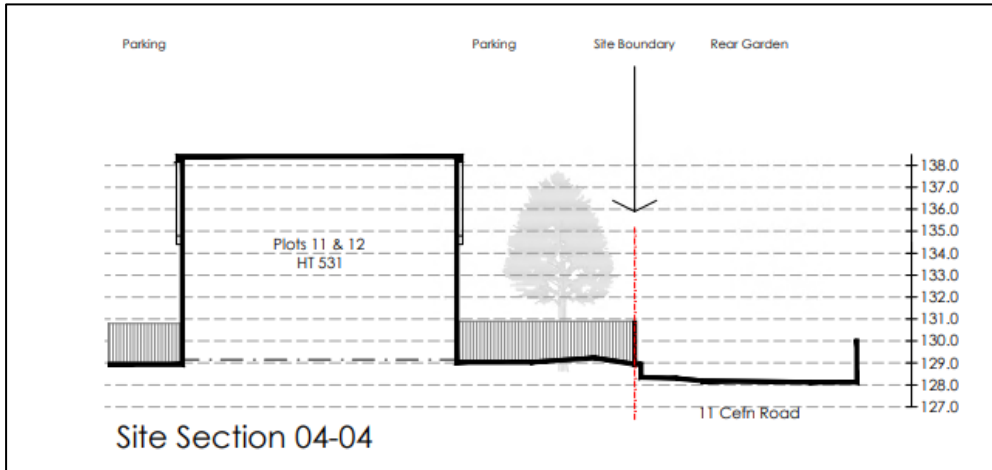


Figure 8

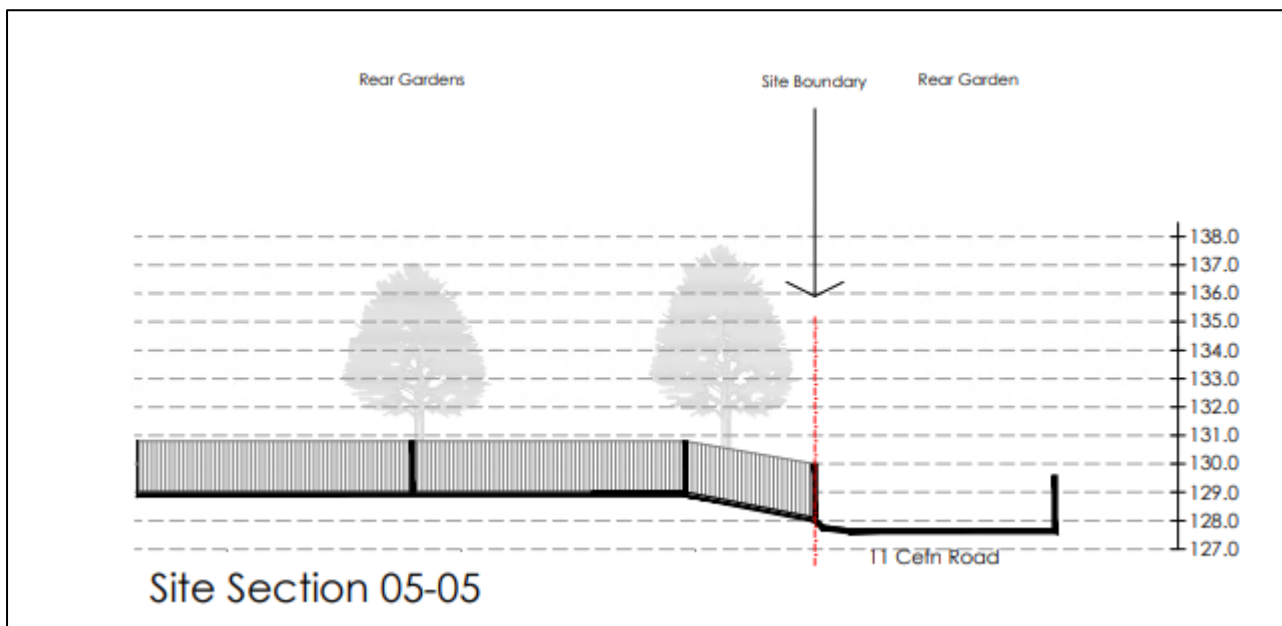


Figure 9

The sections demonstrate the difference in levels although an inspection would suggest they are greater particularly towards the end of the neighbouring garden. The applicant proposes to retain the 2.4m high posts and attach close boarded timber fencing along the entire boundary which it is contended will provide privacy for users of the neighbouring garden. That view is not shared by the neighbours who suggest that site level differences will negate the benefits of the boundary treatment if the existing concrete posts are used, particularly at the bottom of the garden. An appropriately designed wall should, in the neighbours view be constructed and prior to the development commencing to protect the garden during

construction.

It is recognised that site levels are particularly challenging towards the end of the neighbouring garden but the information submitted demonstrates that a boundary treatment could be erected that will provide the necessary privacy and security. A detailed scheme that considers the boundary in sections from alongside the dwelling to its farthest point where it will need to address the more marked difference in site levels will need to be submitted and agreed before the development commences. It does not guarantee that the agreed design will meet all the expectations of the neighbour but the Council can ensure that a design is agreed that will reasonably safeguard the privacy of the neighbours.

In addition to the concerns that the development will affect privacy, the neighbour has objected on the basis that the nearest dwelling would tower over the property affecting light and outlook. While there is no right to a view, some development can appear unreasonably dominant and overbearing when seen from neighbouring houses. Whether or not an extension or indeed a new dwelling will be compatible with the residential amenity of neighbouring property will usually need to be assessed on the merits of the individual proposal. Factors to be considered include:

- (a) the shape and size of the development
- (b) its distance from, and alignment with, overlooking windows
- (c) whether the site is higher or lower than the neighbouring house.

Unreasonable domination is an issue only where a main window to a habitable room in an adjacent dwelling will directly overlook a proposed extension or in this case a new dwelling. In addition, for unreasonable domination to be demonstrable, the extension must be either: (a) higher than a line, perpendicular to the window wall, rising at 25 degrees to the horizontal from the mid-point of the affected windows, or (b) closer than 10.5 metres to the window

As the extract plan on Figure 7 confirms there is space between the new units and the neighbouring property. At no point will the development be viewed directly from rear facing habitable room windows either on the ground or first floor of the neighbouring property. That is not to say that the nearest dwelling will not be seen from the house and garden of No.11 and that relative to the adjoining garden it will be elevated as discussed above but when considered against the guidelines, the nearest dwellings will not be considered as unreasonably dominating the outlook from the windows in the neighbouring property.

In terms of the relationship with the garden area, there is no applicable guideline and the scheme must be considered on its merits. Existing trees and vegetation screen much of the views of the former reservoir site from the garden of No.11. Apart from one tree much of this will be cleared to accommodate the development. As already stated, site levels favour the development site and the pair of dwellings on plots 11 and 12 will occupy an elevated position above the garden and will be noticeable structures when viewed from the garden. Given the site levels, were it not for the offset from the shared boundary, a case could be made that the development would have a dominating affect on the neighbouring garden area. The distance of 8m does provide some relief and on balance, the impact is not considered to be so great as to warrant a refusal of planning permission.

Policies and guidelines not only require an assessment of the impact on the living conditions of existing residents but also future occupiers. The planning statement suggests that the future residents' well-being is at the forefront of the proposals and has been amended to include an area of public open space and an increase in the size of the garden areas. Many of these remain modest in area but are well defined and will offer future residents privacy and useable space to enjoy. Very little amenity is provided for the occupiers of the walk-up flats on plots 3-10 and this has been the subject of on-going discussions with the applicants.

On the latest layout plan the bin storage between plots 5-6 and 7-8 has been reconfigured and sited on the side elevations allowing for a modest increase amenity space afforded to the units.

The layout also challenges the Council's privacy standards with habitable room windows in the walk-up flats being less than 21m from the dwellings on plots 11-15. The developer maintains that the flats are dual fronted with 16.1 metres being achieved across an internal street. It is suggested that the proposed relationship is well within the parameters established by policies and guidelines which sets out the acceptable distances for front-to-front relationships in various scenarios. Importantly, the applicant's agent reassures the Council that the layout and design accords with Welsh Government's Design Quality Requirements for affordable homes. Overall, the living condition of future residents should not be compromised.

Policy SP3 requires all development to respect and enhance landscape character and be appropriate to its local context in terms of scale, massing etc. Land to the north of the site forms part of the Cefn Cribwr Ridge and Settled Farmland Character Area which comprises a broad valley at the southern end of the Coalfield Plateau that rises steeply to the ridge of Cefn Cribwr and the application site. The prominent ridgeline forms a distinctive landscape feature with strong intervisibility with the land to the north. The development will be visible from the surrounding lowlands but its scale will be compatible with the existing built form of the traditional Victorian terraces and 20th century development that characterise the settlement of Cefn Cribwr. The appropriate design response will ensure that the character of the adjacent landscape will not be adversely affected by the development.

The impact of the scheme on the natural environment, with specific reference to the site's bio-diversity interests and the opportunities to deliver Section 6 bio-diversity enhancements

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

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

- support the maintenance and enhancement of biodiversity and the resilience of ecosystems.
- ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats, including the most recent targets set out in the 2022 UN Global Biodiversity Framework.

- ensure statutorily and non-statutorily designated sites and habitats are properly protected and managed and their role at the heart of resilient ecological networks is safeguarded.
- safeguard protected species and species of principal importance and existing biodiversity assets from direct, indirect, or cumulative adverse impacts that affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water, air, and soil, including peat; and
- secure the maintenance and enhancement of ecosystem resilience and resilient ecological networks by improving diversity, extent, condition, and connectivity.

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

Residents oppose the removal of trees and the impact this will have on biodiversity through the loss of habitat.

The application has been accompanied by a Green Infrastructure Statement (GIS), Preliminary Ecological Appraisal (PEA), Reptile Survey and Tree Survey and Constraints Plan. To establish the ecological baseline of the site a Tree Survey, Ecological Appraisal, and Reptile Report were undertaken to gain further insight into and to quantify the Green Infrastructure and ecology present on site. These assessments established that the trees on site were overwhelmingly in sub-optimal condition and in need of intervention. The assessment established that this site was a habitat for bird species and foraging grounds for bats. The site did not however provide a habitat for any reptile species.

The Tree Survey accounted for each tree present on the site and categorised each based on tree quality. The tree survey found that overwhelmingly the physiological condition of the trees on site were considered either “poor” or “fair to poor”. Only a single tree was considered to be in “fair” condition – G10, a boundary hedgerow. Many of the trees on site were also considered to be suffering from dieback, whilst 4 trees were identified as dead. The survey recommended the removal of 17 trees based on their condition and the monitoring of another 17. Only two trees on site were considered to be without need of intervention.

The Ecological Appraisal utilised a desk study, habitat survey, and a survey of protected and notable species. It considered the vegetation and habitats, in addition to the species present on the site. The physical and visual condition and appearance of the site is relatively recent in planning terms, having been occupied by a large part-subterranean covered reservoir. The PEA assessed the site for its potential to contain habitats and presence of a range of species, including birds, bats, reptiles, marsh fritillary butterfly, and other mammals. The Ecological Appraisal and more detailed reptile survey identified several recommendations in regard to the proposed development, they are detailed below:

- The Conduction of a Reptile Report
- The production of a CEMP to outline sensitive construction methods
- The clearance of vegetation outside of nesting season
- The introduction of hedgehog friendly features such as wild corners, log piles, and hedgehog friendly fencing or hedgerows
- Compensatory measures for nesting birds and roosting bats; and

- A precautionary approach to site clearance in respect to reptiles.

Overall, the Ecological Appraisal considered the site’s ecological value to not “represent a fundamental in-principal constraint to the proposed development.”

In producing a Green Infrastructure Strategy & the Enhancement Measures it was noted that the following features would be lost because of the proposed development:

- All category U trees
- T5, T6, T8, T18, T19 (Category C)
- A portion of G10 on the Western Boundary (Category C)
- G38 (Category C)

To retain Green Infrastructure features total site clearance is not proposed and a number of category C trees on the site’s Northern and Eastern boundaries are to be retained - T9, T11, T12, T13, T14, T15, T17, T24, T27, T28, T30, T34 – see Figure 10 below which is an extract of the proposed landscaping plan:

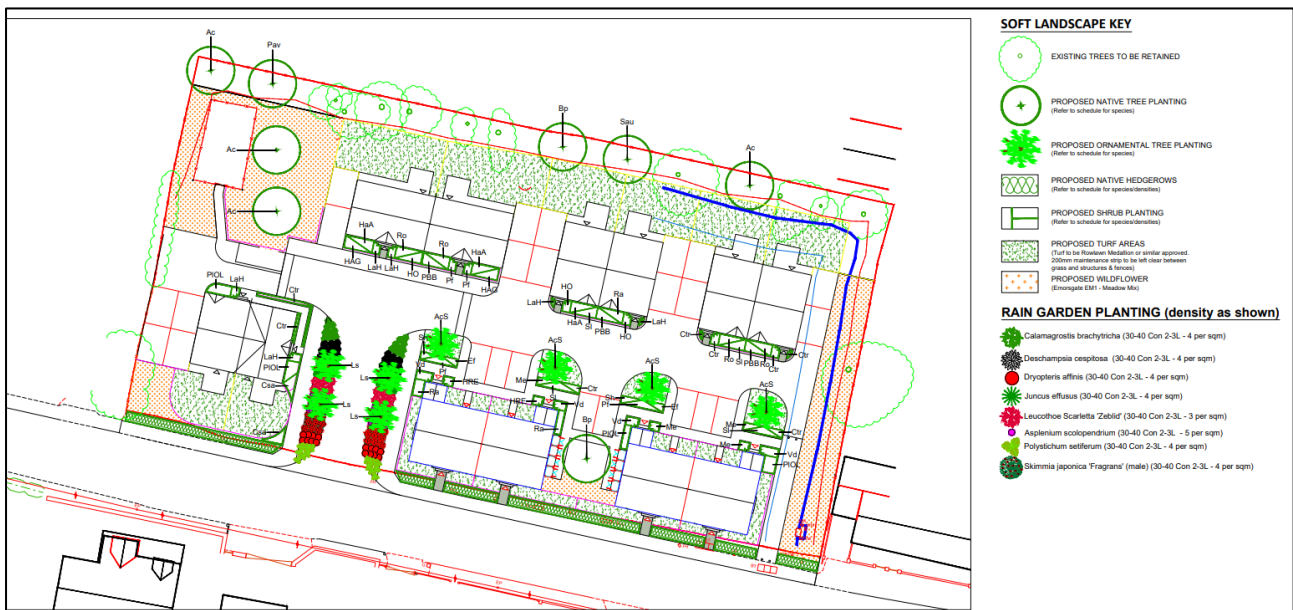


Figure 10 Landscaping Plan

Reflecting upon the recommendations made by the ecological appraisal, all vegetation clearance will take place outside of nesting season; it is accepted that the removal of habitat cannot be prevented, albeit impact on populations can be minimised through such measures.

On the basis that the development will necessitate the removal of some ecological features within the site, a series of mitigation measures have been incorporated in the development to offset the ecological damage caused by the development. These include compensatory measures for nesting birds and roosting bats; the adoption of hedgehog friendly features such as wild corners and log piles to mitigate damage to hedgehog habitat and the planting of native tree species. Enhancement and an overall biodiversity net gain is a requirement of local and national policy and will be achieved through the following:

- New Planting – 8 x native trees, 8 x ornamental trees , and 7 x hedgerows to be planted within the application boundary (23 total)
- The provision of new native hedgerows across the entire roadside frontage of the site
- Extensive areas of proposed wildflower meadow planting – in particular along the

- site's eastern boundary, and in and around the north-western corner of the site in the vicinity of the retained telecommunications mast
- Extensive shrub and wildflower planting in and around the built form of the scheme, including car parking and other features, and in particular alongside the vehicular access into the scheme

The applicant's consultant contends that the aforementioned enhancement measures with a long-term management plan will address the policy requirements.

NRW have reviewed the submitted ecological reports and note that the proposed development is located on higher ground approximately 130m from Waun Cimla Site of Special Scientific Interest (SSSI). This leaves potential for pollution pathways from the construction site with likely significant impacts on the SSSI. To manage the risks to the SSSI during construction, NRW recommend the submission and agreement of a Construction Environmental Management Plan. Species surveys are a matter for the Council's Ecologist and raise no significant issues. No adverse comments have been received from the Council's Biodiversity Policy Management Officer.

Subject to the proposed layout retaining a number of trees and new planting being provided; managing the development through an agreed construction environmental management plan (CEMP) and implementing all the mitigation/enhancement measures, the proposal accords with the requirements of Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

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

Development proposals in sewered areas must connect foul drainage to the main sewer, and it will be necessary for developers to demonstrate to that their proposal site can connect to the nearest main sewer. Residents have expressed some concerns as to whether the drainage infrastructure within the community can accommodate flows from the additional housing.

Dwr Cymru in their observations have confirmed that the public sewer has adequate capacity to accommodate the proposed development. With regard to surface water, the development is subject to Schedule 3 of the Flood and Water Management Act 2010 and would therefore require approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'.

In relation to potable water, DCWW note that the existing public watermain which runs through the site is proposed to be diverted to facilitate the new development. The works will need to be addressed as part of an application made under Section 185 of the Water Industry Act 1991.

The Council's Land Drainage Engineers note that the means of disposing surface water has not been determined at this stage although SuDS features have been included within the site layout. Connections to an existing connecting sewer, which appears to be a highway sewer connecting to the DCWW network in Kenfig Hill could also be considered. The Council's Land Drainage Engineers have however recommended the imposition of a number of planning conditions that will address a comprehensive drainage submission. Subject to their agreement, the site can be properly drained and in a manner that will protect the environment and local residents.

Whether the ground conditions can support the development and whether the mitigation required is achievable through the grant of planning permission

The planning system should guide development to reduce the risk from natural or human-made hazards affecting the land surface or sub-surface. The aim however is not to prevent the development of such land. Key is understanding the risks associated with the previous land use, pollution, groundwater, subsidence, mine and landfill gas emissions and rising groundwater from abandoned mines. Responsibility for determining the extent and effects of surface and subsurface hazards remains with the developer. It is for the developer to ensure that the land is suitable for the development proposed.

Concerns about ground conditions and possible contamination have been offered by residents. References to asbestos used in the water pipes of the former reservoir and the possible health hazard this material could pose has also been highlighted.

Earth Science Partnership Ltd (ESP) have undertaken a series of site investigations, on behalf of the developers with the latest being in September 2022. ESP consider the following further investigation and assessment would be required or prudent prior to development:

- Further 3no. gas monitoring visits to inform final ground gas risk characterisation.
- Testing of general Made Ground soils if the design proposals require removal from site.
- Watching brief during all excavations to check for any indication of possible historical mining.
- Employ measures to mitigate potential combustion risks where the shallow weathered coal seams is present.
- Consultation with the appropriate service/asset owners/providers to agree protective measures during the development.
- Consultation with asbestos specialist prior to any additional works.
- Confirm remedial solution for reservoir structure and infill.
- Confirm preferred foundation solution in area of former reservoir.
- Confirm foundation depths based on tree removal and NHBC guidance – review tree survey.
- Confirm nature and structural form of the proposed retaining walls.
- Confirm location of properties and proposed garden fence in relation to the crest of the slope.
- Compile Remediation Method Statement (RMS) once the design proposals have been agreed and the final report completed.
- Submit RMS to Local Planning Authority to agree remedial works prior to commencing.
- Develop earthworks specification for remediation of the former reservoir.
- Finalise ground gas risk assessment based on finalised design and agreed remedial strategy.
- Further ground gas monitoring post remediation, if required.

Shared Regulatory Services (**SRS**) have confirmed that the above site investigation include an assessment of potential contamination and considers the associated risks to human health and the environment. Investigations identify contaminants of concern and remediation works will be required to ensure the site is suitable for use. The investigations also include a ground gas assessment; ground gas monitoring has been undertaken and this identifies the need for ground gas protection measures. The applicant's consultant has recommended further assessment, once the developer has determined their wider proposals, such as earthworks/construction strategy, to better inform the appropriate gas protection measures.

Should there be any importation of soils to develop the garden/landscaped areas of the development, or any site won recycled material, or materials imported as part of the

construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling 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.

SRS have requested the inclusion of conditions and informatives to ensure that the safety of future occupiers is not prejudiced in accordance with policy DNP9 of the Bridgend County Borough Council Local Development Plan.

CONCLUSION

This application is recommended for approval because the development is in accord with the policies of the Replacement Local Development Plan and will deliver affordable housing on a sustainable site. The effect of the proposal on the character and amenities of the area, specifically, those enjoyed by existing residents has been carefully considered and subject to control being imposed through the grant of planning permission, the impacts on the living conditions should not be so adverse as to warrant refusing planning permission.

In transport policy terms, the site is reasonably well-served by public transport and access to active travel is available. It is however acknowledged that trips to places of work and major retail facilities are still likely to be made by car. The layout has been amended to address previous concerns but the current arrangements both in terms of the road design and parking accord with the Council's guidelines.

Biodiversity impacts will be modest and at a local level and mitigation and enhancement works as recommended by the applicant's consultant ecologist will be secured through the consent.

The representations received have been considered however, on balance, it is not considered that they outweigh the merits of the development.

In summary, it is considered that the development accords with Policies SF1, SP3, SP5, PLA9, PLA12, SP6, COM3, COM6, COM10, SP10, SP17, DNP6, DNP7, DNP9 and DNP9 of the Bridgend Local Development Plan.

RECOMMENDATION

(A) The applicant enter into a Section 106 Agreement to:

- (i) Provide a financial contribution of £9,120 towards the provision of Formal Outdoor Sport to be used for the improvement of facilities within proximity of the proposed development.
- (ii) Provide a financial contribution of £12,000 towards improvements in public transport facilities in the corridor serving the application site.

(B) The Corporate Director Communities be given delegated powers to issue a decision notice granting planning consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, subject to the following conditions:

1.	The development shall be carried out in accordance with the following plans:	
	Site Location Plan (Drawing No. 2275 00 (03) 100)	
	Site Layout (Drawing No. 2275 00 (03) 101 Rev A)	Revision H
	Street Scenes 01-01, 02-02, & 03-	Revision C

	03 (Drawing No. 2275 00 (03) 400)	
	Site Sections 01-01, 02-02 & 03-03 (Drawing No. 2275 00 (03) 401)	Revision C
	HT 211 Plans (Drawing No. 2275 211 (03) 200) Plots 1 & 2	Revision B
	HT 211 Elevations (Drawing No 211 (03) 200) Plots 1 & 2	Revision B
	HT 421 & 422 Plans (Drawing No. 2275 421 (03) 200) Plots 1 & 2	Revision B
	HT 421 & 422 Elevations (Drawing No. 2275 421 (03) 300) Plots 1 & 2	Revision B
	HT 531 Plans (Drawing No. 2275 531 (03) 200) Plots 11-12 & 13-14.	Revision B
	HT 531 Elevations (Drawing No. 2275 531 (03) 300) Plots 11-12 & 13-14.	Revision A
	HT 642 Plans (Drawing No. 2275 642 (03) 300) Plots 15 &16	Revision B
	HT 642 Elevations (Drawing No. 2275 642 (03) 300) Plots 15 &16	Revision B
	Site Perspective 01 (Drawing No. 00 (03) 503)	Revision A
	Site Perspective 02 (Drawing No. 00 (03) 504)	Revision A
	Site Perspective 03 (Drawing No. 00 (03) 505)	Revision -
	Site Perspective 04 (Drawing No. 00 (03) 506)	Revision A
	Aerial Perspective 01 (Drawing No. 00 (03) 500)	Revision B
	Aerial Perspective 02 (Drawing No. 00 (03) 501)	Revision B
	Aerial Perspective 03 (Drawing No. 00 (03) 502)	Revision B
	Detailed Soft Landscape Proposals (TDA.2696.01 Rev B)	
	Landscape Specification & Management Plan	
	SuDS Strategy Plan (2275/501)	Revision E
	Engineering Appraisal (2275/505)	Revision D
	Tree Survey and Tree Constraints Plan by Treescene	
	Reason: For the avoidance of doubt as to the extent of the permission granted and in the interests of highway safety.	
2.	Before any site clearance or construction works takes place on site, a detailed scheme including a program of implementation of the following Landscaping and Ecological Mitigation and Enhancement works shall be submitted to and agreed in writing by the Local Planning Authority: Green Infrastructure Statement – August 2004:	

	<p>(a) Minimisation Measures – Timing of Site Clearance</p> <p>(b) Mitigation Measures – (i) Compensatory measures for nesting birds and roosting bats; (ii) adoption of hedgehog friendly features; (iii) Landscape Specification and Management Plan.</p> <p>(c) Enhancement Measures – (i) New Planting – 8 x native trees, 8 x ornamental trees , and 7 x hedgerows to be planted within the application boundary (23 total); (ii) the provision of new native hedgerows across the entire road side frontage of the site; (iv) Extensive areas of proposed wildflower meadow planting – in particular along the site’s eastern boundary, and in and around the north western corner of the site in the vicinity of the retained telecommunications mast; (v) Extensive proposed shrub and wildflower planting in and around the built form of the scheme, including car parking and other features, and in particular alongside the</p> <p>(d) A long-term management plan</p> <p>All works shall be carried out in accordance with the agreed Landscaping and Ecological Mitigation and Enhancement works and maintained and retained in perpetuity.</p> <p>Reason: To avoid doubt and confusion as to the nature and extent of the approved Development.</p>
3.	<p>No development shall take place until the following have been submitted to and approved in writing by the Local Planning Authority (LPA) in accordance with the current British Standard 5837:2012:</p> <p>(i) An Arboricultural Method Statement (AMS) detailing the methods to be used to prevent loss of or damage to retained trees within and bounding the site, and existing structural planting or areas designated for new structural planting. The AMS shall include details of site monitoring of tree protection and tree condition by a qualified arboriculturist, undertaken throughout the development and after its completion, to monitor tree condition. This shall include the preparation of a chronological programme for site monitoring and production of site reports, to be sent to the LPA during the different phases of development and demonstrating how the approved tree protection measures have been complied with.</p> <p>(ii) A Tree Protection Plan (TPP) in the form of a scale drawing showing the finalised layout and the tree and landscaping protection methods detailed in the AMS that can be shown graphically. The development shall be carried out in full conformity with the approved AMS and TPP.</p> <p>Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees and landscape, the measures for their protection and to monitor compliance.</p>
4	<p>If within a period of up to five years from the planting of any landscaping, any tree or hedgerow planted is removed, uprooted or destroyed or dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place during the next planting season immediately following the death/removal/destruction of that tree or hedgerow unless the Local Planning Authority gives its written consent to any variation.</p> <p>Reason: For the avoidance of doubt as to the extent of the permission granted and to maintain and improve the appearance of the area in the interests of visual</p>

	amenity and to promote nature conservation.
5.	<p>No development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and agreed in writing by the Local Planning Authority. The CEMP should include:</p> <ul style="list-style-type: none"> • Construction methods: details of materials, how waste generated will be managed. • General site management: details of the construction programme including timetable details of site clearance, details of site construction drainage, containment areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain. • Biodiversity management: details of tree and hedgerow protection, invasive species management, species and habitats protection, avoidance and mitigation measures. • Soil management: details of topsoil strip, storage and amelioration for re-use. • CEMP masterplan: details of the extent and phasing of development, location of landscape and environmental resources, design proposals and objectives for integration and mitigation measures. • Control of nuisances, details of restrictions to be applied during construction including timing, duration and frequency of works, details of measures to minimise noise and vibration from piling activities, for example acoustic barriers, details of dust control measures, measures to control light spill and the conservation of dark skies. • Resource management: details of fuel and chemical storage and containment, details of waste generation and its management, details of water consumption, wastewater and energy use. • Traffic management: details of site deliveries, plant on site, wheel wash facilities. • Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan. Details of how pollution whether it be land, water or air will be prevented from affected the SSSI. • Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details. • Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations <p>The CEMP shall be implemented as agreed during the site preparation and construction phases of the development.</p> <p>Reason: To maintain and improve the appearance of the area in the interests of visual and residential amenity and to promote nature conservation.</p>
6.	<p>No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, roof/yard water, highway drainage and land drainage will be dealt with has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to any building being occupied.</p> <p>Reason: To ensure effective drainage facilities are provided for the proposed development.</p>

<p>7.</p>	<p>No development shall take place until details of a scheme to divert the public watermain crossing the site has been submitted to and approved in writing by the local planning authority. The scheme shall include a detailed design, construction method statement and risk assessment outlining the measures taken to secure and protect the structural condition and ongoing access of the public sewer. No development pursuant to this permission shall be carried out until the approved diversion scheme has been implemented and completed. The approved scheme shall be adhered to throughout the lifetime of the development and the protection measures shall be retained in perpetuity.</p> <p>Reason: To protect the integrity of the public watermain and avoid damage thereto.</p>
<p>8.</p>	<p>No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details and retained in perpetuity.</p> <p>Reason: To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the area.</p>
<p>9.</p>	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out on any of the Plots hereby approved which comes within Parts 1 (Classes A, B and C) of Schedule 2 of this Order.</p> <p>Reason: To enable the Local Planning Authority to exercise future control over the scale of development as well as the installation of new windows or dormers or the extension of the property to the rear, in the interests of the residential amenities of adjacent properties and to protect the amenity space provided within the property.</p>
<p>10</p>	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected or placed within the curtilage out on any of the dwellings or flats hereby approved.</p> <p>Reason: To enable the Local Planning Authority to control the scale of development.</p>
<p>11</p>	<p>Notwithstanding the approved layout plan, no development shall commence until a revised scheme and plan indicating the positions, height, design, materials and type of boundary treatment to be erected on the shared boundary with 11 Cefn Road and timetable for implementation has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include temporary fencing for the period of site clearance/construction and details of the scale and type of boundary treatment for the completed development which shall have regard to the proposed site levels and existing levels of the adjoining property and shall include a variation in finishes. Development shall be carried out in</p>

	<p>accordance with the agreed plan and timetable</p> <p>Reason: To ensure that the living conditions of the adjoining occupiers are protected during construction and following the completion/occupation of the development. amenities of the area are protected.</p>
12	<p>The side window serving the hall in Plot 9 and facing 11 Cefn Road shall be fitted with a fixed pane obscurely glazed window to a minimum of level 5 on the Pilkington index of obscurity. The window shall be fitted as stated prior to the dwelling being occupied and shall be retained in perpetuity.</p> <p>Reason: In the interests of protecting the living conditions of the occupiers of the adjoining property.</p>
13.	<p>No development shall commence until a scheme for permanently stopping up the existing access points and reinstating the vehicular crossings as footway has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being brought into beneficial use.</p> <p>Reason: In the interests of highway safety.</p>
14.	<p>The proposed means of access shall be laid out with 6 metre radius kerbing on both sides of the entrance constructed and retained in permanent materials as approved in writing by the Local Planning Authority with vision splays of 2m x 43m in both directions before the development is brought into beneficial use and retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests of highway safety.</p>
15.	<p>No structure, erection or planting exceeding 0.6 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.</p> <p>Reason: In the interests of highway safety.</p>
16.	<p>No development shall commence until a scheme detailing the boundary treatments (low walls) which delineate the adopted highway extents for plots 1-10 inclusive has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment / adopted extents delineation shall be implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.</p> <p>Reason: In the interests of highway safety and highway authority access.</p>
17.	<p>No dwelling shall be occupied until the approved parking arrangements (driveway and/or parking spaces) have been completed in permanent materials and at gradients that do not exceed 8.33% (1 in 12). All visitor parking spaces shall be completed in permanent materials and at gradients that do not exceed 8.33% before the nearest dwelling is occupied. The approved parking arrangements shall be retained for parking purposes in perpetuity.</p> <p>Reason: To ensure the provision and retention of sufficient off-street parking and to prevent loose stones, mud and gravel being spread on to the highway, in the</p>

	interests of highway safety.
18	<p>No development shall commence until full details of the Residential Recycling and Waste Collection Strategy has been submitted to and agreed in writing by the Local Planning Authority. The Residential Recycling and Waste Collection Strategy shall specify how all recycling and waste should be stored and collected. Development shall be carried out in accordance with the approved strategy and the approved strategy shall be implemented in perpetuity.</p> <p>Reason: In the interests of highway safety and residential amenity.</p>
19	<p>Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval. Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the Local Planning Authority. If no protection measures are required than no further actions will be required.</p> <p>All required gas protection measures shall be installed and a verification report that demonstrates the effectiveness of the measures carried out must be submitted to and approved in writing by the Local Planning Authority before occupation of any part of the development. The approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.</p> <p>• <i>‘Gases’ include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.</i></p> <p>Reason: To ensure that the safety of future occupiers is not prejudiced.</p>
20	<p>Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:</p> <ul style="list-style-type: none"> (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a ‘conceptual site model’ (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages; (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study; (iii) an assessment of the potential risks to: human health, groundwaters

	<p>and surface waters, adjoining land, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, ecological systems, archaeological sites and ancient monuments; and any other receptors identified at (i)</p> <p>(iv) an appraisal of remedial options, and justification for the preferred remedial option(s).</p> <p>All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.</p> <p><i>* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.</i></p> <p>Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.</p>
21	<p>Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.</p> <p>All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017).</p> <p>Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.</p>
22	<p>The remediation scheme approved by condition 21 above must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.</p> <p>Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the</p>

	<p>Local Planning Authority.</p> <p>All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.</p> <p>Reason : To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.</p>
23	<p>In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.</p> <p>Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.</p>
24	<p>Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.</p> <p>Reason: To ensure that the safety of future occupiers is not prejudiced.</p>
25	<p>Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that</p>

	<p>the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure that the safety of future occupiers is not prejudiced.</p>
26	<p>Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.</p> <p>Reason: To ensure that the safety of future occupiers is not prejudiced.</p>
27	<p>* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *</p> <p>From 7 January 2019, new developments greater than 100m² of construction area or 2 dwellings or more 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. Further information in relation to the new legislation including the sustainable drainage application forms can be obtained from the following link:</p> <p>https://www.bridgend.gov.uk/residents/recycling-waste-and-environment/environment/flooding/sustainable-drainage-systems/</p> <p>No surface water is allowed to discharge to the public highway.</p> <p>No land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.</p> <p>To satisfy the Land Drainage condition, the applicant must:</p> <ul style="list-style-type: none"> •Provide agreement in principle from DCWW with regards to the foul water and surface water disposal to public sewers •Provide agreement in principle from DCWW with regards to build over sewer agreements or water main diversion, if required •Provide hydraulic calculations to confirm the site does not flood during a 1 in 100 year + 30% CC event •Submit a sustainable drainage application form to the BCBC SAB (SAB@bridgend.gov.uk). <p>In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.</p> <p>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</p>

beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None

REFERENCE: P/21/379/FUL

APPLICANT: Mr H Navidi

LOCATION: Land at Ffordd Tirion Broadlands Bridgend CF31 5EJ

PROPOSAL: Construction of a two-storey building comprising three retail units and community use at ground floor level and ten self-contained flats at first floor level with associated car parking and amenity space

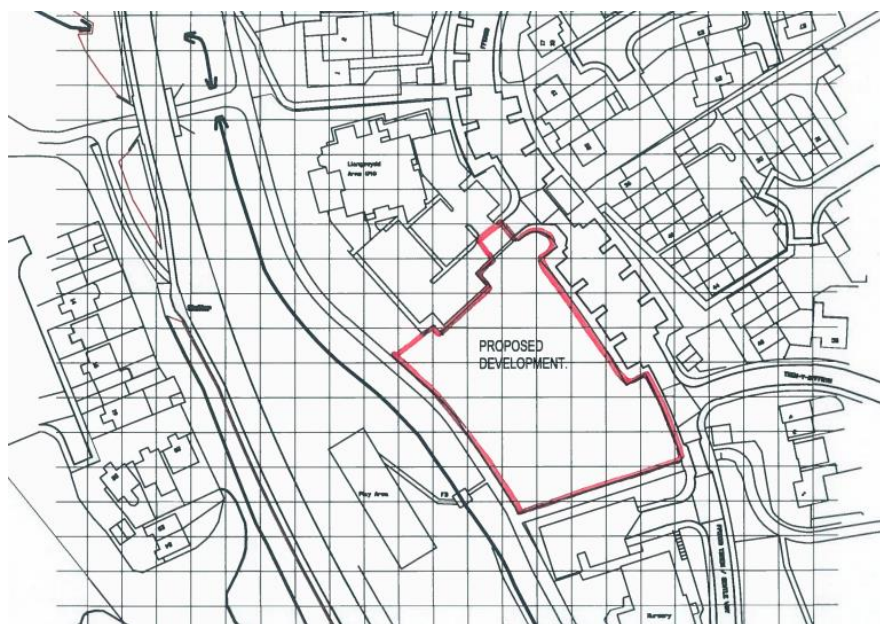
RECEIVED: 26 April 2021

APPLICATION DESCRIPTION

The planning application, following significant negotiation and the submission of amended details and plans by the applicant, seeks consent for the construction of a mixed-use development scheme comprising the erection of a two-storey building to accommodate three retail units and community use(s) at ground floor level and ten self-contained flats at first floor level.

As part of the works, associated car parking and amenity space would be provided, at land adjacent to Ffordd Tirion (Gentle Way) Broadlands, Bridgend.

Figure 1 – Site Location Plan



The proposal effectively seeks to develop a currently open, undeveloped area of land (that comprises scrub and vegetation) in between the 'Llangewydd Arms Public House' and the 'Busy Bees' Nursery, Broadlands.

The scheme comprises a mixed-use development of three shop units (A1 planning use class) and two community use units (D2 use class, as depicted on the submitted planning application forms), across the ground floor of the building. Ten residential flats are proposed on the first floor of the building. The ten self-contained flats are made up of eight one-bedroom units and two two-bedroom units with associated living space. To the rear of the building a shared amenity space for the flat units is to be created (including an informal landscaped/wooded area), with associated car parking to the rear and northern side of the new building to serve the residential flats and the commercial/community uses.

The submitted plans detail a total of eighteen car parking spaces (including a Disability Discrimination Act (DDA) compliant space), with a delivery bay/space at the site and

associated bicycle stands/storage and waste storage areas. Vehicle access to the development would be created off the highway leading into the Llangewydd Arms Public House, towards the north-eastern corner of the site. Pedestrian access will also be retained/created along Gentle Way from the front (east) of the site.

Figure 2 – Proposed Site Layout



The proposed two-storey building would be erected broadly towards the eastern frontage of the site with a generally rectangular footprint. The main, two-storey, aspect of the building, would measure approximately 41.5m by 17m (at ground floor level), accommodating a total of 585 square metres of retail and community floor space. A central circulation space/storage area would offset and separate the community and retail spaces.

At first floor level, the building would be slightly larger, incorporating an overhang over the eastern frontage of the building. The first floor would accommodate a total of 8 single bedroom flats (each measuring 50 square metres in floor area) and two, two-bedroom units (each measuring 76 square metres in floor area). Pitched gable roof forms would be utilised for the roof space with a fibre cement roof slate finish and solar panels/roof PV system to the south facing roof slopes.

The building would have a largely external rendered finish with powder coated aluminium shop style/glazed units to the commercial/community uses along the frontage of the building. The building would be slightly tiered with a split-level design given the slightly sloping topography of the site. A single storey waste and bicycle store would be created to the southern side of the building. The scheme incorporates the provision of amenity space and a landscaped area to the rear, western aspect of the site.

Figure 3 – Proposed Elevation Drawings/Illustrations



Front – East Facing Elevation



Rear – West Facing Elevation





Proposed Illustrative Perspectives

SITE DESCRIPTION

The proposed development site is located between the Llangewydd Arms Public House and a detached, nursery building ‘Busy Bees’ that is situated centrally within the area known as the ‘Broadlands District Centre’ on the large Broadlands Estate.

The site is currently undeveloped and largely covered with grass and brambles. The site gradually slopes downwards from north to south and drops more significantly at its western boundary. It is bounded by Gentle Way/Ffordd Tirion to the east that benefits from numerous car parking bays adjacent to the highway. Further to the east, and elevated in comparison to the level of the application site, are residential properties. To the north, beyond the car park of the public house and the building itself, are a number of retail and community use buildings including a dentist, pharmacy, hairdressers and a small ‘Tesco’s’ food store as well as a number of hot food take away facilities and café.

The nursery building and associated car park sit on a lower level to the south of the site. A public walkway and cycle path are immediately adjacent to the south and west of the site, beyond which, further to the west of the application site, is a children’s play park and mature planting.

Figure 4 – Photographs of the Application Site





The planning application has been supported by the following information (in addition to the detailed plans):

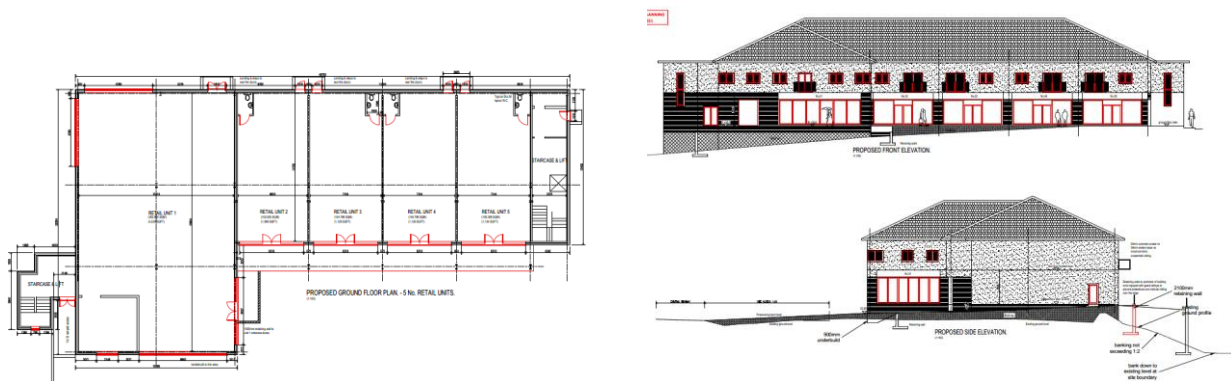
- Design and Access Statement
- Transport Statement
- Reptile Survey
- PAC Report

As referred to above, the application has been the subject of significant discussions and negotiations with amended plans being received on 16 September 2024 in respect of the proposal.

The original submission for 13 flat units and 5 retail units has been substantially revised by the applicant in an attempt to address a number of concerns initially raised with the application in regard to the design, layout and overall use of the building that generated both amenity and highway safety concerns.

Figure 5, below, illustrates the original plans submitted for the development that have now been superseded.

Figure 5 - Original Plans for the development (now superseded).



As further depicted below, in the '**RELEVANT SITE HISTORY**' for the plot, planning permission was previously granted at the site in 2006 for the erection of a commercial unit on the site, comprising 5 units (P/06/108/FUL refers), although this development was never progressed. That previous consent was approved subject to the following condition:

'The units hereby approved shall only be used for purposes within Classes A1, A2 and D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class or in any statutory instrument revoking and re-enacting that Order.'

Reason: For the avoidance of doubt as to the extent of the permission granted and to ensure that the Authority retains effective control of the uses of the approved units.'

RELEVANT SITE HISTORY

P/95/1097 - Land at Broadlands, South West Bridgend – Development: Housing, Retail, Commercial, Community, Religious, Education, Recreation & Open space Facilities – Conditional Consent 23/05/1997

P/01/414/FUL - Development Plots 5,6, 7 Broadlands District Centre, Broadlands - Advance Plot Development Works Earthworks - Conditional Consent 30/07/2001

P/06/108/FUL – Land between Llangewydd Arms & Nursery, Broadlands – Proposed Commercial Development - Conditional Consent 08/09/2006

PE/00793/2015 (Pre-application submission) – Land at Gentle Way Broadlands - Pre-Application for proposed 5 Retail Units and 13 Residential Flats – Response issued 19/08/2015.

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 24th February and 23rd March 2020. The consultation involved notifying residents within the surrounding area, together with Ward members and specialist consultees.

In addition to the specialist and community consultees, a total of eleven letters were raised in respect of the proposal at that stage including five letters of support and six letters of objection. The objections raised at the PAC stage are summarised as follows:

- Highway safety
- The area has sufficient shops and requires a doctor's surgery or community facility
- No need for more shops in the area
- Detrimental visual impact
- Does the applicant have right of access to the site (over the public house access).

These issues have been addressed within the PAC report, however they are relevant and have also been considered later within this report. It is noted the applicant also confirmed they do have title to cross the land in question and appropriately access the site.

PUBLICITY

The planning Application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity (second consultation exercise following receipt of amended plans) expired on 01/10/2024.

CONSULTATION RESPONSES

Laleston Community Council: Object to the Application (comments received on the original submission) and request the application is determined at Development Control Committee. It is noted no comments have been received on the revised proposal. The objections raised to the original Application submission are summarised as follows:

- Divergence from the Broadland District Centre Development Brief as the developers were required to make provisions for a health centre, a public house, a community centre, local shops and associated parking as well as open space and landscaping. Whilst it is understood that the site currently houses a public house, shops with associated parking and also that the Local Health Board did not want to pursue the development of a health centre on this site, the Community Council is apprehensive that instead of the site being allocated for community use the development of the site will be used for commercial purposes.
- The Broadlands District Centre Development Brief also outlined that the District Development site would accommodate 30% building floorspace with the remaining 70% allocated to parking, open spaces, and landscaping areas, therefore this proposal would alter this ratio considerably.
- Question the requirement for additional units in the area, due to the fact that there is always at least one empty shop/unit at any one time on the existing estate.
- Although Broadlands is a large housing estate on the edge of a town, it has a rural aspect that this development would ruin.
- Additional commercial units and flats would devastate the street scene that the community has established.
- Traffic and parking in this area is already challenging and the proposed

development will lead to additional traffic generation in the area, during and after construction, which will inevitably have an adverse complication for the nearby residents as well as the local primary school and its pupils.

- The elevations of the development are not in keeping with the single storey design of the adjacent nursery or the nearby retail units already in situ.
- Loss of accessible informal green space and open land.
- An alternative use for the land should be sought - turn the proposed land into a new car park and allow a change of use of the existing car park to an area for outdoor eating with canopies and heaters. This would provide additional and well needed outdoor space for the already in situ bars and restaurants. This would permit extended utilisation for the community and their families during the summer months and, also, if restrictions are reintroduced due to COVID.
- If Officers were mindful to accept the planning proposals, additional provisions should be provided for the benefit of the local community, including the refurbishment of the teenage park adjacent and/or the addition of outside exercise equipment.
- Vandalism and anti-social behaviour occur in this area and therefore crime prevention measures should appear in the design such as CCTV.
- Increased provisions to allow for active travel such as cycle parking and an electric car charging point or at least ducting to allow for future provisions.

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

Land Drainage Officer: No objection subject to conditions.

Welsh Water: No objection subject to conditions and advisory notes.

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

Waste & Recycling, Street Scene: Comments raised on the original submission stating there is no clarification on the method for waste collections from residential and commercial premises and the access road does not appear easily accessible for waste vehicles.

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

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

South Wales Police: Designing Out Crime Officer: No objection – suggestions and informative notes provided relating to help prevent crime and burglary, deter, and detect intruders, and improve public safety.

REPRESENTATIONS RECEIVED

Councillor C A Green - Objected to the original application submission stating the land is currently identified for community use not residential, and this should be honoured for the sake of the community.

Councillor Spiller – Raises the following comments on the revised Application submission:

‘The planning application should be brought in front of the Development Control Committee for the following reasons:

- 1) The original Broadlands development brief, and subsequent Broadlands District Centre plan allocated this land for community use. It remains the only land within

the district centre area which could fulfil the brief of providing community facilities, it is encouraging to see this acknowledged within the plans and I would request that usage of D1 only is applied to the 2 allocated community buildings with relevant restrictions.

- 2) The entrance/exit would impact significantly on the junction with the Llangewydd Arms which is already highly congested at school drop off/pick up times.
- 3) Adequate parking facilities must be provided for each of the flats, along with the commercial properties. The current parking facilities adequately provide for the existing commercial properties, any addition would impact on the surrounding residential streets.
- 4) There is already a saturation of A3 usage within the Broadlands District Centre, and consideration needs to be given to odours/noise/vibration from commercial facilities underneath residential property. A rubbish store would also encourage vermin within the area.
- 5) S106 be considered to provide for CCTV to link up with the BCBC security system at the Broadlands District Centre to provide coverage of the pub/new shopping facilities and the park facilities to the rear which have been subject to anti-social behaviour and vandalism.

Broadly speaking I support the development of the area with the above restrictions in place.'

In addition, Councillor Spiller also provided the following, further comments:

- 'There is a lack of provision for service to the rear of the shops. The current vehicles delivering to the shops on Broadlands use the rear service area which allows for a turning circle along with delivery via HGVs, this is essential.
- There is no delivery area for the community buildings.'

Following receipt of the initial application proposal a number of objections and comments were received against the scheme, with approximately 43 letters/emails being received against the planning application (several letters/emails were submitted via Laleston Community Council).

The objections raised against the original submission are summarised as below:

Negative visual impact/design

A mixture of coloured render and brickwork would be an eyesore and takes away any view of the greenspace.

Poor landscaping arrangement with limited details submitted.

Poor design and layout, unimaginative elevations with a 'box and lid' appearance with an overbearing form that should be broken up and tiered more so.

No amenity provision for future residents or waste storage areas and bi-cycle storage spaces (failing to meet basic DQR requirements (Development Quality Requirements)).

Loss of visual space and a site which has been used by an air ambulance in the past for the residents of Broadlands.

Too ambitious for the surroundings and context of the retail hub in Broadlands.

A hybrid function of retail and accommodation will create a higher two storey structure which will not be pleasing to the streetscape between the pub and the childcare unit.

Spoiling the estate by cramming more buildings and retail outlets in and land should remain as it is.

Loss of Amenity/Noise Issues

The commercial development would bring increased noise levels in addition to current noise experienced from the public house and existing retail units in the area.

Negative noise impact on residents working from home.
Increased number of people gathering and loitering in the area, creating noise disruption, fear of crime and disturbance, harming the character of the area.
Further noise and pollution from extra cars, causing further chest infections for the young and old.
The impact of any A3 uses (hot food takeaways in particular) on local and future residents must be carefully considered here, including appropriate noise assessments.
Delivery times both morning and night for commercial uses needs to be carefully considered to safeguard the amenity of nearby residents and future occupiers of the site.
A high second floor would result in a loss of natural light for residents across Gentle Way/Valley View, particularly during winter months.

Highway Safety

Very busy area already, particularly in peak times, with parking already being an issue.
Increase in traffic volumes during peak times.
Pedestrian safety and access issues.
Lack of disabled parking bay provision.
Traffic already gridlocked at times from the roundabout along Gentle Way.
This area is already a major traffic problem especially at 8.30 am - 9.30am and 3.00pm - 4.40pm.
Where is the sufficient car parking area going to be to service these residential units and commercial properties.
Appropriate parking studies need to support the application.
Transport and Travel Plan needs to support the application.
No cycle parking provided.
Limited queue capacity on the existing highway network to accommodate the development.
Lack of parking and thought to movement of people from the car parking spaces along Gentle Way to the development.
Poor permeability and linkages into the pedestrian and cycle network.
No consideration as to the logistics within this plan given the congestion around school pick up and drop off times, or the busy Tesco's that has regular deliveries from heavy goods lorries.
No consideration to the extra vehicle usage of a road in the vicinity of a junior school, pub and already established shops.
Significant traffic congestion around this area at school run and coming home times.
Not enough space for all the staff, increased traffic flow and visitors to the new shops.
Dangerous to create another junction so close to the existing ones of the day nursery, Public House & entrance to Trem Y Dyffryn, plus close to the narrowing of the road for priority one way traffic.
Increased number of cars for residents and shopper's let alone delivery vans/lorries and the workforce; this is so unsafe and concerning.
Many children use this route to walk to and from school and also to meet friends to go to the park etc, it's a totally unsafe proposal.
The infrastructure in Broadlands can't cope with the traffic as it is.
If it goes ahead then the Council may need to consider a crossing guard - it all looks good on paper but real-world problems can't always be conveyed in ink.
This proposal has a high potential to overload the traffic and congestion issues as the surrounding infrastructure is fixed.
No service yard provision.
Shops and housing will increase the pressure on local services (e.g. dentist, DR and schools) but mostly, on the roads. Traffic in, out and around Broadlands is absolutely horrendous.

Area for development has already reached its maximum population and throughput; the area is congested during key hours as the primary school is local to the area and adding further housing and retail in the area will compound this issue.

Plans need to be made to address the traffic problem.

Alternative Uses

Originally the land was allocated for community use but has been sitting vacant for years waiting for a positive improvement.

Land should be used for a community centre.

Purely for financial benefit for the developer not the community, with limited S106 benefits given limited housing units are proposed.

The land was previously allocated for a doctors surgery.

A doctor's surgery or dentist would alleviate pressure from the other surgeries that have taken on thousands of patients from the estate.

The proposed site for this development is not derelict, it was ear marked as land for development for the community.

A community resource building for multipurpose use would be better suited.

The site is well used by dog walkers, and a recreation/green space for both the community and biodiversity should be considered.

This land would have been better suited to providing allotments or a community garden/outdoor hub so that there are natural well-being facilities available to all Broadlands residents to enjoy.

There is no need for more retail, and much need for a sports play area, e.g all weather football pitch.

Land should be developed into an area for the public to get closer to nature (maybe a nature garden) and not for infrastructure to be built on.

It should be just retail or just residential and the retail units should have flexibility internally to allow the units to merge as Broadlands is in need of restaurants and larger premises.

This is not wanted and goes against everything residents in Broadlands were promised.

The land was identified for community use not residential, and this should be honoured for the sake of the community.

Do not need any more accommodation in Broadlands unless its catering for the elderly, which would be some form of self-contained bungalows fitted to the area.

Provision of accommodation for the over 55's or elderly residential care would be a great asset to the estate.

Broadlands needs a community centre with swimming pool.

Two or three-bedroom housing would work, not more empty shops.

Affordable housing would be a better use.

Drainage Issues

The drainage of the site is a concern.

Lack of Suds detail with the application that would require significant earth extraction.

Surface run off on roads in the area during high levels of rainfall that the proposals would add to.

Lack of Demand

Already numerous commercial units in the area.

The town centre already has empty units which should be looked at first.

No need for further shops.

There are already empty units in the area as the rent is too high.

Broadlands does not need any more housing the development is not needed.

Risk here of having vacant and unwanted units which will detract from the quality of residents living.

Lack of solar panels

No plans to include solar panels on the building to help offset an increase in energy use and carbon emissions.

Query on nature of application/advertisement undertaken

The scheme should have been supported and advertised by a pre-application consultation which does not appear to have been undertaken.

Type of person occupying the units

What type of people are to be housed within one bedroom accommodation within the vicinity of a junior school, similar accommodation has been used as halfway houses for all manner of people, including people recently released from prison (what stringent checks are made as to whether they are a risk to the children).

What type of housing will be going there and for what tenants, residents have a right to know.

The flats are under the required amount to provide a percentage to social housing, so an argument for that cannot be made.

Tiny one bed flats will appeal to a different renter and owner to the existing larger properties on Broadlands.

Construction Noise and Disruption.

The construction of the new development would disrupt local residents particularly home workers, creating disturbance and dust.

Following negotiation and the submission of amended plans, and the re-advertisement of the revised planning application, 2 letters of objection have been received from the owners/occupiers of 23 Maes Y Piod and 42 Trem Y Dyffryn, Broadlands with a further anonymous letter of objection being received. The objections raised against the revised scheme are summarised as follows:

Highway Safety

Insufficient car parking provision.

Increased traffic problems.

Already a busy highway network in and around the site during busy periods, with additional retail units attracting more vehicles and worsening the problem.

The nearby nurse's lacks sufficient parking with the roads being congested during peak times.

Already illegal and dangerous school time parking in the area.

The size of the build should be reduced, and more public parking provided, the development would then be more favourable, despite the view that this road is already over capacity.

The units are going to be built on an already incredibly busy road, with no infrastructure improvements the proposals would just cause more congestion and cause more problems.

Noise Disruption

Added noise to the area, particularly if any food outlets operate from the site and operate late into the evening alike the public house. More business units would only create more noise depending on the nature of the business.

No demand

No need for further business units in the area when some are already empty in the adjacent shopping area. Already sufficient units nearby that cater for everyone's needs.

There could be a negative impact on existing shops.

One letter of support was also received in support of the application that states that it was

about time the land was built on and hopefully it will create employment: 'Excellent proposal'.

COMMENTS ON REPRESENTATIONS RECEIVED

Negative visual impact/design

The planning Application has been subject to significant negotiation and design considerations with the revised submission considered a significant improvement on the initial set of drawings and details submitted. The revised scheme is considered more reflective and sympathetic to the appearance of existing buildings in the area and would, on balance, not harmfully disrupt the wider character and appearance of the area with the buildings that surround the application site varying in their form and appearance. Since the original submission of the Application, the overall size and scale of the building development has been reduced, the visual and design qualities of the building enhanced with the building now being more appropriate for the locality. The number of residential units has been reduced (with the applicant being advised the units should meet DQR standards), the number and size of retail units have been reduced, community uses have been introduced to the proposal and further amenity space, landscaping, bicycle stands/storage, waste storage areas and appropriate car parking and circulation/servicing area have been introduced to the scheme. The revised proposal is therefore considered a more acceptable and appropriate development scheme that better meets place making objectives set out within local and national Planning Policy and guidance.

The application site is currently unoccupied and green in nature, but it is ultimately a private space that is largely overgrown with brambles, poorly maintained and largely unusable by the public - rather than a significantly valued area of public open space that has significant amenity value. Whilst the importance of maintaining space around properties and built form is acknowledged, in this instance, the loss of this green area is not considered a justified reason to warrant the refusal of the planning application.

It is also acknowledged this area of land was always highlighted and allocated for development within both the original development briefs for the Broadlands site and subsequent Local Development Plans, including the currently adopted Replacement Bridgend Local Development Plan, 2024. Indeed, Planning Permission was granted in 2006 for the significant re-development of the site in the form of a commercial building comprising five units, planning Application P/06/108/FUL, refers.

Loss of Amenity/Noise Issues

The revised drawings submitted indicate that the development proposal and siting of a new building of the design detailed could be appropriately accommodated on the site without seriously compromising the outlook, levels of privacy and levels of daylight received within neighbouring properties, particularly those residential properties situated opposite the development site along Gentle Way/Valley View to the east. These neighbouring properties are generally elevated and offset by the highway, parking bays and feature trees/landscaping along the highway that would remain and continue to buffer and screen the site from the nearest, neighbouring residential properties.

Comments raised in respect of increased noise and disturbance are noted and have been carefully considered. The proposal, as detailed within the application submission, in addition to the flat units, is for the provision of shop style units (A1 planning uses) and community uses rather than specific hot food/takeaway establishments (A3 planning uses). The site does fall within an identified commercial area, with a public house and other shop/commercial facilities situated to the north, that the proposal is considered compatible with.

Whilst the intended uses somewhat differ from that indicated in the original development

brief for the Broadlands Estate, the general noise and disturbance levels should not significantly differ and not be so detrimental or to a degree that would result in a sustainable objection on amenity grounds; the lands has always been proposed for a form of commercial/community development.

Shared Regulatory Services have been consulted on the scheme and raise no objection to the proposal subject to appropriate conditions to control noise, waste and general amenity issues associated with the use of the site for the uses described (as further discussed in the Appraisal Section of this report).

The application, which is for a mixed-use development of residential and commercial/community use, is unlikely to result in such serious levels of anti-social behaviour, fear of crime and disturbance as to warrant or justify the refusal of the planning application. It is further noted the South Wales Police Designing Out Crime Officer has raised no objection against the proposal and has made suggestions relating to help prevent crime and burglary, deter and detect intruders, improve public safety and increase surveillance and lighting.

Delivery times both morning and night for the commercial and community uses has been carefully considered by Shared Regulatory Services and a recommended condition restricting permitted hours of deliveries between 07.00hrs and 18.00 hrs Monday to Saturday and between 08.00 and 18.00hrs on Sundays is recommended in this case to safeguard the amenity of nearby residents and future occupiers of the site.

Highway Safety

The transportation and highway safety implications of the proposal have been fully considered by the Council's Highway Officer who raises no objections against the planning Application (subject to the imposition of conditions), as further discussed in the Appraisal Section of this report.

Alternative Uses

The planning application must be judged on the basis of the information and plans submitted and as significantly amended during the processing of this application. Whilst alternative proposals have been suggested and recommended by several residents for the site, the scheme before Members is for a mixed-use proposal of residential, retail/commercial and community uses, with associated car parking, servicing and amenity spaces.

The application site does fall within an identified area for development, falling within the boundaries of the 'Broadland District Centre' and has both historically and currently, under the provisions of the newly adopted Replacement Bridgend Local Development Plan, 2024 been effectively allocated for development purposes.

As detailed, the site lies within the Broadlands District Centre Boundary as defined in the originally approved Broadlands District Centre Development Brief (August 2000). The area in question was identified originally, in the Development Brief, broadly for a community centre and public house. The designated uses identified in the Development Brief have not necessarily materialised in their specific locations. In this instance for example a public house was permitted and developed on a site identified for a health centre.

Furthermore, the adoption of the Replacement Local Development Plan (RLDP) 2024, that in itself arguably supersedes the significantly dated Development Brief (2000) is more material to the decision-making process, which identifies and allocates the application site in question as a Local Centre of Broadlands. Under Policy SP12: Retailing, Commercial and Service Centres of the RLDP, all new developments within retailing and commercial

centres must provide retail, community or commercial floor space on the ground floor. The development proposes three retail units and community uses at ground floor level and ten residential flats at first floor level that is considered to be in full accordance with the principle requirements of the adopted Replacement Local Development Plan, 2024 (the supporting text of Policy SP12 highlighting at paragraph 5.4.43 - *Equally, mixed uses with for example residential provision above ground floors, are encouraged*).

The contents and requirements of the original Broadlands District Centre Development Brief (August 2000) have, nevertheless, been acknowledged in the consideration of the Application with the applicant indeed being encouraged to introduce community uses to the development (as detailed and now proposed within the revised submission).

In line with the requirements and current allocation of the site as a Local Centre for Broadlands, for new retail, commercial, leisure, education, health, community and appropriate employment developments under the provisions of the adopted RLDP, 2024, in these circumstances the development of the site for mixed use purposes of the nature detailed, is considered an acceptable and appropriate use of the site.

Drainage Issues

Following consultation with the relevant drainage bodies, no objections have been raised against the application subject to the imposition of conditions should permission be granted for the development.

Lack of Demand

It is acknowledged there are currently empty units within the nearby complex of units to the north of the site although refusing the planning application on the basis of lack of demand would not be reasonable or justified in this instance.

Planning Policy Wales, Edition 12 at para 4.3.14 advises that:

'There is no requirement to demonstrate the need for developments within defined retail and commercial centre boundaries or sites allocated in a development plan for specific retail uses. This approach reinforces the role of centres, and other allocated sites, as the best location for most retail, leisure, and commercial activities. It is not the role of the planning system to restrict competition between retailers within centres.'

The site falls within a prescribed retail, commercial and service centre of the adopted Replacement Local Development Plan 2024, which defines the site as being part of the Local Centre of Broadlands. Proposed retail/commercial and community uses with an element of first floor residential accommodation is therefore deemed appropriate for the site.

Lack of solar panels

It is acknowledged the revised submission includes the provision of roof solar panels that improves the sustainability credentials of the scheme.

Query on nature of application/advertisement undertaken

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, as earlier detailed.

The planning Application has also been appropriately advertised by direct neighbour notification letters and the erection of a site notice to ensure residents are aware of the scheme and have been afforded reasonable opportunity to comment on the Application proposal.

Public consultation is undertaken once a planning Application is submitted to the Planning Authority and was undertaken in this case 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 (as reflected in the level of comments received against the planning Application).

Type of person occupying the units

The application must be judged on the land use merits of the scheme and it is not the responsibility of the planning system to judge or determine the type or nature of people who would potentially occupy the residential units; this is not a material consideration. The scheme would provide a welcomed form of residential accommodation to help meet the housing demands within the Borough and contribute towards the delivery of the overall housing requirement within the area.

It is also noted that it would be expected for a scheme of this nature in this locality, that 15% of the overall residential units provided (two units) would need to be affordable in this instance and be secured by an appropriate Section 106 Agreement.

Construction Noise and Disruption

In terms of noise and disruption from the construction phase of the development it is acknowledged and generally accepted there would be a level of some disturbance from such development works, although this would be of a temporary nature and is not considered a reason to warrant the refusal of such a planning Application. Nevertheless, a condition could be imposed to ensure construction takes place during sociable hours to help safeguard neighbouring amenity levels during construction.

Request for CCTV coverage at the site and to link into BCBC security system.

It is not considered reasonable or necessary to consider a S106 contribution for CCTV provision at the site in this instance. The applicant has been advised (advisory note) and encouraged to introduce CCTV at the site, as also advised by the Police Designing Out Crime Officer. The introduction of residential units at the site would also aid the natural surveillance of the area and the adjacent park facility, which would hopefully help deter anti-social behaviour occurring in the locality.

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

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

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

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

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

PPW at 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.”*

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) 4 Retail and Commercial Development
- 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 SP8: Health and Well-being
- Policy SP9: Social and Community Infrastructure
- Policy SP12: Retailing, Commercial and Service Centres
- Policy SP15: Sustainable Waste Management
- 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 ENT6: Retail and Commercial Development
- Policy ENT8: Non A1, A2 and A3 uses outside of Primary Shopping Areas
- Policy ENT15: Waste Movement in New Development
- 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
- SPG08 - Residential Development
- SPG13 - Affordable Housing
- 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 Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The proposed development is also not located within a zone of influence for any SAC (Special Areas of Conservation), 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

The Application is referred to the Development Control Committee at the request of the Local Ward Member and given the level of objection against the planning Application (original submission).

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 and its potential impact on neighbouring properties, highway safety, land drainage and biodiversity.

Principle of the 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 application site is located within the designated settlement boundary, inside the primary key settlement of Bridgend as defined by *Policy SF1 Settlement Hierarchy and Urban Management* of the Replacement Local Development Plan (RLDP) adopted in 2024. The site is also located in the Bridgend Sustainable Growth Area as defined by *Policy SP1 Regeneration and Sustainable Growth Strategy*.

Policy SP6 Sustainable Housing Strategy of the RLDP supports windfall residential development at appropriate sites within the settlement, focussing on the re-use of previously developed land. The proposed site would constitute a windfall site under *Policy SP6* and would contribute towards delivery of the overall housing requirement subject to other RLDP Policies.

Policy COM6 Residential Density of the RLDP requires 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. In the first instance, residential development should seek to reflect a density of 50 dwellings per hectare. The site consists of an approximate overall density of 40 dwellings per hectare. Given the proposal also includes three retail units and community use in addition to residential units, the proposed density is broadly in accordance with *Policy COM6*.

The site is also subject to *Policy SP12: Retailing, Commercial and Service Centres* of the RLDP, which defines the site as being part of the Local Centre of Broadlands. *Policy SP12* states that all new development proposals within retailing and commercial centres must provide retail, community or commercial floorspace on the ground floor. The development proposes three retail units and community uses at ground floor level and ten residential flats across the first floor. This accords with *Policy SP12*, with the principle of the development being compatible with the area and deemed to be acceptable in this location.

It is also acknowledged that the planning history for the site shows that commercial development was previously approved on the Application site in 2006. Whilst the original aims and general provisions of the '*Broadlands Development Brief and Broadlands District Centre Development Brief*' have been acknowledged in this case, which broadly sought the provision of a community centre and public house on this site, the revised scheme that includes the provision of a mixed-use development with community uses, raises no 'in-principle' objections in this instance.

Impact on Visual Amenity and Character

Planning Policy Wales (Edition 12) 2024 firmly promotes the place making agenda and the principles of high design standards and 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.*"

Technical Advice Note (TAN) 12: Design states:

"(2.2) The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales - from householder extensions to new mixed-use communities."

Strategic Policy *SP3 Design and Sustainable Place Making of the RLDP (2024)* incorporates the concept of placemaking and considers the development and its associated benefits as a whole rather than a physical boundary as follows: -

"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"

Policy SP3 stipulates design should be of the highest quality possible, whilst respecting and enhancing local distinctiveness and landscape character; and development proposals must be appropriate to their local context in terms of size, scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density.

In the context of the above policies it is considered that, following significant revision and design improvements to the development scheme and the subsequent development of the currently vacant although allocated site, in the manner proposed represents an appropriate and sympathetic scheme that, on balance, would not have a significant detrimental impact on the existing character and appearance of the locality to warrant the refusal of the planning application.

Following the submission of amended plans the proposed development includes the construction of a two-storey building comprising a mix of both retail and community uses at ground floor with independent residential flats across the first floor of the building. The scheme also includes the provision of on-site car parking provision, waste recycling/refuse stores, bicycle stands and associated rear amenity spaces/landscaping.

Collectively the mix of uses are considered appropriately designed and compatible with the immediate site context and the variety of land uses and buildings that surround the site, which is reflective of the allocated nature of the locality within a 'Local District Centre' as prescribed by the Replacement LDP (2024).

The mix of uses is acceptable and first floor, residential accommodation above commercial units is encouraged within such commercial and retail centres by both local and national planning policy and guidance to help sustain and enhance the attractiveness and general vitality and viability of such centres.

The proposed building, following significant negotiation and the submission of varying iterations from the applicant, has evolved into a relatively traditional, two-storey structure in its form and massing, with a pitched roof that is broadly in-keeping with the style of the nearest properties and buildings that surround the development site. The roof utilises an acceptable roof finish of tile/slates (further controlled by a recommended planning condition) and would also incorporate solar panels like the solar panels evident on the adjacent public house known as Llangewydd Arms. An acceptable rendered finish would also be largely utilised for the elevations of the building that is again in keeping with neighbouring buildings, particularly the existing commercial units.

The proposal does have acceptable design qualities and would be complementary to the predominant land uses within the vicinity of the site and the appearance of nearby

buildings, enhancing the existing visual qualities of the application site and bringing about the use of a vacant, overgrown and under used area of land. The loss of any informal open space is regrettable and needs to be carefully considered although, given the design merits of the scheme and the fact the development of this site was always likely and expected, as originally highlighted in the design briefs for the estate and under the current policies of the adopted Replacement LDP (2024), the proposal can be supported in design terms.

Landscaping along the boundaries of the site would be largely retained (particularly the mature tree planting to the front highway along Gentle Way that falls outside of the red line submission) and positively contribute to the character and feel of the existing street scape. Additional landscaping is proposed to the site to help integrate the building into its surroundings and a recommended condition would also ensure that this is encouraged and maintained at the site, ensuring the building and associated infrastructure assimilates with its surroundings and retains a green feel whilst also providing a positive biodiversity enhancement at the site.

The general layout of the scheme is appropriate with the permeability, pedestrian linkages and car parking provision for both the residential and commercial aspects of the scheme being deemed acceptable. The proposed main vehicular access to the site would be formed to the northeast of the site from the Llangewydd Arms Public House entrance.

Overall, it is acknowledged that the site would change from its open, 'green nature' to a form of built development comprising a mix of uses although this is a private site that is currently covered by brambles and nettles and is largely unusable by the public. In addition, the site has always been allocated for commercial and community purposes within the original development briefs for the Broadlands Estate and more recently the adopted Local Development Plans including the currently adopted Replacement Local Development Plan (2024).

Therefore, an appropriate and well-designed form of development can be supported on the site with the current scheme deemed an acceptable and well-designed proposal that has been subject to significant amendments to ensure the development has a positive impact on the place making qualities of the Broadlands Estate.

As referred to above, a commercial development was granted planning permission on the site in 2006 with additional residential units above community/commercial units being a welcomed form of development by both local and national planning policies and guidance.

On balance, and having due regard to the objections raised, particularly those objections originally raised against the initial scheme, it is considered that the design, general layout, scale and massing of the revised development proposal would not have an unacceptable, detrimental impact upon the visual amenities of the area.

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 by development proposals.

In terms of the potential impact of the scheme on general residential amenity, particularly the residential properties towards the eastern end of the application site, it is considered

that the two-storey building would not have a significant adverse impact on the existing levels of residential amenity enjoyed by the neighbouring residential properties. With due regard to the revised drawings and the comments received from residents, the building would be positioned with an acceptable offset from the nearest front elevations of existing properties to the east of the highway of Ffordd Tirion/Gentle Way, particularly the properties at 36 to 48 Trem Y Ddyffryn/Valley View.

A minimum distance of approximately 31 metres would be retained from the front of the new building and the front elevations of properties along Trem Y Ddyffryn which are elevated above the application site, offset by the existing highway and its associated parking bays and further screened from the development site by a level of mature planting/existing tree lines.

Given the appropriate offset that is in excess of the standard 21 metres usually encouraged between habitable room windows to ensure privacy levels are maintained, the proposed siting of the new building in this location not raise any serious loss of amenity or privacy issues. Again, given the separation distances and characteristics of the site, with residential units only being positioned in an elevated manner to the east/front of the application site, the scheme raises no serious overbearing, dominating or overshadowing concerns.

Policy SP3 of the RLDP criterion (g) also states *“Development should avoid or minimise noise, air, soil and water pollution”*.

Shared Regulatory Services Officers have reviewed and examined the planning application submission and raise no principle objections to the scheme subject to the imposition of conditions should Planning permission be granted for the development.

It is noted that the flats are to be located above the retail and community uses and are also to be located on land next to a public house. However, no detailed noise assessment has been undertaken to predict the noise from deliveries, noise from the community use or to determine limiting plant noise levels for fixed plant such as condensers, refrigerators, air conditioning units etc. It is also noted that there is only one service delivery bay serving the 5 units, which may cause congestion with deliveries if they are not properly managed.

There is also no information relating to how the communal waste areas for the flats will be managed and these communal areas have been known to lead to problems in respect of a build-up of waste. As such, and to address these matters, Shared Regulatory Services suggest a number of conditions should the scheme be recommended for approval. These conditions relate to the submission of a noise assessment, restricting hours of delivery and waste collection, restricting hours of operation of the commercial/community uses and ensuring the submission of both a service and delivery management plan (SDMP) as well as a waste management plan (WMP) prior to the occupation of any of the units.

The revised scheme incorporates amenity space for use by future occupiers of the site and provision for waste, bicycle and general storage purposes with the level and standard of accommodation being proposed (subject to the conditions recommended by SRS) being viewed as being acceptable for likely future residents of the development, particularly given the proximity of local amenities.

In addition, given the size of the plot and the position and design of the access to the site, coupled with the type and nature of the uses being proposed (A1 shop/retail units, community uses and small scale residential flats), it is unlikely that the intensified use of the site (which has always been earmarked for development) would give rise to a substantial or harmful increase in the general levels of noise and disturbance to

neighbouring residents, particularly as a result of increased traffic movements, to warrant the refusal of the planning application.

In terms of noise from construction it is generally accepted that 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.

Overall, when taking a balanced view of the merits of this scheme and having due regard to the comments raised in respect of the application, it is considered that the mixed-use development scheme of the nature and design proposed is acceptable and would not have a detrimental impact on the existing neighbouring properties and the levels of amenity currently enjoyed, whilst also creating an acceptable living environment for likely future occupiers of the development.

As such, there are no justifiable grounds to refuse planning permission on residential amenity grounds and the scheme is considered to accord with the requirements of Policy SP3 of the Replacement LDP (2024) in respect of amenity protection.

Highway and Pedestrian Safety

Policy SP5 of the Replacement LDP (2024) 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 of the adopted Replacement LDP (2024) also 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.

The Transport Assessment undertaken by Apex Transport Planning, at the request of the Council's Highway Officer, considers the transport implications of the proposed development. It demonstrates that the site location would encourage and promote sustainable travel behaviour in accordance with transport policies within Future Wales, PPW, TAN18 and the LDP. It concludes that data does not indicate a road safety issue which would be exacerbated by the proposals.

The Council's Highways Officer has carefully considered the Transport Statement which outlines the impact of the development on the local highway network as well as outlining the site's proximity to public transport, walking and cycling routes and local services.

It is considered that the site is in a highly sustainable location with good access to walking and cycling routes and infrastructure and access to retail services. However, there are measures which could further improve the accessibility of the site and these have been agreed by the applicant and noted on the latest, revised plans. These include additional parking, direct access to the cycle route, an increase in the width of the pavement along the site frontage and the widening of the access to allow refuse and delivery vehicles to access the site and keep Gentle Way clear.

It is, however, requested that a delivery traffic management plan, via a planning condition, be provided in this case to ensure deliveries do not clash with the supermarket (Tesco Express) and public house adjacent to this site.

With regard to the vehicular trips generated by the retail element of the proposal it is considered that the vast majority of these trips will not be new trips but will consist of trips linked with other uses from the nearby Broadlands Retail Park or passer-

by/diverted/transferred trips. As such, a significant proportion would be 'secondary' trips, already on the network and travelling between origin and destination.

As such, although there would be an increase in movements into and out of the site access onto Gentle Way, these are unlikely to materially change movements on the wider network and are not likely to impact the AM and PM traffic peaks.

In regard to the residential element of the proposal, the submitted Transport Statement indicates that the flats are forecast to generate 4 two-way vehicular movements during the AM and PM peak hours. Over a 12 hour period, the apartments are forecast to generate 41 two way vehicle movements. As detailed in the TRICS database, which is the industry standard for forecasting vehicle movements, this equates to less than 1 vehicle movement a minute during the peak hour which will not affect the local highway network and is well below an increase of 5%, which is a material planning consideration.

An interrogation of the accident data records for the last 5 years confirms one slight accident on the B4622 spine road through Broadlands and none on Gentle Way. As such the data does not indicate that there is an existing safety issue which would materially increase from this proposal.

It is noted that a number of objections raised relate to highway safety, however, there is no evidence to suggest or indicate that the current highway arrangement is unsafe. Gentle Way already benefits from traffic calming measures and vehicle speeds are low on the highway adjacent to the site.

The proposal would not materially change the conditions on the highway and would not have an unacceptable impact on safety given that there is no evidence of an existing safety issue. A significant proportion of vehicle movements generated by the site would be 'secondary' trips already on the network and travelling between Broadlands and places of school or work, particularly during the peak network hours. There is real scope for future residents and visitors to change their mode of transport due to the improvements required as part of this development and the proximity of local services and public transport.

As a result of the above, the Highway Officer offers 'No Objection' to the planning application subject to conditions and it is considered that, on balance, the mixed use proposal 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 Replacement Local Development Plan (2024) in this regard.

Land Drainage

Welsh Water and the Council's Land Drainage Officer have assessed the submitted details and raise no objection to the proposed scheme subject to standard drainage conditions and advisory notes. It is also advised that the applicant/developer would need to submit a sustainable drainage (SAB) application for the development.

On the basis of the comments received from the various drainage bodies in regard to the proposal, the scheme is considered acceptable subject to the use of standard drainage conditions.

Biodiversity

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

Planning Policy Wales 12 (PPW12) states in Section 6.4.4: *“It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals.”* it further goes on to state that *“All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse Planning permission.”*

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

Policy SP3 of the adopted 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 a reptile survey following a request from the Council’s Countryside Officer (Ecologist) who has assessed the planning application. The Council’s Countryside Officer who carefully reviewed the scheme originally advised:

‘The site comprises a species rich grassland, developing scrub, bare ground and piles of stones. A number of these features combine to provide potential reptile habitat. In addition, the site is in the vicinity of other vegetation that adds to the ecological connectivity of the site. It is therefore recommended that an assessment of the reptile potential at the site is undertaken.’

This was duly undertaken by the applicant and the submitted Reptile Survey undertaken by Acer Ecology and concluded: *‘There was no reptiles detected throughout the duration of the survey work, indicating a likely absence of reptile populations at the site. There is a very low risk of encountering or affecting reptiles during the proposed works. Therefore, no further survey or mitigation for reptiles is required.*

However, it is not possible to rule out reptile use entirely, and in the unlikely event that reptiles are encountered during works at the site, all works will cease immediately, and a suitably qualified ecologist will be contacted for advice.’

The Council's Countryside Officer has reviewed the report and is satisfied with the results and conclusions, raising no objection to the scheme. It is however further recommended that the site be cleared outside of the bird nesting season (circa March- August) and the clearance should also be undertaken in accordance with a method statement including such measures as clearing/protection to vegetation that will be retained. This method statement should be agreed (by means of recommended condition) by the Local Planning Authority in advance of works commencing. Furthermore, given the site has some local ecological value measures to offset the loss of habitat should be agreed that could include, tree planting and the inclusion of bat and bird boxes within the development (that could be agreed through planning conditions). Such enhancements will demonstrate local authority compliance with Section 6 of the Environment (Wales) Act 2016 that places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'.

On the basis of the comments received by the Council's Countryside Officer (Ecologist) and the appropriate survey work undertaken at the site, subject to necessary conditions, the works on balance are considered to be compliant with Policy SP3, SP13, DNP6, DNP7 and DNP8 of the Replacement Local Development Plan (2024) and wider national Planning Policy requirements in terms of Biodiversity.

Other Matters

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 application site is not directly crossed by any identified Public Rights of Way and does not host any Tree Preservation Orders. There are also no Listed Buildings directly adjoining or immediately surrounding the application site with there being no known archaeological constraints to this site. The site is also not situated in a Conservation Area.

Policy ENT15 of the RLDP - Waste Management in Development – requires that 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 the 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 for the retail and residential spaces (although nothing has been detailed for the community uses), however, specific details of how this would work and how waste would be managed have not been provided. A condition can be imposed to address such requirements as suggested by the comments raised by Shared Regulatory Services Officers.

Section 106 Legal Requirements/planning obligations

Policy SP10 Infrastructure of the Replacement LDP (2024) states 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 (and if deemed necessary). In respect of affordable housing the application also triggers *Policy COM3 On-Site Provision of Affordable Housing* which requires 15% affordable housing in the Bridgend housing market area for a scheme of this nature.

A scheme of ten residential units would therefore need to provide 2 units to achieve compliance with *Policy COM3*, and the preferred option would be for both residential units to be social rented with both being 1-bed flats. Each affordable unit would also need to be compliant with the Welsh Government's Development Quality Requirements (DQR).

With regards to education the proposed development consists of eight 1-bedroom flats and two 2-bedroom flats, therefore, the development will not increase pressure on educational facilities within the catchment area.

Policy COM10: Provision of Outdoor Recreation Facilities of the RLDP requires the provision of satisfactory standards of recreation space from all residential development. BCBC's Outdoor Sports & Children's Play Space Audit (2021) shows a deficit of Equipped Play Areas and Outdoor Sport provision in this location and the following amount of recreation facilities are required to ensure compliance with COM10 of the LDP and SPG 5 – Outdoor Recreation Facilities and New Housing Development:

- A development of 10no. dwellings (eight 1-bed, two 2-bed) would lead to an estimated development population of 16.
- For children's play areas, as the development is for eight 1-bed apartments and only two 2-bed apartments, no recreation space is required.
- For outdoor sport (formal) facilities, the total amount of provision required should equal 256m².
- Given the size of the site a commuted sum may be more appropriate than on-site provision with a contribution to be spent on improving existing facilities within the locality of the proposed development. Based on historic planning applications of this nature in BCBC, the contribution would equate to £570 per dwelling/flat unit, thus providing a figure of £5,700.

CONCLUSION

The decision to recommend that 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 specific regard to the objections and concerns raised, it is considered that the revised proposal would provide a good quality mixed use development that would positively contribute to both the vitality and viability of the Broadlands District Centre whilst also providing a form of new residential units for the locality.

The scheme would utilise a significantly underused and overgrown area that has always been allocated and earmarked for development. The scheme represents an appropriate form of development that would have no unacceptable impacts on visual amenity, residential amenity, drainage, biodiversity and highway safety. The proposal is therefore

recommended for approval subject to conditions and the necessary planning obligation requirements.

Accordingly, the proposed development accords with the relevant and applicable policies of the Replacement Local Development Plan (2024) and wider national planning policy and guidance.

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

RECOMMENDATION

(A) The applicant enters into a Section 106 Agreement to: -

- i) Provide 15% (two units) of the residential units as affordable housing units.
- ii) Provide a financial contribution for the sum of £5,700 (index linked) towards the provision/improvement of equipment/outdoor sport facilities within the locality of the application site.

(B) The Corporate Director Communities be given delegated powers to issue a decision notice granting planning permission in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, subject to the following conditions: -

1. The development shall be carried out in accordance with the following approved plans received 16/09/2024 (as amended) and the following document:

Proposed Site Plan - Draw. No. 00105 E
Proposed First Floor Plan - Draw. No. 00111 A
Proposed Section 1 - Draw. No. 00131
Proposed Section 2 - Draw. No. 00132
Proposed Main Street Elevation (from Gentle Way) - Draw. No. 00141A
Proposed Elevation 2 - Draw. No. 00142
Proposed Elevations 3 & 4 - Draw. No. 00143A
Reptile Survey undertaken by Acer Ecology (October 2022)

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

2. The ground floor units of the building hereby permitted shall only be used for purposes within Classes A1, D1 or D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), as illustrated on the submitted plans and supporting information and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: For the avoidance of doubt as to the extent of the permission granted and to ensure that the Authority retains effective control of the uses of the approved units.

3. Notwithstanding the requirements of condition 1, no development shall take place until a detailed specification for, or samples of, the materials to be used in the construction

of the external surfaces of the development hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details and retained in perpetuity.

Reason: To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the area and to ensure the development complies with Policy SP3 of the Bridgend Local Development Plan, 2024.

4. Notwithstanding the requirements of condition 1, no development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, height, design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.

Reason: To ensure that the general amenities of the area are protected and to ensure the development complies with Policy SP3 of the Bridgend Local Development Plan, 2024.

5. Notwithstanding the requirements of condition 1, no development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, roof/yard water, highway drainage and land drainage will be dealt with has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the building being occupied and maintained and retained in perpetuity.

Reason: To ensure effective drainage facilities are provided for the proposed development and to accord with Policies SP3 and DNP9 of the Bridgend Local Development Plan, 2024.

6. Notwithstanding the requirements of condition 1, no development shall take place until a landscape management plan, including responsibilities and maintenance schedules for all landscaped areas, other than privately owned domestic gardens, including full details of both hard and soft landscaping works have been submitted to and agreed in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include all proposed planting and landscaping such as schedule of plants/trees, species and number/densities, hard surfacing materials and implementation programme including full details of any trees to be removed at the site. Thereafter, all landscaping works shall be implemented in accordance with the approved details.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation, in accordance with Policies SP3, SP13, DNP7 and DNP8 of the Bridgend Local Development Plan, 2024.

7. All planting, seeding or turfing comprised in the approved details of landscape management plan shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner and any trees or plants which within a period of five years from the completion of the development are removed, uprooted, or destroyed or die or become, in the opinion of the Local Planning Authority, seriously damaged or Defected shall be replaced in the next planting season with others of similar size and species as that originally planted.

Reason: To maintain and improve the appearance of the area in the interests of visual

amenity and to promote nature conservation, in accordance with Policies SP3, SP13, DNP7 and DNP8 of the Bridgend Local Development Plan, 2024.

8. No development shall commence until a Biodiversity Enhancement Scheme, including a timetable for implementation, has been submitted to the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and shall be retained and maintained thereafter.

Reason: To promote nature conservation in accordance with policy SP3, SP13, DNP7 and DNP8 of the Bridgend Local Development Plan, 2024.

9. No development shall take place until a clearance methodology statement for the site has been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the agreed details and recommendations of the agreed methodology statement.

Reason: In the interests of safeguarding biodiversity and ecology in accordance with policy SP3, SP13, DNP7 and DNP8 of the Bridgend Local Development Plan, 2024.

10. No development shall commence until there has been deposited with the Local Planning Authority a Certificate from a consulting engineer certifying that any retaining wall(s) will be designed and constructed so as to prevent any subsequent ground movement. Any retaining wall shall be constructed in accordance with the details so certified.

Reason: In the interests of public safety and to accord with Policies SP3 and DNP9 of the Bridgend Local Development Plan, 2024.

11. Notwithstanding the requirements of condition 1, no development shall take place until details of the proposed floor levels of the building in relation to existing ground levels and the finished levels of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development relates appropriately to the topography of the site and the surrounding area and to accord with Policy SP3 of the Bridgend Local Development Plan, 2024.

12. Prior to the commencement of development a noise assessment shall be undertaken which shall be submitted to and agreed with the Local Planning Authority. The noise assessment shall include the following:

- (i) Predicted noise from deliveries likely to be experienced by future occupants of the flats and the existing properties in accordance with BS4142:2014+A1:2019.
- (ii) Background noise levels to establish plant noise limits for fixed plant in accordance with BS4142:2014+A1:2019. The noise rating level to be achieved for the fixed plant from all community and retail units shall be agreed in writing with the Local Planning Authority.
- (iii) Sound insulation measures to be installed to reduce the impact of noise emanating from the community and retail uses to the flats above.
- (iv) Any necessary mitigation measures to reduce the noise impacts from car park noise, deliveries and noise emanating from the adjacent public house.

Any mitigation measures shall be agreed in writing with the Local Planning Authority and shall be completed in accordance with the agreed scheme prior to the occupation

of the flat units.

Reason: In the interest of safeguarding residential amenities and to accord with Policies SP3 and DNP9 of the Bridgend Local Development Plan, 2024.

13. No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve the agreed rating level in condition 12 (following submission of the noise assessment), are submitted to and approved in writing by the local planning authority. The details shall be included in a noise report demonstrating that the agreed rating level will be achieved. The rating level of the sound emitted from the site shall not exceed the agreed rating level. The sound levels shall be determined by measurement or calculation or a combination of both at the nearest residential premises. The measurements and assessment shall be made according to BS 4142:2014+A1:2019.

Reason: In the interests of safeguarding residential amenities and to accord with Policies SP3 and DNP9 of the Bridgend Local Development Plan, 2024.

14. Prior to the occupation of any retail and community use units, a servicing and delivery management plan (SDMP) for the approved uses shall be submitted to and agreed in writing by the Local Planning Authority. The SDMP shall include details of how the deliveries will be managed so that deliveries do not coincide with each other due to there being only one servicing bay to avoid the queuing of delivery vehicles and avoid vehicles leaving their engines running, particularly refrigerated vehicles and to ensure that noise from the deliveries from unloading operations will be kept to a minimum. All deliveries to the community and retail units shall be carried out and maintained for as long as the development continues in accordance with the agreed SDMP. The SDMP shall be kept under review and where there is a change in tenancy of any unit /different permitted use occupies the community/retail units. Where any changes are necessary as part of the review, the SDMP shall be re-submitted and agreed in writing with the Local Planning Authority and deliveries thereafter shall be carried out and maintained for as long as the development continues in accordance with the amended agreed servicing and delivery management plan.

Reason: In the interests of safeguarding residential amenities and highway safety and to accord with Policies SP3 and DNP9 of the Bridgend Local Development Plan, 2024.

15. Notwithstanding the submitted plans, prior to the beneficial occupation of the development hereby permitted, a Waste Management Plan (WMP) shall be submitted to and approved in writing by the Local Planning Authority detailing how the refuse and recycling waste from the residential units and the commercial/community uses will be stored and effectively managed at the site. The WMP shall thereafter be operated and maintained in accordance with the approved details and retained for so long as the use(s) continues.

Reason: In the interest of safeguarding general amenities and to ensure sustainability principles are adopted for the development in accordance with Policies SP3 and ENT15 of the Bridgend Local Development Plan, 2024.

16. Waste collections from the commercial/community units shall be restricted to between 08.00 - 18.00 hours Monday - Saturday.

Reason: In the interest of safeguarding residential amenities and to accord with Policies SP3 and DNP9 of the Bridgend Local Development Plan, 2024.

17. Deliveries to the commercial/community units (except for newspaper deliveries) shall be restricted to between 07.00 and 18.00 hours Monday to Saturday and 08.00-18.00 hours on Sundays.

Reason: In the interest of safeguarding residential amenities and to accord with Policies SP3 and DNP9 of the Bridgend Local Development Plan, 2024.

18. Operating hours of the commercial/community units shall be restricted to between 07.00 and 22.00 hours Monday-Saturday and 08.00 and 22.00 hours on Sundays.

Reason: In the interest of safeguarding residential amenities and to accord with Policies SP3 and DNP9 of the Bridgend Local Development Plan, 2024.

19. 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 Local Development Plan, 2024.

20. Any topsoil [natural or manufactured], or subsoil, or 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 Local Development Plan, 2024.

21. Construction works shall not take place outside the following hours: -

08:00 hours to 18:00 hours Mondays to Fridays
08:00 hours to 13:00 hours on Saturdays
No work shall take place on Sundays or Bank Holidays.

Reason: To maintain noise levels at a sustainable level in the interests of residential

amenities and to accord with Policies SP3 and DNP9 of the Bridgend Local Development Plan, 2024.

22. No development shall commence until a scheme for the provision of a 3m active travel shared use route along the total site frontage has been submitted to and approved in writing by the Local Planning Authority. The active travel link shall be implemented in permanent materials, in accordance with the agreed details, before the development is brought into beneficial use and retained in perpetuity thereafter.

Reason: In the interests of highway safety and to accord with Policies SP3 and SP5 of the Bridgend Local Development Plan, 2024.

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

Reason: In the interests of highway safety and to accord with Policies SP3 and SP5 of the Bridgend Local Development Plan, 2024.

24. The common turning facility and delivery vehicle parking spaces shall be provided before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway safety and to accord with Policies SP3 and SP5 of the Bridgend Local Development Plan, 2024.

25. No development shall take place, including any works of demolition/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 and timing of HGV construction traffic to/from the site in order to avoid school drop off and pick up times
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. the provision of temporary traffic and pedestrian management along Gentle Way.

Reason: In the interests of highway safety and to accord with Policies SP3 and DNP9 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. Before beginning any development at the site, the developer/applicant 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.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a. It is considered that the proposal which has been subject to significant negotiation and amendment, would provide a quality mixed use development that would positively contribute to both the vitality and viability of the Broadlands District Centre whilst also providing a form of new residential units for the locality. The scheme would mark the positive development of a significantly underused and overgrown area that has always been allocated and earmarked for development. The scheme represents an appropriate form of development that would have no unacceptable impact on visual amenity, residential amenity, drainage, biodiversity and highway safety. The proposal is therefore recommended for approval subject to conditions and the necessary planning obligation requirements.

b. The applicant is advised that the Waste Management Plan in respect of the residential units shall detail how the refuse and recycling waste from the residential units will be stored and effectively managed to ensure that only the permitted number of refuse bags are put out for collection, who will be responsible for managing and putting out the waste on the street from the bin stores ready for collection and who will be responsible for maintaining the area and keeping the bin store free from rats and mice.

c. The applicant is advised that the residential flat units should meet the Welsh Government's Development Quality Requirements. Planning Policy Wales (Edition 12) specifies that 'all affordable housing, including that provided through planning obligations and planning conditions, must meet the Welsh Government's development quality standards' (para 4.2.30). This requirement applies to both social rented and intermediate dwellings.

d. The applicant is advised to consider the comments of the South Wales Police Designing Out Crime Officer (available in full on the Planning Pages of the Council's Website) that advise appropriate security measures should be incorporated into the design of the development, including consideration to the installation of a CCTV system to protect the use of the building and associated spaces.

e. The applicant is advised to liaise with Welsh Water Developer Services to establish the location of any infrastructure (including water mains) at the site prior to the undertaking of any works and no structure is to be sited within a minimum distance of 3m from the centre line of any Welsh Water infrastructure/water pipes.

f. The proposed layout of the flats is such that kitchen facilities are located directly adjacent to the flat exit door which can pose an increased fire risk. The layout and design of the flats should be in accordance with Building Regulations to ensure fire risk is adequately managed.

g. The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are re-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.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

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Appeals

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

APPEAL NO.	2015
APPLICATION NO	P/24/10/FUL
APPELLANT	MRS C LEWIS
SUBJECT OF APPEAL	REPLACE BOUNDARY WALL WITH ONE OF INCREASED HEIGHT; RETENTION OF WOODEN PLAYROOM 5 BELMONT CLOSE MAESTEG
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed development, by reason of its scale and siting, fails to retain a sufficient amount of useable outdoor amenity space for the future occupiers of the dwelling, contrary to Policy SP3 of the Bridgend Local Development Plan 2024 and advice contained within Note 8 of SPG2 – Householder Development and Planning Policy Wales (Edition 12, February 2024).
2. The proposed development, by reason of its siting, size and scale, represents an excessive, incongruous and overly prominent form of development, that would have a detrimental impact on the established character and appearance of the streetscene in this 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).
1. The proposed access lacks adequate visibility for vehicles emerging from the site, which will create hazards to the detriment of highway safety contrary to Policy SP3 of the Bridgend Local Development Plan (2024) and advice contained within Supplementary Planning Guidance Note 02: Householder Development (2008).
2. The site lacks sufficient frontage to provide vision splays of 2m x 20m to cater for vehicles travelling along the highway, which will create traffic hazards to the detriment of highway and pedestrian safety contrary to Policy SP3 of the Bridgend Local Development Plan (2024) and advice contained within SPG02 (2008).

APPEAL NO.	2016
ENFORCEMENT NO.	ENF/241/23/ACK
APPELLANT	MRS C LEWIS
SUBJECT OF APPEAL	ALLEGED UNAUTHORISED OUTBUILDING AND WALL: 5 BELMONT CLOSE MAESTEG
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	ENFORCEMENT NOTICE

APPEAL NO.	2012
APPLICATION NO	P/24/93/FUL
APPELLANT	MR & MRS A EVANS
SUBJECT OF APPEAL	RETENTION OF EXISTING DETACHED OUTBUILDING FOR JOINT USE AS ANCILLARY USE TO EXISTING DWELLING AND PART-TIME USE AS HAIR & BEAUTY SALON: 9 PYLE ROAD PYLE
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The development, by reason of its nature, siting, scale and design, represents an incongruous and prominent addition to the streetscene having a significant detrimental impact on visual amenities of the area, contrary to Policy SP3 of the Local Development Plan (2024), Supplementary Planning Guidance Note 02 Householder Development and advice contained within Planning Policy Wales (Edition 12, February 2024).
2. The proposed hair salon would attract customer who would drive to the salon, leading to inappropriate parking on-street and substandard driving manoeuvres close to a busy highway junction, to the detriment of pedestrian and highway safety within and around the site, contrary to Policies SP3 and PLA11 of the Bridgend Local Development Plan (2024), Supplementary Planning Guidance Note 17 Parking Standards and advice contained with Planning Policy Wales (Edition 12, February 2024).

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

APPEAL NO.	CAS-02966-N9P8D1 (1996)
ENFORCEMENT NO	ENF/242/22/ACK
APPELLANT	MS R LLOYD DAVIES
SUBJECT OF APPEAL	ALLEGED UNAUTHORISED REPLACEMENT WINDOW AND PATIO DOORS TO FIRST FLOOR LEVEL: HEBRON HOUSE MEADOW CLOSE COYCHURCH
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	ENFORCEMENT NOTICE
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE ENFORCEMENT NOTICE BE VARIED AND THE APPEAL IS DISMISSED.

The Appeal and Costs decision is attached as APPENDIX A.

APPEAL NO.	CAS-03042-Z4W3W1 (1998)
APPLICATION NO.	ENF/196/17/A21

APPELLANT MR W TOTTERDALE

SUBJECT OF APPEAL UNTIDY LAND: 4 ST NICHOLAS ROAD BRIDGEND

PROCEDURE WRITTEN REPRESENTATIONS

DECISION LEVEL ENFORCEMENT NOTICE

DECISION THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE ENFORCEMENT NOTICE BE UPHELD AND THE APPEAL IS DISMISSED.

The Appeal decision is attached as APPENDIX B.

**APPEAL NO.
ENFORCEMENT NO** CAS-03170-L4V0Z8 (2002)
ENF/10/23/ACK

APPELLANT MR & MRS STUBBS

SUBJECT OF APPEAL ALLEGED UNAUTHORISED BUILDING WORKS: 16 SUFFOLK PLACE PORTHCAWL

PROCEDURE WRITTEN REPRESENTATIONS

DECISION LEVEL ENFORCEMENT NOTICE

DECISION THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE ENFORCEMENT NOTICE BE UPHELD AND THE APPEAL IS DISMISSED.

The Appeal decision is attached as APPENDIX C.

**APPEAL NO.
ENFORCEMENT NO** CAS-03166-C6C3T6 (2003)
ENF/217/23ACK

APPELLANT J CANTON

SUBJECT OF APPEAL ALLEGED UNAUTHORISED REAR DORMER AND ROOF WINDOWS TO FRONT ELEVATION: ROPSLEY THE SQUARE PORTHCAWL

PROCEDURE WRITTEN REPRESENTATIONS

DECISION LEVEL ENFORCEMENT NOTICE

DECISION THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE ENFORCEMENT NOTICE BE UPHELD AND THE APPEAL IS DISMISSED.

APPEAL NO. APPLICATION NO	CAS-03165-T9V6F9 (2004) P/23/471/FUL
APPELLANT	J CANTON
SUBJECT OF APPEAL	REAR EXTENSION & DORMER WINDOW TO LOFT FLOOR: ROPSLEY THE SQUARE PORTHCAWL
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL IS DISMISSED.

The joint Appeal decision is attached as APPENDIX D.

APPEAL NO. APPLICATION NO	CAS-03334-L5K8C7 (2007) P/23/403/FUL
APPELLANT	MR A MORGAN
SUBJECT OF APPEAL	FIRST FLOOR SIDE AND PART FIRST FLOOR REAR EXTENSION WITH ADDITIONAL GABLE AND PORCH TO FRONT ELEVATION: 86 TREMANS COURT BRIDGEND
PROCEDURE	HOUSEHOLDER APPEAL
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL IS DISMISSED.

The Appeal decision is attached as APPENDIX E.

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 Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 24/09/2024

Appeal reference: CAS-02966-N9P8D1

Site address: Hebron House, Meadow Close, Coychurch, Bridgend CF35 5HH

- 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 Rachael Lloyd-Davies against an enforcement notice issued by the Bridgend County Borough Council.
 - The enforcement notice, numbered, ENF/242/22/ACK was issued on 5 September 2023.
 - The breach of planning control as alleged in the notice is, without planning permission the creation of a roof terrace.
 - The requirements of the notice are to:
 - a) Remove and keep removed all domestic paraphernalia, including but not limited to plant pots, artificial grass and balustrades from the roof of the single storey element of Hebron House.
 - b) Remove and keep removed the patio doors and replace with window.
 - 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), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
 - A site visit was made on 21 August 2024.
-

Decision

1. The appeal on ground (f) succeeds in part and the enforcement notice is varied by:
 - Deleting paragraph 5 of the notice and substituting the following:
 - “5 a) Remove all domestic paraphernalia, including plant pots, artificial grass and balustrades from the roof of the single storey element of Hebron House”.
 - “5 b) Remove the patio doors and replace with window”.
2. Subject to these variations the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Costs application

3. An application for costs has been made by Rachael Lloyd-Davies against Bridgend County Borough Council. This application is the subject of a separate decision.

The ground (b) appeal

4. The ground of appeal is that the matters alleged in the enforcement notice (EN) has not occurred. The appellant asserts that no communal use of the flat roof was undertaken, and the allegation of a roof terrace is a misdescription in the EN. The insertion of a patio door instead of a window was lawfully installed by a certified installer and that such works did not require planning permission or building control approval.
5. Other points put forward relate to issues of safety, the biodiversity benefit and well-being improvements for the appellant, and that the appellant is content for restrictions to be imposed on the use of the development and the installation of fencing.
6. The Council accepts that planning permission is not required for the replacement of a window to a door but refers to the work as facilitating the use of the existing flat roof as a roof terrace. It also cites that the placement of domestic paraphernalia on the roof and the statements from the nearby resident suggest that the roof has been used as alleged.
7. The Council report that it had received a complaint in September 2022 with photographs of the replaced window for patio doors at the rear first floor level allowing access onto the flat roof, the subject of the EN. The Council's statement notes that the flat roof area includes, plant pots, artificial grass and a balustrade fence. The statement includes a photograph of the flat roof with pots, shrub and artificial grass laid onto the roof that was reportedly part of the planning application submission reference P/22/766/FUL. This planning application was refused planning permission on 13 April 2023.
8. For the ground (b) to succeed the matters alleged in the EN should not have occurred at all, and the onus is on the appellant to demonstrate on the balance of probability it did not so occur. I consider that the evidence points as a matter of fact and degree that what is alleged has indeed occurred. The change from a window to a patio door allows access onto the flat roof, and the physical evidence presented in the Council's submission corroborate that this facilitating works allowed access onto the roof to place items on it, which in turn comprises a roof terrace.
9. It is also informative that the construction or provision of a roof terrace, whether or not it would incorporate associated railings, fencing or other means of enclosure is described as development in The Town and Country Planning (General Permitted Development) Order (GPDO) 1995 as amended by Order 2013. Although not determinative of whether a use of the roof terrace has taken place it need not be conclusively presumed that a use needs to be demonstrated for it to fall within the description of the EN allegation. In my view, the works undertaken are caught by the Act as amended and the GPDO, which are set out below in the ground (c) appeal. What has been alleged has occurred as a matter of fact and degree. The facilitating works to change a window to a patio door permits some use of the flat roof which in turn comprises a roof terrace as alleged.
10. There is therefore no misdescription in the EN. All other points raised in paragraph 6 above relate to the other grounds of appeal.
11. The appeal on ground (b) should therefore fail.

The ground (c) appeal

12. The ground of appeal is that the matters alleged in the EN do not constitute a breach of planning control. Much of what has been mentioned under the ground (b) appeal, relates

to this ground that there has not been a breach of planning control because the development as alleged is lawful.

13. Section 57 of the Act as amended states that planning permission is required for the carrying out of any development of land. Section 55(1) states that development means the carrying out of building, engineering, mining or other operations in, on, over or under land. Building operations includes, amongst other things, structural alterations of, or additions to buildings, and other operations normally undertaken by a person carrying on business as a builder.
14. Section 55(2)(ii) of the Act as amended indicates operations or uses of land shall not be taken for the purposes of the Act to involve development of the land (a) the carrying out for the maintenance, improvement or other alteration of any building or works which (ii) do not materially affect the external appearance of the building.
15. The change from a window to a patio door is work that materially affects the external appearance of the building. There are vantage points from the car park of the adjacent public house whereby the development would be visible. There are vantage points from within the garden of the adjoining residential property whereby the change is also visible. The combination of these vantage points, one a public house car park and the garden of next door, in my view, comprise vantage points which results in Section 55(2)(a)(ii) not being met. Materially affecting the external appearance means an impact capable of having some effect in planning terms. In my view, the visible change from a window to a patio door is capable of having some effect in planning terms, including the material change to the living conditions of occupiers of the adjacent property.
16. I consider that the physical work (the change from window to patio door) which facilitates that alleged in the EN is development within the meaning of the Act under Section 55(1). The work is a building operation involving structural alterations to a building and is an operation which was carried out by a person who was employed as a tradesperson. I therefore consider that the works which facilitates the EN allegation is 'development' on 'land' within the meaning of the Act as amended.
17. Section 58 of the Act as amended provides that planning permission may be granted by a development order. The GPDO as amended excludes the construction or provision of a roof terrace (whether or not it would incorporate associated railings, fencing or other means of enclosure) and this development is not permitted by the GPDO. Article 3, Schedule 2, Part 1, Class A.1(l)(iii) Development within the curtilage of a Dwellinghouse specifically excludes roof terraces from being permitted development. Class B (enlargement of a dwellinghouse consisting of an addition or alteration to its roof) also excludes roof terraces by Class B.1(f)(iii). Class C (any other alteration to the roof of a dwellinghouse) excludes roof terraces by Class C.1(c)(vi).
18. Class A refers to 'Conditions' that require to be met. This is repeated for Class B and C developments. In classes A.3(a), B.2(a) and C.2(a) require that the appearance of the materials used in the walls, roof or other element of any exterior work must so far as practicable match the appearance of the materials used in the majority of the equivalent element of the existing dwellinghouse. The wording of conditions in B.2 and C.2 are similar in effect to conditions in A.3. In all, they restrict material changes to the exterior of the building which is consistent with the forementioned test in the Act as amended in relation to the change of a window to a patio door.
19. The Welsh Government Technical Guidance Permitted development for householders Version 2 (Technical Guidance) provides guidance on how to interpret householder permitted development rights. However, it is not an authoritative interpretation of the law. The GPDO itself is the statutory order. The Technical Guidance within Class A.3(a)

indicates amongst other things that the size, positioning, style and materials of new windows and doors should generally provide a similar visual appearance to those on the existing dwelling in order to achieve a consistent appearance. A similar visual appearance to those in the existing house in terms of the overall shape, colour and the frame size. This interpretation is consistent with the GPDO, and the Act as amended.

20. The Technical Guidance refers to the same wording as the GPDO for roof terraces and in all the categories for permitted development roof terrace is excluded from the Order, such that they are not regarded as permitted development.
21. Planning permission is therefore required for the EN allegation. No planning permission has been granted for the development enforced against. The recent application for the development was refused permission in April 2023.
22. All other matters raised concerning health and safety, breaches of planning control next door, possible revisions to the roof by installing fencing, the possibility of payment to ensure next door's bedroom window is obscure glazed, and the benefits of the development are not matters that pertain to the ground (c) appeal.
23. The appeal on ground (c) therefore fails. The matters alleged in the EN does constitute a breach of planning control.

The ground (d) appeal

24. The appellant's case is that the Council has failed to adhere to deadlines which meant that the appeal for the refused planning permission could not be registered on time. The delays inflicted by the Council mean that appeal documentation was delayed and now the enforcement notice should be withdrawn. The appellant has complained to the Information Commissioner's Office (ICO) about the Council's actions concerning the handling of a subject access request.
25. This matter is not within my jurisdiction of deciding a ground (d) appeal. A ground (d) appeal is that at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters. By Section 171B(1) no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed for carrying out without planning permission of a building operation. The onus is on the appellant to demonstrate on the balance of probability that the building operation was substantially completed more than four years before the EN was issued.
26. The EN was issued on 5 September 2023. The material date is therefore 5 September 2019. No evidence has been presented that the works the subject of the EN was substantially complete by 5 September 2019. The Council's evidence is that photographs show that the window changed to a patio door to facilitate access to the roof terrace by September 2022.
27. The EN was therefore issued within time and the ground (d) appeal therefore fails.

The ground (a) appeal and the deemed application

28. The ground of appeal is that in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted. The main issue is the effect of the development on the living conditions of occupants of No.14 Meadow Close in relation to privacy.
29. From what I saw on the site visit, access through the patio door onto the roof allows unhindered views of the private rear garden of No. 14. What could be seen is the rear patio area where table and chairs are presently laid out, most of the rear garden, the side clear glazing of the rear conservatory and the bedroom window in the side apex of next

door. I consider that this is a significant infringement to the privacy of occupants of No. 14 to their significant detriment. No. 14 is now a less enjoyable place to reside than before the development enforced against was completed.

30. The views of the rear garden and property of No. 14 are from an elevated vantage point and are close-by. I consider that the degree of overlooking is unreasonably close and wide ranging, of the rooms and garden. The occupants of No. 14 would expect some degree of privacy. There may be already an element of mutual overlooking, but not to the degree and extent now permissible by the works in the EN.
31. No amount of fencing would overcome this objection. In any event, fencing or obscure screening on the perimeter of the roof would appear incongruous, being elevated at first floor level, and would not achieve the aims to which it would be designed, since once people stand up, the harm I have described would endure. The appellant asserts that no seating would take place on the roof, but this cannot be controlled or conditioned, that would meet the tests of reasonable, necessary and enforceable planning conditions. Once granted, the roof terrace could be used for purposes incidental to the enjoyment of the dwellinghouse. The use of the roof could not be restricted and would be contrary to the permissive right under Section 55(2)(d) of the Act as amended. Planning conditions could not be enforced to ensure that the roof is used in a particular restrictive way.
32. I note the assertions that the appellant is willing to pay for the bedroom window of next door to be obscured glazed. Such a payment would not overcome the planning objection, and there is no mechanism in place that can secure this matter. Even so, imposing such a restriction on a window which has been established overtime, would be unreasonable. I note the concerns that the dormer extension and side window are claimed to be unauthorised. However, they are established developments.
33. I note that there is also a separate enforcement investigation pertaining to the outbuilding next door. The outcome of this appeal has no bearing on the issues relating to a separate investigation which is not before me, and not within my jurisdiction.
34. The GPDO permitted development rights are crystalized when the development begins. Permitted development rights change over time and have in some instances become more restrictive. The main changes in Wales came about in relation to extensions and roof additions in September 2013. Changes which are made under GPDO cannot be retrospectively applied to established developments since they are likely to be lawful through the grant of a planning permission or have gained immunity through the passage of time.
35. The appellant refers to the benefits of the space provided in terms of well-being and biodiversity enhancement and the creation of a mixed use. The benefits to the appellant need to be balanced against the harm that would arise to other public interests and the private interests of the adjoining occupiers. In my view, the benefits are far outweighed by the harm that is caused for the reasons, I have outlined above.
36. The appellant claims that the patio door onto the roof terrace is essential for maintenance and repair of the property. This is not a sustainable reason for having a permanent roof terrace that would endure overtime that has these adverse effects on residential amenity of occupants of the adjoining property. There will be alternative ways of accessing the perimeter of the property with agreement between the parties. Such reasonable requests cannot be denied and is not an overriding reason for allowing the development enforced against.
37. I note the reference to Supplementary Planning Guidance 2, Householder Development (2008). This guidance may be relevant to development sought for planning permission, but it does not relate to established development that pre-dates it. I note the request for a

subject access request and issues pertaining to the handling of personal data and information, but these matters are outside the scope of this ground (a) appeal.

38. The appellant asserts that the development is good design as set out in Planning Policy Wales (PPW) Edition 12. PPW notes in paragraph 2.7 that placemaking in development decisions happens at all levels and involves considerations at a global scale, including the climate emergency, down to the very local level, such as considering the amenity impact on neighbouring properties and people. The objective of good design is in part establishing a successful relationship between public and private space. The EN development compromises private space making this space a less than enjoyable place to reside. I consider that development therefore conflicts with Policy SP3 of the Bridgend County Borough Local Development Plan 2018-2033.
39. Policy SP3 seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected. The EN development conflicts with this policy, by virtue of criterion (k).
40. The appellant has quoted extensively from PPW, the Environment (Wales) Act 2016, the need to reduce carbon dioxide, the green-roof and biodiversity benefit of the development and the self-build guidance. None deal with the core objection here of the main determining issue of this appeal and they do not outweigh the concerns that this development would have, if allowed, on the living conditions of the neighbouring occupiers.
41. The development is not in accordance with the development plan and no other material consideration is of sufficient weight that would indicate a decision otherwise than to refuse the ground (a) appeal and the deemed application. The planning balance is against allowing this appeal. The ground (a) and the deemed application therefore fails.

The ground (f) appeal

42. The EN requires the removal and keep removed all domestic paraphernalia including plant pots, artificial grass and balustrade, and to remove and keep removed the patio doors and replace with window.
43. The appellant asserts that the steps exceed what is necessary to remedy any breach of planning control. The purpose of the EN must be to remedy the breach by restoring the land to its condition before the breach took place by Section 173(4)(a) of the Act as amended.
44. The appellant refers to the matter that the door has legally been installed. The door was installed for safe access and maintenance and there is no evidence that it has been used as a communal seating area. These matters have been addressed under the grounds (b) and (c) appeal.
45. The appellant contends that the area could be restricted so that no seating takes place on it. However, this matter has been addressed in the ground (a) appeal and the deemed application. The appellant refers to the point that the Council has accepted that a Juliet balcony would be acceptable. However, this is a different form of development than the EN allegation and is not a matter that I can comment on.
46. All other matters concerning the support that the Council should have given the appellant, and restating there is no breach, are matters that have been addressed in preceding grounds of appeal or are not within the remit of this appeal.
47. However, the requirements of the notice which refer to “keep removed” the items specified in the EN are excessive. This is covered under Section 181(1) and (3) of the Act as amended and imposes a continuing obligation which is not discharged by compliance

with the EN requirements. If works that were required to be removed are then restored the EN would continue to bite under these provisions. Therefore, there is no need to specify this in the requirements of the EN.

48. Furthermore, the words “including but not limited to” are too vague and imprecise, that do not specify the steps which the local planning authority require to be taken. This also should be omitted from the EN.

49. I shall vary the notice accordingly, and to this limited extent the appeal on ground (f) succeeds.

The ground (g) appeal

50. The ground of appeal is that any period specified in the notice in accordance with Section 173(9) falls short of what should reasonably be allowed. The EN time for compliance is 2 months.

51. The appellant requests a delay in any form of compliance period indicating a pending appeal and communication with the ICO. The appellant indicates that 2 months is too short a period to find suitable tradesmen and cites the costs of appealing and the delay in the Council signing off the work. The Council indicates that 2 months is a reasonable period to allow for the removal of the patio door and the replacement with a window and the removal of all items.

52. Whilst I appreciate that finding and booking tradesmen might cause an issue for the appellant, nevertheless, if this was a genuine issue the appellant can demonstrate the attempts made to try and resolve the matter in a timely fashion. However, this factor is common to many developments and home improvement projects, and it is not an overriding factor when considering the continued impact of the EN development on the neighbours' residential amenity.

53. In all, I consider that the EN compliance period is proportionate given the significant impact on the living conditions I have outlined above. I have considered the conflicting matters of the public interest in taking enforcement action against the private interests of the appellant.

54. The appeal on ground (g) therefore fails.

Conclusions

55. 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.

56. I conclude that grounds (a), (b), (c), (d) and (g) fail in this instance. Ground (f) succeeds to the limited extent as specified in the decision. I shall vary the notice accordingly.

57. Subject to these variations the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Iwan Lloyd

INSPECTOR



Costs Decision

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 24/09/2024

Costs application in relation to Appeal Ref: CAS-02966-N9P8D1

Site address: Hebron House, Meadow Close, Coychurch, Bridgend CF35 5HH

- The application is made under the Town and Country Planning Act 1990, sections 174, 322C and Schedule 6.
 - The application is made by Rachael Lloyd-Davies for a full award of costs against Bridgend County Borough Council.
 - The appeal was against an enforcement notice alleging without planning permission the creation of a roof terrace.
 - A site visit was made on 21 August 2024.
-

Decision

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

The submissions for Rachael Lloyd-Davies

2. The applicant indicates that costs should be awarded for compensation for stress and mental health for the changing decisions, the appeal and the process. The applicant considers that compensation is due for breaches of the General Data Protection Regulation (GDPR), the cause for increasing animosity between neighbours, the lack of redactions and citing irrelevant opinions on the case.

The response by the Council

3. No response has been received.

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. It also explains that applications for costs must clearly demonstrate how any unreasonable behaviour has resulted in unnecessary or wasted expense.
5. The applicant has provided no detail in the cost application of any unreasonable behaviour by the Council that fall within those cited by the Annex. I have concluded except for ground (f) that other grounds of appeal should not succeed. The concern on GDPR is outside the scope of the cost jurisdiction, and the applicant has made

Ref: CAS-02966-N9P8D1

complaints to the relevant regulatory body which are considered separately from this decision.

6. I do not find that the Council has acted unreasonably or has incurred the applicant unnecessary or wasted expense in the appeal process. Accordingly, I find that a partial or full award of costs is not justified.

Iwan Lloyd

INSPECTOR



Appeal Decision

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 16/09/2024

Appeal reference: CAS-03042-Z4W3W1

Site address: 4 St Nicholas Road, Wildmill, Bridgend CF31 1RT

- The appeal is made under section 217 of the Town and Country Planning Act 1990, as amended.
 - The appeal is made by William Totterdale against a maintenance of land notice issued by Bridgend County Borough Council.
 - The maintenance of land notice, numbered ENF/196/17/A21, was issued on 5 September 2023.
 - The requirements of the notice are to remove and keep removed all items within the front garden area and driveway (side) of the above property, including but not limited to wood materials, metal, bricks, plastic containers (except recycling receptacles), plastic bags, other plastic items, tarpaulin, garage doors, vehicles and miscellaneous items.
 - The period for compliance with the requirements of the notice is three months.
 - The appeal is proceeding on the grounds set out in section 217(1) (a), (b), (c) and (d) of the Town and Country Planning Act 1990, as amended.
 - A site visit was made on 21 August 2024.
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Decision

1. The appeal is allowed in part in relation to grounds (c) and (d) and it is directed that the maintenance of land notice be varied by:
 - Deleting paragraph 3 of the notice and substituting the following:

“Remove all items stored within the front garden area and driveway (side) of the above property, including wood materials, metal, bricks, plastic containers (except recycling receptacles), plastic bags, other plastic items, tarpaulin, garage doors, vehicles and miscellaneous items”.
 - Deleting paragraph 4 of the notice and substituting the following:

“5 months” as the time-period for compliance.
2. Subject to these variations the maintenance of land notice is upheld.

Procedural matters

3. Although the appeal form indicated that the appellant is making an application for costs, there is no statement that clearly explains the basis of any such application. It is therefore

reasonable to conclude that the appellant did not intend to pursue the costs application, and in the absence of any substantive grounds I have not considered the matter any further.

The ground (a) appeal

4. The ground of appeal is that the condition of the land to which the notice relates does not adversely affect the amenity of any part of the area, or any adjoining area. The appellant maintains that cars and fencing/wood pieces are lawfully stored on the land with a view to reinforce the boundary fencing and to repair the vehicles. The appellant is unable to move the wood and repair the vehicles due to age and health but has agreed to remove wood/building items.
5. The appellant asserts that the maintenance of land notice (MLN) prevents the householder from storing and siting garden furniture on the property. The MLN refers to all items which must include furniture, planters and garden items. Such items would not adversely affect the amenity of the area. Neither would the storage of vehicles and items pose detriment, and, in any event, the appellant denies that the items listed in the MLN has an adverse effect on amenity. Other concerns relate to the identity of the complainant to ensure that such persons are not connected to the issuing of the MLN. There is also an assertion that the MLN is beyond the remit of the law and is ultra vires.
6. The MLN requires that all items are removed, including and not limited to a list of specified items. Namely, wood materials, metal, bricks, plastic containers, plastic bags, other plastic items, tarpaulin, garage doors, vehicles and miscellaneous items. From what I saw from my visit, these were stored in a mound of materials to the front of the property and a car was stored on the driveway. Another vehicle was beneath this material. Wood and wood posts were placed against this vehicle. At the front the mound of material extended above the brick boundary wall and had been in place for a considerable period as vegetation was growing over these items. This indicates that the materials listed in the MLN have been there for some time and is on the balance of probability and indication that very little has been done to clear it, contrary to the appellant's assertion. Residents have indicated that the situation in relation to the front and side garden has not changed significantly over a considerable period and the Council has previously issued MLNs in 2005 and 2018.
7. The 2005 MLN resulted in the clearance of the land of items, but a further MLN was issued in 2018. Ultimately, the 2018 MLN was withdrawn as it was determined that vehicles could not be included in the notice. The advice obtained from the Council has changed and vehicles are a legitimate matter for the MLN.
8. At least one vehicle is entirely encased in materials, and I consider that this is a legitimate requirement for removal. The vehicle on the driveway may reasonably be repaired, but it appears that it has not been moved for some time with concrete slabs wedged against the rear tyres, condensation and mould on the rear window and rear lights. The car on the driveway has been left or stored for a considerable time. I consider that the current condition of the car leads me to conclude that it was brought off the road because it was not taxed. For it to be repaired, it is likely that it would have to be taken off the site to a garage. In its present condition it has a detrimental effect on the amenity of the area.
9. I concur with the Council and residents that the condition of the land is adversely affecting the amenity of the area, since the materials are stored above the front boundary wall and can be viewed from the pavement adjoining the access gate. The significant extent of the material, the overgrown vegetation over stored items and tarpaulin is injurious to amenity and significantly affects the area when seen from the roadside and along this residential street. I do not agree that the Council's actions are overly concerned about aesthetic

requirements, in my view, this is appropriate given the condition of the land. In any event, amenity is not defined in the legislation.

10. The identity of the complainant is irrelevant to the substance of the notice, and there is no evidence that the notice has been issued in bad faith in the light of the several letters of objection to the appeal and the previous actions of the Council in issuing previous MLNs. No substantive case has been made that the Council has exceeded its power to issue the MLN and the validity of the notice is not within the jurisdiction of this appeal. The issue of expediency for taking the action is also a separate matter to the issues arising under the grounds of appeal.
11. I therefore consider that the condition of the land to which the notice relates is adversely affecting the amenity of any part of the area, or any adjoining area. The ground (a) appeal therefore fails.

The ground (b) appeal

12. The ground of appeal is that the condition of the land is attributable to, and such as results in the ordinary course of events from the carrying on of operations or a use of land which is not in contravention of part III of the Act as amended. The appellant cites that the items listed in the MLN is a consequence of a normal course of events, such as the storage of cars, building materials and fencing, and the use of the drive and garden. The longer duration of storage is only due to ill health, age, frailty and costs which are themselves normal course of events. Further, the appellant asserts the MLN prevents reasonable garden items being stored on the front and side of the property, and that the local planning authority (LPA) has confused aesthetic requirements with the need to remove all items from the drive and garden.
13. The MLN refers to all items listed in the notice. In my view, it does not prevent ordinary domestic activity and use of the property that interferes with the rights of the owner/occupier, the right to respect for private and family life and home. Should the appellant intend to place garden furniture on the land once the site is cleared, the MLN does not prevent this action. Nor does it prevent boundaries to be repaired and maintained. From the available evidence, the wood products and paving may be stored on the land with a view to repair and rebuild fences, but the physical condition of the land presently indicates that this has not occurred for a considerable period. I consider that if building materials were stored on the land for the purpose of maintenance it would be there for a duration sufficient to indicate that it would be used a short time after and the boundary maintained. The side boundary is a solid blockwork wall which is not in need of repair at present, and there is no evidence presented with this appeal of other boundaries in need of such repair. I do not consider that the evidence points to an activity which can be attributed to an ordinary course of events.
14. I note that age, health and frailty have been cited as the reason for the longer duration of storage on the site. Nevertheless, the extent of storage on this site goes beyond what may be regarded as ordinary events and the MLN is a proportionate action having regard to the public interests for taking such action.
15. Dismissing the appeal would interfere with the appellant's rights to peaceful enjoyment of their possessions, and to a private and family life and home. However, those are qualified rights; interference with them in this instance would accord with the law and be in pursuance of a well-established and legitimate aim of ensuring that the condition of the land does not adversely affect the amenity of the area. The protection of the public interest cannot be achieved by means that are less interfering with the rights of the appellant.

16. I have had due regard to the Public Sector Equality Duty (PSED) set out under Section 149 of the Equality Act 2010, but the harm caused by the condition of the land outweighs the personal issues concerning the age and health of the appellant to provide justification for the current condition of the land. The MLN is a proportionate response in terms of eliminating discrimination against persons with the protected characteristics of age and health, advancing equality of opportunity for those persons and fostering good relations between them and others. I conclude that it is proportionate and necessary to dismiss the appeal under this ground of appeal.

The ground (c) appeal

17. The appeal on ground (c) is that the requirements of the MLN exceed what is necessary to prevent the condition of the land from adversely affecting the amenity of the area.
18. Much of what has been referred to in the preceding grounds are re-cited as being all encompassing and therefore excessive requirements. The allegation that the MLN is ultra vires is restated. It is also asserted that what the MLN requires is beyond the requirements of any other household and is excessive, to protect the amenity of the neighbourhood, and ultimately it is considered that the appellant has been discriminated against.
19. I do not consider that the requirement to remove the vehicles to be excessive for the reasons I have outlined above. If the vehicles were to be repaired, they would in all probability have to be taken to a garage, and if repaired and roadworthy, they could be parked once more on the drive. I consider that to include vehicles in the MLN is proportionate.
20. However, to require that all items are kept removed from the land is excessive as this would have a permanent and on-going requirement on the occupier of the land and future occupants. I intend to delete reference to this part together with the words 'including but not limited to', as this is too vague a requirement. I consider that all items should be followed by the word stored as this must be the activity which is sought by the Council issuing the notice.
21. In relation to all other items, although the appellant asserts these are excessive requirements, for the reasons I have already outlined, are not, and are necessary and proportionate.
22. I shall vary the notice accordingly, and to this limited extent the appeal on ground (c) succeeds.

The ground (d) appeal

23. The appeal on ground (d) is that the period within which any steps required by the notice are to be taken falls short of what should reasonably be allowed. In the appellant's submission it is considered that the LPA has failed to consider the age and health of the appellant. The appellant asserts that the requirements place an excessive burden which must be actioned in an unreasonably short timescale to affect the scope of what is required to remedy the notice.
24. The Council indicates that the period for compliance is reasonable, and the appellant could instruct a clearance business to remove the items from the land.
25. Given the age of the appellant and the personal circumstances of the appellant, I consider it proportionate to allow more time for the site to be cleared. Five months would be a reasonable compromise having regard to the conflicting matters of the public interest against the private interests of the appellant.
26. To this extent the appeal on ground (d) succeeds.

Other matters

27. The appellant raises concerns about works to the boundary wall by the neighbouring owner/occupier, and that this has incurred damage to this property and items stored on the land. Such matters are not within my jurisdiction in considering this appeal.

Conclusions

28. For these reasons, and having considered all matters raised, I conclude that the grounds (c) and (d) appeal succeeds to a limited extent, but the appeal otherwise fails, and the MLN is upheld.

29. In coming to this conclusion, 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 the decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of making our towns even better places to live and work.

Iwan Lloyd

INSPECTOR



Appeal Decision

by H Davies BSc (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 20/09/2024

Appeal reference: CAS-03170-L4V0Z8

Site address: 16 Suffolk Place, Porthcawl, Bridgend CF36 3EA

- 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 Act).
 - The appeal is made by Mr and Mrs Stubbs against an enforcement notice issued by Bridgend County Borough Council.
 - The enforcement notice numbered ENF/10/23/ACK was issued on 13 October 2023.
 - The breach of planning control as alleged in the notice is, without planning permission, the erection of an extension.
 - The requirements of the notice are:
 - a. Remove and keep removed the extension to the rear and side of No.16 Suffolk Place, as shown hatched in blue in the attached plan B
 - b. Remove all materials resulting from step (a) above.
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Act.
 - A site visit was made on 10 September 2024.
-

Decision

1. It is directed that the enforcement notice is varied by, in section 6 (time for compliance), deleting the words '2 months' and substituting the words '4 months'.
2. Subject to this variation the appeal is dismissed and the enforcement notice is upheld

Preliminary Matters

3. In their reason for issuing the notice, the Council reference Policy SP2 (design and sustainable place making) of the Bridgend Local Development Plan (2013) (LDP 2013). Subsequently, the Bridgend Local Development Plan 2018-33 (LDP 2018-33) has been adopted (13/03/2024). Inspectors are required to determine appeals on the development plan in place at the time of the appeal decision, which is the LDP 2018-33.
4. The relevant elements of Policy SP2 of the LDP 2013 have been transposed into Policy SP3 (Good design and sustainable placemaking) of the LDP 2018-33. Therefore, the change in policy does not impact on the issues for consideration in this appeal.

5. Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (GPDO) provides permitted development rights for extensions to a dwelling, subject to meeting set criteria and conditions.
6. The extension subject to this appeal is a single entity rather than separate, easily severable parts, so needs to be considered as a whole. Aspects of the extension do not comply with the relevant GPDO criteria so, as a whole, it does not benefit from permitted development rights and hence requires planning permission. The appellant does not dispute this.
7. However, the appellant has submitted a plan which they say illustrates sections of the extension which do meet GPDO criteria. The plan only shows a footprint and does not demonstrate compliance with all relevant criteria. There is an ongoing lack of agreement between the Council and the appellant about how the limits of the GPDO apply to this site, particularly regarding the 'wrap around' nature of the extension.
8. The exact extent of a single storey extension for this site, meeting all relevant criteria under Class A of the GPDO, is not for me to establish under this s174 appeal. If the appellant wishes to establish this, an application should be submitted for a certificate of lawful development. Regardless of any email or phone communication between the parties, no such certificate has been granted.

The appeal on ground (a) and the deemed planning application

9. An appeal on ground (a) is that in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted. The terms of the deemed planning application are derived from the allegation set out in the notice. Hence, planning permission is sought for an extension.

Main Issue

10. The main issue is the effect of the development on the living conditions of occupants of 14 Suffolk Place, with regard to outlook and light.

Reasons

11. The appeal site contains a 3-storey mid terrace dwelling in a primarily residential area. The adjoining property at 14 Suffolk Place contains a hairdresser at ground floor to the front with residential uses above and to the rear.
12. Prior to the development, 1 and 2 storey projections to the rear of No 16 and No 14 left a narrow external passageway between the buildings, divided by a boundary wall. The extension subject to this appeal has infilled the passageway at No 16 entirely, taking the dwelling right up to the boundary wall. The width of this part of the extension is modest, but it extends the full length of the pre-existing projection and beyond and hence runs the entire length of the boundary with No 14.
13. There are windows in the side elevation of the ground floor at No 14, which I am informed serve habitable rooms. The separation distance between the extension and these windows at No 14 is narrow. The extension is a modest height to the eaves, with a roof that slopes away from the boundary. Despite this, the combination of the proximity and length of the extension means it has a significant overbearing impact on the outlook from the ground floor windows at No 14, as well as reducing the amount of light to the windows. This unacceptably reduces the amenity of occupants of No 14, even within the context of a densely developed residential area.

14. I conclude that the development causes unacceptable harm to the living conditions of the occupants of 14 Suffolk Place, with regard to outlook and light. As such, the development does not comply with Policy SP3 of the Bridgend Local Development Plan 2018-33. Amongst other things, this policy seeks to ensure that development is of an appropriate scale and does not adversely affect the amenity of neighbouring occupiers. It also fails to comply with guidance set out in the Bridgend SPG02 'Householder Development' (2008), which states that new extensions should respect the residential amenity of neighbouring properties and should not unreasonably dominate the outlook or overshadow an adjoining property.

Conclusion on Ground (a)

15. The development conflicts with the development plan as a whole and there are no material considerations which indicate that the decision should be taken other than in accordance with the development plan. Therefore, the appeal on ground (a) fails and planning permission is not granted.

The appeal on ground (f)

16. An appeal on ground (f) is that the steps required by the notice to be taken, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters, or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. The notice requirements in this case seek to remedy the breach of planning control.
17. The appellant has suggested that the notice requirement to remove the extension in its entirety is excessive. As a lesser measure they suggest that the notice should only require the removal of that part of the extension which does not fall within permitted development rights, and that this can be achieved without compromising structural integrity.
18. Permitted development rights cannot be claimed retrospectively by making changes which return the development to compliance with permitted development limits. Notwithstanding this, such rights could be claimed in the future, following compliance with the notice, and would enable the appellant to build an extension which complied with permitted development limits. I consider there to be a real possibility that this fallback position would be implemented. I am also cognisant of the fact that the enforcement regime is intended to be remedial rather than punitive.
19. In straightforward cases, where a GPDO compliant scheme represents a realistic fallback and is an obvious alternative, it may be appropriate to vary a notice to require that the development is modified to meet the dimensions specified in the relevant Class of the GPDO. This was the case in the appeal referenced by the appellant (APP/F6915/C/18/3216164) where it was a clear and simple matter to specify the height to which a pillar should be reduced to meet GPDO limits.
20. In this case, there is no scheme before me setting out a detailed proposal for modifying the extension to ensure it meets all relevant permitted development criteria. Given the previous and ongoing lack of clarity about this matter, and in the absence of detailed plans, it would not be realistic to specify the limits in a reworded notice requirement. This would not give the appellant sufficient precision to ensure they knew what they had to do to comply with the requirements of the notice.
21. I have not been presented with any clear and defined lesser steps which would remedy the breach of planning control. On this basis, the appeal on ground (f) fails.

The appeal on ground (g)

22. An appeal on ground (g) is that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed. The notice specifies a time for compliance of 2 months after the notice takes effect.
23. Given the extent of the works and the need to engage contractors, 2 months seems unreasonable. However, the requested 6 months would be excessive given the harm I have identified. Extending the time for compliance to 4 months would strike an appropriate balance between allowing the appellant sufficient time and flexibility to undertake the work, and not allowing the breach to remain for any longer than necessary.
24. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. It would be reasonable to extend the compliance period to 4 months and the appeal on ground (g) succeeds. I shall uphold the notice but exercise my powers under s176(1)(b) of the Act to vary the notice accordingly, as set out in the decision.

Conclusion

25. For the reasons given above, I conclude that the appeal on ground (a) should not succeed. I shall uphold the enforcement notice, with variation, and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended. The appeal on ground (f) also fails.
26. However, I conclude that the period for compliance with the notice falls short of what is reasonable. Therefore, I shall vary the period for compliance with the enforcement notice prior to upholding it. The appeal on ground (g) succeeds to that extent.

H Davies

INSPECTOR



Appeal Decision

by H Davies BSc (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 19/09/2024

Appeal references: CAS-03166-C6C3T6 and CAS-03165-T9V6F9

Site address: Ropsley, The Square, Porthcawl CF36 3BW

Appeal A reference: CAS-03166-C6C3T6

- 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 Act).
 - The appeal is made by Jessica Canton against an enforcement notice issued by Bridgend County Borough Council.
 - The enforcement notice, numbered ENF/217/23/ACK, was issued on 8 November 2023.
 - The breach of planning control as alleged in the notice is, without planning permission, the erection of a rear 'box-style' dormer and the installation of two roof lights to the front roof slope of the dwelling house on the Land.
 - The requirements of the notice are:
 - a) Remove and keep removed the rear dormer and the two roof sky lights on the front roof slope.
 - b) Reinststate the roof to match the existing roof.
 - c) Remove all materials resulting from a) and b) above from the Land.
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Act.
 - A site visit was made on 10 September 2024.
-

Appeal B reference: CAS-03165-T9V6F9

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Jessica Canton against the decision of Bridgend County Borough Council.
 - The application reference P/23/471/FUL was refused by notice dated 8 October 2023.
 - The development proposed is rear extension and dormer window to loft floor.
 - A site visit was made on 10 September 2024.
-

Decision - Appeal A

1. The appeal is allowed on ground (g), and it is directed that the enforcement notice is varied by, in section 6 (time for compliance), deleting the words '2 months' and substituting the words '4 months'. Subject to this variation the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

Decision - Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. In their reason for issuing the notice, and their refusal of planning permission, the Council referenced Policies SP2, SP5 and ENV8 of the Bridgend Local Development Plan (2013) (LDP 2013). Subsequently, the Bridgend Local Development Plan 2018-33 (LDP 2018-33) has been adopted (13/03/2024). Inspectors are required to determine appeals on the development plan in place at the time of the appeal decision, which is the LDP 2018-33.
4. The relevant elements of Policy SP2 (Design and sustainable place making) of the LDP 2013 have been transposed into Policy SP3 (Good design and sustainable placemaking) of the LDP 2018-33. The relevant elements of Policy SP5 (Conservation of the built and historic environment) and ENV8 (Heritage assets and regeneration) of the LDP 2013 have been transposed into Policy SP18 (Conservation of the historic environment) of the LDP 2018-33. Therefore, the change in policy does not impact on the issues for consideration in these appeals.

Appeal A (the s174 appeal) on ground (a)

5. An appeal on ground (a) is that in respect of any breach of planning control which may be constituted by the matters stated in the enforcement notice, planning permission ought to be granted. The terms of the deemed planning application are derived from the allegation set out in the notice. Hence, planning permission is sought for a rear dormer and two front roof lights. Any deemed planning permission which may be granted can only relate to the development at the time the notice was issued. At the time the notice was issued, and still at the time of my site visit, the dormer was incomplete, in that its surfaces were covered in a temporary finish and no windows had been inserted.

Main Issue

6. The main issue is whether the development preserves or enhances the character or appearance of the Porthcawl Conservation Area.

Reasons – Character and Appearance

7. The site is a two-storey dwelling in the middle of a short terrace of 3, each of which is relatively narrow. The dwelling faces onto The Square which is an open area with parking, surrounded by a mix of residential and commercial buildings, some of which appear unused and in need of renovation. The dwelling backs onto the rear of commercial buildings on the seafront.
8. The Square is within the Porthcawl Conservation Area, so I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The Porthcawl Conservation Area Appraisal & Management Plan (2014) notes the need for regeneration of The Square, but also highlights the visual interest created by the narrow lanes which connect it to the seafront and provide views into and out of The Square.

9. Box dormers are a common feature within the area, both to front and rear roof slopes, especially along the seafront. The scale of these pre-existing box dormers is modest in proportion to the roof slope within which they are located, and are significantly set off from sides, ridges and eaves. These pre-existing dormers are also primarily located on large 3 and 4 storey buildings, with commercial uses at ground floor.
10. Unlike the pre-existing dormers which are characteristic of the area, the dormer subject to this appeal fills the vast majority of the rear roof slope, with only a small set in at either side, a small set back from the eaves and a small set down from the main ridge. Due to this scale and its location in the middle of a short terrace, it dominates and unbalances the rear roof of not just the host dwelling but also the terrace. This impact is exacerbated by the modest domestic scale of the terrace by comparison to the larger buildings nearby.
11. Despite being located on the rear roof slope, due to the layout of the site and surrounding buildings, the box dormer is highly visible from southern parts of The Square as well as from sections of the main road along the seafront. Due to the combination of its scale, siting and prominence the box dormer is a visually incongruous and unsympathetic addition which harms the character and appearance of the host dwelling and its surroundings and has a detrimental impact on views into the historic square from the seafront.
12. The rooflights to the front of the appeal dwelling are highly visible from within The Square. Due to their size, number and design (ie not being conservation style) the rooflights dominate the front roofscape and are harmful to the appearance of the dwelling and the terraced group. There are other rooflights in the area but I do not have details of their planning status. The other rooflights are primarily on side elevations, other than the single rooflight on the front of the adjacent dwelling which is smaller than those on the appeal dwelling.
13. I conclude that the box dormer and rooflights neither preserve nor enhance the character or appearance of the Porthcawl Conservation Area. Consequently, the development fails to comply with Policies SP3 and SP18 of the Bridgend Local Development Plan (2018-33). Together, amongst other things, these policies seek to ensure that development is of an appropriate scale, size and prominence, which respects local character and protects or enhances the significance of historic assets, including conservation areas.

Other Matters

14. A historic dormer at the site is referenced by the appellant. This appears to have been removed some time ago and to have been of a significantly different scale and design to the dormer subject to this appeal. As such, it does not weigh in favour of the proposal.
15. I note the poor state of repair of some of the buildings in The Square. This does not justify granting permission for the appeal development which would be visually harmful to the area.

Conclusion on ground (a)

16. Appeal A on ground (a) should fail and planning permission should be refused on the application deemed to have been made under section 177(5) of the 1990 Act.

17. Appeal A on ground (f)

18. An appeal on ground (f) is that the steps required by the notice to be taken, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters, or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. The notice requirements in this case seek to remedy the breach of planning control.

19. The appellant has suggested a smaller dormer with a greater set down from the roof, or a gabled dormer, may be acceptable. To remedy the breach, any alternative dormer would require planning permission. Regardless of whether I could consider an alternative dormer to be part of the matters subject to the notice, no detail of the alternatives has been provided so I am unable to consider their planning merits.
20. I have not been presented with any lesser steps which would remedy the breach of planning control. On this basis, the appeal on ground (f) fails.

Appeal A on ground (g)

21. An appeal on ground (g) is that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed. The notice specifies a compliance period of 2 months. The appellant requested 4 months, primarily due to the notice originally coming into force in December. Despite the timings being different following this appeal, I consider 2 months to be unreasonable, given the nature of the works required. 4 months would strike a balance between remedying the harm promptly and enabling the appellant to have sufficient time to engage suitable contractors.
22. I conclude that the period for compliance with the notice falls short of what is reasonable. It would be reasonable to extend the compliance period to 4 months and the appeal on ground (g) succeeds. I shall uphold the notice but exercise my powers under s176(1)(b) of the Act to vary the notice accordingly, as set out in the decision.

Appeal B (the s78 appeal)

23. As set out under Appeal A, I find that the box dormer (as built) and rooflights are unacceptable and fail to comply with policy. The roof development proposed under Appeal B is fundamentally the same as under Appeal A, but would include finishing the dormer in hanging slate and the insertion of windows. While the tiles may help the dormer blend in more with the roof slope, it would not overcome the harm identified which is primarily as a result of the scale, location and visibility of the dormer.
24. The plans for the development subject to Appeal B also include a proposed single storey rear extension, changes to a rear window, and changes to the front door and porch, which are not specified in the description of development. The Council have raised no specific issues with these proposed elements. Notwithstanding this, Policy 9 of Future Wales requires all development to secure a net benefit in biodiversity and no biodiversity enhancement has been proposed. Consequently, I have not considered a split decision which would grant permission just for these elements.
25. I conclude that Appeal B fails and planning permission should be refused.

Overall Conclusion

26. I conclude that the development conflicts with the development plan as a whole and there are no material considerations which indicate that the decision should be taken other than in accordance with the development plan. Therefore, having taken into account all matters raised, Appeal A on ground (a) and Appeal B both fail and planning permission is not granted. There are no lesser measures which would remedy the breach so Appeal A on ground (f) also fails. However, the period for compliance with the notice falls short of what is reasonable. Therefore, I shall vary the period for compliance in the enforcement notice prior to upholding it. Appeal A on ground (g) succeeds to that extent.

H Davies

INSPECTOR



Appeal Decision

by Richard James Bsc (Hons) Msc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 08/07/2024

Appeal reference: CAS-03334-L5K8C7

Site address: 86 Tremains Court, Brackla, Bridgend, CF31 2SS

- 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 Andrew Morgan against the decision of Bridgend County Borough Council.
 - The application Ref P/23/403/FUL, dated 23 June 2023, was refused by notice dated 9 February 2024.
 - The development proposed is a first floor side and part first floor rear extension, with additional gable and porch to front elevation.
 - A site visit was made on 21 May 2024.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Ownership and Agricultural Holding Certificates on the submitted Application Form are dated 1 January 1970. Notwithstanding this, the Council proceeded to determine the planning application based on the submitted plans and I have determined the appeal accordingly.
3. Since the appeal was made, the replacement Bridgend County Borough Local Development Plan 2018 – 2033 (LDP) has been adopted and now forms the development plan for the purposes of the appeal. I consider that replacement LDP Policy SP3 is relevant, and the appeal has been determined on this basis.

Main Issues

4. These are the effect of the proposal upon: a) the character and appearance of the area; and b) the living conditions of neighbouring occupants.

Reasons

5. The appeal site comprises a detached two storey dwelling located on a corner plot within a planned residential estate of mainly red brick dwellings, with tile roofs and brown upvc fenestration. From its main two storey section, a front gable projects towards the highway and a single storey hipped roof section extends to the side. The appeal site shares common boundaries with 85 Tremains Court (No. 85) to the side and 87 Tremains Court (No. 87) to the rear. The residential estate is characterised by a mix of property designs, which are repeated along with a common use of materials. This provides a pleasing sense of rhythm and cohesiveness to the estate's character.

6. The proposal would extend the existing two storey pitched roof towards No. 85 and include a new front gable. The proposed extension over part of the single storey footprint would be set back from the extended rear two storey elevation.
7. Policy SP3 of the replacement Bridgend Local Development Plan (LDP) states, amongst other matters, that development must contribute to creating high quality and attractive places by demonstrating alignment with the principles of Good Design. It also requires development to ensure the amenity of neighbouring uses and their occupiers will not be adversely affected.

Character and appearance

8. The Council's adopted SPG 02 Householder Development supplementary planning guidance (SPG) advises, amongst other matters, that a good extension to a dwelling will reinforce its character by appearing to be a natural part of the building and that extensions should not create an incompatible form.
9. The proposal would occupy a minimal amount of additional space within the appeal site and would include a reduced ridge height from the existing dwelling. However, whilst causing little effect upon the street's sense of enclosure, the proposal's front gable span would be visibly wider than the existing front gable's. Despite being set back from the new front porch, this would confuse its level of subservience within the frontage.
10. The extension would also have a narrow two storey pitched gable end, with a significantly smaller rear roof plane. This results in a considerably higher rear elevation than the existing dwelling. Consequently, the proposal would appear forcibly squeezed into the available space with an awkward roof and elevation arrangement.
11. The combination of these visibly incongruous features would cause the extension to have a visibly distinct and incompatible form from the existing dwelling. The proposal would be visible from the street scene and from rear garden areas, from which it would not sit comfortably within its immediate context. The appeal site's prominent street corner location adds weight to my concerns. The proposal's harmful effects would not, therefore, be adequately mitigated with the use of matching materials.
12. The appellant has referred to other examples of side extensions within Tremains Court and the neighbouring Briary Way estate, which I viewed as part of my site visit. Whilst some have visibly lengthened their two storey frontages, I saw little evidence of similar forms of extension to the proposal. As such and having regard to the fact that each case should be treated on its own particular merits, I do not consider that such evidence should be determinative in this instance.
13. I conclude therefore that the proposal would be harmful to the character and appearance of the area, contrary to LDP Policy SP3 and the design objectives of the SPG.

Living conditions

14. The SPG advises that a two-storey extension built close to the site boundary can have an overbearing impact on the adjoining property and that a poorly designed extension can reduce daylight and sunlight to an unreasonable extent. It also states, amongst other matters, that a sense of privacy within the house and a freedom from overlooking in at least a part of the garden are aspects of residential amenity.
15. When viewed from No. 87's garden and window openings, the proposal would occupy open space to the side of the existing dwelling. However, I saw that No. 87's occupants would benefit from an open outlook over boundary treatments and between building gaps in multiple directions from its rear openings and garden area, which I saw extends to the north to enable viewpoints at increased distances from the proposal. Furthermore, whilst

extending closer to the rear common boundary between the two properties, the majority of the proposal's additional bulk would be set back from the appeal site's existing rear elevation, where the effects of its increased size and mass would be minimised. As such, the proposal would not have a domineering effect upon, or substantially reduce the available outlook of No. 87's occupants.

16. With regard to the effects of overshadowing, the proposal would be located to the south west of No. 87, but would have a sloping roof form, partly stepped below the existing ridge height and partly set back from the existing rear elevation. Furthermore, I saw that multiple buildings currently exist to the south and west of No. 87's garden area, including its own detached garage, the appeal site's existing dwelling and No. 85. As such, by virtue of its position relative to other existing buildings, the sun's direction of travel and the size of No. 87's garden area, the proposal would be unlikely to cause a significant reduction in the levels of sunlight or daylight entering No. 87's garden area.
17. 76 Tremains Court would be located a considerable distance from the proposal, across the highway towards the south. As such, whilst on slightly lower lying ground, the proposal would not cause a harmful loss of sunlight or daylight for 76 Tremains Court's occupants, by virtue of its position relative to the sun's direction of travel.
18. During my site visit, I saw that due to the position of existing properties and their rear first floor windows within the area, a certain level of actual and perceived communal overlooking into neighbouring garden areas and openings would be experienced by its occupants, including those of No. 85 and No. 87. As such, I consider that the proposal would safeguard the existing privacy levels of neighbouring occupants, subject to a condition to require the proposal's first floor windows to be obscured, which would be necessary due to their elevated and close position to common boundaries, should the appeal succeed.
19. 88 Tremains Court is located further to the north east than No. 87 and as such, its occupants would also be unlikely to experience significant levels of overshadowing or a loss of privacy from the proposal in these circumstances.
20. I conclude that the proposal would not be harmful to the living conditions of neighbouring occupants or be contrary to LDP Policy SP3 or the objectives of the SPG.

Conclusion

21. I have found that the proposal would not be harmful to the living conditions of neighbouring occupants, however the above identified harm to the character and appearance of the area is a significant and overriding factor. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.
22. 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.

Richard James

INSPECTOR

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TRAINING LOG

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

Subject

Date

None in October

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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