

# **DEVELOPMENT CONTROL COMMITTEE MEETING – 29 MAY 2014**

## **BRIDGEND COUNTY BOROUGH COUNCIL**

### **REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES ON PLANNING APPLICATIONS**

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.

#### **AGENDA FOR PLANNING APPLICATIONS**

ITEM NO.	PAGE NO.	APPLICATION NUMBER	APPLICATION ADDRESS	RECOMMENDATION
1	5	P/14/123/FUL	LAND AT THE STABLES (GILFACH ORFYDD) DIMBATH LANE BLACKMILL	RETROSPECTIVE GRANT WITH CONDITIONS
2	14	P/14/229/FUL	16 SHELLEY DRIVE BRIDGEND	RETROSPECTIVE GRANT WITH CONDITIONS
3	21	P/14/149/FUL	LAND ADJ 8 HEOL Y FOELAS BRIDGEND	PLENARY GRANT WITH CONDITIONS
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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.

##### Recommendation:

That Members note the requirements of the Act to impose time limits when granting planning permission for all new developments.

#### **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

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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/guidanceandleafilets/energyinbuildings/?lang=en>
- j. Where appropriate, in order to make the development accessible for all those who might use the facility, the scheme must conform to the provisions of the Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005. Your attention is also drawn to the Code of Practice relating to the Disability Discrimination Act 1995 Part iii (Rights of Access to Goods, Facilities and Services)
- k. If your development lies within a coal mining area, you should take account of any coal mining related hazards to stability in your proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 7626848 or [www.coal.gov.uk](http://www.coal.gov.uk)
- l. If your development lies within a limestone area you should take account of any limestone hazards to stability in your proposals. You are advised to engage a Consultant Engineer prior to commencing development in order to certify that proper site investigations have been carried out at the site sufficient to establish the ground precautions in relation to the proposed development and what precautions should be adopted in the design and construction of the proposed building(s) in order to minimise any damage which might arise as a result of the ground conditions.
- m. The Local Planning Authority will only consider minor amendments to approved development by the exchange of correspondence in a limited number of cases. The following amendments should 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.

As a general rule it is considered that if an amendment warrants re-consultation, it should not be regarded as minor, and, therefore, not considered without a fresh application.

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- 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 can not 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.

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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	PINS	Planning Inspectorate
APN	Agricultural Prior Notification	PPW	Planning Policy Wales
BREEM	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	TAN	Technical Advice Note
FCA	Flood Consequences Assessment	TIA	Transport Impact Assessment
GPDO	General Permitted Development Order	TPN	Telecommunications Prior Notification
LB	Listed Building	TPO	Tree Preservation Order
LBC	Listed Building Consent	UCO	Use Classes Order
LDP	Local Development Plan	UDP	Unitary Development Plan
LPA	Local Planning Authority		

**ITEM:** 1 **RECOMMENDATION :  
RETROSPECTIVE GRANT WITH  
CONDITIONS**

**REFERENCE:** P/14/123/FUL

**APPLICANT:** MALPEET K9 ACADEMY LTD  
DIMBATH LANE BLACKMILL BRIDGEND

**LOCATION:** **LAND AT THE STABLES (GILFACH ORFYDD) DIMBATH LANE  
BLACKMILL**

**PROPOSAL:** RETENTION OF CHANGE OF USE OF RESIDENTIAL AND  
AGRICULTURAL BUILDINGS TO SPECIALIST CANINE CENTRE

**RECEIVED:** 21st February 2014

**SITE INSPECTED:** 15th February 2014

**APPLICATION/SITE DESCRIPTION**

The application seeks retrospective planning consent for the retention of the change of use of residential and agricultural outbuildings to a specialist canine training centre on land and outbuildings, adjacent to 'The Stables' Dimbath lane, Blackmill, Bridgend.

**RELEVANT HISTORY**

<b>P/09/843/FUL</b>	Retrospect Approved	11-12-2009
RETENTION OF DOVE COTE		
<b>P/09/899/FUL</b>	Retrospect Approved	15-01-2010
RETENTION OF 4 PONDS		
<b>P/10/101/FUL</b>	REFUSED	14-04-2010
RETENTION OF ALTERATIONS & TWO STOREY EXTENSION TO AGRICULTURAL BUILDING; CHANGE USE TO TOURISM ACCOMMODATION		
<b>P/10/134/FUL</b>	REFUSED	14-04-2010
RETAIN TWO STOREY EXTENSION TO AGRICULTURAL BUILDING & CHANGE USE TO SELF CATERING TOURISM ACCOMMODATION		
<b>P/10/36/FUL</b>	Retrospect Approved	10-03-2010
RETENTION OF PIG HOUSE, A BUILDING TO HOUSE 2 X HYDRO ELECTRIC TURBINES & EQUIPMENT		

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**P/10/37/FUL**                      WITHDRAWN              25-07-2012  
CHANGE OF USE OF LAND FROM AGRICULTURE TO RESIDENTIAL CURTILAGE

**P/11/615/FUL**                      REFUSED                  30-09-2011  
RETENTION OF CONVERSION & EXTENSION TO FORMER REDUNDANT  
AGRICULTURAL BUILDING INTO TOURIST ACCOMM

**P/11/755/FUL**                      APPROVED                  25-01-2012  
+conditions  
RETAIN CONVERSION & EXT TO FORMER REDUNDANT AGRICULTURAL BUILDING TO  
TOURIST ACCOM (RE-SUB OF P/11/615/FUL)

**P/12/662/RLX**                      APPROVED relax              19-10-2012  
RELAX CONDITIONS 1 & 2 OF P/11/755/FUL TO ALLOW THE PROPERTY TO BE USED  
FOR RESIDENTIAL PURPOSES

**P/13/207/FUL**                      REFUSED                  14-01-2014  
RETENTION OF CHANGE OF USE FROM AGRICULTURAL OUTBUILDINGS TO  
SPECIALITY CANINE TRAINING CENTRE & RETENTION OF A FIELD SHELTER

**P/13/435/FUL**                      WITHDRAWN                  18-09-2013  
CONSTRUCT A FIELD SHELTER FOR SHEEP AND CATTLE - MADE OF WOOD, CLAD IN  
CORRUGATED SHEETING

**PUBLICITY**

The application has been advertised in the press and on site.  
Neighbours have been notified of the receipt of the application.  
The period allowed for response to consultations/publicity expired on 28/03/14.

**NEGOTIATIONS**

The application is a resubmission of a previously refused scheme. The applicant has been in discussions with the Council in order to overcome the previous concerns.

**CONSULTATION RESPONSES**

**Town/Community Council Observations**

Notified on 3rd March 2014

Request to speak at Committee and make the following observations:-

1. Impacts on Footpath 8 and Ogmores Valley & Dimbath Forestry Walk.
2. Public Nuisance with the level of potential noise due to barking.
3. Dimbath Lane - Highways - Must allow for emergency vehicles - traffic flow in narrow sub-standard lane.
4. This application should be restricted to within the building. No commercial dog training should be carried out on any outside area, in order to protect the residential amenity of nearby

residential properties and to prevent conflict with the neighbouring uses in the interests of safety.

**Head Of Street Scene (Highways)**

No objections

**Head Of Street Scene (Drainage)**

No adverse comments in regards to the development.

**Rights Of Way Team**

No objections subject to conditions

**Bridgend & District Ramblers**

Object to the proposal for the following reason;

Footpath 8 is in the dog training area. Walkers on footpath 8 will be intimidated by dogs and handlers, the unexpected loud bangs by setting off pyrotechnics (fireworks) and blank firing pistols. This will adversely affect the enjoyment of walking footpath 8 and deter walkers from using footpath 8.

**Group Manager Public Protection**

The above application has been considered in detail by Public Protection. Additional documents have been provided by the applicant's agent detailing the revised boundary of the proposed activity. Discussions with the applicant and site visits by Public Protection Officers have established that the facilities provided and the risk assessments that are in place relating to the training of dogs are satisfactory. The regulation of health and safety on the site falls to BCBC's Public Protection team and the application has been considered in this context. On the basis of this Public Protection has no objections to the proposal provided there is appropriate waste disposal arrangements for kennel waste.

**REPRESENTATIONS RECEIVED**

**Mrs D Vernon, Dimbath House**

The owner of the property has submitted numerous objections to the proposal which are attached as Appendix A.

The objections generally relate to highway safety, impact on Footpath 8 and the type of dogs being trained on the premises, however, one e-mail (received 30 April 2014) raises queries as to why certain objections are not available for viewing on the website, Risk Assessments, how a business can be considered as an outdoor recreation/rural enterprise, how the use of Footpath 8 cannot be controlled and suggests that Sunday/Bank Holiday operations are not acceptable - these are addressed in the Comments on Representations Received Section.

The conclusion in the original objection reads:-

"Given the nature of the 'proposal', which the applicants company admits involves learners handling untrained dogs, we consider its activities to be unsafe and from an environmental viewpoint, the site chosen for the location of the facility is wholly unsuitable. The project is

contrary to Policies SP2, ENV1, ENV7 & PLA9 of the Bridgend Local Development Plan and there are no material considerations to suggest that the operation of the specialist canine centre should be allowed to continue. The application for planning should therefore be refused.

Our objection relating to the previous application (App Ref: P/13/207/FUL) was scarcely mentioned in your report to the Planning Committee, presumably because it was recommended for refusal. Members, therefore, would not have been fully aware of our reasons for opposing the development. If, having considered all the information relating to the current application, you intend recommending that permission be granted, we request that your report contains a detailed explanation as to our position in this matter, thereby enabling the Planning Committee to reach an informed decision. It is only fair to advise you that we intend exploring whether, legally any decision in favour of the company can be set aside."

**Blackmill Tenants & Residents Association, 20 Dimbath Avenue**

Members send the following objections in regard to the above application;

- \* The Dimbath Valley is a Site of Importance for Nature Conservation in Bridgend County Borough, used regularly by members of the public for recreational purposes.
- \* The Ramblers use the Dimbath Valley for walking.
- \* We are very concerned that the dogs will be out training on footpath 8 to the east of Nant Llechyd River. Children shouting and laughing to the west of the river could easily distract a dog who could be across the river in seconds. Footpaths must be open and people's right to walk the footpaths safely ensured.
- \* Protection Dog Training which trains dogs to "go after people" should always be in a confined compound not out in the public domain.
- \* The Dimbath Valley has been used by the public for years and there should be no obstacle put in their way such as the fear of dogs.
- \* The noise of barking dogs would be offensive to the public using the area and the residents of the nearby house(Dimbath House)
- \* The Glen View/Dimbath Avenue housing estate and Dimbath Lane entry/exit highway is not suitable for extra traffic, lots of children in the estate and the lane has not enough passing places. It is the main route for local farmers and with their large vehicles there could be a real problem in the lane.
- \* The retrospective section we know you have to look at legally but members are against retrospective applications.

**Open Spaces Society, Dr J Kynch**

Open Spaces Society objects to the change of use in this application on the grounds that;

- The application is technically flawed,
- A public right of way (Footpath 8) through the proposed specialist canine centre will be negatively affected, and the public be deterred and unnerved when using the path,
- The nature of the specialist dog centre is incompatible with present usage of the lanes, paths and tracks by cyclists, walkers, horse-riders and family groups,
- The specialist training is incompatible with Bridgend CBC Local Development Plan for this area, in particular the recreational uses in Cwm Dimbath.

**Local Residents Objections (Group), .**

Several letters of objection were received from local residents in regards to the proposal. The following summarises the objections received;

- \* Increase in traffic along the lanes will be to the detriment of pedestrian and highway safety of the area,
- \* The use is unsuitable in this countryside location,



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- \* Impact on the user of footpath 8, namely intimidation from dogs and prevention of walkers utilising right of way,
- \* Safety of livestock on adjoining agricultural fields,
- \* Noise impact of dogs being housed in kennels and load bangs from explosives.

### **COMMENTS ON REPRESENTATIONS RECEIVED**

The objections and concerns received within the representations have been considered whilst determining this application.

The objections have been fully addressed within the Appraisal section of this report, however, with respect to specific queries raised Members are advised:-

\* Only responses received from Statutory Consultees are reproduced on the Council's website. All other responses are only available for viewing in the Council Offices on the Document Management System.

\* Each trainee has to complete a Risk Assessment and is made aware of the rules and regulations applicable to them and their surroundings.

\* The operation is being considered as a specific identified purpose within Policy ENV1 and the fact that the use is a business is not relevant.

\* Any member of the public can use Public Rights of Way (Footpath 8) and, as such, the use of this footpath cannot be controlled by condition.

\* Whilst concerns regarding hours of operation are appreciated it is considered reasonable for an operation, such as this, to operate 7 days a week, as many of the trainees are looking to begin a new career after completing their service duty.

### **APPRAISAL**

The application is reported to the Development Control Committee due to the number of objections received from the local residents and an objection from the local Community Council.

A Site Panel Visit was held at the site on Wednesday 30 April 2014. The Local Member, a neighbour who has requested to speak at Committee and a representative of the Community Council were in attendance. The Site Visit Panel considered the site conditions were accurately reflected in the Report. However, the application was deferred at the last Committee meeting to allow for a full Committee site meeting.

During the site visit it was evident that the converted barn is currently being rented out as an independent residential dwelling. The site is, however, leased to Malpeet K9 Academy Ltd as a whole and it is the responsibility of the company to advise any potential occupiers of the dwelling of the business operation. As such it is considered that occupiers will be fully aware of the use of the site and any impact on residential amenity must be considered against this arrangement.

The site visit and discussion on site also revealed that the suggested condition in respect of the hours of operation was too restrictive and one of the activities described in the Design & Access Statement needed further control.

The application seeks retrospective planning consent for the retention of the change of use of the residential and agricultural outbuildings to a specialist canine training centre on land and outbuildings, adjacent to 'The Stables' Dimbath Lane, Blackmill, Bridgend.

The application is a resubmission of an almost identical proposal, P/13/207/FUL, which was refused on the 14th January 2014 for the following reason;

'Inaccurate and insufficient details with regard to the level of activity being undertaken on site, impact on highway safety, impact on Footpath 8, impact on Waste Management and erected field shelter have been submitted to the Authority. The inaccurate and insufficient details do not enable the implications of the proposal to be adequately evaluated by the Local Planning Authority and as such the development is contrary to Policies ENV1 and SP2 of the Adopted Bridgend Local Development Plan.'

The applicant subsequently entered into pre-application discussions with the Authority, with the aim of addressing the previous reason for refusal as mentioned above.

The site is located in the countryside and in the first instance any development proposals would be considered under Policy ENV1 of the adopted Bridgend Local Development Plan (LDP). This Policy strictly controls development in the countryside except for specific identified purposes i.e. those necessary in the interests of agriculture, forestry, outdoor recreation, appropriate rural enterprises or the winning and working of minerals.

The proposed change of use of the site and buildings for a specialist canine training centre is considered acceptable in principle under Policy ENV1 as the use would be deemed as an outdoor recreation/rural enterprise use.

The applicant's agent provided the following description of the proposed use within the Design and Access Statement;

"The proposal seeks to regularise the use of the two sheds existing with planning consent for the business of Malpeet K9 Academy Ltd, in addition it seeks to gain planning permission for the 3rd shed/field shelter erected as indicated and its use as a horse shelter with occasional use by Malpeet K9 Academy for training purposes. In addition, this proposal seeks permission for the property to be used as residential accommodation for the trainees and owner during the duration of the courses as detailed below and the use of the land contained within the area marked in red on the enclosed plan for the training of the dogs and handlers again as described below.

Malpeet K9 Academy Ltd is a highly professional and specialised facility, its focus is on the training and supply of both dogs and handlers for protection, explosive and drug detection in this country and abroad. The company predominately offers specialised courses covering the area of search or protection canine training. The courses run have the following course titles, also indicated against the course titles are the expected number of trainees attending each course and the length of the course and the number of times per year the course is anticipated to run.

- a. Explosive Detection Dog Handler course Level 4 - 4 candidates - 2 x 16 day modules - 2 courses per year
- b. Hostile Environment Explosive Detection Dog Handlers Course Level 4 - 4-6 candidates - 16 day course - 1 course per year
- c. Passive Scanning Drug Detection Dog Handlers Course Level 3 - 4 candidates- 2 x 9 day modules- 3 courses per year

- d. Pro-active Drug Detection Dog Handlers Course Level 3- 4 candidates - 2 x 9 day modules - 2 courses per year
- e. Dual Purpose Passive Scanning/Proactive Drug Dog Handlers Course Level 3 - 4 candidates - 2 x 9 day modules & 1 x 16 day module - 1 course per year
- f. General Purpose Security Dog Handlers Course Level 2 (Wales) - 6 candidates - 7 day course- 5 courses per year
- g. General Purpose Security Dog Handlers Course Level 3 - 4 candidates - 16 day course - 2 courses per year.

For the duration of the courses there will be 4 - 10 dogs kennelled on site in the top barn, these are cared for by the handlers during the course, and forms part of the training."

Notwithstanding the previous refusal, it is now considered that the submitted application accurately reflects the activities being undertaken on site and, as such, allows the Authority to fully assess the development.

In regards to the impact on the highway safety of the area, the Highways Department have assessed the site and submitted information contained within the Design and Access Statement and have offered no highway objection to the development. To ensure the highway safety of the area, it is considered that the numbers of candidates frequenting the site at any one time is limited via a planning condition if consent is forthcoming.

When considering the impact on Footpath 8, which runs partially within and adjacent to the western boundary of the site, the Countryside Access & Maintenance Officer has assessed the site and the information contained within the Design and Access Statement and has offered no objection to the development subject to a condition.

In relation to the above paragraph, there has been some concern throughout the objections received with relation to the canine training taking place on site and adjacent to the footpath. It should be noted that the control of domestic or training dogs cannot be controlled through the planning system and is a Police matter, and, as such, cannot form part of the decision making process.

Notwithstanding the above, the application has been considered in detail by the Public Protection Department. Discussions with the applicant and site visits by Public Protection Officers have established that the facilities provided and the risk assessments that are in place relating to the training of dogs are satisfactory. The regulation of health and safety on the site falls to BCBC's Public Protection team and the application has been considered in this context. On the basis of this Public Protection have no objections to the proposal provided there are appropriate waste disposal arrangements for kennel waste.

The applicant now has an agreement in place with a waste service company to dispose of the kennel waste.

It has also been noted that in section 21 of the application form the applicant seeks opening times from 07:30 -00:00 within three different use classes. It is firstly considered that the use classes identified within the form have been mistakenly entered. Given the proposed specialist use of the site, it is considered that the development would fall under a 'sui generis' use i.e. not within a use class. It is not considered that this error will materially impact on the determination of this application.

The proposed hours of operation applied for within the application form are considered excessive given the site's location adjacent to a residential property. In order to maintain the

residential amenities of the neighbouring property, Dimbath House, it is considered that a condition limiting the hours of operation from 07:30 - 21:00 would be more appropriate.

The application also includes the retention of an erected field shelter to the north-west of the site. The erected building has an agricultural appearance and is in keeping with existing buildings within the site and, as such, is considered acceptable under Policies ENV1 and SP2 of the LDP.

The site boundary of the proposal has been amended from the previous submission to exclude the parcel of land directly behind the adjoining residential property, Dimbath House. The exclusion of this land has been undertaken to limit the impact on the residential amenities of neighbouring properties.

In conclusion, the current use of the site as a 'specialist canine training centre' is deemed acceptable in land use terms and meets the criteria of Policy ENV1 of the LDP. The additional details submitted with this revised application have allowed the Authority to fully assess the development, thus overcoming the previous reason for refusal. In light of the above justification, it is considered that subject to conditions, the application can be recommended for approval.

Policies ENV1, PLA9 and SP2 of the recently adopted Local Development Plan and Technical Advice Note 6 were considered whilst determining this application.

#### **CONCLUSION**

The retrospective application is recommended for approval because the development complies with Council policy and does not adversely affect the highway safety of the area or openness of the countryside as to warrant refusal

#### **RECOMMENDATION**

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

- 1 The use hereby approved shall be for a 'specialist canine centre' as described in the Design and Access Statement received on the 24th February 2014 in support of the application and for no other purpose.

Reason: To ensure the Local Planning Authority retains control over the use of the site.

- 2 Notwithstanding Condition 6 below and with the exception of the hostile training event, the training facility hereby permitted shall not operate outside the following times:-

07:30 and 21:00 (on any day)

unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of residential amenity.

- 3 The development shall be carried out in accordance with Sections a, b & c of paragraph 6.3 of the Design and Access Statement dated 24th February 2014.

Reason: To ensure the safety of the patrons utilising the rights of way network.

- 4 No explosives or narcotics/drugs used in search and detect activities shall be carried out in the area hatched red on the submitted location plan received on the 24th February 2014, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the safety of the patrons utilising the rights of way network.

- 5 Unless otherwise agreed in writing by the Local Planning Authority the maximum number of candidates attending each course shall be limited to the following:-

- a. Explosive Detection Dog Handler course Level 4 - 4 candidates - 2 x 16 day modules - 2 courses per year.
- b. Hostile Environment Explosive Detection Dog Handlers Course Level 4 - 4-6 candidates - 16 day course - 1 course per year.
- c. Passive Scanning Drug Detection Dog Handlers Course Level 3 - 4 candidates - 2 x 9 day modules - 3 courses per year.
- d. Pro-active Drug Detection Dog Handlers Course Level 3 - 4 candidates - 2 x 9 day modules - 2 courses per year.
- e. Dual Purpose Passive Scanning / Proactive Drug Dog Handlers Course Level 3 - 4 candidates - 2 x 9 day modules & 1 x 16 day module - 1 course per year.
- f. General Purpose Security Dog Handlers Course Level 2 (Wales) - 6 candidates - 7 day course - 5 courses per year.
- g. General Purpose Security Dog Handlers Course Level 3 - 4 candidates - 16 day course - 2 courses per year.

Reason : In the interests of highway safety.

- 6 The date and details of each individual Hostile Training event shall be agreed in writing with the Local Planning Authority at least 28 days prior to each respective course occurring. The event shall be carried out in accordance with the details.

Reason: To ensure the Local Planning Authority retain effective control over the use of the site.

- 7 The Hostile Training event shall be limited to one occurrence in any calendar year unless otherwise agreed by the Local Planning Authority.

Reasons : To ensure the Local Planning Authority retains effective control over the use of the site.

- 8 Unless otherwise agreed in writing by the Local Planning Authority, no more than 10 dogs shall be kennelled at the site at any one time.

Reason : In the interests of residential amenity and in order for the Local Planning Authority to retain effective control over the development.

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a. The retrospective application is recommended for approval because the development complies with Council policy and does not adversely affect the highway safety of the area or openness of the countryside as to warrant refusal.

b. The operator of the Specialist Canine Centre is advised to notify the occupiers of Dimbath House, in writing, of the dates of the individual Hostile Training events at least 21 days prior to each respective course occurring and once agreed with the Local Planning Authority.

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<b>ITEM:</b>	<b>2</b>	<b>RECOMMENDATION : RETROSPECTIVE GRANT WITH CONDITIONS</b>
<b>REFERENCE:</b>	<b>P/14/229/FUL</b>	
<b>APPLICANT:</b>	<b>MR R DAVIES 16 SHELLEY DRIVE BRIDGEND</b>	
<b>LOCATION:</b>	<b>16 SHELLEY DRIVE BRIDGEND</b>	
<b>PROPOSAL:</b>	<b>RE-POSITION DORMERS TO FRONT ELEVATION &amp; CONSTRUCT SINGLE STOREY EXTENSION TO REAR</b>	
<b>RECEIVED:</b>	<b>2nd April 2014</b>	
<b>SITE INSPECTED:</b>	<b>10th April 2014</b>	

**APPLICATION/SITE DESCRIPTION**

The application seeks planning permission to erect a rear single storey extension and retrospective planning permission for the two dormer windows to the front elevation of this semi-detached dwelling.

Planning permission was granted in 2013 (P/13/495/FUL refers) for a side extension, rear dormer extension and two dormer windows to the front elevation, however the dormer windows to the front have not been constructed in accordance with the plans approved under the 2013 application (P/13/495/FUL refers) and this application seeks to regularise those dormer windows. The side extension and rear dormer extension approved in 2013 have not yet been constructed.

The proposed single storey extension will be located in an open area between the existing rear projection and the boundary shared with 14 Shelley Drive. The proposed single storey extension will measure 3.9m x 2.7m, will be finished with a flat roof measuring 2.7m in height and will accommodate an extended family room. Although it is included on the application, the rear extension is actually permitted development and as may be constructed without any further planning consent.

The two dormer windows to the front elevation are finished with pitched roofs and painted render on all elevations. The dormer extensions approved under the 2013 planning application

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 29TH MAY 2014**

also had pitched roofs, a small amount of render but of a smaller scale than the ones constructed.

The application property is a semi-detached bungalow located on Shelley Drive, which is a residential street within Cefn Glas. The property is located on the eastern side of the road, which inclines in a northerly direction.

### **RELEVANT HISTORY**

<b>P/13/495/FUL</b>	<b>APPROVED</b>	<b>28-08-2013</b>
	<b>+conditions</b>	

**GARAGE, LOBBY, STORE IN GARAGE ROOF SPACE, LOBBY AND DORMER EXTENSION.**

### **PUBLICITY**

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations expired on 2 May 2014.

### **NEGOTIATIONS**

The agent was advised that the plans submitted did not correctly reflect the position of the dormers on the front elevation. Amended plans were received on 23 April 2014.

The agent was also advised that a land registry search, carried out by a local resident, states that the applicant was not the owner. The agent carried out some investigation and established that family members of the applicant owned the property and were in the process of transferring the ownership to the applicant. Notice was then served on the owners and a Certificate B was received by the Local Planning Authority on 1st May 2014.

### **CONSULTATION RESPONSES**

**Town/Community Council Observations**  
Notified on 4th April 2014

**Destination & Countryside Management**  
Advised that a bat survey is not required.

### **REPRESENTATIONS RECEIVED**

**Jenna Aubrey, 9 Shelley Drive**  
Supports the proposal

**Byron Davies, National Assembly For Wales**

Considers the dormers to be contrary to Supplementary Planning Guidance para 6.7.1 as the dormers reach the existing roof ridge and requested that the application be refused as it does not comply with policy EV45.

Mr Byron Davies AM also requested that the application be advised of the Party Wall Act 1996.

**Rt Hon Carwyn Jones Am, Constituency Office**

Advised that he had been contacted by a constituent and queried whether the application complies with Supplementary Planning Guidance 02 (SPG02) and requested comments on the procedures adopted to ensure the SPG02 document is followed in all cases.

**Objections Were Received From The Following:, -**

J Williams - 5 Shelley Drive

V Horsham - 7 Shelley Drive

Mr C Cowling - 23 Heol Bradford

Mr & Mrs Cowling - 14 Shelley Drive

Shirley Ellis - Right of light Surveyor (on behalf of 14 Shelley Drive)

S Islip - 111 Park Street

Mr & Mrs Cowling and Mr C Cowling have requested to speak at the Development Control Committee meeting.

The objections are available to inspect in full at the Civic Office, which are summarised as follows:-

- The dormer extensions are out of character with surrounding area and other dormer extension in the area, oversized and a dominating feature in the street scene. The dormer windows make the bungalow appear top heavy and do not comply with Notes 1 or 14 of Supplementary Planning Guidance 02 (SPG02). Two nearby properties have recently been refused permission for dormer extensions (Appeal reference 1731).

- The proposed dormer extensions infringe privacy standards and do not comply with Note 6 of SPG02.

- The materials do not match or harmonise with the materials in the existing house or surrounding properties and the development does not therefore comply with Note 11 of SPG02.

- The proposed rear single storey extension does not comply with Note 2 of Supplementary Planning Guidance 02 and will overshadow the patio and rear habitable room at 14 Shelley Drive. The access area to 14 Shelley Drive is via the rear patio and the proposed development will make the access area gloomy.

- The proposed development adds a large amount of square footage to the property and will dwarf 14 Shelley Drive and therefore, does not comply with Note 12 of SPG02.

- The symmetry of the properties has not been considered and will make future sale of 14 Shelley Drive difficult.

- The garage should not have been permitted as it does not comply with Notes 16, 17 & 23 of SPG02.

- Gates erected to the front of the property also require planning permission due to their size and location



- The proposed development may cause damage to 14 Shelley Drive due to No. 14 having suspended floors.
- The application does not include a Design and Access Statement
- The developer has not made arrangements under the Party Wall Act 1996
- A right of light surveyor has submitted comments on the proposal and requested that the applicant submit a daylight and sunlight study, which details the impact of the rear extension on 14 Shelley Drive. The right of light surveyor also advised that 14 Shelley Drive may make a civil claim in regard to right of light.
- The objector at 23 Heol Bradford verbally advised that the previous application (P/13/495/FUL refers) was accompanied with a Certificate A rather than a Certificate B and queried the validity of the previous permission in regard to the Certificate A being incorrectly submitted on the previous application.
- A further objection was received on 21 May 2014, which queried the omission of a Design and Access Statement and stating that the development does not accord with the criteria of Policy EV45 of the Unitary Development Plan. A copy of the full objection can be viewed at the Planning Department.

#### **COMMENTS ON REPRESENTATIONS RECEIVED**

Whilst, it is acknowledged that the dormers are large, they are, however, set in from the eaves of the dwelling and do not exceed the height of the roof ridge. It was noted during the case officer's site visit that there are many large flat roof box dormer extensions which are not set in from the eaves, reach the roof ridge and, in some cases, extend above the roof ridge within close proximity to the application site. Given the number of large dormer extensions in this area, it is considered that they have become a common feature in the street scene and, as such, the size of the dormer windows as constructed are not considered to be so out of character as to warrant refusal of the scheme.

In regard to the dormer windows not complying with Note 1 of SPG02, the guidance advises 'No extension should unreasonably dominate the outlook of an adjoining property' Para 4.1.2 continues 'Unreasonable domination is an issue only where a main window to a habitable room in an adjacent house will directly overlook a proposed extension.'. The dormer windows are set within the roof slope and, as such, do not unreasonably dominate adjacent properties. The proposed dormer extensions are not, therefore, considered to be contrary to Note 1 of SPG02.

The dormer windows are finished with pitched roofs rather than the predominant style of flat roof dormers in the surrounding area. Note 14 of SPG02 states 'Dormer extension should be sympathetic to the existing house in their shape, position, scale and material.' Para 6.7.1 states 'Large roof extensions rarely appear satisfactory if they affect the front or side roof slopes or if they rise above the ridge of the existing building. Box-like flat roof dormers can jar against the slope of the roof and are usually unsightly.'

Whilst the pitched roof element is not strictly in keeping with the predominant style of dormers in the street scene, it is generally considered that dormers finished with pitched roofs are preferential to flat roof dormers in design terms.

The dormer extensions, as constructed, appear unacceptably prominent in the street scene, however it is considered that this is a result of the materials used rather than the size and design of the dormer windows. The white painted render is considered to jar against the brown concrete tiles of the roof and, as a result, attention is drawn to the dormers from public positions. Note 11 of SPG02 states 'The form, materials, and details of extensions and alterations should match or harmonise with those of the existing house.' In order to reduce the visual prominence of the dormer extensions a condition shall be attached to any permission granted requiring the dormer extensions to be hung with brown concrete tiles to match those on the front roof slope.

It was noted during the site visit that many of the large flat roof dormers are hung with matching roof tiles and do not appear as prominent in the street scene, consequently, it is considered that provided the dormers are hung with matching roof tiles they will not appear any more prominent than flat roof dormer extensions found on many properties in the immediate vicinity.

In regard to the comment in relation to appeal ref:1731, the development in this case was quite different from the application development. The appeal proposed flat roof rear and front dormer extensions which rose 0.5m above the ridge of the roof. It is not considered reasonable to compare the two dormers extension as they are significantly different in terms of design.

The dormer windows are not considered to infringe privacy standards as they do not directly overlook neighbouring habitable room windows at a distance less than 21m and, therefore, are considered acceptable in terms of Note 6 of SPG02.

Whilst, the proposed rear extension may cause some limited overshadowing to the rear of 14 Shelley Drive, the proposed rear extension is classed as permitted development under Class A of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, as the total developments at the site do not cover more than 50% of the total curtilage, the height of the eaves of the extension do not exceed 3m in height and the extension does not extend beyond the rear wall of original house by more than 4m. Consequently, the Local Planning Authority has no control over this element of the development provided that, when constructed, it falls within the parameters of Class A.

The proposed development is not considered to be over development of the site as the extended dwelling will be served by an adequate level of amenity space to the rear and an adequate level of off street parking provision to the front of the property.

In regard to the comment made in relation to the garage, this element was approved under planning permission P/13/495/FUL, which received no objections, the current application seeks consent to regularise the dormer windows and for the single storey rear extension only. During the processing of the application it has been established that the rear single storey extension is permitted development and consequently, the application only seeks planning permission for the front dormer extensions.

It is noted that the pair of dormer bungalows do not appear symmetrical with the dormer extensions at 16 Shelley Drive, however it is noted that many of the semi-detached properties in the area are not symmetrical, with many pairs of semi-detached dwellings having one property with a dormer extension and the adjoining property not having one or both properties having different size and style dormers. Consequently, the unsymmetrical appearance is not considered to adversely affect the visual amenities of the area to such an extent as to warrant refusal of the scheme.

The issue of the gates shall be forwarded to the enforcement section for investigation.

If any damage is caused to the neighbouring property during construction works at the application site, this is a private matter between the parties involved.

It is not a legislative requirement that Householder planning applications are accompanied with a Design and Access Statement.

A note shall be attached to any permission granted which will bring the Party Wall Act to the attention of the applicant.

It is not a legislative requirement for a householder planning application to be accompanied by a daylight and sunlight study.

The future sale of neighbouring properties is not a material planning consideration.

The agent has advised that, at the time of submitting the applications, he had assumed that the applicant owned the property and completed Certificate A. When, during the processing of this application, it was brought to the attention of the agent that there may be a land ownership issue, he made some investigations and found that the property is owned by family members of the applicant and that they were in process of transferring the ownership of the property to the applicant. As a result of this new information the agent contacted the applicant, served Notice on the land owners and submitted a Certificate B.

The issue of land ownership was not raised during the processing of the previous application (P/13/495/FUL refers). Furthermore, the ownership of the property does not impact upon the material planning considerations of the application.

The Unitary Development Plan has not been the development plan for Bridgend since the Local Development Plan (LDP) was formally adopted in September 2014 and, as such, policy EV45 does not apply. The Bridgend LDP is the current development plan for the County Borough and sets out the planning policies to be used in the determination of planning applications. Policy SP2 of the LDP is relevant to the application.

## **APPRAISAL**

The application is referred to the Development Control Committee meeting for determination in view of the number of objections received.

The application seeks planning permission for the erection of a single storey rear extension and for the retention of the two dormer windows to the front elevation of this semi-detached dwelling.

The proposed single storey rear extension falls within the parameters of permitted development rights as outlined in Class A of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 and, as such, planning approval is not required for this element of the development.

In regard to the retention of the dormer windows as constructed, the dormers do not exceed the ridge height of the existing dwelling and are set in from the eaves of the original roof. Consequently, given the size of the dormers and the amount of large flat roof dormer extensions within close proximity to the site, the dormer windows as constructed are not considered to harm the visual amenities of the area to such an extent as to warrant refusal of the scheme, subject to a condition that they be hung in tiles to match those of the main dwelling

house roof.

The proposed extended dwelling will be served by an adequate amount of amenity space to the rear and off-street parking provision to the front.

It would appear that some of the objections received relate to matters outside the scope of the planning system. The objections relevant to the application have been adequately addressed in this report and it is not considered that the proposal raises any significant issues of amenity or design.

Whilst determining this application Policy SP2 of the Bridgend Local Development Plan and Notes 1,2,6,8,9,10,11,12 & 14 of Supplementary Planning Guidance 2 were considered.

## **CONCLUSION**

Notwithstanding the objections received this application is recommended for approval because the development complies with Council policy and Council's guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

## **RECOMMENDATION**

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

- 1 Within 3 months of the date of this permission the dormer extensions on the front elevation shall be hung with roof tiles on the front and side elevations to match the tiles on the front slope of the main roof and shall be retained as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and enhance the visual amenities of the area.

- 2 This consent relates to the retention of the two dormers only as the rear extension, as shown, is permitted development by virtue of Class A of the Town and Country Planning (General Permitted Development) Order (Wales) 2013.

Reason : For the avoidance of doubt as to the extent of the permission granted.

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

a) Notwithstanding the objections received, this application is recommended for approval because the development complies with Council policy and Council's guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

b) Contractors should be made aware that there is a small chance of encountering bat roosts unexpectedly during the development work. In the unlikely event of bats being found to be present on site, work should stop immediately and advice sought from the Natural Resources Wales, (NRW) (tel. 02920 772400).

c) If at any time nesting birds are observed, works, which may disturb them, must cease immediately and advice sought. Any active nests identified should be protected until the young have fledged. Where a Schedule 1 species is involved, mitigation for impacts, e.g. loss of nesting site, should be devised and implemented.

d) The applicant is advised that the neighbouring property has instructed a right of light surveyor to investigate the extension to the rear, the applicant is advised to seek independent advice on this matter.

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**ITEM:** 3 **RECOMMENDATION : PLENARY GRANT WITH CONDITIONS**

**REFERENCE:** P/14/149/FUL

**APPLICANT:** MR J GOLDINO  
C/O PLAN R LTD 43 SUNNYSIDE ROAD BRIDGEND

**LOCATION:** LAND ADJ 8 HEOL Y FOELAS BRIDGEND

**PROPOSAL:** NEW BUNGALOW, DOUBLE GARAGE & ACCESS

**RECEIVED:** 4th March 2014

**SITE INSPECTED:** 17th March 2014

**APPLICATION/SITE DESCRIPTION**

This application seeks full planning permission for a detached bungalow and garage on a corner plot, adjacent to the junction between Heol-y-Foelas and Llangewydd Road.

The bungalow would be rectangular in shape albeit with a small forward-projecting gable element on the front elevation (fronting Heol-y-Foelas). The general footprint of the bungalow would be 11m x 9.2m and it would be finished with a pitched roof, with an eaves height of 2.5m and a ridge height of 5.9m.

The application also proposes a detached garage to be located to the side/rear of the bungalow. The garage would have a footprint of 5m x 6m and finished with a pitched roof, with an eaves height of 2.5m and a ridge height of 4m.

There is planning history associated with this site. In 2012, the Development Control Committee resolved to approve outline planning permission with all matters reserved for subsequent approval for the construction of a single dwelling (P/12/410/OUT refers).

With regards to this latest application, the size of the site has been enlarged from that approved under P/12/410/OUT to incorporate the northernmost strip of land abutting the footway of Heol-y-Foelas and Llangewydd Road. This has led to the creation of a corner plot development. A comprehensive set of plans have been submitted, which includes a site level survey and multiple floor and elevation drawings.



**Head Of Street Scene (Drainage)**

No objections to the proposal subject to a condition and advisory notes.

**Destination & Countryside Management**

No objections to the proposal subject to conditions and advisory notes.

**REPRESENTATIONS RECEIVED**

**Nicola Brown, 62 Llangewydd Road**

Objects to the proposal:

"I am unable to attend the meeting, but I object strongly to anything being built on the land which should hold Village Green status as it is used by children and dog walkers alike, and has been used as this for the 17 years I have lived in my house.

The plans are for a new build which is not in keeping with any of the other houses in the area, and would be an eye sore in the street and surrounding area".

**Mr A J Lewis, 51 Heol-Y-Foelas**

Objects to the proposal:

1. Detrimental to highway/pedestrian safety
2. Loss of view
3. Loss of greenery
4. Loss of privacy
5. Loss of sun light

**Mr C E & Mrs J C Armstrong, 6 Heol Y Folas**

Supports the proposal: We have no objections to Mr Goldino plans, to build on this section of land.

**COMMENTS ON REPRESENTATIONS RECEIVED**

1. Detrimental to highway/pedestrian safety

Refer to the appraisal section of the report.

2. Loss of view to No.51 Heol y Foelas

Loss of view is not a material consideration in the determination of this planning application.

3. Loss of privacy and sun light to No.51 Heol y Foelas

Refer to the appraisal section of the report.

4. Loss of greenery and loss of biodiversity/ecology

Refer to the appraisal section of the report.

5. Development being detrimental to visual amenity and not in keeping with other houses in the street

Refer to the appraisal section of the report.

## **APPRAISAL**

The application is reported to Committee due to the number of objections received and at the request of the local Member.

The site is located within the designated settlement boundary of Bridgend and as such the development of this site for residential purposes could be regarded as 'windfall and small scale housing' in main settlements under Policy COM3 of the Bridgend Local Development Plan (BLDP).

Policy SP2 of the BLDP establishes the criteria for acceptable Design and Sustainable Place Making:

Supplementary Planning Guidance 2: Householder Development (SPG2) establishes the guidelines for domestic development. Whilst this document predominantly focuses on extensions, the principles are appropriate to the development of new dwellings.

The proposed bungalow would have a relatively large footprint, however, having regard to the size of the plot, it is considered that it would be appropriate in scale. The bungalow would have a relatively simple design and the pitched roof finish would reflect the general character of the area.

In addition to the above, the area is characterised by two-storey dwellings and whilst this scheme proposes a bungalow, the site consists of a corner plot which allows for flexibility, especially in terms of scale, design and appearance. Under such circumstances, it is considered that a bungalow of the site would provide a form of visual punctuation mark, denoting the start of one street and the ending of another.

The levels of the site would be altered (mainly rising) in order to provide a level surface for the proposed bungalow. Some form of levelling works would have been necessary for any residential scheme on this site and this principle would have been considered as part of the granting of the outline planning permission P/12/410/OUT. However, a bungalow on this corner plot would also provide a softer visual transition up to the scale of the adjacent two-storey dwellings, especially due to the topography of the site and street-scene context. The elevation drawings demonstrate the comfortable transition between the proposed bungalow and the two-storey dwelling, 8 Heol Foelas.

Whilst the raised level of the site would appear greatest when viewed to the west from Llangewydd Road (from the proximity of the flats of Ty Nant), the development would not appear as incongruous in the street-scene as to warrant refusal. This is because the bungalow would be seen with existing two-storey dwellings on Heol-y-Foelas and those up the hill on Llangewydd Road in the background. Furthermore, there is some vegetation, including a semi-mature tree, located outside the application site that would be positioned in front of the rear boundary. The plans indicate that the boundary treatments along this section of the site are likely to be close boarded fencing. The combination of the above would further assist in reducing the visual impact of the development from this particular elevation.



It is, however, acknowledged that the roof of the bungalow could, in future, be converted into habitable use. This could be undertaken under permitted development rights, including the construction of a dormer on the rear roof slope. It is, therefore, considered prudent to remove permitted development rights associated with roof extensions and alterations.

Whilst several of the external finishes of the bungalow have been specified on the plan, they are not considered to be of sufficient detail. Subject to a condition for the external finishes being agreed, it is not considered that the proposed bungalow or garage would have a significant adverse effect on the visual amenities of the area.

The site would be enclosed by a mixture of 1.8m high close-boarded timber fencing and 0.9m high block work walls. It was made clear to the agent that the boundary treatments immediately up to the footways of Llangewydd Road and Heol-y-Foelas (northern and western boundaries) must be kept low so as to reflect the character of the area and retain the sense of openness of the street from this junction and towards the east of Llangewydd Road. This has been reflected following the submission of amended plans.

Notwithstanding the above, the plot has been carefully designed so that the proposed bungalow would also benefit from adequate private amenity space without significantly compromising visual amenity. This has resulted in a secondary boundary treatment, consisting of a 1.8m high fence, being located further into the plot. This would create a private enclosure to the rear of the bungalow due to 1.8m high fencing being also located along the rear boundary of the plot and between 8 Heol-y-Foelas. It is considered that the overall provision of amenity space would be appropriate for a bungalow of this scale.

The finishes of the boundary treatments, as specified on the plans, are considered acceptable in principle, however, given that the site is a prominent corner plot, it is considered necessary to impose a condition for all boundary treatments and their specific height and external appearance being agreed.

At face value, the proposed development site would appear to be an area of open space within the wider residential area.

However, the site is wholly within the ownership of the applicant, who purchased additional land from Valleys to Coast Housing Association. Under such circumstances, the public has no rights to access, or the ability to use, this land. Furthermore, the applicant could, at any time, utilise permitted development rights and formally enclose this parcel of land.

It is also considered necessary, in the interests of visual amenity, to remove certain permitted development rights so that the northernmost part of the open space remains free from development. An advisory note would also be added to any consent issued, explaining that it is unlikely that permission would be granted for the boundary treatments along the footways of Heol-y-Foelas and Llangewydd Road to be higher than 1m. The combination of the above would ensure that the general openness character of the area would be safeguarded.

The main habitable room windows of the bungalow would be located on the front and rear elevations. The front elevation faces the road of Heol-y-Foelas and whilst it would be within 21m of Nos.47, 49 and 51, these properties are located on the opposite side of the road and at a higher level. The distances are also similar to those set by Nos.6 and 8 / Nos.45 and 47. No.51 in particular would be located at an angle to the application site, therefore, the impact of the development on this property would be reduced, especially with regards to light, outlook and privacy. Having regard to the above, it is considered that the proposed development generally follows the principles of SPG2 and would not have any significant adverse effect on the

amenities of these neighbouring properties.

The windows on the rear elevation of the bungalow would face the private garden and open space beyond the rear boundary. The distances between the windows and rear boundary would be in excess of 21m from the windows of 8/9 and 11/12 Ty Nant. It is, therefore, considered that the proposed development would not have any significant adverse effect on the amenities of these neighbouring properties.

The bungalow would be to the north of 8 Heol-y-Foelas and set 3m away from the dividing boundary. The side elevation of the proposed bungalow would have a blank wall, whilst the side elevation of No.8 appears to have non-habitable windows. Having regard to the above, it is not considered that the proposed bungalow would have a significant adverse effect on the amenities of No.8.

A section of the rear garden of No.8 would be re-allocated to form part of the new plot. Whilst the garage of the proposed bungalow would be located immediately adjacent to the re-aligned boundary with No.8, it would also be sited to the north and parallel to the bottom end of the garden of No.8, thereby minimising its overall impact. No.8 would retain an adequate amount of amenity space.

The corresponding side elevation fronting Llangewydd Road would consist of one non-habitable room window (bathroom). This window would be in excess of 21m from the windows of 64 Llangewydd Road, which is the nearest property to the application site and is on the opposite site of the road.

The proposed development would result in the loss of a small group of trees and a section of a mature hedgerow which currently defines the boundary of 8 Heol-y-Foelas. The majority of the trees and hedgerow were considered as part of the granting of the outline application P/12/410/OUT. However, the enlargement of the plot would result in additional vegetation being cleared.

The submitted plans indicate that tree planting would occur within the site. Similarly, the Council's Ecologist has recommended that replanting forms part of the landscaping proposals. The planting of trees would ensure that there is an appropriate balance between physical development and natural features, so as to reinforce the character and appearance of the street-scene. Subject to a landscaping condition, it is not considered that the proposed development would have any significant adverse impact on the visual amenities of the area or on ecology/biodiversity. This approach would be consistent with that taken in the granting of the outline application P/12/410/OUT.

Vehicular access to the plot would be from Heol-y-Foelas, adjacent to No.8. This is a similar arrangement to that shown on the indicative plan submitted under the outline application P/12/410/OUT. The Group Manager Transportation and Engineering (Highways) considers that the proposed bungalow would benefit from adequate off-street parking and, subject to conditions, would not have any significant adverse effect on highway/pedestrian safety.

The Land Drainage Section of the Council has no objections to the proposal subject to a condition for all drainage details being agreed prior to the commencement of development. Welsh Water also has no objections to the proposal subject to a series of advisory notes. It is acknowledged that the site is located within an urban area where a variety of other utility services are available.

**CONCLUSION**

This application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect privacy, highway/pedestrian safety, ecology/biodiversity or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal. There is also an extant residential consent (P/12/410/OUT) already on a significant portion of this site.

**RECOMMENDATION**

That permission be GRANTED and plenary power be given to the Corporate Director Communities to issue a decision notice after 30 May 2014 if no new material planning objections are received, subject to the following conditions:-

- 1 Unless otherwise agreed in writing by the Local Planning Authority the development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

L\_001 - Site Plan as Existing (received 4 March 2014)  
L\_002 Rev. B - Site Plan as Proposed (received 7 May 2014)  
L\_200 Rev. B - Ground Floor Plans as Proposed (received 7 May 2014)  
L\_201 - Garage Floor Plan (received 7 May 2014)  
L\_210 Rev. A - Site Elevations as Proposed (received 7 April 2014)  
L\_220 Rev. A - Perspective View as Proposed (received 7 April 2014)

A\_100 - Ground Floor Plan as Proposed (received 4 March 2014)  
A\_101 - Elevations as Proposed (received 4 March 2014)  
A\_102 - Typical Section as Proposed (received 4 March 2014)

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

- 2 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 bungalow and garage hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

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

- 3 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, 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 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the general amenities of the area are protected.

- 4 Unless otherwise agreed in writing by the Local Planning Authority construction of the

dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credits under Ene 1 - Dwelling Emission Rate, has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

Reason: - In the interests of sustainability.

- 5 Unless otherwise agreed in writing by the Local Planning Authority the dwelling hereby permitted shall not be occupied until a Code for Sustainable Homes 'Final Certificate' has been submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credits under Ene1 - Dwelling Emission Rate, has been achieved for the dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

Reason: - In the interests of sustainability.

- 6 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification), no development which would be permitted under Article 3 and Classes B, C and E of Part 1 to Schedule 2 of the Order shall be carried out within the curtilage of the dwelling without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenities.

- 7 No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, road and roof/yard (surface) water will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to the occupation of the dwelling hereby approved.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.

- 8 The parking area shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of highway safety.

- 9 The proposed means of access shall be laid out with vision splays of 2.4m x 11m in both directions before the development is brought into beneficial use and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

- 10 No structure, erection or planting exceeding 0.9m 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.

- 11 No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme. The agreed landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority prior to any development commencing on site.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, and to promote nature conservation.

- 12 No development shall take place until a schedule of landscape maintenance for a minimum period of 3 years has been submitted to and agreed in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the agreed schedule and timetable.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, and to promote nature conservation.

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a) This application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect privacy, highway/pedestrian safety, ecology/biodiversity or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

b) Foul water and surface water discharges shall be drained separately from the site.

c) No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system.

d) Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

e) If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru/Welsh Water's Developer Services on 0800 917 2652.

f) An adoption agreement from Dwr Cymru/Welsh Water may be required if a connection to the public sewerage system is required. For further information, please contact Developer Services.

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

h) In respect of Condition 7 the applicant/developer is required to submit an assessment into the potential for disposing of surface water by means of a sustainable drainage system, in accordance with the principles set out in Technical Advice Note 15. The submitted details must include:

(1) A ground investigation report and infiltration test sufficient to support the design parameters and suitability of the proposed system.

(2) Information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures to prevent the pollution of the receiving groundwater and/or surface water.

(3) A timetable for its implementation; and

(4) A management and maintenance plan, for the lifetime of the development and any agreements to secure the operation of the scheme throughout its lifetime.

i) The applicant/developer should make every effort to ensure surface water from any permanent surface drains onto adjacent porous surfaces, thereby reducing the demand on the drainage system. Alternatively, the developer may wish to explore the use of permeable materials for the proposed parking areas, although compacted chippings would not be considered acceptable as they are likely to be dragged onto the highway to the detriment of highway and pedestrian safety. As a result of the above, impermeable surfacing such as concrete or tarmac extending across the full width of the proposed parking areas should not be considered as a first option.

j) The applicant/developer is advised that any building materials delivered to the development site shall not be deposited or stored on the highway, without the express PRIOR consent of Bridgend County Borough Council as the Highway Authority.

k) Rainwater run-off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under Section 163 of the Highways Act 1980.

l) Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. The developer should contact the Highway Maintenance Inspector for the area at Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend or by telephoning (01656) 642541.

m) Due to the proposed development being next to Llangewydd Road and Heol-y-Foelas, the applicant/developer is advised to ensure that the residential property is constructed to achieve internal noise levels in accordance with British Standard BS 8233: 1987, Sound Insulation and Noise Reduction in Buildings. This is required to ensure adequate protection for residents against road traffic noise.

n) The landscaping scheme required by Condition 13 requires replacement planting to be undertaken to compensate for the loss of trees within the application boundary. It is advised that the landscaping scheme consists of trees/hedgerow (a mix of at least 4 native hedgerow species) along the eastern boundary of the site.

o) Under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. You are advised that the bird nesting season is typically from March to August inclusive, however birds can be found nesting at other times of year. If at any time nesting birds are observed on or in the vicinity of the site, works, which may disturb them, must cease immediately and advice sought. Any active nests identified should be protected until the young have fledged. Where a Schedule I species is involved, mitigation for impacts, e.g. loss of nesting site, should be devised and implemented.

p) The applicant/developer is advised that the boundary treatments immediately up to the

footways of Llangewydd Road and Heol-y-Foelas (northern and western boundaries) must be kept low so as to reflect the character of the area and retain the sense of openness of the street from this junction and towards the east of Llangewydd Road. Without prejudice to any future decision of the Local Planning Authority, increasing the height of these boundary treatments is unlikely to be supported.

## **DEVELOPMENT CONTROL COMMITTEE MEETING – 29 MAY 2014**

### **ITEM: 4**

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

<b>CODE NO.</b>	A/14/2217504 (1738)
<b>APP. NO.</b>	P/14/90/FUL
<b>APPELLANT</b>	MRS WENDY JONES
<b>SUBJECT OF APPEAL</b>	TWO STOREY ANNEXE EXTENSION TO REAR: GADLYS VILLA MAESTEG ROAD CWMFELIN
<b>PROCEDURE</b>	HOUSEHOLDER
<b>DECISION LEVEL</b>	DELEGATED OFFICER

**The application was refused for the following reasons:**

1 The proposed development by virtue of its siting, scale, massing, bulk and design, would dominate and overshadow No.45 Maesteg Road to an unacceptable degree, thereby resulting in a significant loss of residential amenity, contrary to Policy SP2 of the adopted Bridgend Local Development Plan and Notes 1 and 2 of Supplementary Planning Guidance 2: Householder Development.

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

<b>CODE NO.</b>	A/14/2215366 (1737)
<b>APP. NO.</b>	P/13/559/FUL
<b>APPELLANT</b>	MRS Y HASHMI
<b>SUBJECT OF APPEAL</b>	FIRST FLOOR FRONT/SIDE EXTENSION AND CANOPY OVER FRONT DOOR: 69 PRIORY OAK BRACKLA
<b>PROCEDURE</b>	WRITTEN REPS
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	<b>THE INSPECTOR APPOINTED BY THE NATIONAL ASSEMBLY FOR WALES TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL IS ALLOWED SUBJECT TO CONDITIONS</b>

A copy of this appeal decision is attached as APPENDIX B

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### **RECOMMENDATION:**

That the report of the Corporate Director Communities be noted.



**ITEM : 5**

**TRAINING LOG**

*All training sessions are held in the Council Chamber unless otherwise stated.*

<b><u>Facilitator</u></b>	<b><u>Subject</u></b>	<b><u>Date</u></b>	<b><u>Time</u></b>
Philip Stanton & Helen Williams - Public Protection Dept., BCBC	"Public Protection and the planning process"	26 June 2014	12.45pm

Dates for other topics and speakers to be arranged including the following:

**Subject**

Annual review of planning decisions ~ Bridgend & Maesteg Regeneration Projects ~ Aug/Sep 2014

**Recommendation:**

That the report of the Corporate Director - Communities be noted.

**MARK SHEPHARD  
CORPORATE DIRECTOR - COMMUNITIES  
22 MAY 2014**